

STATE AGRICULTURE DEVELOPMENT COMMITTEE
Department of Agriculture
Market and Warren Streets
1st Floor Auditorium
Trenton, NJ 08625

REGULAR MEETING

October 3, 2014

Chairman Fisher called the meeting to order at 9:13 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

Members Present

Douglas H. Fisher, Chairperson
James Requa (rep. DCA Commissioner Constable)
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)
Renee Jones (rep. DEP Commissioner Martin) (Left meeting at 11:57 a.m.)
Peter Johnson
James Waltman
Torrey Reade
Jane Brodhecker

Members Absent

Brian Schilling (rep. Executive Dean Goodman)
Denis C. Germano, Esq.
Alan A. Danser, Vice Chairman

Susan E. Payne, Executive Director
Jason Stypinski, Deputy Attorney General

Others present as recorded on the attendance sheet: Stefanie Miller, Brian Smith, Timothy Brill, Paul Burns, Dan Knox, Hope Gruzlovic, Jeffrey Everett, Cindy Roberts, Judy Andrejko, Steve Bruder, Charles Roohr, David Clapp, Sandy Giambrone and Patricia Riccitello, SADC staff; Christopher Howard, Esq. and Michael Collins, Esq., Governor's Authorities Unit; Dan Pace, Mercer County Agriculture Development Board; Nicole Kavanaugh, New Jersey Farm Bureau;

Donna Rue, Rue Brothers Farm, Monmouth County; Brian Wilson, Burlington County Agriculture Development Board; Brigitte Sherman and Katelynn Winter, Cape May County Agriculture Development Board; Harriet Honigfeld, Monmouth County Agriculture Development Board; Robert Abbatomarco and Adam Strobel, Bergen County Agriculture Development Board; Mark Villinger and Maciej Meslonka, Ocean County Agriculture Development Board; Katherine Coyle, Morris County Agriculture Development Board; Vincent Consalo, landowner, Cumberland County; Pam Kaithern, Mayor, Borough of West Cape May, Cape May County; Steve Roseman, Eileen Klose and Daniel N. Coranoto, Hampton Township, Sussex County; Ursula Leo, Esq., representing Brodhecker Farm; Tom and Phillip Brodhecker, landowners, Sussex County; Dave Pierson, landowner, Sussex County; Kevin Celli, Willow Creek Farm, Cape May County; Michael Cerra, New Jersey League of Municipalities; and Frank Pinto, Spinelli and Pinto Consulting, Morris County.

Minutes

A. SADC Regular Meeting of July 24, 2014 (Open and Closed Sessions)

It was moved by Mr. Requa and seconded by Ms. Brodhecker to approve the Open Session and Closed Session minutes of the SADC regular meeting of July 24, 2014. The motion was approved. (Mr. Waltman and Ms. Reade abstained from the vote.)

REPORT OF THE CHAIRPERSON

Chairman Fisher deferred to the Executive Director's report.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne made the following comments:

- Soil Disturbance Subcommittee

The Soil Disturbance Subcommittee met and reviewed a draft of the soil disturbance regulations. Ms. Payne followed up that meeting by asking staff to look more closely at some of the GIS work that was done with Rowan University to make sure the data is correct and that we are understanding it correctly. She expects to come back to the Subcommittee sometime next month with a final

draft. Staff will probably have a public discussion of the draft regulations with the Committee at its December meeting.

- Utility Projects

Ms. Payne stated that the SADC continues to be very busy with utility projects. She noted one recent proposed project – the Penn East pipeline. The Committee has a statutory role when it comes to the extension of nonagricultural infrastructure, both in the agricultural development area (ADA) and certainly when it affects preserved farmland. We quickly get into a discussion of whether or not utilities have the right to cross preserved farmland. The upshot of that basically is if they have federal overriding authority they can, and that generally applies to pipelines, not to electric utilities. The experience so far has usually been an expansion of existing pipelines or electric utility rights of way – parallel to existing rights of way. The Turnpike is an example of an expansion of something existing. What we are seeing now is a proposal to run absolutely new utility infrastructure across parts of the state. From her understanding, it is related to the Marcellus shale and getting gas to where it needs to go, and that involves coming across New Jersey. We will be seeing some bigger utility projects in the coming months. The first Penn East project through Hunterdon and Mercer counties would affect numerous preserved farms. This is a hot issue in the SADC office and staff will be working a lot on that.

- Red Tape Testimony – Pumpkin Sling

Ms. Payne stated that there was testimony before the Red Tape Commission this week. The operator of a property in Warren County, where large-scale pumpkin sling festivities were going on, testified before the Red Tape Commission, basically complaining about the SADC being too strict about what can occur on a preserved farm. The SADC has written a letter to the landowner saying that this was not permitted under the deed of easement. There is correspondence in the Committee's meeting binder on this issue. It is an issue somewhat related to the wineries issue, i.e., the broad issue of activities other than agriculture on preserved farms. The Committee will be seeing more of that and staff will keep everyone updated.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. There are many articles regarding the proposed referendum on next month's ballot, utility projects and the like.

PUBLIC COMMENT

The following members of the public addressed the Committee:

Frank Corrado, Borough Solicitor for the Borough of West Cape May, wanted to speak to the Committee regarding agenda item IX-B under New Business. He noted that the Committee has a proposal for a pilot program pursuant to P.L. 2014, ch. 16, before it today. He has read it over and he has with him today the Mayor of West Cape May Borough, Pamela Kaithern. They are happy to see the SADC moving forward on this, because as you may know they have a preserved farm that wants to conduct special occasion events and they are anxious to make sure that the proper balance is achieved between the ability of farms to market their products and the impact on the surrounding community. He wants to bring to the Committee's attention two issues that he would like it to consider as it works through the details of this pilot program. They both have to do with the scope of municipal responsibility under the program. One of the requirements under the new statute is that there be site plan review of a preserved farm that is going to hold special occasion events.

The Borough reads the new statute to essentially say that special occasion events were not authorized before its enactment and that enactment of this new statute authorizes special occasion events on farms. The Borough takes the position that the holding of special occasion events on preserved farms is a change of use that would require the farm to come before the appropriate municipal land use board and obtain site plan review. The Borough would very much like to know whether that is a correct reading, whether that comports with the Committee's reading of the statute. It would like some guidance on whether it can insist on a site plan review for a preserved farm that has already gone through the Right to Farm site plan review process before the appropriate county agriculture development board (CADB). That is issue #1 – the scope of authority of the municipality to conduct site plan review.

The second issue that the Borough would like the Committee to consider is the ability of the municipality to enact regulations that go beyond what is enumerated in the conditions

of the statute. For example, the statute states that special occasion events may be conducted on Fridays, Saturdays, Sundays, holidays and on any other day approved by this Committee or delegated to the CADB. Can the Borough or can any municipality enact a limitation on the annual number of events to be held at a preserved farm? Can it limit the number of people who come to a preserved farm, or is its ability pre-empted by the statute and left to either legislative provision or delegated authority to this Committee to enact additional regulations? That is the second issue – the additional scope of municipal ability to regulate. In light of these conditions, he doesn't think that the Legislature directly addressed either of those things. He would ask the Committee in its consideration of this program to think about and address if possible, those two issues.

Michael Cerra, Director of Government Affairs for the New Jersey League of Municipalities (NJLOM), stated that he had some role in the development of this legislation and he wanted to give a little background on what the perspective was on it and how it developed. Initially the NJLOM was opposed to this legislation for various reasons but worked with the sponsors to address the concerns of local governments. There are some very strong municipal oversight provisions contained in the new legislation, which survived the conditional veto and are part of the statute. Essentially, the NJLOM's argument to the sponsors at the time was that they wanted a level playing field, that municipal leaders had to look at the community as a whole. They wanted to ensure that a winery on a preserved farm that is allowed to participate in the pilot program operates on a level playing field with the catering hall on the other side of town. That was certainly a concern being raised by restaurants and other catering halls. Most municipalities would want to encourage economic development in their communities but they also don't want to create a disadvantage and that was a concern about the use of public funds and how those funds might be used. Those are issues we are going to have to continue to struggle with. There is a role for the municipality to play here and he felt that Mr. Corrado raised some very good questions. Based on his experience with the legislation and the drafting of the amendments that ultimately became the statute, there is a clear role for the municipality to play here. There probably should be some sort of verification process that the pilot participant, meeting any other criteria that the Committee establishes, also meets the criteria that is set within the statute regarding site plan review and so forth and that there should be some sort of verification process with the municipality. It could be with a municipal resolution expressing support, indicating that the winery meets the criteria or the municipality believes the winery will meet it, or some other process that is subject to debate, in working with this body. The letter of the law and the statute is that the municipality plays an important role in this. It was expressed to the sponsors and it was put into the legislation and it survived the conditional veto.

Mr. Cerra stated that the NJLOM wants to be an active participant in the development of this. He has not yet reviewed the proposal that is before the Committee but he will certainly provide feedback on it. The NJLOM will make itself available to meet with staff on it at any time to discuss it further and advance it because there is some uncertainty. Acting promptly would serve the interest of the municipalities and the wineries that are eager to participate in this program.

Mr. Siegel asked if it was Mr. Cerra's understanding that municipal approval is required. Mr. Cerra stated that at some point it has to be gained, that was their understanding. Mr. Siegel questioned that if the SADC approved the admission of a farm into the pilot program, the municipality should have to gratify that with a resolution, and if they don't it nullifies it? Mr. Cerra stated that it doesn't have to be by resolution. His understanding is that one of the criteria in the pilot program is that they met this criteria in the statute, which includes site plan review and approval, so at some point they should have gained that. He also recognizes that some of the pilot participants may not be there yet and if the municipality is supportive and thinks that the winery is making a good-faith effort to get there, there should be some flexibility. But he thinks the letter of the law is that as part of the criteria to participate in the pilot, those need to be met.

Mr. Siegel stated that Mr. Cerra made a representation that a catering hall from an existing commercial operation that is not happy with a proposal of a winery could provide the basis for a municipality to say they don't want the winery to get involved with weddings. He asked if he misunderstood Mr. Cerra's comment. Mr. Cerra responded that just like anyone in the community, they would have the right to go to a public hearing to express their opposition, but ultimately the decision lies with the appropriate local land use board and ultimately the governing officials.

Chairman Fisher commented that Mr. Cerra is representing the municipal side, which is saying we are looking in totality and we are trying to balance everything out and this is a consideration, although we cannot use it as a basis from where we would grant a site plan or not. It is just your thinking about what you are hearing. Ultimately, he thinks what we are talking about is extremes on either side. That is what we are trying to balance out, which is unlimited anything is not going to work.

Mr. Cerra stated that he used the term level playing field. We want the business owners, whether for a catering hall or a winery, to operate under the same rules. That was the concern the NJLOM brought to the sponsors, which was don't set up a special set of rules that compete against the business on the other side of the community. Level the playing

field. He feels the statute goes in that direction. Mr. Siegel asked if Mr. Cerra knew of a case where a winery is proposing operations that another business in town is objecting to. Mr. Cerra said no. That was the hypothetical that he raised in dealing with the sponsors, and to illustrate that was the example he was using today as well.

SADC Member Peter Johnson stated that he sees this issue as a very difficult one for us to figure out because we are talking about leveling the playing field in site plan review and we talked about a catering hall versus a preserved farm. If we are going to apply the same standards or if a township gets the impression from the SADC that we want them to apply the same standard in their municipality that they would to a catering facility versus a preserved farm, it is going to run contrary to a lot of things that we discussed here as far as improvements go, if we get into site lighting and permanent parking, which goes against the grain of what we are looking for here in preserved farms. You need overflow parking. Well, if the township requires that it be improved to a point that we are not happy with we are going to have to split some hairs here if this is going to become the main issue. Mr. Siegel stated that if they cannot get site plan approval on their site the statute seems to be clear. Mr. Johnson stated that townships don't know how to handle preserved farms, he can say from experience.

Kevin Celli, Farm Director and winemaker at Willow Creek Winery in West Cape May, stated that he wanted to talk about what is going on at his farm. They have a 50-acre farm and they grow 13 different types of grapes with backgrounds from Spain, Italy, France and Portugal. They also grow artichokes, asparagus, tomatoes, potatoes and peppers, and they have chickens. They also sell fresh eggs every day. The mission of their farm is sustainable agriculture and awareness through community development. The goal of the farm and his goal as farm director is to get people to their farm, to showcase their agricultural product, educate people to the beauty in farming and get them to come back to the community. Life celebratory events have been taking place on farmland since biblical times. They have been thrown everything at their farm, before they opened, while they were opened. They have not sought the protection of the SADC and they are paying their own lawyers to fight for what is going against their farm. They are not seeking Right to Farm protection but they do want to communicate something as you are developing these thoughts.

Mr. Celli stated to consider an event at their facility. You cannot have an event at his facility unless you meet the agricultural requirements to have such an event. They don't care why people are coming, whether it is a wedding, a bar mitzvah, a birthday party or a homecoming, and every winery in the state has these events every day. If he stood at the door and said you are having a life celebratory event and you cannot come in, you might

as well close the industry down at this point. If you want to have a wedding or a private party at their winery, in order to rent their facility for four hours it will cost you \$3,500 dollars -- \$1,500 of that is in the rental of the property. You must purchase at least \$2,000 worth of wine. Mr. Celli stated that they take it a step further and that out of that \$2,000, they have set minimums. The minimum is that you must purchase at least one case of wine for every 40 guests whom you invite to the facility – 12 bottles. Their cases range anywhere from \$260 to \$460 a case. That would come off that \$2,000. The Garden State is producing some amazing wines. There are 71 bonded wineries in the state with 35 more on the horizon, with year-round jobs, tourism and tax revenue. The next thing that they must purchase is one favor bottle, their 2010 cabernet sauvignon. That is \$12 per bottle. They must purchase at least one bottle for every couple over the age of 21 who attends the event to give them as a favor bottle. That comes off of that \$2,000. Mr. Celli stated that most of the events they conduct go way over the \$2,000 fee. They will average about \$3,800 to \$4,200 in wine sales in a four-hour period with most of these events. That is any event anyone wants to conduct at their farm. What that does is guarantee that everyone who came to the farm had the opportunity to sample the agricultural product but also left with the agricultural product. If that isn't good marketing for our product he doesn't know what is. Chairman Fisher asked if they were all their grapes. Mr. Celli responded yes. They grow 13 different types of grapes.

The mission of the farm is really to showcase beauty in Garden State farming. They have an industry that is thriving. This is year-round jobs, tourism and tax dollars coming into their community. He doesn't know how many folks have been to the local New Jersey wineries but they are producing some incredible wines. They have a 50-acre farm, 35 acres of which are preserved. Mr. Celli stated that the building on the preserved section of the farm was a County and State agricultural approved building. Regarding the site plan review, as Mr. Corrado brought up, they cannot get a full certificate of occupancy (CO) on a building without a site plan. So the municipality's already had the opportunity, and they did receive the opportunity to speak about site plan and declined. His next point is that they wanted to conduct a farmers market this past season and they sent out an email to all the CADBs. They received an email back that we were not allowed to have a farmers market. Once again, they are partially preserved. No one inquired as to where they were going to have this farmers market. They said the reason is because they are a preserved farm. He doesn't know what preserved farm means to some people but all he understands is that under the Right to Farm Act, whether they are a preserved or nonpreserved farm, they are still a commercial farm.

He stated that their goal was to invite any farmer in the State of New Jersey, because they didn't want a yard sale or a flea market – they had to be a New Jersey farmer growing a

New Jersey crop, and they could come and sell their products at the facility on any Sunday in the summer time. Their business is so busy, and they do so well and they have so many tourists in Cape May, especially in July and August. They offered for these farmers to come and set up shop and they wouldn't be charged anything. The only thing that he asked them was that it had to be a New Jersey grown product and that they had to take any trash with them. The goal was that every Sunday people could come to the farm, grab a bottle of wine and some fresh produce. They had butchers lined up who were growing their own cattle and pigs, all types of vegetables and produce. They had dairy that was going to do ice cream – all New Jersey farmers to make this a beautiful event every Sunday where people who were leaving town could stop at their farm, get their Garden State wine and produce and leave. He received a letter from the SADC saying they couldn't do that.

Chairman Fisher stated that it sounds to him that you didn't check and just went ahead and did this, is that correct? Mr. Celli responded yes, because he didn't think there would be any issue. Chairman Fisher suggested that in the future he should ask and at the very least you will have a better understanding of the thinking process of the SADC.

Mr. Celli stated that regarding the economic impact for one of these events – when they host one of them, their focus is public health, safety and noise ordinances. As long as those things are addressed and at the end of an event, where at least 51 percent of the generated income is from the sale of the agricultural product, these events should be an acceptable practice. Based on an economic impact study they have sent out to every event they have hosted for the past three months, if he has a wedding, he is able to host 300 people in his building. The fire department gave them that occupancy; they had to spend \$380,000 on fire suppression, pushout out panic hardware. They have enough parking spaces designated to host these types of events, and public health and safety and local noise will always be addressed. When someone has an event with them, they need a photographer, a DJ, transportation services, they take multiple hotel rooms in town. They have shown just from one 150-person event that it has brought in more than \$150,000 in positive economic impact to their community. That is not including all the people who also went out to breakfast in the morning.

Mr. Siegel commented that a lot of items sold at the farm are not made there. Mr. Celli stated correct, not a lot of items. They have a system that keeps track of every single sale. Some may understand the wine business but you cannot mess with one penny. They have to show everything that they sell. They just provided this information and it showed 94 percent of the items sold at the farm is the sale of their agricultural product. So when you look at their numbers, they do offer every day educational vineyard tours. So items not

produced on the farm is only at 6 percent for the last year. They sell T-shirts, tapas food to eat with the wine and all of those result in less than that number. Mr. Siegel stated that when you do a rental contract for a special event, you require that they make wine acquisitions as part of the contract. Mr. Celli stated that they're there as a winery. Mr. Siegel asked if that was an industry standard. Mr. Celli stated that no, it is not. One of the things he had mentioned to Ms. Payne when they met was that their focus is as a winery. They do not want to be a catering hall or a restaurant.

Mr. Siegel asked what if someone comes to you wanting to do a wedding and they say we don't want to spend \$2,000 on wine because we want to bring in hard liquor and we will spend \$1,000 on wine? Mr. Celli responded absolutely not. If they want to close the facility down and have a private event at the farm, they have to meet those minimums. Mr. Celli stated that they also do other things too such as luncheons and bachelorette events. If they want to come and have a luncheon and use one of the local catering companies, if it is open to the public – like they want to have it on a Saturday afternoon, a couple tables in the back – they have a \$15 dollar minimum per person that they must purchase in wine. Chairman Fisher stated that what he is hearing is that you are in the sale of wine and 94 percent of the revenue for goods sold is in the wine. Mr. Celli stated that is correct. Chairman Fisher stated that 94 percent of what you sell is your own product, but there could be 500 percent more of other foods coming in and other vendors coming in. Mr. Celli stated correct but not their generated income for the sale of that event. Chairman Fisher stated that your business model says you sell wine, you charge what you charge, and if people need ancillary services they can bring them in as long as they buy your wine. Mr. Celli stated yes, that is correct. Mr. Siegel stated that what you are saying is that you would be getting paid \$3,500, \$2,000 of that is for the wine but a caterer is coming in and charging say \$10,000 for the meal. Mr. Celli stated yes, that is correct. They can, but that is more generated income back into their community.

Donna Rue from Rue Brothers Farm wanted to talk about the pumpkin sling. They are talking about wineries doing weddings and other activities. She thinks that when you are talking sales and farm markets and so forth on preserved farmland, you are supposed to be giving assistance to farmers for making their farms successful. She is thinking with the pumpkin sling it is a gimmick, however it is for youth to use their technical skills and for developing and learning how to do some of these engineering things but they are also using up the old pumpkins and having fun doing it. The pumpkin slings in Warren County, they also had all the neighboring farms around. The alpaca farmer came and brought an alpaca and demonstrated weaving and had their sweaters and other items for sale. They had local people with honey. They had people selling gourds and pumpkins and Indian corn and things like that. They also had hay rides. If it is Christmas and it is a

seasonal type thing where you are selling Christmas trees and you are selling flowers or wreaths and things like that, it is promoting agricultural uses. You need to look at that type of event promoting the use of preserved farmland. She thinks the pumpkin sling, that type of an event and then the Christmas trees and wreaths, you are talking apples and oranges when you are talking about this particular legislation. That should be something that when the person comes to say can we do this, you need to say yes but you need to promote agriculture and promote the fact that farmland exists, because it is preserved land, and you need to promote the fact that these are activities of the farm, of agricultural use and you are educating the public. They get people who come, it is leaf picking time up north, so we get people who come in from the cities and come to look at these things. They like the hay rides and they like to buy pumpkins and vegetables and gourds. They may not have approached the SADC and may not have advertised or promoted the pumpkin sling as strictly an agricultural use but it is 100 percent agriculture. It is known around because it brought people out and brought neighboring farms so that they sold their wares and they were made aware of agricultural activities.

Fred Rodenhouse stated that he lives in Warren County in Harmony Township, where they used to have a nice little event called Lassoing Pumpkins. They were doing it for four years and it was all volunteers and it put smiles on a lot of kids' faces. This year he received a letter that they had to cease and desist because you couldn't have commercial events on the property. He tried without success to get a copy of the relevant law from the CADB and his Congressman's office, who referred him to Secretary Fisher. He stated that he received a letter back from Mr. Fisher and he alluded to the Deed of Easement, Paragraph 2, which he agrees that the pumpkin sling didn't agree with Paragraph 2, but in Paragraph 9 we certainly weren't doing anything that Paragraph 9 didn't allow. He is curious, is there a law that states that?

Chairman Fisher stated that one of the considerations always relates to the agricultural output of the farm. We would sit down and discuss with you what happened and why that letter was sent. Although sometimes it doesn't seem obvious, we want to promote farms in any way we can to market the agricultural output. Mr. Rodenhouse asked if there was a law that says you cannot have commercial vendors on your property. Ms. Payne stated no, it is not that specific. Mr. Rodenhouse stated that he was told there was, so he is not sure why he had to shut down if that was the reason. Ms. Payne stated that your deed of easement is the document that gets interpreted when people ask whether they can do something. The deed restrictions that were recorded against your property, that document controls what can occur on the property. Perhaps that is where there is a difference of opinion. As Secretary Fisher indicated, because this is the first time that we are speaking to you on this, we would be glad to sit down with you and your attorney so that you fully

understand why the letter was written and go from there. However, she didn't think the Committee could debate the contents of the deed of easement during a public comment session.

Mr. Rodenhouse wanted to reiterate what Ms. Rue just stated in that you are here to help people, not hinder them. It seems like they are getting a lot of hindrance rather than help. Chairman Fisher stated that you received the letter and you ceased the operation and people on either side in different ways are upset, and other people are upset in other ways and that pretty much happens on just about every issue that we deal with. Chairman Fisher stated that staff would be happy to sit down with you and give you information on the basis for the letter.

OLD BUSINESS

A. Stewardship

1. Division of the Premises Request
 - a. Consalo Farm, Buena Borough, Atlantic County

Mr. Roohr referred the Committee to Resolution FY2015R10(1) for a request for a division of the premises on the William Consalo and Sons Farm Inc. property, known as Block 105, Lot 11 (24.89 acres), and Block 107, Lot 1 (15.96 acres), located in Buena Borough, Atlantic County.

Mr. Roohr stated that this item was presented to the Committee at the last meeting. The request is the same. At last month's meeting staff did not have a recommendation and the Committee had a discussion on the issue. The request is to divide the property along the existing tax lines into Parcels "A" and "B." The purpose of the request is to sell Parcel "A" to the adjacent landowner, Lombardi Farms. That will be an approximate 25-acre farm. The property is located within the Pinelands. The proposed Parcel "A" would include a barn and a 2.17-acre nonseverable exception area that is limited to nonresidential uses. Proposed Parcel "B" includes a 3.18-acre nonseverable exception area with a single-family residence and several barns.

Mr. Roohr stated that staff had no issues with the agricultural purpose of the division request. Staff's concern last month was that Parcel "B," if you tallied it all up, would be a 15-acre farm, which is a bit on the small side. Statistically, both farms are 100 percent prime ground, nearly 100 percent tillable, and last month Mr. Lombardi brought to our attention that he regularly triple-crops this farm and occasionally will get a fourth crop in a season. Staff was able to confirm that. The Lombardis are part of the Jersey Fresh

grading program so the inspectors for that program were able to confirm at a minimum triple cropping. That shows a high intensity use of this property, which does give it more credibility to be a stand-alone property. Last month the Committee raised the potential of someone building a large house on the exception area and then having a 15-acre estate property. Staff spoke to the Consalos and their attorney and they were willing to agree to a 3,500 square foot limitation on the size of the home on the property if it is ever rebuilt or renovated. One of the other concerns was that on the smaller piece, if buildings or infrastructure were to expand out onto the preserved parcel, it would take more of the valuable land resources out of production. The owners also agreed that they would retain any additional infrastructure within the confines of the exception area. Those were two areas that staff felt would help Parcel "B" be more of a stand-alone property. The last thing that the Committee made reference to last month was that in this particular part of the state farms have traditionally been smaller farms, so properties of this size would not be uncommon for that particular location. Staff took a look at existing tax lot data for this zip code and four to five surrounding zip codes and it does show that the majority of the tax lots for farm properties in that area are 20 acres or less. Perhaps a combination of the excellent quality soil, the very favorable climate down and the abundance of access to water and irrigation seem to all add up that these farms can be and have been traditionally very intensely farmed. Unlike a lot of other areas in the state, this may be a particular area where a small farm of this size could very well be a stand-alone property. With the conditions mentioned that are in the resolution, staff recommendation is to approve the request for a division of the premises.

It was moved by Mr. Siegel and seconded by Ms. Reade to approve Resolution FY2015R10(1) granting a request by William Consalo & Sons farm, Inc., owners of Block 105, Lot 11 (24.89 acres), and Block 107, Lot 1 (15.96 acres), located in Buena Borough, Atlantic County to divide the premises as follows:

Parcel "A" – 24.89 +/- acres, including a barn and a 2.17-acre nonseverable exception area that is limited to nonresidential uses.

Parcel "B" – including a 3.18-acre nonseverable exception area with a single-family residence and several barns.

Approval is conditioned on a house size limit of 3,500 square feet of heated living space for the residence on the exception area of Parcel "B," a requirement that any new infrastructure on Parcel "B" be limited to the 3.18-acre exception area, and there being no further division of the premises of Parcel "A" or "B." The SADC's approval of the division of the premises is subject to, and shall be effective upon, the recording of the

SADC's approval resolution with the Atlantic County Clerk's office. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2015R10(1) is attached to and is part of these minutes.)

NEW BUSINESS

A. Stewardship

1. Renewable Energy Generation Facilities
 - a. Catalfamo Farm, Chesterfield Township, Burlington County

Mr. Johnson recused himself from any discussion/action pertaining to this agenda item to avoid the appearance of a conflict of interest. Mr. Johnson is a member of the Burlington County Agriculture Development Board.

Mr. Roohr referred the Committee to Resolution FY2015R10(2) for a request by John Catalfamo, owner of Block 301, Lot 24.01, Chesterfield Township, Burlington County, comprising 68.95 acres, for the construction of a ground-mounted photovoltaic solar energy generation facility. The land area that will support the facility is directly behind an existing equipment barn/shop where the panels will take up an area of approximately 1,650 square feet. The reason for that location – along with there being a driveway that splits right down the exclusion area and goes down the middle of the farm so they have an existing farm lane that would get to the facility very easily – is because there is a little dip in the property and aside from being behind the barn, that dip will make the top of those panels not visible by the two neighbors who would have otherwise been able to see them. It also turned out to be 98 percent efficient for solar when they did the testing. The energy demand from this unit is from the single-family residence and equipment barn/shop on the adjacent nonseverable exception. The energy demand for the previous calendar year for the farm is 30,141 KWh's confirmed by the owner's submission of 12 months of utility bills. The rated capacity of the proposed unit is 29,834 kWh's per year. The ground-mounted array would be located on the edge of a field behind the farm equipment building/shop, which has an occupied area of approximately 3,350 square feet (0.07 acres). The impervious cover created by the system would consist of less than 10 square feet, including the surface area of the upright support posts, which will be driven or screwed into the soil without the use of concrete or other similar permanent footing.

The site disturbance for the ground-mounted array would consist of approximately 8,140 square feet (0.18 acres), including the area immediately surrounding the array as well as an approximately 150 feet by 12-inch trench connecting the array to the meter on the home. There are no other renewable energy generation facilities existing on the property.

The facility will be owned by the landowner at the time of installation, as determined from review of the purchase agreement, and the owner provided evidence confirming that the solar energy generation facility will provide power to the farm directly through net metering to reduce energy costs on the farm. The landowner also provided evidence that the annual solar energy generation does not exceed 110 percent of the previous calendar year's energy demand.

It was moved by Mr. Siegel and seconded by Ms. Brodhecker to approve Resolution FY2015R10(2) granting a request by John Catalfamo , owner of Block 301, lot 24.01, Chesterfield Township, Burlington County, comprising 68.95 acres, for the construction, installation, operation and maintenance of photovoltaic energy generation facilities, structures and equipment consisting of approximately 3,350 square feet of space in the field directly behind the existing farm equipment barn/shop, having a rated capacity of 29,834 kWh's of energy, as identified in Schedule "A," and as further described in said Resolution. The overall electrical energy demand of the farm that will be serviced by the solar arrays totals 30,141 kWh's annually. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was approved. (Mr. Johnson recused himself from the vote.) (A copy of Resolution FY2015R10(2) is attached to and is a part of these minutes.)

b. Great Road Farm, Montgomery Township, Somerset County

Mr. Roohr referred the Committee to Resolution FY2015R10(3) for a request for a ground- and roof-mounted solar energy generation facility, structures and equipment on Great Road Farm, known as Block 32001, Lot 5, in Montgomery Township, Somerset County, comprising 112 acres. James and Ann Nawn are the owners of this property. This farm is an equine and beef operation as well as a fresh market vegetables hay and grain operation, to supply Mr. Nawn's restaurant. The owners are seeking approval for the construction of one roof- and one ground mounted photovoltaic solar energy generation facility. The land area that will support the ground-mounted facility is the edge of a field, along the wood line, with an occupied area of approximately 3,585 square feet. The property slopes down in that area so along with being right along the hedgerow, it is also at the lowest spot in that field. The owners tried to plant fruit trees there and they didn't take because it was too wet so it turned out to be better to put the solar panels there. The energy demand from this ground-mounted unit is primarily from the single-family residence on the property. The energy demand for the previous calendar year for the residence is 87,240 kWh's as confirmed by the owners' submission of 12 months of utility bills. The rated capacity of the proposed solar energy generation facility is 84,700 kWh's per year. The array is not located on prime soils. The impervious cover created by

the ground-mounted system is limited to the surface area of the 2.5-inch diameter screw-type support posts, which amounts to less than 10 square feet of impervious cover. The site disturbance for the ground-mounted array is limited to the area immediately surrounding the panel array, which totals 9,065 square feet (0.2 acres).

The roof-mounted array will be located on an existing vegetable packing and cooling barn with an occupied area of approximately 900 square feet. The energy demand for this roof-mounted unit is from the agricultural structures on the property. The energy demand for the previous calendar year for the vegetable packing and cooling barn is approximately 16,101 kWh's as confirmed by the owners' submission of 12 months of utility bills. The rated capacity of the proposed solar energy generation facility is 17,600 kWh's per year. There are no other renewable energy generation facilities existing on the property. The owners provided evidence confirming that the solar energy generation facility will provide power to the farm directly through net metering to reduce energy costs on the farm. They also provided evidence that the annual solar energy generation does not exceed 110 percent of the previous calendar year's energy demand.

It was moved by Mr. Requa and seconded by Ms. Jones to approve Resolution FY2015R10(3) granting a request by Great Road Farm, James and Ann Nawn, owners of Block 32001, Lot 5, Montgomery Township, Somerset County, comprising 112 acres, for the construction, installation, operation and maintenance of photovoltaic energy generation facilities, structures and equipment consisting of approximately 3,585 square feet of space located along the wooded edge of the southernmost field, having a rated capacity of 84,700 kWh's of energy and a roof-mounted system on top of an existing vegetable packing barn, consisting of approximately 900 square feet of space with a rated capacity of 17,600 kWh's of energy, as identified in Schedule "A," and as further described in said Resolution. The total electrical energy demand of these structures is 103,341 kWh's annually. This approval is considered a final agency decision, appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2015R10(3) is attached to and is a part of these minutes.)

2. Agricultural Labor Housing Request
 - a. Deo Volente Farm, Franklin Township, Hunterdon County

SADC staff referred the Committee to Resolution FY2015R10(4) for a request by Deo Volente Farms, LLC, owner of Block 30, Lot 17, and Block 35, Lot 26, in Franklin Township, Hunterdon County, comprising 104.5 acres, for the construction of on-site agricultural labor housing. The deed of easement identified no existing single-family

residential building and no residential units used for agricultural labor purposes. The owner has developed the property into a Standardbred equine breeding and raising facility. In 2007, the SADC approved a previous request for agricultural labor housing, permitting the construction of a freestanding duplex home for two workers and their families as well as an efficiency apartment above the breeding barn in the locations shown in Schedule "A" of said resolution. The current farm manager and assistant manager occupy the duplex residence with their families, and the apartment above the breeding barn is occupied by the farm's veterinary technician. Since 2007, the operation has been successful and expanded and the owners have increased the breeding program and the total number of horses on site. Currently, there are 101 horses on site, approximately 99 of which are the owner's and include 3 stallions, more than 30 broodmares and a mix of yearlings and foals. The owner is requesting additional housing for three new agricultural laborers who were hired as part of the expansion, two of whom are housed at an off-site apartment. The reason for the request for additional housing is that their operation is expanding. They have been six years in production, they have created two world champion Standardbred horses so far, in 2009 they were considered the farm of the future by the American Trotters Association and in 2013 they had New Jersey's horse of the year. They are trying to create very good housing situations for their help so that they can keep the best help available.

The proposal is to construct an approximately 1,000 square-foot addition to an existing equipment barn to house the workers. The owner believes that this location is well suited because it is in close proximity to the equine barn and does not take additional pastureland out of production. The owner believes that due to the high value of the mares and foals and the number of horses on the property, it is necessary to have onsite agricultural labor capable of providing 24-hour care. The owner also believes that having on-farm housing for agricultural labor will allow for the retention of the best workers in this field and is essential to the future and expansion of this operation. Staff recommendation is to approve the request.

It was moved by Mr. Siegel and seconded by Mr. Requa to approve Resolution FY2015R10(4) granting a request by Deo Volente Farms, LLC, owner of Block 30, Lot 17, and Block 35, Lot 26, in Franklin Township, Hunterdon County, comprising 104.5 acres to construct an agricultural labor unit on the Premises, consisting of a single-story three-bedroom structure of approximately 1,000 square feet, built onto the existing equipment barn behind the stable to house three farm workers, subject to municipal, State and federal requirements. Only agricultural labor employed on the Premises, and their immediate family, may live in the agricultural labor structure. The occupants of the agricultural labor unit shall not be related to the owner in conformance with Paragraph 14

of the Deed of Easement. The farm workers shall be engaged in the day-to-day production activities on the Premises, which shall include the breeding and raising of Standardbred horses. A copy of the signed resolution will be forwarded to the Franklin Township Municipal Planning Board, the Franklin Township Municipal Zoning Officer and the owner. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2015R10(4) is attached to and is a part of these minutes.)

3. Request for House Replacement
 - a. Toscano Farm, Cranbury Township, Middlesex County

Mr. Roohr referred the Committee to Resolution FY2015R10(5) for a request to replace a single-family residence on the Sallie Toscano farm, known as Block 25, Lots 42.01 and 42.02, in Cranbury Township, Middlesex County, comprising 44.24 acres. The existing single-family residence had recently been destroyed by a fire. The owner proposes to replace the previously existing residence with a new one for herself. The proposed new residence would be a single-story modular home with approximately 1,450 square feet on the first floor and a 450 square-foot loft to replace the original farmhouse, which was approximately 2,300 square feet. The owner has requested the option of constructing the new residence either on the foundation of the existing residence, which is just off of Plainsboro Road, or in a location approximately 400 feet behind the existing residence. The existing house was only approximately 25 feet off of Plainsboro Road. In either location, the new house would utilize the existing driveway and farm lane. Staff recommendation is to approve the request.

It was moved by Ms. Brodhecker and seconded by Mr. Siegel to approve Resolution Fy2015R10(5) granting approval to a request by Sallie Toscano, owner of Block 25, Lots 42.01 and 42.02, in Cranbury Township, Middlesex County, comprising 44.24 acres, to construct a single-family residence, consisting of approximately 1,900 square feet of heated living space, in the locations shown in Schedule "A" of said Resolution, to replace the single-family residence that existed on the Premises at the time of preservation. This approval is valid for a period of three years from the date of the Resolution and this approval is non-transferable. The construction of the new residence is subject to all applicable local, State and federal regulations. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2015R10(5) is attached to and is a part of these minutes.)

b. Freiberger Farm, Upper Freehold Township, Monmouth County

Mr. Roohr referred the Committee to Resolution FY2015R10(6) for a request by Freiberger Farms, Inc., owner of Block 27, Lot 42, in Upper Freehold Township, Monmouth County, comprising 135.07 acres, to replace an existing single-family residence on the property. The residence sustained damage in Hurricane Sandy and upon review of that damage more extensive structural problems, such as termite, mold and HVAC damage, were identified. The owner proposes to replace the previously existing residence with a new residence, which will be the primary residence for Tina and Patrick Freiberger, operators of the farm. Patrick Freiberger is a partner in Freiberger Farms Inc. along with his brother and father. The proposed new residence would be a ranch-style home, which will be constructed in the footprint area of the previous residence and will utilize the existing driveway. The owner proposes to build a single-story house approximately 3,200 square feet in size to replace the original farmhouse, which was approximately 2,200 square feet. Staff recommendation is to approve the request.

It was moved by Mr. Requa and seconded by Mr. Siegel to approve Resolution FY2015R10(6) granting a request by Freiberger Farms, Inc., owner of Block 27, Lot 42, in Upper Freehold Township, Monmouth County, comprising 135.07 acres, for the construction of a single-family residence, consisting of approximately 3,200 square feet of heated living space, in the location shown in Schedule "A," to replace one of the two single-family residences that existed on the Premises at the time of preservation. This approval is valid for a period of three years from the date of this resolution and is non-transferable. The construction for the new residence is subject to all applicable local, State and federal regulations. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2015R10(6) is attached to and is a part of these minutes.)

**B. Special Occasion Events at Wineries on Preserved Farmland
SADC Pilot Program Pursuant to P.L. 2014, ch. 16**

Ms. Payne referred the Committee to an article in their meeting binders regarding the Willow Creek Winery in West Cape May, which has prompted some of the testimony heard during public comment. She stated that she would explain the bill and then explain what is happening.

Ms. Payne stated that S837 was signed into law on July 2nd of this year. It is the conditionally vetoed (CV) bill that the Governor approved to allow special occasion

events at wineries on preserved farmland. The first important thing to keep in mind is we are talking about wineries and preserved farmland only. This is not a Right to Farm bill. It is basically akin to some other statutes we have seen where they have allowed cell phone towers on preserved farmland, or we have had permits for nonagricultural uses, which was a separate bill. There have been amendments to the Agriculture Retention and Development Act over the years that allow certain activities on preserved farmland and this is one of those bills.

Ms. Payne stated that this bill is for a pilot program that expires in 44 months. We have not seen that before. The bill directs the SADC to develop the pilot program and states that the Act shall take effect immediately and expire on the first day of the 44th month after enactment.

Ms. Payne stated that staff met with the Subcommittee of the SADC to talk about this bill to try to flesh out for everyone its assessment of the bill and what we think we should do to pursue the pilot program. That is what she would like to speak to the Committee about today and if it is comfortable with that approach that will be the approach staff will take in developing this pilot program.

Ms. Payne stated that the first thing that is pointed out under the “Applicability” section is that this law does not apply to exception areas. We have a list, which was attached to this submission, of the SADC’s best estimate of the licensed wineries in New Jersey that are in whole or in part on preserved farmland. We think this is the universe of affected farms at the moment. There could be a new winery approved tomorrow, in which case this list would expand. She wanted to make sure that all the CADBs understand that we will work with each of the counties to make sure we understand deeds of easement for these farms and where the wineries are located. If there are special occasion events that are held on exceptions areas then this law would not apply to that winery. Those are the details that staff would like to review with every CADB and property owner affected by this bill so that they know whether it applies to them or not. Ms. Payne stated that staff will review each property so that everyone is crystal clear.

Mr. Waltman asked if there was a definition of winery, and what he means by that is that there are several discrete parcels of land, each growing grapes that are being processed into wine on one of those properties. We talk about farm units sometimes. Is that how this works? Let’s say there are four preserved farms, each of which grows grapes, all of which are processed into wine. Have we defined a new term here so that the winery is a unit? Ms. Payne stated that the statute contains a definition of winery – it says it means a commercial farm where the owner or the operator of the commercial farm has been

issued and is operating in compliance with a plenary winery license or a farm winery license pursuant to ABC regulations. Mr. Waltman stated assuming that is where they are making the wine, not growing the wine. Ms. Payne stated that there are two components to a winery operation – there is a vineyard, where you are growing fruit, and then there is a winery where you are processing. This bill permits special occasions events at the winery. When we read the plain language of the bill that is what we understand that to mean.

Ms. Payne stated that normally when a law gets passed we promulgate regulations to implement it. However, like what we dealt with in the solar and wind rules, when the statute is very specific and detailed such that our regulations would be sort of a reargitation of the statute, we are able to function without adopting regulations. That is the approach we are trying to take at the moment. It may get to a point where too many questions have been raised that we think are too big of an interpretation, which may force us to go the route of regulation, but given that it is a pilot program, we are trying to avoid spending two years adopting rules that would be in effect and then expire. The goal here is to only adopt regulations that we absolutely need.

Ms. Payne stated that the bill does not specifically direct the SADC in terms of what we are piloting or testing for. A pilot program is usually that you are testing a theory or testing something. What we think then, in the absence of any other specific direction, is that the purpose of the bill is for us to understand what is going on at these wineries, to understand the conflicts, to understand how well or poorly these limits that have been put into law work, both from the wineries' perspective, from the municipalities' perspective, from the CADBs' perspective -- all of the parties that have a role. What we would really like to do is take the approach of defining what information we think we should collect, doing an annual questionnaire to the parties and collect that data, so that at the end of 44 months, we are in a position to have an informed opinion back to the Legislature. For example, this one provision was where most of the conflict was and here is how it played out. We can inform the Legislature so they can understand what changes should be made, if any.

Ms. Payne stated that was the overall approach here. As Mr. Siegel alluded to earlier, we do not consider this a voluntary statute. It is not an opt-in type of thing. If your farm is preserved and your winery is located on a preserved farm, these provisions apply to you. So there is no provision in the statute that makes this elective on the part of landowners. Mr. Siegel stated that once the Committee adopts this description of the pilot program, these wineries would clearly realize that they must now apply to join the pilot program. Ms. Payne stated that she didn't think so. She stated that she is not anticipating an

application process. What we need to do is educate them. Here is a law that applies to you. Chairman Fisher stated that one caveat that he worries about is landowners making investments based on what they think this 44 month period will allow them to do and then finding out at the end of the 44 months that the program wasn't renewed or that there are changes that will be made that will affect how many of these events they can have or the scope and breadth of these events. That has happened to us before where there was a leap, an assumption that you thought you could go and do what you wanted to do and then it turns out that you cannot.

Ms. Payne stated that there are very specific provisions in the bill about what kind of buildings can be used. Once again, we are not talking about 300 properties, we are talking about a dozen and a half maybe. We really want to be able to communicate with each of those landowners and let them know and to be able to really look at their properties to understand what is out there now and where things are. Because if someone goes to expand, they would need to expand in a way that is consistent with the statute, if they are planning on holding special occasion events in such a structure. This bill does not just let you build a catering hall. It limits the ability of the operator to function in existing agricultural buildings and temporary structures, so she thinks people will use tents for this type of thing. But you just cannot build a catering hall. We want to sit down with landowners so they understand this, so they don't spend \$300,000 on a building as Secretary Fisher said, so they know they need to be in compliance with the provisions of the bill and that we don't know what will happen 44 months from now. It's a lot of story we have to tell them and it will take some hand-holding.

Ms. Jones asked that if you are growing grapes but you don't have a wine component and a landowner wants to do that, are they affected here? Ms. Payne responded no, because if you just have a vineyard and you are selling all your grapes to a winery down the road, which happens a lot in California or places like that, if you are not holding special occasion events, this doesn't apply to you. This is specific to the holding of these events at the wineries.

Ms. Payne noted that the law has annual reporting requirements and she felt it would be good if we could be communicating with people through the next two months so that they know that we probably will start wanting to get their financial reportings beginning January 1, 2015. That is something we will have to develop more but she thought that would make sense. That is the federal tax year and we're going to wind up getting financial documentation submitted in some cases and it is all going to be on an annual basis on the calendar year. She felt it would make sense to try to look at the beginning of 2015 as the year we start the reporting.

Ms. Payne stated that with respect to regulations, the law has a provision that says the county agricultural development board or the SADC can require an audit of any affected farm. It cannot do so more than once a year without good cause, but she couldn't imagine anyone wanting to do that more than once a year. It also says that if the county does it, it can specify the scope of the audit. If the SADC calls for the audit it has the power to separately call for its specifications. She stated that she is proposing, at the staff level, that the SADC set forth in regulation what an audit looks like, what information would be required. It is very important. Mr. Siegel stated that for the purposes of the statute it seems like it would be a very limited audit, whereas if you go to an accounting firm and ask for a business audit that would cost five figures or more, they are auditing all sorts of things that this is not contemplating requiring. Ms. Payne stated that in order to standardize when we call for an audit, it would be advisable to say here is the standard that you have to meet so we are not making that decision on a case-by-case basis. Chairman Fisher asked what would be audited. Ms. Payne responded the audit would be to determine whether the winery is complying with the gross income limits in the law. The statute says "the gross income received from any special occasion event shall include, but not be limited to, admission fees, rental fees, set-ups, breakdowns, cleaning fees, and all other revenue that is not directly related to the agricultural output of the winery, but is received by the winery, in conjunction with conducting a special occasion event." The law says that all of that income that is not basically the sale of wine that is associated with special occasion events cannot exceed 50 percent of the gross income of the winery for the year. It is a pretty high bar and she doesn't think that too many wineries will have trouble meeting it but we will see.

Mr. Waltman stated that the winery in West Cape May, the way they structured the fee for the use of the facility, there is a \$3,500 fee, \$1,500 of which is recognized as a fee and \$2,000 of which is recognized as wine sales. Would those be designated as such in here? Ms. Payne stated that the wine sales part, she thought an audit would determine did they actually buy the wine, was there actually that volume of wine that was associated, or is that really a \$3,500 room fee? That is what an audit will get to in that documentation. Chairman Fisher asked who would pay for the audit. Ms. Payne responded that the property owner pays for the audit. She stated that this is one of the things that we need to learn about – here are our standards for an audit and we conducted say eight audits and here is what we learned. Mr. Johnson asked if the SADC is going to actively pursue these wineries that we think should be in the pilot program and say you are in. Ms. Payne responded yes. She stated it is not an option of whether they want to be in, they are in. Ms. Payne stated that she wants to educate the landowners involved and not just spring this on them. Mr. Johnson asked if the SADC is going to allow wineries into the program

during the entire pilot program? Ms. Payne responded yes, that there is no change in the SADC's normal procedure for accepting applications for new wineries but we encourage people to put exception areas around their winery operations so that they don't get into these types of issues. You could have an equine farm today that, six months down the road turns into a winery so this would apply to all of them. If it is preserved and the winery is located on it and you are having special occasion events then this applies to you.

Ms. Payne stated that landowners are required to submit a certification to the CADB once a year that their income meets this threshold. The CADB is required to forward that to the SADC. Calling for an audit is something that the CADB or the SADC would do for some reason. It is not automatic. It says that the SADC or the CADB "may" audit them. That would be a decision that the Committee would make. If you have, thinking hypothetically, a landowner who refuses to give any information and won't supply anything, and we are getting major complaints from neighbors about their activities, then we may call for an audit to see if it is complying with this law. She thinks what is going to happen is that we are going to have parties who think that the winery next door is not complying with the law. She feels that the SADC should anticipate receiving complaints asking it to enforce this law and she thinks that the first step in that enforcement would be an audit.

Mr. Siegel questioned that if I rent out my facility and I sell a certain amount of wine and I make \$4,000 total for a \$100,000 event that is being hosted there, as long as I'm making 51 percent of my revenue from the sale of the wine, that's OK? Ms. Payne stated that is correct. Mr. Siegel stated that the catch-all here is the municipality is not going to allow you to have an event on some guy's farm because you have to get site plan approvals, which we don't normally require but this statute requires it, so the municipality has veto power over the site plan for this whole thing. Ms. Payne stated that is correct. Mr. Siegel asked what is to stop a winery from creating a new corporation and that is the corporation that sponsors their events so they are not showing that as a winery revenue? Ms. Payne stated that will be part of what is examined in the audit. The audit needs to be thorough enough that we actually learn something. So the Committee needs to, after 44 months, say is this great, is it working for everyone on preserved farms, do we think it goes too far, what do we think? Again, we want to be in an understanding mode and an examination mode so that we can then at the end of the 44 months have data. She feels it would be a mistake to go through 44 months and not audit anyone. Chairman Fisher stated that he wasn't sure that he agreed with that. We are going to look at the universe and we will start to hear things from all quarters and that will possibly force you to perhaps have an audit. But he doesn't see just having an audit to try to track something

and you're not even sure of what it is you're tracking.

Ms. Payne stated that CADBs have a major role here. The definition of the special occasion event in the law says it means a wedding, lifetime milestone event, or other cultural or social event as defined by the appropriate CADB and conducted pursuant to the law. So the CADBs have this central role in determining what a special occasion event means in their county. That is a big part of this outreach and dialogue process with the counties and the towns and landowners, to make sure they are aware of that.

Ms. Honigfield from the Monmouth CADB stated that it looks as though at least six of the properties on the list are State-held easements, not county-held. Is that responsibility still going to be with the CADB. Ms. Payne responded yes, that is correct. It doesn't matter if it is a nonprofit easement either. The CADB has that responsibility.

Ms. Payne stated that the last piece, which was not listed on the summary, deals with enforcement. The law has interesting language for enforcement under the section dealing with violations and penalties. There are penalties associated with violating the law, and not only for just the income provision. The statute says that if a winery is found to be in violation of the law, the SADC can take action. We are going to have to walk through this further with the Office of the Attorney General to understand how this will play out. The penalties are that we would pursue through civil court proceedings \$1,000 for the first offense, \$2,000 for the next and \$3,000 for the third offense. It says that in addition to the penalties established pursuant to section "A," for a second offense the Committee shall, after a hearing, suspend the owner or the operator of the winery from conducting special occasion events for up to six months. For the third offense, there is a 9-12 month suspension and a fourth offense would produce a 1-2 year suspension. She doesn't know what the mechanics of that would look like yet and she will come back to the Committee on that. However, once again, we will have to enforce this law so as soon as we understand that better we will advise the Committee on that question.

Ms. Payne stated that was the overview of the law. On the second page of the document before the Committee is an enumeration of each party's responsibilities. She thought that a helpful role that the SADC could play was that the CADBs all have to collect financial information from the landowners each year and it would be helpful for the SADC to develop a standard form for them to use if they want to, to try not to have all the burden associated with this on every CADB individually. Chairman Fisher felt it would not only be helpful but he hoped that the CADBs would accept that form. He felt it would be much easier to administer and interpret the statute if we could come to that consensus. Ms. Payne stated that the SADC is taking an educational approach here and a data

collection approach and will seek to hire an accountant to draft the regulations on an audit, and there isn't a lot of time. That is her proposal. Mr. Siegel stated that we should also ask for ancillary corporations that the landowners are involved in. He felt it was appropriate for us to ask. Ms. Payne agreed. She stated that these are some of the issues that we came across in our litigation so she felt the litigation helped educate staff.

Ms. Reade stated that one thing about the audit is, conventionally on a farm you don't spend a lot of time focusing on inventory, but she feels it is a critical component here because you are going to need to assess the reasonableness of the proving of prices or a total inventory of what they have. How many cases of wine do you produce and how many cases did you sell? Then you can look at how many cases they sold against what they are reporting as wine consumed, etc. Mr. Waltman felt it was important to distinguish between wine sales during the event and wine sales generally made during the course of the year so you don't get a situation where suddenly during the event you are paying for a \$1,000 bottle of wine so it isn't all aggregated together. Ms. Payne stated that the 50 percent income threshold is an annual certification that they need to submit to the CADB. On questioning from Mr. Siegel, she clarified that the gross income threshold is not a test that is applied to a given event; it is the test that is applied to the annual gross income.

Ms. Payne stated that once the law was passed and effective, litigation started between West Cape May Borough and Willow Creek Winery. That leads to some of what the Committee heard today and some of the questions that were asked. To the extent that we think we can answer these questions based on the plain language of the law, we will. If it gets very far into having to develop a more detailed interpretation, that may require us to promulgate regulations on those terms. That is all she could say on that at this time. She stated that staff has not received all of the documentation. The suit that was filed by West Cape May Borough went to court and was dismissed last week. We are just waiting to see what exactly the judge said. There was definitely a component of it that was directed toward the Committee to resolve. What staff is trying to understand is our jurisdiction to resolve these issues.

It was moved by Mr. Siegel and seconded by Mr. Johnson to approve the Special Occasion Events at Wineries on Preserved Farmland – SADC's Pilot Program Pursuant to P.L. 2014, ch. 16, document, as presented and discussed. The motion was unanimously approved. (A copy of the Special Occasion Events at Wineries on Preserved Farmland – SADC's Pilot Program Pursuant to P.L. 2014, ch. 16, Summary is attached to and is a part of these minutes.)

C. Eight-Year Farmland Preservation Program – Termination

1. Phillips Farm, Holland Township, Hunterdon County

Ms. Payne referred the Committee to the Eight-Year Program Summary showing one termination of a municipally approved eight-year farmland preservation program for the following landowner:

1. Robert and Iris Phillips, SADC # 1015-03M-01/10-0001-8M
Holland Township, Hunterdon County, 30.91 Acres
Eligible Dollars: \$6,246.00
Paid Dollars: Zero
Program Expiration Date: August 18, 2014

Ms. Payne stated that there was no action needed by the Committee and that this was for informational purposes only.

D. Soil and Water Conservation Cost-Share Grant Extension Requests

- a. Gregory S. McLaughlin, Robbinsville Township, Mercer County
- b. South Land Farms, Inc. (Eng & Huie), Plumsted Township, Ocean County

Mr. Clapp referred the Committee to the Soil and Water Conservation Project Cost Share Grants, Extension of Project Approvals Summary, showing two requests for soil and water conservation cost-share grant extensions. He reviewed the specifics of each request and stated that staff recommendation is to grant the extension requests for both landowners, as presented and discussed.

It was moved by Ms. Reade and seconded by Mr. Requa to approve Resolution FY2015R10(7) granting an extension of a soil and water conservation cost-share grant for the following landowner as presented and discussed, subject to any conditions in said Resolution:

1. Gregory S. McLaughlin, SADC 3 11-0041-PG (Resolution FY2015R10(7))
Robbinsville Township, Mercer County
Extension Request Amount: \$8,129.00 (50 percent cost share)
Extension Request Expires on: July 28, 2015

The motion was approved. (Mr. Siegel abstained from the vote.) (A copy of Resolution FY2015R10(7) is attached to and is a part of these minutes.)

It was moved by Ms. Brodhecker and seconded by Mr. Requa to approve Resolution FY2015R10(8) granting an extension of a soil and water conservation cost-share grant for the following landowner as presented and discussed.

2. South Land Farms, Inc. (Eng & Huie) (Resolution FY2015R10(8))
SADC # 15-0005-DE
Plumsted Township, Ocean County
Extension Request Amount: \$6,750.00 (50 percent cost share)
Extension Request Expires on: July 28, 2015

The motion was unanimously approved. (A copy of Resolution FY2014R10(8) is attached to and is a part of these minutes.)

E. Resolution for Certification – Agricultural Development Area Map Amendment

1. Warren County

Mr. Brill referred the Committee to Resolution FY2015R10(9) for a request by the Warren CADB to amend its agricultural development area (ADA) map, as outlined in said resolution, excluding the Fratezi farm (Block 51, Lot 4, White Township) at this point in time and adding a total of approximately 438 acres in Lopatcong, Oxford, Independence and Frelinghuysen Townships and Alpha Borough. Mr. Brill reviewed the specifics of the request with the Committee and stated that staff recommendation is to approve the amended ADA map.

It was moved by Ms. Brodhecker and seconded by Ms. Jones to approve Resolution FY2015R10(9) certifying the Warren County Agriculture Development Board approval of the amended ADA map, pursuant to N.J.A.C. 2:76-1.7, excluding the Fratezi farm (Block 51, Lot 4, White Township) at this point in time and adding a total of approximately 438 acres in Lopatcong, Oxford, Independence and Frelinghuysen Townships and Alpha Borough, as shown on the attached Schedules A through F, as presented and discussed, subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2015R10(9) is attached to and is a part of these minutes.)

F. Resolution for Approval: FY2010 Planning Incentive Grant (PIG) Program

1. **Final Approval of County PIG Program Plan**
 - a. Bergen County

Mr. Brill referred the Committee to Resolution FY2015R10(10) for a request for final approval of Bergen County's Planning Incentive Grant application, including the comprehensive farmland preservation plan and project area summaries. Mr. Brill reviewed the specifics of the request with the Committee and stated that staff recommendation is to grant final approval. Mr. Brill noted that this will be the 17th county comprehensive plan for which staff has recommended approval. It is a culmination of a lot of hard work by the county and their agricultural development board and SADC staff.

It was moved by Mr. Waltman and seconded by Mr. Siegel to approve Resolution FY2015R10(10) granting final approval to the Bergen County Planning Incentive Grant Application, including the Comprehensive Farmland Preservation Plan and Project Area Summaries, as presented and discussed, subject to any conditions of said resolution. The motion was unanimously approved. (A copy of Resolution FY2015R10(10) is attached to and is part of these minutes.)

G. Resolutions for Final Approval – Municipal Planning Incentive Grant Program

Mr. Knox referred the Committee to four requests for final approval under the Municipal Planning Incentive Grant Program. He reviewed the specifics for each application and stated that staff recommendation is to grant final approval.

It was moved by Mr. Regua and seconded by Mr. Waltman to approve Resolution FY2015R10(11) through Resolution FY2015R10(14) granting final approval to the following applicants under the Municipal Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said Resolutions:

1. Charles and Norma Wright, SADC # 08-0154-PG (Resolution FY2015R10(11))
Block 28, Lot 10, Elk Township, Gloucester County, 37.72 Surveyed Easement Acres
State cost share of \$4,150 per acre (63.85% of the certified market value), for an estimated total grant need of \$156,538 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."
2. Daniel and Eleanor Haynicz, SADC #08-0145-PG (Resolution FY2015R10(12))
Block 175, Lot 1, Elk Township, Gloucester County, 29.38 Surveyed Easement Acres
State cost share of \$4,400 per acre (62.86% of the certified market value) for an estimated total grant need of \$129,272 pursuant to N.J.A.C. 2:76-6.11 and the

conditions contained in Schedule "C."

3. DeClement and Hogan Farm, SADC # 08-0181-PG (Resolution FY2015R10(13))
Block 55, Lot 1, Elk Township, Gloucester County, 19.12 Net Surveyed
Easement Acres
State cost share of \$4,400 per acre (62.86% of the certified market value), for an
estimated total grant need of \$84,128 pursuant to N.J.A.C. 2:76-6.11 and the
conditions contained in Schedule "C."
4. Amy Haig, Nathaniel George Lucas, Jr., and M. Louise Lucas, SADC #08-0166-
PG (Resolution FY2015R10(14))
Block 54, Lot 8, Elk Township, Gloucester County, 55.61 Surveyed Easement
Acres
State cost share of \$4,400 per acre (62.86% of the certified market value) for an
estimated total grant need of \$244,684 pursuant to N.J.A.C. 2:76-6.11 and the
conditions contained in Schedule "C."

The motion was unanimously approved. (Copies of Resolution FY2015R10(11) through
Resolution FY2015R10(14) are attached to and are a part of these minutes.)

H. Resolution for Final Approval – County Planning Incentive Grant Program

Mr. Knox referred the Committee to three requests for final approval under the County
Planning Incentive Grant Program in Gloucester County. Mr. Knox discussed the
specifics of the requests with the Committee and stated that staff recommendation is to
grant final approval.

It was moved by Mr. Siegel and seconded by Ms. Reade to approve Resolution
FY2015R10(15) through Resolution FY2015R10(17) granting final approval to the
following applications under the County Planning Incentive Grant Program in Gloucester
County, as presented and discussed, subject to any conditions of said Resolutions:

1. Robert M. Brown and Maxine L. Brown, SADC # 08-0164-PG (Resolution
FY2015R10(15))
Block 1306, Lot 2.09, East Greenwich Township; Block 4, Lot 19, Mantua
Township, Gloucester County, 37.418 Surveyed Acres
State cost share of \$6,450 per acre (60% of the purchase price), for a total grant
need of \$241,346.10 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained
in Schedule "C."

2. Alfio and Betty Cali, SADC # 08-0155-PG (Resolution FY2015R10(16))
Block 703, Lot 11, Logan Township, Gloucester County, 37.076 Surveyed Acres
State cost share of \$6,240 per acre (60% of the purchase price), for a total grant need of \$231,354.24 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."
3. John R. Dormann and Karen E. Dormann, SADC # 08-0147-PG (Resolution FY2015R10(17))
Block 102, Lot 7, East Greenwich Township, Gloucester County, 16.98 Surveyed Acres
State cost share of \$4,209.96 per acre (46.78% of the purchase price), for a total grant not to exceed \$71,485.20, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

The motion was unanimously approved. (Copies of Resolution FY2015R10(15) through Resolution FY2015R10(17) are attached to and are a part of these minutes.)

Ms. Roberts referred the Committee to one request for final approval under the County Planning Incentive Grant Program in Cumberland County. Ms. Roberts discussed the specifics of the request with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Ms. Reade and seconded by Ms. Brodhecker to approve Resolution FY2015R10(18) granting final approval to the following application under the County Planning Incentive Grant Program in Cumberland County, as presented and discussed, subject to any conditions of said Resolution:

1. Bruce Porter, SDC # 06-0135-PG
Block 25, Lot 4, Stow Creek Township, Cumberland County, 43 Acres
State cost share of \$3,550 per acre (66.98% of the purchase price) for a total grant need of \$157,229.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 44.29 acres will be utilized to calculate the grant need.

The motion was unanimously approved. (A copy of Resolution FY2015R10(18) is

attached to and is a part of these minutes.)

Ms. Miller referred the Committee to three requests for final approval under the County Planning Incentive Grant Program in Warren County. Ms. Miller discussed the specifics of the requests with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Ms. Reade to approve Resolution FY2015R10(19) through Resolution FY2015R10(21) granting final approval to the following applications under the County Planning Incentive Grant Program in Warren County, as presented and discussed, subject to any conditions of said Resolutions:

1. James and Karen Smith (#1), SADC # 21-0541-PG (Resolution FY2015R10(19)) Block 37, Lot 17.02, Harmony Township, Warren County, 46 Net Acres
State cost share of \$3,900 per acre (65 percent of the purchase price), for a total grant need of \$184,782 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C." If Agricultural Land Easement (ALE) funding is secured and approved for use by the SADC, said funding will first be used to reduce the County cost share and then, with the remaining funds, reduce the SADC's cost share. If a closing is unreasonably delayed for any reason, including securing the use of ALE funds, the SADC retains the right to rescind its Final Approval of encumbered competitive grant funds equal to the amount of the anticipated federal grant for the acquisition of a development easement on the Property. If additional base grant funds are needed due to an increase in acreage, the grant may be adjusted as long as it does not impact any other application's encumbrance.

Discussion: A parcel application was submitted by the New Jersey Conservation Foundation (NJCF) to the FY2014 U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), Agriculture Conservation Easement Program (ACEP) for an ALE grant. The NRCS has determined that the Property and landowner qualified for ALE grant funds. The landowner has agreed to the additional restrictions associated with the ALE grant, including a 6.67 percent maximum impervious coverage restriction (approximately 3.07 acres) for the construction of agricultural infrastructure on the Property outside of the exception area, which is the maximum allowable for this property through the ALE program at this time. The ALE grant will be based on an estimated current easement value of \$2,900 per acre, equating to an ALE grant of \$1,450 per acre (50 percent of \$2,900) or approximately \$66,700 in total ALE funds.

The SADC has determined that the encumbrance of competitive grant funds associated with the acquisition of development easements that ultimately may be purchased, in part, with ALE funds, does not have an immediate adverse impact on another county's access to competitive funds. But if a closing is unreasonably delayed for any reason, including securing the use of ALE funds, the SADC retains the right to rescind its Final Approval of encumbered competitive grant funds equal to the amount of the anticipated ALE grant for the acquisition of a development easement on an affected property. Should alternate ALE funding become available from other funding years or through other qualified entities such as the SADC, a nonprofit organization or county, it may be utilized if such funding benefits the easement acquisition and/or the successful use of ALE funding. The use of ALE funding is conditioned upon the satisfactory resolution of any changes to the Deed of Easement language with the NRCS, prompted by ACEP and the FY14 Farm Bill. Pursuant to N.J.A.C. 2:76-17.13, Harmony Township approved the application for the sale of a development easement on September 11, 2014, but is not participating financially in the easement purchase. The Warren County Agriculture Development Board approved the application on September 18, 2014 and the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and a commitment of funding for \$2,100 per acre on September 24, 2014. To best leverage available funding, the County requested to use the ALE funding to first cover its cost share and then, with the remaining funds, reduce the SADC's cost share. The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 47.38 acres will be utilized to calculate the grant need.

2. James and Karen Smith (#2), SADC #21-0542-PG (Resolution FY2015R10(20))

Block 37, Lot 17, Harmony Township, Warren County, 51 Net Acres

State cost share of \$3,650 per acre (66.36 percent of the purchase price), for a total grant need of \$191,734.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C." The Property has one, 1-acre non-severable exception area for and limited to one single-family residence; zero (0) single-family residences; zero (0) agricultural labor units; and no pre-existing non-agricultural uses on the area to preserved outside of the exception area. If ALE funding is secured and approved for use by the SADC, said funding will be used to reduce the County cost share. If a closing is unreasonably delayed for any reason, including securing the use of ALE funds, the SADC retains the right to rescind its Final

Approval of encumbered competitive funds equal to the amount of the anticipated federal grant for the acquisition of a development easement on the Property. If additional base grant funds are needed due to an increase in acreage, the grant may be adjusted as long as it does not impact any other application's encumbrance.

Discussion: A parcel application was submitted by the New Jersey Conservation Foundation (NJCF) to the FY2014 U.S. Department of Agriculture, Natural Resources Conservation Service, Agriculture Conservation Easement Program (ACEP) for an ALE grant. The NRCS has determined that the Property and landowner qualified for ALE grant funds. The landowner has agreed to the additional restrictions associated with the ALE Grant, including a 7 percent maximum impervious coverage restriction (approximately 3.57 acres) for the construction of agricultural infrastructure on the Property outside of the exception area, which is the maximum allowable for this property through the ALE program at this time. The ALE grant will be based on an estimated current easement value of \$2,500 per acre, equating to an ALE grant of \$1,250 per acre (50 percent of \$2,500) or approximately \$63,750 in total ALE funds. The SADC has determined that the encumbrance of competitive grant funds associated with the acquisition of development easements that ultimately may be purchased, in part, with ALE funds, does not have an immediate adverse impact on another county's access to competitive funds. But if a closing is unreasonably delayed for any reason, including securing the use of ALE funds, the SADC retains the right to rescind its final approval of encumbered competitive grant funds equal to the amount of the anticipated ALE grant for the acquisition of a development easement on an affected property. Should alternate ALE funding become available from other funding years or through other qualified entities such as the SADC, a nonprofit organization or county, it may be utilized if such funding benefits the easement acquisition and/or the successful use of ALE funding. The use of ALE funding is conditioned upon the satisfactory resolution of any changes to the Deed of Easement language with the NRCS, prompted by ACEP and the FY14 Farm Bill. Pursuant to N.J.A.C. 2:76-17.13, Harmony Township approved the application for the sale of a development easement on September 11, 2014, but is not participating financially in the easement purchase. The Warren County Agriculture Development Board approved the application on September 18, 2014 and the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and a commitment of funding for \$1,850 per acre on September 24, 2014. To best leverage available funding, the County requested to use the ALE funding to first cover its cost share and then, with the remaining funds, reduce the SADC's cost share. The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 52.53 acres will be utilized to calculate the grant need.

3. Carol Bullock and Estate of Clarence Bullock, SADC # 21-0549-PG 9Resolution FY2015R10(21))
Block 69, Lot 3, White Township, Warren County, 59 Net Acres
State cost share of \$2,740 per acre (70.25% of the purchase price) for a total grant need of \$166,509.80 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 60.77 acres will be utilized to calculate the grant need.

The motion was unanimously approved. (Copies of Resolution FY2015R10(19) through Resolution FY2015R10(21) are attached to and are a part of these minutes.)

Ms. Miller referred the Committee to one request for final approval under the County Planning Incentive Grant Program in Bergen County. Ms. Miller discussed the specifics of the request with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Ms. Brodhecker and seconded by Ms. Jones to approve Resolution FY2015R10(22) granting final approval to the following application under the County Planning Incentive Grant Program in Bergen County, as presented and discussed, subject to any conditions of said Resolution:

1. George Demarest, LLC, SADC # 02-0001-PG
Block 2101, Lot 13, Saddle River Borough, Bergen County, 17 Acres
State cost share of \$67,750 per acre (31.51 percent of the purchase price), for a total grant need of \$1,186,302.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 17.51 acres will be utilized to calculate the grant need.

The motion was unanimously approved. (A copy of Resolution FY2015R10(22) is attached to and is a part of these minutes.)

I. Resolution for Final Approval – State Acquisition Program

Ms. Miller referred the Committee to two requests for final approval under the State Acquisition Program. She discussed the applications with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Johnson and seconded by Mr. Siegel to approve Resolution FY2015R10(23) and Resolution FY2015R10(24) granting final approval to the following applications under the State Acquisition Program, as presented and discussed, subject to any conditions of said Resolutions:

1. David C. Stothoff and Elizabeth S. Stothoff, SADC # 10-0218-DE (Resolution FY2015R10(23))
Block 28, Lot 23, Union Township, Hunterdon County, 56 Net Easement Acres
Acquisition of the development easement at a value of \$8,200 per acre for a total of approximately \$459,200, subject to the conditions contained in Schedule "B."

Discussion: The property has a ground-mounted solar energy generation facility consisting of 75 panels, on a 973 square-foot footprint, designed to generate 75 kW for the farm. SADC approval is required for any expansion in the physical size or generation capacity of the solar energy facility.

2. Gaetano Desapio, SADC # 10-0223-DE (Resolution FY2015R10(24))
Block 6, Lots 12 and 13.01, Kingwood Township, Hunterdon County, 65 Net Easement Acres
Direct acquisition of the development easement at a value of \$8,900 per acre for a total of approximately \$578,500, subject to the conditions contained in Schedule "B."

Discussion: As a result of the subdivision of the severable exception prior to closing, the remaining parcel may be re-designated with a new lot number and this re-designation will be reflected in the subsequent closing documents and the deed of easement.

The motion was unanimously approved. (Copies of Resolution FY2015R10(23) and Resolution FY2015R10(24) are attached to and are a part of these minutes.)

PUBLIC COMMENT

Ursula Leo, Esq., representing Brodhecker Farms, stated that Brodhecker Farms is listed on the agenda today in Closed Session. She stated that the Committee is reconsidering its February 14th decision in this case. Since she and the Brodheckers were last here, she

understands that staff has reviewed the transcripts from the Administrative Law Judge decision. There has been a memo from the Sussex CADB dated August 4th supporting Brodhecker Farms and the granting of the SSAMP. Hampton Township's attorney subsequently sent correspondence and she replied to that. She is basically affirming what has been in all the drafts and all the briefs, which is that they feel that the February 14th draft decision cannot be adopted. There's a determination that certain sales are not protected under the Right to Farm Act, and if you look at cases like Honeywell where things like bottle openers and crackers are OK and protected, they feel that things like wood pellets and sheds are entitled to protection and are connected to the agricultural output of the farm. Therefore, it is her hope that the Committee will reconsider that decision today. Phillip and Tom Brodhecker are present today should the Committee have any questions.

Ms. Payne stated that just so the parties know, the Committee has the draft Final Decision, but the communications were provided to the Committee in advance regarding the letters back and forth. We did not share with the Committee yet the communications that dealt with the accountant's certification. That is an issue for a separate day but she wanted to let everyone know that the letters that were sent did get shared with the Committee.

Steven Roseman, Esq., representing Hampton Township, stated that the Township feels that the Committee should adopt the resolution where you redrafted the judgment exactly how it was submitted, the draft copy. He felt that the SADC did an excellent job on a very complicated case. The Township favors farms and they have a Right to Farm ordinance and have had it for years and they thought that this was an exception that they had to make to go after the Brodhecker farm because the Township felt it was becoming an Agway. He understands from Mr. Smith's email that the only question today is whether the SADC is going to reopen the issue of products sold, and that the other issues were already determined and he assumes they will be passed on to the Governor in the final judgment that the SADC prepares. He thinks that the SADC is correct in what it outlines as far as what could not be sold. The Township won't question other items that the SADC said could be sold; they will leave that to the SADC. However, as far as what should not be sold at the farm market, they concur with what the SADC provided and they hope that the SADC will not reopen the draft judgment. He thanked the Committee and staff for their time and effort regarding this issue.

David Pierson stated that he lives right across from the Brodhecker farm. He was at the last SADC meeting. He had asked that this not be reopened and stated that at the last meeting he was satisfied with the Committee's finding through this whole eight-year

process. That was the only day that he has felt satisfied. He has rights also, living directly across from the farm. It has depreciated his value. When they came to reassess his house, it dropped it about \$30,000 for the activity. He is asking that the SADC protect his rights also. He has constitutional rights that protect the value of his property. He feels that it needs to be fair, and again he thought what the SADC decided last month was fair to the Brodheckers also. He is asking that the SADC keep what it had proposed and not reopen it.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, November 13, 2014, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

Note: Ms. Jones left the meeting at this point at 11:57 a.m.

CLOSED SESSION

At 11:57 a.m., Mr. Waltman moved the following resolution to go into Closed Session. The motion was seconded by Ms. Reade and unanimously approved.

“Be it resolved, in order to protect the public interest in matters involving minutes, real estate, and attorney-client matters, pursuant to N.J.S.A. 10:4-12, the N.J. State Agriculture Development Committee declares the next one-half hour to be private to discuss these matters. The minutes will be available one year from the date of this meeting.”

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters - Certification of Values

It was moved by Ms. Reade and seconded by Mr. Waltman to certify the following development easement values as presented and discussed in Closed Session:

County Planning Incentive Grant Program Continued

1. Scott Paladino, SADC # 19-0037-PG
Block 33, Lot 22; Block 140, Lot 11.01, Wantage Township, Sussex County, 47 Acres. **It is a condition of this certification of value that the sole residential exception is granted under the condition that the existing residence located**

on the preserved premises will be demolished within 30 days after receiving a certificate of occupancy.

2. Thaddeus Spinks, SADC # 19-0036-PG
Block 2602, Lot 16.01, Sandyston Township, Sussex County, 39 Acres
3. Peter and Marcy Gianattasio, SADC # 19-0041-PG
Block 21, Lot 3, Frankford Township, Sussex County, 28 Acres
4. Mountainview Farm, LLC, SADC # 19-0038-PG
Block 30, Lot 4, Frankford Township, Sussex County, 90 Acres
5. Miskovic Farms, LLC, SADC # 19-0042-PG
Block 75, Lots 72.01 and 72.02, Hardyston Township, Sussex County, 137 Acres
6. Lois H. Wright, SADC # 19-0033-PG
Block 39, Lots 4.01 and 5.03, Wantage Township, Sussex County, 84 Acres
The SADC reserves the right to consider any new or additional data or information that may subsequently become available.
7. Sharon Duddy (Double D Farm, LLC), SADC # 19-0039-PG
Block 22, Lot 13, Lafayette Township, Sussex County, 62 Acres
The SADC reserves the right to consider any new or additional data or information that may subsequently become available.
8. H. William & Holly Sytsema # 1, SADC # 19-0034-PG
Block 127, Lot 4.02, Wantage Township, Sussex County, 79.90 Net Acres
9. H. William & Holly Sytsema # 2, SADC # 19-0035-PG
Block 129, Lot 7.01, Wantage Township, Sussex County, 29.8 Net Acres

The motion was approved. (Ms. Brodhecker was absent for the vote.) (A copy of the Certification of Value Reports are attached to and are a part of the Closed Session minutes.)

Balance of the County Planning Incentive Grant Program

It was moved by Mr. Waltman and seconded by Mr. Johnson to certify the following development easement values as presented and discussed in Closed Session:

1. Raymond A. Coleman (I), SADC # 06-0152-PG
Block 57, Lot 2, Deerfield Township
Block 2603, Lot 3, Upper Deerfield Township
Cumberland County, 12 Acres
2. Pearl E. Riley, SADC # 06-0158-PG
Block 245, Lot 6, Lawrence Township, Cumberland County, 47 Acres (Appraisal Order checklist). The SADC reserves the right to consider any new or additional data or information that may subsequently become available.
3. Christina Krowicki, Janice and Denis Krowicki, SADC # 15-0017-PG
Block 70, Lots 14.02 and 14.03, Plumsted Township, Ocean County, 11.21 Acres
The SADC reserves the right to consider any new or additional data or information that may subsequently become available.
4. Samuel and Jean Race, SADC # 21-0570-PG
Block 16, Lot 42, White Township, Warren County, 81 Acres

The motion was approved. (Ms. Brodhecker was absent for the vote). (Copies of the Certification of Value Reports are attached to and are a part of the Closed Session Minutes.)

Municipal Planning Incentive Grant Program

It was moved by Mr. Siegel and seconded by Mr. Reade to certify the following development easement values as presented and discussed in Closed Session:

1. Estate of Joyce M. Kaut, SADC # 13-0447-PG
Block 35, Lot 2, Millstone Township, Monmouth County, 55 Acres
The SADC reserves the right to consider any new or additional data or information that may subsequently become available.
2. Rocco Paternostro, SADC # 21-0544-PG
Block 31, Lot 12, Greenwich Township, Warren County, 40 Acres

The motion was approved. (Ms. Brodhecker was absent for the vote). (Copies of the Certification of Value Reports are attached to and are a part of the Closed Session Minutes.)

Direct Easement Purchase Program

Ms. Payne stated that the Committee's recommendation reflects a departure from staff recommendation to be equivalent to one-third of the difference between the appraisal spread, due to the proximity of the farm as the hole in the doughnut in the project area. Mr. Siegel stated that motion B would become the main motion. Ms. Payne stated that is correct.

It was moved by Ms. Reade and seconded by Mr. Siegel to certify the following development easement values as presented and discussed in Closed Session:

1. Stella Farm # 2, SADC # 17-0256-DE
Block 60, Lots 7, 12, 14, 15, 16.01 and 17
Upper Pittsgrove Township, Salem County, 264 Acres

The motion was approved. (Ms Brodhecker was absent for the vote). (A copy of the Certification of Value Report is attached to and is a part of the Closed Session Minutes.)

Ms. Payne noted that Ms. Brodhecker just returned to the meeting at this point in time.

B. Attorney/Client Matters

Litigation

- a. Brodhecker Farm Right to Farm Reconsideration

Mr. Smith stated that the SADC was asked to reopen its Final Decision in this case based on the absence of the OAL transcript, which was not initially provided to the agency by any of the parties to the case. He wanted to briefly recap the Final Decision prior to discussing the addendum. The Final Decision upheld the Administrative Law Judge's (ALJ's) Initial Decision and the legal position of Brodhecker that two members of the Board were public members and that the Board was properly constituted. The SADC found, just like the ALJ did, that there were no conflicts of interest in the Board and that there was no bias against Hampton Township. Regarding the failure of the Board to provide advance notice of Brodhecker's SSAMP to Hampton Township, the SADC agreed with the ALJ as well as the legal position of Brodhecker that the failure to provide notice was a technical violation and harmless error. The SADC also found, consistent with the Initial Decision and Brodhecker's legal position, that Hampton Township was

not entitled to advance notice of the site visit that the Board conducted on the farm. Finally, regarding allegations that the site visit report itself contained defects, the SADC found, just like the ALJ did, that those defects did not prejudice Hampton Township. The SADC also upheld the ALJ's decision that a CADB decision is entitled to a presumption of validity and the burden is on the objector to prove otherwise. The ALJ also found, and we upheld the ALJ, that Brodhecker did not establish that the construction of the parking area on the farm market is in compliance with municipal standards. However, here is where the SADC deviated from the Initial Decision. The SADC determines if there is insufficient credible evidence supporting a Board's SSAMP decision. That occurred here. The burden shifts back to the commercial farmer to prove entitlement to the SSAMP.

Mr. Smith stated that the SADC also rejected the ALJ's Initial Decision that the burden was on Hampton Township to prove the negative, i.e., Brodhecker's noncompliance with the farm market criteria – annual gross sales, sales area, complementary and supplementary products. The SADC also rejected the ALJ's Initial Decision that Brodhecker did not have the burden to show compliance with the Uniform Construction Code. The SADC modified the ALJ's Initial Decision and in turn partially upheld the legal position of Brodhecker that the annual gross sales criterion in the farm market definition was satisfied, but the SADC conditioned that approval on Brodhecker submitting a CPA attestation for 2008 and 2009. That attestation has been provided. There has been a written objection provided by Hampton Township. That is not the subject matter of today's meeting. It will be dealt with at another time. Regarding the other items that were modified in the ALJ's Initial Decision, the SADC found that the farm did not comply with the 51 percent sales area criterion devoted to the sale of the farm's agricultural output. Finally, there were various items sold at the farm market that the SADC protected, conditionally protected or did not recognize for Right to Farm protection. In reviewing the OAL transcript, about 650 pages, there was greater clarification in the OAL record regarding the link between the sale of storage sheds and the sale of the agricultural output at the farm market. Based on that complementary relationship, this addendum determines that the storage sheds are complementary products that contribute to farm income provided two things occur: 1) The size of the sheds is commensurate with the size and quantity of the agricultural output that Brodhecker farm actually sells; and 2) given the local municipal interests as well as the neighbor's interest, which the SADC is mandated to review as a result of *denHollander and Curzi v. Raub*, the location of those sheds must be decided or determined based on a site plan, which will be reviewed by the CADB or the Hampton Township Land Use Board. That will be entirely up to the Brodheckers because they need to get permission for their parking area from Hampton Township or from the CADB anyway and this will be part and parcel to that site arrangement.

Ms. Payne stated that the only thing she would add to the amendment is that regarding all other items that were not previously protected in the SADC's Final Decision, based on the review of the OAL testimony, we find no additional basis for changing the SADC's original finding with respect to those products. Mr. Smith stated with respect to protected items and conditionally protected items and not protected items. There was nothing in the record that justified disturbing those findings.

It was moved by Mr. Johnson and seconded by Ms. Reade to approve the Addendum to the Final Decision in the Brodhecker Right to Farm Reconsideration. A roll call vote was taken as follows:

James Requa	Yes
James Waltman	No
Ralph Siegel	Abstain
Torrey Reade	Yes
Peter Johnson	Yes
Secretary Fisher	Yes

4 Yes Votes 1 No Vote 1 Abstention Vote (Mrs. Brodhecker did not participate in the discussion or the vote) – the motion carries.

PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, it was moved by Mr. Siegel and seconded by Ms. Reade and unanimously approved to adjourn the meeting at 1:51 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

S:\MINUTES\2014\Reg October 3 2014.doc

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R10(1)

Request for Division of Premises
Wm. Consalo & Sons Farm Inc.

October 3, 2014

Subject Property:

Wm. Consalo & Sons Farm Inc.
Block 105, Lot 11 (24.89-acres)
Block 107, Lot 1 (15.96-acres)
Buena Borough, Atlantic County

WHEREAS, Wm. Consalo & Sons Farms Inc., hereinafter "Owner" is the record owners of Block 105, Lot 11, and Block 107, Lot 1 in Buena Borough, Atlantic County, hereinafter referred to as the "Premises", by deed dated March 22, 1996, and recorded in the Atlantic County Clerk's Office in Deed Book 2321, Page 122; and

WHEREAS, a development easement on the Premises was conveyed to the State Agriculture Development Committee, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. by Deed of Easement dated February 19, 2009, and recorded in the Atlantic County Clerk's Office in Deed Book 12955, Instrument Number 2009015012; and

WHEREAS, the Premises consists of two parcels which total approximately 33.5 acres of preserved land and 7.3 acres of exception areas and road right-of-ways, as shown in Schedule "A"; and

WHEREAS, the two parcels are bisected by Atlantic Avenue, with 24.89 acres on the north side of Atlantic Avenue (Parcel-A) and 15.96 acres on the south side (Parcel-B); and

WHEREAS, the Owner is no longer in the farming business; and

WHEREAS, in the Owner is under contract to sell Parcel-A to the adjacent farmer and longtime tenant, Lombardi Farms, hereinafter "Contract Purchaser"; and

WHEREAS, the Contract Purchaser runs a vegetable and herb operation, farming numerous tracts of land around the Premises; and

WHEREAS, the primary outputs of this farm have historically been vegetables and herbs; and

WHEREAS, the Contract Purchaser has been the leasing the Premises for the past 10 years; and

WHEREAS, the Owner would retain ownership of Parcel-B; and

WHEREAS, the Deed of Easement references one existing residence, no agricultural labor residences, no residual dwelling site opportunities (RDSO) and two non-severable exception areas (2.17 acres on Parcel-A and 3.18 acres on Parcel-B) on the Premises; and

WHEREAS, the Owner proposes to divide the Premises along existing lot lines as shown in Schedule "A"; and

WHEREAS, paragraph 15 of the Deed of Easement states that no division of the Premises shall be permitted without the approval in writing of the Grantee; and

WHEREAS, in order to grant approval, the SADC must find that the division is for an agricultural purpose and will result in agriculturally viable parcels such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output; and

WHEREAS, the proposed Parcel-A would result in a 24.89+/- acre farm that is 99% (24.64 acres) tillable with 100% (24.89 acres) prime soils; and

WHEREAS, the proposed Parcel-A includes a barn and a 2.17 acre non-severable exception area that is limited to non-residential uses; and

WHEREAS, the proposed Parcel-B would result in a 15.96+/- acre farm that is 95% tillable (15.16 acres) with 100% (15.96 acres) prime soils; and

WHEREAS, proposed Parcel-B includes a 3.18 acre non-severable exception area with a single family residence and several barns; and

WHEREAS, the SADC makes the following findings related to its determination of whether the division will result in agriculturally viable parcels, such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output:

- 1) Parcel-A, at 24.89 acres, with 99% tillable acres and 100% prime soils includes high quality, tillable soils;
- 2) Parcel-B, at 15.96 acres, with 95% tillable soils and 100% prime soils includes high quality, tillable soils;
- 3) Parcels A & B are both improved with irrigation mains and access to water;
- 4) The combination of unique climate and highly productive Aura and Sassafras sandy loam soils in this area of the State regularly allow for three or more crop plantings per year; and
- 5) Historical farming practices in this area of the State have relied on intensely farmed small acreage parcels, as evidenced by the farmland assessment data for the surrounding area; and

WHEREAS, the SADC makes the following findings related to its determination of whether this application meets the agricultural purpose test:

- 1) The division is being undertaken for the purpose of transferring title of Parcel-A to Lombardi Farms, an adjacent farming operation; and
- 2) The transfer of ownership of Parcel-A to Lombardi Farms would allow them to acquire additional acreage, securing acres for the growth of their farming operation; and

WHEREAS, during discussion of this request at the July 24, 2014, SADC meeting the Committee expressed concerns on the future viability of Parcel-B related to the size of a future potential residence on the exception area as well as development of additional infrastructure on Parcel-B; and

WHEREAS, since that time the Owner has agreed to a house size limit of 3,500 sq./ft. of heated living space for any future residence on the exception area, and to limit any future infrastructure on Parcel-B to the 3.18 acre exception area on Parcel-B; and

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the division is for an agricultural purpose and given the unique climate and soil conditions on the Premises which allow for exceptionally high production yields as well as the history of small acreage stand-alone farms in this area, Parcels A and B are deemed to be agriculturally viable for a variety of operations solely from their own output; and

BE IT FURTHER RESOLVED, that the SADC finds that the division as described herein results in two agriculturally viable parcels capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions; and

BE IT FURTHER RESOLVED, that the Committee approves the Division of the Premises request; and

BE IT FURTHER RESOLVED, that this approval is conditioned on a house size limit of 3,500 sq./ft. of heated living space for the residence on the exception area of Parcel-B, a requirement that any new infrastructure on Parcel-B be limited to the 3.18 acre exception area, and that there be no further division of premises of Parcels A or B; and

BE IT FURTHER RESOLVED, that the SADC's approval of the division of the premises is subject to, and shall be effective upon, the recording of the SADC's approval resolution with the Atlantic County Clerk's office; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

Susan E. Payne

10-3-14

Date

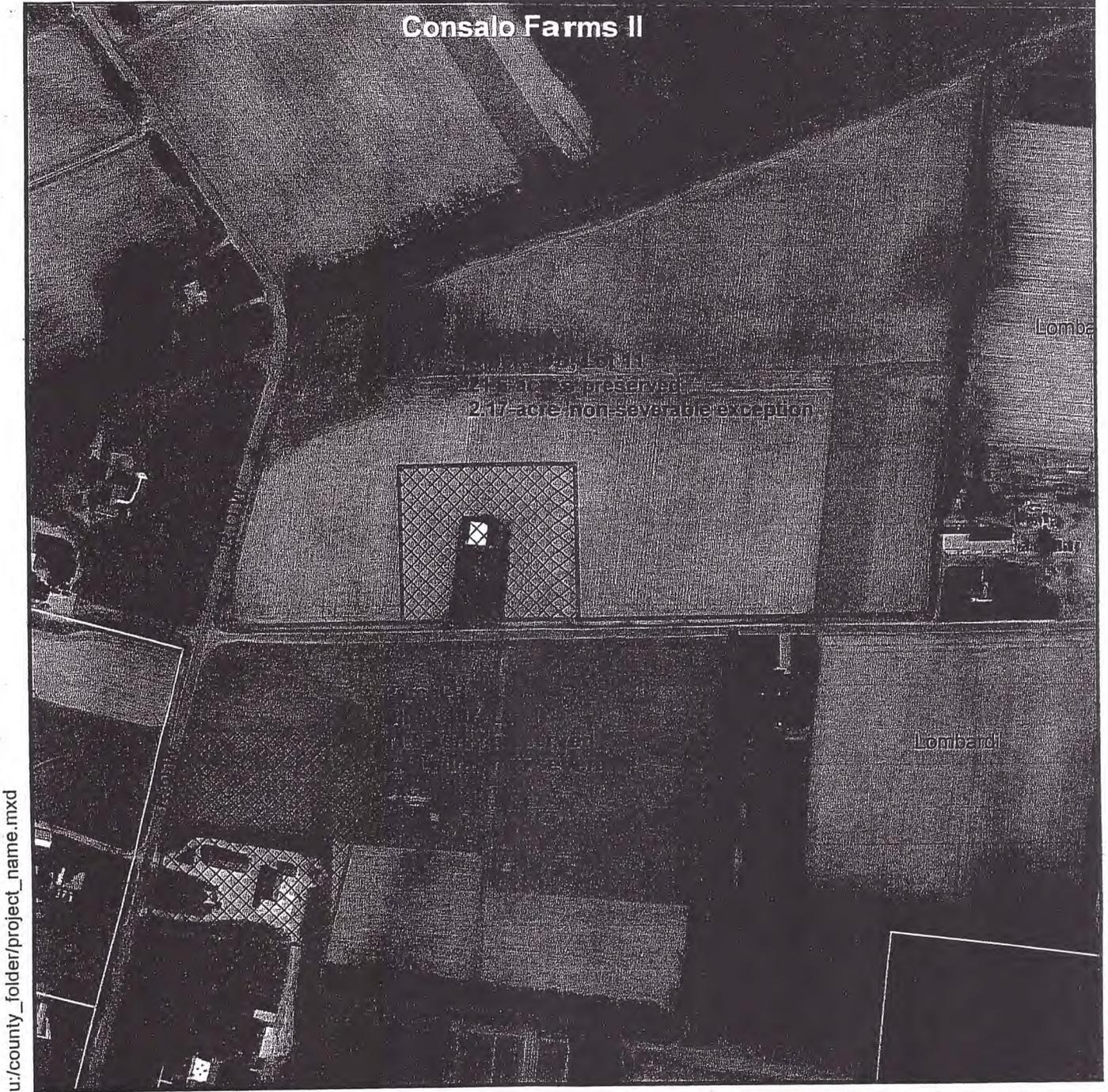
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Schedule "A"

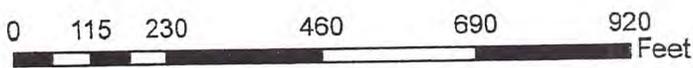
Consallo Farms II



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Consallo Farms II
Block 105, Lot 11
Block 107, Lot 1
Buena Borough, Atlantic County



Farmland Preservation Program	
	PRESERVED EASEMENT
	EXCEPTION AREA
	PRESERVED EASEMENT / NR
	EXCEPTION AREA / NR
	FINAL APPROVAL
	PRELIMINARY APPROVAL
	ACTIVE APPLICATION
	8 YEAR PRESERVED
	TARGETED FARM
	INACTIVE APPLICATION
	NO CORRESPONDING DATA

State Planning Areas	
	(PA1) METRO
	(PA2) SUBURBAN
	(PA3) FRINGE
	(PA4) RURAL
	(PA4b) RURAL ENV. SENS.
	(PA5) ENV. SENS.
	(PA5b) ENV. SENSITIVE BARRIER IS.
	(P10) PINELANDS
	MILITARY
	NEW JERSEY MEADOWLANDS
	WATER
	ELLIS ISLAND- NJ
	ELLIS ISLAND- NY
Base Map	
	County Boundaries
	Municipal Boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Pinelands Area
Green Acres Preserved Easements	

month/day/year

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R10(2)

John Catalfamo

October 3, 2014

**Installation of Solar Energy Generation Facility, Structures and Equipment for
Ground Mount Array Located on a Preserved Farm**

Subject Property: Catalfamo Farm
Block 301, Lots 24.01
Chesterfield Township, Burlington County
68.95-Acres

WHEREAS, John Catalfamo, hereinafter "Owner", is the record owner of Block 301, Lot 24.01, in the Township of Chesterfield, Burlington County, by Deed dated December 21, 2000, and recorded in the Burlington County Clerk's Office in Deed Book 5853 Page 176, totaling approximately 68.95 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the original Premises, totaling 105.8 acres, was conveyed to Burlington County on January 3, 1990, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, as a Deed of Easement recorded in Deed Book 3976, Page 139; and

WHEREAS, no Federal funds were used in the acquisition of this easement; and

WHEREAS, on March 25, 2004, the SADC approved a division of premises dividing the original premises into two parcels by SADC resolution #FY04R3(16); and

WHEREAS, P.L. 2009, c.213 signed into law on January 16, 2010, requires the State Agriculture Development Committee (SADC) approval before constructing, installing, and operating renewable energy generating facilities, structures and equipment on preserved farms, including areas excepted from the Premises; and

WHEREAS, on June 3, 2013, the regulations (N.J.A.C. 2:76-24) implementing the legislation allowing owners of preserved farms to install solar energy systems on preserved farms became effective; and

WHEREAS, the regulations state that the owner of a preserved farm may construct, install and operate renewable energy generation facilities on preserved farms for the purpose of generating power or heat, provided the systems:

- (1) do not interfere significantly with the use of the land for agricultural or horticultural production, as determined by the committee;
- (2) are owned by the landowner, or will be owned by the landowner upon the conclusion of the term of an agreement with the installer of the biomass, solar, or wind energy generation facilities, structures, or equipment by which the landowner uses the income or credits realized from the biomass, solar, or wind energy generation to purchase the facilities, structures, or equipment;
- (3) are used to provide power or heat to the farm, either directly or indirectly, or to reduce, through net metering or similar programs and systems, energy costs on the farm;
- (4) are limited (a) in annual energy generation capacity to the previous calendar year's energy demand plus 10 percent, in addition to what is allowed under subsection b. of this section, or alternatively at the option of the landowner (b) to occupying no more than one percent of the area of the entire farm including both the preserved portion and any portion excluded from preservation;
- (5) the person who owns the farm and the energy generation facilities, structures, and equipment may only sell energy through net metering or as otherwise permitted under an agreement allowed pursuant to paragraph (2) of this subsection;
- (6) the solar energy facilities do not exceed one acre of impervious cover;
- (7) solar energy facilities with an occupied area of more than one acre shall be constructed, installed, operated and maintained in accordance with a farm conservation plan; and
- (8) site disturbances associated with the solar energy facilities shall not exceed one acre in size.

WHEREAS, August 27, 2014, the Owner's "Application for Energy Generation Facilities on Existing Buildings or Structures on Preserved Farmland" was deemed complete pursuant to N.J.S.A. 4:1C-32.4; and

WHEREAS, N.J.A.C. 2.76-24.9, requires the Committee to approve, approve with conditions, or disapprove and application within 90 days of receipt of a complete application; and

WHEREAS, the Owner is seeking SADC approval for the construction of a ground mounted photovoltaic solar energy generation facility, as shown on Schedule "A"; and

WHEREAS, the agricultural operation consists of a rotation of fresh market vegetables, grains and straw; and

WHEREAS, the land area on the Premises that will support the ground mounted solar energy generation facility is directly behind an existing equipment barn/shop where the panels will take up an area approximately 1,650 square feet in size as identified on Schedule "A"; and

WHEREAS, the energy demand from this ground mounted unit is from the single family residence and equipment barn/shop on the adjacent non-severable exception; and

WHEREAS, the energy demand for the previous calendar year for the farm is 30,141 kWh's as confirmed by the Owner's submission 12 months of utility bills; and

WHEREAS, the rated capacity of the proposed ground-mounted solar energy generation facility is 29,834 kWh's per year; and

WHEREAS, the ground mounted array is to be located on the edge of a field behind the farm equipment building/shop has an occupied area of approximately 3,350 sq./ft. (0.07 acres); and

WHEREAS, the impervious cover created by the ground mound system consists of less than 10 sq./ft., including the surface area of the upright support posts which will be driven or screwed into the soil without the use of concrete or other similar permanent footing; and

WHEREAS, the site disturbance for the ground mounted array consists of approximately 8,140 sq./ft. (0.18 acres), including the area immediately surrounding the panel array as well as an approximately 150ft by 12-inch trench connecting the array to the meter on the home; and

WHEREAS, there are no other renewable energy generation facilities existing on the Premises; or

WHEREAS, the solar energy generation facilities will be owned by the Owner at the time of installation, as determined from review of the purchase agreement; and

WHEREAS, the Owner provided evidence confirming that the solar energy generation facility will provide power to the farm directly through net metering to reduce energy costs on the farm; and

WHEREAS, the Owner provided evidence that the annual solar energy generation does not exceed 110% of the previous calendar year's energy demand; and

WHEREAS, pursuant to N.J.S.A. 4:1C-32.4, the SADC forwarded a copy of the Owner's application to the Burlington County Agriculture Development Board, to provide comments concerning the installation, construction, operation and maintenance of the solar energy generation facility, structures and equipment; and

WHEREAS, on September 2, 2014, the Burlington CADB advised the SADC that it has no objections to the Catalfamo solar application;

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the Owner has complied with all of the provisions of N.J.S.A. 4:1C-32.4 concerning the installation of a photovoltaic solar energy generation facility, structures and equipment on the Premises; and

BE IT FURTHER RESOLVED, that the SADC approves of the construction, installation, operation and maintenance of the photovoltaic energy generation facilities, structures and equipment consisting of approximately 3,350 square feet of space in the field directly behind the existing farm equipment barn/shop having a rated capacity of 29,834 kWh's of energy as identified in Schedule "A", and as described further herein; and

BE IT FURTHER RESOLVED, that overall electrical energy demand of the farm that will be serviced by the solar arrays totals 30,141 kWh's annually; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A 4:1C-4f.

10-3-14

DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

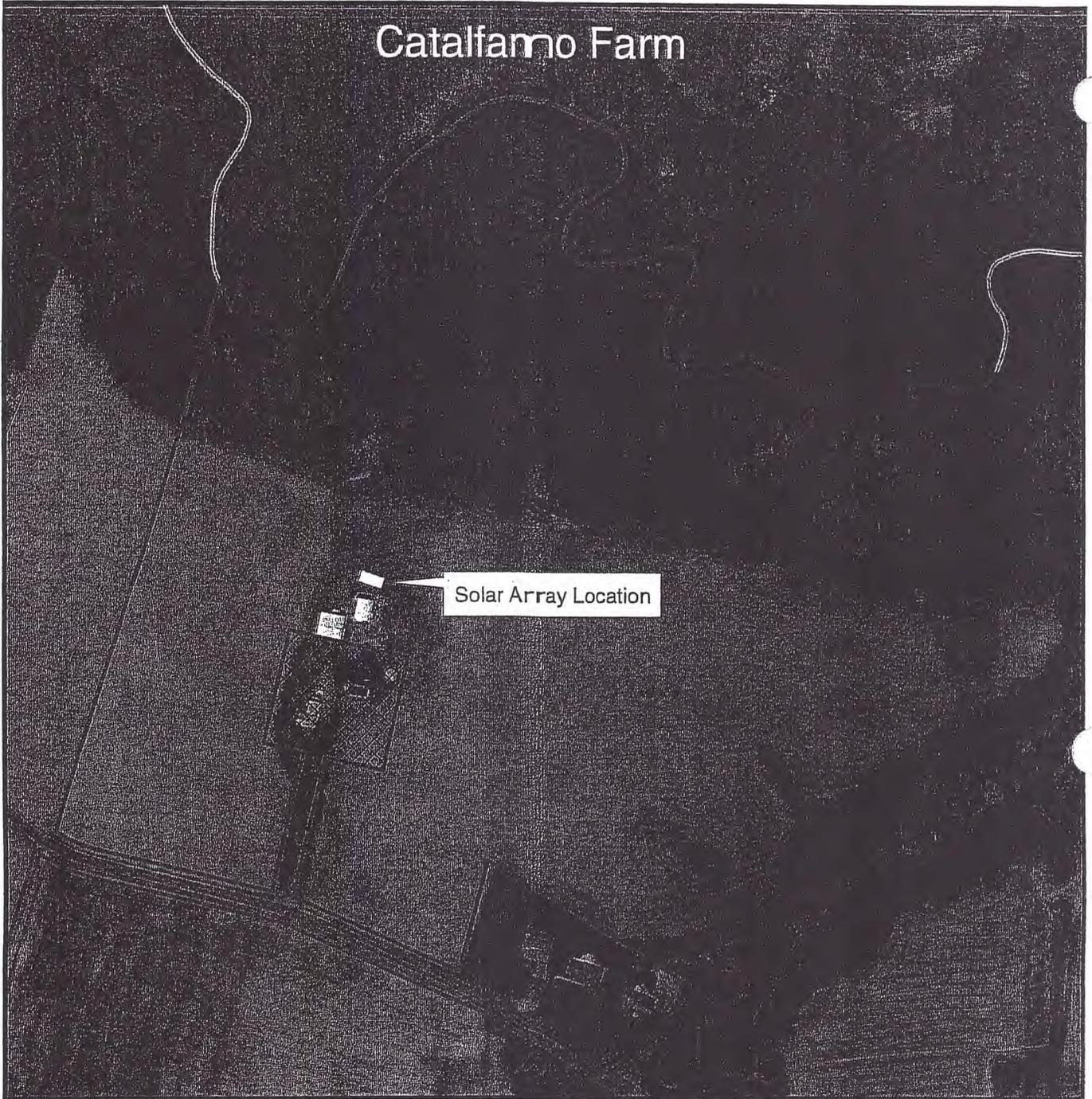
VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	RECUSED
Denis C. Germano	ABSENT
Torrey Reade	YES

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Schedule "A" Catalfamo Farm

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Catalfamo Farm
Block 301, Lot 24
Chesterfield Township, Burlington County



9/2/2014

Farmland Preservation Program

	PRESERVED EASEMENT
	EXCEPTION AREA
	PRESERVED EASEMENT / NR
	EXCEPTION AREA / NR
	FINAL APPROVAL
	PRELIMINARY APPROVAL
	ACTIVE APPLICATION
	8 YEAR PRESERVED
	TARGETED FARM
	INACTIVE APPLICATION
	NO CORRESPONDING DATA

State Planning Areas	
	(PA1) METRO
	(PA2) SUBURBAN
	(PA3) FRINGE
	(PA4) RURAL
	(PA4b) RURAL ENV SENS
	(PA5) ENV SENS
	(PA5b) ENV. SENSITIVE BARRIER IS
	(P10) PINELANDS
	MILITARY
	NEW JERSEY MEADOWLANDS
	WATER
	ELLIS ISLAND- NJ
	ELLIS ISLAND- NY
Base Map	
	County Boundaries
	Municipal Boundaries
	Highlands Preservg Area
	Highlands Preservation Area
	Pinelands Area
	Green Acres Preserved Easements

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY201510(3)

Great Road Farm

October 3, 2014

**Installation of Ground & Roof Mounted Solar Energy Generation Facility,
Structures and Equipment on a Preserved Farm**

Subject Property: Great Road Farm
Block 32001, Lot 5
Montgomery Township, Somerset County
112-Acres

WHEREAS, James and Ann Nawn, hereinafter "Owners", are the record owners of Block 32001, Lot 5, in the Township of Montgomery, County of Somerset, by Deed dated July 24, 2008, and recorded in the Somerset County Clerk's Office in Deed Book 6165, Page 501, totaling approximately 112 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the original preserved farm, consisting of 340.5 acres, was conveyed to the County of Somerset pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c. 32 on June 10, 1994 and recorded as Deed Book 2064, Page 776, by the original owners Mountainview Partners L.P. and Strode Creek Partners, both Gallup family partnerships; and

WHEREAS, no Federal funds were used in the acquisition of this easement; and

WHEREAS, on January 25, 2007, the SADC approved a division of Premises dividing the original premises into two parcels by SADC resolution #FY07R2(9); and

WHEREAS, P.L. 2009, c.213 signed into law on January 16, 2010, requires the State Agriculture Development Committee (SADC) approval before constructing, installing, and operating renewable energy generating facilities, structures and equipment on preserved farms, including areas excepted from the Premises; and

WHEREAS, on June 3, 2013, the regulations (N.J.A.C. 2:76-24) implementing the legislation allowing owners of preserved farms to install solar energy systems on preserved farms became effective; and

WHEREAS, the regulations state that the owner of a preserved farm may construct, install and operate renewable energy generation facilities on preserved farms for the purpose of generating power or heat, provided the systems:

- (1) do not interfere significantly with the use of the land for agricultural or horticultural production, as determined by the committee;
- (2) are owned by the landowner, or will be owned by the landowner upon the conclusion of the term of an agreement with the installer of the biomass, solar, or wind energy generation facilities, structures, or equipment by which the landowner uses the income or credits realized from the biomass, solar, or wind energy generation to purchase the facilities, structures, or equipment;
- (3) are used to provide power or heat to the farm, either directly or indirectly, or to reduce, through net metering or similar programs and systems, energy costs on the farm;
- (4) are limited (a) in annual energy generation capacity to the previous calendar year's energy demand plus 10 percent, in addition to what is allowed under subsection b. of this section, or alternatively at the option of the landowner (b) to occupying no more than one percent of the area of the entire farm including both the preserved portion and any portion excluded from preservation;
- (5) the person who owns the farm and the energy generation facilities, structures, and equipment may only sell energy through net metering or as otherwise permitted under an agreement allowed pursuant to paragraph (2) of this subsection;
- (6) the solar energy facilities do not exceed one acre of impervious cover;
- (7) solar energy facilities with an occupied area of more than one acre shall be constructed, installed, operated and maintained in accordance with a farm conservation plan; and
- (8) site disturbances associated with the solar energy facilities shall not exceed one acre in size.

WHEREAS, on August 27, 2014, the Owners "Application for Energy Generation Facilities on Existing Buildings or Structures on Preserved Farmland" was deemed complete pursuant to N.J.S.A. 4:1C-32.4; and

WHEREAS, N.J.A.C. 2.76-24.9, requires the Committee to approve, approve with conditions, or disapprove and application within 90 days of receipt of a complete application; and

WHEREAS, the Owners are seeking SADC approval for the construction of one roof and one ground mounted photovoltaic solar energy generation facility, as shown on Schedule "A"; and

WHEREAS, the agricultural operation consists of a mix of equine, beef, vegetables, hay and grain; and

WHEREAS, the land area on the Premises that will support the ground mounted solar energy generation facility is the edge of a field, along the wood line with an occupied area of approximately 3,585 sq./ft. in size (as identified on Schedule "A"); and

WHEREAS, the energy demand from this ground mounted unit is primarily from the single family residence on the Premises; and

WHEREAS, the energy demand for the previous calendar year for the residence is 87,240 kWh's as confirmed by the Owner's submission 12 months of utility bills; and

WHEREAS, the rated capacity of the proposed solar energy generation facility is 84,700 kWh's per year; and

WHEREAS, the solar array is not located on prime soils; and

WHEREAS, the impervious cover created by the ground mount system is limited to surface area of the 2.5 inch diameter screw type support posts, which amounts to less than 10 sq./ft. of impervious cover; and

WHEREAS, the site disturbance for the ground mounted array is limited to the area immediately surrounding the panel array, which totals 9,065 sq./ft. (0.2 acres); and

WHEREAS, the roof mounted array will be located on an existing vegetable packing & cooling barn with an occupied area of approximately 900 sq./ft. in size (as identified on Schedule "A"); and

WHEREAS, the energy demand from this roof mounted unit is from the agricultural structures on the Premises; and

WHEREAS, the energy demand for the previous calendar year for the vegetable packing & cooling barn is approximately 16,101 kWh's as confirmed by the Owner's submission 12 months of utility bills; and

WHEREAS, the rated capacity of the proposed solar energy generation facility is 17,600 kWh's per year; and

WHEREAS, there are no other renewable energy generation facilities existing on the Premises; or

WHEREAS, the solar energy generation facility will be owned by the Owners at the time of installation; and

WHEREAS, the Owners provided evidence confirming that the solar energy generation facility will provide power to the farm directly through net metering to reduce energy costs on the farm; and

WHEREAS, the Owners provided evidence that the annual solar energy generation does not exceed 110% of the previous calendar year's energy demand; and

WHEREAS, pursuant to N.J.S.A. 4:1C-32.4, the SADC forwarded a copy of the Owner's application to the Somerset County Agriculture Development Board, to provide comments concerning the installation, construction, operation and maintenance of the solar energy generation facility, structures and equipment; and

WHEREAS, on September 8, 2014, the Somerset CADB reviewed the application and advised the SADC that it has no objections to the Great Road Farm solar application;

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the Owners have complied with all of the provisions of N.J.S.A. 4:1C-32.4 concerning the installation of a photovoltaic solar energy generation facility, structures and equipment on the Premises; and

BE IT FURTHER RESOLVED, that the SADC approves of the construction, installation, operation and maintenance of the photovoltaic energy generation facilities, structures and equipment consisting of approximately 3,585 square feet of space located along the wooded edge

of the southernmost field having a rated capacity of 84,700 kWh's of energy and a roof mounted system on top of an existing vegetable packing barn consisting of approximately 900 square feet of space with a rated capacity of 17,600 kWh's of energy, as identified in Schedule "A", and as described further herein; and

BE IT FURTHER RESOLVED, that total electrical energy demand of these structures is 103,341 kWh's annually; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A 4:1C-4f.

10/3/14
DATE



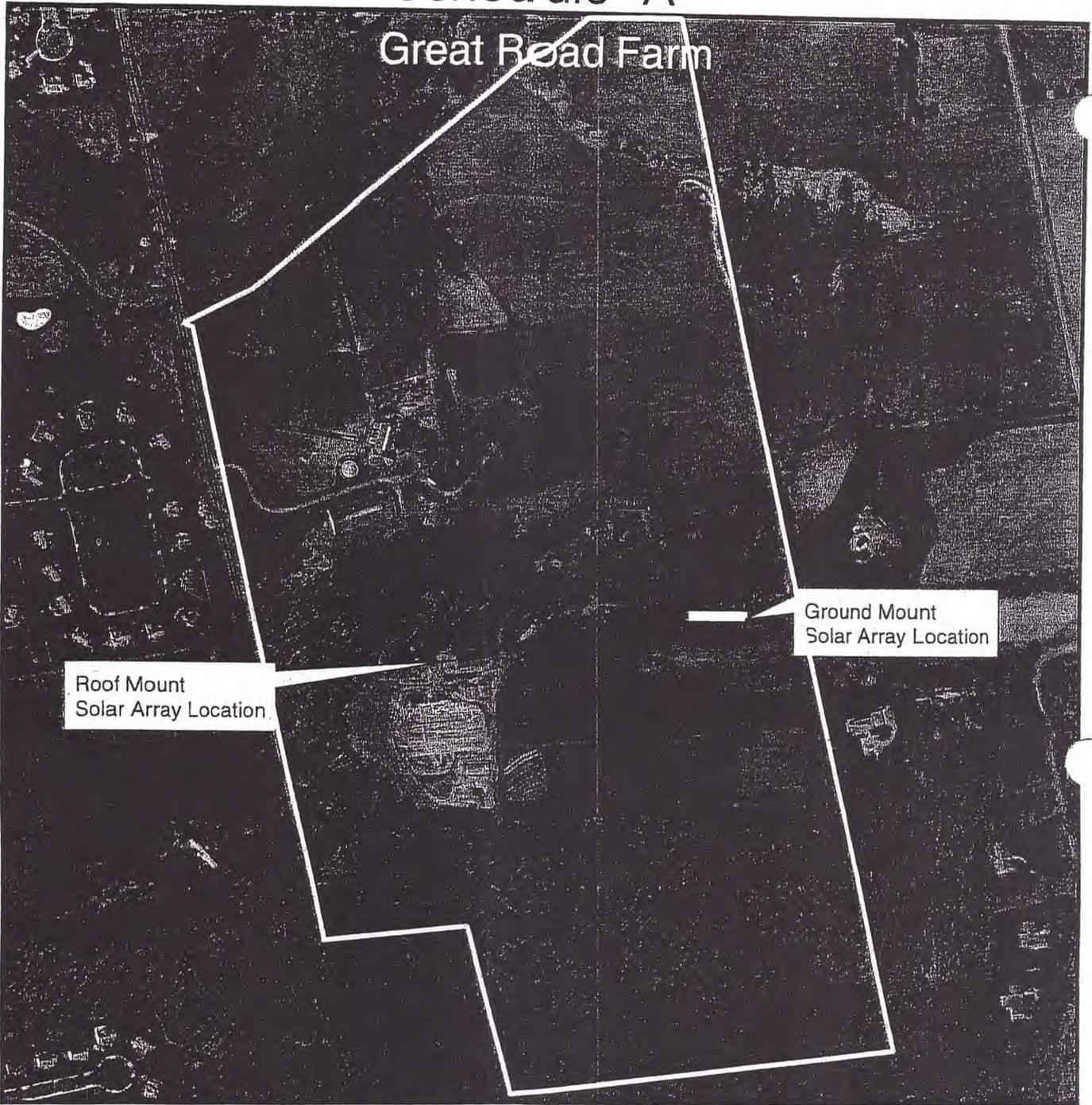
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Schedule "A" Great Road Farm

S:\EP\SOM\GALLUP\Stewardship\Solar\Farmview-Solar.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Great Road Farm
Block 32001, Lot 5
Montgomery Township, Somerset County



9/2/2014

Farmland Preservation Program

- PRESERVED EASEMENT
- EXCEPTION AREA
- PRESERVED EASEMENT / NR
- EXCEPTION AREA / NR
- FINAL APPROVAL
- PRELIMINARY APPROVAL
- ACTIVE APPLICATION
- 8 YEAR PRESERVED
- TARGETED FARM
- INACTIVE APPLICATION
- NO CORRESPONDING DATA

- ### State Planning Areas
- (PA1) METRO
 - (PA2) SUBURBAN
 - (PA3) FRINGE
 - (PA4) RURAL
 - (PA4B) RURAL ENV SENS
 - (PA5) ENV SENS
 - (PA5B) ENV SENSITIVE BARRIER IS
 - (P10) PINELANDS
 - PARK
 - MILITARY
 - NEW JERSEY MEADOWLANDS
 - WATER
 - ELLIS ISLAND- NJ
 - ELLIS ISLAND- NY
- ### Base Map
- County Boundaries
 - Municipal Boundaries
 - Highlands Planning Area
 - Highlands Preservation Area
 - Preserves Area
 - Green Acres Preserved Easements

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2015R10(4)

Construction of Onsite Agricultural Labor Housing

Deo Volente Farms LLC

October 3, 2014

Subject Property: Block 30, Lot 17
Block 35, Lot 26
Franklin Township, Hunterdon County
104.5 Acres

WHEREAS, Deo Volente Farms LLC, ("Owner") is the current record owner of Block 30, Lot 17 and Block 35, Lot 26, as identified in the Township of Franklin, County of Hunterdon, and recorded in the Hunterdon County Clerk's office on April 18, 2007, in Deed Book 2181, Page 552, totaling 104.57 acres, hereinafter referred to as "Premises", see attached Schedule "A"; and

WHEREAS, the development easement on the Premises, formerly known as Cherryville Farms, was conveyed to the State Agriculture Development Committee on July 31, 2006, by the previous owners the Township of Franklin, Hunterdon County, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, c. 32 and the Garden State Preservation Trust Act, N.J.S.A. 13:8C-1 et seq., through the Direct Easement Purchase program, as recorded in Deed Book 2168, Page 482; and

WHEREAS, on April 4, 2007, the Owner acquired fee simple title to the restricted Premises through a public auction held by the township; and

WHEREAS, the farmland preservation Deed of Easement identified no existing single family residential building and no residential units used for agricultural labor purposes; and

WHEREAS, the Deed of Easement identifies one two-acre exception area in the Northeast corner of Block 30, Lot 17; and

WHEREAS, paragraph number 14 of the Deed of Easement states: "Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except as follows:

To provide structures for housing of agricultural labor employed on the Premises but only with the approval of the Grantee and Committee. If Grantee and the Committee grant approval for the construction of agricultural labor housing, such housing shall not be used as a residence for Grantor"; and

WHEREAS, the Owner has developed the Premises into a Standardbred equine breeding & raising facility; and

WHEREAS, on May 24, 2007 the SADC approved a previous request for agricultural labor housing, Resolution #FY07R5(1), permitting the construction of a freestanding duplex home for two workers and their families as well as an efficiency apartment above the breeding barn in the locations as shown in Schedule "A"; and

WHEREAS, the current farm manager and assistant manager occupy the duplex residence with their families and the apartment above the breeding barn is occupied by the farm's veterinary technician; and

WHEREAS, at the time of the May 2007 agricultural labor housing request there were approximately 25 horses (24 mares & 1 stallion) onsite; and

WHEREAS, since that time the operation has been successful and expanded and the Owners have increased the breeding program and the total number of horses onsite; and

WHEREAS, presently there are 101 horses onsite which includes 3 stallions, over 30 broodmares, and a mix of yearlings and foals; and

WHEREAS, the Owner is requesting additional housing for three new agricultural laborers who were hired as part of the expansion, two of which are housed at an off-site apartment; and

WHEREAS, the proposal is to construct and approximately 1,000 sq./ft. addition to an existing equipment barn to house the workers; and

WHEREAS, the farm workers are full-time employees of the farm directly involved with the day-to-day production activities of breeding, raising and care of horses throughout the year as well as management of approximately 85-acres of pasture/paddock area for the horses; and

WHEREAS, the Owner believes this location is well suited because it is in close proximity to the equine barn and does not take additional pastureland out of production; and

WHEREAS, the vast majority of equine activity occurring on the farm is related to breeding and raising of standardbred race horses for sale as well as stallion services; and

WHEREAS, the Owner believes that due to the high value of its mares and foals and the number of horses on the premises it is necessary to have onsite agricultural labor capable of providing 24-hour care; and

WHEREAS, the Owner believes that having on-farm housing for agricultural labor will allow for the retention of the best workers in this field and is essential to the future and expansion of the operation; and

WHEREAS, the SADC finds that the proposed construction of the agriculture labor unit is consistent with the requirements of the Deed of Easement.

NOW THEREFORE BE IT RESOLVED, that the SADC approves the request to construct an agriculture labor unit on the Premises, consisting of a single-story three bedroom structure of approximately 1,000 square/feet, built on to the existing equipment barn behind the stable to house three farm workers, subject to municipal, state and federal requirements; and

BE IT FURTHER RESOLVED, that only agricultural labor employed on the Premises, and their immediate family, may live in the agricultural labor structure; and

BE IT FURTHER RESOLVED, that the occupants of the agricultural labor unit shall not be related to the Owner in conformance with paragraph 14 of the Deed of Easement; and

BE IT FURTHER RESOLVED, that the farm workers shall be engaged in the day-to-day production activities on the Premises, which shall include the breeding and raising standardbred horses; and

BE IT FURTHER RESOLVED that a copy of the signed resolution will be forwarded to the Franklin Township municipal planning board, the Franklin Township municipal zoning officer and the Owner; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED that this approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

10-3-14

DATE



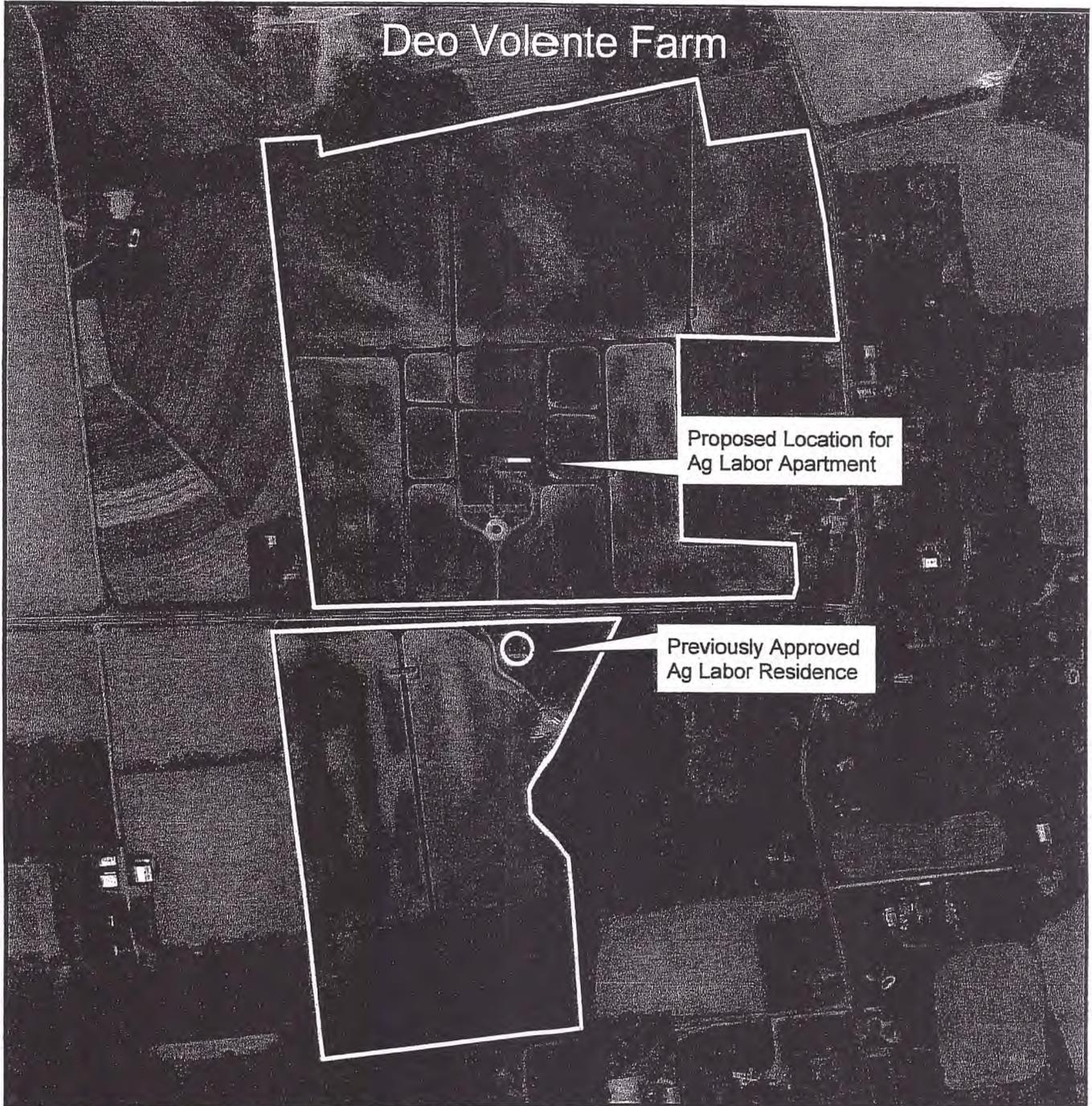
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Schedule "A"

Deo Volente Farm



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee
 Deo Volente Farm
 Block 30, Lot 17
 Block 35, Lot 26
 Franklin Township, Hunterdon County



9/18/2014

Farmland Preservation Program

	PRESERVED EASEMENT
	EXCEPTION AREA
	PRESERVED EASEMENT / NR
	EXCEPTION AREA / NR
	FINAL APPROVAL
	PRELIMINARY APPROVAL
	ACTIVE APPLICATION
	8 YEAR PRESERVED
	TARGETED FARM
	INACTIVE APPLICATION
	NO CORRESPONDING DATA

State Planning Areas	
	(PA1) METRO
	(PA2) SUBURBAN
	(PA3) FRINGE
	(PA4) RURAL
	(PA4b) RURAL ENV SENS
	(PA5) ENV SENS
	(PA5b) ENV SENSITIVE BARRIER IS
	(PA6) PARK
	(PA7) MILITARY
	(PA8) NEW JERSEY MEADOWLANDS
	(PA9) WATER
	ELLIS ISLAND- NJ
	ELLIS ISLAND- NY
Base Map	
	County boundaries
	Municipal boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Pinelands Area
	Green Acres Preserved Easements

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2015R10(5)

Request to Replace a Single Family Residence

Toscano Farm

October 3, 2014

Subject Property: Block 25, Lots 42.01 & 42.02
Cranbury Township, Middlesex County
44.24 Acres

WHEREAS, Sallie Toscano, hereinafter "Owner", is the record owner of Block 25, Lots 42.01 & 42.05 in Cranbury Township, Middlesex County, by Deed dated March 26, 2008, and recorded in the Middlesex County Clerk's Office in Book 5939, Page 562, totaling approximately 44.24 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the County of Middlesex, by Deed dated January 10, 2011 and recorded in the Middlesex County Clerk's Office in Book 6222, Page 781, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, and the Garden State Preservation Trust Act, N.J.S.A. 13:8C, et seq.; and

WHEREAS, on August 25, 2014, the SADC received a request to replace an existing single family residence on the Premises from the Owner; and

WHEREAS, in the existing single family residence had recently been destroyed by a fire; and

WHEREAS, the Deed of Easement identifies one single-family residence on the Premises, one 0.04-acre non-severable exception area around an existing wood working shop, no agricultural labor residential units and no RDSOs; and

WHEREAS, paragraph 14 ii of the Deed of Easement allows for the replacement of any existing single family residential building anywhere on the Premises with the approval of the Grantee and Committee; and

WHEREAS, on September 9, 2014, SADC staff visited the site; and

WHEREAS, the Premises is mixture of apiary, grain and hay with a small amount of vegetables, bedding plants and ornamental nursery production; and

WHEREAS, the Owner proposes to replace the previously existing residence on the premises with a new residence for herself; and

WHEREAS, the proposed new residence is a single story modular home house with approximately 1,450 sq./ft. first floor and a 450 sq./ft. loft to replace the original farmhouse which was approximately 2,300 sq./ft.; and

WHEREAS, the Owner has requested the option of constructing the new residence either on the foundation of the existing residence, which is just off of Plainsboro Road, or in a location approximately 400 feet behind the existing residence as shown on Schedule "A"; and

WHEREAS, in either location the new house will utilize the existing driveway and farm lane; and

WHEREAS, on September 10, 2014, the Middlesex CADB reviewed and approved the replacement of the existing residence on the Premises; and

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to the restrictions as contained in the Deed of Easement, finds that the replacement of a single-family residence on the Premises will have a positive impact on the continued agricultural operations of this farm by replacing the destroyed residence with a new residence which shall serve as the primary residence for the Owner; and

BE IT FURTHER RESOLVED, that the Committee approves the construction of a single family residence, consisting of approximately 1,900 sq./ft. heated living space, in the locations shown in Schedule "A", to replace the single family residence which existed on the Premises at the time of preservation; and

BE IT FURTHER RESOLVED, that this approval is valid for a period of three years from the date of this resolution; and

BE IT FURTHER RESOLVED, that this approval is non-transferable; and

BE IT FURTHER RESOLVED, that the construction of the new residence is subject to all applicable local, State and Federal regulations; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

10-3-14

Date



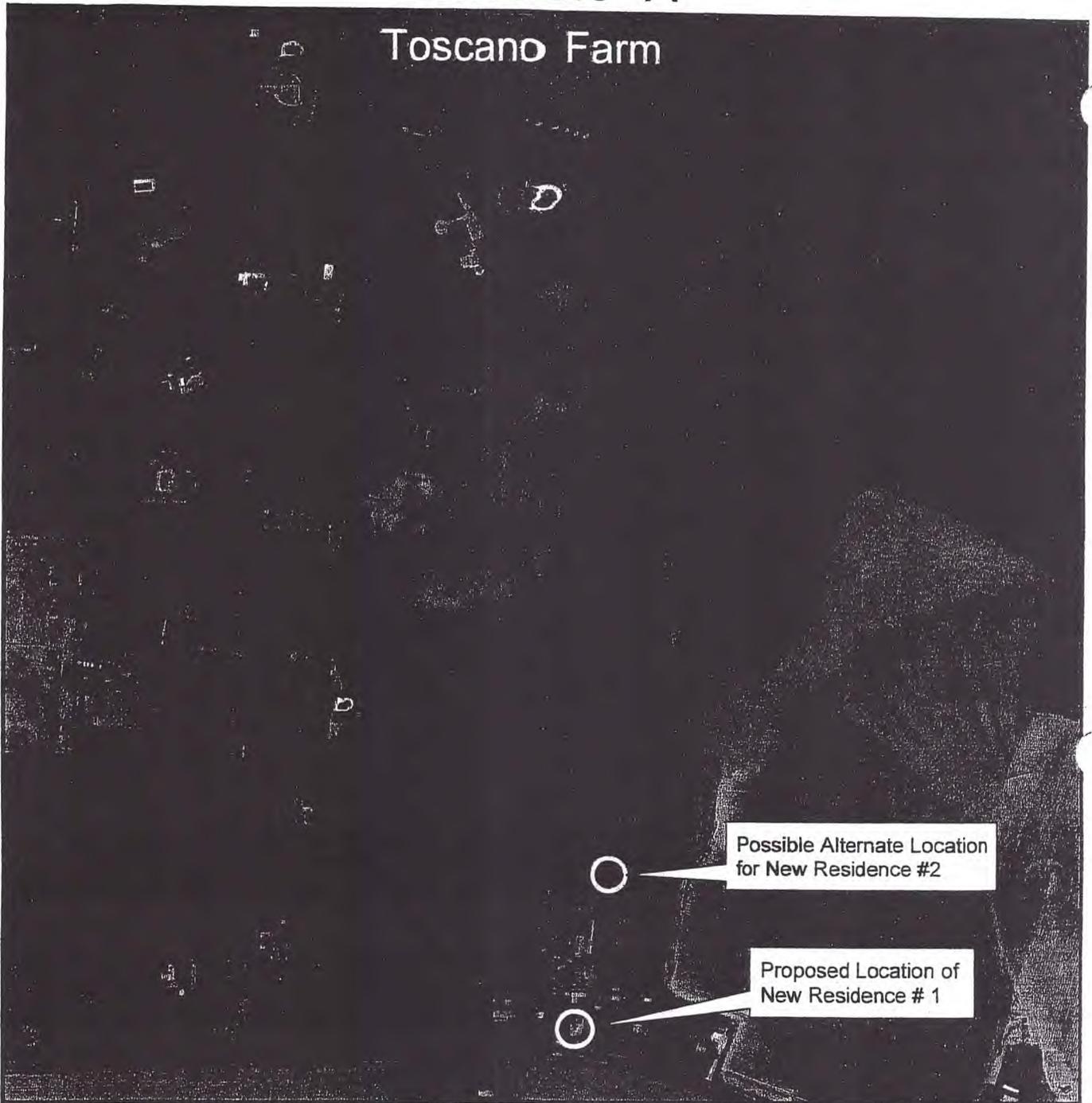
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE TO BE RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Schedule "A"

Toscano Farm



Possible Alternate Location
for New Residence #2

Proposed Location of
New Residence # 1

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Toscano Farm
Block 25, Lots 42.01 & 42.02
Cranbury Township, Middlesex County



9/16/2014

Farmland Preservation Program

	PRESERVED EASEMENT
	EXCEPTION AREA
	PRESERVED EASEMENT / NR
	EXCEPTION AREA / NR
	FINAL APPROVAL
	PRELIMINARY APPROVAL
	ACTIVE APPLICATION
	8 YEAR PRESERVED
	TARGETED FARM
	INACTIVE APPLICATION
	NO CORRESPONDING DATA

State Planning Areas	
	(PA1) METRO
	(PA2) SUBURBAN
	(PA3) FRINGE
	(PA4) RURAL
	(PA4B) RURAL ENV SENS
	(PA5) ENV SENS
	(PA5B) ENV SENSITIVE BARRIER IS
	(PA10) PINELANDS
	PARK
	MILITARY
	NEW JERSEY MEADOWLANDS
	WATER
	ELLIS ISLAND- NJ
	ELLIS ISLAND- NY
Base Map	
	County Boundaries
	Municipal Boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Pinelands Area
	Green Acres Preserved Easements

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2015R10(6)

Request to Replace a Single Family Residence

Freiberger Farm

October 3, 2014

Subject Property: Block 27, Lot 42
Upper Freehold Township, Monmouth County
135.07 - Acres

WHEREAS, Freiberger Farms Inc., hereinafter "Owner", is the record owner of Block 27, Lot 42 in Upper Freehold Township, Monmouth County, by Deed dated October 23, 2008, and recorded in the Monmouth County Clerk's Office in Book 8745, Page 2148, totaling approximately 135.07 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the County of Monmouth, by the former Owners Charles and Lois Smith, by Deed dated March 26, 2008, and recorded in the Monmouth County Clerk's Office in Book 8711, Page 8961, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, and the Garden State Preservation Trust Act, N.J.S.A. 13:8C, et seq.; and

WHEREAS, on August 20, 2014, the SADC received a request to replace an existing single family residence on the Premises from the CADB on behalf of the Owner; and

WHEREAS, this residence sustained damage in hurricane Sandy and upon review of that damage more extensive structural problems such as termite, mold and HVAC damage were identified; and

WHEREAS, the Deed of Easement identifies two single-family residences on the Premises, no exception areas, no agricultural labor residential units and no RDSOs; and

WHEREAS, paragraph 14 ii of the Deed of Easement allows for the replacement of any existing single family residential building anywhere on the Premises with the approval of the Grantee and Committee; and

WHEREAS, on September 9, 2014, SADC staff visited the site; and

WHEREAS, the Premises is a hay, straw and grain farm; and

WHEREAS, the Owner proposes to replace the previously existing residence on the premises with a new residence for which will be the primary residence for Tina and Patrick Freiberger, operators of the farm; and

WHEREAS, Patrick Freiberger is a partner in Freiberger Farms Inc. along with his brother and father; and

WHEREAS, the proposed new residence is a ranch style home which will be constructed in the footprint area of the previously existing home, as shown on Schedule "A"; and

WHEREAS, the new house will utilize the existing driveway; and

WHEREAS, the Owner proposes to build a single-story house approximately 3,200 sq./ft. in size to replace the original farmhouse which was approximately 2,200 sq./ft.; and

WHEREAS, on September 2, 2014, the Monmouth CADB reviewed and approved the replacement of the existing residence on the Premises; and

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to the restrictions as contained in the Deed of Easement, finds that the replacement of a single-family residence on the Premises will have a positive impact on the continued agricultural operations of this farm by replacing the damaged residence with a new residence which shall serve as the primary residence for the farm operators; and

BE IT FURTHER RESOLVED, that the Committee approves the construction of a single family residence, consisting of approximately 3,200 sq./ft. heated living space, in the location shown in Schedule "A", to replace one of the two single family residences which existed on the Premises at the time of preservation; and

BE IT FURTHER RESOLVED, that this approval is valid for a period of three years from the date of this resolution; and

BE IT FURTHER RESOLVED, that this approval is non-transferable; and

BE IT FURTHER RESOLVED, that the construction of the new residence is subject to all applicable local, State and Federal regulations; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.



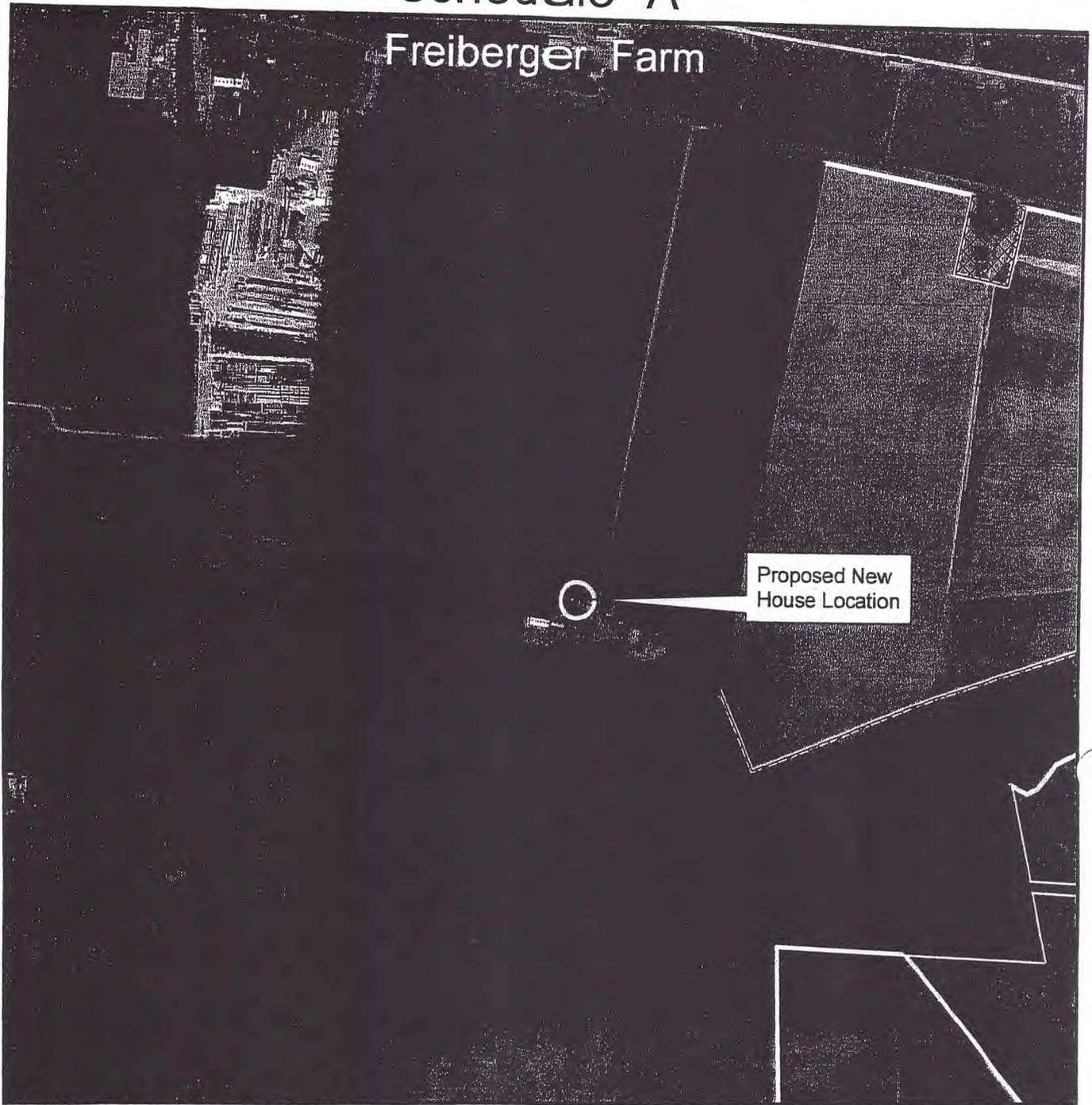
10-3-14
Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE TO BE RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Schedule "A" Freiberger Farm



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Freiberger Farm
Block 27, Lot 42
Upper Freehold Township, Hunterdon County



9/4/2014

Farmland Preservation Program

- PRESERVED EASEMENT
- EXCEPTION AREA
- PRESERVED EASEMENT / NR
- EXCEPTION AREA / NR
- FINAL APPROVAL
- PRELIMINARY APPROVAL
- ACTIVE APPLICATION
- 8 YEAR PRESERVED
- TARGETED FARM
- INACTIVE APPLICATION
- NO CORRESPONDING DATA

- ### State Planning Areas
- (PA-1) METRO
 - (PA-2) SUBURBAN
 - (PA-3) FRINGE
 - (PA-4) RURAL
 - (PA-4a) RURAL ENV SENS
 - (PA-5) ENV SENS
 - (PA-5a) ENV SENSITIVE BARRIER IS
 - (PA-6) PINELANDS
 - PARK
 - MILITARY
 - NEW JERSEY MEADOWLANDS
 - WATER
 - ELLIS ISLAND- NJ
 - ELLIS ISLAND- NY
- ### Base Map
- County Boundaries
 - Municipal Boundaries
 - Highlands Planning Area
 - Highlands Preservation Area
 - Pinelands Area
 - Green Acres Preserved Easements

STATE OF NEW JERSEY
AGRICULTURE RETENTION AND DEVELOPMENT PROGRAM

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION # FY2015R10(7)

REQUEST FOR EXTENSION OF PROJECT APPROVAL

MERCER COUNTY

GREGORY S. MC LAUGHLIN

OCTOBER 3, 2014

WHEREAS, the State Agriculture Development Committee (SADC) has received the request for extension of project approval application from the State Soil Conservation Committee (SSCC) for the **Gregory S. McLaughlin, SADC ID#11-0041-EP**, concerning the parcel of land located in the Township of Robbinsville, County of Mercer; and

WHEREAS, the SSCC has reviewed specific reasons for extension related to seasonal constraints and poor weather conditions, limited access to the site and layout has not been completed. Well permit has been applied for through the NJ DEP, layout of well and design and layout of drain tile complete. Project on track for completion this summer, as stated by the landowner, and on August 11, 2014, the SSCC approved the request for extension of 12 months for installation of previously approved projects pursuant to N.J.A.C. 2:76-5.4(d)2; and

WHEREAS, the SADC has reviewed said request for extension of project approval application from the above landowner pursuant to 2:76-5.4(d)2; and

WHEREAS, on July 28, 2011, the SADC approved a soil and water state cost-share grant in the amount of \$8,129.00, for approved projects submitted by the above landowner (at 50% cost share); and

WHEREAS, the landowner has expended the amount of \$0.00 (zero) to date and has requested the balance in the amount of \$8,129.00 to be extended until July 28, 2015; and

NOW THEREFORE BE IT RESOLVED, that the SADC, under the authority of N.J.A.C. 2:76-5.4(d)2, approves the extension of the term of obligation for a cost share grant in the amount of \$8,129.00 until July 28, 2015, with no further extension for **Gregory S. McLaughlin, SADC ID#11-0041-EP**, Township of Robbinsville, County of Mercer, subject to available funds; and

BE IT FURTHER RESOLVED, that the project must be completed by July 28, 2015.

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

10-3-14
DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	ABSTAIN
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Applicant Certification

I hereby request that approval for the above listed projects be extended for 12 months (not to exceed 12 months). I certify that I have been unable to complete these projects within the original three year period for the reasons stated above and anticipate completing them within the period of extension requested.

Signature Gregory S. McLaughlin

Date 4/25/14

Technical Agency Recommendation

I have reviewed this request for extension and concur with the reasons stated. Technical assistance for completion of the project will be provided.

Signature David Liccagline
District Conservationist

Date 5/5/2014

Soil Conservation District Approval

The Mercer Soil Conservation District has reviewed and approved this request at an official meeting held on 5/6/14 (Date) and recommends extension for 12 months.

Signature Ray B. [unclear]
District Chairman

Date 5-6-2014

State Soil Conservation Committee Approval

The SSCC has reviewed and approved this request for extension of 12 months for installation of previously approved projects as described above.

Signature [Signature]

Date 8/11/14

Title EXECUTIVE SECRETARY

State Agricultural Development Committee Approval

The SADC hereby extends funding authorization for the above listed projects.

This approval will expire 7-28-15.

Signature [Signature]

Date 10/3/14

Title EXECUTIVE DIRECTOR, SADC

NOTE: All requests for payment for projects completed by the extended date must be submitted no later than 30 days after that date. Projects completed after that date will not be eligible for payment. All requests for extension must be received by the State Soil Conservation Committee at least 30 days prior to the original expiration date to facilitate timely processing.

STATE OF NEW JERSEY
AGRICULTURE RETENTION AND DEVELOPMENT PROGRAM

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION # FY2015R10(8)

REQUEST FOR EXTENSION OF PROJECT APPROVAL

OCEAN COUNTY

SOUTH LAND FARMS, INC. (ENG & HUIE)

OCTOBER 3, 2014

WHEREAS, the State Agriculture Development Committee (SADC) has received the request for extension of project approval application from the State Soil Conservation Committee (SSCC) for the **South Land Farms, Inc. (Eng & Huie)**, SADC ID#15-0005-DE, concerning the parcel of land located in the Township of Plumsted, County of Ocean; and

WHEREAS, the SSCC has reviewed specific reasons for extension related to seasonal constraints and irrigation system design is still under review by the NRCS. The NRCS met with the landowner on 4/24/14 and the NRCS will design the filter layout in the order in which it was received, as stated by the landowner, and on August 11, 2014, the SSCC approved the request for extension of 12 months for installation of previously approved projects pursuant to N.J.A.C. 2;76-5.4(d)2; and

WHEREAS, the SADC has reviewed said request for extension of project approval application from the above landowner pursuant to 2:76-5.4(d)2; and

WHEREAS, on July 28, 2011, the SADC approved a soil and water state cost-share grant in the amount of \$6,750.00, for approved projects submitted by the above landowner (at 50% cost share); and

WHEREAS, the landowner has expended the amount of \$0.00 (zero) to date and has requested the balance in the amount of \$6,750.00 to be extended until July 28, 2015; and

NOW THEREFORE BE IT RESOLVED, that the SADC, under the authority of N.J.A.C. 2;76-5.4(d)2, approves the extension of the term of obligation for a cost share grant in the amount of \$6,750.00 until July 28, 2015, with no further extension for **South Land Farms, Inc. (Eng & Huie)**, SADC ID#15-0005-DE, Township of Plumsted, County of Ocean, subject to available funds; and

BE IT FURTHER RESOLVED, that the project must be completed by July 28, 2015.

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

10-3-14
DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Applicant Certification

I hereby request that approval for the above listed projects be extended for 12 months (not to exceed 12 months). I certify that I have been unable to complete these projects within the original three year period for the reasons stated above and anticipate completing them within the period of extension requested.

Signature Nelson Huie

Date 6/17/14

Technical Agency Recommendation

I have reviewed this request for extension and concur with the reasons stated. Technical assistance for completion of the project will be provided.

Signature David Kucagiro
District Conservationist

Date 6/19/2014

Soil Conservation District Approval

The Ocean Soil Conservation District has reviewed and approved this request at an official meeting held on 7-17-14 (Date) and recommends extension for 12 months.

Signature Will Peltok
District Chairman

Date July 17, 2014

State Soil Conservation Committee Approval

The SSCC has reviewed and approved this request for extension of 12 months for installation of previously approved projects as described above.

Signature [Signature]

Date 8/1/14

Title EXECUTIVE SECRETARY

State Agricultural Development Committee Approval

The SADC hereby extends funding authorization for the above listed projects. This approval will expire 7-28-15.

Signature Sam E. Page

Date 10-3-14

Title EXECUTIVE DIRECTOR, SADC

NOTE: All requests for payment for projects completed by the extended date must be submitted no later than 30 days after that date. Projects completed after that date will not be eligible for payment. All requests for extension must be received by the State Soil Conservation Committee at least 30 days prior to the original expiration date to facilitate timely processing.

IX-D 1+2

Soil And Water Conservation Project Cost Share Grants
EXTENSION OF PROJECT APPROVALS SUMMARY

SADC ID #	LANDOWNER/AGENT	MUNICIPALITY	COUNTY	OBLIGATION						EXTENSION REQUEST			8 YR EXPIRE DATE
				FUND	#	ORIGINAL AMOUNT	LESS PAYMENTS	BALANCE	EXPIRATION DATE	AMOUNT	TIME	EXPIRATION DATE	
11-0041-EP	Gregory S. McLaughlin	Robbinsville	Mercer	1995 BF	1	8,129.00	-	8,129.00	07/28/14	8,129.00	12 months	07/28/15	10/04/20
50% Cost Share													
Original project description: Installation of 6" irrigation well at a depth of 200' and 2000' of 6" underground drainage tile													
Extension request is to complete the remaining components of the project: 6" irrigation well at a depth of 200' and 2000' of 6" underground drainage tile													
Reason for Extension: Poor weather conditions limited access to the site and layout has not been completed. Well permit has been applied for through DEP, layout of well and design and layout of drain tile complete. Project on track for completion this summer.													
Landowner formally initiated request for extension on April 25, 2014													
NRCS reviewed and concurred with reasons for extension on May 5, 2014													
Soil Conservation District approved request for extension on May 6, 2014													
SSCC approved the Request for Extension on August 11, 2014 and recommends SADC approval of extension request													
Funds are encumbered in 1995 Bond Fund													
Extension of project approved to July 28, 2015 for \$8,129 50 Percent Cost Share													
15-0005-DE	South Land Farms, Inc. (Eng & Huie)	Plumsted	Ocean	1995 BF	2	6,750.00	-	6,750.00	07/28/14	6,750.00	12 months	07/28/15	03/27/17
50% Cost Share													
Original project description: Installation of micro irrigation component filter for surface water													
Extension request is to complete the remaining components of the project: micro irrigation filter for surface water													
Reason for Extension: Irrigation system design is still under review by NRCS - NRCS met with L/O on 4/24/14. NRCS will design filter layout in the order which it was received.													
Landowner formally initiated request for extension on June 17, 2014													
NRCS reviewed and concurred with reasons for extension on June 19, 2014													
Soil Conservation District approved request for extension on July 17, 2014													
SSCC approved the Request for Extension on August 11, 2014 and recommends SADC approval of extension request													
Funds are encumbered in 1995 Bond Fund													
Extension of project approved to July 28, 2015 for \$6,750 50 Percent Cost Share													

STATE AGRICULTURE DEVELOPMENT COMMITTEE
CERTIFICATION OF
THE AMENDED AGRICULTURAL DEVELOPMENT AREA MAP

WARREN COUNTY

RESOLUTION FY2015R10(9)

October 3, 2014

WHEREAS, the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, provides for the identification of Agricultural Development Areas (ADAs) by county agriculture development boards; and

WHEREAS, pursuant to N.J.S.A. 4:1C-18, the Warren County Agriculture Development Board (WCADB) adopted, after a public hearing, ADA criteria and a map identifying areas where agriculture shall be the preferred, but not necessarily exclusive use of land, documenting that the area:

1. Encompasses productive agricultural lands which are currently in production or have a strong potential for future production and in which agriculture is a permitted use under the current municipal zoning ordinance or in which agriculture is permitted as a nonconforming use;
2. Is reasonably free of suburban and conflicting commercial development;
3. Comprises not greater than 90% of the agricultural land mass of the county;
4. Incorporates any other characteristics deemed appropriate by the Board; and

WHEREAS, pursuant to N.J.A.C. 2:76-1.4, the WCADB incorporated the following other criteria into the County ADA criteria:

1. Land is currently in agricultural production or has strong potential for agricultural production or is farm assessed through a woodland management plan;
2. Agriculture is the preferred, but not necessarily the exclusive use; and
3. Agriculture is a use permitted by the current municipal zoning ordinance or is allowed as a non-conforming use; and

WHEREAS, on July 24, 2008, the State Agriculture Development Committee (SADC) certified Warren County's designated ADA criteria and map showing the general location of the ADA(s) as defined by the application of the criteria, as part of the County's Comprehensive Farmland Preservation Plan update; and

WHEREAS, on December 8, 2011 and January 26, 2012, the SADC certified minor amendments to Warren County's ADA map to add potential applications and/or farms targeted under the Municipal Planning Incentive Grant Program; and

WHEREAS, after holding a public hearing on November 15, 2012, the WCADB approved a resolution on December 20, 2012 amending the Warren County ADA to include Block 2, Lot 5 in Lopatcong Township as part of a nonprofit farmland preservation application (Sunny Hill / Raub Farm, 6.13 acres) straddling the existing ADA border with Harmony Township; and

WHEREAS, after holding a public hearing on December 19, 2013, the WCADB approved a resolution on January 16, 2014 amending the Warren County ADA to include the following six (6) parcels (totaling 94.8 acres) involving four (4) farmland preservation applications on the existing ADA boundary:

1. Block 2, Lots 16 & 16.01 in Oxford Township
(Bartha, 16.2764 acres)
2. Block 23, Lot 1 in Independence Township
(Barton #1, 21.8501 acres)
3. Block 97, Lot 5 in Alpha Borough
(Oberly, 7.675 acres)
4. Block 14, Lots 10 & 12.01 in Independence Township
(Klimas, 48.999 acres); and

WHEREAS, at the same meetings, at the request of the respective Townships, after holding a public hearing on December 19, 2013, the WCADB also approved in the above stated resolution on January 16, 2014 the following amendments to the Warren County ADA in order to add the farm parcels to their Municipal Planning Incentive Grant target farm lists:

1. Frelinghuysen Township - Block 201, Lots 17, 17.02, 21, 22, 23, 31, 32, 32.06, 32.07 & 33 (totaling 337.6021 acres)
2. White Township - Block 51, Lot 4 (Fratezi, 22.6412 acres); and

WHEREAS, the Sunny Hill / Raub Farm (Block 2, Lot 5) in Lopatcong Township is adjacent to Block 33, Lot 55 in Harmony Township (consisting of 20.8 acres in the ADA under common ownership and part of The Land Conservancy of New Jersey farmland preservation application), is in the Highlands Planning Area, Agricultural Resource Area and in a Moderate Priority Area for Agricultural Preservation, is not in an existing or planned sewer service area and is zoned for low-density residential development (R-5/2 Residential with a 5 acre minimum lot size) as shown on Schedule A; and

WHEREAS, the Bartha Farm (Block 2, Lots 16 & 16.01) in Oxford Township is adjacent to Block 15, Lot 1 in White Township (consisting of 29.9 acres under the same ownership in the existing ADA), is in the Highlands Preservation Area, is not within

an existing or planned sewer service area and is zoned for single family dwellings on 120,000 square foot (2.75 acre) minimum lots as shown on Schedule B; and

WHEREAS, the Barton #1 Farm (Block 23, Lot 1) in Independence Township is adjacent to Block 102.02, Lot 2.01 in Mansfield Township (consisting of 20.8 acres under the same ownership in the existing ADA), is in the Highlands Preservation Area, Agricultural Resource Area and is a High Priority for Agricultural Preservation, is not within an existing or planned sewer service area and is in a R-2, low-density residential zone (2 acre minimum lot size) as shown on Schedule C; and

WHEREAS, the Oberly Farm (Block 97, Lot 5) in Alpha Borough is adjacent to Block 95, Lots 2 and 2.06 in Pohatcong Township (consisting of a total of 85.1 acres under the same ownership in the existing ADA), is in the Highland Planning Area, Agricultural Resource Area and is a High Priority for Agricultural Preservation, is not within an existing or planned sewer service area and is in a R-1 low density residential zone (3 acre minimum lot size) as shown on Schedule D; and

WHEREAS, the Klimas Farm (Block 14, Lots 10 & 12.01) in Independence Township is adjacent to Block 101.02, Lots 43 & 44 in Mansfield Township (consisting of 122.55 acres under the same ownership in the existing ADA), is in the Highlands Preservation Area, Agricultural Resource Area and is split between the High and Moderate Preservation Priority Areas for Agricultural Preservation, is not within an existing or planned sewer service area and is in a low-density residential zone (with a 3 acre minimum lot size) as shown on Schedule E; and

WHEREAS, Block 201, Lots 17, 17.02, 21, 22, 23, 31, 32, 32.06, 32.07 & 33 in Frelinghuysen Township, totaling approximately 337 Farmland-Assessed acres under many owners, are in the Highlands Planning Area, Agricultural Resource Area and are primarily located in Areas of High or Moderate Priority for Agricultural Preservation, are not in an existing or planned sewer service area and are all located in the AR-6 Agricultural Residential zone (6 acre minimum lot size) as shown on Schedule F; and

WHEREAS, the Fratezi Farm (Block 51, Lot 4) is still under SADC staff review for consideration and, therefore, is not included in this resolution of approval; and

WHEREAS, pursuant to N.J.A.C. 2:76-1.5, the WCADB held public hearings on November 15, 2012 and on December 19, 2013 to consider public comments in amending its ADA map; and

WHEREAS, all of the lots in the proposed expansions of the Warren County ADA are in areas designated by the State Planning Commission as either Rural, Rural / Environmentally Sensitive or Environmentally Sensitive Planning Areas (PAs 4, 4B and 5) under the New Jersey State Development and Redevelopment Plan Policy Map; and

WHEREAS, the all of the above farms have owners that have applied for or expressed interest in the farmland preservation program and all appear to exceed the minimum SADC eligibility standards for tillable acreage and soil productivity; and

WHEREAS, the WCADB received resolutions of support for the ADA amendments from the Township Committees in Oxford, Independence, Frelinghuysen and White Townships and Alpha Borough, and

WHEREAS, the WCADB has requested the SADC's certification of the Amended ADA map by resolutions dated December 20, 2012 and January 16, 2014; and

WHEREAS, the SADC reviewed the WCADB submissions and has determined that the analysis of factors and resultant criteria is reasonable and consistent with the statute and SADC regulations, pursuant to N.J.A.C. 2:76-1.6, but needs additional information regarding the Fratezi Farm (Block 51, Lot 4) prior to taking action on that farm.

NOW THEREFORE BE IT RESOLVED that the SADC certifies the WCADB approval of the amended ADA map, pursuant to N.J.A.C. 2:76-1.7, excluding the Fratezi farm (Block 51, Lot 4, White Township) at this point in time, adding a total of approximately 438 acres in Lopatcong, Oxford, Independence and Frelinghuysen Townships and Alpha Borough, as shown on the attached Schedules A through F; and

BE IT FURTHER RESOLVED, that this approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4F.

10-3-14

Date

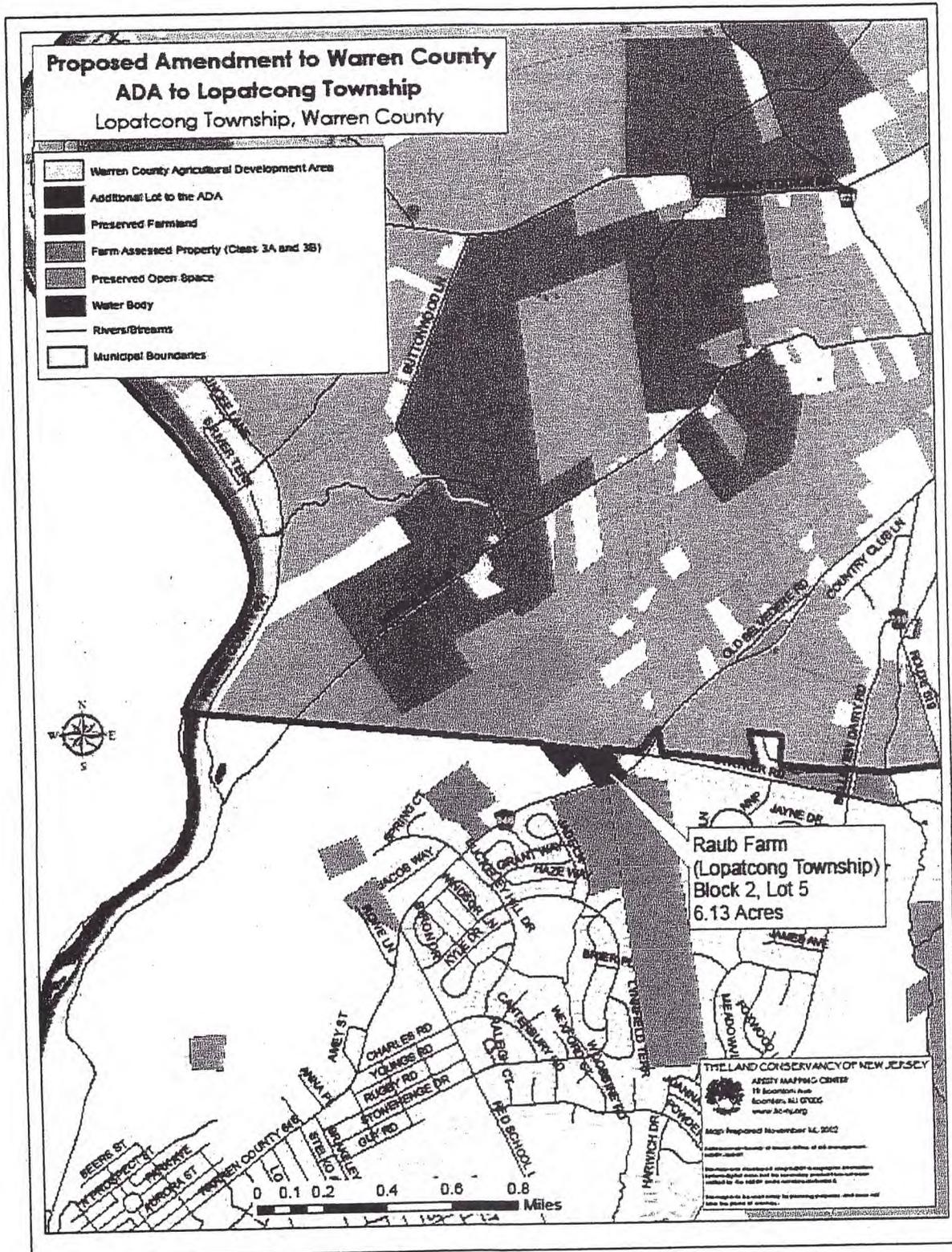


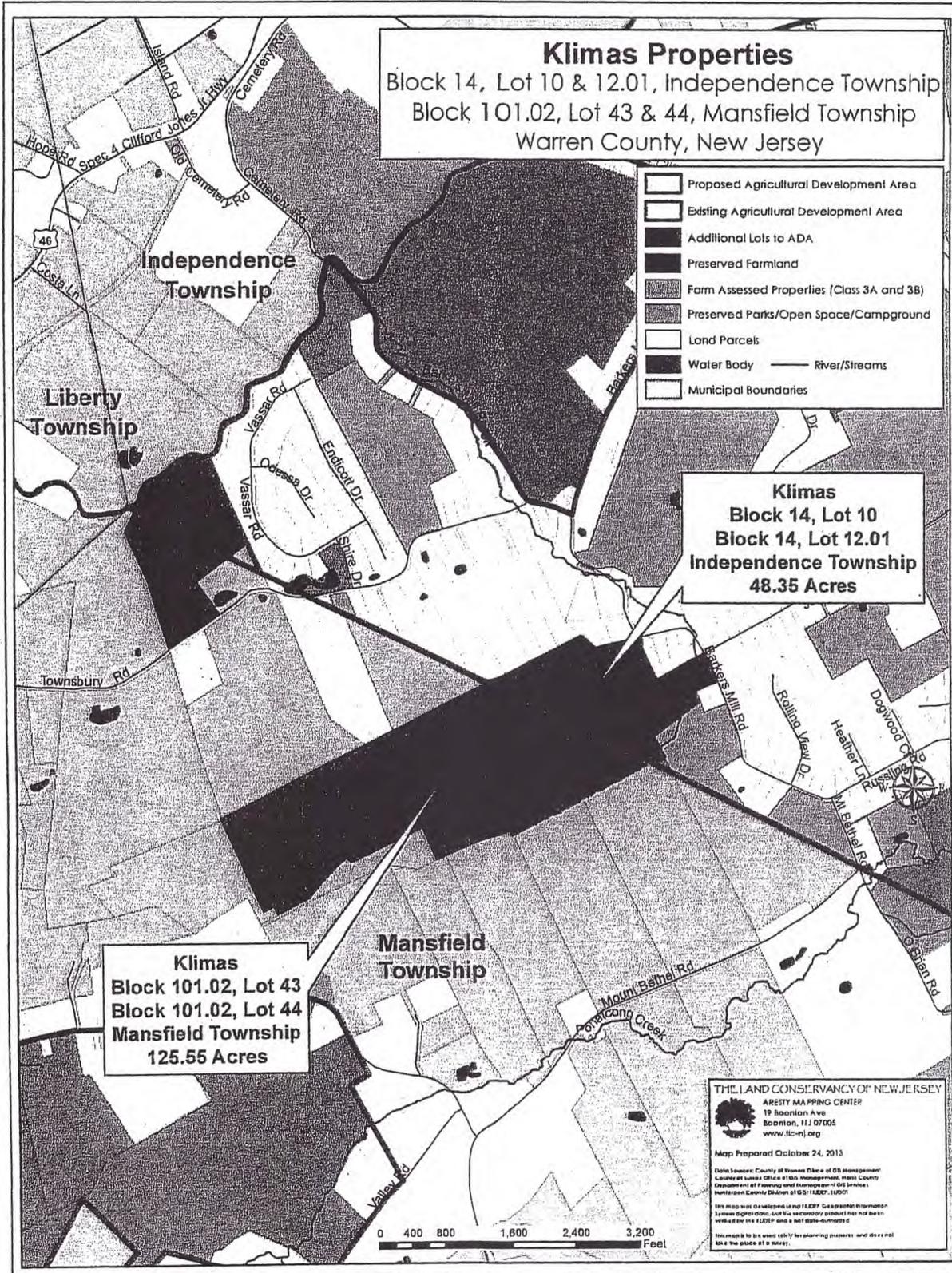
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Schedule A





STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R10(10)

FINAL APPROVAL

Of

**BERGEN COUNTY'S PLANNING INCENTIVE GRANT APPLICATION
INCLUDING COMPREHENSIVE FARMLAND PRESERVATION PLAN AND PROJECT
AREA SUMMARIES**

FY 2010 PIG PROGRAM

October 3, 2014

WHEREAS, the State Agriculture Development Committee ("SADC") is authorized under the Farmland Preservation Planning Incentive Grant Act, P.L. 1999, c.180 (N.J.S.A. 4:1C-43.1), to provide a grant to eligible counties and municipalities for farmland preservation purposes based on whether the identified project area provides an opportunity to preserve a significant area of reasonably contiguous farmland that will promote the long term viability of agriculture as an industry in the municipality or county; and

WHEREAS, to be eligible for a grant, a county shall:

1. Identify project areas of multiple farms that are reasonably contiguous and located in an agricultural development area authorized pursuant to the "Agriculture Retention and Development Act," P.L. 1983, c.32 (C.4:1C-11 et seq.);
2. Establish a county agriculture development board (CADB), pursuant to N.J.S.A. 4:1C-14, to serve as the agricultural advisory committee;
3. Prepare a comprehensive farmland preservation plan; and
4. Establish and maintain a dedicated source of funding for farmland preservation pursuant to P.L. 1997, c.24 (C.40:12-15.1 et seq.), or an alternative means of funding for farmland preservation, including, but not limited to, a dedicated tax, repeated annual appropriations or repeated issuance of bonded indebtedness; and

WHEREAS, a county, in submitting an application to the SADC shall outline a multi-year plan for the purchase of multiple targeted farms in a project area and indicate its annual share of the estimated purchase price; and

WHEREAS, the application shall include a copy of the comprehensive farmland preservation plan element; an estimate of the cost of purchasing development easements on all the farms in a designated project area, to be determined in consultation with the CADB or through an appraisal for the entire project area; and an inventory showing the characteristics of each farm in the project area which may included, but not be limited to, size, soils and agricultural use; and

WHEREAS, the SADC adopted amended rules, effective July 2, 2007, under Subchapter 17 (N.J.A.C. 2:76-17) to implement the Farmland Preservation Planning Incentive Grant Act, P.L. 1999, c.180 (N.J.S.A. 4:1C-43.1) by establishing a county farmland preservation planning incentive grant program; and

WHEREAS, a county, applying for a grant to the SADC shall submit a copy of the county comprehensive farmland preservation plan and a project area summary for each project area designated within the plan, pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.4, the SADC specified that a county comprehensive farmland preservation plan shall, at a minimum, include the following components:

1. A complete description of the county's agricultural resource base and industry trends;
2. A complete description of the county's past and future farmland preservation program activities, including program goals and objectives, and any proposed farmland preservation program project areas;
3. A description of the land use planning context for farmland preservation initiatives including identification of the county's adopted Agricultural Development Area (ADA) and consistency of the county's farmland preservation program with local, county, regional, and State planning and conservation efforts;
4. A complete discussion of the actions the county has taken, or plans to take, to promote agricultural economic development in order to sustain the agricultural industry;
5. A detailed map of, and county resolution approving, the adopted ADA of the county;
6. A summary identifying county funding dedicated to or available for, preservation of farmland through the State Farmland Preservation Program;
7. A funding plan for the preservation of land consistent with the county's one-, five-, and 10-year preservation projections;
8. The minimum eligibility criteria or standards as adopted by the county for solicitation and approval of farmland preservation program applications;
9. The adopted ranking criteria that the county will use to prioritize farms for county farmland preservation funding; and

10. Any other policies, guidelines or standards used by the county that affect farmland preservation application evaluation or selection; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.5, the SADC required the county to prepare a project area summary containing the following information for each project area designated within the county comprehensive farmland preservation plan:

1. An inventory of the number of farms or properties, and their individual and aggregate acreage, for targeted farms, farmland preservation applications with final approvals, preserved farms, lands enrolled in an eight-year farmland preservation program and preserved open space compatible with agriculture;
2. Aggregate size of the entire project area;
3. Density of the project area;
4. Soil productivity of the targeted farms;
5. An estimate of the cost of purchasing development easements on the targeted farms in the designated project area;
6. A multi-year plan for the purchase of development easements on the targeted farms in the project area, indicating the county's and, if appropriate, any other funding partner's share of the estimated purchase price, including an account of the estimated percentage of leveraged State funds and the time period of installment purchase agreements, where appropriate; and

WHEREAS, on December 14, 2006, the SADC adopted *Guidelines for Developing County Comprehensive Farmland Preservation Plans* to supplement the new rules at N.J.A.C. 2:76-17 and provide uniform, detailed plan standards, update previous planning standards, and incorporate recommendations from the 2006 edition of the Agricultural Smart Growth Plan for New Jersey, the Planning Incentive Grant Statute (N.J.S.A. 4:1C-43.1) and the New Jersey Department of Agriculture Guidelines for Plan Endorsement under the State Development and Redevelopment Plan; and

WHEREAS, the *Guidelines* emphasize that these County Comprehensive Farmland Preservation Plans should be developed in consultation with the agricultural community including the CADB, county Planning Board, the county Board of Agriculture, and municipal Agricultural Advisory Committees with at least two public meetings including a required public hearing prior to CADB adoption; and

WHEREAS, SADC staff have worked in partnership with county representatives to provide and identify sources for the latest data with respect to agricultural statistics, water resources, agricultural economic development, land use and resource conservation; and

WHEREAS, the 2009 County Planning Incentive Grant round was the initial year of the program administered under the SADC's amended rules, effective July 2, 2007; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.6(a), the SADC received 15 county planning incentive grant applications for the 2009 County Planning Incentive Grant round, consisting of a copy of the county's draft comprehensive farmland preservation plan and all applicable project area summaries; and

WHEREAS, Bergen County chose to wait until the 2010 County Planning Incentive Grant round to submit a draft county comprehensive farmland preservation plan and all applicable project area summaries; and

WHEREAS, in addition to the 15 applications submitted for the 2009 County Planning Incentive Grant Program, the SADC received 2 new county Planning Incentive Grant applications for the 2010 County Planning Incentive Grant round, including the Bergen County submission, pursuant to N.J.A.C. 2:76-17.6(a), by the December 15, 2008 deadline; and

WHEREAS, the 17 total applications for the 2010 County Planning Incentive Grant Program identified 116 project areas and targeted 3,573 farms and 192,463 acres at an estimated total cost of \$2,476,000,000 with a ten-year preservation goal of 151,046 acres, as summarized in the attached Schedule A; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.6(b)1 and N.J.A.C. 2:76-17.6(b)2, in order to improve county and municipal farmland preservation coordination, the counties notified all municipalities in which targeted farms are located within a project area and provided evidence of municipal review and comment and, if appropriate, the level of funding the municipality is willing to provide to assist in the purchase of development easements on targeted farms; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, SADC staff reviewed and evaluated the county's application to determine whether all the components of the comprehensive farmland preservation plans are fully addressed and complete and whether the project area summaries are complete and technically accurate, and that the application is designed to preserve a significant area of reasonably contiguous farmland that will promote the long-term economic viability of agriculture as an industry; and

WHEREAS, on May 28, 2009, the SADC granted conditional preliminary approval to Bergen County's 2010 Planning Incentive Grant application; and

WHEREAS, the conditions of preliminary approval for Bergen County were as follows:

1. SADC determination that each designated project area is complete and technically accurate.
2. SADC receipt of evidence of the adoption of the Comprehensive Farmland Preservation Plan by the CADB after a properly noticed public meeting.
3. SADC receipt of an electronic and paper copy of the approved Comprehensive Farmland Preservation Plan; and

WHEREAS, after a public hearing on September 9, 2014, both the Bergen County Agriculture Development Board and the Bergen County Planning Board adopted the County Comprehensive Farmland Preservation Plan, including an updated map of the County's Agricultural Development Area; and

WHEREAS, SADC staff have determined that Bergen County has satisfied all requirements of the conditional preliminary approval.

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval of the Bergen County Planning Incentive Grant application as summarized in the attached Schedule B; and

BE IT FURTHER RESOLVED, that funding eligibility shall be established pursuant to N.J.A.C. 2:76-17.8(a), and that the SADC's approval of State funding is subject to the Garden State Preservation Trust approval, the Legislative appropriation of funds and the Governor signing the respective appropriation bills; and

BE IT FURTHER RESOLVED, that the SADC will monitor the county's funding plan pursuant to N.J.A.C. 2:76-17.17 and adjust the eligibility of funds based on the county's progress in implementing the proposed funding plan. Each Planning Incentive Grant county should expend its grant funds within two years of the date the funds are appropriated. To be considered expended a closing must have been completed with the SADC. Any funds that are not expended within two years are subject to reappropriation and may no longer be available to the county; and

BE IT FURTHER RESOLVED, that the SADC's approval is conditioned upon the Governor's review period pursuant to N.J.S.A 4:1C-4f.

10-3-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

2010 COUNTY AND MUNICIPAL PLANNING INCENTIVE GRANT
APPLICATION SUMMARY

County / Municipality	# of Project Areas	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost in Millions	Project Area Acreage	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	Dedicated Tax \$0.0 / \$100	Annual Tax Revenue in Millions	Annual Tax for Farmland Preservation in Millions
Bergen	8	40	525	\$70.454	10,887	30	150	300	0.25	\$4.136	No Set Amount
Burlington	4	204	22,408	\$100.000	111,806	1,000	5,000	10,000	4.00	\$20.000	No Set Amount
Camden	5	57	3,469	\$30.843	15,071	762	2,369	3,470	2.00	\$7.600	No Set Amount
Cape May	6	198	13,172	\$357.258	16,065	299	1,097	1,976	1.00	\$4.400	No Set Amount
Cumberland	15	457	17,843	\$106.647	56,138	1,050	5,250	10,500	1.00	\$0.906	No Set Amount
Upper Deerfield	1	57	3,958	\$23.780	9,233	396	1,979	3,958	0.00	\$0.050	\$0.050
Gloucester	11	32	1,736	\$24.445	112,929	1,000	5,000	10,000	4.00	\$11.000	No Set Amount
Elk	2	30	1,005	\$11.100	3,520	75	377	754	1.00	\$0.038	\$0.038
Franklin	5	259	5,464	\$33.027	10,152	828	2,662	5,613	1.00	\$0.076	No Set Amount
Woolwich	3	74	4,071	\$81.846	5,139	415	2,070	4,134	5.00	\$0.280	Up to \$0.280
Hunterdon	7	130	11,275	\$106.628	177,990	1,500	7,500	15,000	3.00	\$7.060	\$2.293
Alexandria	4	13	2,448	\$22.000	3,640	250	750	1,500	4.00	\$0.314	No Set Amount
Delaware	2	15	1,272	\$22.800	23,707	500	2,500	5,000	6.00	\$0.537	\$0.537
East Amwell	1	14	1,364	\$15.000	13,523	136	682	1,364	4.00	\$0.315	\$0.350
Franklin	1	15	1,516	\$21.592	10,664	161	533	822	5.00	\$0.275	\$0.275
Holland	4	28	1,928	\$19.280	11,335	250	1,250	2,500	2.00	\$0.079	\$0.079
Kingwood	1	34	2,476	\$24.760	12,645	227	1,238	2,476	3.00	\$0.211	\$0.106
Raritan	4	17	1,284	\$27.363	6,111	100	300	600	2.00	\$0.646	No Set Amount
Readington	1	42	2,330	\$44.270	15,759	200	1,000	2,000	2.00	\$0.570	\$0.600
Tewksbury	3	3	409	\$9.700	4,557	100	300	1,000	5.00	\$0.425	No Set Amount
Union	3	21	701	\$8.199	4,189	70	325	600	2.00	\$0.137	No Set Amount
West Amwell	1	8	757	\$9.100	10,440	100	500	757	6.00	\$0.315	No Set Amount
Mercer	7	35	3,026	\$128.787	17,725	100	500	1,000	3.00	\$13.300	No Set Amount
Hopewell	1	11	958	\$28.734	30,000	96	383	479	3.00	\$1.255	No Set Amount
Middlesex	5	131	5,371	\$201.195	20,573	225	1,125	2,250	3.00	\$31.000	No Set Amount
Monmouth	5	133	13,236	\$438.957	59,146	1,200	5,000	8,000	1.50	\$17.900	No Set Amount
Colts Neck	1	6	293	\$14.000	19,023	97	300	600	2.50	\$0.354	No Set Amount
Holmdel	1	12	564	\$26.117	2,568	10	70	338	2.50	\$1.145	No Set Amount
Howell	3	13	560	\$12.846	12,666	127	370	453	2.00	\$1.396	\$0.700
Manalapan	1	36	1,560	\$31.100	9,223	156	780	1,560	2.00	\$1.200	No Set Amount
Marlboro	3	17	588	\$36.700	19,690	45	312	588	2.00	\$0.625	No Set Amount
Millstone	4	62	4,038	\$121.100	12,359	716	1,116	1,716	6.00	\$0.830	No Set Amount
Upper Freehold	1	207	10,390	\$207.800	27,358	550	1,550	3,050	4.00	\$0.328	No Set Amount

2010 COUNTY AND MUNICIPAL PLANNING INCENTIVE GRANT
APPLICATION SUMMARY

County / Municipality	# of Project Areas	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost in Millions	Project Area Acreage	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	Dedicated Tax \$0.0 / \$100	Annual Tax Revenue in Millions	Annual Tax for Farmland Preservation in Millions
Morris	3	96	6,901	\$203.800	169,342	542	2,709	5,418	3.00	\$44.000	\$11.000
Ocean	7	155	3,529	\$88.089	21,975	387	901	3,402	1.20	\$10.000	No Set Amount
Passaic	1	5	116	\$4.646	6,415	100	500	1,000	1.00	\$5.200	\$0.780
Salem	3	173	6,949	\$50.848	80,125	2,600	13,000	26,000	2.00	\$0.900	\$0.900
Alloway	1	7	384	\$3.072	5,055	38	194	384	2.00	\$0.020	No Set Amount
Pilesgrove	3	44	3,970	\$62.314	7,297	179	827	1,506	3.00	\$0.145	\$0.145
Pittsgrove	2	89	3,180	\$23.850	7,093	435	1,997	3,814	3.00	\$0.178	No Set Amount
Upper Pittsgrove	3	11	459	\$3.440	25,062	700	3,500	7,000	2.00	\$0.070	\$0.070
Somerset	12	419	15,780	\$191.763	87,695	1,000	5,000	10,000	3.00	\$18.340	No Set Amount
Bedminster	1	72	5,427	\$162.800	10,111	500	3,000	5,500	2.00	\$0.522	No Set Amount
Bernards	1	29	702	\$55.300	3,798	165	265	270	4.00	\$3.030	No Set Amount
Branchburg	1	23	737	\$40.535	1,873	154	266	737	5.00	\$1.500	No Set Amount
Franklin	2	25	1,100	\$34.379	17,422	130	650	1,100	5.00	\$4.000	No Set Amount
Hillsborough	3	36	1,686	\$33.761	3,860	100	500	1,000	4.10	\$1.478	\$0.300
Montgomery	1	26	1,250	\$37.550	20,646	115	385	500	4.00	\$1.700	No Set Amount
Peapack & Gladstone	2	7	161	\$4.402	1,932	20	80	160	3.00	\$0.248	\$0.124
Sussex	10	1013	39,240	\$231.146	176,195	2,648	13,240	26,480	2.00	\$3.965	\$3.600
Warren	7	295	27,887	\$144.123	148,582	1,625	8,125	16,250	6.00	\$7.800	\$4.500
Franklin	4	104	6,142	\$50.210	9,455	250	1,204	2,299	6.50	\$0.270	No Set Amount
Freylinghuysen	7	82	3,511	\$22.822	9,483	100	500	1,000	2.00	\$0.055	\$0.055
Greenwich	1	8	1,832	\$36.640	3,453	120	480	1,832	4.00	\$0.230	No Set Amount
Harmony	3	152	5,454	\$43.682	12,409	100	500	1,000	5.00	\$0.247	\$0.247
Hope	3	92	4,947	\$29.682	5,384	200	900	1,800	5.00	\$0.045	No Set Amount
Knowlton	2	61	3,460	\$27.900	13,355	100	500	1,000	2.00	\$0.051	\$0.102
Pohatcong	4	105	3,313	\$33.100	5,306	1,015	1,763	1,955	5.00	\$0.155	\$0.155
White	4	112	4,661	\$23.416	13,604	150	750	1,400	2.00	\$0.126	\$0.126
County Totals (17)	116	3,573	192,463	\$2,480	1,288,659	16,068	76,466	151,046		\$208	
Municipal Totals (42)	99	2,079	102,310	\$1,581	454,099	10,176	39,608	76,119		\$25	

Note: In many cases County and Municipal project areas overlap. Also, identified farms may appear on both County and Municipal target farm lists.
Date: 9/19/14

COUNTY PLANNING INCENTIVE GRANT
Final Approval Application
 (2010 Round)
 October 2014

County	Project Area	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	Estimated Cost per Acre	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	Dedicated Tax \$0.0 / \$100	Annual Tax Revenue	Annual Tax for Farm Preservation
Bergen	Masonicus Brook	2	36.40	\$4,550,000	\$125,000						
	Ramapo Valley	6	73.10	\$9,137,500	\$125,000						
	Montvale Borough	2	42.60	\$5,325,000	\$125,000						
	Franklin Lakes	7	94.25	\$13,195,000	\$140,000						
	Saddle River	7	92.30	\$15,229,500	\$165,000						
	Lake Tappan / Oradell Reservoir	9	81.00	\$10,125,000	\$125,000						
	Oakland Borough	5	81.50	\$8,965,000	\$110,000						
	Paramus Borough	2	23.80	\$3,927,000	\$165,000						
	8	40	524.95	\$70,454,000		30	150	300	0.25	\$4,135,912	No Set Amount
	8	40	524.95	\$70,454,000		30	150	300			

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R10(11)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

ELK TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Charles & Norma Wright ("Owners")
Elk Township, Gloucester County

N.J.A.C. 2:76-17A

SADC ID# 08-0154-PG

October 3, 2014

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Elk Township, Gloucester County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted approval to Elk Township's Farmland Preservation FY15 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on February 14, 2013, the SADC received an individual application for the sale of a development easement for the Wright Farm, identified as Block 28, Lot 10, Elk Township, Gloucester County, totaling 37.72 surveyed easement acres, hereinafter referred to as the "Property" (Schedule A); and

WHEREAS, the Property is located in the Township's Still Run Project Area; and

WHEREAS, the Property has zero (0) single family residences, zero (0) agricultural labor housing, zero (0) exceptions and no pre-existing non-agricultural uses; and

WHEREAS, at the time of application the Property was in wheat and vegetable production; and

WHEREAS, the Owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on May 23, 2013 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on November 14, 2013 the SADC certified a development easement value of \$6,500 per acre based on zoning and environmental regulations in place as of July 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on June 19, 2014 the Gloucester CADB passed a resolution granting final approval to the acquisition of the development easement on the Property; and

WHEREAS, on June 23, 2014 Gloucester County Agriculture Development Board (CADB) requested that the SADC transfer five County PIG applications to be processed through Elk Township's Municipal PIG program, including the Wright application; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on July 15, 2014 the Elk Township Committee approved transfer of the application from the County PIG program to the Elk Township PIG program, and approved preservation of the farm, but was not participating financially; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on August 20, 2014 the Gloucester County Board of Chosen Freeholders passed a resolution granting final approval to the acquisition of a development easement and a commitment of funding for \$2,350 per acre; and

WHEREAS, to date \$750,000 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Plan; and

WHEREAS, to date Elk Township has encumbered zero (0) of its SADC grant funds, leaving a cumulative balance of \$750,000 (Schedule B); and

WHEREAS, Elk Township has three other projects pending against this balance; and

WHEREAS, the cost share breakdown is approximately as follows (based on 37.72 surveyed acres):

	<u>Total</u>	
SADC	\$156,538	(\$4,150/acre and 63.85% of purchase)
<u>Gloucester County</u>	<u>\$ 88,642</u>	<u>(\$2,350/acre and 36.15% of purchase)</u>
Total Easement Purchase	\$245,180	(\$6,500/acre)

WHEREAS, the Township is requesting \$156,538 from the available municipal PIG funding, resulting in a balance of \$593,462; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, the municipality is not eligible for 50% of the eligible ancillary costs for the purchase of a development easement because the costs were incurred by the county and not the municipality;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Elk Township for the purchase of a development easement on the Property by Gloucester County, comprising 37.72 surveyed acres, at a State cost share of \$4,150/acre, (63.85% of certified market value), for an estimated total grant need of \$156,538 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property is approved with zero (0) single family residences, zero (0) agricultural labor housing and no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, the Township and County agree to the SADC providing its grant directly to Gloucester County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

10-3-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Schedule A

x:\counties\gloco\projects\wright\CNfww.mxd



Application within the (PA3) Fringel Area
and the (PA5) Rural Environmentally Sensitive Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Wright, Charles & Norma
Block28 Lot 10 (38.16 ac)
Gross Total = 38.16 ac
ElkTwp., Gloucester County

500 250 0 500 1,000 Feet

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJGIT/OGIS 2007/2008 Digital Aerial image

Date: 2/25/2013

**Municipal Planning Incentive Grant
Elk Township, Gloucester County**

Farm	Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Grant % Per Acre	Easement Consideration	SADC Cost Share	733 - GSPT		
								Encumbered	Expended	Balance
Wright	37.720	6,500.00	6,500.00	4,150.00	63.85%	245,180.00	156,538.00	156,538.00		750,000.00 593,462.00
Pending										
Haynicz	29.380	7,000.00	7,000.00	4,400.00	62.86%	205,660.00	129,272.00			
DeClement & Hogan	19.120	7,000.00	7,000.00	4,400.00	62.86%	133,840.00	84,128.00			
Haig & Lucas	55.610	7,000.00	7,000.00	4,400.00	62.86%	389,270.00	244,684.00			
Total Pending	141.830						614,622.00			
Total Encumbered								156,538.00		
Closed/Expended									0.00	
Total										593,462.00

Schedule D

) checked

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Wright, Charles & Norma
08- 0154-PG
PIG EP - Municipal 2007 Rule
39 Acres

Block 28	Lot 10	Elk Twp.	Gloucester County		
SOILS:		Local	38% * .05	=	1.90
		Other	23% * 0	=	.00
		Prime	24% * .15	=	3.60
		Statewide	15% * .1	=	1.50
				SOIL SCORE:	7.00
TILLABLE SOILS:		Cropland Harvested	57% * .15	=	8.55
		Wetlands	17% * 0	=	.00
		Woodlands	26% * 0	=	.00
				TILLABLE SOILS SCORE:	8.55
FARM USE:	Wheat-Cash Grain		12 acres		
	Vegetable & Melons		11 acres		

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Recorded
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R(10)12

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

ELK TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Daniel & Eleanor Haynicz ("Owners")
Elk Township, Gloucester County

N.J.A.C. 2:76-17A

SADC ID# 08-0145-PG

October 3, 2014

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Elk Township, Gloucester County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted approval to Elk Township's Farmland Preservation FY15 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on December 19, 2011, the SADC received an individual application for the sale of a development easement from Elk Township for the Haynicz Farm, identified as Block 175, Lot 1, Elk Township, Gloucester County, totaling approximately 29.38 surveyed easement acres, hereinafter referred to as the "Property" (Schedule A); and

WHEREAS, the Property is located in the Township's Still Run Project Area; and

WHEREAS, the Property includes a 1.15 acre severable exception area limited to one single family residence; and

WHEREAS, the Property has zero (0) single family residences, zero (0) agricultural labor housing and no pre-existing non-agricultural uses, outside of the exception area; and

WHEREAS, at the time of application the Property was in peach production; and

WHEREAS, the Owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on March 9, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on November 8, 2012 the SADC certified a development easement value of \$7,000 per acre based on zoning and environmental regulations in place as of July 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on June 19, 2014 the Gloucester CADB passed a resolution granting final approval to the acquisition of the development easement on the Property; and

WHEREAS, on June 23, 2014 Gloucester County Agriculture Development Board (CADB) requested that the SADC transfer five County PIG applications to be processed through Elk Township's Municipal PIG program, including the Haynicz application; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on July 15, 2014 the Elk Township Committee approved transfer of the application from the County PIG program to the Elk Township PIG program, and approved preservation of the farm, but was not participating financially; and

WHEREAS, on August 20, 2014 the Gloucester County Board of Chosen Freeholders passed a resolution authorizing the acquisition of a development easement and a commitment of \$2,600 per acre; and

WHEREAS, to date \$750,000 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Plan; and

WHEREAS, to date Elk Township has encumbered \$156,538 of its SADC grant funds, leaving a cumulative balance of \$593,462 (Schedule B); and

WHEREAS, Elk Township has three other projects pending against this balance; and

WHEREAS, the cost share breakdown is approximately as follows (based on 29.38 surveyed acres):

	<u>Total</u>	
SADC	\$ 129,272	(\$4,400/acre and 62.86% of purchase)
Gloucester County	\$ 76,388	(\$2,600/acre and 37.14% of purchase)
Total Easement Purchase	\$ 205,660	(\$7,000/acre)

WHEREAS, the Township is requesting \$129,272 from the available municipal PIG funding, resulting in a balance of \$464,190; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, the municipality is not eligible for 50% of the eligible ancillary costs for the purchase of a development easement because the costs were incurred by the county and not the municipality;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Elk Township for the purchase of a development easement on the Property by Gloucester County, comprising 29.38 surveyed acres, at a State cost share of \$4,400/acre, (62.86% of certified market value), for an estimated total grant need of \$129,272 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property is approved with a 1.15 acre severable exception area limited to one existing single family residence; zero (0) single family residences, zero (0) agricultural labor housing and no pre-existing non-agricultural uses outside of the exception area; and

BE IT FURTHER RESOLVED, the Township and County agree to the SADC providing its grant directly to Gloucester County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

10-3-14

Date



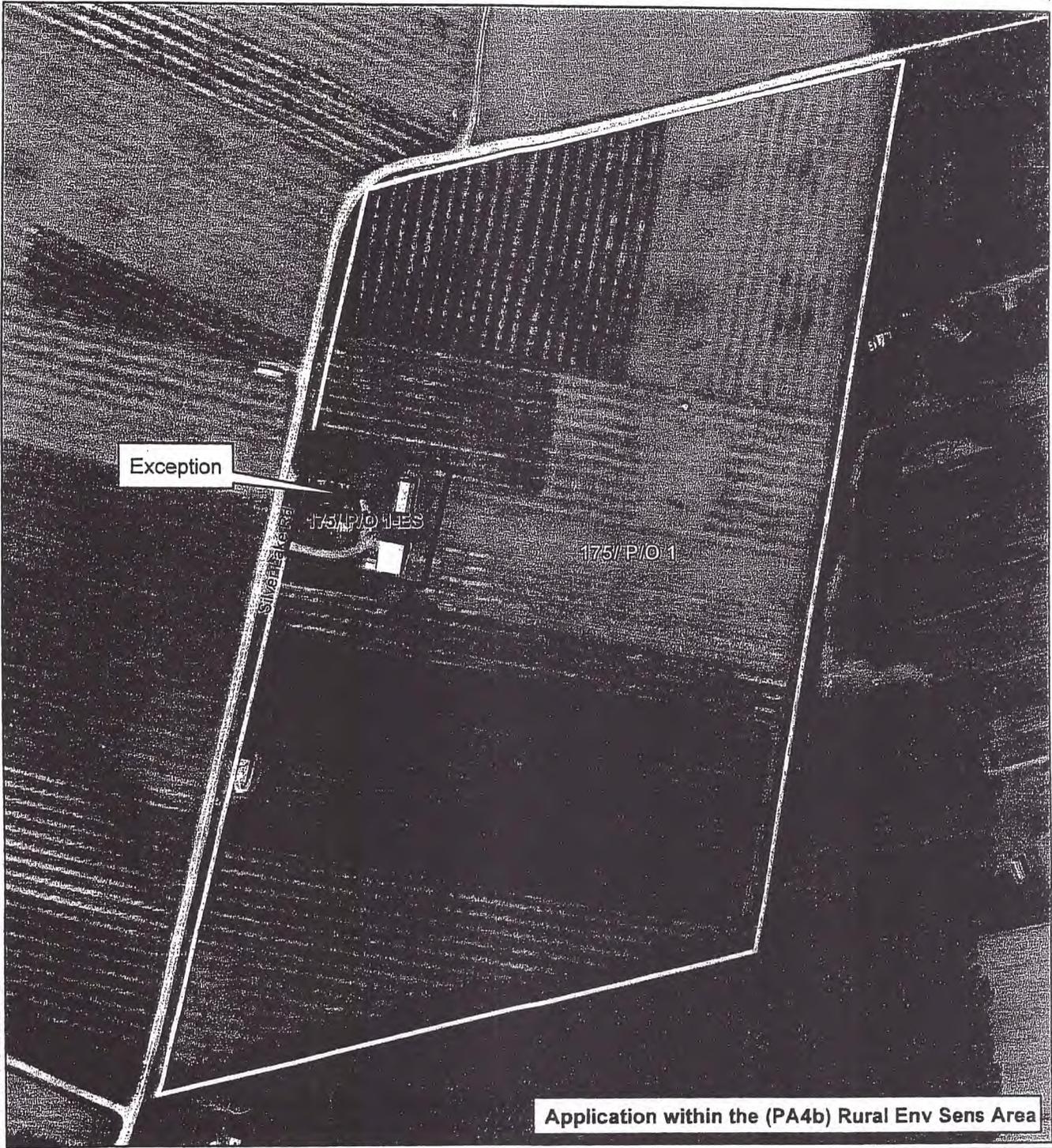
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Schedule A

X:\counties\gloco\projects\haynicz2_aerial2.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Daniel and Elinor Haynicz
Block 175 Lots P/O 1 (29.4 ac)
& P/O 1-ES (severable exception - 1.1 ac)
Gross Total = 30.5 ac
Elk Twp., Gloucester County

200 100 0 200 400 Feet



Property in Question	
	E1 - (Non-Severable) Exception
	E2 - (Severable) Exception
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned DWS & Recreation Easement

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Sources:
Green Acres Conservation Easement Data
NJGIT/OGIS 2012 Digital Aerial Image

August 28, 2014

**Municipal Planning Incentive Grant
Elk Township, Gloucester County**

Farm	Acres	SADC		SADC Grant Per Acre	Grant % Per Acre	Easement Consideration	SADC		733 - GSPT		
		Certified Per Acre	Negotiated & Approved Per Acre				Cost Share	Encumbered	Expended	Balance	
Wright	37.720	6,500.00	6,500.00	4,150.00	63.85%	245,180.00	156,538.00	156,538.00		750,000.00	593,462.00
Haynicz	29.380	7,000.00	7,000.00	4,400.00	62.86%	205,660.00	129,272.00	129,272.00			464,190.00
Pending											
DeClement & Hogan	19.120	7,000.00	7,000.00	4,400.00	62.86%	133,840.00	84,128.00				
Haig & Lucas	55.610	7,000.00	7,000.00	4,400.00	62.86%	389,270.00	244,684.00				
Total Pending	141.830						614,622.00				
Total Encumbered								285,810.00			
Closed/Expended										0.00	
Total											464,190.00

DCH/SL/12/15

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Haynicz Farm
08- 01 45-PG
PIG EP - Municipal 2007 Rule
30 Acres

Block 175	Lot 1	Elk Twp.	Gloucester County		
SOILS:		Other	1% * 0	=	.00
		Prime	99% * .15	=	14.85
					SOIL SCORE: 14.85
TILLABLE SOILS:		Cropland Harvested	96.8% * .15	=	14.52
		Other	3.1% * 0	=	.00
		Wetlands	.1% * 0	=	.00
					TILLABLE SOILS SCORE: 14.52
FARM USE:	Deciduous Tree Fruit		31 acres		

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (1.15) acres for flexibility around existing house
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R10(13)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

ELK TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
DeClement & Hogan ("Owners")
Elk Township, Gloucester County

N.J.A.C. 2:76-17A

SADC ID# 08-0181-PG

October 3, 2014

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Elk Township, Gloucester County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted approval to Elk Township's Farmland Preservation FY15 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on February 24, 2014, the SADC received an individual application for the sale of a development easement from Elk Township for the DeClement & Hogan Farm, identified as Block 55, Lot 1, Elk Township, Gloucester County, totaling 19.12 net surveyed easement acres, hereinafter referred to as the "Property" (Schedule A); and

WHEREAS, the Property is located in the Township's Still Run Project Area; and

WHEREAS, the Property includes a 1-acre non-severable exception limited to one future single family residence; and

WHEREAS, the Property has zero (0) existing single family residences, zero (0) agricultural labor housing and no pre-existing non-agricultural uses on the area to be preserved outside of the exception areas; and

WHEREAS, at the time of application the Property was in corn production; and

WHEREAS, the owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on May 12, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on July 24, 2014 the SADC certified a development easement value of \$7,000 per acre based on zoning and environmental regulations in place as of April 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on June 19, 2014 the Gloucester CADB passed a resolution granting final approval to the acquisition of the development easement on the Property; and

WHEREAS, on June 23, 2014 Gloucester County Agriculture Development Board (CADB) requested that the SADC transfer five County PIG applications to be processed through Elk Township's Municipal PIG program, including the DeClement-Hogan application; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on July 15, 2014 the Elk Township Committee approved transfer of the application from the County PIG program to the Elk Township PIG program, and approved preservation of the farm, but was not participating financially; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on August 20, 2014 the Gloucester County Board of Chosen Freeholders passed a resolution granting final approval to the acquisition of a development easement and a commitment of funding for \$2,600 per acre; and

WHEREAS, to date \$750,000 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Plan; and

WHEREAS, to date Elk Township has encumbered \$285,810 of its SADC grant funds, leaving a cumulative balance of \$464,190 (Schedule B); and

WHEREAS, Elk Township has three other projects pending against this balance; and

WHEREAS, the cost share breakdown is (based on 19.12 net surveyed acres):

	<u>Total</u>	
SADC	\$ 84,128	(\$4,400/acre and 62.86% of purchase)
Gloucester County	\$ 49,712	(\$2,600/acre and 37.14% of purchase)
Total Easement Purchase	\$133,840	(\$7,000/acre)

WHEREAS, the Township is requesting \$84,128 from the available municipal PIG funding, resulting in a balance of \$380,062; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, the municipality is not eligible for 50% of the eligible ancillary costs for the purchase of a development easement because the costs were incurred by the county and not the municipality;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Elk Township for the purchase of a development easement on the Property by Gloucester County, comprising 19.12 surveyed net acres, at a State cost share of \$4,400/acre, (62.86% of certified market value), for an estimated total grant need of \$84,128 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property is approved with a 1-acre non-severable exception limited to one future single family residence; zero (0) existing single family residences, zero (0) agricultural labor housing and no pre-existing non-agricultural uses on the area to be preserved outside of the exception areas; and

BE IT FURTHER RESOLVED, the Township and County agree to the SADC providing its grant directly to Gloucester County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

10-3-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

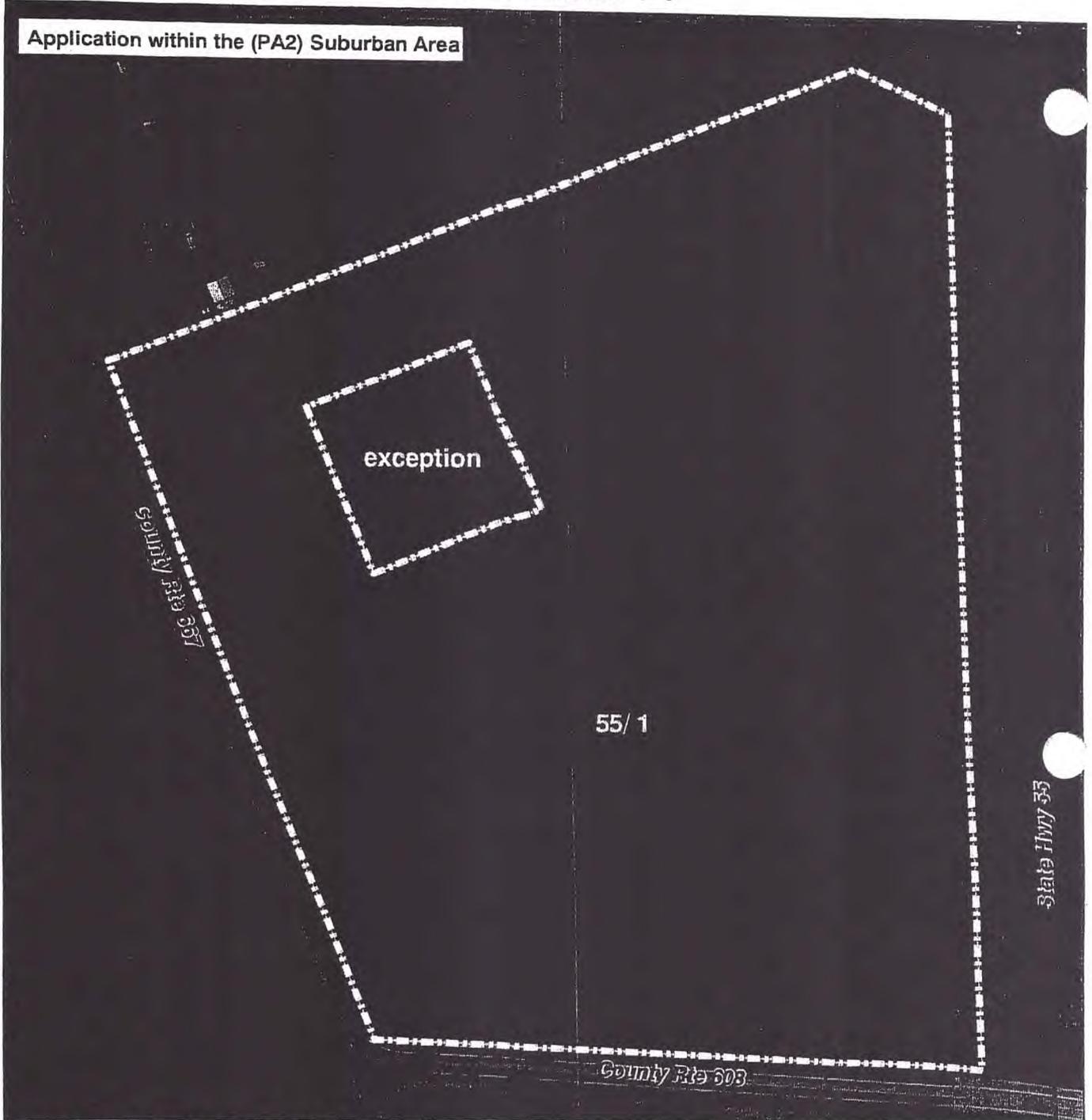
VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Schedule A

Application within the (PA2) Suburban Area

X:\counties\gloucester\projects\declement_fw2.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Frederick De Clement and Joseph Hogan
Block 55 Lots P/O 1 (19.4 ac)
& P/O 1-EN (non-severable exception - 1.0 ac)
Gross Total = 20.4 ac
Elk Twp., Gloucester County



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJGIT/OGIS 2012 Digital Aerial Image

May 5, 2014

**Municipal Planning Incentive Grant
Elk Township, Gloucester County**

Farm	Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Grant % Per Acre	Easement Consideration	SADC	733 - GSPT		
							Cost Share	Encumbered	Expended	Balance
Wright	37.720	6,500.00	6,500.00	4,150.00	63.85%	245,180.00	156,538.00	156,538.00		750,000.00
Haynicz	29.380	7,000.00	7,000.00	4,400.00	62.86%	205,660.00	129,272.00	129,272.00		593,462.00
DeClement & Hogan	19.120	7,000.00	7,000.00	4,400.00	62.86%	133,840.00	84,128.00	84,128.00		464,190.00
										380,062.00
Pending										
Haig & Lucas	55.610	7,000.00	7,000.00	4,400.00	62.86%	389,270.00	244,684.00			
Total Pending	141.830						614,622.00			
Total Encumbered								369,938.00		
Closed/Expended									0.00	
Total										380,062.00

Schedule B

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

DeClement & Hogan
08- 0181-PG
PIG EP - Municipal 2007 Rule
19 Acres

Block 55	Lot 1	Elk Twp.	Gloucester County		
SOILS:		Prime	60% *	.15	= 9.00
		Statewide	38% *	.1	= 3.80
		Unique .125	2% *	.125	= .25
					SOIL SCORE: 13.05
TILLABLE SOILS:		Cropland Harvested	96% *	.15	= 14.40
		Woodlands	4% *	0	= .00
					TILLABLE SOILS SCORE: 14.40
FARM USE:	Corn-Cash Grain		20 acres		

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for Future dwelling
Exception is not to be severed from Premises
Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R10(14)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

ELK TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Amy Haig, Nathaniel George Lucas Jr., M. Louise Lucas ("Owners")

Elk Township, Gloucester County

N.J.A.C. 2:76-17A

SADC ID# 08-0166-PG

October 3, 2014

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Elk Township, Gloucester County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted approval to Elk Township's Farmland Preservation FY15 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on February 12, 2013, the SADC received an individual application for the sale of a development easement for the Haig-Lucas et al Farm, identified as Block 54, Lot 8, Elk Township, Gloucester County, totaling 55.61 surveyed easement acres, hereinafter referred to as the "Property" (Schedule A); and

WHEREAS, the Property is located in the Township's Still Run Project Area; and

WHEREAS, the Property has one (1) single family residence, zero (0) agricultural labor housing and no pre-existing non-agricultural uses; and

WHEREAS, at the time of application the Property was in hay production; and

WHEREAS, the Owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on May 23, 2013 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on November 14, 2013 the SADC certified a development easement value of \$7,000 per acre based on zoning and environmental regulations in place as of July 2013; and

WHEREAS, on February 5, 2014, the Gloucester County Board of Chosen Freeholders approved a resolution to acquire the development easement on the Property; and

WHEREAS, February 21, 2014, the Gloucester County Board of Chosen Freeholders closed on the development easement for \$389,270 (\$7,000 per acre) which was recorded in the Gloucester County Clerk's Office in Deed Book 5168, Page 64; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on June 19, 2014 the Gloucester CADB passed a resolution granting final approval to the acquisition of the development easement on the Property and allowing for it to be funded through Elk Township's Municipal PIG Program; and

WHEREAS, on June 23, 2014 Gloucester County Agriculture Development Board (CADB) requested that the SADC transfer five County PIG applications to be processed through Elk Township's Municipal PIG program, including the Haig-Lucas et al application; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on July 15, 2014 the Elk Township Committee approved transfer of the application from the County PIG program to the Elk Township PIG program, and approved preservation of the farm, but was not participating financially; and

WHEREAS, to date \$750,000 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Plan; and

WHEREAS, to date Elk Township has encumbered \$369,938 of its SADC grant funds, leaving a cumulative balance of \$380,062 (Schedule B); and

WHEREAS, Elk Township has three other projects pending against this balance; and

WHEREAS, the cost share breakdown is approximately as follows (based on 55.61 surveyed acres):

	<u>Total</u>	
SADC	\$244,684	(\$4,400/acre and 62.86% of purchase)
Gloucester County	\$144,586	(\$2,600/acre and 37.14% of purchase)
Total Easement Purchase	\$389,270	(\$7,000/acre)

WHEREAS, the Township is requesting \$244,684 from the available municipal PIG funding, resulting in a balance of \$135,378; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, the municipality is not eligible for 50% of the eligible ancillary costs for the purchase of a development easement because the costs were incurred by the county and not the municipality;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Elk Township for the purchase of a development easement on the Property by Gloucester County, comprising 55.61 surveyed acres, at a State cost share of \$4,400/acre, (62.86% of certified market value), for an estimated total grant need of \$244,684 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property is approved with an existing single family residence, zero (0) agricultural labor housing and no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, the Township and County agree to the SADC providing its grant directly to Gloucester County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

10-3-14

Date



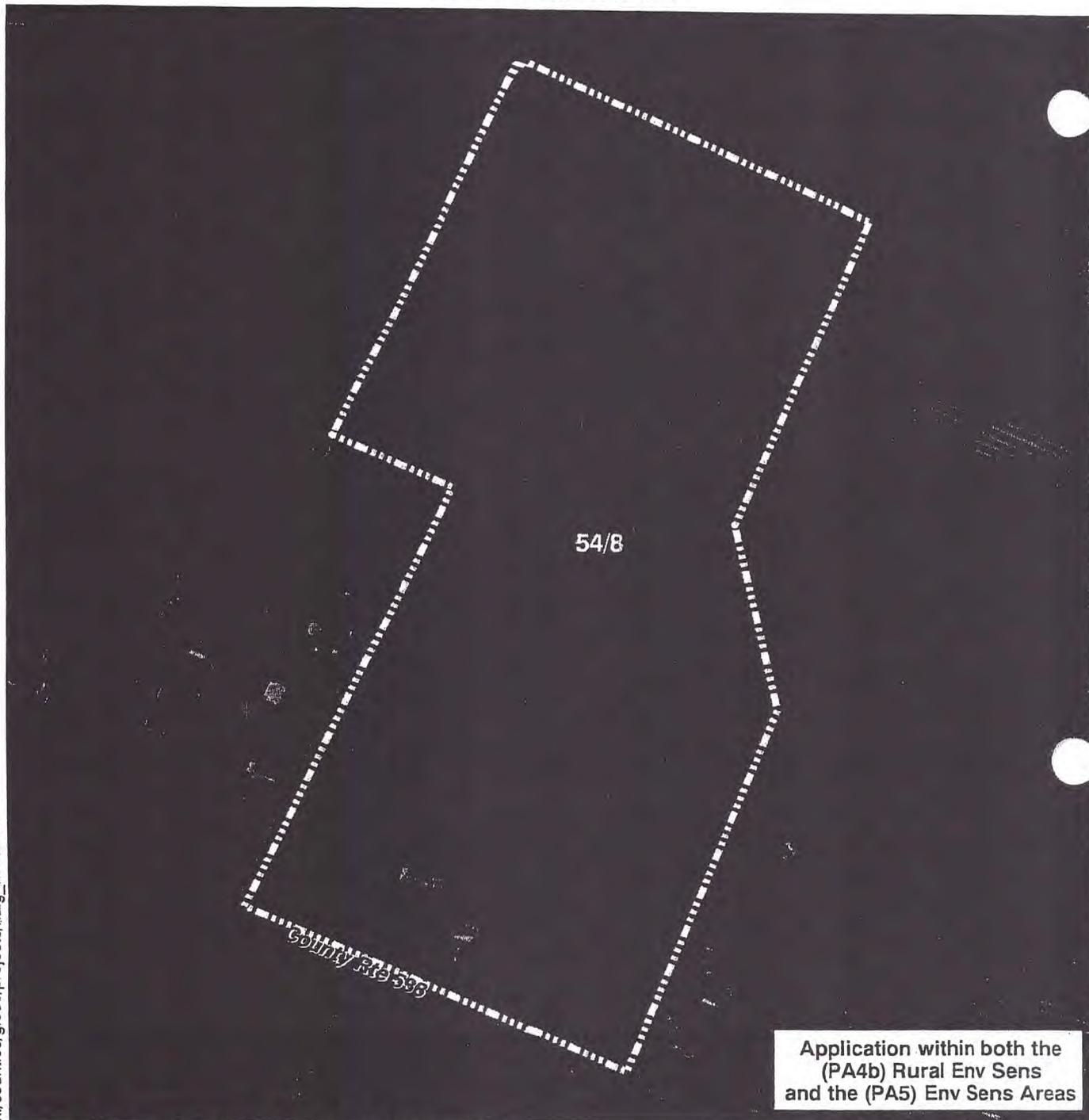
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Schedule A

x:/counties/gloco/projects/haig_fwv.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Amy Haig, Nathaniel Lucas, Jr. & M. Louise Lucas
Block 54 Lot 8 (55.3 ac)
Gross Total = 55.3 ac
Elk Twp., Gloucester County



DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJGIT/OGIS 2012 Digital Aerial Image

February 14, 2013

**Municipal Planning Incentive Grant
Elk Township, Gloucester County**

Farm	Acres	SADC		SADC Grant Per Acre	Grant% Per Acre	Easement Consideration	SADC		733 - GSPT	
		Certified Per Acre	Negotiated & Approved Per Acre				Cost Share	Encumbered	Expended	Balance
Wright	37.720	6,500.00	6,500.00	4,150.00	63.85%	245,180.00	156,538.00	156,538.00		750,000.00
Haynicz	29.380	7,000.00	7,000.00	4,400.00	62.86%	205,660.00	129,272.00	129,272.00		593,462.00
DeClement & Hogan	19.120	7,000.00	7,000.00	4,400.00	62.86%	133,840.00	84,128.00	84,128.00		464,190.00
Haig & Lucas	55.610	7,000.00	7,000.00	4,400.00	62.86%	389,270.00	244,684.00	244,684.00		380,062.00
										135,378.00
Total Pending	141.830						614,622.00			
Total Encumbered								614,622.00		
Closed/Expended									0.00	
Total										135,378.00

Schedule D

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Haig & Lucas Farm
08- 0166-PG
PIG EP - Municipal 2007 Rule
55 Acres

Block 54	Lot 8	Elk Twp.	Gloucester County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:		Cropland Pastured	36% * .15 = 5.40
		Cropland Harvested	36% * .15 = 5.40
		Other	1% * 0 = .00
		Wetlands	1% * 0 = .00
		Woodlands	26% * 0 = .00
			TILLABLE SOILS SCORE: 10.80
FARM USE:	Hay		25 acres
	Horse & Other Equine		acres

2

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Recorded
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R10(15)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

GLOUCESTER COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Robert M. Brown & Maxine L. Brown ("Owners")

East Greenwich & Mantua Townships, Gloucester County

N.J.A.C. 2:76-17 et seq.

SADC ID# 08-0164-PG

October 3, 2014

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Gloucester County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Gloucester County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on January 10, 2013 the SADC received an application for the sale of a development easement from Gloucester County for the subject farm identified as Block 1306, Lot 2.09, East Greenwich Township and Block 4, Lot 19, Mantua Township, Gloucester County, totaling 37.418 surveyed acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Gloucester County's Repaupo-Mantua Creek Project Area; and

WHEREAS, the Property includes one (1) single family residence, zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to preserved; and

WHEREAS, at the time of application the Property was in corn and soybean production; and

WHEREAS, the Owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 63.99 which exceeds 43, which is 70% of the County's average quality score as determined by the SADC on September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on March 12, 2013 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on November 14, 2013 the SADC certified a development easement value of \$10,750 per acre based on zoning and environmental regulations in place as of May 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$10,750 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-14(d)-(f) if there are insufficient funds available in a county's base grant the county may request additional funds from the competitive grant fund; and

WHEREAS, currently the County is eligible for up to \$544,185.54 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on February 11, 2014 the East Greenwich Township Committee approved the Owners' application for the sale of a development easement, and on February 11, 2014 the Mantua Township Committee approved the Owners' application for the sale of a development easement, neither Township is participating financially in the easement purchase; and

WHEREAS, on March 5, 2014 the Gloucester County Board of Chosen Freeholders passed a resolution authorizing the acquisition of a development easement on the Brown property; and

WHEREAS, the Gloucester County Board of Chosen Freeholders closed on the development easement on April 1, 2014 for \$402,243.50 (\$10,750 per acre) which was recorded in the Gloucester County Clerk's Office in Deed Book 5183, Page 171; and

WHEREAS, on July 30, 2014 the Ken Atkinson, Director of the Gloucester County Office of Land Preservation submitted the County's applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on August 20, 2014, the Board of Chosen Freeholders of the County of Gloucester passed a resolution granting final approval and a commitment of funding for \$4,300 per acre to cover the entire local cost share; and

WHEREAS, on September 18, 2014 the Gloucester CADB passed a resolution confirming final approval for the Brown farm; and

WHEREAS, the estimated cost share breakdown is as follows (based on 37.418 acres):

	<u>Cost Share</u>	
SADC	\$241,346.10	(\$6,450/acre; 60%)
Gloucester County	\$160,897.40	(\$4,300/acre; 40%)
Total Easement Purchase	\$402,243.50	(\$10,750/acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Gloucester County Agriculture Development Board is requesting \$241,346.10 from its FY13 competitive grant, leaving a cumulative base grant balance of \$302,839.44 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Gloucester County for the purchase of a development easement on the Property, comprising approximately 37.418 acres, at a State cost share of \$6,450 per acre, (60% of purchase price), for a total grant need of \$241,346.10 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1) single family residence, zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the area to preserved; and

BE IT FURTHER RESOLVED, that the SADC grant will be funded with competitive grant funds and no additional competitive SADC grant funds can be sought for this Property in the future; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

10-3-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Application within the (PA4) Rural Area

E. Greenwich Twp

Mantua Twp

1306/2.09
N

4/19
N

County Route 607

County Route 673

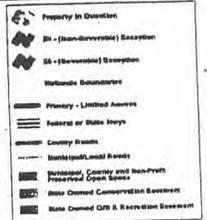
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FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Robert and Maxine Brown
Block 4 Lot 19 (37.3 ac) - Mantua Twp.
Block 1306 Lot 2.09 (0.7 ac) - East Greenwich Twp.
Gross Total = 38.1 ac
Gloucester County



DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
DVRPC 2010 Digital Aerial Image

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Brown Farm
08- 0164-PG
County PIG Program
38 Acres

Block 1306	Lot 2.09	East Greenwich Twp.	Gloucester County		
Block 4	Lot 19	Mantua Twp.	Gloucester County		
SOILS:		Other	14% *	0	= .00
		Prime	85.5% *	.15	= 12.83
		Statewide	.5% *	.1	= .05
					SOIL SCORE: 12.88
TILLABLE SOILS:		Cropland Harvested	73% *	.15	= 10.95
		Other	3% *	0	= .00
		Woodlands	24% *	0	= .00
					TILLABLE SOILS SCORE: 10.95
FARM USE:		Corn-Cash Grain		acres	
		Soybeans-Cash Grain		acres	

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Recorded
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R10(16)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
GLOUCESTER COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Alfio & Betty Cali ("Owners")
Logan Township, Gloucester County

N.J.A.C. 2:76-17 et seq.
SADC ID# 08-0155-PG

October 3, 2014

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Gloucester County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Gloucester County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on August 28, 2012 the SADC received an application for the sale of a development easement from Gloucester County for the subject farm identified as Block 703, Lot 11, Logan Township, Gloucester County, totaling 37.076 surveyed acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Gloucester County's Delaware River Project Area; and

WHEREAS, the Property includes one (1) single family residence, one (1) agricultural labor unit, no pre-existing non-agricultural uses on the area to preserved; and

WHEREAS, at the time of application the Property was in soybean production; and

WHEREAS, the Owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 69.47 which exceeds 43, which is 70% of the County's average quality score as determined by the SADC on July 28, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on November 15, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on March 28, 2013, the SADC certified a development easement value of \$10,400 per acre based on zoning and environmental regulations in place as of January 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$10,400 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 (d)-(f) if there are insufficient funds available in a county's base grant the county may request additional funds from the competitive grant fund; and

WHEREAS, currently the County is eligible for up to \$302,839.44 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, competitive grant funds shall be awarded by the SADC based on a priority ranking of the individual farm applications applying for grants from the competitive grant fund based on cumulative points of the project area (Schedule C); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on June 18, 2013 the Logan Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, on July 24, 2013 the Gloucester County Board of Chosen Freeholders passed a resolution authorizing the acquisition of a development easement on the Cali property; and

WHEREAS, the Gloucester County Board of Chosen Freeholders closed on the development easement on October 9, 2013 for \$385,590.40 (\$10,400 per acre) which was recorded in the Gloucester County Clerk's Office in Deed Book 5126, Page 86; and

WHEREAS, on July 30, 2014 Ken Atkinson, Director of the Gloucester County Office of Land Preservation submitted the County's applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on August 20, 2014, the Board of Chosen Freeholders of the County of Gloucester passed a resolution granting final approval and a commitment of funding for \$4,160 per acre to cover the entire local cost share; and

WHEREAS, on September 18, 2014 the Gloucester CADB passed a resolution confirming final approval for the Cali farm; and

WHEREAS, the estimated cost share breakdown is as follows (based on 37.076 acres); and

	<u>Cost Share</u>	
SADC	\$231,354.24	(\$6,240/ acre; 60%)
Gloucester County	\$154,236.16	(\$4,160/ acre; 40%)
Total Easement Purchase	\$385,590.40	(\$10,400/ acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Gloucester County Agriculture Development Board is requesting \$231,354.24 from its FY13 competitive grant, leaving a cumulative competitive grant balance of \$71,485.20 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Gloucester County for the purchase of a development easement on the Property, comprising approximately 37.076 acres, at a State cost share of \$6,240 per acre, (60% of purchase price), for a total grant need of \$231,354.24 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property is approved with one (1) single family residence, one (1) agricultural labor unit, no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, that the SADC grant will be funded with competitive grant funds and no additional competitive SADC grant funds can be sought for this Property in the future; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.



10-3-14

Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Schedule A



x:/counties/gloco/projects/cali_fwv.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Alfio and Betty Cali
Block 703 Lot 11 (37.3 ac)
Gross Total = 37.3 ac
Logan Twp., Gloucester County



TIDELANDS DISCLAIMER:
The linear features depicted on this map were derived from the NJDEP's CD ROM series 1, volume 4, "Tidelands Claims Maps".
These linear features are not an official NJDEP determination and should only be used as a general reference. Only NJDEP, Bureau
of Tidelands Management can perform an official determination of Tidelands/Riparian claims.

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horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed
Professional Land Surveyor

Schedule B

Gloucester County

New Jersey Farmland Preservation Program
 Preservation Program
 County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

FY2011/FY2013 funding

Farm	Municipality	App. Acres	Plus 3 Percent Acres	Preserve Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	Cost Basis	Cost Share	BASE GRANT		COMPETITIVE GRANT		STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (subject to available funds statewide)		
											Expend	Balance	FY11 Balance	FY13 Balance	0	3,000,000		
SADC											Total		Total		Total			
											Expend	Balance	Encumbered at FY11	Voucher	Expend	Balance	FY11 Balance subject to availability	FY13 Balance subject to availability
DiBella, Joseph & Wright,	Woolwich	129.018		129.018	11,850.00	11,850.00	7,110.00	1,528,863.30	1,528,863.30	917,317.98	917,317.98	1,582,682.02	89,446.08	89,446.08	89,446.08	2,910,553.92		
DiBella, Michael & Jane	Woolwich	91.446		91.446	12,250.00	12,250.00	7,350.00	1,120,213.50	1,120,213.50	672,128.10	582,682.02	1,000,000.00	894,950.40	894,950.40	894,950.40	2,015,603.52		
Still Run Properties LLC	Mantua	93.233		93.233	16,000.00	16,000.00	9,600.00	1,491,728.00	1,491,584.00	894,950.40			476,100.00	476,100.00	476,100.00	1,539,503.52		
Chlucarello, Matthew	Woolwich	52.900		52.900	15,000.00	15,000.00	9,000.00	793,500.00	793,500.00	476,100.00			208,748.40	208,748.40	208,748.40	1,330,755.12		
Prowe, Gary	Mantua	24.851		24.851	14,000.00	14,000.00	8,400.00	347,914.00	347,914.00	208,748.40			514,747.20	504,847.20	504,847.20	825,907.92		
Heatherwood Farms III, L.L.C.	Woolwich	77.992		77.992	11,000.00	11,000.00	6,600.00	857,912.00	857,912.00	504,847.20			491,685.60	491,685.60	491,685.60	334,222.32		
W.W. Heritage Sons, Inc.	Harrison	37.000		33.448	24,500.00	24,500.00	14,700.00	819,476.00	906,500.00	491,685.60			334,222.32	334,222.32	334,222.32	0.00		
Bezr Homes LLC (Zeck)	Greenwich	111.800	111.800	111.800	28,000.00	28,000.00	16,800.00	3,130,400.00	3,107,440.00	1,864,464.00	1,000,000.00	0.00	530,241.68	530,241.68	530,241.68		4,469,758.32	
Maccherone, Santo J./	Harrison	110.321	113.631	110.321	11,900.00	11,900.00	7,140.00	1,312,819.90	1,312,819.90	787,691.94			787,691.94	787,691.94	787,691.94		3,682,066.38	
Holtzhauser, Charles & Son	Harrison	90.000		90.000	21,100.00	21,100.00	12,660.00	1,899,000.00	1,899,000.00	1,139,400.00			1,139,400.00	1,139,400.00	1,139,400.00		2,542,666.38	
Patane, Allio & Mary T.	Greenwich	124.660		124.660	12,300.00	12,300.00	7,380.00	1,533,318.00	1,533,318.00	846,832.86			919,990.80	846,832.86	846,832.86		1,695,833.52	
Urban, George and Robert	West Deptford	106.400		116.100	9,500.00	9,500.00	5,700.00	1,010,800.00	1,010,800.00	606,480.00			606,480.00	606,480.00	606,480.00		1,089,353.52	
Stelka, Robert Sr. & William Jr.	Greenwich	32.252		32.252	13,000.00	13,000.00	7,800.00	419,276.00	419,276.00	214,078.80			251,565.60	214,078.80	214,078.80		875,274.72	
Maccherone, Santo J., Lawall,	Harrison/S.	77.115		77.115	22,000.00	22,000.00	13,200.00	1,696,530.00	1,696,530.00	331,089.18			331,089.18	331,089.18	331,089.18		544,185.54	
Brown	Mantua	37.418			10,750.00	10,750.00	6,450.00	402,243.50	402,243.50	241,346.10			241,346.10					302,839.44
Call	Logan	37.076			10,400.00	10,400.00	6,240.00	385,590.40	385,590.40	231,354.24			231,354.24					71,485.20
											Expend	Balance	Encumbered	Expend	Balance			
Encumbered/Expended FY11											1,500,000.00	0.00			3,000,000.00	0.00		
Encumbered/Expended FY13											1,000,000.00	0.00	472,700.34	4,485,814.48		71,485.20		
Total											2,500,000.00	0.00	472,700.34	7,485,814.48				
Reprogram Out																		

Jchevre

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Cali Farm
08- 0155-PG
County PIG Program
37 Acres

Block 703	Lot 11	Logan Twp.	Gloucester County
SOILS:		Prime	92% * .15 = 13.80
		Statewide	8% * .1 = .80
			SOIL SCORE: 14.60
TILLABLE SOILS:		Cropland Harvested	93% * .15 = 13.95
		Other	7% * 0 = .00
			TILLABLE SOILS SCORE: 13.95
FARM USE:	Soybeans-Cash Grain		31 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Execution of and agreement between the Municipality, State Agriculture Development Committee and Landowner.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Recorded
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises:
Dormitory - sleeps 6
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R10(17)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

GLOUCESTER COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

John R. Dormann and Karen E. Dormann ("Owners")

East Greenwich Township, Gloucester County

N.J.A.C. 2:76-17 et seq.

SADC ID# 08-0147-PG

October 3, 2014

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Gloucester County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Gloucester County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on December 19, 2011 the SADC received an application for the sale of a development easement from Gloucester County for the subject farm identified as Block 102, Lot 7, East Greenwich Township, Gloucester County, totaling 16.98 surveyed acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Gloucester County's Repaupo-Mantua Creek Project Area; and

WHEREAS, the Property includes a 1-acre non-severable exception limited to one future single family residence; and

WHEREAS, the Property includes zero (0) single family residence, zero (0) agricultural labor units, no pre-existing non-agricultural uses on the area to preserved; and

WHEREAS, at the time of application the Property was in grain production; and

WHEREAS, the Owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 63.04 which exceeds 41, which is 70% of the County's average quality score as determined by the SADC on June 24, 2010; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on March 12, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on November 8, 2012 the SADC certified a development easement value of \$9,000 per acre based on zoning and environmental regulations in place as of July 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$9,000 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-14(d)-(f) if there are insufficient funds available in a county's base grant the county may request additional funds from the competitive grant fund; and

WHEREAS, currently the County is eligible for up to \$71,485.20 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on June 6, 2013 the East Greenwich Township Committee approved the Owners' application for the sale of a development easement, and is not participating financially in the easement purchase; and

WHEREAS, on September 18, 2013 the Gloucester County Board of Chosen Freeholders passed a resolution authorizing the acquisition of a development easement on the Dormann property; and

WHEREAS, the Gloucester County Board of Chosen Freeholders closed on the development easement on October 23, 2013 for \$152,820 (\$9,000 per acre) which was recorded in the Gloucester County Clerk's Office in Deed Book 5129, Page 142; and

WHEREAS, on July 30, 2014 Ken Atkinson, Director of the Gloucester County Office of Land Preservation submitted the County's applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on August 20, 2014, the Board of Chosen Freeholders of the County of Gloucester passed a resolution granting final approval and a commitment of funding for \$3,600 per acre to cover the entire local cost share; and

WHEREAS, on September 18, 2014 the Gloucester CADB passed a resolution confirming final approval for the Dormann farm; and

WHEREAS, the estimated cost share breakdown would be as follows (based on 16.98 acres):

	<u>Cost Share</u>	
SADC	\$ 91,692.00	(\$5,400/ acre; 60%)
Gloucester County	\$ 61,128.00	(\$3,600/ acre; 40%)
Total Easement Purchase	\$152,820.00	(\$9,000/ acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Gloucester County Agriculture Development Board is requesting the remaining \$71,485.20 from its FY13 competitive grant leaving a cumulative competitive FY13 grant balance of zero and a shortfall of \$20,206.80 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Gloucester County for the purchase of a development easement on the Property, comprising approximately 16.98 acres, at a State cost share of \$4,209.96 per acre, (46.78% of purchase price), for a total grant not to exceed \$71,485.20 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property is approved with a 1-acre non-severable exception limited to one future single family residence, zero (0) existing single family residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area; and

BE IT FURTHER RESOLVED, that the SADC grant will be funded with competitive grant funds and no additional competitive SADC grant funds can be sought for this Property in the future; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

10-3-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

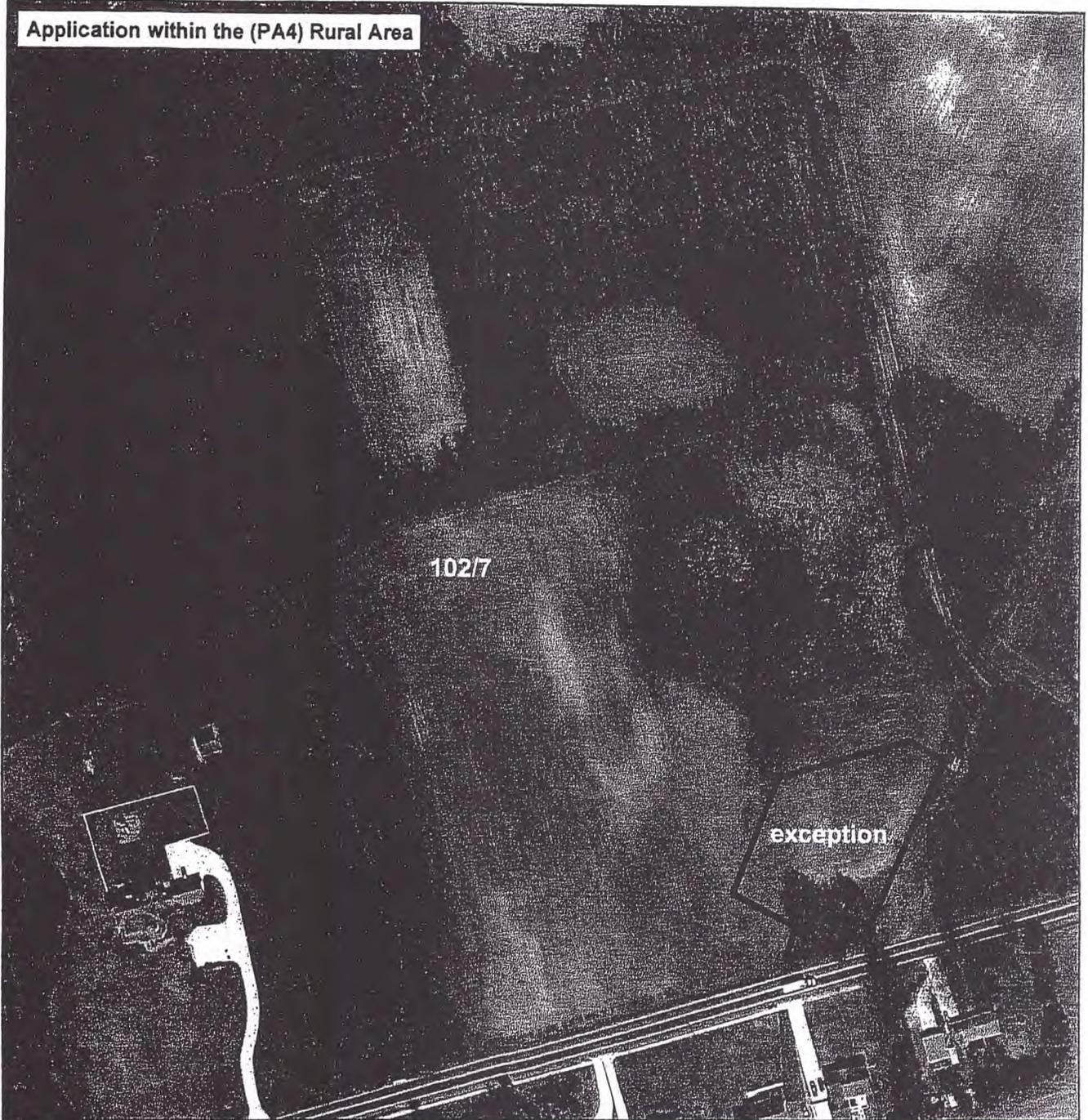
VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

S:\Planning Incentive Grant -2007 rules County\Gloucester\Gloucester\Dormann, John & Karen\final approval.doc

Schedule A

Application within the (PA4) Rural Area



x:\counties\gloucester\projects\Dormann12\www.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Dormann, John & Karen
Block 102 P/O Lot 7 (17.22 ac) & P/O Lot 7-EN (non-severable exception - 1.0 ac)
Gross Total = 18.22 ac
East Greenwich Twp., Gloucester County



TIDELANDS DISCLAIMER:
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Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
W - Water

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 Digital/Aerial Image

Date: 1/6/2012

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Dormann farm
08- 0147-PG
County PIG Program
16 Acres

Block 102	Lot 7	East Greenwich Twp.	Gloucester County
SOILS:		Other	33% * 0 = .00
		Prime	67% * .15 = 10.05
			SOIL SCORE: 10.05
TILLABLE SOILS:		Cropland Pastured	52% * .15 = 7.80
		Wetlands	25% * 0 = .00
		Woodlands	23% * 0 = .00
			TILLABLE SOILS SCORE: 7.80
FARM USE:	General-Primary Crops		9 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for Future residence
Exception is not to be severed from Premises
Right to Farm language is to be included in Deed of Easement
Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R10(18)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
CUMBERLAND COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Bruce Porter ("Owner")
Stow Creek Township, Cumberland County

N.J.A.C. 2:76-17 et seq.
SADC ID# 06-0135-PG

October 3, 2014

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cumberland County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Cumberland County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on November 26, 2012, the SADC received an application for the sale of a development easement from Cumberland County for the subject farm identified as Block 25, Lot 4, Stow Creek Township, Cumberland County, totaling approximately 43 acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Cumberland County's Stow Creek Project Area; and

WHEREAS, the Property includes zero (0) single family residences, zero (0) agricultural labor units, no pre-existing non-agricultural; and

WHEREAS, at the time of application the Property was in corn production; and

WHEREAS, the Owner has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 64.91 which exceeds 41, which is 70% of the County's average quality score as determined by the SADC July 28, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on October 25, 2013 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on December 12, 2013, the SADC certified a development easement value of \$5,300 per acre based on zoning and environmental regulations in place as of August 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,300 per acre for the development easement for the Property; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 44.29 acres will be utilized to calculate the grant need; and

WHEREAS, currently the County has \$0 of base grant funding zero (\$0) of FY11 competitive funding and \$1,934,169.71 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 (d) (f), if there are insufficient funds available in a county's base grant, the county may request additional funds from the competitive grant fund; and

WHEREAS, on July 1, 2014 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the estimated cost share breakdown is as follows (based on 44.29 acres); and

	<u>Cost Share</u>	
SADC	\$157,229.50	(\$3,550/acre; 66.98%)
<u>Cumberland County</u>	<u>\$ 77,507.50</u>	<u>(\$1,750/acre; 33.02%)</u>
Total Easement Purchase	\$234,737.00	(\$5,300/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, Stow Creek Township approved the application on March 11, 2014 with no funding commitment; the Cumberland County Agriculture Development Board approved the application on February 19, 2014, and the Cumberland County Board of Chosen Freeholders approved the required local match (\$1,750/acre) on March 25, 2014; and

WHEREAS, the Cumberland County Agriculture Development Board is requesting \$157,229.50 from its FY13 competitive grant, leaving a balance of \$1,776,940.21 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11; and

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Cumberland County for the purchase of a development easement on the Property, comprising approximately 44.29 acres, at a State cost share of \$3,550 per acre, (66.98% of purchase price), for a total grant need of \$157,229.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that the Property includes zero (0) single family residences, zero (0) agricultural labor units, no pre-existing non-agricultural uses and no exceptions; and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and;

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

10-3-14



Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

x:\counties\cumco\projects\porter_fwv.mxd



**FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee**

Bruce Porter/Breezy Acres Farm
Block 25 Lot 4 (42.8 ac)
Gross Total = 42.8 ac
Stow Creek Twp., Cumberland County



TIDELANDS DISCLAIMER:
The linear features depicted on this map were derived from the NJDEP's CD ROM series 1, volume 4, "Tidelands Claims Maps". These linear features are not an official NJDEP determination and should only be used as a general reference. Only NJDEP, Bureau of Tidelands Management can perform an official determination of Tidelands/Riparian claims.

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor

Application within the (PA4) Rural Area



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJGIT/OGIS 2007/2008 Digital Aerial Image

Schedule B

umberland County

**New Jersey Farmland Preservation Program
Preservation Program
County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.**

FY2011/FY20

Farm	Municipality	Plus 3 Percent Acres	Passive Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	Cost Basis	Cost Share	BASE GRANT			COMPETITIVE GRANT		STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (subject to available funds statewide)	
										Encumbered at Final	Expend	Balance	Encumbered at Final	Voucher	Expend	0	3,000,000
SADC										Total base grant			FY13 Balance		13,333,098	5,000,000	
										Encumbered at Final	Expend	Balance	Encumbered at Final	Voucher	Expend	FY11 Balance subject to availability	FY13 Balance subject to availability
Van Der Veer	Hopewell	17.510	16.778	5,900.00	5,900.00	3,850.00	103,309.00	98,990.20	67,413.50				67,413.50	64,595.30	64,595.30		2,612,641.01
Watson #2	Hopewell	69.010		3,700.00	3,700.00	2,620.00	255,337.00	255,337.00	180,806.20				180,806.20				2,431,834.81
Casper	Stow Creek	29.870		4,800.00	4,800.00	3,280.00	143,376.00	143,376.00	97,973.60				97,973.60				2,333,861.21
Gilson	Lawrence	106.090		4,200.00	4,200.00	2,920.00	445,578.00	445,578.00	309,782.80				309,782.80				2,024,078.41
McAllister	Greenwich	29.870		4,350.00	4,350.00	3,010.00	129,934.50	129,934.50	89,908.70				89,908.70				1,934,169.71
Porter	Stow Creek	44.290		5,300.00	5,300.00	3,550.00	234,737.00	234,737.00	157,229.50				157,229.50				1,776,940.21
										Encumbered	Expend	Balance	Encumbered	Expend	Balance		
Encumbered/Expended FY11										0.00	1,500,000.00	0.00	94,751.78		2,905,248.22	0.00	
Encumbered/Expended FY13										690,306.60	306,907.89	2,785.51	1,359,798.60		1,863,252.99		1,776,940.21
Total										690,306.60	306,907.89	2,785.51	1,454,548.58		4,768,511.21	0.00	
Reprogram Out																	

Schedule

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Porter, Bruce
06- 0135-PG
County PIG Program
43 Acres

Block 25	Lot 4	Stow Creek Twp.	Cumberland County
SOILS:		Prime	83% * .15 = 12.45
		Statewide	16% * .1 = 1.60
		Unique zero	1% * 0 = .00
			SOIL SCORE: 14.05
TILLABLE SOILS:		Cropland Harvested	92% * .15 = 13.80
		Wetlands	1% * 0 = .00
		Woodlands	7% * 0 = .00
			TILLABLE SOILS SCORE: 13.80
FARM USE:	Corn-Cash Grain		40 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Recorded
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R10(19)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

WARREN COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
James & Karen Smith (#1) ("Owners")
Harmony Township, Warren County

N.J.A.C. 2:76-17 et seq.
SADC ID# 21-0541-PG

October 3, 2014

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Warren County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Warren County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on October 22, 2013 the SADC received an application for the sale of a development easement from Warren County for the subject farm identified as Block 37, Lot 17.02, Harmony Township, Warren County, totaling approximately 46 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Warren County's West Project Area and in the Highlands Planning Area; and

WHEREAS, the Property has (1) one, 1-acre non-severable exception area for and limited to one single family residence; and

WHEREAS, the Property includes zero (0) single family residences, zero (0) agricultural labor units, no pre-existing non-agricultural uses on the area to preserved outside of the exception area; and

WHEREAS, at the time of application the Property was in corn production; and

WHEREAS, the Owner have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 73.44 which exceeds 42, which is 70% of the County's average quality score as determined by the SADC on September 27, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on February 10, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on June 26, 2014 the SADC certified a development easement value of \$6,000 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$2,900 per acre based on zoning and environmental regulations in place as of the current valuation date 6/14/13; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$6,000 per acre for the development easement for the Property; and

WHEREAS, currently the County has no (\$0) base grant funding, there is no (\$0) statewide FY11 competitive funding available, but the County is eligible for \$4,876,422.62 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, a parcel application was submitted by the New Jersey Conservation Foundation (NJCF) to the FY2014 United States Department of Agriculture, Natural Resources Conservation Service (NRCS), Agriculture Conservation Easement Program (ACEP) for an Agricultural Land Easement (ALE) grant; and

WHEREAS, the NRCS has determined that the Property and Landowner qualified for ALE grant funds; and

WHEREAS, the landowner has agreed to the additional restrictions associated with the ALE Grant, including a 6.67% maximum impervious coverage restriction (approximately 3.07 acres) for the construction of agricultural infrastructure on the Property outside of exception area, which is the maximum allowable for this property through the ALE program at this time; and

WHEREAS, the ALE grant will be based on an estimated current easement value of \$2,900 per acre equating to an ALE grant of \$1,450 per acre (50% of \$2,900) or approximately \$66,700 in total ALE funds; and

WHEREAS, the SADC has determined that the encumbrance of competitive grant funds associated with the acquisition of development easements that ultimately may be purchased, in part, with ALE funds does not have an immediate adverse impact on another county's access to competitive funds, but if a closing is unreasonably delayed for any reason, including securing the use of ALE funds, the SADC retains the right to rescind its Final Approval of encumbered competitive grant funds equal to the amount of the anticipated ALE grant for the acquisition of a development easement on an affected Property; and

WHEREAS, should alternate ALE funding become available from other funding years or through other qualified entities such as the SADC, a Non-Profit organization or County it may be utilized if such funding benefits the easement acquisition and/or the successful use of ALE funding; and

WHEREAS, the use of ALE funding is conditioned upon the satisfactory resolution of any changes to the Deed of Easement language with the NRCS, prompted by ACEP and FY14 Farm Bill; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, Harmony Township approved the application for the sale of a development easement on September 11, 2014, but is not participating financially in the easement purchase; the Warren County Agriculture Development Board approved the application on September 18, 2014 and the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and a commitment of funding for \$2,100 per acre per acre on September 24, 2014; and

WHEREAS, to best leverage available funding, the County requested to use the ALE funding to first cover its cost share and then, with the remaining funds, reduce the SADC's cost share; and

WHEREAS, on July 24, 2014 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 47.38 acres will be utilized to calculate the grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 (d)-(f) if there are insufficient funds available in a county's base grant the county may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 the Warren County Agriculture Development Board is requesting to encumber \$184,782 of FY13 competitive grant funding, leaving a eligible balance of approximately \$ 4,691,640.60 (Schedule B); and

WHEREAS, the estimated cost share breakdown is as follows (based on 47.38 acres); and

	<u>Cost Share</u>	
SADC	\$184,782	(\$3,900/acre)
Warren County	\$ 99,498	(\$2,100/acre)
Total Easement Purchase	\$284,280	(\$6,000/acre)

Estimated Cost share breakdown if the \$66,700 ALE Grant is finalized and applied:

	<u>Total</u>	<u>ALE \$</u>	<u>New Cost Share</u>
SADC	\$184,782	\$	\$184,782 (\$3,900/acre)
Warren County	\$ 99,498	\$66,700	\$ 32,798 (\$ 749.22/acre)
ALE Grant			\$ 66,700 (\$1,400/acre)
TOTAL	\$284,280	\$66,700.00	\$284,280 (\$6,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Warren County for the purchase of a development easement on the Property, comprising approximately 47.38 acres, at a State cost share of \$3,900 per acre, (65% of purchase price), for a total grant need of \$184,782 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has (1) one, 1-acre non-severable exception area for and limited to one single family residence; zero (0) single family residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the area to preserved outside of the exception area; and

BE IT FURTHER RESOLVED, that if ALE funding is secured and approved for use by the SADC, said funding will first be used to reduce the county cost share and then, with the remaining funds, reduce the SADC's cost share; and

BE IT FURTHER RESOLVED, if a closing is unreasonably delayed for any reason, including securing the use of ALE funds, the SADC retains the right to rescind its Final Approval of encumbered competitive grant funds equal to the amount of the anticipated FRPP grant for the acquisition of a development easement on the Property; and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.



10-3-14

Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Schedule A



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

James and Karen Smith (#1)
Block 37 Lots P/O 17.02 (47.3 ac)
& P/O 17.02-EN (non-severable exception - 1.0 ac)
Gross Total = 48.3 ac
Harmony Twp., Warren County



DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor

Schedule B

FY11 FY13 funds

Warren County

New Jersey Farmland Preservation Program
 Preservation Program
 County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

Farm	Municipality	App Acres	Plus 5 Percent Acres	Preserve Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	Cost Basis	Cost Share	Total Federal Grant	Grants	BASE GRANT				COMPETITIVE GRANT		STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (subject to availability (must state wide))	
													Encumbered at Final	Voucher	Expend	Balance	Encumbered at Final	Voucher	Expend	FY11	FY13
																			0	3,000,000	5,000,000
																			13,927,450		
Drake et al	Allamuchy	202.000	208.0600	198.087	4,000.00	4,000.00	2,800.00	792,348.00	792,348.00	554,643.60			582,568.00	198,826.50	198,826.50	1,945,358.40					
Bowers, Russell	Pohatcong	50.000	51.5000	47.910	6,500.00	6,500.00	4,150.00	311,415.00	334,750.00	198,826.50			213,725.00	286,391.50	286,391.50	1,748,529.90					
Diriso, Irma	Mansfield	67.000	69.0100	71.000	6,500.00	7,000.00	4,150.00	483,070.00	448,565.00	294,650.00			286,391.50	8,258.50	8,258.50	1,451,879.90					
Pruden, Timothy	Hope	127.000	130.8100	128.561	4,000.00	4,000.00	2,800.00	513,532.00	513,532.00	359,472.40			366,266.00	359,472.40	359,472.40	1,085,611.90					
McConnell	Oxford	58.000	57.6800	52.583	6,200.00	6,200.00	4,000.00	326,014.60	325,016.40	209,688.00			93,870.40	100,666.00	100,666.00	991,741.50					
													136,849.60	109,022.00	109,022.00	882,719.50					
													126,834.20			755,885.30					
Cooke	Hope	47.000	48.4100		3,700.00	3,700.00	2,620.00	179,117.00	179,117.00	126,834.20			348,552.00	340,452.00		415,433.30					
Czar	Pohatcong	94.000	96.8200	95.922	5,400.00	5,400.00	3,600.00	522,828.00	522,828.00	348,552.00			386,301.30	372,500.88		42,932.42			1,286.67	1,286.67	2,998,713.33
Beaver Brook/TLCNJ	Hope	135.000	139.0500	136.226	3,979.00	3,979.00	2,787.40	553,279.95	533,579.92	373,787.55			42,932.42			0.00					4,876,422.62
Bullock	White	59.000	60.7700		3,900.00	3,900.00	2,740.00	237,003.00	237,003.00	166,509.80						184,782.00					4,691,640.62
J&K Smith #1	Harmony	46.000	47.3800		6,000.00	6,000.00	3,900.00	284,280.00	284,280.00	184,782.00											
													Encumbered	Expend	Balance	Encumbered	Expend	Balance			
													0.00	1,500,000.00	0.00	1,286.67	0.00	2,998,713.33			
													882,719.50	1,117,280.50	0.00	308,359.50	0.00	4,881,640.62			
													882,719.50	1,117,280.50	0.00	308,359.50	0.00	4,881,640.62			
Total	8	2,686.50	3,117.00					3,681,604.55	3,349,736.32	2,486,454.25											

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Smith, James & Karen (JK Smith #1)
21- 0541-PG
County PIG Program
46 Acres

Block 37	Lot 17.02	Harmony Twp.	Warren County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:		Cropland Harvested	97% * .15 = 14.55
		Woodlands	3% * 0 = .00
			TILLABLE SOILS SCORE: 14.55
FARM USE:		Corn-Cash Grain	47 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for Future Single Family Residence
Exception is not to be severed from Premises
Exception is to be limited to zero existing single family residential unit(s) and one future single family residential unit(s)
 - c. Additional Restrictions:
 1. Possible ALE funding via NJCF
 - d. Additional Conditions:
 - If ALE funding is secured, pursuant to the Agriculture Conservation Easement Program (ACEP), the landowner has agreed to a maximum impervious coverage of 6.67% or approximately 3.07 acres.
 - e. Dwelling Units on Premises:
 - No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R10(20)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

WARREN COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
James & Karen Smith (#2) ("Owners")
Harmony Township, Warren County

N.J.A.C. 2:76-17 et seq.
SADC ID# 21-0542-PG

October 3, 2014

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Warren County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Warren County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on October 22, 2013 the SADC received an application for the sale of a development easement from Warren County for the subject farm identified as Block 37, Lot 17, Harmony Township, Warren County, totaling approximately 51 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Warren County's West Project Area and in the Highlands Planning Area; and

WHEREAS, the Property has (1) one, 1-acre non-severable exception area for and limited to one single family residence; and

WHEREAS, the Property includes zero (0) single family residences, zero (0) agricultural labor units, no pre-existing non-agricultural uses on the area to preserved outside of the exception area; and

WHEREAS, at the time of application the Property was in corn production; and

WHEREAS, the Owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 68.73 which exceeds 42, which is 70% of the County's average quality score as determined by the SADC on September 27, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on February 10, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on June 26, 2014 the SADC certified a development easement value of \$5,500 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$2,500 per acre based on zoning and environmental regulations in place as of the current valuation date 6/14/13; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,500 per acre for the development easement for the Property; and

WHEREAS, currently the County has no (\$0) base grant funding, there is no (\$0) statewide FY11 competitive funding available, but the County is eligible for \$4,691,640.62 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, a parcel application was submitted by the New Jersey Conservation Foundation (NJCF) to the FY2014 United States Department of Agriculture, Natural Resources Conservation Service, Agriculture Conservation Easement Program (ACEP) for an Agricultural Land Easement (ALE) grant; and

WHEREAS, the NRCS has determined that the Property and Landowner qualified for ALE grant funds; and

WHEREAS, the landowner has agreed to the additional restrictions associated with the ALE Grant, including a 7% maximum impervious coverage restriction (approximately 3.57 acres) for the construction of agricultural infrastructure on the Property outside of exception area, which is the maximum allowable for this property through the ALE program at this time; and

WHEREAS, the ALE grant will be based on an estimated current easement value of \$2,500 per acre equating to an ALE grant of \$1,250 per acre (50% of \$2,500) or approximately \$63,750 in total ALE funds; and

WHEREAS, the SADC has determined that the encumbrance of competitive grant funds associated with the acquisition of development easements that ultimately may be purchased, in part, with ALE funds does not have an immediate adverse impact on another county's access to competitive funds, but if a closing is unreasonably delayed for any reason, including securing the use of ALE funds, the SADC retains the right to rescind its Final Approval of encumbered competitive grant funds equal to the amount of the anticipated ALE grant for the acquisition of a development easement on an affected Property; and

WHEREAS, should alternate ALE funding become available from other funding years or through other qualified entities such as the SADC, a Non-Profit organization or County it may be utilized if such funding benefits the easement acquisition and/or the successful use of ALE funding; and

WHEREAS, the use of ALE funding is conditioned upon the satisfactory resolution of any changes to the Deed of Easement language with the NRCS, prompted by ACEP and FY14 Farm Bill; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, Harmony Township approved the application for the sale of a development easement on September 11, 2014, but is not participating financially in the easement purchase; the Warren County Agriculture Development Board approved the application on September 18, 2014 and the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and a commitment of funding for \$1,850 per acre on September 24, 2014; and

WHEREAS, to best leverage available funding, the County requested to use the ALE funding to first cover its cost share and then, with the remaining funds, reduce the SADC's cost share; and

WHEREAS, on July 24, 2014 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 52.53 acres will be utilized to calculate the grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 (d)-(f) if there are insufficient funds available in a county's base grant the county may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 the Warren County Agriculture Development Board is requesting to encumber \$191,734.50 of FY13 competitive grant funding, leaving a eligible balance of approximately \$ 4,499,906.12 (Schedule B); and

WHEREAS, the estimated cost share breakdown is as follows (based on 52.53 acres); and

	<u>Cost Share</u>	
SADC	\$191,734.50	(\$3,650/ acre)
Warren County	\$ 97,180.50	(\$1,850/ acre)
Total Easement Purchase	\$288,915	(\$5,500/ acre)

Estimated Cost share breakdown if the \$63,750 ALE Grant is finalized and applied:

	<u>Total</u>	<u>ALE \$</u>	<u>New Cost Share</u>
SADC	\$191,734.50	\$ 0	\$191,734.50 (\$3,650/ acre)
Warren County	\$ 97,180.50	\$ 63,750	\$ 33,430.50 (\$ 600/ acre)
ALE Grant			\$ 63,750 (\$1,250/ acre)
TOTAL	\$288,915	\$63,750	\$288,915 (\$5,500/ acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Warren County for the purchase of a development easement on the Property, comprising approximately 52.53 acres, at a State cost share of \$3,650 per acre, (66.36% of purchase price), for a total grant need of \$191,734.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that the Property has (1) one, 1-acre non-severable exception area for and limited to one single family residence; zero (0) single family residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the area to preserved outside of the exception area; and

BE IT FURTHER RESOLVED, that if ALE funding is secured and approved for use by the SADC, said funding will be used to reduce the county cost share; and

BE IT FURTHER RESOLVED, if a closing is unreasonably delayed for any reason, including securing the use of ALE funds, the SADC retains the right to rescind its Final Approval of encumbered competitive funds equal to the amount of the anticipated FRPP grant for the acquisition of a development easement on the Property; and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.I.S.A. 4:1C-4.

10-3-14

Date

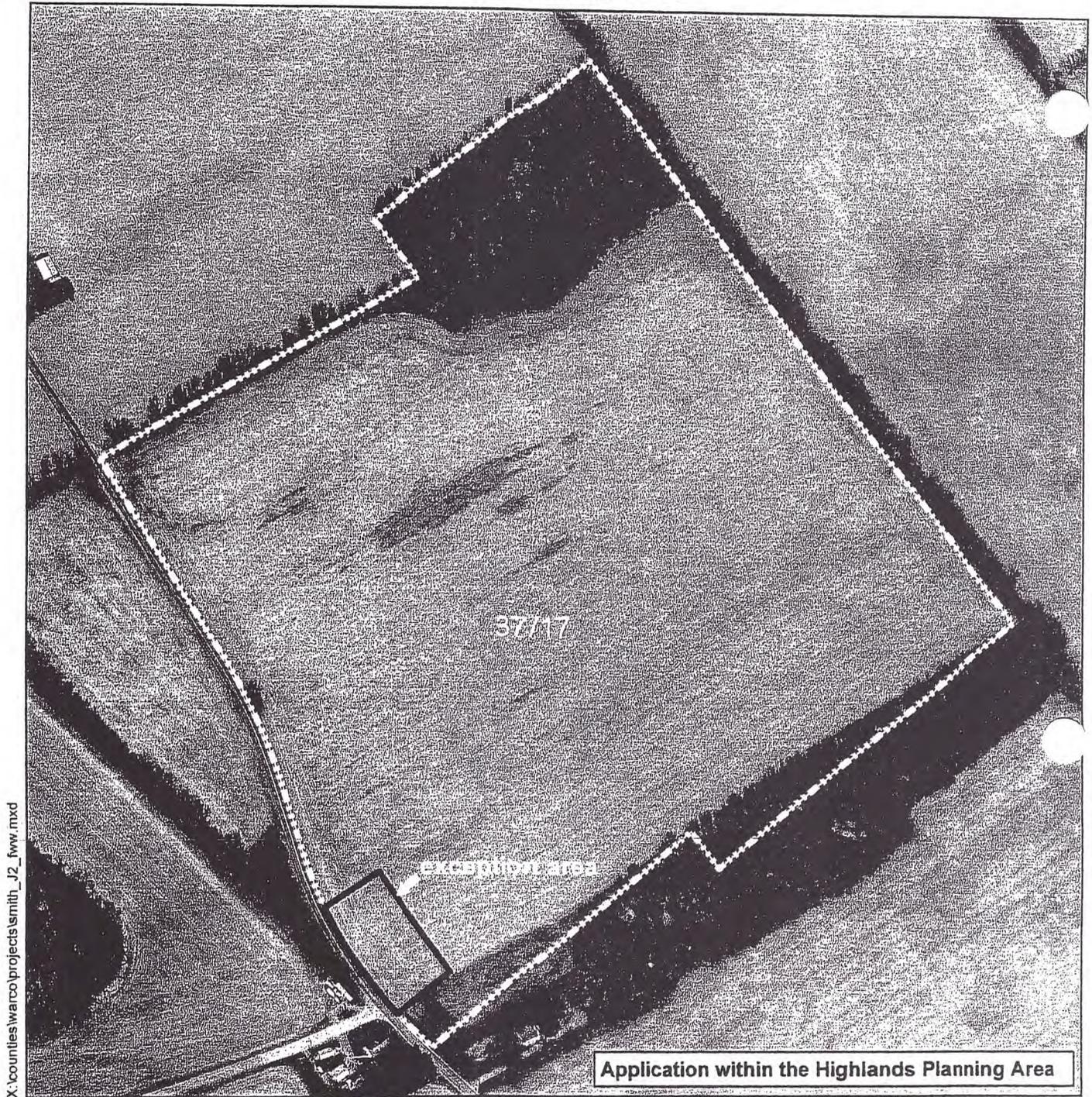


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Schedule A



**FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee**

James and Karen Smith (#2)
Block 37 Lots P/O 17 (51.1 ac)
& P/O 17-EN (non-severable exception - 1.0 ac)
Gross Total = 52.1 ac
Harmony Twp., Warren County



DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Smith, James & Karen (JK Smith #2)
21- 0542-PG
County PIG Program
51 Acres

Block 37	Lot 17	Harmony Twp.	Warren County
SOILS:		Other	3% * 0 = .00
		Prime	97% * .15 = 14.55
			SOIL SCORE: 14.55
TILLABLE SOILS:		Cropland Harvested	88% * .15 = 13.20
		Woodlands	12% * 0 = .00
			TILLABLE SOILS SCORE: 13.20
FARM USE:	Corn-Cash Grain		45 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for Future Single Family Residence
Exception is not to be severed from Premises
Exception is to be limited to zero existing
single family residential unit(s) and one future
single family residential unit(s)
 - c. Additional Restrictions:
 1. Possible ALE via NJCF
 - d. Additional Conditions:

If ALE funding is secured, pursuant to the Agriculture Conservation Easement Program (ACEP) , the landowner has agreed to a maximum impervious coverage of 7% or approximately 3.57 acres.
 - e. Dwelling Units on Premises:

No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R10(21)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
WARREN COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Carol Bullock & Estate of Clarence Bullock ("Owners")
White Township, Warren County

N.J.A.C. 2:76-17 et seq.
SADC ID# 21-0549-PG

October 3, 2014

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Warren County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Warren County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on December 23, 2013 the SADC received an application for the sale of a development easement from Warren County for the subject farm identified as Block 69, Lot 3, White Township, Warren County, totaling approximately 59 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Warren County's West Project Area and in the Highlands Planning Area; and

WHEREAS, the Property has (1) one, 2.8-acre non-severable exception area limited to one single family residence; and

WHEREAS, the Property includes zero (0) single family residences, zero (0) agricultural labor units, no pre-existing non-agricultural uses on the area to preserved outside of the exception area; and

WHEREAS, at the time of application the Property was in wheat and hay production; and

WHEREAS, the Owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 53.32 which exceeds 42, which is 70% of the County's average quality score as determined by the SADC on September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on February 10, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on June 26, 2014 the SADC certified a development easement value of \$3,900 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$3,500 per acre based on zoning and environmental regulations in place as of the current valuation date 4/9/14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$3,900 per acre for the development easement for the Property; and

WHEREAS, currently the County has \$42,932.42 of base grant funding, there is no (\$0) statewide FY11 competitive funding available, but the County is eligible for \$5,000,000 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, White Township approved the application for the sale of a development easement on September 8, 2014, but is not participating financially in the easement purchase; the Warren County Agriculture Development Board approved the application on September 18, 2014 and the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and a commitment of funding for \$1,160 per acre per acre on September 24, 2014; and

WHEREAS, on July 28, 2014 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 60.77 acres will be utilized to calculate the grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 (d)-(f) if there are insufficient funds available in a county's base grant the county may request additional funds from the competitive grant fund; and

WHEREAS, the Warren County Agriculture Development Board is requesting \$42,932.42 from its base grant funding, leaving a balance of \$0 and \$123,577.38 from its FY13 competitive grant funding, leaving a eligible balance of approximately \$4,876,422.6 (Schedule B); and

WHEREAS, the estimated cost share breakdown is as follows (based on 60.77 acres); and

	<u>Cost Share</u>	
SADC	\$166,509.80	(\$2,740/ acre; 70.25%)
<u>Warren County</u>	<u>\$70,493.20</u>	<u>(\$1,160/ acre)</u>
Total Easement Purchase	\$237,003	(\$3,900/ acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Warren County for the purchase of a development easement on the Property, comprising approximately 60.77 acres, at a State cost share of \$2,740 per acre, (70.25% of purchase price), for a total grant need of \$166,509.80 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has (1) 2.8-acre non-severable exception area limited to one single family residence and any non-agricultural uses in compliance with local zoning, and the Property includes zero (0) single family residences, zero (0) agricultural labor units, no pre-existing non-agricultural uses on the area to preserved outside of the exception area; and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

10-3-14

Date

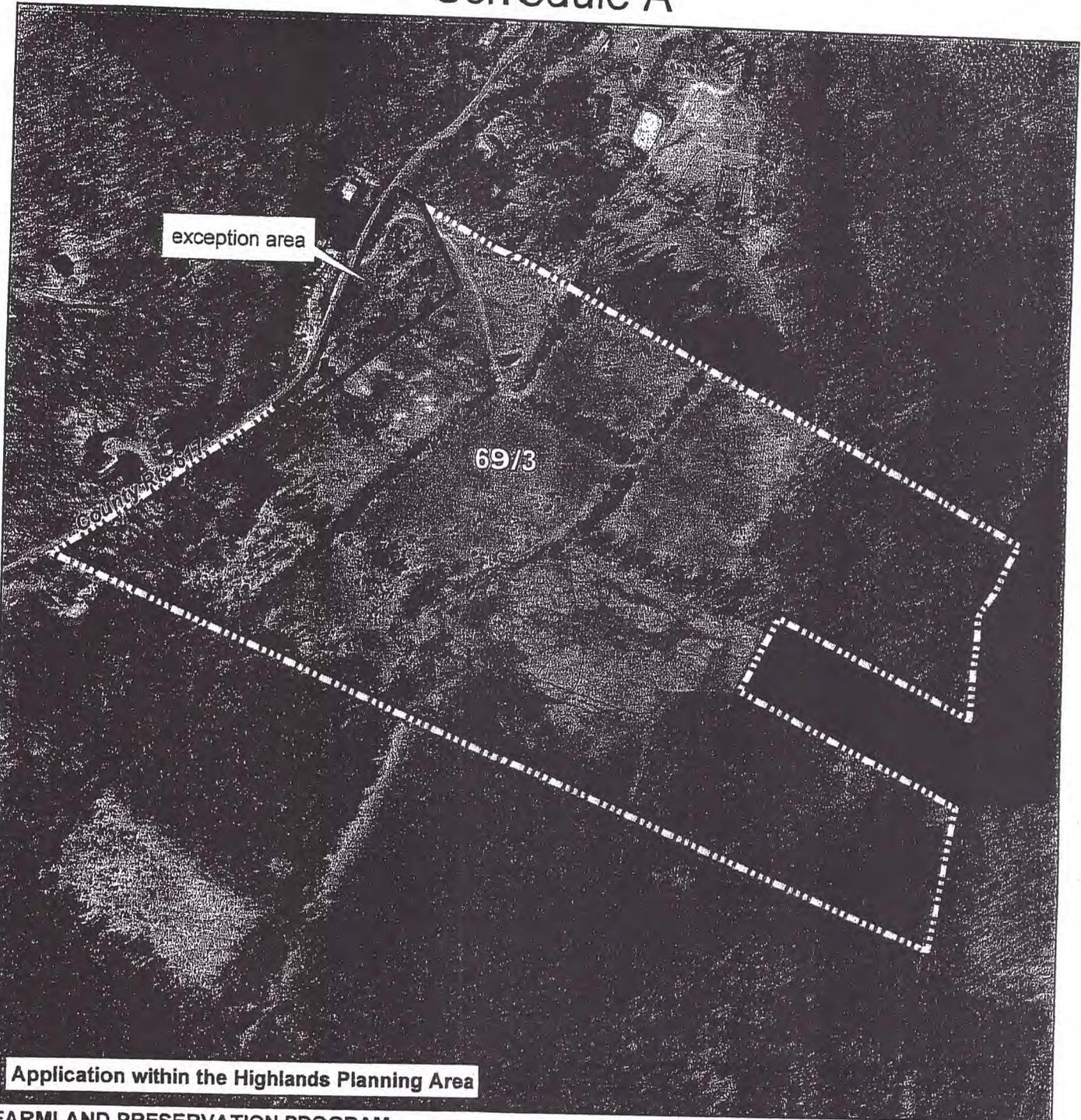


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Schedule A



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Carol Bullock and the Estate of Clarence Bullock
Block 69 Lots P/O 3 (61.3 ac)
& P/O 3-EN (non-severable exception - 2.8 ac)
Gross Total = 64.1 ac
White Twp., Warren County



DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Carol Bullock & Estate of Clarence Bullock
21- 0549-PG
County PIG Program
59 Acres

Block 69	Lot 3	White Twp.	Warren County		
SOILS:		Other	40% *	0	= .00
		Prime	3% *	.15	= .45
		Statewide	31% *	.1	= 3.10
		Unique zero	26% *	0	= .00
					SOIL SCORE: 3.55
TILLABLE SOILS:		Cropland Pastured	27% *	.15	= 4.05
		Cropland Harvested	45% *	.15	= 6.75
		Wetlands	28% *	0	= .00
					TILLABLE SOILS SCORE: 10.80
FARM USE:		Wheat-Cash Grain	25 acres		
		Hay	10 acres		

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (2.8) acres for Future horse riding/rental operation and residence
Exception is not to be severed from Premises
Exception is to be limited to zero existing single family residential unit(s) and one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R10(22)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
BERGEN COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
George Demarest, LLC ("Owner")
Saddle River Borough, Bergen County

N.J.A.C. 2:76-17 et seq.
SADC ID# 02-0001-PG

October 3, 2014

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Bergen County ("County") pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Bergen County received SADC preliminary approval of its plan on May 28, 2009 and on October 3, 2014, the SADC granted final approval of the plan along with FY2015 PIG Plan application annual update; and

WHEREAS, on July 15, 2012 the SADC received an application for the sale of a development easement from Bergen County for the subject farm identified as Block 2101, Lot 13, Saddle River Borough, Bergen County, totaling approximately 17 acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Bergen County's Saddle River Project Area; and

WHEREAS, the Property includes zero (0) single family residences, zero (0) agricultural labor units, no pre-existing non-agricultural uses on the area to preserved; and

WHEREAS, at the time of application the Property was in apple, pumpkin and mixed vegetable production; and

WHEREAS, the Owner has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, at the time of Preliminary review the property had a quality score of 43.4; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.16 the quality score must be equal to or greater than 70 percent of the average quality score of applications granted preliminary approval by the SADC from Bergen county during the three previous fiscal years; and

WHEREAS, since no applications were granted preliminary approval in Bergen County for the three fiscal years, prior to the submission of the application, the SADC was unable to establish an average quality score; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(a)7 the SADC may grant relief of the minimum score criterion for applications submitted under the County PIG program as per Resolution #FY2012R7(35) approved on July 28, 2011(effective January 1, 2012); and

WHEREAS, the Bergen County Agriculture Development Board requested waiver which was approved by the SADC on September 27, 2012, via Resolution #FY2013R9(23),(Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on October 5, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on March 27, 2014 the SADC certified a development easement value of \$215,000 per acre based on zoning and environmental regulations in place as of February 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$215,000 per acre for the development easement for the Property; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 17.51 acres will be utilized to calculate the grant need; and

WHEREAS, currently the County has \$2,500,000 of FY11 and FY13 base grant funding available, there is no (\$0) statewide FY11 competitive funding available, but the County is eligible for \$5,000,000 in FY13 competitive grant funding, subject to available funds (Schedule C); and

WHEREAS, on July 14, 2014 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, no competitive grant funding is needed for the SADC cost share grant on this Property, therefore the entire estimated SADC grant need will be encumbered from the County's base grant; and

WHEREAS, the estimated cost share breakdown is as follows (based on 17.51 acres); and

	<u>Cost Share</u>
SADC	\$1,186,302.50 (\$67,750/acre; 31.51%)
Bergen County	\$2,578,347.50 (\$147,250/acre; 68.48%)
Total Easement Purchase	\$3,764,650 (\$215,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Bergen County Agriculture Development Board approved the application on June 3, 2014, and the Bergen County Board of Chosen Freeholders approved the required local match (\$147,250/acre) on June 18, 2014, and Saddle River Borough approved the application on July 21, 2014, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Bergen County Agriculture Development Board is requesting \$1,186,302.50 from its FY11 base grant, leaving a cumulative base grant balance of \$1,313,697.50 (Schedule C); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Bergen County for the purchase of a development easement on the Property, comprising approximately 17.51 acres, at a State cost share of \$67,750 per acre, (31.51% of purchase price), for a total grant need of \$1,186,302.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has zero (0) exception areas, zero (0) Residual Dwelling Site Opportunity(ies), zero (0) single family residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.



10-3-14

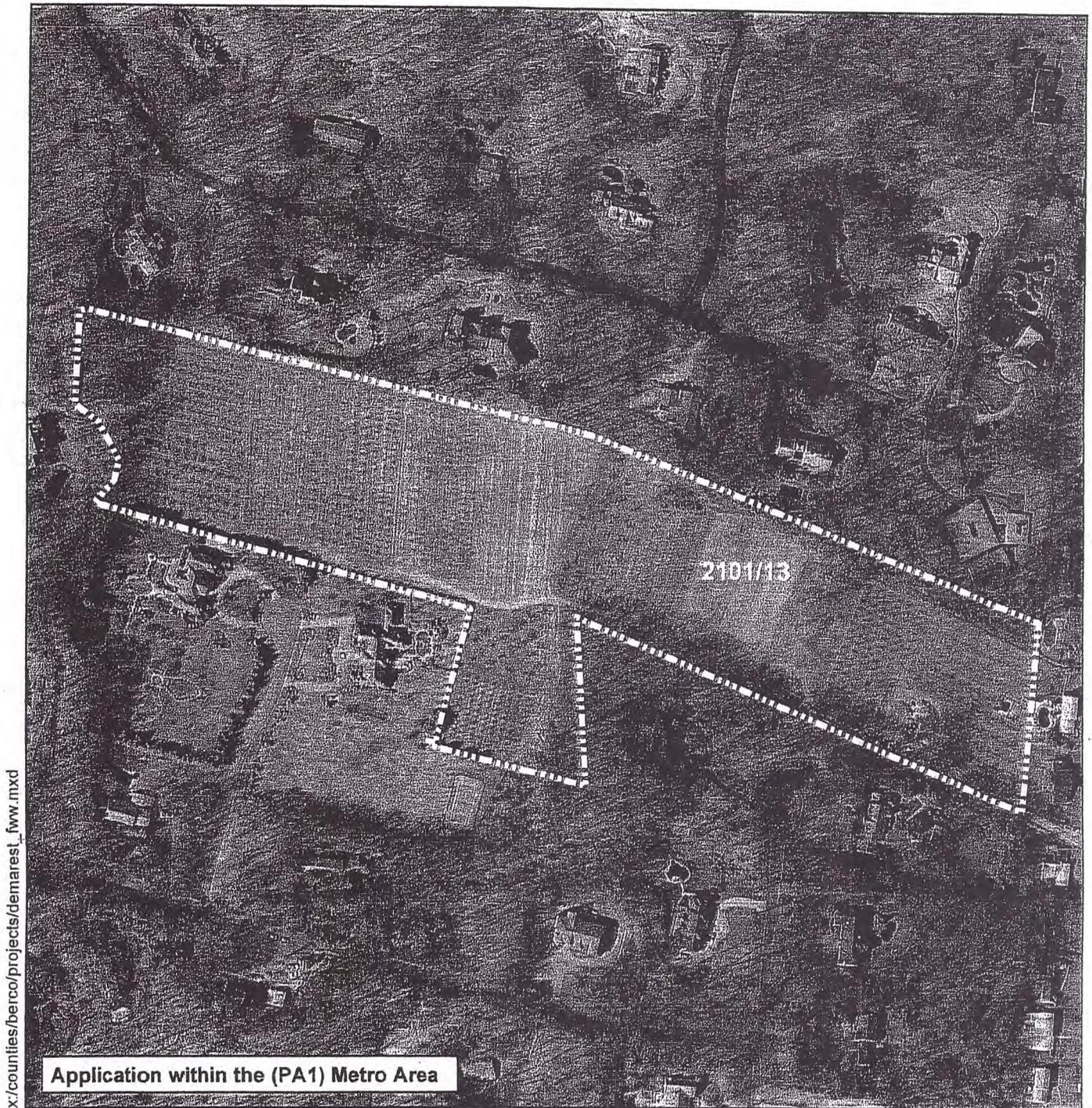
Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Schedule A



x:/counties/berco/projects/demarest_fwv.mxd

Application within the (PA1) Metro Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

George Demarest, LLC
Block 2101 Lot 13 (17.8 ac)
Gross Total = 17.8 ac
Saddle River Borough, Bergen County



- Wetlands Legend:**
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOTI/OGIS 2007/2008 Digital Aerial Image

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R9(23)

ELIGIBILITY REVIEW AND WAIVER

For

BERGEN COUNTY PLANNING INCENTIVE GRANT

On the Property of
George H. Demarest LLC
Saddle River Borough, Bergen County
SADC ID# 02-0001-PG

September 27, 2012

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Bergen County ("County") pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, the Plan received preliminary approval on May 28, 2009; and

WHEREAS, on July 17, 2012, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") individual application from Bergen County, for the Demarest Farm, identified as Block 2101, Lot 13, Saddle River Borough, Bergen County, totaling approximately 18 acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, at this time the County has \$1,500,000 in SADC FY2011 PIG base grant funding and the opportunity to compete for an additional \$3,000,000 in FY2011 competitive grant funds; and

WHEREAS, the Property is located in Bergen County's Saddle River Project Area; and

WHEREAS, the Property currently supports an apple, pumpkin and mixed vegetable operation; and

WHEREAS, the Property has no residences, no exceptions and no pre-existing non-agricultural uses; and

WHEREAS, the owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, SADC staff has reviewed the application and determined that it is complete and accurate and meets the minimum standards as per N.J.A.C. 2:76-6.20 and has a quality score of 45.93 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(a)7 and 17.2 the SADC is responsible for establishing standards for determining an “eligible farm” by determining minimum score requirements in the County PIG program; and

WHEREAS, Pursuant to N.J.A.C. 2:76-17.2 an “eligible farm” means a targeted farm that qualifies for grant funding under subchapter (17) by achieving an individual rank score pursuant to N.J.A.C. 2:76-6.16 that is equal to or greater than 70 percent of the county’s average quality score of all farms granted preliminary approval by the SADC through the County Easement Purchase Program and/or the County PIG program within the previous three fiscal years, as determined by the SADC; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(a)7 the SADC may grant relief of the minimum score criterion for applications submitted under the County PIG program as per Resolution #FY2012R7(35) approved on July 28, 2011(effective January 1, 2012); and

WHEREAS, because there were no applications during the past three fiscal years that received preliminary approval through the County PIG program in order to establish an average quality score for Bergen County, the SADC considers applications in Bergen County on a case by case basis until an average quality score can be calculated in future years; and

WHEREAS, the Bergen County Agriculture Development Board (CADB) has requested that the SADC approve the application based on the following factors:

- The farm, located in Saddle River, is adjacent to the previously preserved 10.1 acre Demarest/Hillsdale farm in Hillsdale Township. Together they create approximately 28 acres of very productive farmland in a highly urbanized area. (Schedule C)
- Since both the preserved Demarest/Hillsdale farm and the Property are surrounded by residential development, they represent the only present opportunity to maintain an agricultural presence and resource in the surrounding community.
- The Property contains approximately 14 acres of apples, over 2 acres of pumpkins and 1 acre of vegetables.
- The agricultural production and active “Pick Your Own” agritourism activities support the neighboring Demarest/Hillsdale farm market in Hillsdale Township.
- Bergen County has 51 remaining farms totaling approximately 800 acres. Seven of the 51 farms have been preserved for a total of 318 acres. If preserved, the 18 acre Property would be the third largest farm preserved to date.
- The Property is approximately 80 % tillable and contains soils that are 8% Prime and 48% soils of Statewide Importance, significantly contributing to the County’s important agricultural soils.
- The average soil quality of the 51 remaining farms is 17.7 % Prime and 14.1% soils of Statewide importance.

WHEREAS, based on the factors presented by the CADB above SADC staff recommend the SADC approve the application in order to finalize preliminary approval as per N.J.A.C. 2:76-17.9;

NOW THEREFORE BE IT RESOLVED, the SADC approves this application based on the factors listed above; and

BE IT FURTHER RESOLVED, that the SADC shall notify the County in writing that the application has been approved and SADC staff will finalize the preliminary approval as per N.J.A.C. 2:76-17.9 ; and

BE IT FURTHER RESOLVED, that the SADC's approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

9/27/12
Date

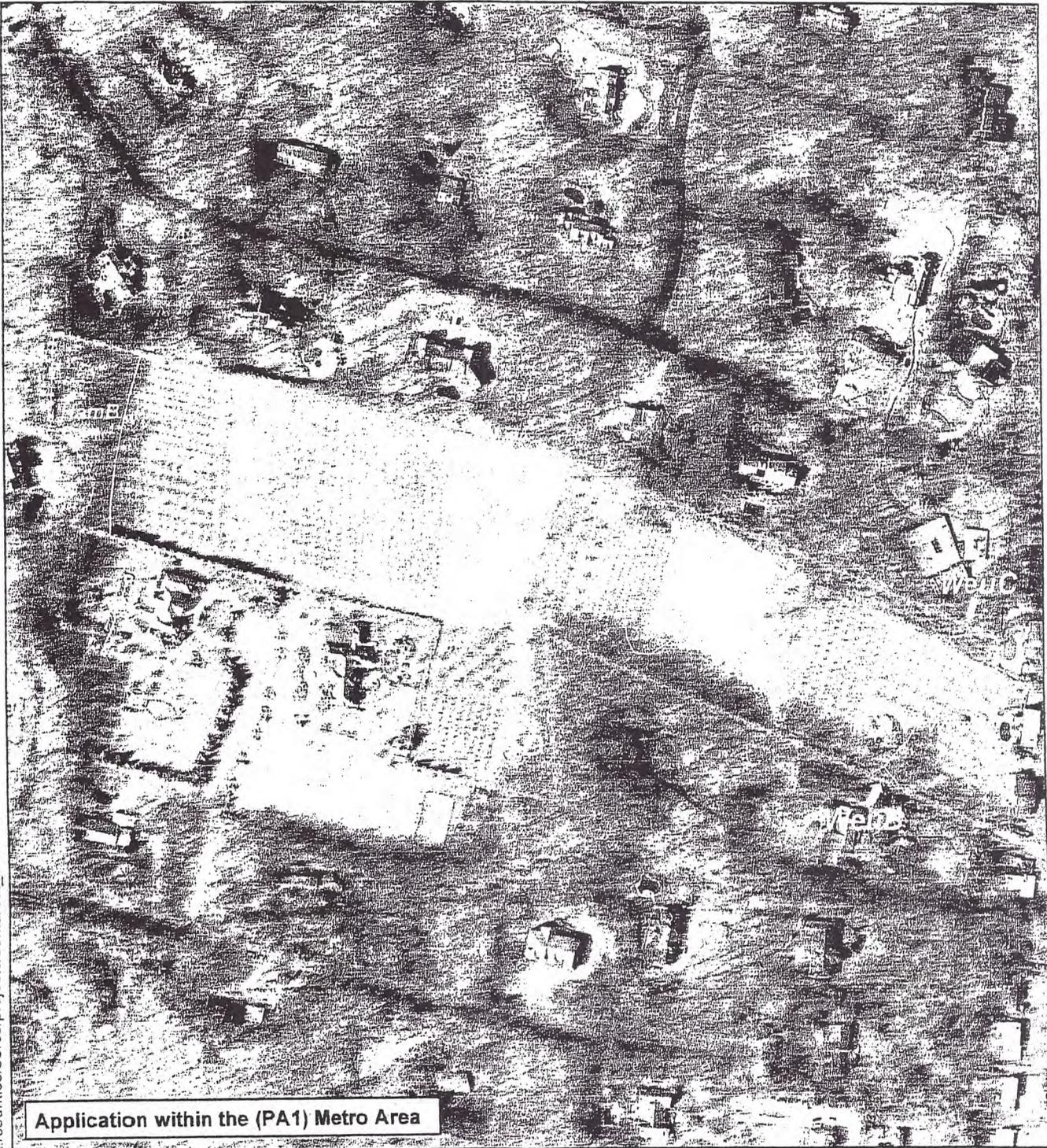


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Denis Germano	YES
Peter Johnson	YES
Torrey Reade	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT

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Application within the (PA1) Metro Area

**FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee**

George Demarest, LLC
Block 2101 Lot 13 (17.8 ac)
Gross Total = 17.8 ac
Saddle River Borough, Bergen County



Property in Question

-  EN - (Non-Severable) Exception
-  ES - (Severable) Exception
-  Soils Boundaries
-  Municipal, County and Non-Profit Preserved Open Space
-  State Owned Conservation Easement
-  State Owned O/S & Recreation Easement



DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor

Sources:
NRCS - SSURGO 2010 Soil Data
Green Acres Conservation Easement Data
NJGITOGIS 2007/2008 Digital Aerial Image

State of New Jersey
 State Agriculture Development Committee
 Farmland Preservation Program
 Quality Ranking Score

Schedule B

GENERAL INFORMATION

COUNTY OF Bergen Saddle River Boro 0258
 APPLICANT George Demarest LLC

PRIORITIZATION SCORE

SOILS:	Other	44% *	0	=	.00	
	Prime	8% *	.15	=	1.20	
	Statewide	48% *	.1	=	4.80	
						SOIL SCORE: 6.00
TILLABLE SOILS:	Orchard	100% *	.15	=	15.00	
						TILLABLE SOILS SCORE: 15.00
BOUNDARIES AND BUFFERS:	Residential Development	78.7% *	0	=	.00	
	Streams and Wetlands	21.3% *	.18	=	3.83	
						BOUNDARIES AND BUFFERS SCORE: 3.83
CONTIGUOUS PROPERTIES / DENSITY:	Demarest LLC					2
	Demarest					2
						DENSITY SCORE: 4.00
LOCAL COMMITMENT:		100% *	8	=	8.00	
						LOCAL COMMITMENT SCORE: 8.00
SIZE:						SIZE SCORE: 6.07
IMMIMENCE OF CHANGE:	SADC Impact factor =		3.03			
						IMMINENCE OF CHANGE SCORE: 3.03
COUNTY RANKING:						
EXCEPTIONS:						EXCEPTION SCORE: .00
						TOTAL SCORE: 45.93

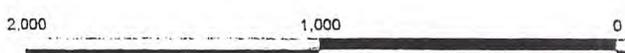
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Application within the (PA1) Metro Area

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

George Demarest, LLC
 Block 2101 Lot 13 (17.8 ac)
 Gross Total = 17.8 ac
 Saddle River Borough, Bergen County



Farmland Preservation Program	
Property in Question	
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
Preserved Easements	
Active Applications	
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned O/S & Recreation Easement
Base Map	
	County Boundary
	Municipal Boundary



NOTE:
 The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors

Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 NJDOT/OGIS 2007/20005 Digital Aerial Image

Schedule C

Bergen County

New Jersey Farmland Preservation Program
 Preservation Program
 County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

FY2011/FY2013

Farm	Municipality	App Acres	Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Grant % Per Acre	Easement Consideration	Cost Share	BASE GRANT				STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (subject to available funds statewide)	
										FY11	FY13	Total	Encumbered at FY11		Expend	Balance
Demarest	Saddle Brook Boro	17.000	17.510	215,000.00	215,000.00	67,750.00	31.51%	3,764,650.00	1,186,302.50	1,186,302.50			1,313,697.5		3,000,000.00	5,000,000.00
										Encumbered	Expend	Balance	Expend	Balance		
Encumbered/Expended FY11		17.000	17.510					3,764,650.00	1,186,302.50	1,186,302.50			313,697.50		3,000,000.00	
Encumbered/Expended FY13																
Total		17.000	17.510					3,764,650.00	1,186,302.50	1,186,302.50			1,313,697.50	0.00		5,000,000.00
Reprogram Out																

C

State Agriculture Development Committee
 SADC Final Review: Development Easement Purchase

George Demarest LLC
 02- 0001-PG
 County PIG Program
 17 Acres

Block 2101	Lot 13	Saddle River Boro	Bergen County		
SOILS:		Other	44% * 0	=	.00
		Prime	8% * .15	=	1.20
		Statewide	48% * .1	=	4.80
					SOIL SCORE: 6.00
TILLABLE SOILS:		Orchard	80% * .15	=	12.00
		Woodlands	20% * 0	=	.00
					TILLABLE SOILS SCORE: 12.00
FARM USE:	Deciduous Tree Fruit		14 acres		

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Recorded
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2015R10(23)

Final Approval and Authorization to Execute Closing Documents
Authorization to Contract for Professional Services
SADC Easement Purchase

On the Property of
David C. Stothoff & Elizabeth S. Stothoff ("Owners")

October 3, 2014

Subject Property: David C. Stothoff & Elizabeth S. Stothoff ("Owners")
Block 28, Lot 23
Union Township, Hunterdon County
SADC ID#: 10-0218-DE
Approximately 56 Net Easement Acres

WHEREAS, on September 11, 2013 the State Agriculture Development Committee ("SADC") received a development easement sale application from David C. Stothoff & Elizabeth S. Stothoff, hereinafter "Owners," identified as Block 28, Lot 23, Union Township, Hunterdon County, hereinafter "Property," totaling approximately 56 net easement acres, identified in (Schedule A); and

WHEREAS, the SADC is authorized under the Garden State Preservation Trust Act, pursuant to N.J.S.A. 13:8C-1 et seq., to purchase development easements directly from landowners; and

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 25, 2013, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Hunterdon County (minimum acreage of 46 and minimum quality score of 57) because it is 56 acres and has a quality score of 62.87; and

WHEREAS, the Property includes a 2-acre non-severable exception area limited to two single family residences, with one of the residences limited to 2,000 square feet of heated living space; and

WHEREAS, the Property has zero (0) single family residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the area outside of the exception area; and

WHEREAS, at the time of application, the Property was devoted to hay and chicken egg production; and

WHEREAS, the Property has a ground mounted solar energy generation facility consisting of 75 panels, on a 973 square foot footprint, designed to generate 18KW for the farm. SADC approval is required for any expansion in the physical size or generation capacity of the solar energy facility; and

WHEREAS, the Owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, and Non-agricultural uses; and

WHEREAS, on May 22, 2014, the SADC certified the development easement value of the Property at \$8,200 per acre based on January 1, 2004 zoning and environmental conditions and \$700 per acre based on current zoning and environmental conditions as of March 2014; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property for \$8,200 per acre; and

WHEREAS, to proceed with the SADC's purchase of the development easement it is recognized that various professional services will be necessary including but not limited to contracts, survey, title search and insurance and closing documents; and

WHEREAS, contracts and closing documents for the acquisition of the development easement will be prepared and shall be subject to review by the Office of the Attorney General;

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for its acquisition of the development easement at a value of \$8,200 per acre for a total of approximately \$459,200 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, that the Property includes a 2-acre non-severable exception area limited to two single family residences with one residence limited 2,000 square feet of heated living space; zero (0) single family residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the area outside of the excepted area; and

BE IT FURTHER RESOLVED, that the SADC's purchase price shall be based on the final surveyed acreage of the Property adjusted for proposed road rights of way, other rights of way or easements as determined by the SADC, tidelands claim and streams or water bodies on the boundaries of the Property as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

10-3-14



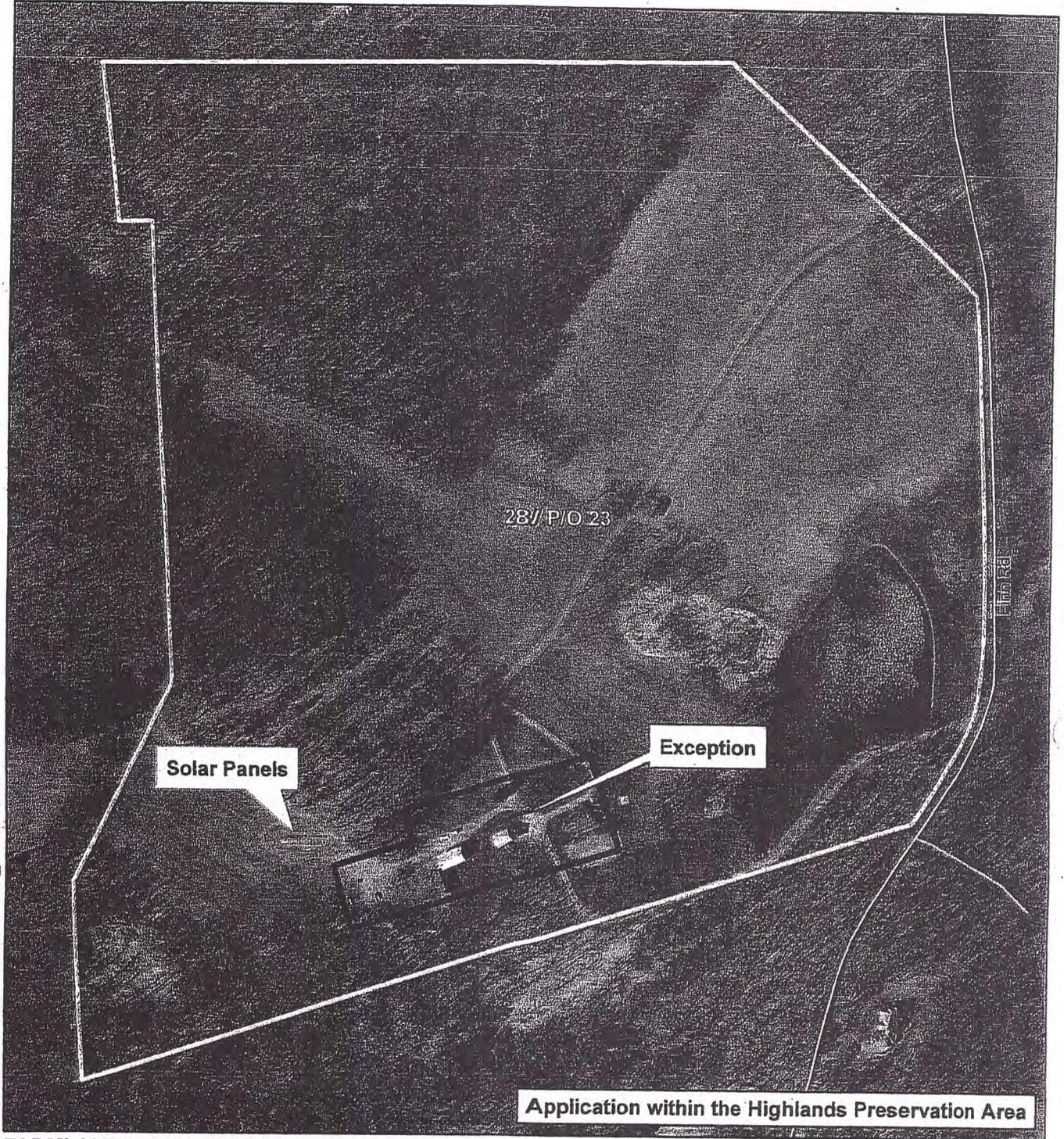
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

- | | |
|---|--------|
| Douglas H. Fisher, Chairperson | YES |
| Renee Jones (rep. DEP Commissioner Martin) | YES |
| James Requa (rep. DCA Commissioner Constable) | YES |
| Ralph Siegel (rep. State Treasurer Sidamon-Erstoff) | YES |
| Brian Schilling (rep. Executive Dean Goodman) | ABSENT |
| Jane R. Brodhecker | YES |
| Alan A. Danser, Vice Chair | ABSENT |
| James Waltman | YES |
| Peter Johnson | YES |
| Denis C. Germano | ABSENT |
| Torrey Reade | YES |

Schedule A

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

David and Elizabeth Stohoff
Block 28 Lots P/O 23 (57.4 ac)
& P/O 23-EN (non-severable exception - 2.0 ac)
Gross Total = 59.4 ac
Union Twp., Hunterdon County



Property In Question	
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Primary - Limited Access
	Federal or State Hwy
	County Roads
	Municipal/Local Roads
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned O/S & Recreation Easement



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Sources:
Green Acres Conservation Easement Data
NJGIT/OGIS 2012 Digital Aerial Image

August 19, 2014

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

David C. & Elizabeth S. Stothoff
State Acquisition
Easement Purchase - SADC
56 Acres

Block 28	Lot 23	Union Twp.	Hunterdon County		
SOILS:		Other	12% * 0	=	.00
		Prime	46% * .15	=	6.90
		Statewide	42% * .1	=	4.20
					SOIL SCORE: 11.10
TILLABLE SOILS:		Cropland Harvested	46% * .15	=	6.90
		Other	5% * 0	=	.00
		Wetlands	7% * 0	=	.00
		Woodlands	42% * 0	=	.00
					TILLABLE SOILS SCORE: 6.90
FARM USE:	Hay		33 acres		
	Chicken Eggs		acres		12 layers

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st two (2) acres for existing & future residence
 - Exception is not to be severable from Premises
 - Second dwelling cannot exceed 2,000 square feet.
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:

Solar Energy Generation Facility: There is an existing ground-mounted solar energy generation facility that consists of 75 panels designed to generate 18kW to service the farm. The footprint of the array is 973 sq. ft. Prior SADC approval is required for any expansion in the physical size or generation capacity of the solar energy facility.
 - e. Dwelling Units on Premises:

Cabin - un-improved hunting cabin
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2015R10(24)

Final Approval and Authorization to Execute Closing Documents
Authorization to Contract for Professional Services
SADC Easement Purchase

On the Property of
Gaetano DeSapio ("Owner")

October 3, 2014

Subject Property: Gaetano DeSapio ("Owner")
Block 6, Lots 12 and 13.01
Kingwood Township, Hunterdon County
SADC # 10-0223-DE
Approximately 65 Net Easement Acres

WHEREAS, on January 24, 2014, the State Agriculture Development Committee ("SADC") received a development easement sale application from Gaetano DeSapio, hereinafter "Owner," identified as Block 6, Lots 12 and 13.01, Kingwood Township, Hunterdon County, hereinafter "Property," totaling approximately 65 net easement acres, identified in (Schedule A); and

WHEREAS, the SADC is authorized under the Garden State Preservation Trust Act, pursuant to N.J.S.A. 13:8C-1 et seq., to purchase development easements directly from landowners; and

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 25, 2013, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Hunterdon County (minimum acreage of 46 and minimum quality score of 57) because it is 65 acres and has a quality score of 61.74; and

WHEREAS, the Property includes a 2-acre non-severable exception area limited to one single family residence, and a 3-acre severable exception area for a lot line adjustment with lot 12.01, to be completed prior to closing ; and

WHEREAS, as a result of the subdivision of the severable exception prior to closing, the remaining parcel may be re-designated with a new lot number and this re-designation will be reflected in the subsequent closing documents and deed of easement; and

WHEREAS, the Property has zero (0) single family residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the area outside of the exception areas; and

WHEREAS, at the time of application, the Property was devoted to hay production; and

WHEREAS, the Owner has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, and Non-agricultural uses; and

WHEREAS, on July 24, 2014, the SADC certified the development easement value of the Property at \$8,900 per acre based on current zoning and environmental conditions as of May 2014; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property for \$8,900 per acre; and

WHEREAS, to proceed with the SADC's purchase of the development easement it is recognized that various professional services will be necessary including but not limited to contracts, survey, title search and insurance and closing documents; and

WHEREAS, contracts and closing documents for the acquisition of the development easement will be prepared and shall be subject to review by the Office of the Attorney General;

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for the direct acquisition of the development easement at a value of \$8,900 per acre for a total of approximately \$ 578,500 subject to the conditions contained in (Schedule B); and

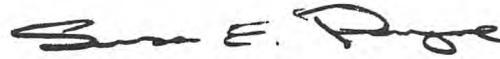
BE IT FURTHER RESOLVED, the Property includes a 2-acre non-severable exception area limited to one single family residence, and a 3-acre severable exception area for a lot line adjustment with lot 12:01, to be completed prior to closing; zero (0) single family residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the area outside of the exception areas; and

BE IT FURTHER RESOLVED, that the SADC's purchase price shall be based on the final surveyed acreage of the Property adjusted for proposed road rights of way, other rights of way or easements as determined by the SADC, tidelands claim and streams or water bodies on the boundaries of the Property as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.



10-3-14

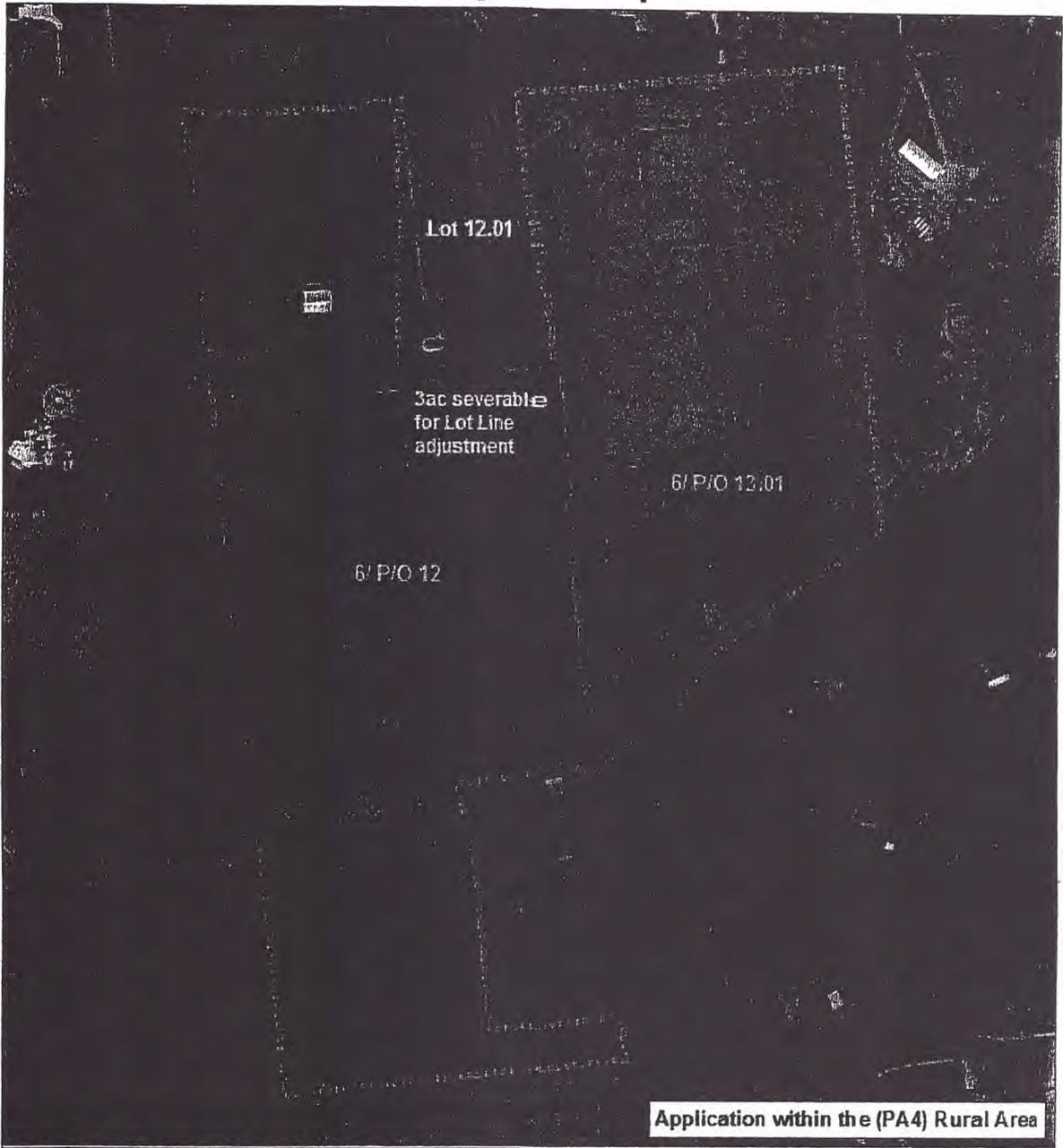
Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

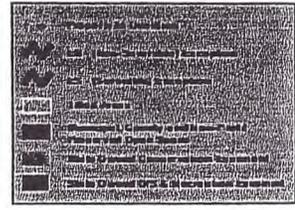
Project Map



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Geetano De Sapio/Guy De Sapio Family Farm
 Block 6 Lots P/O 12 (38.5 ac) & P/O 12-ES (severable exception - 3.1 ac)
 P/O 13.01 (26.4 ac) & P/O 13.01-EN (non-severable exception - 2.0 ac)
 Gross Total = 70.0 ac
 Kingwood Twp., Hunterdon County



DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The contour and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data obtained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Sources:
 NJDA-SADC Farmland Preservation Program
 NJO/MOGIS 2012 Digital Aerial Image

March 7, 2014

Schedule B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Gaetano DeSapio Family Farm
State Acquisition
Easement Purchase - SADC
65 Acres

Block 6	Lot 12	Kingwood Twp.	Hunterdon County		
Block 6	Lot 13.01	Kingwood Twp.	Hunterdon County		
SOILS:		Other	25% * 0	=	.00
		Prime	36% * .15	=	5.40
		Statewide	39% * .1	=	3.90
				SOIL SCORE:	9.30
TILLABLE SOILS:		Cropland Harvested	62% * .15	=	9.30
		Wetlands	7% * 0	=	.00
		Woodlands	31% * 0	=	.00
				TILLABLE SOILS SCORE:	9.30
FARM USE:	Hay		39 acres		

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st two (2) acres for Future housing
Exception is not to be severable from Premises
Right to Farm language is to be included in Deed of Easement
Exception is to be limited to one future single family residential unit(s)
 - 2nd three (3) acres for Lot line adjustment with 12.01 to be completed prior to closing.
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.