

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**Department of Agriculture  
Market and Warren Streets  
1<sup>st</sup> Floor Auditorium  
Trenton, NJ 08625**

**REGULAR MEETING**

**June 25, 2015**

Chairman Fisher called the meeting to order at 9:09 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, Chairman  
James Requa (rep. DCA Commissioner Richman)  
Brian Schilling (rep. Executive Dean Goodman)  
Cecile Murphy (rep. DEP Commissioner Martin)  
Alan Danser, Vice Chairman  
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)  
James Waltman  
Peter Johnson

**Members Absent**

Jane Brodhecker  
Denis C. Germano, Esquire

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

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**Others present as recorded on the attendance sheet:** Timothy Brill, Steve Bruder, Heidi Winzinger, Cindy Roberts, Stefanie Miller, Paul Burns, Jeffrey Everett, David Kimmel, Charles Roohr, Alison Reynolds, Esq., Gerry Taylor, Sandy DeVincent, David Clapp, Pat O'Connell, Matthew DiStaulo, Matthew Calcagno, Sandy Giambrone and Patricia Riccitello, SADC staff; Michael Collins, Esq., Governor's Authorities Unit; Harriet Honigfeld, Monmouth County

Agriculture Development Board; Daniel Pace, Mercer County Agriculture Development Board; Tara Kenyon, Somerset County Agriculture Development Board; Brian Wilson and Tim Willmott, Burlington County Agriculture Development Board; Liz Thompson, New Jersey Farm Bureau; Katherine Coyle, Morris County Agriculture Development Board; Dr. Paul Gottlieb, Rutgers University; Lori Rue, Rue Brothers Farm, Monmouth County; Mark Villinger, Kyle McLaughlin and Rebecca Ziefle, Ocean County Agriculture Development Board; and Michell Hartung and Kenneth Lea, landowners, Pohatcong Township, Warren County.

### **Minutes**

#### **A. SADC Regular Meeting of May 28, 2015 (Open and Closed Sessions)**

It was moved by Mr. Requa and seconded by Mr. Schilling to approve the Open Session and Closed Session minutes of the SADC regular meeting of May 28, 2015. The motion was approved. (Mr. Danser and Mr. Johnson abstained from the vote.)

### **REPORT OF THE CHAIRPERSON**

Chairman Fisher deferred comments to the Executive Director.

### **REPORT OF THE EXECUTIVE DIRECTOR**

Ms. Payne made the following comments:

- Retirement of SADC Agriculture Retention Program Manager Tim Brill

Ms. Payne stated that as she mentioned last month this will be the last meeting that Tim Brill will be attending as he will be retiring effective July 1<sup>st</sup>. Ms. Payne read a resolution recognizing Mr. Brill and his service to farmland preservation. Mr. Brill has been with the SADC for the past 16 years and has dedicated his entire career to preserving New Jersey's farmland, historic and open space resources, starting with the City of Bridgeton and then continuing on to Cumberland County for a total of 30+ years of service. Mr. Brill leaves behind a legacy of 2,132 farms covering 162,280 acres that have been preserved under the State Farmland Preservation Program during his tenure, as well as comprehensive



farmland preservation plans developed by 18 counties and 47 towns that target an additional 280,000 acres of farmland. Ms. Payne stated that the SADC offers its sincere thanks to Mr. Brill on behalf of all the farmers and citizens of New Jersey now and in the future who will benefit from his tireless efforts and that the SADC wishes him all the best in his future endeavors and a long and happy retirement.

Mr. Brill stated that it has been a real privilege to serve the program in a number of capacities over the years. He does look at the teamwork that has gone into this program and the partnerships with landowners, counties and municipalities, along with the nonprofit groups, as being the real legacy that will sustain the program going forward. We are obviously at a critical point in the program's development but he looks forward to looking at bigger and better things in the years to come; a lot of new tools are coming on the floor. It is great, as he travels around the state, to see the impact that this program has had. When he first became involved in the program in Cumberland County, there was a real impermanent syndrome associated with agriculture and he doesn't see that any more. He thinks that now that we have preserved roughly one-third of the state's agricultural resources, people realize that agriculture will always be a part of the Garden State and he thinks the future endeavors, with the changes in agriculture that are inevitable in the future, will continue to sustain the industry going forward. Mr. Brill stated it has been a pleasure working with everyone.

- Soil Disturbance Subcommittee

Ms. Payne stated that the Soil Disturbance Subcommittee met last week with three members of the State Board of Agriculture. It was a very productive and open exchange of ideas on the issue. The State Board meeting was yesterday and some of the folks who attended our meeting spoke very positively about the meeting. They were very appreciative about having the opportunity to sit face-to-face with the SADC. They look forward to continuing to work with the SADC on this issue. Mr. Danser, who sits on the subcommittee, stated that he felt that the meeting went very well. It was a good start and a frank discussion and they all recognize that it is a tough topic but he doesn't know what would happen to have it go any better. It was a very good meeting. Mr. Johnson, who also sits on the subcommittee, stated that he was curious to see where we are going next. Ms. Payne stated that the subcommittee will need to meet again and give direction. We continue, at the staff level, to reach out to all kinds of experts in the agricultural community to try to get more one-on-one feedback. She would like to get feedback from the CADBs, and she always offers to come and talk and

discuss it with them. Staff hasn't had much feedback from them on the issue. Ms. Payne stated that she thought that was her charge, to go out and try to understand the full range of concerns from the agricultural community, as well as the environmental community, and bring those back to the subcommittee and then to the SADC. Chairman Fisher stated that we will be listening a lot and try to see where we can get some consensus on some of the issues and the board will make its determination on what it may or may not do. In addition to the soil disturbance issue, the State Board indicated it wanted to meet more frequently with the SADC to understand what is on our plate and what we are working on so that things don't come up and surprise them. Ms. Payne stated that under Tab 2 in the members' binders, she has provided the same list that was provided to the State Board last week. It is to give the Committee a snapshot of the projects that staff is working on so you know what is on the SADC's plate. The State Board would like to meet again in a month or two and further the discussion and we will see where we are on other things such as the rules we need to do for alternative energy. This is to keep the Committee informed as well.

- New Jersey Pinelands

Ms. Payne stated that the New Jersey Pinelands Commission, originating out of one specific case, has begun to look at the issue of agritourism in the Pinelands. The Pinelands Commission is looking at two things: what the Pinelands regulations allow in terms of agritourism activities and what the regulations allow in terms of nonagricultural uses on farms from a zoning perspective. The two things are somewhat distinct. They are looking at both preserved and unpreserved farmland. Roger Kumpel, Bill Kutz and Ms. Payne, along with representatives from the New Jersey Farm Bureau, met with the Pinelands Commission's Executive Director recently. Ms. Payne stated that the SADC expressed its offer to help in any way it can but we definitely wanted to make sure that they are aware of the fact that the SADC already adopted an agricultural management practice for on-farm direct marketing and that there is a little bit of concern regarding re-creating the wheel and creating a different set of standards to apply in the Pinelands and the kind of situation it puts a farmer in if he is in the Pinelands and trying to take advantage of Right to Farm protections. Right to Farm protects farmers in the Pinelands for the activities they want to do, unless that activity is contrary to the regulations in the Pinelands because it is a State agency. A farmer cannot violate a State law or regulation and be eligible for Right to Farm protection so if there is something that the Pinelands Commission says you cannot do that carries the weight of the State regulation.



Ms. Payne stated that she has been invited to come down and provide a more detailed presentation on the on-farm direct marketing AMP. That will probably be scheduled for late July. Mr. Schilling stated that there may be some value in sitting down with Rutgers to talk about some of the work that Rutgers has done to help them understand the broader context of agritourism and economic development. Ms. Payne stated that she would be happy to reach out to them and let them know that Rutgers would be a great resource to meet with them, if that hasn't happened already. Mr. Schilling stated that he was thinking specifically to sit down with SADC staff and others here to give staff some background that may be useful to pass on. Ms. Payne stated absolutely. She explained that the Pinelands Commission is considering a pilot program; their statute and regulations allow them to adopt regulations as a pilot for different uses and it is a five-year period. Many activities associated with marketing on farms would not be permitted under the current regulations of the Pinelands Commission. Ms. Payne stated that staff also pointed out to them something that staff has observed over the years regarding the different zones in the Pinelands. There is the agricultural production area, which is most of the farmland, but then there is the special agricultural production area, which is mostly berry production. The Pinelands regulations do not allow retail marketing on farms in the whole special agricultural production area so we have pointed that out to them.

- Burlington County 30<sup>th</sup> Anniversary Event

Ms. Payne stated that this was a beautiful event that she attended a week ago. It was held at the Smithville Mansion in Eastampton, celebrating 30 years since the first farmland preservation acquisitions in the State. Secretary Fisher attended and made remarks and there was an auction of artwork featuring artists from all over the county. They had gone out to preserved farms and did either photographs or paintings and had a beautiful art display. It was a lovely evening. She thanked everyone who was able to attend the event.

- Land Link

Mr. Everett stated that the SADC had a \$50,000 grant from the federal government and the National Institute of Food and Agriculture. Dave Kimmel has been engaged with NOFA, NJ for three years to try to facilitate the linkages between landowners and farmers, with particular emphasis on beginning farmers. That project has concluded. The last piece was a land-linking component because

up until this time Land Link has been limited to tabular listings of farm opportunities that may or not be stale so we wanted to give a spatial component to that. That is now up online at NJlandlink.org and there are now live entries on there. Staff will do a press release shortly. This is something we are very proud of and we are probably the first in the country that has this type of product. Staff has heard a lot of positive comments thus far and there is no cost to New Jersey taxpayers for this. The next iteration for this would be through a grant that NOFA NJ applied for, for phase II, and we hope to add soils from the USDA, NRCS's web soil survey along with different GIS components that will help farmers and landowners make decisions related to the land itself. Ms. Payne stated that since the Committee saw the demo of it a while back, there were added educational documents to help a landowner walk through how to use the website. We think it is very user-friendly at this point so it is going live. Staff offered yesterday to see if we could do a demo for the State Board of Agriculture at an upcoming meeting. She thought that would be a great idea.

Mr. Johnson stated that the Burlington County Freeholders had an interesting meeting last night with a packed house. They have re-established the four cent dedicated tax for farmland preservation, historic and open space presentation in Burlington County. The support was overwhelming from all walks of life. This was very good news for the program.

### **COMMUNICATIONS**

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. Ms. Payne stated that there are a lot of articles regarding pipelines to keep the Committee up to date. In terms of where pipelines go, when a pipeline has an existing right of way most often times the pipeline companies come in and they want to do a parallel expansion of the right of way, so if they have 25 feet now they may want to come in and do another 25 or 50 feet. We see a lot of that and it makes sense. The PennEast pipeline project is a new pipeline, so there is no existing right of way. That project raised the issue of, instead of cutting across most of the farms, co-locating pipelines with existing electric utility easements that already exist on those farms. PennEast, to their credit, embraced that approach. They dramatically changed what their original proposed alignment was for that project to co-locate with existing overhead utility lines to the extent that they can.

Ms. Payne stated that the New Jersey Natural Gas project, which is another new project that will be coming through Northern Burlington County into Ocean County into the



Joint Base, is definitely raising a lot of concerns. First, it is probably the most contiguous preserved area in the State, in terms of farmland preservation, TDR and open space. It is highly intact and they are trying to get this pipeline through that area. They are aware of the fact that under State law they cannot cross preserved farmland unless they have overriding federal authority to do so. This is not a FERC project so they do not have that overriding federal authority. Therefore, the pipeline company proposed to put it in the road right of way and use county roads. Burlington County passed a resolution vehemently opposed to putting the pipelines in the roads. There was an open house held in North Hanover Township and immediately following that the SADC got a call from the Office of Legislative Services saying that several legislators have contacted them interested in putting together legislation to provide relief to allow pipelines across preserved farmland. One proposal that has surfaced would require co-location. If there are electric utility lines going across preserved farms already, this would allow pipeline companies to go in the similar alignment. The SADC hasn't seen any drafts of those bills yet but that is what we are hearing from the legislative side. One of the legislators is definitely trying to keep these pipelines from going through people's front yards. The County's resolution does not say it should go through preserved farms, it is just opposing the proposed alignment using county roads.

Mr. Brill stated that the proposal is to run the pipeline from Chesterfield Township through the Joint Base and connect with New Jersey Natural Gas infrastructure in Ocean County. The purpose of the project is to give New Jersey Natural Gas service territory in Monmouth and Ocean Counties a secondary means of supply for most of their gas. It is a growing area and they realized the vulnerability related to the Hurricane Sandy situation that created concerns for a lot of people in Monmouth and Ocean Counties. Regarding the other proposals, New Jersey Natural Gas evaluated five or six different routing options, including a State highway option on Route 68 that has been supported by a lot of people.

#### **PUBLIC COMMENT**

None

#### **NEW BUSINESS**

- A. Presentation of Rutgers University, New Jersey Agricultural Experiment Station Research Findings on Preserved Farmland Programs  
Dr. Brian Schilling and Dr. Paul Gottlieb**

Ms. Payne stated that she has been aware of the fact that Dr. Schilling and his colleagues at Rutgers have been spending considerable time and energy researching the different aspects of preserved farm programs, not just in New Jersey. We have a light agenda today so Ms. Payne thought it would be an opportune time to have Dr. Schilling and Dr. Gottlieb share some of their research and findings.

Dr. Schilling stated that his day job is as an Extension Specialist and Professor in the Department of Agriculture, Food and Resource Economics, as is Dr. Gottlieb, who is the Chair of that department. Kevin Sullivan, whom some of you may know, is one of the Research Analysts at the Experiment Station. Dr. Schilling thought that today's presentation would provide a mile-wide and relatively shallow overview of what they have done over recent years. A lot of what he will talk about today is based on the USDA grant that the SADC, and Ms. Payne in particular, was very helpful in them getting through one of the competitive programs under the USDA. They have colleagues who are from Delaware and Maryland along with a very prominent colleague, Dick Essex, who is one of the forefathers of farmland preservation in the nation. The National Agricultural Land Study from the 1970s and 1980s really set the stage for a lot of the efforts nationally. Dr. Essex was part of that.

Dr. Schilling stated that all we have to do to rationalize why we have farmland preservation and other agricultural retention policies is to look at the various mapping in the presentation that shows how the state has changed over the past several decades. The maps show how much development there is, which often comes at the expense of farmland. There are three primary policies in the state that really anchor agriculture retention, farmland assessment being the earliest one from the 1960s, and then Right to Farm and the Farmland Preservation Program, which came out of 1983 jointly passed laws.

Dr. Schilling stated that New Jersey, to the amazement of others outside of the state, is really one of the national leaders in farmland preservation. Over the past 30 plus years we have hit so many milestones that we are the envy of the nation. With more than 215,000 acres under easements, it is a remarkable accomplishment.

Dr. Schilling stated that the reason farmland preservation is so popular – and it is in a majority of states, not just New Jersey – is that it has certain advantages over other techniques such as zoning or other regulatory based programs, in the sense that participation is voluntary and compensated. You don't have concerns about takings issues and so forth. Using easements establishes a non-possessory interest. That means that landowners keep ownership of that land. It is productive, it contributes to tax rolls and



there are stewards of land. Also, it is permanent, which makes it much more attractive with the IRS if you are looking at donations of easements, but also with voters because when they authorize the use of tax funds, they know they are getting something that is permanent. There are instances where easements can be broken but for the most part it is very stable and legally defensible. The disadvantages are that it is very costly. New Jersey and some other states are really becoming victims of our growing success. We have such a large enrollment of landowner easements that now many of the programs are shifting toward the burden of monitoring the easements and enforcing them when necessary. Also, it is hard to achieve large contiguous preserves. That is why he thinks New Jersey is very innovative with the Planning Incentive Grant Program and the county planning efforts because even though we have voluntary participation it makes contiguous blocks very hard to achieve. The very good planning that underlies our program really helps smooth us toward that direction.

Dr. Schilling stated that 27 states have farmland preservation programs that rely on purchasing of easements. Nationally, these programs have preserved about 2.5 million acres. About two-thirds or 61% of all farmland that is preserved under easements is here in the Northeast. We have spent about \$6 billion. One program, in Montana, has preserved farmland but their authorization expired and there are four other states at the moment that are looking at establishing programs. Dr. Schilling stated that Ms. Payne has networked regionally and nationally so he thinks she would agree that a lot of states that are early in their programs or looking to establish their programs really look to places like New Jersey, Maryland and a few other states for guidance.

Dr. Schilling stated that New Jersey has preserved about one-third of its farmland base. This is far and away the highest percentage in the United States. When he travels regionally or nationally people are amazed to hear that one out of every three acres of farmland in this state has been preserved in perpetuity. Dr. Schilling stated that the reason for the presentation today, as well as a lot of the research that his office has done over the years, dates back to 2004. Some of those who attend this meeting regularly have heard reference to a series of efforts, a task force that the SADC put together and some listening sessions that SADC staff hosted across the state looking at issues of farmland affordability and accessibility. At that time the talks were about hard issues with very little data. We know that farmland preservation keeps land available for agriculture. We know that it could provide some needed capital in farms through easement payments. We hear and hope that it helps promote the affordability of farmland and maybe it helps in the generational transfer of farms from today's owners to new generations. We know what farmland preservation should do but the question of is it happening remains.

Dr. Schilling stated that a lot of the thinking behind this research really started in 2004 with those task force meetings and then sitting here as a member of the Committee for the past eight years has opened his eyes to a lot of the questions that landowners, counties and we on the Committee have. We started preserving land in 1985 so we are among the nation's oldest programs in terms of longevity. We have had the opportunity for land to be preserved and then sold to new owners. What are the implications of succession in ownership? One of the purposes of the Agriculture Retention and Development Act (ARDA) was to help strengthen the agricultural industry, not only to stop land from being developed but also to help support the viability of farming. Is it doing that? Then are landowners happy with the decisions that they made to preserve their land? A lot of times, sitting here in Trenton, we hear grievances or challenges to certain things but a lot of times we are dealing with conflict and controversy rather than maybe the silent majority that have perspectives on the program. We just don't know.

Dr. Schilling stated that the study that he, Dr. Gottlieb and other colleagues from the region worked on was based on a comprehensive survey where they talked to more than 500 owners of farmland preserved in New Jersey and Delaware and one of three programs in Maryland. Maryland has a program like ours that is primarily farmland preservation-based but they also have two other programs that are a little different. One is the Maryland Environmental Trust and the other is the Rural Legacy Program that preserves farmland but they are also geared to trying to protect other natural, historic and culturally sensitive resources.

Dr. Schilling stated that the first question they tried to understand was who owns preserved farmland and what are they doing with it. He stated that Delaware established its program in the 1990s and Maryland was a little before the SADC in the early 1980s. When you look at those they interviewed, about 200 New Jersey farmers and 300 or so from the other states, about 70 percent of folks are actually first-generation owners. These are the people who actually made the decision to sell their development rights or in other states it is more common to donate a portion of their development rights. What is important to look at is, that means something on the order of 30 percent are people who either inherited the land already preserved or purchased it. If you were to look only in New Jersey, the percentage of folks who inherited or purchased preserved farmland is a little bit higher. The second question they often get is what are they doing with the land, are they farming it or not? Dr. Schilling stated that they asked people what was happening on the land and he thinks it is on the order of 99 percent of the folks who responded said they are farming this land or having someone farm it. So that is a good thing. The concern that preserved farmland is sort of leaking out of agriculture is really probably more the exception than the rule. About 60 percent of folks are operating the



preserved land; the other 40 percent are making it available for people to farm through a lease or other arrangement.

Dr. Schilling stated that another way to look at this is that if you look at the New Jersey and Maryland programs, the Maryland Environmental Trust and the Delaware program, what they tried to do was say OK, how much of the land is actually being farmed and is it changing as the land is being transferred to new owners? In New Jersey, about 80 percent of the preserved farmland owned by folks they spoke to is in active agriculture. This means they are not farming woods or wet areas or steep slope areas, because we do preserve farms that have portions that are not farmable. The point he wanted to draw attention to is that when the land is sold to someone else or someone else inherits it, they are not stopping the farming, so there is no difference that they saw between folks who preserve their land and those who either purchased or inherited the land in terms of how much of the land is being farmed

Ms. Murphy asked when the survey was done, did the interviewers push the interviewees about what it means that the land is being farmed, because some people would say they have three goats that they sell to their neighbor at the end of the year for farmland assessment purposes. Dr. Schilling stated that Mr. Essex is one of the most rigorous survey guys that he has seen and there was a lot of training of the enumerators so that they weren't just asking questions like you get on phone calls all the time that they don't really know what they are asking. They really made sure that they understood what it meant to farm the land and they understood very thoroughly how to explain it to those being polled and they were very clear about what it meant to be farming the land. Dr. Schilling stated that another question they often get, especially from some folks in D.C. is whether or not a lot of our agriculture retention efforts are helping the new generation of farmers coming in, young and beginning farmers. He stated that technically Farm Credit and some of the federal loan programs and federal policies define young farmers as under 35 years of age. Rutgers uses 40 because that is what Delaware used and when Rutgers used 35 it didn't see much. They asked people who purchased preserved farmland, how old they were when they made that purchasing decision. So what is seen here is that relative to the people who actually sold their development rights or donated them, the people coming in as purchasers of preserved farmland tend to be more young people. That is a very positive finding. To be clear, in New Jersey for example, only about 9 percent of folks who preserved their farmland were considered young farmers, yet those purchasing, it was about 14 percent. Ms. Payne asked, does that mean that the balance or 86 percent were over 40 who purchased preserved farmland? Dr. Schilling stated that was correct. If you look at land ownership structure in the United States, it is tremendously skewed to over 65 and even over 75.

Dr. Schilling stated that they asked about 170 owners of preserved farmland in New Jersey whether or not they had any plans for succession. Sometimes they said they have things in their mind, sometimes they have it written down but in general, somewhere around 50 or 60 percent of the folks said that they think they have some plan for how they are going to transfer their land. However, when you pushed a little harder things got a little less optimistic. When they were asked how certain are you that the next owner of your land will be someone who farms it, only about 38 percent of what we call first-generation owners said that it would be another farmer. Another 13 percent or so thought maybe, but the point here is that about half of the first-generation farmers really didn't know who was going to operate or own their land next, whether it be a farmer or someone else. This is a chronic issue in agricultural retention, and some of our Midwestern Extension colleagues have made a career out of trying to help farmers move through succession planning and transfer. It's an on-going challenge.

Dr. Schilling stated that the next issue is whether or not farmland preservation is helping to strengthen the industry. One of the things they tried to assess was whether or not purchasers of preserved farmland in the region felt that the land was more affordable than comparable land that is not preserved. What we find is that for the most part, about two-thirds of the people said that yes, we think it is less expensive than preserved land, all things held constant, and this is an area where academically, there is a lot of debate. These are people who actually made the decision to purchase the land and they had some ability to compare it to land that was not preserved and they said that yes, it is more affordable to us.

Dr. Schilling stated that if he goes back to 2004, we had some tough discussions on the affordability task force. Should we look at what other states in New England were starting to consider by capping appreciation of preserved farmland values? Should we restrict buyers so that only "bonafide farmers" can buy it? Should we as a State maybe hold more fee simple land so that we can lease it to new beginning farmers? Then we got into some sticky ones like should we limit housing or housing size? Should we limit exceptions? We sat there and said we don't know and we don't know what the implications would be. Now we have some information on that. What Rutgers looked at was whether or not some of our policies regarding residual dwelling site opportunities (RDSOs) and exceptions are affecting farmland values. What they looked at were 325 farms that were preserved and then sold since the 1980s. They did this using data right up to 2007 when everything went south due to the recession. But what you clearly see here is that the average resale price of preserved farms, for the most part, has been going up. He remembers sending a memo to Ms. Payne about this asking does this mean land is



becoming more unaffordable for farming. It depends on what you're growing. If you look at right before the recession, about 50 or so of the farms were sold at an average resale price of \$10,000 per acre. At that time, the average net farm income in New Jersey was about \$340 per acre. If you do a basic capitalization of how much should I pay for land based on how much I am making in farming, the average farmer would say he should only pay for land that is about \$4,300 per acre. That suggests that preserved farms were going for almost 2 ½ times that. This again, is the average of nursery and horticulture and low quality hay so it has everything in that number.

Dr. Schilling asked, does having a residence on a farm matter? Of course it does, everyone knows that, especially those of you in the counties. The existence of a home increases the price per acre for a preserved farm by about 31.5 percent and then each 1,000 square foot of house size bumps it up by about 5 percent. He would have made a bet and he tried his hardest at this point with some of his colleagues to find the point at which houses become big, because we always said that there has to be a point at which a house being placed on a farm is too big and the property becomes unaffordable. They couldn't find it. Also, if there is an exception or an RDSO, the impact on the per-acre value of the preserved farm goes up by 43 percent. So here is a simple solution – don't allow homes, subdivide them all off, don't allow exceptions or RDSOs and then the land becomes more affordable. However, what are the trade-offs? If you don't allow houses, if you require them to be subdivided off – and we have seen this on the Committee level a number of times – it makes a farm less attractive to certain types of agriculture that might need to have folks live on the farm, say if they are raising horses or livestock. He cannot imagine a cranberry farmer during a frost threat who doesn't want to be on the farm so they can irrigate to keep crop damage down. Limit exceptions? Well, yes, you will reduce the cost of the land but there are also very important implications for farm owners to be able to retain future flexibility that might be useful for promoting the economic health of the farm – using barns for nonagricultural businesses. Dr. Schilling stated that he saw in the summary that Ms. Payne handed out the on-going discussion about the rural microenterprise bill. One of the things we are going to conclude today is that one of the challenges that administrators of farmland preservation programs report to Rutgers is that landowners are anxious about uncertainty over how future committees or boards will interpret the deed of easement because the industry is ever changing. So again, exceptions are a very powerful and very useful tool in retaining flexibility, especially in the face of uncertainty.

Dr. Schilling stated that the second question was, are farms going into preservation becoming more profitable? Academically, that was a very hard question to ask and answer. What you have to realize is that maybe only the best farms or maybe only the

worst farms go into farmland preservation. So if only the best farms go into preservation, well, they are already more profitable. Dr. Schilling stated that they used some pretty sophisticated stuff to evaluate whether or not farms that went into preservation were more profitable than farms that looked identical to them that are not preserved. So what did they find? First, averages mean nothing so looking at all 9,000 farms and all 2,000 preserved farms in one big group was meaningless, and they expected that. So they carved out the farms into groups that were a little more similar to each other. They looked at small farms that were primarily lifestyle-oriented or retirement-oriented. Then they looked at small and mid-scale operators that were primarily engaged in farming and then they looked at some farms that were very large, operated by people who were primarily engaged in farming. The bottom line, surprisingly to some, was in some cases they saw some weak increases in profitability for smaller, residential farms going into farmland preservation. Not all that surprising to him. It doesn't mean that these folks are not interested in operating in a profit motive, it means that they are primarily engaged in some other occupation but they still might have an expectation or hope of generating some income. Dr. Schilling stated that what they are seeing is that some of the residential farms did benefit financially by going into the program; retirement farms, they saw no effect. Where they saw the biggest effect was with the small commercial operators. They were the ones who don't necessarily have the money or the resources to be on the forefront of technology, having the best equipment and operating as efficiently as a well-capitalized farm. They are small farms that are operated by a person primarily engaged in farming but that lacked necessarily the resources to be as efficient as some of their bigger counterparts. They saw a very significant profit increase in this group of farms. With some of the larger farms we did see a negative effect and we don't know how to explain that. What they did see is that the biggest operators were not necessarily getting more profit per acre as a result of being in preservation, like using easement money to buy better equipment or technology. He thinks he has a good understanding as to why that is. Dr. Schilling stated that if you are at a large scale of farming, your pathway to becoming more profitable is probably by getting bigger. You already have good technology, good equipment and you are probably operating pretty efficiently, getting as much profit off that acre as you can. Your pathway to becoming more profitable is more likely to be with expansion. Ms. Payne stated that she sees that anecdotally in the program. Some of the big farmers who are frequent flyers in the program, you can see them selling that easement and taking that land and doing a like-kind exchange and expanding. Dr. Schilling stated that he does think they see some positive findings in the sense that the small farmer who is trying to make a living in farming has benefited, primarily they suspect, by getting the easement monies to help move into higher efficiency.



Ms. Payne asked how did the Rutgers study define low sales. Dr. Schilling stated that a small farm under the federal government is one that produces less than \$250,000 in sales. That is 92 percent of our farms in New Jersey. The group he just pointed out is actually in the under \$100,000 in revenue category, but they are primarily engaged in farming as an occupation. What we were just speaking about in that one example was for New Jersey only.

Dr. Gottlieb addressed the Committee next. Dr. Gottlieb stated that the next question that was looked at in the study was do preserved farms engage in agricultural investment? Are they actively engaged in agriculture as measured by investment? The question to the folks in the sample was have you invested in “blank” since your farm was preserved? We don’t have here a direct comparison with nonpreserved farms but these numbers look very strong. One of our research teams with Laurie Lynch actually did an investment study that was not published, showing that investments on preserved farms does compare favorably to unpreserved farms. The actual number in our study is 66 percent of the preserved farms sampled in all three states said they invested in equipment. Everyone has to invest in equipment, it depreciates. Fifty-seven percent of those sampled said they invested in buildings, 45 percent invested in conservation and related, and then not too surprisingly considering that it might involve a larger farm or may be relevant in certain areas, 19 percent invested in irrigation. The propensity to invest provided some comfort to us.

Dr. Gottlieb stated that one of the very interesting things about all these studies is the question about selection. People select themselves into the program and this body here selects participants in the program. Those selection effects may work at cross purposes, but we really don’t know whether a given farmer trying to enter into this program – or more specifically a farmer who we may identify using federal criteria as a lifestyle farmer – we don’t know whether they want to be actively farming or whether they are more likely to be passive, interested only in landscape, for example, in rural preservation. The selection effect from the SADC’s point of view tends to move in the other direction – you like bigger more professional farms. So the question here is, where it will all end up at the end of the day? Their results have been very favorable to the objective of investment and active engagement in farming in the end, as a result of those two selection effects combined. More to the point, we did not see a latent desire on the part of any group to simply be passive and just have a piece of land that is pretty and not working. This question in particular about lifestyle farms, we compared this with literature on all farms and to the surprise of some, at least in the United States, it does not show that lifestyle farmers, by the federal definition, are significantly less actively engaged in agricultural activities than some of the bigger more professional farms. That question is still an

important one for preserved farms sampled. The answer could have come out differently in the preserved farms sampled but it did not. Mr. Siegel asked what is a lifestyle farmer? Dr. Gottlieb stated it is an operator for whom farming is not their primary occupation and they fall below the \$275,000 sales level. So somewhat inconveniently it includes a measure of professionalism or occupational so they get most of their income off farm, and then also farm size. It would have been nice if they had separated that but that is the standard federal definition of a lifestyle farmer. Dr. Gottlieb stated that within their sample the lifestyle farmers invested at the same rate as other preserved farm with the exception of irrigation. With irrigation it is difficult to separate out the lifestyle versus the professional farmer from a farm size effect. Lifestyle farms are smaller than professional farms. Interestingly, preserved farms owned by non-operators – i.e., people who are not operators at all and use tenants exclusively – they do invest less and that is consistent with other data from other studies on all farms. Dr. Gottlieb stated that the good news is that for preserved farms, tenant farming accounts for fewer acres than the general farm population. We are only able to do that with head to head data as a result of more detailed data that was available in the 2012 Census. While non-operators everywhere do less investment, or they may be a little less aware of the equipment investment that some of the tenants are doing when they answered the question, we have fewer tenant-farmed acres in the preserved farm sample than you would see in the general farm sample. Maybe the bottom line here is that the SADC has been successful in its selection for professionalization in farm size, so probably the main driving factor in the high levels of investment we see is that you have been successful. He knows that the SADC is creeping down to smaller and smaller farms but it has been successful at preserving large farms, professional farmers in professional networks, and that is going to provide support. The sampling you get is going to be one that is investing heavily in agriculture and actively engaged. He doesn't think that bottom line result would surprise most people in this room today, but one of the things about the research article they published was that it was good to get all this on the record so now we have it.

Dr. Schilling stated that the last thing that they looked at regarding farmland preservation that they'll share today is whether it helps the economics of farming. That is a question that he didn't think we had any insights into here in New Jersey. Other states like Maryland and Delaware have looked at it, and that is, how are the easement payments used by those who are first-generation sellers of their easements?

Dr. Schilling stated that a lot of folks report that they used at least a portion of their easement proceeds to meet personal and household needs, retire debt and perhaps establish retirement savings. What is positive here is that you'll see that a fair number of folks are using easement monies to either reduce current farm debt, expand acreage in



New Jersey, or in some cases (not so much here in our state), but a lot of farm owners are looking at getting land holdings down in the South, purchasing equipment, renovating buildings and other structures. They do see that a number of people are using some of their easement monies to try to diversify their farm business by developing or expanding an agriculture-related business. Dr. Schilling stated that probably not enough people are using this as an estate planning or transfer tool. What we do know anecdotally is that some folks will use this – let's assume you have two children, one wants to farm and the other doesn't. It helps them settle the estate by basically not having to split up the farm to get out liquid capital to buy out the one child so the other can have the farm. Or say you have a million dollar farm and you have to give a half-million to each child and sell half the acreage, it might not be a viable entity, so it is a way to get money out of the farm without having to sell any acreage for estate planning.

SADC Chief Fiscal Officer Pat O'Connell asked about capital gains taxes. He asked whether anyone is using easement payments to pay capital gains taxes. Dr. Schilling stated that basically, if you look at personal and household needs, they put some of the tax settlement issues under that heading, rightly or wrongly. They tried to give a broad overview. However, a number of people did say that Uncle Sam was taken care of.

Dr. Schilling stated to close, he did ask some capstone questions in trying to figure out whether people who preserved their farmland, or acquired farmland that was preserved, were happy with that decision. It is important because satisfaction of the current owner is a barometer for what future enrollments may be. These may be opinion leaders talking favorably or unfavorably about the program. They might have other land to preserve themselves. What they did, and it was for all five programs, was to ask landowners to think about the time during which they've owned preserved farmland and give an overall evaluation of their experiences. They were asked very simply, were you satisfied or not? The good news is that 92 percent of folks overall said they were satisfied with their experiences, but about one-third say they were satisfied and 56 percent say they were very satisfied. So there were some things they wanted to talk about. New Jersey is fairly similar, about 91 percent of folks said that they were satisfied with their decisions. Dr. Schilling stated what they wanted to do was understand a little more about what is behind these numbers. So they did some academic work to try to factor out what is driving people to say these things. One of the big things, and he thinks it is very important for the SADC and the counties, is we know this is based on some of the issues that we see every month. That is, the second-generation owner, the person who purchased or inherited the property already preserved, is considerably less likely to be satisfied or very satisfied with their experiences. In New Jersey, he thought it was something on the order of about 60 percent of first-generation owners who said they were very satisfied while about 40

percent of second generation owners said they were very satisfied. There is a 20 percent difference there. What does that mean? The easement holder knows what the easement does or doesn't allow but how many times have we seen preserved farms go to auction, and talking about your dream rural estate, we have had to take action sometimes. So sometimes there is a lack of understanding, maybe even due diligence in some of the title work or other research, where people acquire a preserved farm only to find out things after the fact that they find to be concerning.

Dr. Schilling stated that if you encountered a business restriction, you are considerably less likely to be happy. Most often people were reporting that they didn't realize they couldn't build or expand a house. Also, agritourism and direct marketing is not just a New Jersey challenge. One of the other big ones, and this survey was in 2011 and 2012 when SRECs and some of the other incentives for renewable energy were much higher, but a lot of folks were expressing concern about their inability to get renewable energy production on their farms. Then there were administrative concerns, it took too long. They think the easement holder has unilaterally too much say in what they can and cannot do. People had certain administrative grievances and if you had one, which were infrequent in the survey overall, it affected whether you were happy or not. So we asked a kind of capstone question of would you have done it again? Do you think you made the right decision to sell or donate your development rights or do you think your mom and dad made the right decision when they preserved it and you inherited it? The bottom line is that most people said absolutely, definitely yes, they made the right decision when they sold the rights or donated them – donation being more of a Maryland and Delaware phenomenon. But what is interesting is that 56 percent of people said definitely yes, whoever preserved the farm made the right decision. This is where you are starting to see about 30 percent of them, people who inherited the land, who are saying no. So why is that?

Dr. Schilling stated that if I purchased the land, I'm coming in with my eyes open and making that business decision. If I inherited the land, the easement money has come in, maybe I received some of that benefit, maybe not, but I am inheriting the restrictions. Think about the intergenerational dynamics we see. With marketing and agritourism in particular, it is often the younger, second generation within the family who is leading the charge in these activities. So they are voicing those concerns.

Dr. Schilling stated that we know that the appetite for preservation has been strong here in New Jersey since the 1960s; even in the worst recession of our lifetime we were passing two referenda for \$600 million and the CBT approval was 64 or 65 percent approval so we have a strong public appetite here but clearly we need the cooperation and



interest in the agricultural community. Dr. Schilling stated that SADC staff presented to the Committee at its last meeting basically what the county plans are targeting. We are not done here. This is only at the county level alone, ignoring for a moment the municipal and State-targeted acreage. Another quarter million acres are targeted right now, with a price tag estimate of about \$2 billion. If you look at the early days of the program, the challenge was getting farmers to be familiar with, accepting of and interested in the program. But once we did that, we were getting fairly large farms coming in. So then you see that the average farm size being preserved goes down and down over time. Now if you look at the targeted acreage, the average farms that we are looking to target moving forward are under 50 acres, so we will be spending more money and more administrative effort per acre moving forward.

Dr. Schilling stated that to conclude, they organized last April or May of 2014 a national conference of farmland preservation professionals and some of those in this room today attended. One of the capstone things that was asked was, what do you see as challenges moving forward? Like us, the answer was sustained funding. A lot of states are remarkably envious of how much money we have been able to generate here. They also don't have our land values so it kind of washes out. However, these two things are at the crux of the matter. What they are saying, especially the more mature programs, is that we have done very well to acquire easements. Now we have a perpetual obligation for stewardship and monitoring and as lands change hands, we have to now re-educate and continually educate new owners coming in, which is a challenge. Then, as we see on this Committee every month virtually, trying to interpret a deed of easement that is sort of static, when the industry is ever-changing, is just an incredible challenge. What is an agricultural use, for example? What it was yesterday is probably different from what it is going to be determined to be tomorrow. People were also saying that we preserved a lot of land and we have to make sure we can help or at least support farms becoming and remaining economically viable. It isn't just enough to buy easements. Some other issues came up where some people were talking about climate change – whether or not some of their easements are going to be under water someday.

Dr. Schilling stated that Rutgers tried to give broad-based information and if there is something that they missed or something that you would like to know, to please let him know.

Chairman Fisher stated that this was a great presentation and that everyone appreciated the time and effort and all the information. Ms. Payne stated that she thinks the biggest thing that she took away from this was the huge impact of housing opportunities on preserved farm values. She thinks the education of the landowners that the SADC is

doing in terms of guidance documents and when people decide not to take a house and exceptions is really important to that point. But it also makes her feel pretty relaxed about preserving farms with no housing opportunities on them sometimes too – that most of the farms that come through here have an exception and an RDSO and a house. She thinks it is a pretty small minority that don't. For farmers who don't want a house, they just want more acres and want to get bigger, that is the land for them. They don't want to buy a housing opportunity and they don't need it, they just want another 1,000 acres to operate. To her it reinforces that there really is a place for both of those approaches in the program and farmers having options. Some counties are very insistent on exceptions and some counties don't want exceptions or housing opportunities, so there is a real range out there.

Mr. Brill stated that with the PIG program clearly there was a shift away from preserving the very best, largest farms competing against one another to this concept of assembling large, contiguous lots. In the past 15 years, as you see more and more of these two-mile radius maps every month, it is impressive to see the large blocks coming together more and more. Dr. Schilling stated that the types of farms that we see often coming in are the exception more than the rule. The median farm size is 17 acres in this state, meaning 50 percent of farms are smaller and 50 percent of farms are larger.

Mr. Siegel stated that he would be interested in knowing an analysis of tenant farmers who are a large part of our 800,000 agricultural acres – the difference in their behavior as investors on preserved and unpreserved land. Anecdotally, he has heard and seen cases, and it is logical to expect, that a tenant farmer whose landowner has preserved his farm becomes a lot more comfortable about staking up facilities on that farm he is leasing and becomes more willing to capitalize, because the landowner has preserved the land. Dr. Schilling stated that some of you may know that the USDA, the agricultural statistics folks, are conducting the total survey, which is a land tenure survey; it hasn't been done in a decade or two. He doesn't know if they are going to distinguish between preserved and nonpreserved farms but they are trying to get more information on, in particular, tenant farmers. He doesn't know if that kind of information will be coming out of that. They are actually fielding that now or very soon.

Ms. Payne stated that at the State Board of Agriculture meeting yesterday, there was discussion about the New Jersey Wine Growers Association wanting to start a marketing campaign to try to get access to more land to plant grapes. That is what the wine industry is saying, that they cannot get enough New Jersey-grown grapes to satisfy the supply. So to this exact point, if you own a preserved farm but you are not the farmer, are you more likely to allow or enter into a lease, a longer term lease? You need to have a crop in the ground for three years before you get a yield. These are some of the questions that are



starting to come into focus.

**B. Resolutions for Final Approval – Municipal PIG Program**

SADC staff referred the Committee to three applications for final approval under the Municipal Planning Incentive Grant Program. Staff reviewed the specifics of each application with the Committee and stated that the recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2015R6(1) through Resolution FY2015R56(3) granting final approval to the following applications under the Municipal Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said resolutions:

1. Howard and Myrna Shoemaker, SADC # 21-0552-PG (Resolution FY2015R6(1)) Block 71, Lots 12, 17, White Township, Warren County, 22 Net Easement Acres State cost share of \$4,200 per acre (63.63%), for a total grant need of approximately \$92,400 pursuant to N.J.A.C. 2:76-6.1 and the conditions contained in Schedule C. The property has a 0.5-acre nonseverable exception limited to one single-family residential unit and a 0.5-acre nonseverable exception limited to zero residential units. The property has zero single-family residences, zero agricultural labor units, and no pre-existing nonagricultural uses on the area to be preserved outside of the exception area. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
2. Joyce Lynette Berry and Patricia Berry, SADC # 21-0569-PG (Resolution FY2015R6(2)) Block 1803, Lot 8.01; Block 1804, Lots 5, 6, Frelinghuysen Township, Warren County, 106.21 Net Easement Acres  
Provide a cost share grant to Frelinghuysen Township for the purchase of a development easement on the property, comprising approximately 106.21 net easement acres and 104.71 net payment acres, at a State cost share of \$3,775 per acre, for a total grant need of approximately \$395,280.25 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property has a 0.5-acre nonseverable exception for the existing single-family residential unit and a 0.5-acre severable exception for a lot line adjustment, zero single-family residences, zero agricultural labor units and no pre-existing nonagricultural uses on the area to be preserved outside of the exception area. This approval is considered a final

agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

Discussion: The property includes a 0.5-acre severable exception for a lot line adjustment associated with an interior Lot 8, which is not part of the property. There is an existing 50-foot wide access easement to Lot 8. A restriction in Deed Book 297, Page 95, prohibits any construction on Lot 6 and because the restriction inhibits the agricultural viability of the lot, the SADC, County and Township will not provide a cost share on this acreage (approximately 1.5 acres); however, the preservation easement will cover this acreage. After the 1.5-acre deduction, the estimated net payment acreage will be based on approximately 104.71 acres.

3. Daniel and Laura Chard, SADC # 17-0132-PG (Resolution FY2015R6(3))  
Block 11, Lot 32, Alloway Township, Salem County, totaling approximately 22 net easement acres.  
State cost share of \$4,400 per acre (62.86%), for a total grant need of approximately \$96,800 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property has one 1.25-acre nonseverable exception area for and limited to one single-family residential unit and one .25 acre nonseverable exception for a nonagricultural use (construction business) and limited to zero residential units. The property has zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses outside of any exception area(s). The SADC will utilize any remaining Federal Farm and Ranch Lands Protection Program (FRPP) grant funds (estimated at \$25,300) to offset SADC grant needs on the property. This approval is conditioned upon receipt of FRPP funds sufficient to cover the Township and County's cost share or, in absence of FRPP funding, a resolution by the Township and the County Board of Chosen Freeholders to commit the funds needed to cover the Township's cost share. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

Discussion: The New Jersey Conservation Foundation submitted a parcel application to the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) Federal Farm and Ranch Lands Protection Program (FRPP) for consideration of a grant for the easement purchase on this property. The County has informed the SADC that NRCS determined that the property and landowner qualify for FRPP grant funds. At this time, the FRPP-approved current easement value has not been finalized; therefore, the FRPP grant will be calculated based on the estimated FRPP current easement value of \$7,500 per acre (highest of the two appraisals), equating to an FRPP grant of \$3,750 per



acre (50% of \$7,500) or approximately \$82,500 in total FRPP funds. The Owners have agreed to the additional restrictions involved with the FRPP grant, including a 6.67% maximum impervious coverage restriction (approximately 1.47 acres) for the construction of agricultural infrastructure on the property outside of the exception areas, which is the maximum impervious coverage allowable for the property through the FRPP program at this time. Due to shortage of available funds, the Township and Salem County have requested that FRPP grant funds be “passed through” to cover the entire local cost share. Because the FRPP grant amount has not been solidified, Alloway Township is requesting that the SADC encumber the full grant amount of \$96,800 from the available municipal PIG funding, and sufficient funds are available (Schedule B).

The motion was unanimously approved. (Copies of Resolution FY2015R6(1) through Resolution FY2015R6(3) are attached to and are a part of these minutes.)

### **C. Resolutions for Final Approval – County PIG Program**

SADC staff referred the Committee to seven requests for final approval under the County Planning Incentive Grant Program. Staff reviewed the specifics with the Committee and stated that the recommendation is to grant final approval.

It was moved by Mr. Danser and seconded by Mr. Waltman to approve Resolution FY2015R6(4) through Resolution FY2015R6(10) granting final approval to the following applications under the County Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said resolutions:

1. Estate of George E. Schellner, SADC # 14-0113-PG (Resolution FY2015R6(4))  
Block 20, Lots 22, 46.01, 46.02, 50, Washington Township, Morris County, 41 net easement acres  
State cost share of \$11,580 per acre (60% of the certified market value and 55.41% of the purchase price), for a total grant need of \$489,023.40 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property has one 5-acre nonseverable exception area limited to one single-family residential unit. The property includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses on the area to be preserved outside of the exception area. The pre-existing 100' by 800' airplane runway, along with its FAA airport designation as “Shellner airport,” is in the process of being deactivated, with a restriction to be placed in the Deed of Easement prohibiting the Estate, Estate’s successors and assigns in perpetuity from using the property as an airstrip. The property will convey a 50-foot wide easement along the

existing driveway providing access to Lot 49.01, to be recorded prior to the Deed of Easement. This approval is considered a final agency decision appealable to the Appellate Division of the Superior court of New Jersey.

Discussion: The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 42.23 acres will be utilized to calculate the grant need.

2. Estate of David R. Aresty, SDC # 14-0116-PG (Resolution FY2015R6(5))  
Block 7, Lot 14.01, Chester Township  
Block 105, Lot 1, Mendham Township  
Morris County, totaling approximately 59 net acres  
State cost share of \$19,200 per acre (60% of the certified market value and 53.33% of the purchase price), for a total grant need of \$1,166,784 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property has one 2-acre nonseverable exception area limited to one single-family residential unit. The property includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses on the area to be preserved outside of the exception area. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

Discussion: The property includes a 20-foot wide trail easement along East Fox Chase Road and a 10-foot wide trail easement along Roxciticus Road, which are both unimproved segments of the Morris County Park system's Patriot's Path (Schedule A). The Morris County Park Commission acquired the easements for the continuation of Patriot's Path via a Deed recorded in Deed Book 4363, Page 027 on April 25, 1996 (Schedule A-1). This Deed contains indemnification language requiring the Morris County Park Commission to indemnify the Owner(s) from any and all suits, claims, demands, other actions, and damages and expenses resulting from property damage and/or personal injuries associated with the Morris County Park Commission's development, installation or maintenance of Patriot's Path or the public's use of Patriot's Path for recreational trail purposes.

3. Double D. Farm, LLC (Duddy Farm), SADC # 19-0039-PG (Resolution FY2015R6(6))  
Block 22, Lot 13, Lafayette Township, Sussex County, totaling approximately 62 net acres.  
State cost share of \$2,260 per acre (72.90% of the purchase price) for a total grant need of \$144,232.60 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained



in Schedule C. The property has a 2-acre nonseverable exception area limited to one single-family residential unit. The property includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses on the area to be preserved outside of the exception area. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

Discussion: The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 63.86 acres will be utilized to calculate the grant need.

4. Scott Paladino, SADC # 19-0037-PG (Resolution FY2015R6(7))  
Block 33, Lot 2; Block 140, Lot 11.01, Wantage Township, Sussex County, totaling approximately 47 net acres.  
State cost share of \$2,380 per acre (72.12% of the purchase price) for a total grant need of \$115,215.80 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property has a 1-acre and a 0.47-acre nonseverable exception area for future flexibility and both are limited to zero residential opportunities. The property has a 1-acre nonseverable exception area limited to one single-family residential unit. There is only one single-family residential opportunity permitted on the property at any time. Currently there is one single-family residence outside of the exception area. If a residence is built in the 1-acre exception area B, within 30 days of receipt of the Certificate of Occupancy the single-family residence on the premises must be demolished. The property has zero agricultural labor units and no pre-existing nonagricultural uses on the area to be preserved outside of the exception area. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

Discussion: The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 48.41 acres will be utilized to calculate the grant need.

5. Mountainview Farm, LLC, SADC # 19-0038-PG (Resolution FY2015R6(8))  
Block 30, Lot 4, Frankford Township, Sussex County, 90 net acres.  
State cost share of \$1,850 per acre (74% of the purchase price) for a total grant need of \$171,495 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property has one 1-acre nonseverable exception area limited to one single-family residential unit. The property includes zero housing

opportunities and zero agricultural labor units on the area to be preserved outside of the exception area. The property includes a cross-country horseback trail riding course as an existing nonagricultural use of the property. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

Discussion: The majority of the property is currently in equine production with approximately 43 acres utilized for pasturing and/or in addition to hay production (Schedule B). Approximately 2.9 acres is devoted to equine services (boarding services and riding lessons). An equine map (Schedule B) and specialized "Equine Schedule B" will be recorded with the Deed of Easement in order to clearly define equine service and production activities. The Schedule B of the Deed of Easement will also address the cross-country horseback trail riding course as an existing nonagricultural use of the property. The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 92.7 acres will be utilized to calculate the grant need.

6. Peter and Marcy Gianattasio, SADC # 19-0041-PG (Resolution FY2015R6(9)) Block 21, Lot 3, Frankford Township, Sussex County, totaling approximately 29 net acres.  
State cost share of \$3,160 per acre (68.7% of the purchase price) for a total grant need of \$94,389.20 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property has one 1-acre nonseverable exception area limited to one single-family residential unit. The property includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses on the area to be preserved outside of the exception area. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

Discussion: The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 29.87 acres will be utilized to calculate the grant need.

7. John Yablonsky, SADC # 18-0211-PG (Resolution FY2015R6(10)) Block 204, Lot 11, Hillsborough Township, Somerset County, totaling approximately 38 net acres.  
State cost share grant of \$8,520 per acre (60% of the purchase price) for a total grant need of \$333,472.80 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property has one 3-acre nonseverable exception



area limited to one single-family residential unit. The property includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses on the area to be preserved outside of the exception area. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

Discussion: The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 39.14 acres will be utilized to calculate the grant need.

The motion was unanimously approved. (Copies of Resolution FY2015R6(4) through Resolution FY2015R6(10) are attached to and are a part of these minutes.)

**D. FY2016 Nonprofit Program Applications (Information Only)**

Ms. Winzinger referred the Committee to the FY2016 Nonprofit Program Applications Spreadsheet listing 10 applications under various nonprofit grant organizations. Ms. Winzinger stated that there was a deadline of May 18<sup>th</sup> for applications for the Nonprofit Grant Program. They have arrived and Mr. Knox went out and visited all the farms. Staff has not fully reviewed them or Green Lighted them as yet. There are four nonprofit organizations making application for these 10 farms. Ms. Winzinger reviewed the specifics with the Committee as outlined on the spreadsheet. The plan is to come back to the Committee for preliminary approval requests and a recommendation for funding. Ms. Winzinger stated that this was for informational purposes only and that no action was needed by the Committee.

**E. Stewardship**

1. Resolution Delegating Winery Special Occasion Events Conducted on Certain Days to CADBs

Chairman Fisher stated that the Governor's Office has asked for a little more time to review this agenda item and that it be tabled until next month's meeting of the Committee because they recognize that the SADC may be delegating this to counties exclusively and not exercise the domain that is currently in the statute.

It was moved by Mr. Siegel and seconded by Mr. Danser to table the draft resolution Delegating Winery Special Occasion Events Conducted on Certain Days to CADBs. The motion was unanimously approved.

Chairman Fisher stated that he wanted to note that there was an application from one applicant who said that they understand that the SADC had the authority to determine whether this event could be conducted Monday through Thursday. He stated that he would like to ask the Committee to consider giving provisional approval with a deadline – in other words the applicant could conduct this until such time as we make that decision. He thinks it is very difficult and unfair that people get stuck in the middle of these conversations and policy discussions. Some of these activities are taking place now. So they are asking for permission and it would be a provisional approval until we make that determination. Mr. Siegel asked if the Committee could get a few specifics.

Ms. Payne stated that in the Committee's binders there is a draft resolution, which has been tabled. The remaining documentation is attached to the draft resolution. The Cape May CADB adopted its definition of special occasion events. Its letter is attached to the draft resolution, along with a copy of its resolution. In the middle you will see two letters from Toby Craig of Cape May Winery. Cape May Winery, pursuant to the law, is seeking approval to conduct certain special occasion events during the mid-week – not on a weekend and not on holidays. His letter of May 4<sup>th</sup> lays that out. They have grill nights, which they hold every Wednesday night from June 24<sup>th</sup> to September 9<sup>th</sup>. They also indicated that they would be hosting a watercolor and wine night on Tuesdays from May 12<sup>th</sup> to June 30<sup>th</sup>, so she is assuming that next week would be their last one for that. They are seeking approval from the SADC for those events specifically. This is the only request for holding mid-week events that the SADC has received and it was part of the bigger discussion about delegation of authority to the CADBs. Secretary Fisher is focused on not wanting to have this operator, who has done the right thing and applied, hung up while the resolution is tabled. Mr. Johnson asked if they would be serving wine. Ms. Payne responded yes, exclusively their wine. She stated that staff did reach out to the municipality yesterday to make sure that there were no hot issues that we were unaware of and the feedback from the municipality was all positive. They spoke very highly of the operation and said they did everything the right way, so she doesn't think there are any community issues that the town is aware of with respect to these events. Mr. Siegel stated that he thought the municipality was opposed to this operation. Ms. Payne stated no, that was a different municipality. Ms. Payne stated that this is not Willow Creek Winery, which is also in Cape May and has been the subject of substantial discussion.

Mr. Siegel asked how is grill night a special occasion? Ms. Payne stated that under the law the CADBs were empowered to determine what constitutes a special occasion event. Each county has that authority independent of the SADC. Wineries are permitted to have special occasion events as defined by the county, pursuant to the other provisions of the statute. Chairman Fisher stated that Friday through Sunday the County has already



determined what it is going to do. This is Monday through Thursday. Ms. Payne directed the Committee to look at the last page of the resolution from the County, the third paragraph from the bottom in bold where it states: "Any private gathering organized...." That is Cape May County's definition of a special occasion event. Chairman Fisher stated that Cape May, as to weekend events, has pretty much applied the broadest possible sense in any consideration of what they are going to sanction. They pretty much sanctioned anything. Mr. Siegel stated you can do anything, you can operate a commercial business in a residential agricultural zone. Chairman Fisher stated that is not what he said. Mr. Siegel stated he knows that but that is what Cape May is saying. Chairman Fisher stated that Cape May is saying these are the activities they permitted. Mr. Danser stated that it doesn't just say a commercial business because he doesn't think you can open a hardware store there. Mr. Siegel stated that he doesn't understand how Cape May thinks it can have this policy in effect for this winery and have a different outcome with the other winery that everyone is upset about.

Ms. Payne stated that the CADB has adopted this definition for special occasion events that applies to all wineries on preserved farmland. The same definition will apply to all farms that are affected. Chairman Fisher stated that ultimately the Committee may say no activities on Monday through Thursday. Mr. Siegel stated that the pilot statute doesn't give the SADC any jurisdiction over what the CADBs say is permitted on the weekend. Ms. Payne stated correct. Mr. Siegel stated but we can say it can't be a permanent business operation, which this is – this is the season. They open up now, they run until Labor Day or past and this is what everyone does down there. They are going to run a seven-night-a-week restaurant on a preserved farm. Chairman Fisher felt that Mr. Siegel was over-hyping this. He stated that there is a winery and they are doing some pairings and doing a little painting, which pretty much every winery that he has ever seen does. All he is saying is you are going to have a broader discussion next month but he doesn't think it is fair that people get trapped in these discussions when these activities are something I believe that you will ultimately agree to. But then you may not. Mr. Siegel stated that is correct, we may not and if that is the case, then pre-judging it is saying, OK, we'll permit it but then we might say no next month. Chairman Fisher stated it is saying to you, don't make a capital investment.

Chairman Fisher stated that he is asking to make it provisional. Mr. Waltman felt it was a little irregular because we don't have a resolution. He asked if the Chairman's suggestion is limited to a certain specific event. Chairman Fisher stated that his suggestion is to acknowledge the request and to allow the request on a provisional basis. Mr. Danser stated the one he sees is grill night on Wednesday nights and paint night up to the end of June, which is only one night. Is the Committee being asked to approve grill night on

Wednesday or everything Monday through Thursday? Ms. Payne stated that grill nights are through the whole summer. Art night is to the end of June. Chairman Fisher stated that he is getting a feel from the Committee that there is no one who wants to make that motion.

Mr. Danser stated that he is happy to make the motion but he is trying to figure out what exactly it is. If it is just grill night and paint night, that is Tuesdays and Wednesdays and it is not Mondays and Thursdays. He is just confused because Mr. Siegel is talking about a seven-day operation and as Mr. Waltman stated we don't have something before us.

Ms. Murphy asked for a reminder of what the statute says. Ms. Payne stated that under the statute, it allows the SADC to create a pilot program, which has been done. It allows special occasion events to be conducted on preserved farm wineries subject to the list of conditions. One of them says the special occasion event is conducted on a Friday, Saturday, Sunday, or a federal or State holiday, except that a special occasion event may be conducted on any other day of the week with the approval of the SADC. Then it says the Committee may delegate its authority in that regard to the CADB. So either we need to approve it or the approval authority needs to be delegated to the CADBs and they do it. Ms. Murphy stated that it is clear cut that we have to approve it for it to happen unless delegation is granted. Mr. Waltman stated that where he is confused is the special occasion event is celebrating, commemorating, recognizing, discussing a specific person, purpose, event or cause and examples are weddings and so forth, birthdays. Is grill night a subset of special occasion nights? Ms. Murphy stated that they made a point of calling it grill night and watercolor and wine night.

Chairman Fisher stated that no matter what you say, that is what they are going to do on the weekends because the legislation, the CADB and the statute says they can. Mr. Siegel stated that the legislation gives the CADB carte-blanche to establish special occasion definitions Fridays and on the weekends – on an experimental basis under a pilot for four years. Then we report back to see how it goes. The SADC has the seven-day jurisdiction or the weeknight jurisdiction. In his opinion, it is not completely formed, but you are pressing us to make a preliminary judgment. In his opinion, if we approve Monday through Thursday, the SADC is giving tacit approval for the policy the CADB has adopted. As far as he is concerned this CADB has adopted a policy permitting an owner of a preserved farm to run a commercial restaurant operation in a residential agricultural zone. This municipality may not be upset but it isn't going to take long until we find one that is. They have essentially permitted all activities under the rubric that it is a special occasion. In his opinion, the SADC needs to say no, this is not permissible Monday through Thursday. We cannot tell you about Friday through Sunday because the statute



gives you the authority for that, but your policy is no good and we will not accept it over the days that we have jurisdiction over. He doesn't want to give this person permission or mislead them to think they can operate a restaurant on a preserved farm. Ms. Murphy asked do you think the definition is too broad? Mr. Siegel responded that he believes it will allow someone to open a restaurant on a preserved farm. It is Laurita Winery all over again, whether we call it special occasions or catering, they are running a commercial business that is not agricultural.

Chairman Fisher stated that he didn't think the Committee has to go any further, he got everything that he needed to hear. The Committee will be talking about this next month. Mr. Danser stated that he would make a motion if that is what you want.

Chairman Fisher stated that when you open up that door then he will not ask the Committee to do that because it will be discussed next month and we'll have a policy. Dr. Schilling stated he is very confused. There is the issue of the resolution from the County that is before us, which there are objections to regarding the broad definition, but he thought the issue was whether or not, on a provisional basis, the grill nights from June to September on Wednesdays and then to the extent that it matters because it's only another week or so, the Tuesday artistry activities, he thought the Chairman was asking for a provisional approval or recognition that these could be done until a decision was made regarding delegation. Chairman Fisher stated that he was but he isn't going to taint this process based on the issues that the members are bringing up today. All he was trying to do was say that since we have the authority now, whether or not you're going to delegate it next month or not – someone had what he thought was a legitimate activity that they would consider doing to sell the output of their farm. Dr. Schilling stated that he is asking the question that, the broad resolution that includes a broad definition and everything else is one matter. Is it not a separate issue to talk specifically about grilling nights and the one remaining artist night for the period in question? Those are specific activities that are ongoing. He guesses the applicant would like some clarity if possible. He understands the broad issue but isn't this a specific case where these folks would like to have some certainty that they can do this Wednesday and Tuesday evening event for the duration of the summer? Chairman Fisher stated that for the basis of one applicant he isn't going to cloud the whole conversation or a broader discussion where you will absolutely make this determination next month. For that reason, he would ask that the Committee not make a resolution. You will raise issues that will confuse the issue next month. He would have liked to have seen someone not get stuck in the middle of these policy issues, which drives him crazy when legitimate businesses are just trying to do one thing and businesses that may be way on the other edge are many times driving these discussions. Regardless, Cape May has made their determination based on what they have the

authority to do in a pilot environment on the weekends. The Committee will be taking up next month what happens Mondays through Thursdays. You will either answer it individually every time someone puts a letter in saying "can I have toenail painting night" and we will be forced to go to all these locations to make determinations on what may or may not be proper based on some type of a template that we will be putting together about events. Mr. Siegel stated that there are not that many locations for one thing and that is what the pilot statute requires. If we had more details on this, for instance if the food was free, you wouldn't hear him complain about it. If they could make assertions that it was not a restaurant operation and it is simply a marketing strategy to get people in to sample the wines, a legitimate marketing tactic to promote wine sales as the primary revenue, that would be fine. However, we have been burned on this issue before.

Dr. Schilling stated that he is just looking at the letter and it says in short that the grill nights have become a favorite. "We prepare our own vegetables and locally grown produce with our wines one day a week for a small fee during the tourist season." Then the letter goes on to say "educating wine appreciation through the pairing has become a much anticipated event as an experience and appreciation of Jersey Fresh." Chairman Fisher stated, oh my gosh, they may be grilling a couple of chicken breasts. Mr. Siegel stated or they might be operating a restaurant. Chairman Fisher stated that you have taken it way farther out than what he thinks they are trying to characterize. Dr. Schilling thought they could be separable issues but he would respect whatever guidance that the Chairman wants to give on the matter.

Mr. Requa stated that Mr. Danser made a motion and that he would second that motion if you want to go in that direction. Chairman Fisher stated that the motion would be for the time period that the Committee would determine, which he thinks would be through the end of September, or September 9th as the letter indicates. It is a provisional approval that they notify the SADC if they make any change to anything as it relates to what they just asked for, that they would have to make that change and if they did make a change and didn't notify the SADC then they would lose that provisional approval and they would acknowledge this in an acknowledgement that they understand these terms. Chairman Fisher asked Mr. Danser and Mr. Requa that since it was their motion, do they accept that description as he just mentioned? Ms. Payne stated that it would be through September, it is a provisional approval and any changes to what they have described would have to be brought back to the Committee and that any changes made without SADC approval would result in the loss of the provisional approval and they have to acknowledge the acceptance of the provisional approval based on these terms.



Mr. Waltman stated that he just doesn't like this process. Other people come up here and make a presentation, the staff goes and reviews the operation and we have answers to all the questions. Dr. Schilling stated that is a valid point and we are operating off of a letter. He sees the point Mr. Waltman is making.

Chairman Fisher asked for a roll call vote on the motion as follows:

Cecile Murphy	Abstain
Jim Requa	Yes
Brian Schilling	No
James Waltman	No
Denis Germano	Absent
Jane Brodhecker	Absent
Ralph Siegel	No
Alan Danser	Yes
Peter Johnson	Yes
Chairman Fisher	Yes

Yes Votes: 4      No Votes: 3      Abstention Votes: 1      Absents: 2

Ms. Payne stated that we need a majority of a quorum to pass the motion. There are eight people present today and if she understands the by-laws correctly you would need five yes votes to pass the motion. Mr. Stypinski stated yes. Mr. Danser asked, doesn't the abstention vote go with the majority as opposed to a present? Mr. Stypinski stated that there is a difference between an abstention and a recusal. If Ms. Murphy had recused it would have been seven voting but an abstention is a vote.

Based on the above, the motion failed.

## 2. Special Occasion Events on Preserved Farm Wineries – Pilot Program Update

Mr. Everett stated that he wanted to give the Committee an update on what staff has been engaged with over the past several months. Staff has visited mostly all of the preserved farm wineries, except for a few CADBs that addressed those wineries themselves. We still have to visit Sussex County and staff will be going there soon to explain the responsibilities of the various entities with regard to the winery special occasion events law. Staff is developing a certification form to be sent to landowners or winery owners to certify that no more than 50 percent of the winery's income is from special occasion

events. Staff will circulate that in draft form to the New Jersey Wine Growers Association to solicit their input before the SADC takes action in July. Also with that will be questionnaires for winery owners that the CADBs and municipalities will have to process. We want to learn from this pilot program. Mr. Everett stated that the state of Oregon is at the tail end of their pilot program and they developed legislation and put the issue to rest on what constitutes a special occasion event, how many days a week, etc. That is not on preserved farms but just throughout the state.

Mr. Everett stated that the SADC is developing an RFP (request for proposal) for audit procedures. In case we do order an audit of a winery, what are those procedures? There are three firms that he reached out to and they have an interest in bidding on the RFP. They all have the experience with winery operations here in the Mid-Atlantic. That is almost ready to go within the next couple of weeks. Mr. Siegel asked why he is limiting the firms to those with experience in wineries. Mr. Everett stated that the first thing he wanted was agricultural experience and a subset of that would be wineries. This process also may help us answer some questions related to agricultural operations in general where financial information is a prerequisite, including Right to Farm and other farmland preservation matters. He wanted to keep it to the Mid-Atlantic region because the Pacific Northwest is an entirely different animal.

Ms. Payne stated that the audit procedures for wineries, they tend to be highly regulated here in New Jersey; it is by the Division of Alcoholic Beverage Control (ABC). To some extent the familiarity of people helping us write these, understanding what the reporting requirements already are for wineries and to the extent that it fits what would be required in an audit – we were looking for somebody who had that type of experience. Mr. Everett stated that to his knowledge the only county that has developed a definition of special occasion events is Cape May so he would be curious where counties are and he will be reaching out to counties to see where they are. There has been some wrestling with that issue as there is nationally as to what is the nexus between these events and agriculture.

3. Cell Tower Amendment  
Niederer Farm, Hopewell Township, Mercer County

Mr. Roohr referred the Committee to Resolution FY2015R6(11) regarding the installation of a wireless service facility, structures and equipment on an existing structure located on the Thomas and Wendy Niederer farm, known as Block 61, Lot 5.01, in Hopewell Township, Mercer County. The property comprises 112.92 acres. At the April 24<sup>th</sup> SADC meeting, the Committee approved a resolution allowing for the addition of a cellular wireless service facility to an existing high tension electrical tower that



existed on the farm when it was preserved, which will be used by AT&T.

On May 12<sup>th</sup> the SADC received a request from the attorney representing AT&T on behalf of the owners to amend the April 24<sup>th</sup> permit approval to allow Verizon Wireless to co-locate an antenna on top of the same tower, with accompanying equipment to be placed on the same 500 square foot base platform as the AT&T equipment and under the same terms and conditions as the AT&T approval.

Mr. Roohr stated that the hang-up for most co-location projects is our requirement that no more than 500 square feet at the bottom be used. In this case, because AT&T hadn't built it yet, they can design it so that AT&T and Verizon's cabinetry can all fit somehow on that same 500 square foot platform. The regulations specifically say that the Committee can grant only one permit per property but it defines permits as a permit for a tower. Since they are not asking for a second tower, staff finds that legally there is no issue as to why we couldn't allow a second antenna and just amend that original approval. Logically, it make sense. The other choice is to put an antenna up across the street on a new pole, which the Township would prefer not to have to do and so would the landowner across the street. Mr. Roohr stated that staff recommendation is to amend the April approval to allow for a second antenna. Chairman Fisher asked why we have to amend this if there is nothing that says you can't do it. Mr. Roohr stated that the Committee originally approved one antenna specifically for AT&T and so if the second one goes up, potentially it could raise a red flag. This cleans it up so that everybody is good with it. Chairman Fisher asked what if two more carriers wanted to go on there? Mr. Roohr stated that if they could physically fit their cabinetry on that 500 square foot base he didn't see why not. Chairman Fisher stated then you would have to amend it again? Mr. Roohr stated yes. The Committee could take the position that as long as they fit within that 500 square feet you could put as many antennas as you want.

Mr. Johnson asked who was collecting the rent for this. Mr. Roohr stated that there are two rents – AT&T and Verizon will pay rent to JCP&L and then also pay rent to the farmer for the use of the space as well.

It was moved by Ms. Murphy and seconded by Mr. Waltman to approve Resolution FY2015R6(11) finding that a request to locate an additional antenna on the same tower constitutes one personal wireless service facility and therefore, the addition of a second antenna to the same tower is consistent with N.J.A.C. 2:76-23.1 et seq. The Committee hereby amends Resolution FY2015R4(17) to allow for Verizon Wireless to co-locate its antenna on the same high-tension electrical tower and equipment platform as approved for use by AT&T at the SADC's April 24, 2015 meeting. The SADC finds that the

Owner has complied with all of the applicable provisions of N.J.S.A. 4:1C-32.2 and N.J.A.C. 2:76-23.1, et seq., concerning a personal wireless service facility to be erected on the land. The SADC finds that because the personal wireless service facility is being constructed on an existing high-tension electrical tower that existed on the Premises prior to preservation and is not owned by the landowner, that it does not have jurisdiction to mandate that space be made available to other entities, per N.J.A.C. 2:76-23.5(16). The SADC approves this amended permit for a period of 20 years from the date of the prior approval, April 24, 2015. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

Mr. Siegel stated to understand here, if T-Mobile wanted to jump in here and it fits in that area, they have to come here again? He sees Chairman Fisher's point. Ms. Payne stated that if the SADC would like to delegate to staff approval of future additions of cellular devices to the same tower as long as the regulations are not violated, you can do that. We can get the request and the SADC staff can sign off on that.

Ms. Murphy and Mr. Waltman amended their motion and second to allow for delegating to SADC staff the authority to approve future additions of cellular devices to the same tower as long as the regulations are not violated.

The motion was unanimously approved as amended. (A copy of Resolution FY2015R6(11) is attached to and is a part of these minutes.)

#### **F. FY2016 Updated List of Approved Appraisers**

Mr. Burns referred the Committee to Resolution FY2015R6(12), including Schedule "A" listing those appraisers who attended the annual appraisal conference held in June and who are being recertified. The resolution also reflects those appraisers who did not attend the appraisal conference for two years and are being removed for that reason (Schedule "B"). Mr. Burns stated that there are no new appraisers coming on at the moment. However, staff would like to keep the option open for people who attended the meeting on June 3<sup>rd</sup> to come in at a later date. We will possibly have one new appraiser next month. Staff recommendation is to approve Resolution FY2015R6(12) to reflect the re-certifications and the deletions, as presented and discussed.

It was moved by Mr. Danser and seconded by Mr. Siegel to approve Resolution FY2015R6(12) recertifying the list of appraisers to the Approved Appraiser List, as presented and discussed (Schedule "A"), and deleting those appraisers on the Deleted



Appraiser List (Schedule "B"), as presented and discussed, subject to any conditions of said resolution. The motion was unanimously approved. (A copy of Resolution FY2015R6(12) is attached to and is a part of these minutes.)

## **PUBLIC COMMENT**

None

## **TIME AND PLACE OF NEXT MEETING**

SADC Regular Meeting: Thursday, July 23, 2015 (Re-Organization Meeting), beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

Ms. Payne introduced Alison Reynolds to the Committee. Ms. Reynolds is the SADC's new in-house attorney. Ms. Reynolds comes to the SADC from the Attorney General's Office and has wonderful experience in land acquisition and real estate and she has been doing a fantastic job since she came on board.

Ms. Payne asked Mr. O'Connell to introduce the fiscal intern to the Committee. Mr. O'Connell introduced Matthew Calcagno who is a rising senior at James Madison University and will be spending the summer with the SADC using his quantitative finance skills to update the SADC's database.

## **CLOSED SESSION**

At 11:44 a.m., Mr. Danser moved the following resolution to go into Closed Session. The motion was seconded by Mr. Siegel 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 Mr. Danser and seconded by Mr. Siegel to approve the Certification of Values as discussed in Closed Session for the following applicants:

**County Planning Incentive Grant Program**

1. Calvin and Carolyn Mason, SADC # 06-0143-PG  
Block 2802, Lot 5, Upper Deerfield Township, Cumberland County, 31 Acres
2. Estate of John Pappas and Nicholas Pappas, SADC # 16-0003-PG  
Block 6401, Lot 7, West Milford Township, Passaic County, 40 Net Acres  
(Appraisal Order Checklist)

**Municipal Planning Incentive Grant Program**

1. Lana Lobell LLC (J&K Kroeger, sole members), SADC #18-0213-PG  
Block 44, Lots 201, 202, Bedminster Township, Somerset County, 116.285 Gross Acreage

**Nonprofit Grant Program**

1. The Land Conservancy of New Jersey/Syberg Farm (10% Rule),  
SADC # 19-0021NP  
Block 3805, Lot 4.01, Stillwater Township, Sussex County, 111.59 Net Acres

**Direct Easement Purchase Program**

1. Jack Oberly, SADC # 21-0069-DE  
Block 95, Lots 2, 2.06, Pohatcong Township  
Block 97, Lot 5, Alpha Borough  
Warren County, 89 Acres

The motion was unanimously approved. (Copies of the Certification of Value Reports are attached to and are a part of the Closed Session minutes.)

**B. Attorney/Client Matters**

None



**PUBLIC COMMENT**

None

**ADJOURNMENT**

There being no further business, it was moved by Mr. Danser and seconded by Mr. Siegel and unanimously approved to adjourn the meeting at 12:10 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Susan E. Payne".

Susan E. Payne, Executive Director  
State Agriculture Development Committee

**Attachments**

S:\MINUTES\2015\REG June 25 2015.doc

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R6(1)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

WHITE TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Howard and Myrna Shoemaker ("Owners")

White Township, Warren County

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

SADC ID# 21-0552-PG

JUNE 25, 2015

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") plan application from White Township, Warren County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of White Township's 2016 PIG plan annual update on May 28, 2015; and

WHEREAS, on January 14, 2014, the SADC received an individual application for the sale of a development easement from White Township for the Shoemaker Farm identified as Block 71, Lots 12 and 17, White Township, Warren County, totaling approximately 22 net easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is in White Township's North Project Area and the Highlands Preservation Area; and

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

WHEREAS, the Property includes a 0.5-acre non-severable exception limited to one single family residential unit and a 0.5-acre non-severable exception limited to zero residential units; 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 June 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 March 26, 2015 the SADC certified a development easement value of \$6,600 per acre based on January 1, 2004 zoning and environmental regulations and \$300 per acre based on current zoning and environmental regulations in place as of June 30, 2014; and

WHEREAS, the landowner accepted the Township's offer for the certified value of \$6,600 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on June 11, 2015 the White Township Committee approved the application and a funding commitment for an estimated \$1,200 per acre; and

WHEREAS, the Warren County Agriculture Development Board approved the application on May 21, 2015 and secured a commitment of funding from the Warren County Board of Chosen Freeholders for the required local match of \$1,200 on May 27, 2015; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 22 net easement acres):

	<u>Total</u>	
SADC	\$ 92,400	(\$4,200 per acre)
Warren County	\$ 26,400	(\$1,200 per acre)
White Twp.	\$ 26,400	(\$1,200 per acre)
Total Easement Purchase	\$145,200	(\$6,600 per acre)

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, White Township is requesting \$92,400 per acre and sufficient funds are available (Schedule B); 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, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to White Township for the purchase of a development easement on the Property, comprising approximately 22 net easement acres, at a State cost share of \$4,200 per acre (63.63%), for a total grant need of approximately \$92,400 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 a 0.5-acre non-severable exception limited to one single family residential unit and a 0.5-acre non-severable exception limited to zero residential units; and

BE IT FURTHER RESOLVED, the Property has 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, if the Township and County agree to the SADC providing its grant directly to Warren 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 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 the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

6/25/15  
Date

  
\_\_\_\_\_  
Susan E. Payne, Executive Director  
State Agriculture Development Committee



VOTE WAS RECORDED AS FOLLOWS:

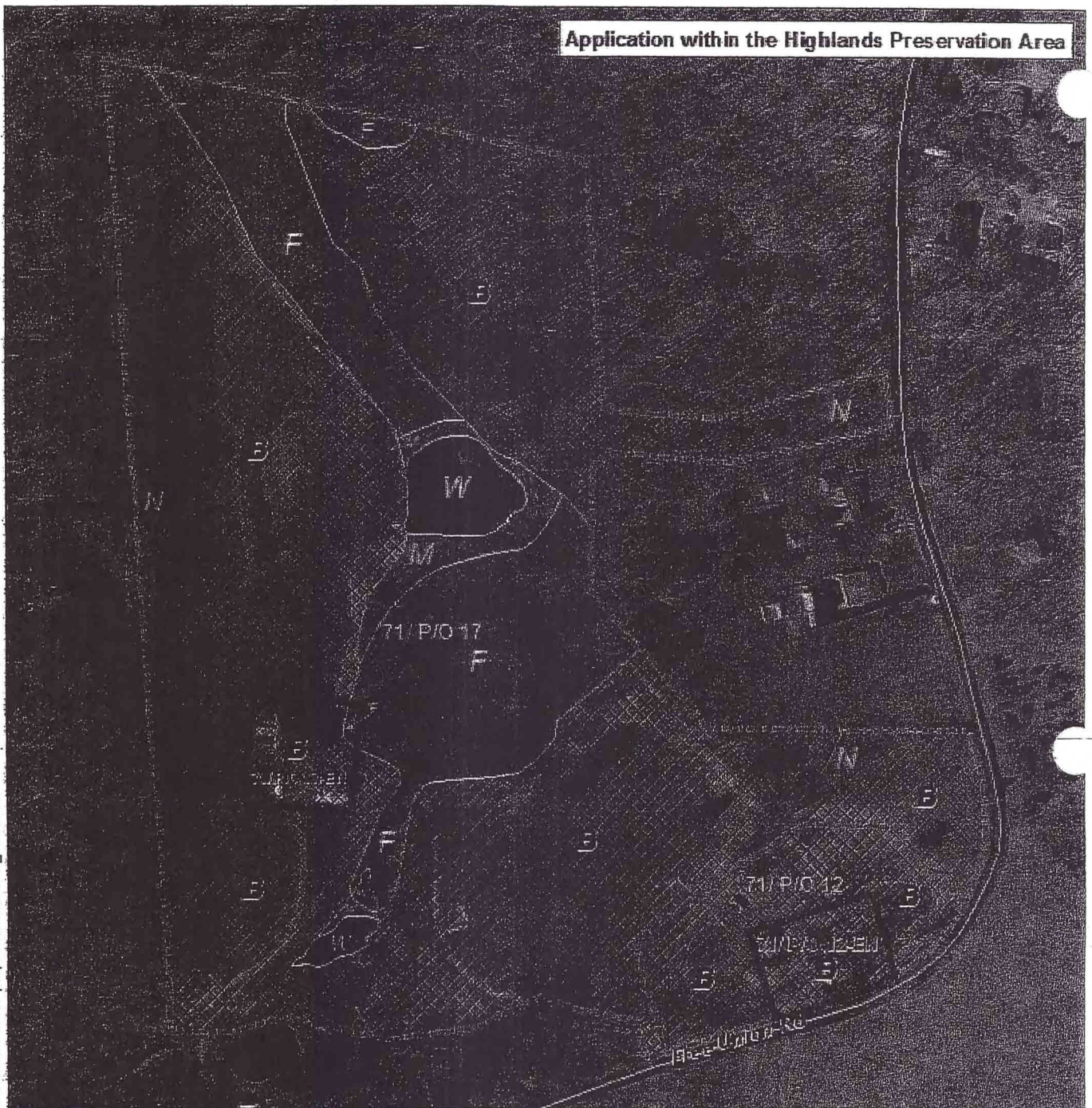
Douglas H. Fisher, Chairman	YES
James Requa (rep. Acting DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
James Waltman	YES

# Wetlands

Shoemaker

Application within the Highlands Preservation Area

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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Howard and Myrna Shoemaker

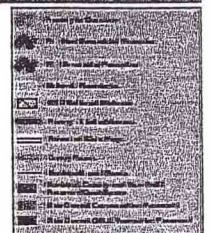
Block 71 Lots P/O 12 (1.5 ac); P/O 12-EN (non-severable exception - 0.5 ac);  
P/O 17 (20.8 ac) & P/O 17-EN (non-severable exception - 0.5 ac)

Gross Total = 23.3 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 geographic 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  
W - Water  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
N - Non-Wetlands  
S - 300' Buffer  
W - Wetlands Boundary

**Sources:**  
NJDCP Freshwater Wetlands Data  
NJDOT Road Data  
Green Acres Conservation Easement Data  
NJOTICGIS 2012 Digital Aerial Image

May 12, 2014



# Preserved Farms and Active Applications Within Two Miles

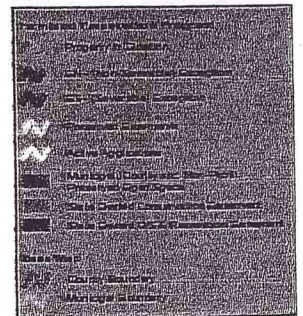


x:\counties\warren\project\shoemaker\_2mile2.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Howard and Myrna Shoemaker  
Block 71 Lots P/O 12 (1.5 ac); P/O 12-EN (non-severable exception - 0.5 ac);  
P/O 17 (20.8 ac) & P/O 17-EN (non-severable exception - 0.5 ac)  
Gross Total = 23.3 ac  
White Twp., Warren County

2,000 1,000 0 2,000 4,000 6,000 Feet



**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 Conversion: Greenbelt Data  
NCHMCCS 2012 Digital Aerial Image

May 12, 2014



Schedule V

Municipal Planning Incentive Grant  
White Township, Warren County

Farm	SADG ID#	Acres	Pay Acres	SADG Certified Per Acre	Negotiated & Approved Per Acre	SADG Grant Per Acre	Easement Consideration	FRPP Grant	SADG			Federal Grant			585 - 2009 FFP		Balance
									Cost Basis	Cost Share	Total Federal Grant	SADG Federal Grant	Encumbered	Expended	Expended		
Erhardt Ancillary Walburn Shoemaker	21-0522-PG	26.384	26.384	7,200.00	7,200.00	4,500.00	189,964.80	8,100.00	189,964.80	118,728.00	7,915.20		118,728.00	118,728.00		1,250,000.00	
	21-0525-PG	23.449		5,900.00	5,900.00	3,850.00	138,349.10		138,349.10	90,278.65			90,278.65	6,232.00		1,131,272.00	
	21-0552-PG	22.000		6,600.00	6,600.00	4,200.00	145,200.00		145,200.00	92,400.00			92,400.00			1,125,040.00	
Total Pending	2	45.449							182,678.65								942,361.35
Total Encumbered													182,678.65				
Closed/Expended	1	26.384					189,964.80	8,100.00	189,964.80	118,728.00	7,915.20	0.00	0.00	124,950.00			
Total																	942,361.35



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Shoemaker, Howard & Myrna  
21- 0552-PG  
PIG EP - Municipal 2007 Rule  
22 Acres

Block 71	Lot 12	White Twp.	Warren County
Block 71	Lot 17	White Twp.	Warren County
SOILS:		Other	44% * 0 = .00
		Statewide	56% * .1 = 5.60
			SOIL SCORE: 5.60
TILLABLE SOILS:		Cropland Harvested	56% * .15 = 8.40
		Wetlands	19% * 0 = .00
		Woodlands	25% * 0 = .00
			TILLABLE SOILS SCORE: 8.40
FARM USE:		Hay	13 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 (.5) acres for Future housing  
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)
    - 2nd (.5) acres for Existing farm buildings  
Exception is not to be severed from Premises  
Exception is to be limited to zero existing single family residential unit(s) and zero future single family residential unit(s)
  - 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
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 FY2015R6(2)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
FRELINGHUYSEN TOWNSHIP  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
Joyce Lynette Berry and Patricia Berry ("Owners")  
Frelinghuysen Township, Warren County  
N.J.A.C. 2:76-17A. et seq.  
SADC ID# 21-0569-PG

JUNE 25, 2015

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") plan application from Frelinghuysen Township, Warren County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of Frelinghuysen Township's 2016 PIG plan annual update on May 28, 2015; and

WHEREAS, on May 22, 2014, the SADC received an individual application for the sale of a development easement from Frelinghuysen Township for the Berry Farm identified as Block 1803, Lot 8.01 and Block 1804, Lots 5 and 6, Frelinghuysen Township, Warren County, totaling approximately 106.21 net easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is in Frelinghuysen Township's Hope Project Area and the Highlands Planning Area; and

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

WHEREAS, the Property includes a 0.5-acre non-severable exception for the existing single family residential unit; and

WHEREAS, the Property includes a 0.5-acre severable exception for a lot line adjustment associated with an interior Lot 8 which is not part of the Property; and

WHEREAS, there is an existing 50 foot wide access easement to Lot 8; and



WHEREAS, a restriction in Deed Book 297, Page 95 prohibits any construction on Lot 6 and because the restriction inhibits the agricultural viability of the lot, the SADC, County and Township will not provide a cost share on this acreage (approximately 1.5 acres) however the preservation easement will cover this acreage.

WHEREAS, after the 1.5 acre deduction the estimated net payment acreage will be based on approximately 104.71 acres; and

WHEREAS, at the time of application the Property was in corn, hay and cattle 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 October 14, 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 March 26, 2015 the SADC certified a development easement value of \$6,250 per acre based on January 1, 2004 zoning and environmental regulations and \$5,250 per acre based on current zoning and environmental regulations in place as of June 30, 2014; and

WHEREAS, the landowner has accepted the Township's offer for \$5,750 per acre, which is lower than the SADC certified easement value; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on May 20, 2015 the Frelinghuysen Township Committee approved the application and a funding commitment for an estimated \$987.50 per acre; and

WHEREAS, the Warren County Agriculture Development Board approved the application on May 21, 2015 and secured a commitment of funding from the Warren County Board of Chosen Freeholders for the required local match of \$987.50 per acre, on May 27, 2015; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 104.71 net payment acres):

	Total	
SADC	\$ 395,280.25	(\$3,775 per acre 60.4% of CMV & 65.65% of purchase price)
Warren County	\$ 103,401.12	(\$987.50 per acre)
Frelinghuysen Twp.	<u>\$ 103,401.13</u>	<u>(\$987.50 per acre)</u>
Total Easement Purchase	\$ 602,082.50	(\$5,750 per acre)

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, Frelinghuysen Township is requesting \$395,280.25 per acre and sufficient funds are available (Schedule B); 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, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Frelinghuysen Township for the purchase of a development easement on the Property, comprising approximately 106.21 net easement acres and 104.71 net payment acres, at a State cost share of \$3,775 per acre, for a total grant need of approximately \$395,280.25 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 a 0.5-acre non-severable exception for the existing single family residential unit and a 0.5-acre severable exception for a lot line adjustment; 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, if the Township and County agree to the SADC providing its grant directly to Warren 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.



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

6/25/15

Date

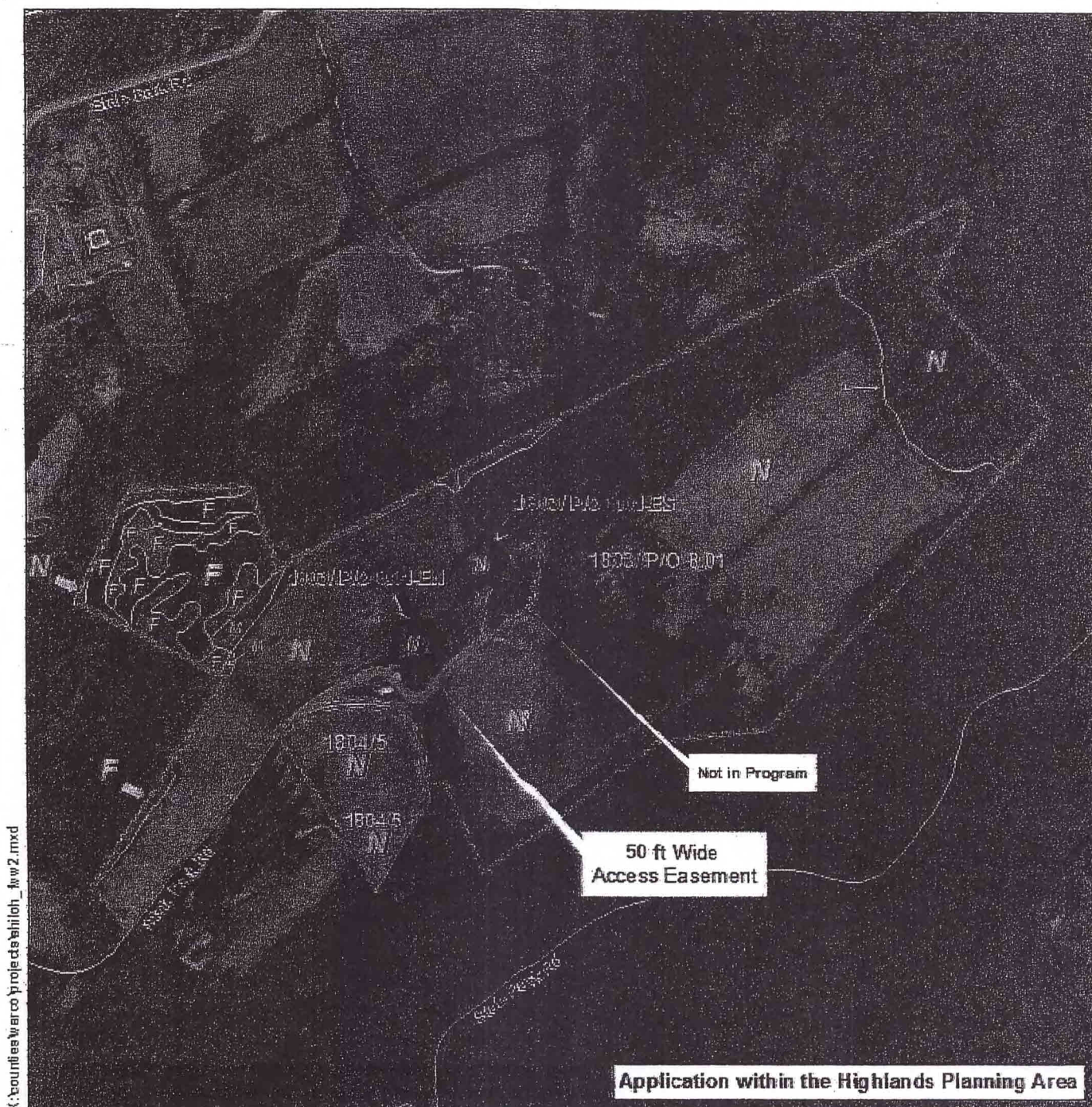
Susan E. Payne

Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
James Requa (rep. Acting DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
James Waltman	YES





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# **FARMLAND PRESERVATION PROGRAM** **NJ State Agriculture Development Committee**

Joyce Lynette & Patricia Berry

Block 1803 Lots P/O 8.01 (95.0 ac); P/O 8.01-ES (severable exception - 0.5 ac)  
 & P/O 8.01-EN (non-severable exception - 0.5 ac)

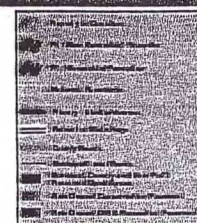
Block 1804 Lots 5 (3.4 ac) & 6 (1.5 ac)

Gross Total = 100.9 ac

Freflinghuysen Twp., Warren 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 the 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:**  
 C - Freshwater Wetlands  
 L - Lateral Wetlands  
 M - Wetlands Modified for Agriculture  
 T - Tidal Wetlands  
 N - Non-Wetlands  
 S - 200' Buffer  
 W - Water

**Sources:**  
 NJDOT Freshwater Wetlands Data  
 Green Acres Conservation Easement Data  
 NJDOT Road Data  
 NJDOT 200' Buffer Data  
 NJDOT 200' Buffer Data

October 2, 2014



# Preserved Farms and Active Applications Within Two Miles

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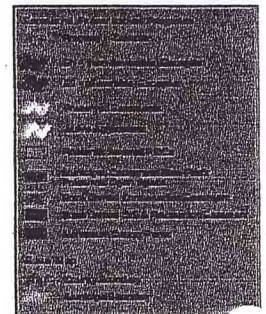
## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Joyce Lynette & Patricia Berry  
Block 1803 Lots P/O 8.01 (95.0 ac); P/O 8.01-ES (severable exception - 0.5 ac)  
& P/O 8.01-EN (non-severable exception - 0.5 ac)  
Block 1804 Lots 5 (3.4 ac) & 6 (1.5 ac)  
Gross Total = 100.9 ac  
Frelinghuysen Twp., Warren County

2,000 1,000 0 2,000 4,000 6,000 Feet

### 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  
NJ Pinelands Commission FDC Data  
NJ OrthoGIS 2012 Digital Aerial Image

October 2, 2014



Municipal Plan Incentive Grant  
 Frelinghuysen Township, Warren County  
 Plan Approval April 24, 2009

*Schedule B*

Farm	SADC ID#	Acres	Pay Acres	SADC		Negotiated & Approved Per Acre	SADC Grant Per Acre	Grant% Per Acre	Easement Consideration	SADC			Balance
				Certified Per Acre	Per Acre					Cost Basis	Cost Share	Encumbered	
Linz	21-0486-PG	122.847	122.808	3,500.00	3,500.00	3,500.00	2,500.00	71.43%	429,828.00	429,964.50	307,020.00	307,020.00	1,750,000.00
Berry / Shiloh Hill	21-0569-PG	104.710		6,250.00	5,250.00		3,775.00	60.40%	549,727.50	654,437.50	395,280.25	395,280.25	1,442,980.00
													1,047,699.75
Total Pending	1	104.710									395,280.25		
Total Encumbered											395,280.25		
Closed/Expended	1	122.847	122.808						429,828.00	429,964.50	307,020.00	307,020.00	
Total													1,047,699.75

*Schedule B*



CREATED

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Joyce Lynette Berry & Patricia Berry (Shiloh)

21- 0569-PG

PIG EP - Municipal 2007 Rule

106 Acres

Block 1803	Lot 8.01	Frelinghuysen Twp.	Warren County
Block 1804	Lot 5	Frelinghuysen Twp.	Warren County
Block 1804	Lot 6	Frelinghuysen Twp.	Warren County

SOILS:	Other	71% * 0	=	.00
	Statewide	29% * .1	=	2.90

SOIL SCORE: 2.90

TILLABLE SOILS:	Cropland Harvested	32% * .15	=	4.80
	Permanent Pasture	15% * .02	=	.30
	Woodlands	53% * 0	=	.00

TILLABLE SOILS SCORE: 5.10

FARM USE:	Corn-Cash Grain	8 acres	
	Hay	33 acres	
	Beef Cattle Feedlots	acres	6 head

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 (.5) acres for Around existing house  
Exception is not to be severed from Premises
    - 2nd (.5) acres for Lot line adjustment for future septic on interior lot  
Exception is severable
  - 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
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 FY2015R6(3)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

ALLOWAY TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Daniel and Laura Chard ("Owners")

Alloway Township, Salem County

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

SADC ID# 17-0132-PG

June 25, 2015

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") plan application from Alloway Township, Salem County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of Alloway Township's PIG plan application annual update on May 28, 2015 ; and

WHEREAS, on May 5, 2014, the SADC received an individual application for the sale of a development easement from Alloway Township for the Chard Farm identified as Block 11, Lot 32, Alloway Township, Salem County, totaling approximately 22 net easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is in Alloway Township's North Central Project Area; and

WHEREAS, the Property has zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses outside of any exception areas; and

WHEREAS, the Property includes a 1.25-acre non-severable exception limited to one (1) single family residential unit and a .25 acre non-severable exception for a non-agricultural use (construction business) and limited to zero (0) residential units; and

WHEREAS, at the time of application the Property was in cattle and dairy 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 July 24, 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 November 13, 2014 the SADC certified a development easement value of \$7,000 based on zoning and environmental regulations in place as of the current valuation date 5/1/14; and

WHEREAS, the landowner has accepted the Township's offer for the certified value of \$7,000 per acre; and

WHEREAS, the New Jersey Conservation Foundation submitted a parcel application to the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) Federal Farm and Ranch Lands Protection Program (FRPP) for consideration of a grant for the easement purchase on the Chard Farm; and

WHEREAS, the County has informed SADC staff that NRCS determined that the Property and the Landowner qualify for FRPP grant funds; and

WHEREAS, at this time the FRPP approved current easement value has not been finalized, therefore, the FRPP grant will be calculated based on the estimated FRPP current easement value of \$7,500 per acre (highest of the two appraisals) equating to an FRPP grant of \$3,750 per acre (50% of \$7,500) or approximately \$82,500 in total FRPP funds; and

WHEREAS, the Owners have agreed to the additional restrictions involved with the FRPP Grant, including a 6.67% maximum impervious coverage restriction (approximately 1.47 acres) for the construction of agricultural infrastructure on the Property outside of the exception areas, which is the maximum impervious coverage allowable for the Property through the FRPP program at this time; and

WHEREAS, due to a shortage of available funds the Township and Salem County have requested that FRPP grant funds be "passed through" to cover the entire local cost share; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on May 21, 2015, 2015 the Alloway Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase due to the anticipated receipt of FRPP funds; and

WHEREAS, the Salem County Agriculture Development Board approved the application on April 22, 2015 and the Salem County Board of Chosen Freeholders approved the application on May 6, 2015 but is not participating financially in the easement

purchase due to the anticipated receipt of FRPP funds; and

WHEREAS, this final approval is conditioned upon FRPP funding in an amount sufficient enough to cover the County and Township's cost share; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 22 net easement acres):

Cost share breakdown prior to FRPP Grant:

		Total
SADC	\$ 96,800	(\$4,400/acre)
Alloway Twp.	\$ 28,600	(\$1,300 acre)
Salem County	\$ 28,600	(\$1,300/acre)
Total Easement Purchase	\$154,000	(\$7,000/acre)

Cost share breakdown after estimated \$82,500 FRPP Grant is applied:

	Total	FRPP \$	New Cost Share
SADC	\$96,800 (\$4,400/acre)	\$25,300	\$71,500 (\$3,250/acre)
Alloway Twp	\$28,600 (\$1,300/acre)	\$28,600	\$0
Salem County	\$28,600 (\$1,300/acre)	\$28,600	\$0
FRPP Grant			\$82,500 (\$3,750/acre)
	\$154,000	\$82,500	\$154,000 (\$7,000/acre)

WHEREAS, because the FRPP grant amount has not been solidified Alloway Township is requesting the SADC encumber the full grant amount \$96,800 from the available municipal PIG funding and sufficient funds are available (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development easement; 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, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Alloway Township for the purchase of a development easement on the Property, comprising approximately 22 net easement acres, at a State cost share of \$4,400 per acre (62.86%), for a total grant need of approximately \$96,800 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, 1.25-acre non-severable exception area for and limited to one (1) single family residential unit and (1) .25 acre non-severable exception for a non-agricultural use (construction business) and limited to zero (0) residential units; and

BE IT FURTHER RESOLVED, the Property has zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses outside of any exception area(s); and

BE IT FURTHER RESOLVED, that the SADC will utilize any remaining FRPP grant funds (estimated \$ 25,300) to offset SADC grant needs on the Property; and

BE IT FURTHER RESOLVED, this approval is conditioned upon receipt of FRPP funds sufficient enough to cover the Township and County's cost share or in absence of FRPP funding a resolution by the Township and the County Board of Chosen Freeholder's to commit the funds needed to cover the Township's cost share; and

BE IT FURTHER RESOLVED, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development easement; and

BE IT FURTHER RESOLVED, if the Township and County agree to the SADC providing its grant directly to Salem 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 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 the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

6/25/15

Date

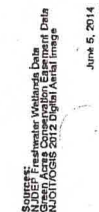


Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Douglas H. Fisher, Chairman	YES
James Requa (rep. Acting DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
James Waltman	YES





**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/or are intended to be relied upon in matters requiring delineation and location of true ground physical controls as would be obtained by an actual ground survey conducted by a licensed surveyor.

Profession



X:\counties\col\projects\chard\_2mile.mxd



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Daniel Chard/Laura Chard Farm  
Block 11 Lots P/O 32 (22.5 ac)  
& P/O 32-EN (non-severable exceptions - 1.0 & 0.1 ac)  
Gross Total = 23.6 ac  
Alloway Twp., Salem County

2,000 1,000 0 2,000 4,000 6,000 Feet

### 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  
NJ Pinelands Commission PDC Data  
NJOT/OGIS 2012 Digital Aerial Image

May 13, 2014



Schedule B

Municipal Planning Incentive Grant  
Alloway Township, Salem County

Farm	SADG ID#	Acres	Pay Acres	SADG Certified Per Acre	Negotiated & Approved Per Acre	SADG Grant Per Acre	Grant % Per Acre	Easement Consideration	SADG			Federal Grant		Encumbered	Expended	Balance
									Cost Basis	Cost Share	Total Federal Grant	SADG Federal Grant				
Yanus	17-0116-PG	81.047	80.969	5,700.00	5,700.00	3,750.00	65.79%	461,523.30	461,523.30	303,633.75			303,633.75	303,633.75		1,250,000.00
Sickler	17-0115-PG	11.492	11.492	6,500.00	6,500.00	4,200.00	63.64%	75,847.20	75,847.20	48,266.40			48,266.40	48,266.40		946,366.25
Yanus Ancillary Costs								13,420.00		6,710.00				6,710.00		898,099.85
Sickler Ancillary Costs								6,491.00		3,245.50				3,245.50		891,389.85
Chard	17-0132-PG	22.000	22.000	7,000.00	7,000.00	4,400.00	62.86%	154,000.00	96,800.00	96,800.00	82,500.00	25,300.00	96,800.00			888,144.35
Total Pending	3	134.000							589,600.00							791,344.35
Total Encumbered	0								75,847.20				96,800.00			
Closed/Expended	2	92.539						537,370.50	537,370.50	361,855.65	0.00	0.00	361,855.65			
Total																791,344.35

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Chard, Daniel V. & Laura R.  
17- 0132-PG  
PIG EP - Municipal 2007 Rule  
22 Acres

Block 11	Lot 32	Alloway Twp.	Salem County
<b>SOILS:</b>		Prime	89% * .15 = 13.35
		Statewide	11% * .1 = 1.10
			<b>SOIL SCORE: 14.45</b>
<b>TILLABLE SOILS:</b>		Cropland Pastured	92% * .15 = 13.80
		Other	8% * 0 = .00
			<b>TILLABLE SOILS SCORE: 13.80</b>
<b>FARM USE:</b>		Beef Cattle Except Feedlots	20 acres 5
		Dairy	20 acres 25

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 (1.25) acres for Existing residence  
Exception is not to be severed from Premises  
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
    - 2nd (.25) acres for Existing non-ag use- construction business.  
equipment storage  
Exception is not to be severed from Premises
  - 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
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 FY2015R6(4)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

MORRIS COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
Estate of George E. Scheller ("Owners")  
Washington Township, Morris County

N.J.A.C. 2:76-17 et seq.  
SADC ID# 14-0113-PG

JUNE 25, 2015

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Morris 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, Morris County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on April 1, 2014 the SADC received an application for the sale of a development easement from Morris County for the subject farm identified as Block 20, Lots 22, 46.01, 46.02 and 50, Washington Township, Morris County, totaling approximately 41 net acres, hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Morris County's West Project Area and is in the Highlands Preservation Area; and

WHEREAS, the Property has one, 5-acre non-severable exception area limited to one single family residential unit; and

WHEREAS, the Property includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area; and

WHEREAS, the pre-existing airplane runway 100' by 1,800', along with its FAA airport designation as "Scheller airport" is in the process of being deactivated by the Owners who have requested a restriction be placed in the Deed of easement prohibiting the Property from being used as an airstrip; and

WHEREAS, the Owners will convey a 50 foot wide easement providing access to Lot 49.01 along the existing driveway, to be recorded prior to the deed of easement; and



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

WHEREAS, the Owner(s) 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 60.49 which exceeds 42, which is 70% of the County's average quality score as determined by the SADC July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on September 25, 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 December 11, 2014 the SADC certified a development easement value of \$19,300 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$300 per acre based on zoning and environmental regulations in place as of the current valuation date June 30, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$20,900 per acre for the development easement for the Property, which is lower than the highest appraised value (\$22,500/acre); and

WHEREAS, on April 15, 2015 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, pursuant to N.J.A.C. 2:76-17.13, on August 19, 2013, the Washington Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on February 5, 2015 the Morris CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on March 25, 2015, the Board of Chosen Freeholders of the County of Morris passed a resolution granting final approval and a commitment of funding for \$9,320 per acre to cover the entire local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 42.23 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 42.23 acres); and

SADC	\$489,023.40	(\$11,580/acre)
County	\$393,583.60	(\$ 9,320/acre)
Total Easement Purchase	\$882,607.00	(\$20,900/acre)

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 Morris County Agriculture Development Board is requesting \$489,023.40 in FY13 competitive grant funding which is available at this time (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 Morris County for the purchase of a development easement on the Property, comprising approximately 42.23 acres, at a State cost share of \$11,580 per acre, (60% of the certified market value and 55.41% of purchase price), for a total grant need of \$489,023.40 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 one, 5-acre non-severable exception area limited to one single family residential unit; and

BE IT FURTHER RESOLVED, the Property includes zero (0) housing opportunities, 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, the pre-existing airplane runway 100' by 800', along with its FAA airport designation as "Scheller airport" is in the process of being deactivated, with a restriction to be placed in the Deed of easement prohibiting the Estate, Estate's successors and assigns, in perpetuity from using the Property as an airstrip; and

BE IT FURTHER RESOLVED, the Property will convey a 50 foot wide easement along the existing driveway providing access to Lot 49.01, to be recorded, prior to the deed of easement; 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 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 the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

6/25/15

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

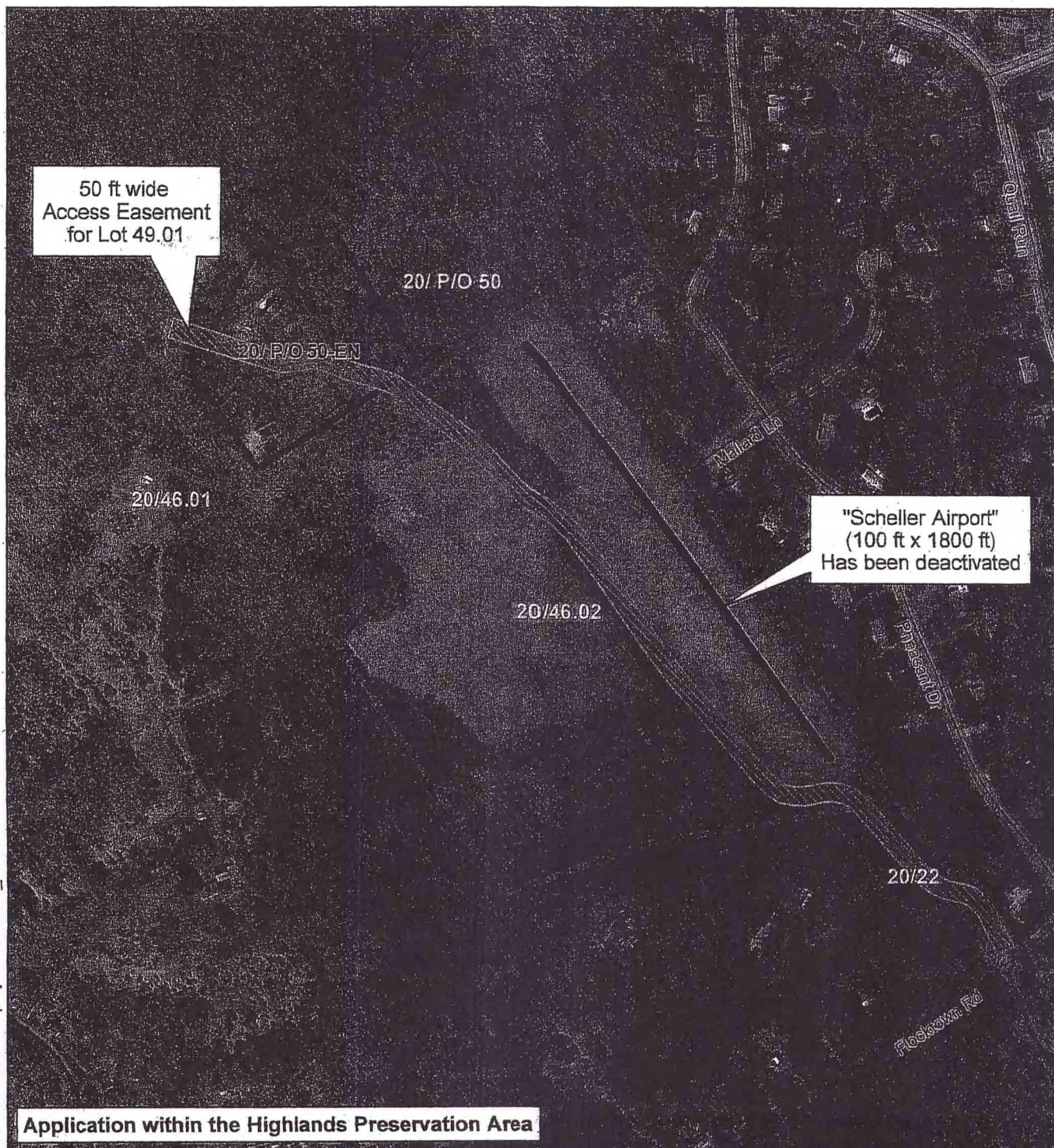
VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
James Requa (rep. Acting DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
James Waltman	YES



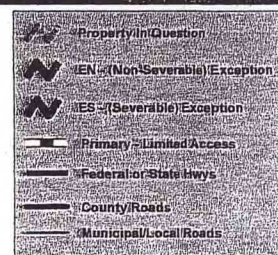
# Schedule A

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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Estate of George Scheller  
Block 20 Lots 22 (1.6 ac); 46.01 (1.4 ac); 46.02 (33.0 ac);  
P/O 50 (5.2 ac) & P/O 50-EN (non-severable exception - 5.0 ac)  
Gross Total = 46.1 ac  
Washington Twp., Morris 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

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

May 26, 2015



# Preserved Farms and Active Applications Within Two Miles

X:\counties\morris\projects\scheller\_2mile.mxd



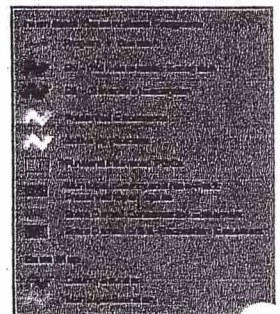
## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Estate of George Scheller  
Block 20 Lots 22 (1.6 ac); 46.01 (1.4 ac); 46.02 (33.0 ac);  
P/O 50 (5.2 ac) & P/O 50-EN (non-severable exception - 5.0 ac)  
Gross Total = 46.1 ac  
Washington Twp., Morris County

2,000 1,000 0 2,000 4,000 6,000 Feet

### 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  
NJ Office of Agriculture  
NJ Office of Agriculture

April 22, 2014



Preserv. Program  
County Planning Incentiv. t - N.J.A.C. 2:76-17 et seq.

*Schedule B*

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 Basis	Cost Share FY13 base	Encumbered at Final	Voucher	BASE GRANT		COMPETITIVE GRANT	STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (subject to available funds statewide)
													Balance FY11	Balance FY13			
										SADC			Balance FY11	Balance FY13	FY11 Balance	0	3,000,000
													Total Base grant			7,987,165	5,000,000
													Balance	Expend	Encumbered at Final	Voucher	FY11 Balance subject to availability
Angen LLC	Mount Olive	24,000	24,7200	64,000.00	64,000.00	37,700.00	58.91%	1,525,824.00	1,523,264.00	897,297.70	931,944.00	897,297.70	897,297.70				
Michel I	Chester	111,000	114,330	36,500.00	36,500.00	21,900.00	60.00%	3,839,365.65	3,839,365.65	2,303,619.39	568,056.00	602,702.30	602,702.30				
Michel II	Chester	97,000	99,910	21,000.00	22,536.00	12,600.00	60.00%	2,138,112.01	1,992,383.40	1,195,430.04	1,000,000.00	1,000,000.00	1,000,000.00				
Estate of Scheller	Washington	41,000	42,230	19,300.00	20,900.00	11,580.00	60.00%	882,607.00		489,023.40							
Aresy Estate	Chester	59,000	60,770	32,000.00	36,000.00	19,200.00	60.00%	2,187,720.00		1,166,784.00							
Pending			103,000										Expend	Expend	Encumbered	Expend	Balance
Encumbered/Expended FY11													1,500,000.00	1,000,000.00	1,555,807.40	1,896,347.13	1,103,652.87
Encumbered/Expended FY13													1,000,000.00	0.00	1,555,807.40	0.00	3,344,192.6
Total		332,000	281,190					8,305,906.66	7,355,013.05	4,805,370.55	0.00		2,500,000.00	0.00	1,555,807.40	1,896,347.13	
Reprogram Out																	



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase  
June 25, 2015

Estate of George E. Scheller  
14- 0113-PG  
County PIG Program  
41 Acres

Block 20	Lot 46.01	Washington Twp.	Morris County
Block 20	Lot 46.02	Washington Twp.	Morris County
Block 20	Lot 22	Washington Twp.	Morris County
Block 20	Lot 50	Washington Twp.	Morris County

SOILS:	Other	40% *	0	=	.00
	Prime	4% *	.15	=	.60
	Statewide	56% *	.1	=	5.60

SOIL SCORE: 6.20

TILLABLE SOILS:	Cropland Harvested	51% *	.15	=	7.65
	Woodlands	49% *	0	=	.00

TILLABLE SOILS SCORE: 7.65

FARM USE:	Hay	36 acres
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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 five (5) acres for Existing residence and barn
    - Exception is not to be severed from Premises
    - Exception is to be limited to one existing single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions:
    - 50' access easement to Lot 49.01 must be approved by SADC counsel and recorded prior to closing
    - "Scheller airport" with it's 100' x 1,800' runway is to be deactivated with the FAA and a restriction placed on the Deed of Easement that it cannot be used as for an airstrip.
  - 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 FY2015R6(5)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

MORRIS COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Estate of David R. Aresty ("Owners")

Chester and Mendham Townships, Morris County

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

SADC ID# 14-0116-PG

JUNE 25, 2015

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Morris 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, Morris County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on June 13, 2014 the SADC received an application for the sale of a development easement from Morris County for the subject farm identified as Block 7, Lot 14.01, Chester Township and Block 105, Lot 1, Mendham Township, Morris County, totaling approximately 59 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Morris County's West Project Area, with the Chester portion being in the Highlands Preservation Area and the Mendham portion in the Highlands Planning Area; and

WHEREAS, the Property has one, 2-acre non-severable exception area limited to one single family residential unit; and

WHEREAS, the Property includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area; and

WHEREAS, the Property includes a 20 foot wide trail easement, along East Fox Chase Road and a 10 foot wide trail easement along Roxciticus Road which are both unimproved segments of the Morris County Park System's Patriot's Path (Schedule A); and

WHEREAS, the Morris County Park Commission acquired the easements for the continuation of Patriot's Path via a Deed recorded in Deed Book 4363, Page 027 on April 25, 1996 (Schedule A-1); and



WHEREAS, this Deed contains indemnification language requiring the Morris County Park Commission to indemnify the Owner(s) from any and all suits, claims, demands, other actions, and damages and expenses resulting from property damage and/or personal injuries associated with the Morris County Park Commission's development, installation or maintenance of Patriots' Path or the public's use of Patriots' Path for recreational trail purposes; and

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

WHEREAS, the Owner(s) 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 70.46 which exceeds 42, which is 70% of the County's average quality score as determined by the SADC July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on September 21, 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 February 26, 2015 the SADC certified a development easement value of \$32,000 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$8,000 per acre based on zoning and environmental regulations in place as of the current valuation date June 30, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$36,000 per acre for the development easement for the Property, which is lower than the highest appraised value (\$40,000/acre); and

WHEREAS, on April 15, 2015 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, pursuant to N.J.A.C. 2:76-17.13, on September 23, 2014 the Mendham Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on August 5, 2014 the Chester Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on April 9, 2015 the Morris CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on April 22, 2015, the Board of Chosen Freeholders of the County of Morris passed a resolution granting final approval and a commitment of funding for \$16,800 per acre to cover the local cost share; 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, the estimated cost share breakdown is as follows (based on 60.77 acres); and

SADC	\$1,166,784.00	(\$19,200/acre)
County	\$1,020,936.00	(\$16,800/acre)
Total Easement Purchase	\$2,187,720.00	(\$36,000 / acre)

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 Morris County Agriculture Development Board is requesting \$1,166,784.00 in competitive grant funding which is available at this time (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 Morris County for the purchase of a development easement on the Property, comprising approximately 60.77 acres, at a State cost share of \$19,200 per acre, (60% of the certified market value and 53.33% of purchase price), for a total grant need of \$1,166,784.00 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 one, 2-acre non-severable exception area limited to one single family residential unit; and

BE IT FURTHER RESOLVED, the Property includes zero (0) housing opportunities, 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 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

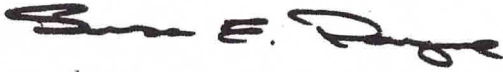
BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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.

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

6/25/15  
Date

  
\_\_\_\_\_  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
James Requa (rep. Acting DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
James Waltman	YES

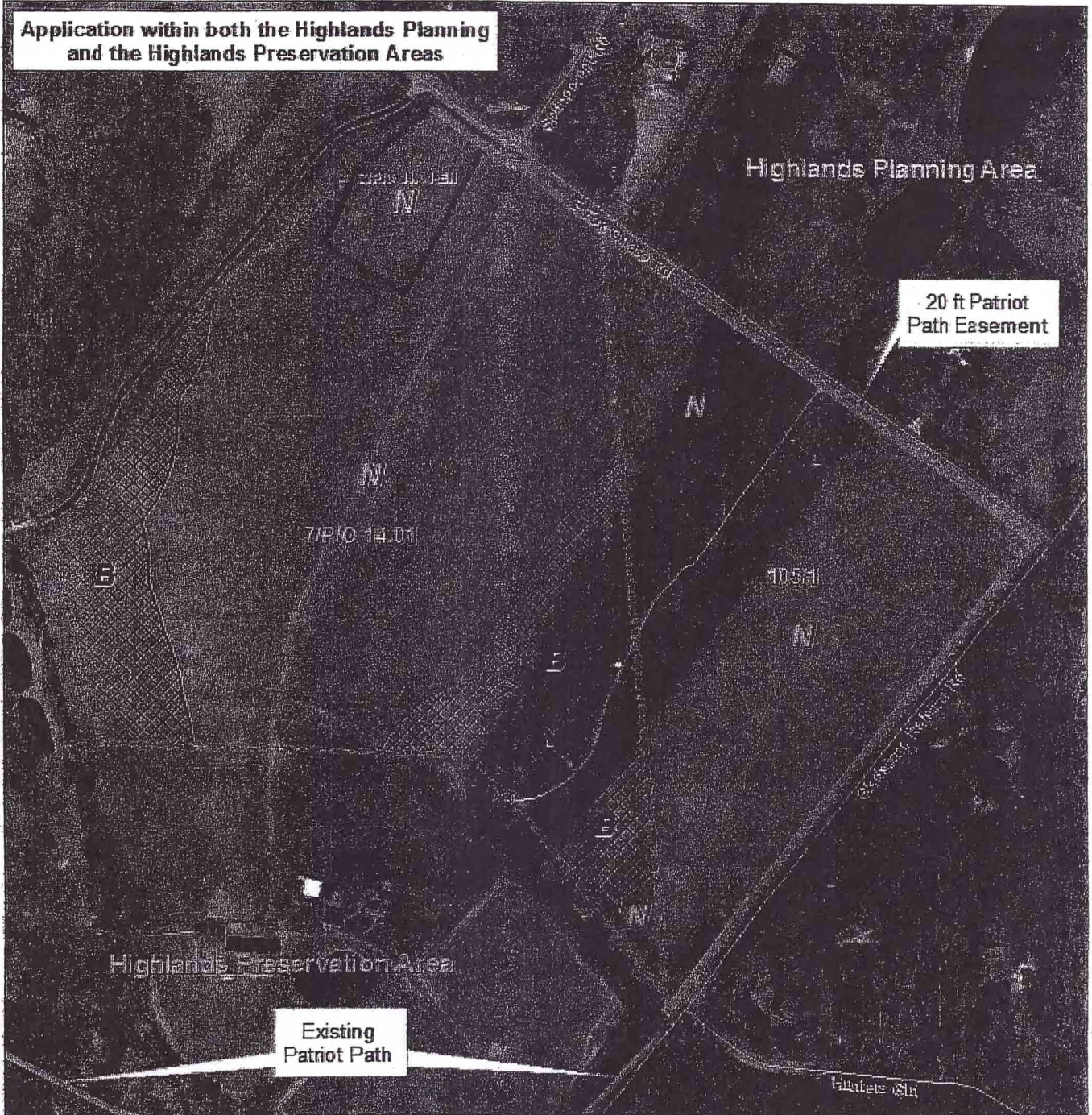


# Wetlands

Schedule

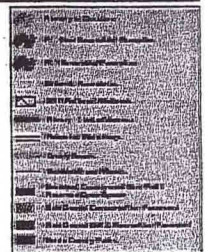
Application within both the Highlands Planning and the Highlands Preservation Areas

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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

David R. Aresty Estate/Patricia B. Aresty, Executrix  
Chester Twp - Block 7 Lots P/O 14.01 (36.9 ac)  
& P/O 14.01-EN (non-severable exception - 2.0 ac) and  
Mendham Twp - Block 105 Lot 1 (21.6 ac)  
Gross Total = 60.5 ac  
Morris County



**Wetlands Legend:**  
 E - Embankment Wetlands  
 L - Linear Wetlands  
 M - Wetlands Modified for Agriculture  
 T - Tidal Wetlands  
 N - Non-Wetlands  
 S - 20 ft Buffer  
 W - Water

**Source:**  
 NJDC - Freshwater Wetlands Data  
 Green Acres Conservation Assessment Data  
 NJDOT Road Data  
 NJDC/JCES 2013 Digital Aerial Image

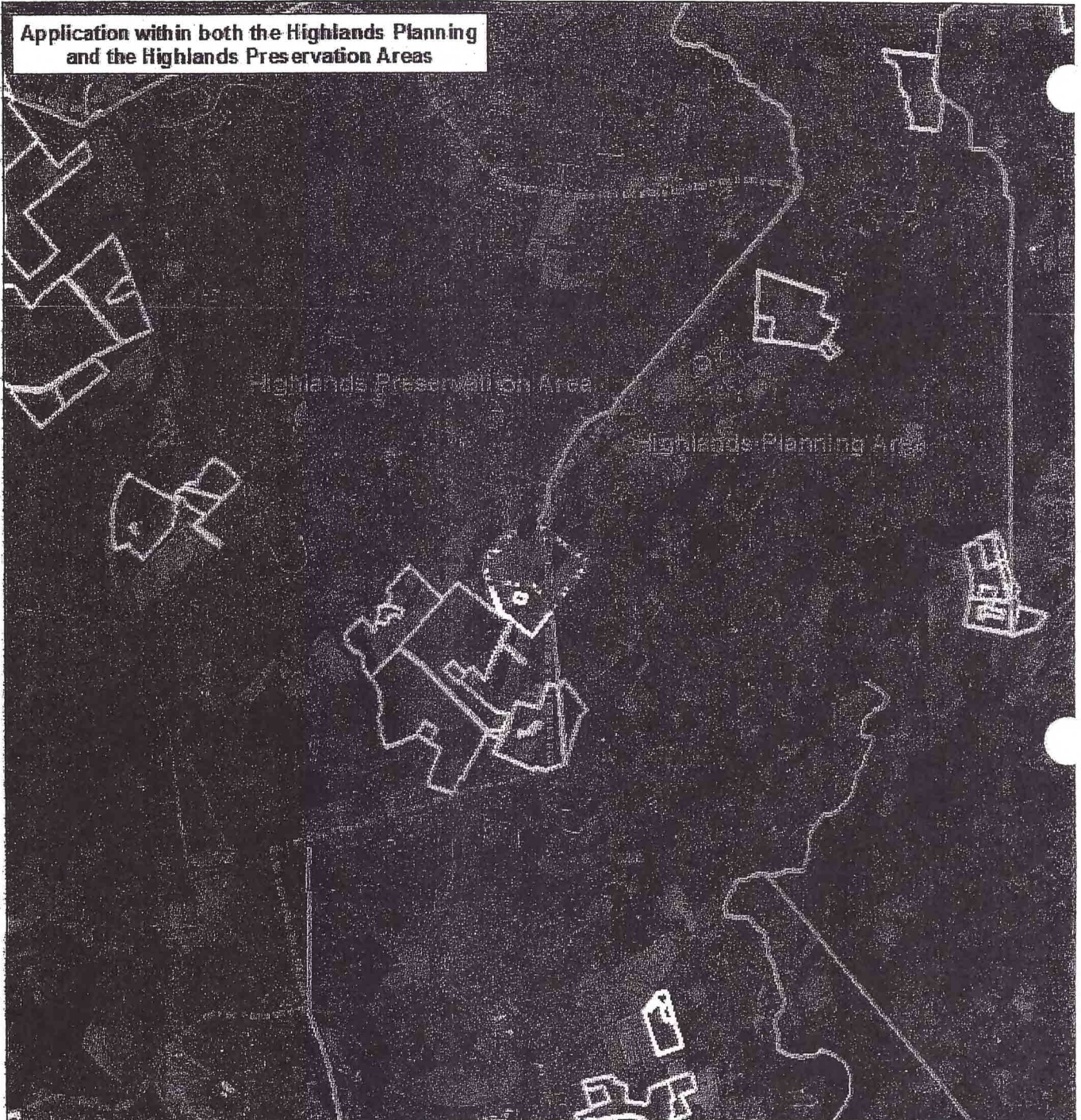
**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geospatial accuracy 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.

June 12, 2014



# Preserved Farms and Active Applications Within Two Miles

Application within both the Highlands Planning and the Highlands Preservation Areas



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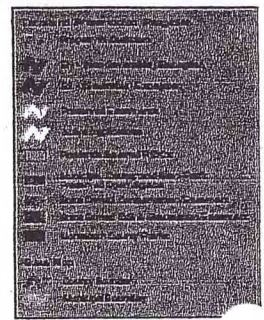
## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

David R. Aresty Estate/Patricia B. Aresty, Executrix  
Chester Twp - Block 7 Lots P/O 14.01 (36.9 ac)  
& P/O 14.01-EN (non-severable exception - 2.0 ac) and  
Mendham Twp - Block 105 Lot 1 (21.6 ac)  
Gross Total = 60.5 ac  
Morris County

2,500 1,250 0 2,500 5,000 7,500 Feet

### 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  
NJ Pinelands Commission RDC Data  
NJOT/CGLS 2012 Digital Aerial Image

June 10, 2014







State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase  
June 25, 2015

Estate of David R. Aresty  
14- 0116-PG  
County PIG Program  
59 Acres

Block 7	Lot 14.01	Chester Twp.	Morris County
Block 105	Lot 1	Mendham Twp.	Morris County

SOILS:	Other	11% *	0	=	.00
	Prime	46% *	.15	=	6.90
	Statewide	43% *	.1	=	4.30

SOIL SCORE: 11.20

TILLABLE SOILS:	Cropland Harvested	81% *	.15	=	12.15
	Woodlands	19% *	0	=	.00

TILLABLE SOILS SCORE: 12.15

FARM USE:	Hay	47 acres
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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 two (2) 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 FY2015R6(6)

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

On the Property of  
Double D Farm, LLC ("Owners")  
Lafayette Township, Sussex County

N.J.A.C. 2:76-17 et seq.  
SADC ID# 19-0039-PG

JUNE 25, 2015

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Sussex 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, Sussex County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on September 6, 2013 the SADC received an application for the sale of a development easement from Sussex County for the subject farm identified as Block 22, Lot 13, Lafayette Township, Sussex County, totaling approximately 62 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Sussex County's Central Kittatinny Valley Project Area; and

WHEREAS, the Property has a 2-acre non-severable exception area limited to one single family residential unit; and

WHEREAS, the Property includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area; and

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

WHEREAS, the Owner(s) 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 49.95 which exceeds 38, which is 70% of the County's average quality score as determined by the SADC September 27, 2012; and



WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on March 31, 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 October 3, 2014 the SADC certified a development easement value of \$3,100 per acre based on zoning and environmental regulations in place as of the current valuation date June 17, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$3,100 per acre for the development easement for the Property; and

WHEREAS, on April 21, 2015 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, pursuant to N.J.A.C. 2:76-17.13, on May 5, 2015 the Lafayette Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on April 20, 2015 the Sussex CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 13, 2015, the Board of Chosen Freeholders of the County of Sussex passed a resolution granting final approval and a commitment of funding for \$840 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 63.86 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 63.86 acres); and

SADC	\$144,323.60	(\$2,260/acre)
County	\$ 53,642.40	(\$ 840/acre)
Total Easement Purchase	<b>\$197,966.00</b>	<b>(\$3,100/acre)</b>

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Sussex County Agriculture Development Board is requesting \$144,323.60 in FY13 base grant funding which is available at this time (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 Sussex County for the purchase of a development easement on the Property, comprising approximately 63.86 acres, at a State cost share of \$2,260 per acre, (72.90% of purchase price), for a total grant need of \$144,323.60 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 one, 2-acre non-severable exception area limited to one single family residential unit; and

BE IT FURTHER RESOLVED, the Property includes zero (0) housing opportunities, 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 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

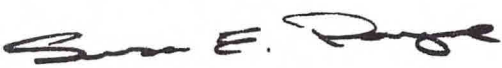
BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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 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 the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

6/25/15  
Date

  
\_\_\_\_\_  
Susan E. Payne, Executive Director  
State Agriculture Development Committee



VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
James Requa (rep. Acting DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
James Waltman	YES



# Wetlands

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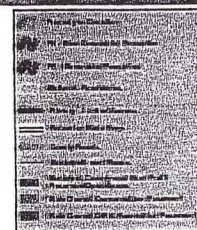
Application within the (PA4) Rural Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Sharon Duddy/Double D Farm LLC  
Block 22 Lots P/O 13 (56.2 ac)  
& P/O 13-EN (non-severable exception - 2.0 ac)  
Gross Total = 58.2 ac  
Lafayette Twp., Sussex 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 definition 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:**  
 E - Freshwater Wetlands  
 L - Linear Wetlands  
 M - Wetlands Modified for Agriculture  
 T - Tidal Wetlands  
 N - Non-Wetlands  
 S - 300' Buffer  
 W - Water

**Sources:**  
 NJDEP Freshwater Wetlands Data  
 Green Acres Contingency Assessment Data  
 NJDOTGIS 2012 Digital Aerial Image

November 20, 2013



Application within the (PA4) Rural Area

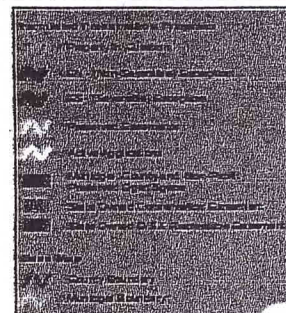
pxur eilw 4 pprp spsjo d co senq eijunoc: X  
X \counties usco projects huddy 2mle mxd

Sharon Duddy/Double D Farm LLC  
Block 22 Lots P/O 13 (56.2 ac)  
& P/O 13-EN (non-severable exception - 2.0 ac)  
Gross Total = 58.2 ac  
Lafayette Twp., Sussex County



NOTE:

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:  
RI Farmland Preservation Program  
Green Acres Conservation Assessment Data  
NICT/CGIS 2012 Data Appendix

RECEIVED 22. 20'0



## Preservation Program

## County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

FY2013 fund  
Schedule B

Farm	Municipality	App Acres	Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	SADC		Total Federal Grant	SADC Federal Grant	BASE GRANT				COMPETITIVE GRANT		STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (Subject to available funds statewide)
								Cost Basis	Cost Share			Encumbered at Final	Voucher	Expend	Balance	Encumbered at Final	Voucher		
Tomasso, Louis (Pittenger)	Green	47,000	48,410	9,700.00	9,750.00	5,520.00	437,521.50	331,253.80	196,776.28	131,492.90		251,746.20	196,776.28	2,301,223.72					
Lane, David	Wantage	125,000	128,750	3,500.00	3,500.00	2,500.00	422,786.00	422,786.00	321,875.00			321,875.00	301,990.00	301,990.00	1,995,233.72				
Keyes, Judith Havens	Frankford	142,720	44,0016	2,800.00	2,800.00	1,320.00	116,331.80	116,331.80	85,906.56			84,483.07	85,906.56	85,906.56	1,913,377.18				
MC Land Trust of Frankford	Frankford	103,700	106,811	4,600.00	4,600.00	3,160.00	471,219.40	471,219.40	323,707.24			337,322.76	323,707.24	323,707.24	1,988,618.92				
Klein, M & I	Frankford	15,000	15,450	5,700.00	5,700.00	3,750.00	83,145.90	54,701.25	40,112.25		11,666.60	57,937.50	43,031.65	1,546,588.27					
Sells, George and Janet	Frankford	152,300	156,869	4,400.00	4,500.00	3,040.00	705,910.50	690,223.60	476,881.76			476,881.75	1,089,708.51	1,089,708.51	1,014,905.65				
Goldman Frankford Farm	Frankford	92,000	94,760	4,900.00	4,900.00	3,340.00	484,324.00	484,324.00	316,498.40			54,800.66			1,014,905.65				
Duddy	Frankford	62,000	63,860	3,100.00	3,100.00	2,260.00	197,866.00		144,323.60			251,697.74			753,208.11				
Galatasio	Frankford	29,000	29,670	4,600.00	4,600.00	3,160.00	137,402.00		94,389.20			94,389.20			608,884.51				
Paladino	Wantage	47,000	48,410	3,300.00	3,300.00	2,380.00	159,753.00		115,215.80			115,215.80			514,495.31				
Mountainview Farm, LLC	Frankford	90,000	92,700	2,500.00	2,500.00	1,850.00	231,750.00		171,495.00			171,495.00			395,279.51				
Pending		542,300	568,569						1,373,505.01			589,819.92			910,380.08	0.00		0.00	3,000,000.00
Encumbered/Expended FY11												772,215.49		6.00	221,784.51	0.00		0.00	5,000,000.00
Encumbered/Expended FY13												1,361,635.41		910,380.08	221,784.51	0.00		0.00	
Total	12	542,300					3,428,110.10	2,579,324.50	2,301,770.09										
Renogram Out																			



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase  
June 25, 2015

Sharon Duddy (Double D Farm LLC)  
19- 0039-PG  
County PIG Program  
56 Acres

Block 22	Lot 13	Lafayette Twp.	Sussex County
<b>SOILS:</b>		Other	91% * 0 = .00
		Prime	9% * .15 = 1.35
			<b>SOIL SCORE: 1.35</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	58% * .15 = 8.70
		Other	6% * 0 = .00
		Wetlands	36% * 0 = .00
			<b>TILLABLE SOILS SCORE: 8.70</b>
<b>FARM USE:</b>	Hay	24 acres	
	Beef Cattle Except Feedlots	acres	13 animals

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 two (2) acres for Future residence
    - 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 Dwelling Units
  - 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 FY2015R6(7)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

SUSSEX COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
Scott Paladino ("Owner")  
Wantage Township, Sussex County

N.J.A.C. 2:76-17 et seq.  
SADC ID# 19-0037-PG

JUNE 25, 2015

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Sussex 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, Sussex County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on September 9, 2013 the SADC received an application for the sale of a development easement from Sussex County for the subject farm identified as Block 33, Lot 22 and Block 140, Lot 11.01, Wantage Township, Sussex County, totaling approximately 47 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Sussex County's Kittatiny Valley East Project Area; and

WHEREAS, the Property has a .47-acre non severable exception (Exception A) and a 1-acre non-severable exception area (Exception C) both for future use flexibility of a cider business and both are limited to zero (0) residential opportunities; and

WHEREAS, the Property has a 1-acre non-severable exception area limited to one (1) single family residential unit (Exception B); and

WHEREAS, the Owner and County have imposed a housing restriction where only one (1) single family residential opportunity will be permitted on the Property at any time. Currently there is one single family residence on the farm outside of an exception area. The Deed of Easement will state that if a residence is built in the 1-acre exception area B, within 30 days of receipt of the Certificate of Occupancy the single family residence on the Premises must be demolished; and

WHEREAS, the Property includes zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area; and



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

WHEREAS, the Owner has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, Division of the Premises with Non-contiguous Acres and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 39.91 which exceeds 38, which is 70% of the County's average quality score as determined by the SADC September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on January 15, 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 September 25, 2014 the SADC certified a development easement value of \$3,300 per acre based on zoning and environmental regulations in place as of the current valuation date June 17, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$3,300 per acre for the development easement for the Property; and

WHEREAS, on April 21, 2015 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, pursuant to N.J.A.C. 2:76-17.13, on April 30, 2015 the Wantage Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on April 20, 2015 the Sussex CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 13, 2015, the Board of Chosen Freeholders of the County of Sussex passed a resolution granting final approval and a commitment of funding for \$920 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 48.41 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 48.41 acres); and

SADC	\$115,215.80	(\$2,380/acre)
County	\$ 44,537.20	(\$ 920/acre)
Total Easement Purchase	<b>\$159,753.00</b>	<b>(\$3,300/acre)</b>

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Sussex County Agriculture Development Board is requesting \$115,215.80 in base grant funding which is available at this time (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 Sussex County for the purchase of a development easement on the Property, comprising approximately 48.41 acres, at a State cost share of \$2,380 per acre, (72.12% of purchase price), for a total grant need of \$115,215.80 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 a 1-acre and a 0.47 acre non-severable exception area for future flexibility and both are limited to zero (0) residential opportunities; and

BE IT FURTHER RESOLVED, the Property has a 1-acre non-severable exception area limited to one (1) single family residential unit and

BE IT FURTHER RESOLVED, there is only one (1) single family residential opportunity permitted on the Property at any time. Currently there is one single family residence outside of the exception area. If a residence is built in the 1-acre exception area B, within 30 days of receipt of the Certificate of Occupancy the single family residence on the Premises must be demolished; and

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

6/25/15

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

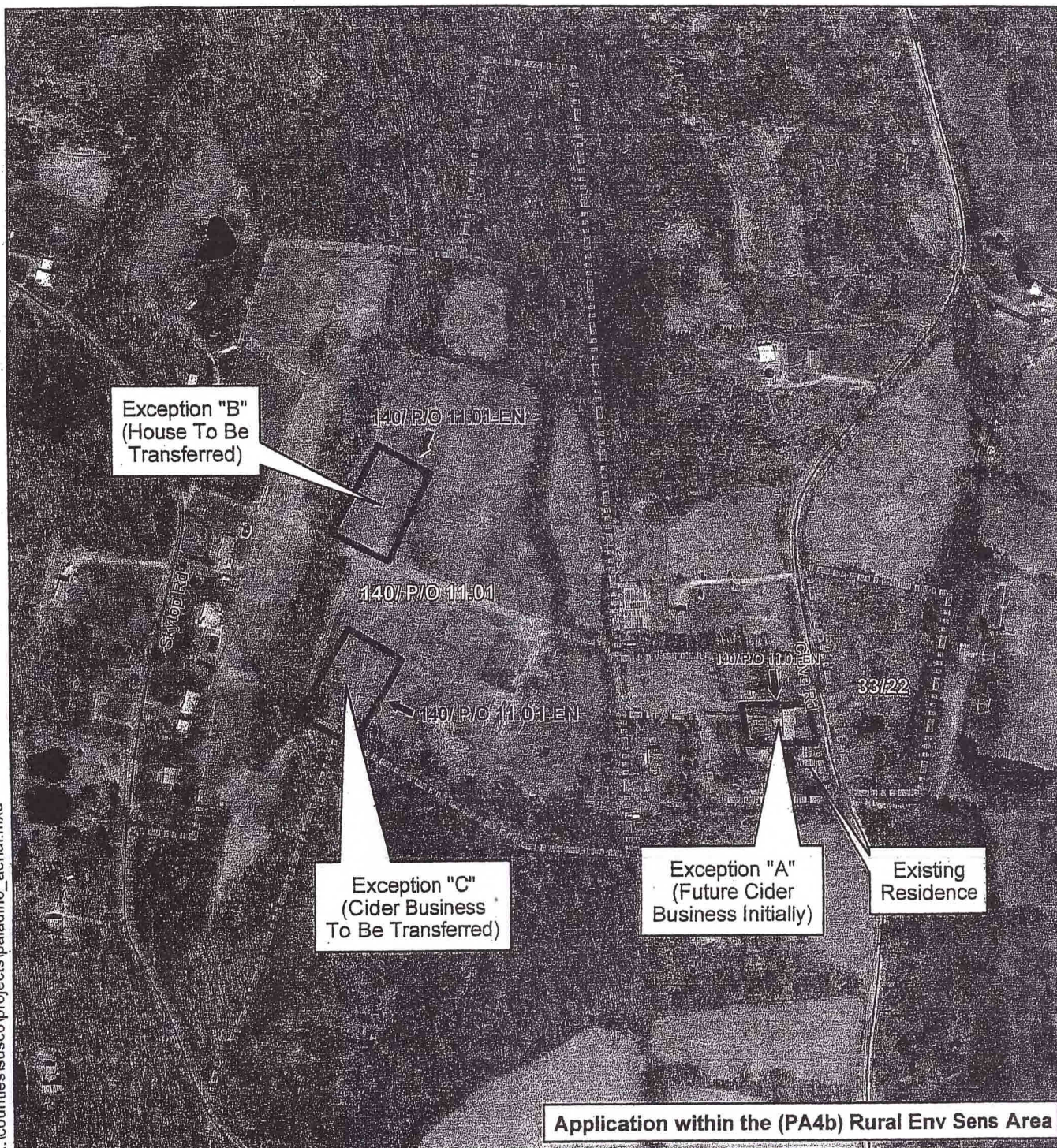
VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
James Requa (rep. Acting DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
James Waltman	YES



# Schedule A

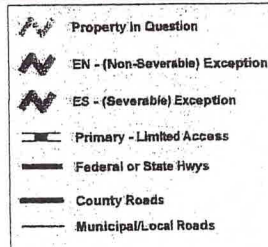
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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Scott Paladino/Olde Clove Farm  
Block 33 Lot 22 (3.8 ac) & Block 140 Lots P/O 11.01 (41.4 ac);  
P/O 11.01-EN (non-severable exceptions - 1.0 ac, 1.0 ac, & .45 ac)  
Gross Total = 47.7 ac  
Wantage Twp., Sussex 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.

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

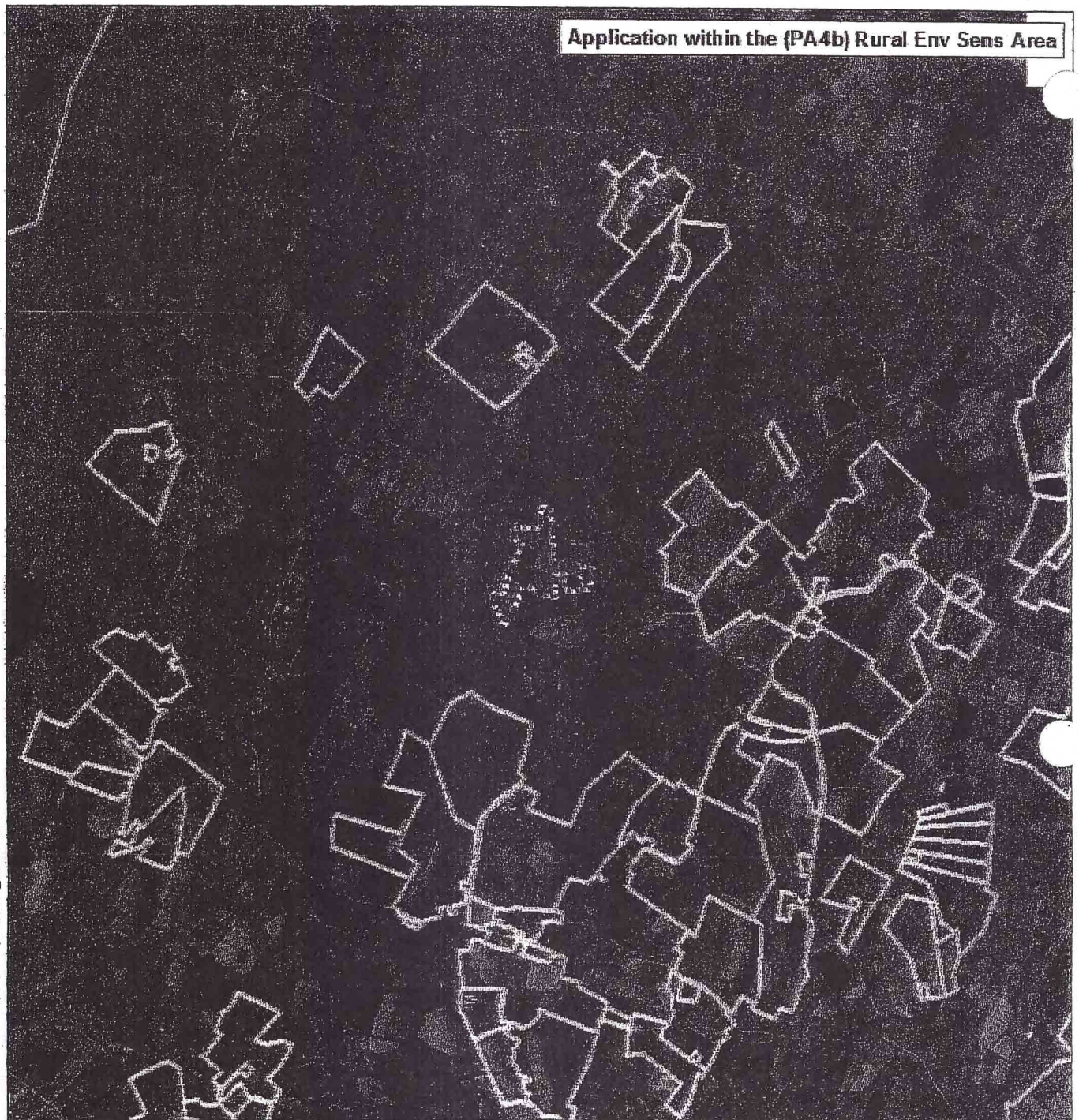
June 2, 2015



# Preserved Farms and Active Applications Within Two Miles

Application within the (PA4b) Rural Env Sens Area

X:\counties\stevens\projects\paladino\_2mile.mxd



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Scott Paladino/Olde Clove Farm  
Block 33 Lot 22 (3.8 ac) & Block 140 Lots P/O 11.01 (41.4 ac);  
P/O 11.01-EN (non-severable exceptions - 1.0 ac, 1.0 ac, & .45 ac)  
Gross Total = 47.7 ac  
Wantage Twp., Sussex County

2,000 1,000 0 2,000 4,000 6,000 Feet

**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, Seaweed Data  
NJ On/Off 2012 Digital Aerial Image

September 11, 2012



## Preservation Program

Schedule B

## County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

Farm	Municipality	App Acres	Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	SADC	Total Federal Grant	SADC Federal Grant	BASE GRANT				COMPETITIVE GRANT		STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (subject to available funds statewide)
											Encumbered at Final	Voucher	Expend	Balance	Encumbered at Final	Voucher		
Tomasso, Louis (Pittenger)	Green	47,000	48,410	9,700.00	9,750.00	5,820.00	437,521.50	331,253.80	198,776.23		281,746.20	198,776.26	198,776.26	2,301,323.73				
Lene, David	Wantage	125,000	126,750	3,500.00	3,500.00	2,500.00	422,786.00	422,786.00	381,065.50		31,175.00	30,000.00	30,000.00	2,891,232.72				
Keyes, Judith Havens	Frankford	42,720	44,005	2,800.00	2,800.00	3,720.00	478,331.40	176,318.40	333,707.24		54,483.07	85,896.56	85,896.56	1,911,327.16				
MC Land Trust of Frankford	Frankford	103,700	106,810	5,000.00	5,000.00	3,750.00	63,145.90	81,145.90	54,701.25		37,532.76	323,707.24	323,707.24	1,580,619.92				
Nolin, M & T	Fredon	153,000	155,850	4,400.00	4,500.00	3,040.00	705,910.50	690,223.60	476,881.76	11,669.60	476,881.76	43,031.65		1,546,588.27				
Sellin, George and Janel	Frankford	22,000	22,000	4,900.00	4,900.00	3,340.00	464,324.00	464,324.00	316,468.40		54,900.66			1,069,706.51				
Goldman Frankford Farm (N.J. 135)	Frankford	62,000	63,860	3,100.00	3,100.00	2,260.00	197,966.00		144,323.60		281,697.74			752,209.11				
Duffy, Frank	Frankford	29,000	29,970	4,600.00	4,600.00	3,160.00	137,402.00		94,369.20		144,323.60			608,884.51				
Giamattasio	Wantage	47,000	48,410	3,300.00	3,300.00	2,380.00	159,753.00		115,215.80		94,369.20			514,465.31				
Paradino	Frankford	90,000	92,700	2,500.00	2,500.00	1,850.00	231,750.00		171,495.00		115,215.80			392,279.51				
Mountainview Farm, LLC	Frankford										171,495.00			227,784.51				
Pending		542,300	556,569					1,373,505.01			Encumbered	Expend	Balance		Encumbered	Expend	Balance	
Encumbered/Expended FY11											589,619.92	910,380.08	0.00		0.00	0.00	3,000,000.00	
Encumbered/Expended FY13											772,215.29	6.00	227,784.51		0.00	0.00	5,000,000.00	
Total		842,300					3,426,110.10	2,479,374.60	2,303,770.09		1,361,835.41	910,380.08	227,784.51		0.00	0.00		
Reprogram Out																		



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase  
June 25, 2015

Paladino, Scott  
19- 0037-PG  
County PIG Program  
47 Acres

Block 33	Lot 22	Wantage Twp.	Sussex County
Block 140	Lot 11.01	Wantage Twp.	Sussex County

SOILS:	Other	92% * 0	=	.00
	Prime	8% * .15	=	1.20
				SOIL SCORE: 1.20

TILLABLE SOILS:	Cropland Harvested	53% * .15	=	7.95
	Other	1% * 0	=	.00
	Wetlands	22% * 0	=	.00
	Woodlands	24% * 0	=	.00
				TILLABLE SOILS SCORE: 7.95

FARM USE:	Hay	8 acres	
	Field Crop Except Cash Grain	8 acres	red clover
	Deciduous Tree Fruit	8 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 business flexibility Cider Mill (Exception C)  
Exception is not to be severed from Premises  
Right to Farm language is to be included in Deed of Easement  
no residential opportunity within exception area
    - 2nd one (1) acres for future single family residential unit (Exception B)  
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)  
Within 30 days of receipt of the Certificate of Occupancy the single family residence on the Premises must be demolished.
    - 3rd (.47) acres for flexible use of barn (Exception A)  
Exception is not to be severed from Premises  
no residential opportunity within exception area
  - c. Additional Restrictions: No Additional Restrictions

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase  
June 25, 2015

d. Additional Conditions:

There is only one (1) single family residential opportunity permitted on the Property at any time. Currently there is one single family residence outside of the exception area. If a residence is built in the 1-acre exception area located at the southern end of lot 11.01 (Exception B), within 30 days of receipt of the Certificate of Occupancy the single family residence on the Premises must be demolished .

e. Dwelling Units on Premises: No Dwelling Units

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 FY2015R6(8)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

SUSSEX COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
Mountainview Farm LLC ("Owners")  
Frankford Township, Sussex County

N.J.A.C. 2:76-17 et seq.  
SADC ID# 19-0038-PG

JUNE 25, 2015

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Sussex 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, Sussex County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on September 6, 2013 the SADC received an application for the sale of a development easement from Sussex County for the subject farm identified as Block 30, Lot 4, Frankford Township, Sussex County, totaling approximately 90 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Sussex County's Central Kittatinny Valley Project Area; and

WHEREAS, the Property has a 1-acre non-severable exception area limited to one single family residential unit; and

WHEREAS, the Property includes zero (0) housing opportunities, zero (0) agricultural labor units on the area to be preserved outside of the exception area; and

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

WHEREAS, the majority of the Property is currently in equine production with approximately 43 acres utilized for pasturing and/or in addition to hay production (Schedule B); and

WHEREAS, approximately 2.9 acres, is devoted to equine service (boarding services and riding lessons); and



WHEREAS, an equine map (Schedule B) and specialized "Equine Schedule B" will be recorded with the Deed of Easement in order to clearly define equine service and production activities; and

WHEREAS, Schedule B of the Deed of Easement will also address the cross country horseback trail riding course as an existing nonagricultural use of the property; and

WHEREAS, the Owner(s) 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 54.31 which exceeds 38, which is 70% of the County's average quality score as determined by the SADC 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 October 3, 2014 the SADC certified a development easement value of \$2,500 per acre based on zoning and environmental regulations in place as of the current valuation date June 17, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$2,500 per acre for the development easement for the Property; and

WHEREAS, on April 21, 2015 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, pursuant to N.J.A.C. 2:76-17.13, on May 5, 2015 the Frankford Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on April 20, 2015 the Sussex CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 13, 2015, the Board of Chosen Freeholders of the County of Sussex passed a resolution granting final approval and a commitment of funding for \$650 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 92.7 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 92.7 acres); and

SADC	\$171,495	(\$1,850/acre)
County	\$ 60,255	(\$ 650/acre)
Total Easement Purchase	\$231,750	(\$2,500/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Sussex County Agriculture Development Board is requesting \$171,495 in base grant funding which is available at this time (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 Sussex County for the purchase of a development easement on the Property, comprising approximately 92.7 acres, at a State cost share of \$1,850 per acre, (74% of purchase price), for a total grant need of \$171,495 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 one, 1-acre non-severable exception area limited to one single family residential unit; and

BE IT FURTHER RESOLVED, the Property includes zero (0) housing opportunities, zero (0) agricultural labor units on the area to be preserved outside of the exception area; and

BE IT FURTHER RESOLVED, the Property includes a cross country horseback trail riding course as an existing nonagricultural use of 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 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 the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

6/25/15

Date

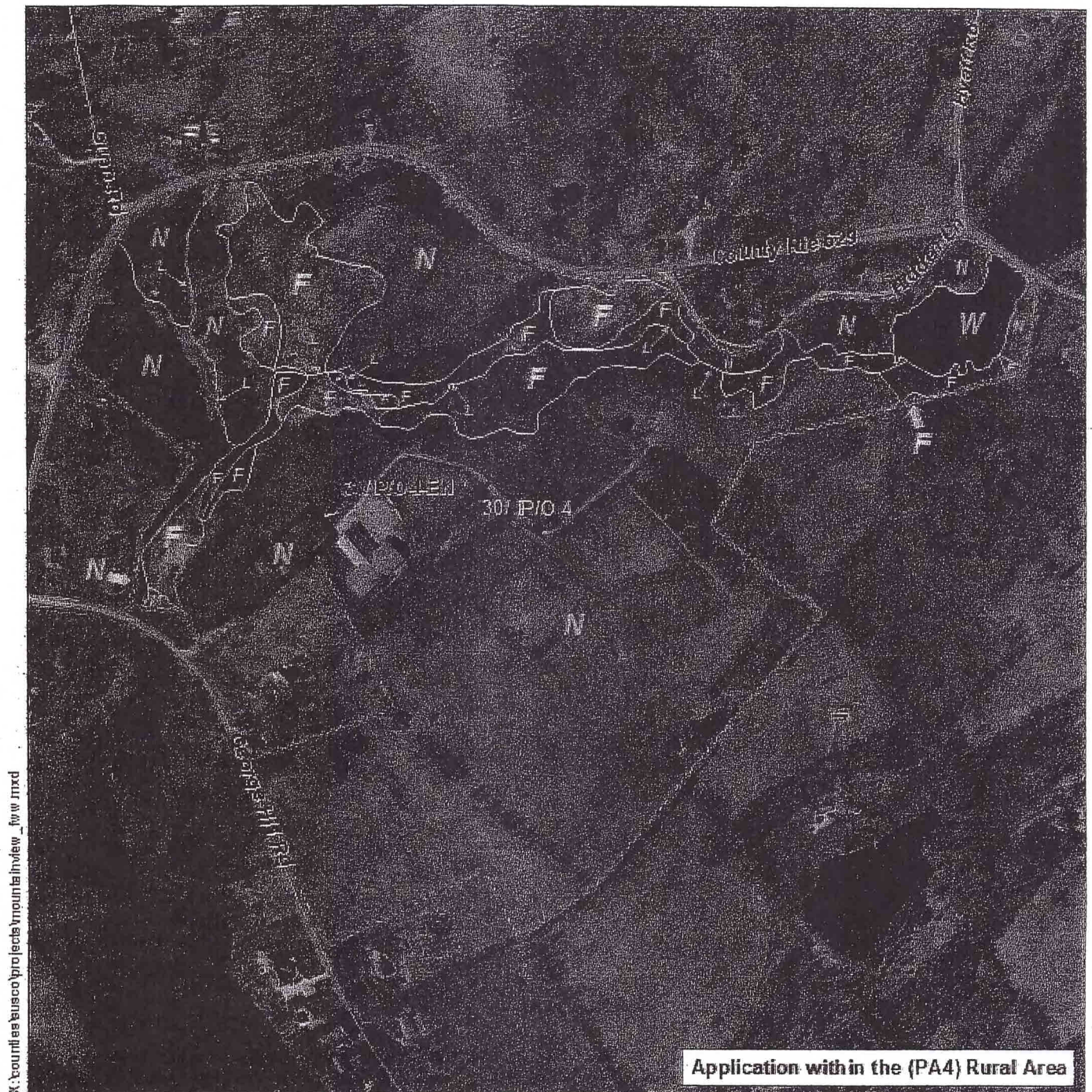


Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
James Requa (rep. Acting DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
James Waltman	YES





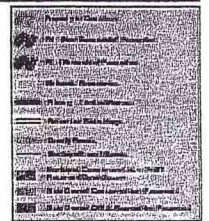
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**FARMLAND PRESERVATION PROGRAM  
NJ State Agriculture Development Committee**

Mountainview Farm, LLC  
Block 30 Lots P/O 4 (89.6 ac)  
& P/O 4-EN (non-severable exception - 1.0 ac)  
Gross Total = 90.6 ac  
Frankford Twp., Sussex 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:**  
E - Freshwater Wetlands  
L - Linear Wetlands  
W - Wetlands Modified for Agriculture  
T - Total Wetlands  
N - Non-Wetlands  
S - 300' Buffer  
W - Water

**Sources:**  
NJDEP Freshwater Wetlands Data  
Green Acres Conversion Geospatial Data  
NAD83/UTM 18N 2012 Series Aerial Image

October 20, 2012



### Application within the (PA4) Rural Area

X:\counties\uscountyproj\mountainview 2mile.mxd.

Mountainview Farm, LLC  
Block 30 Lots P/O 4 (89.6 ac)  
& P/O 4-EN (non-severable exception - 1.0 ac)  
Gross Total = 90.6 ac  
Frankford Twp., Sussex County



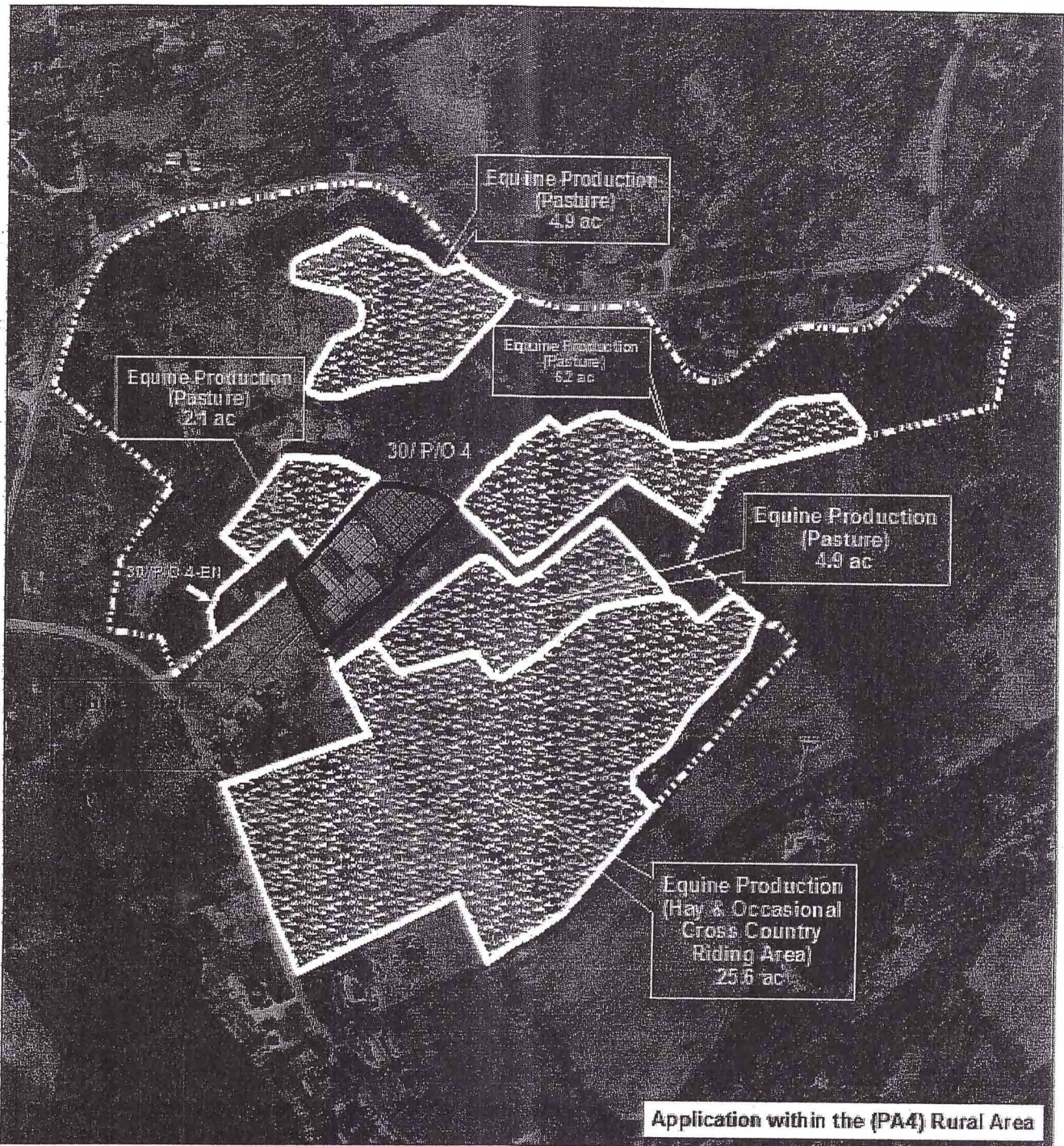
The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors.

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Enhancement Data  
NICTDGIS 2000 Digital Aerial Image

Figure 2.10



# Mountainview Farm - Equine Areas



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mountainview Farm, LLC  
Block 30 Lots P/O 4 (89.6 ac)  
& P/O 4-EN (non-severable exception - 1.0 ac)  
Gross Total = 90.6 ac  
Frankford Twp., Sussex County

250 125 0 250 500 Feet



	Property boundary
	Easement (sewer/water) Exception
	Easement (sewer/water) Exception
	Equine Production (Pasture) - 25.6 ac
	Equine Production (Hay) - 25.6 ac

**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 parcels polygons in this data layer are approximate and were developed primarily for planning purposes. The geographic accuracy and precision of the GIS data contained in this file and map shall not be relied upon in matters requiring the location and location of true ground horizontal and/or vertical control points would be obtained by an actual ground survey conducted by a Registered Professional Land Surveyor.

Sources:

NOOTOGIS 2012 Digital Aerial Image

October 23, 2013



Schedule C

Preservation Program

Schedule C

County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

Farm	Municipality	App Acres	Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	SADC		Total Federal Grant	SADC Federal Grant	BASE GRANT		COMPETITIVE GRANT		STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (Subject to available funds statewide)		
								Cost Basis	Cost Share			Encumbered at Final	Voucher	Expend	Balance			Encumbered at Final	Voucher

Schedule C

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase  
June 25, 2015

Mountainview Farm, LLC  
19- 0038-PG  
County PIG Program  
90 Acres

Block 30                      Lot 4                      Frankford Twp.                      Sussex County

SOILS:	Other	67% * 0	=	.00
	Prime	30% * .15	=	4.50
	Unique zero	3% * 0	=	.00

SOIL SCORE: 4.50

TILLABLE SOILS:	Cropland Pastured	20% * .15	=	3.00
	Cropland Harvested	32% * .15	=	4.80
	Wetlands	18% * 0	=	.00
	Woodlands	30% * 0	=	.00

TILLABLE SOILS SCORE: 7.80

FARM USE:	Hay	acres	
	Horse & Other Equine	acres	18 animals

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:  
Equine Cross Country Course  
jumps set up in hay field (while not in production) and trails around pastures
  - b. Exceptions:  
1st one (1) acres for residence  
Exception is not to be severed from Premises  
Exception is to be limited to one existing single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions:  
Schedule B needed to address equine operation.
  - e. Dwelling Units on Premises: No Dwelling Units
  - 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 FY2015R6(9)

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

On the Property of  
Peter & Marcy Gianattasio ("Owners")  
Frankford Township, Sussex County

N.J.A.C. 2:76-17 et seq.  
SADC ID# 19-0041-PG

JUNE 25, 2015

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Sussex 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, Sussex County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on December 9, 2013 the SADC received an application for the sale of a development easement from Sussex County for the subject farm identified as Block 21, Lot 3, Frankford Township, Sussex County, totaling approximately 29 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Sussex County's Kittatinny Valley West Project Area; and

WHEREAS, the Property has a 1-acre non-severable exception area limited to one single family residential unit; and

WHEREAS, the Property includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area; and

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

WHEREAS, the Owner(s) 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 65.52 which exceeds 38, which is 70% of the County's average quality score as determined by the SADC September 27, 2012; and



WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on January 13, 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 October 3, 2014 the SADC certified a development easement value of \$4,600 per acre based on zoning and environmental regulations in place as of the current valuation date June 17, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$4,600 per acre for the development easement for the Property; and

WHEREAS, on April 21, 2015 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, pursuant to N.J.A.C. 2:76-17.13, on May 5, 2015 the Frankford Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on April 20, 2015 the Sussex CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 13, 2015, the Board of Chosen Freeholders of the County of Sussex passed a resolution granting final approval and a commitment of funding for \$1,440 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 29.87 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 29.87 acres); and

SADC	\$ 94,389.20	(\$3,160/acre)
County	\$ 43,012.80	(\$1,440/acre)
Total Easement Purchase	<b>\$137,402.00</b>	(\$4,600/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Sussex County Agriculture Development Board is requesting \$94,389.20 in FY13 base grant funding which is available at this time (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 Sussex County for the purchase of a development easement on the Property, comprising approximately 29.87 acres, at a State cost share of \$3,160 per acre, (68.7% of purchase price), for a total grant need of \$94,389.20 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has one, 1-acre non-severable exception area limited to one single family residential unit; and

BE IT FURTHER RESOLVED, the Property includes zero (0) housing opportunities, 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 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 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 the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

6/25/15

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee



VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
James Requa (rep. Acting DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
James Waltman	YES



x:\counties\eseco\projects\gianattasio\_fw.mxd



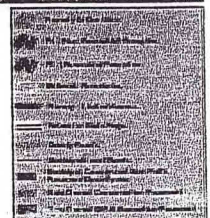
Application within the (PA4) Rural Area

# **FARMLAND PRESERVATION PROGRAM** **NJ State Agriculture Development Committee**

Peter and Marcy Gianattasio  
 Block 21 Lots P/O 3 (28.7 ac)  
 & P/O 3-EN (non-severable exception - 1.0 ac)  
 Gross Total = 29.7 ac  
 Frankford Twp., Sussex County

250 125 0 250 500 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.



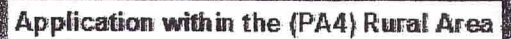
**Wetlands Legend:**  
 F - Freshwater Wetlands  
 L - Linear Wetlands  
 M - Wetlands Modified for Agriculture  
 N - Tidal Wetlands  
 R - Non-Wetlands  
 C - 100' Buffer  
 W - Water

**Sources:**  
 NJDEP Freshwater Wetlands Data  
 Green Acres Conservation Database  
 NJOT/CGIS 2012 Digital Aerials

October 27, 2012

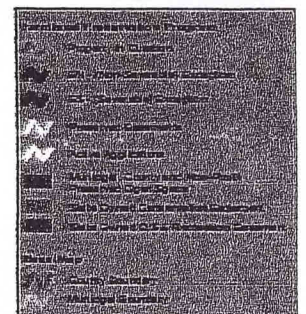


## X:\counties\sueco\project\giana\llesio 2mile.mxd



2,000 1,000 0 2,000 4,000 6,000 Feet

**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.



2000 21 2002



New Jersey Farmland Preservation Program

FY2011/FY2013 funding

County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

Schedule B

Farm	Municipality	App Acres	Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	BASE GRANT				COMPETITIVE GRANT				STATEWIDE ELIGIBILITY (Subject to available funds statewide)	
												FY11		FY13		FY11 Balance		FY13 Balance		TOTAL	
												Encumbered at Final	Voucher	Expend	Balance	Encumbered at Final	Voucher	Expend	Balance	FY11 Balance subject to availability	FY13 Balance subject to availability
Tomaso, Louis (Pittenger)	Green	47,000	48,410	9,700.00	9,750.00	5,820.00	437,521.50	331,293.80	198,776.28	131,492.90	581,746.20	198,776.28	301,568.00	1,989,233.72	1,913,327.16	0.00	0.00	0.00	0.00	3,000,000.00	5,000,000.00
Lane, David	Wantage	125,000	128,750	3,500.00	3,500.00	2,500.00	422,786.00	321,875.00	321,875.00	321,875.00	321,875.00	301,568.00	85,906.56	1,589,615.92	1,546,586.27	0.00	0.00	0.00	0.00	0.00	0.00
Keyes, Judith Havens	Frankford	42,720	44,001.6	4,600.00	4,600.00	1,920.00	471,218.40	323,707.24	471,218.40	40,114.25	11,069.60	323,707.24	43,031.65	1,546,586.27	1,069,706.51	0.00	0.00	0.00	0.00	0.00	0.00
Mc Land Trust of Frankford	Frankford	103,700	106,811.0	5,700.00	5,700.00	3,750.00	83,145.90	690,223.60	476,981.76	476,981.76	476,981.76	476,981.76	476,981.76	1,069,706.51	753,208.11	0.00	0.00	0.00	0.00	0.00	0.00
Klein, M & I	Frankford	15,000	15,450	4,400.00	4,500.00	3,040.00	705,910.50	461,324.00	316,289.49	144,323.60	144,323.60	94,389.20	115,215.80	1,014,905.85	514,485.31	0.00	0.00	0.00	0.00	0.00	0.00
Sells, George and Janet	Frankford	92,000	94,760	4,900.00	4,900.00	3,340.00	464,324.00	316,289.49	171,455.00	171,455.00	171,455.00	171,455.00	171,455.00	1,014,905.85	514,485.31	0.00	0.00	0.00	0.00	0.00	0.00
Goldman Frankford Farm (Y133)	Frankford	62,000	63,660	3,100.00	3,100.00	2,260.00	197,966.00	144,323.60	94,389.20	94,389.20	94,389.20	94,389.20	94,389.20	1,014,905.85	514,485.31	0.00	0.00	0.00	0.00	0.00	0.00
Gardner	Frankford	42,000	43,410	3,300.00	3,300.00	2,380.00	159,753.00	115,215.80	171,455.00	171,455.00	171,455.00	171,455.00	171,455.00	1,014,905.85	514,485.31	0.00	0.00	0.00	0.00	0.00	0.00
Pladine	Frankford	90,000	92,700	2,500.00	2,500.00	1,850.00	231,750.00	171,455.00	171,455.00	171,455.00	171,455.00	171,455.00	171,455.00	1,014,905.85	514,485.31	0.00	0.00	0.00	0.00	0.00	0.00
Mountainview Farm, LLC	Frankford	542,300	558,569					1,373,805.01				509,519.92	910,380.08	0.00	0.00	0.00	0.00	0.00	0.00	3,000,000.00	5,000,000.00
Pending												772,215.49	227,784.51	0.00	0.00	0.00	0.00	0.00	0.00		
Encumbered/Expended FY11												1,381,835.41	910,380.08	227,784.51	0.00	0.00	0.00	0.00	0.00		
Encumbered/Expended FY13																					
Total		12	542.30				3,428,110.10	2,579,324.50	2,304,770.09												
Reprogram Out																					

Schedule B



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase  
June 25, 2015

Gianattasio, Peter & Marcy  
19- 0041-PG  
County PIG Program  
29 Acres

Block 21	Lot 3	Frankford Twp.	Sussex County
SOILS:		Prime	62% * .15 = 9.30
		Statewide	38% * .1 = 3.80
			SOIL SCORE: 13.10
TILLABLE SOILS:		Cropland Harvested	65% * .15 = 9.75
		Wetlands	20% * 0 = .00
		Woodlands	15% * 0 = .00
			TILLABLE SOILS SCORE: 9.75
FARM USE:	Agricultural Production Crops	3 acres	corn for silage
	Hay	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:
    - 1st one (1) acres for Existing residence  
Exception is not to be severed from Premises  
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 Dwelling Units
  - 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 FY2015R6(10)

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

On the Property of  
John Yablonsky ("Owners")  
Hillsborough Township, Somerset County

N.J.A.C. 2:76-17 et seq.  
SADC ID# 18-0211-PG

JUNE 25, 2015

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Somerset 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, Somerset County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on July 15, 2014 the SADC received an application for the sale of a development easement from Somerset County for the subject farm identified as Block 204, Lot 11, Hillsborough Township, Somerset County, totaling approximately 38 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Somerset County's Millstone Valley West Project Area; and

WHEREAS, the Property has one, 3-acre non-severable exception area limited to one single family residential unit; and

WHEREAS, the Property includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area; and

WHEREAS, at the time of application the Property was in hay and livestock 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 55.16 which exceeds 42, which is 70% of the County's average quality score as determined by the SADC July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on September 22, 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 March 26, 2015 the SADC certified a development easement value of \$14,200 per acre based on zoning and environmental regulations in place as of the current valuation date October 1, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$14,200 per acre for the development easement for the Property; and

WHEREAS, on April 30, 2015 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, pursuant to N.J.A.C. 2:76-17.13, on May 12, 2015 the Hillsborough Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 11, 2015 the Somerset CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 26, 2015, the Board of Chosen Freeholders of the County of Somerset passed a resolution granting final approval and a commitment of funding for \$5,680 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 39.14 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 39.14 acres); and

SADC	\$333,472.80	(\$ 8,520 / acre)
County	\$222,315.20	(\$ 5,680 / acre)
Total Easement Purchase	\$555,788.00	(\$14,200 / acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Somerset County Agriculture Development Board is requesting \$333,472.80 base grant funding which is available at this time (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 Somerset County for the purchase of a development easement on the Property, comprising approximately 39.14 acres, at a State cost share of \$8,520 per acre, (60% of purchase price), for a total grant need of \$333,472.80 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 one, 3-acre non-severable exception area limited to one single family residential unit; and

BE IT FURTHER RESOLVED, the Property includes zero (0) housing opportunities, 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 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 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 the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

6/25/15

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
James Requa (rep. Acting DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
James Waltman	YES



# Wetlands



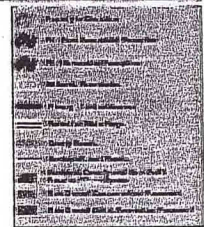
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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

John Yablonsky  
Block 204 Lots P/O 11 (37.5 ac)  
& P/O 11-EN (non-severable exception - 3.0 ac)  
Gross Total = 40.5 ac  
Hillsborough Twp., Somerset 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:**  
E - Freshwater Wetlands  
L - Linear Wetlands  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
N - Non-Wetlands  
S - 200' Buffer  
W - Water

**Sources:**  
NJDEP Freshwater Wetlands Data  
Green Acres Conservation Assessment Data  
NJDEP Road Data  
NJDEP GIS 2012 Digital Aerial Image

August 7, 2014



# Preserved Farms and Active Applications Within Two Miles

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Application within the (PA3) Fringe Area

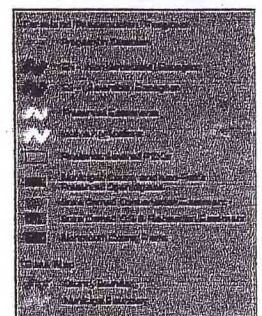
## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

John Yablonsky  
Block 204 Lots P/O 11 (37.5 ac)  
& P/O 11-EN (non-severable exception - 3.0 ac)  
Gross Total = 40.5 ac  
Hillsborough Twp., Somerset County

2,000 1,000 0 2,000 4,000 6,000 Feet



N



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation System Data  
NJ Highlands Commission FPC Data  
NORTHGIS 2012 Digital Aerial Image

August 7, 2014

### 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



Schedule B

Farm	Municipality	App Acres	Plus 2 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	Cost Basis	SADC	Cost Share	BASE GRANT				COMPETITIVE GRANT	STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (subject to available funds statewide)
											Encumbered at Final	Voucher	Expend	Balance			
Howard, Charles & Edith Quick	Montgomery	31,000	31,930	43,000.00	39,000.00	23,400.00	1,216,605.00	1,216,605.00		729,963.00	747,162.00	729,963.00	1,770,037.00				
Hillsborough	Hillsborough	39,000	40,170	17,000.00	17,000.00	10,200.00	626,076.00	626,076.00		375,645.60	409,734.00	375,645.60	1,394,391.40				
Yablonsky	Hillsborough	38,000	39,140	14,200.00	14,200.00	8,520.00	555,788.00	555,788.00		333,472.80	333,472.80		1,060,918.60				
Pending		77,000	79,310							709,118.40							
Encumbered/Expended FY11										709,118.40			60,918.6				
Encumbered/Expended FY13										0.00			1,000,000.00				
Total		108,000	111,24				2,398,469.00	1,842,681.00		1,439,081.40	709,118.40		1,060,918.60				
Reprogram Out																	

Schedule D

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

June 25, 2015

Yablonsky, John  
18- 0211-PG  
County PIG Program  
38 Acres

Block 204	Lot 11	Hillsborough Twp.	Somerset County
<b>SOILS:</b>		Local	1% * .05 = .05
		Prime	21% * .15 = 3.15
		Statewide	78% * .1 = 7.80
			<b>SOIL SCORE: 11.00</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	94% * .15 = 14.10
		Wetlands	1% * 0 = .00
		Woodlands	5% * 0 = .00
			<b>TILLABLE SOILS SCORE: 14.10</b>
<b>FARM USE:</b>		Hay	35 acres
		Beef Cattle Except Feedlots	acres
		Hogs	acres
			40 cattle
			60 swine

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 three (3) acres for Existing residence and structures
    - Exception is not to be severed from Premises
    - 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.



7-111

FY2016 Non Profit Round										
Organization Name/Farm Name	Score	Min. Elig. Criteria Met?	Acq. Type	County	Municipality	Block	Lot	Net Acres	Total Estimated Cost	SADC Grant Requested (50%)
New Jersey Conservation Foundation										
Strang			EP	Sal	Alloway	44	5	43.71		
				Sal	Upper Pittsgrove	74	1	33.66		
				Sal	Upper Pittsgrove	75	14	27.16		
				Sal	Upper Pittsgrove	76	10	53.69		
					total			158.2	\$1,177,000	
Ostrum			EP	Sal	Pilesgrove	26	2.09	44.67	\$821,400	
Skalski			EP	Hun	Tewksbury	42	9 & 27	44.93	\$919,050	
									\$2,917,450	\$1,458,725.0
Monmouth Conservation Foundation										
Feigus			EP	Mon	Howell Twp.	151	12.02	21	\$425,000	\$212,500.0
The Land Conservancy of New Jersey										
Shoemaker I			EP	War	White Twp.	62	9.01,9.02,20,24	114.8	\$771,460	
Shoemaker II			EP	War	White Twp.	62	24.04	12	\$98,000	
Tjalma II			EP	War	Harmony	35	6, 6.04, & 6.05	60.78	\$384,680	
Tjalma III			EP	War	Harmony	25	19	36.32	\$201,600	
Mulan			EP	War	Frelinghuysen	301	6	251.5	\$1,421,250	
									\$2,876,990	\$1,438,495.0
Lamington Conservancy										
Jones This was an application in the 2011 nonprofit round. SADC approved \$500,000. Nonprofit is seeking an additional \$512,500 in order to complete			EP	Som	Bedminster	48	5.01	23.75		
				Hun	Tewksbury	37	3 & 4	70.56		
					total			94.31	\$2,025,000	\$512,500.0
total applications = 10								839	\$8,244,440	\$3,622,220

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R6(11)

Thomas & Wendy Niederer Farm

June 25, 2015

AMENDMENT

Installation of a Wireless Service Facility, Structures and Equipment on an Existing Structure  
Located on a Preserved Farm

Subject Property: Thomas & Wendy Niederer  
Block 61, Lot 5.01  
Hopewell Township, Mercer County  
112.92-Acres

WHEREAS, Thomas & Wendy Niederer, hereinafter "Owners", are the record owners of Block 61, Lots 5.01, in the Township of Hopewell, County of Mercer, by Deed dated December 29, 2011, and recorded in the Mercer County Clerk's Office in Deed Book 138, Page 365, totaling approximately 112.92 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the State Agriculture Development Committee on February 20, 2009, by the former owner Lilian Niederer, 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 5987, Page 737; and

WHEREAS, P.L. 2005, c.314 (N.J.S.A. 4:1C-32.2), signed into law on March 13, 2006, grants authority to the State Agriculture Development Committee (SADC) to issue a special permit for constructing personal wireless service facilities on preserved farmland on which a development easement exists ; and

WHEREAS, on April 24, 2015, the SADC approved Resolution FY2015R4(17) allowing for the addition of a cellular wireless service facility to an existing high tension electrical tower that existed on the farm when it was preserved located just off Bear Tavern Road that is to be used by AT&T (Exhibit "A"); and

WHEREAS, on May 12, 2015, the SADC received a request from the attorney representing AT&T, on behalf of the Owners, to amend the April 24, 2015, permit approval to allow Verizon Wireless to co-locate an antenna on top of the same tower, with accompanying equipment to be placed on the same 500 sq./ft., base platform as the AT&T equipment and under the same terms and conditions as the AT&T approval; and

WHEREAS, N.J.A.C. 2:76-23.3 et seq., defines "personal wireless service facility" as a personal wireless service tower and any associated equipment and structures necessary to operate and maintain that tower, as regulated pursuant to Federal law; and

NOW THEREFORE BE IT RESOLVED, that the Committee finds that a request to locate an additional antenna on the same tower constitutes one personal wireless service facility



and therefore the addition of second antenna to the same tower is consistent with N.J.A.C. 2:76-23.1 et seq.; and

BE IT FURTHER RESOLVED, that the Committee hereby amends its approval of Resolution FY2015R4(17) to allow for Verizon Wireless to co-locate its antenna on the same high tension electrical tower and equipment platform as approved for use by AT&T at the SADC's April 24, 2015, meeting; and

BE IT FURTHER RESOLVED, that the SADC finds that the Owner has complied with all of the applicable provisions of N.J.S.A. 4:1C-32.2 and N.J.A.C. 2:76-23.1, et seq., concerning a personal wireless service facility to be erected on the land; and

BE IT FURTHER RESOLVED, that the SADC finds that because the personal wireless service facility is being constructed on an existing high tension electrical tower which existed on the Premises prior to preservation and is not owned by the landowner, that it does not have jurisdiction to mandate that space be made available to other entities, per N.J.A.C. 2:76-23.5 (16); and

BE IT FURTHER RESOLVED, that the SADC approves this amended permit for a period of 20 years from the date of the prior approval, April 24, 2015; and

BE IT FURTHER RESOLVED, that this action 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.

6/25/15  
DATE



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

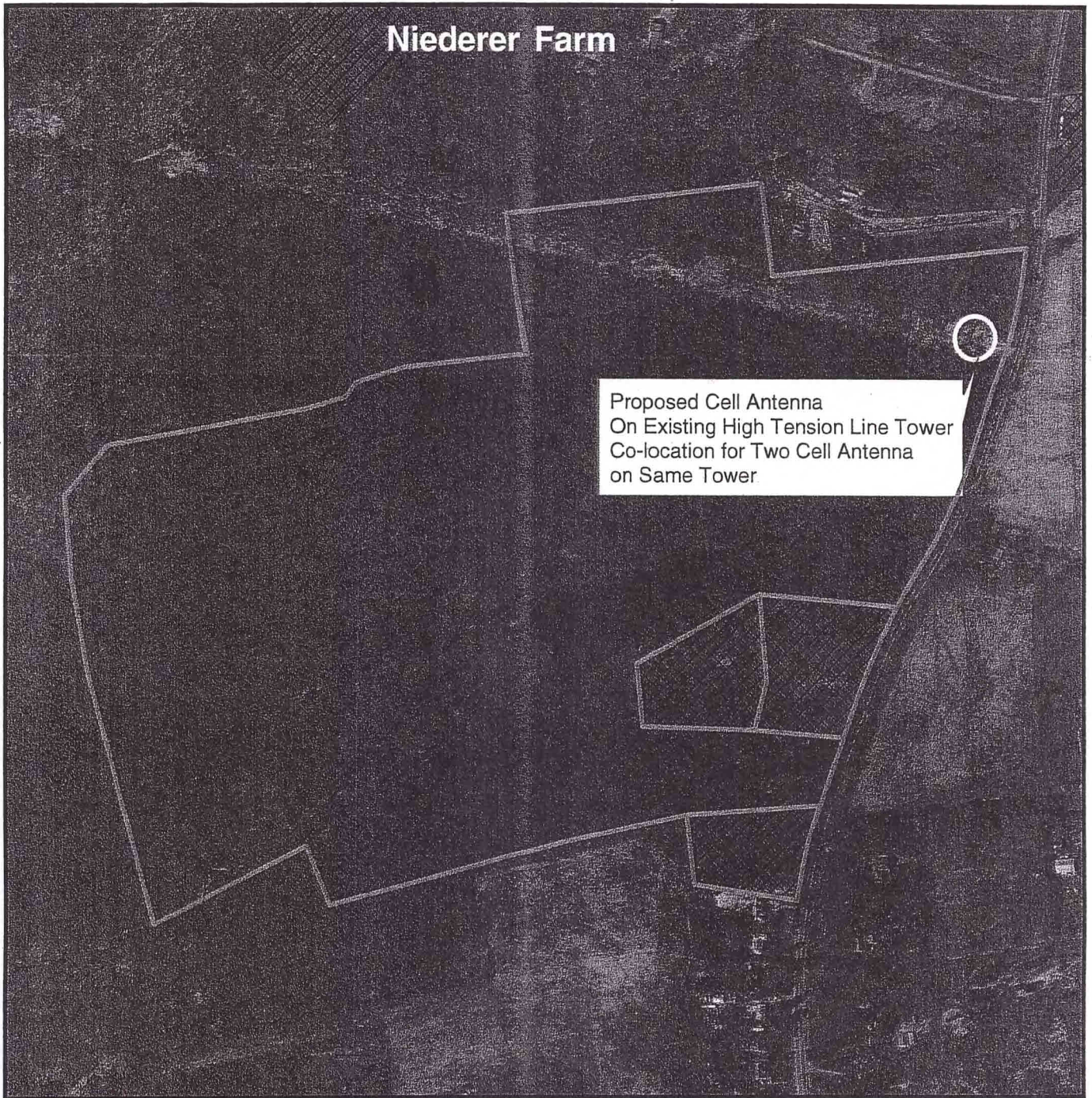
Douglas H. Fisher, Chairman	YES
James Requa (rep. Acting DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
James Waltman	YES



# Schedule "A"

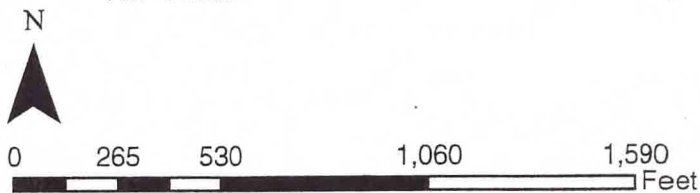
## Niederer Farm

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### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Niederer Farm  
Block 61, Lot 5.01  
Hopewell Township, Mercer County  
112 - Acres



6/16/2015

#### 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
	Pinelands Area
	Green Acres Preserved Easements



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2015R6(12)

CERTIFICATION, RE-CERTIFICATION AND  
REMOVAL OF APPRAISERS  
FROM THE SADC  
APPROVED APPRAISER LIST

JUNE 25, 2015

WHEREAS, pursuant to N.J.A.C. 2:76-6.7, the State Agriculture Development Committee (SADC) shall adopt a list of appraisers who are designated as state certified general real estate appraisers (SCGREA) pursuant to N.J.A.C. 13:40A-1.2; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.22 the SADC shall conduct an annual review of all approved appraisers for the purpose of re-certification; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.22 staff has confirmed that the approved appraisers contained in Schedule "A" satisfy all the requirements for re-certification and the appraisers as identified in Schedule "B" do not meet the requirements for re-certification due to not attending at least one of the SADC's annual appraiser seminars in the last two years; and

WHEREAS, any new appraiser that requests inclusion on the approved appraiser list must satisfy the requirements of N.J.A.C. 2:76-6.21;

NOW THEREFORE BE IT RESOLVED that pursuant to N.J.A.C. 2:76-6.21 and 22, the SADC certifies the appraisers identified in Schedule "A" and as approved appraisers and removes the appraisers identified in Schedule "B" from the SADC list of approved appraisers.

6/25/15

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
James Requa (rep. Acting DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
James Waltman	YES

State Agriculture Development Committee  
Farmland Preservation Program  
Approved Appraisers  
As of June 25, 2015

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Ms. Thelma K. Achenbach SRA Approved for Yellow Book	23 Sherwood Drive Achenbach & Associates, LLC	Morristown	NJ	07960	Morris	(973)886-0181	(973)656-0567	June 3rd 2015, Mercer
Mr. J. Paul Bainbridge Approved for Yellow Book	6 Woodland Road J. P. Bainbridge & Assoc., Inc.	Cape May Court House	NJ	08210	Cape May	(609)465-9978	(609)465-9969	June 4th 2014, Mercer
Mr. Steven W. Bartelt MAI, SRA Approved for Yellow Book	P O Box 8169 Bartelt Associates	Turnersville	NJ	08012	Gloucester	(856)582-5892	(856)582-3493	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Allen Black MAI Approved for Yellow Book	Todd & Black Inc. 1209 S. Union Ave.	Cherry Hill	NJ	08002-3333	Camden	(609)662-7676	(856)662-0188	June 4th 2014, Mercer
Ms. Pamela J. Brodowski	BRE Valuation & Consulting Service 22 Windham Drive	Burlington	NJ	08060-4362	Burlington	(609)261-4220	(609)261-4224	June 3rd 2015, Mercer
Mr. Richard J. Carabelli	123 Franklin Corner Rd., Ste 203 Martin Appraisal Associates	Lawrenceville	NJ	08648-2572	Mercer	(609)896-2245	(609)896-1533	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Bruce L. Carlin	One S. Finley Ave, P O Box 372 Carlin Appraisal Service	Basking Ridge	NJ	07920	Somerset	(908)766-2600	(908)766-7971	June 3rd 2015, Mercer
Ms. Lana D. Chiappetta Approved for Yellow Book	547 McKendin Road Aspen Valuation Group, LLC	Medford	NJ	08055	Burlington	(609)714-7402	(609)784-7899	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Patrick K. Conover Approved for Yellow Book	Conover Appraisal Assoc. 722 S. Second Ave.	Absecon	NJ	08205-9546	Atlantic	(609)652-6553	(609)748-0007	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Robert G. Cooper, Jr. Approved for Yellow Book	535 East Main St, P O Box 121 Landmark I Appraisal LLC	Chester	NJ	07930	Morris	(908)879-2424	(908)879-8014	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Albert Crosby	Colliers International Valuation 109 Appaloosa Way	Sewell	NJ	08080	Gloucester	(609)922-4815	(856)582-4711	June 4th 2014, Mercer
Ms. Susanne M Curran MAI, PP Approved for Yellow Book	Curran Realty Advisors 165 Nassau Street, Suite 17	Princeton	NJ	08542	Mercer	(609)921-8778	(609)921-8224	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Ernest R. Darpino Phd, ASA	137 Stokes Road	Medford Lakes	NJ	08055	Burlington	(609)654-2125	(609)953-7434	June 3rd 2015, Mercer
Mr. Kenneth R. Depew Approved for Yellow Book	DeFew & Martin Real Estate Appr. 302 North Washington Avenue Ste 2	Moorestown	NJ	08057	Burlington	(856)231-9300	(856)231-7419	June 3rd 2015, Mercer June 4th 2014, Mercer



State Agriculture Development Committee  
Farmland Preservation Program  
Approved Appraisers  
As of June 25, 2015

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. Victor D. DiSanto Approved for Yellow Book	145 West End Ave., P O Box 977 Sterling DiSanto & Associates	Somerville	NJ	08876	Somerset	(908)526-4244	(908)526-3228	June 3rd 2015, Mercer
Mr. Daniel P. Donovan Approved for Yellow Book	19 Skytop Road	Cedar Grove	NJ	07009-1316	Essex	(973)857-3120		June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Halvor J. Egeland MAI Approved for Yellow Book	1415 Hooper Ave, Suite 202 Integra Realty Resources	Toms River	NJ	08753-2887	Monmouth	(732)244-7000	(732)505-9498	June 4th 2014, Mercer
Mr. Michael Ehrenberg	37 Beach Road	Monmouth Beach	NJ	07750	Monmouth	(732)571-3900	(732)571-7272	June 3rd 2015, Mercer
Mr. Carl Fleming	2 Ridge Lane Fleming White Appraisals, Inc.	Colonia	NJ	07067-3207	Middlesex	(732)388-2177	(908)499-7233	June 4th 2014, Mercer
Mr. Robert W. Frankenfield Approved for Yellow Book	521 Middle Road Robert W. Frankenfield Associate	Hammonton	NJ	08037	Atlantic	(609)457-9570	(609)704-8665	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Norman J. Goldberg Approved for Yellow Book	44 Leigh Street	Clinton	NJ	08809	Hunterdon	(908)730-8808	(908)730-6242	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Anthony S. Graziano Approved for Yellow Book	1415 Hooper Ave., St. 202 Integra Realty Res. Coastal NJ	Toms River	NJ	08753-2887	Ocean	(732)244-7000	(732)505-9498	June 4th 2014, Mercer
Mr. Andrew Gyetvan Jr.	91 Kennedy Drive	Fairless Hills	PA	19030		(856)795-4042		June 3rd 2015, Mercer
Mr. Ronald A. Hagel MAI, SRA Approved for Yellow Book	605 Rostan Court R. A. Hagel & Associates	Vineland	NJ	08361	Cumberland	(856)691-7055	(856)691-7017	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Richard E. Hall MAI, CRE Approved for Yellow Book	29 Hadley Avenue Hall Realty Consultants, LLC	Toms River	NJ	08753	Ocean	(732)503-4109	(856)360-8596	June 4th 2014, Mercer
Mr. Mark J. Hanson MAI, SRA	209 Second Street The Hanson Group	Ocean City	NJ	08226-4117	Burlington	(609)398-3189	(609)398-6218	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Joseph V. Heenan	615 Ocean Avenue PO Box 1405	Ocean City	NJ	08226	Cape May	(609)457-0852	(609)456-3352	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Robert F. Heffernan Approved for Yellow Book	19 Upton Pine Rd PO Box 611	Oldwick	NJ	08858	Hunterdon	(908)236-7098	(908)236-7613	June 3rd 2015, Mercer June 4th 2014, Mercer

State Agriculture Development Committee  
Farmland Preservation Program  
Approved Appraisers  
As of June 25, 2015

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. Francis C. Heil III Approved for Yellow Book	750 Route 73, South, Suite 505 Wallow Ridge Ec. Offices	Marlton	NJ	08053	Burlington	(856)985-7799	(856)985-1771	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Michael E. Hohenstein Approved for Yellow Book	Holzhauser & Hohenstein, LLC 70 Sparta Avenue-Knoll Pl Ste 20	Sparta	NJ	07871	Sussex	(973)300-0121	(973)300-0171	June 3rd 2015, Mercer
Mr. Michael D. Jones Approved for Yellow Book	Legore & Jones Appraisal, Suite 664 Washington Street, 1st Floor	Cape May	NJ	08204	Cape May	(609)770-7146	(609)770-7194	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Patrick Josephs Approved for Yellow Book	21 Crestview Drive PO Box 5055	Kendall Park	NJ	08824	Middlesex	(732)297-5400	(732)297-7220	June 4th 2014, Mercer
Mr. Edwin F. Kay Approved for Yellow Book	107 E. Commerce St. Edwin F. Kay & Associates	Bridgeton	NJ	08302	Cumberland	(856)451-2000	(856)451-2001	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Barry J. Krauser MAI, CRE Approved for Yellow Book	Integra Realty Resources 80 S. Jefferson Road	Whippany	NJ	07981-1038	Morris	(973)538-3188	(973)515-2999	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Matthew Krauser MAI, CRE Approved for Yellow Book	90 South Jefferson Road Integra Realty Resources Ste 204	Whippany	NJ	07981	Morris	(973)538-3188	(973)515-2999	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Samuel Levi MAI Approved for Yellow Book	603 W. County Line Road-Suite 2 Starmark Appraisals	Lakewood	NJ	08701	Ocean	(732)886-6695	(732)886-7115	June 3rd 2015, Mercer
Mr. Joshua D. Mackoff Approved for Yellow Book	14 Maple Avenue	Morristown	NJ	07960	Morris	(973)539-0405	(973)540-1499	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Henry J. Mancini Approved for Yellow Book	Henry J. Mancini & Associates, In Manahawkin 691 Mill Creek Rd, Unit 11		NJ	08050	Ocean	(609)978-9750	(609)978-9180	June 4th 2014, Mercer
Mr. Richard J. Martin Approved for Yellow Book	DeFaw & Martin Real Estate Appr 302 North Washington Ave. Ste. 20	Moorestown	NJ	08057	Burlington	(856)231-9300	(856)231-7419	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Joseph L. Mazotas Approved for Yellow Book	344 Nassau Street Joseph L. Mazotas, Inc.	Princeton	NJ	08540	Mercer	(609)924-5353	(609)497-9325	June 4th 2014, Mercer
Mr. Thomas J. McCartney Approved for Yellow Book	James P. Casey Appraisal Assoc., Sea Girt 2164 Route 35 - Bldg. C, Ste. 12	Sea Girt	NJ	08750	Monmouth	(732)974-7744	(732)974-7766	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Charles A. McCullough Approved for Yellow Book	Giuliano, Miller & Co. 307 Andrews Lane	Moorestown	NJ	08057	Burlington	(856)923-5879	(856)767-3500	June 3rd 2015, Mercer June 4th 2014, Mercer



State Agriculture Development Committee  
Farmland Preservation Program  
Approved Appraisers  
As of June 25, 2015

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. Jerome J. McHale Approved for Yellow Book	J McHale & Associates Inc. 693 Main St, Bldg C 2nd FL PO Bx	Lumberton	NJ	08008	Burlington	(609)914-4679	(609)914-0079	June 4th 2014, Mercer
Mr. Edward T. Molinari Approved for Yellow Book	14 Harrison St., Suite 202 Harrison Professional Building	Woodbury	NJ	08096	Gloucester	(856)853-7622	(856)853-7627	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Joseph Murray	469 Morris Avenue - PO Box 579 Professional Appraisal Associate	Summit	NJ	07902	Somerset	(908)273-2412	(908)273-9189	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. John J. Musnuff, MAI Approved for Yellow Book	Musnuff Group, LLC 17 E. Main Street - P.O. Box 517	Clinton	NJ	08809-0175	Hunterdon	(908)735-0009	(908)735-0067	June 3rd 2015, Mercer
Mr. Joseph F. Pino	572 Rt. 40	Elmer	NJ	08318	Salem	(856)358-8049	(856)358-8899	June 3rd 2015, Mercer
Mr. Ronald B. Rebish Approved for Yellow Book	Appraisal Services of NJ, Inc. 13 Ginger Lane	Sparta	NJ	07871	Sussex	(973)726-9304	(973)726-9314	June 3rd 2015, Mercer
Mr. Harry F. Renwick Jr	1001 Lenola Road, Bldg 2, Ste. 10 Maple Shade Renwick & Associates		NJ	08052	Burlington	(856)779-7050	(856)608-8981	June 3rd 2015, Mercer June 4th 2014, Mercer
Ms. Tracy A. Reuter	44 Leigh Street	Clinton	NJ	08809	Hunterdon	(908)730-8808	(888)501-3398	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Thomas Rodriguez Approved for Yellow Book	74 Lambert Road Tom Rodriguez Associates	Stockton	NJ	08559	Hunterdon	(908)788-5543	(908)788-6881	June 3rd 2015, Mercer
Mr. Lee L. Romm Approved for Yellow Book	20 Westbury Drive	Cherry Hill	NJ	08003	Burlington	(856)983-5500	(856)983-9523	June 3rd 2015, Mercer
Mr. Ronald L. Rubinstein	Comprehensive Appraisal Corp. 15 Jefferson Ct.	Freehold	NJ	07728	Monmouth	(732)308-0909	(732)431-5031	June 4th 2014, Mercer
Mr. William J. Sapio MAI	North Star Appraisal Company 199 New Road, Suite 61, PMB 399	Linwood	NJ	08221	Camden	(856)933-1272	(856)933-1362	June 3rd 2015, Mercer
Mr. R. Michael Schaible MAI, SCGRE Vanguard Appraisal Services	7 Sandford Road	Stockton	NJ	08559	Hunterdon	(609)460-4530	(609)460-4776	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Robert G. Schwarz MAI	18-30 N. Sussex St., P O Box 100 Harry L. Schwarz & Co.	Dover	NJ	07802-1008	Morris	(973)366-5600	(973)366-6594	June 3rd 2015, Mercer June 4th 2014, Mercer

State Agriculture Development Committee  
Farmland Preservation Program  
Approved Appraisers  
As of June 25, 2015

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. Daniel C. Webb Approved for Yellow Book	Lasser Sussman Associates, LLC 220 South Orange Avenue	Livingston	NJ	07039	Essex	(973) 535-9600	(973) 535-9611	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. John R. Weber Jr.	Cuzini Appraisal Inc. 1540 Kuser Road - Suite A-7	Hamilton	NJ	08619	Mercer	(609) 586-3500	(609) 586-3504	June 3rd 2015, Mercer June 4th 2014, Mercer
Ms. Barbara M. Wenner	BMW Inc. Real Estate 103 Pixie Moss Trail	Medford	NJ	08055	Burlington	(609) 654-7842	(609) 654-2872	June 3rd 2015, Mercer
Mr. Michael White	2 Ridge Lane Fleming White Appraisals, Inc.	Colonia	NJ	07067-3207	Middlesex	(732) 388-2177	(908) 499-7233	June 4th 2014, Mercer
Mr. William S. Yetke Approved for Yellow Book	1315 Walnut Street Suite 808	Philadelphia	PA	19107		(215) 546-3241	(215) 546-3879	June 3rd 2015, Mercer



State Agriculture Development Committee  
Farmland Preservation Program  
Approved Appraisers  
As of June 25, 2015

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. Timothy W. Sheehan MAI, SEA Approved for Yellow Book	T.W. Sheehan & Associates, LLC 312 Ninth Avenue	Haddon Heights	NJ	08035	Camden	(856) 662-0027	(856) 547-3559	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Richard S. Sheldon	420 Bradshaw Avenue	Haddonfield	NJ	08033	Camden	(856) 546-5992	(856) 546-6311	June 4th 2014, Mercer
Ms. Bettina Durmaskin Sholk Approved for Yellow Book	Solk Real Estate Appraisal & Consult 5 Rosemary Road	East Brunswick	NJ	08816	Middlesex	(732) 254-4410	(732) 254-0451	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Peter E. Sockler MAI, CRE	299 Ward Street, Suite C Sockler Realty Services Group	Hightstown	NJ	08520	Mercer	(609) 918-1000	(609) 918-1006	June 3rd 2015, Mercer
Mr. Frank J. Stearle Jr.	Associates Appraisal Agency of NJ I Trenton 1111 South Clinton Avenue	Trenton	NJ	08611	Mercer	(609) 695-4666	(609) 695-2427	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Russell K. Sterling Approved for Yellow Book	145 West End Ave. P O Box 977 Sterling DiSanto & Associates	Somerville	NJ	08876	Somerset	(908) 526-4244	(908) 526-3228	June 4th 2014, Mercer
Mr. James Stuart	1904 Hampden Street Stuart Appraisal Company	Oakhurst	NJ	07755	Monmouth	(732) 801-9720	(732) 842-0115	June 4th 2014, Mercer
Mr. Christopher J. Sullivan MAI, S Sullivan & Company Approved for Yellow Book	136 Meadows Road	Lafayette	NJ	07848	Sussex	(973) 875-7430	(973) 875-7986	June 3rd 2015, Mercer
Mr. Mark W. Sussman Approved for Yellow Book	Lasser Sussman Assoc. 469 Morris Avenue	Summit	NJ	07901	Essex	(973) 535-9600	(973) 535-9811	June 3rd 2015, Mercer
Mr. Merrill Taub Approved for Yellow Book	PO Box 914 4 Benjamin Street	Somerset	NJ	08873	Somerset	(908) 229-5161	(908) 450-1181	June 3rd 2015, Mercer
Mr. Dustin Tenenbaum	205 Main Street	Chatham	NJ	07928	Morris	(973) 515-4700	(973) 515-4720	June 4th 2014, Mercer
Mr. Mark W. Tindler	Mark Tindler Appraisals, LLC 29 Somerset Street - 2nd Floor	Somerville	NJ	08876	Somerset	(908) 526-1226	(908) 526-6267	June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Damian Tryjankowski	General Appraisal Services 121 Inverness Drive	Moorestown	NJ	08057	Burlington	(856) 220-3182		June 3rd 2015, Mercer June 4th 2014, Mercer
Mr. Richard M. Ward	17 Balmoral Drive	Jackson	NJ	08527	Monmouth	(732) 253-7192	(732) 615-0337	June 4th 2014, Mercer

State Agriculture Development Committee  
Farmland Preservation Program  
Appraisers Which Will Be Removed  
Effective June 25, 2015

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. Phillip L. Cassell SRA Approved for Yellow Book	Cassell's Appraisal Serv. 58 Flatbrook Rd	Branchville	NJ	07826	Monmouth	(973) 222-8564	(973) 242-4958	June 5th 2013, Mercer June 9th 2010, Mercer
Mr. Lynford L Collins Approved for Yellow Book	302 Spruce St, Box 348 C. L Orbaker & Assoc., Inc.	Doylestown	PA	18901	Bucks	(908) 782-3900	(215) 348-5410	June 5th 2013, Mercer June 6th 2012, Mercer
Mr. George A. Copeland, Jr. MAI Approved for Yellow Book	971 US Rouge 202 Copeland Appraisal Associates, In	Somerville	NJ	08876	Somerset	(908) 526-5520	(908) 526-5266	June 5th 2013, Mercer June 8th 2011, Mercer
Mr. Darryl Fanelli Approved for Yellow Book	Fanelli Real Estate, LLC 151 Fries Mill Road, Suite 306B	Turnersville	NJ	08012	Gloucester	(609) 313-1721	(856) 227-7226	June 5th 2013, Mercer June 8th 2011, Mercer
Mr. Robert Gagliano MAI Approved for Yellow Book	1129 Broad Street, Suite 104 Gagliano & Company	Shrewsbury	NJ	07702	Monmouth	(732) 380-0880	(732) 380-1521	June 5th 2013, Mercer June 8th 2011, Mercer
Mr. Jerome J. Gall SCGRE Approved for Yellow Book	10 Woodbridge Ctr Dr., P O Box 14 Jacobson, Goldfarb & Tanzman	Woodbridge	NJ	07095-1408	Middlesex	(732) 750-4000	(732) 750-1290	June 5th 2013, Mercer June 6th 2012, Mercer
Mr. Mohammad Imran Approved for Yellow Book	Imran Appraisals 479 Skyline Lake Drive	Ringwood	NJ	07456	Morris	(973) 835-0045	(973) 835-6238	June 5th 2013, Mercer June 6th 2012, Mercer
Mr. Paul R. Johnson Approved for Yellow Book	P O Box 434 Johnson Realty Services	Sea Girt	NJ	08750-0434	Monmouth	(732) 449-1400	(732) 449-1333	June 5th 2013, Mercer June 9th 2010, Mercer
Mr. John K. McChesney Approved for Yellow Book	Swift Real Estate Solutions 16 Church Street	Newton	NJ	07860	Sussex	(973) 300-0044	(973) 300-0079	June 5th 2013, Mercer June 8th 2011, Mercer
Mr. Jay R. Ricigliano Approved for Yellow Book	1410 State Highway 33 Independence Appraisal Service	Hamilton	NJ	08690	Mercer	(609) 890-7535	(609) 890-1182	June 5th 2013, Mercer June 6th 2012, Mercer
Mr. Robert Tighue MAI Approved for Yellow Book	Eastern Valuation Group 24 Buxton Road	Cherry Hill	NJ	08003	Mercer	(609) 792-0684	(856) 831-7199	June 5th 2013, Mercer June 8th 2011, Mercer
Mr. Robert M. Vance Approved for Yellow Book	13 Nottingham Rd	Annapolis	NJ	08801	Somerset	(908) 541-5713	(908) 685-0956	June 5th 2013, Mercer June 8th 2011, Mercer

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Schedule D