

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

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

**REGULAR MEETING**

**March 24, 2016**

Acting Chairperson Purcell called the meeting to order at 9:03 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

The flag salute was conducted at the start of the meeting.

Roll call indicated the following:

**Members Present**

Monique Purcell, Acting Chairperson  
Brian Schilling (rep. Executive Dean Goodman)  
James Requa (rep. DCA Commissioner Richman)  
Denis C. Germano, Esq.  
Renee Jones (rep. DEP Commissioner Martin)  
Ralph Siegel (rep. Acting State Treasurer Scudder)  
Alan Danser, Vice Chairman  
W. Scott Ellis  
Peter Johnson  
James Waltman (Arrived at 9:08 a.m.)

**Members Absent**

Jane Brodhecker

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

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**Others present as recorded on the attendance sheet:** Stefanie Miller, Cindy

Roberts, Paul Burns, Richard Martin, Dan Knox, Heidi Winzinger, Brian Smith, Esq., David Kimmel, Charles Roohr, David Clapp, Hope Gruzlovic, Pat O'Connell, Matthew DiStaulo, Steven Bruder, Sandy Giambrone and Patricia Riccitello, SADC staff; Michael Collins, Esq., Governor's Authorities Unit; Daniel Pace, Mercer County Agriculture Development Board; Brian Wilson, Burlington County Agriculture Development Board; Tom Beaver, New Jersey Farm Bureau; Donna Rue, landowner, Monmouth County; Glorianne Robbi, East Amwell Township, Hunterdon County; and Adam Bradford, Hunterdon County Agriculture Development Board.

### **Minutes**

#### **A. SADC Regular Meeting of February 25, 2016 (Open and Closed Sessions)**

It was moved by Mr. Requa and seconded by Mr. Danser to approve the Open Session and Closed Session minutes of the SADC regular meeting of January 28, 2016. The motion was approved. (Mr. Germano abstained from the vote).

### **REPORT OF THE ACTING CHAIRPERSON**

- Ms. Purcell reported that the 100<sup>th</sup> Anniversary of the NJDA would be commemorated with a reception at the State House at 11 a.m. on Tuesday (March 29).
- Ms. Purcell noted that it was budget season and that the Department's hearing with the Assembly Budget Committee is scheduled for Monday, April 18.

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

- Ms. Payne noted that the SADC's FY15 annual report was provided to members in their meeting books. Copies also will be distributed to the Legislature and farmland preservation partners.
- The Governor's proposed FY17 budget includes \$13.67 million for farmland preservation. Last year, the Legislature, which has advanced legislation with alternate funding allocations, removed CBT preservation funding out of the FY16 budget it returned to the Governor. It remains to be seen how the Legislature approaches preservation funding in the Governor's recommended budget this year and how the issue will be



resolved.

- Ms. Payne noted that draft questionnaires for wineries, county agriculture development boards (CADBs) and municipalities were included in the SADC members' meeting books for review. The questionnaires will be distributed to solicit feedback pursuant to the SADC's pilot program for winery special occasion events on preserved farmland. She asked that if members have any comments or suggestions on the questionnaires, to please inform staff.
- The N.J. Land Conservation Rally – the annual gathering of the conservation community – was held in March. In response to an increasing interest from the conservation side to learn more about agriculture, Assistant Secretary Al Murray made a well-received presentation at the rally to give attendees an overview of New Jersey agriculture and the major issues farmers are dealing with.

### **COMMUNICATIONS**

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. Some of the articles pertain to pipeline projects.

### **PUBLIC COMMENT**

None

### **NEW BUSINESS**

- A. **Resolution for Certification – FY2012 Planning Incentive Grant Program**
  - 1. Final Approval of a Municipal Planning Incentive Grant Application and Comprehensive Farmland Preservation Plan and Project Area Summary
    - a. Frankford Township, Sussex County

Mr. Bruder referred the Committee to Resolution FY2016R3(1) for a request by Frankford Township, Sussex County for final approval of its Municipal Planning Incentive Grant application and comprehensive farmland preservation plan and project area summary. In order to improve municipal and county farmland preservation

coordination, the municipality forwarded its application to the County for review and provided evidence of County review and comment and, if appropriate, the level of funding the County is willing to provide to assist in the purchase of development easements on targeted farms. In April 2011, the SADC granted conditional preliminary approval to Frankford Township's planning incentive grant application for the 2012 Municipal Planning Incentive Grant planning round. The conditions of preliminary approval are outlined in said Resolution. SADC staff has since determined that Frankford Township has satisfied all requirements of the conditional preliminary approval. Staff recommendation is to grant final approval as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2016R3(1) granting final approval of the Frankford Township Planning Incentive Grant application submitted under the FY2012 program planning round as summarized in Schedule B of said Resolution. The SADC will monitor the municipality's funding plan pursuant to N.J.A.C. 2:76-17A.17 and adjust the eligibility of funds based on the municipality's progress in implementing the proposed funding plan. Each planning incentive grant municipality should expend its grant funds within three years of the date the funds are appropriated. For funding to be considered expended, a closing must have been completed with the SADC. Any funds that are not expended within three years are subject to re-appropriation and may no longer be available to the municipality. The SADC will continue to assist municipalities with planning for agricultural retention, the promotion of natural resource conservation efforts, county and municipal coordination, and agricultural economic development, and in strengthening of Right to Farm protections. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2016R3(1) is attached to and is a part of these minutes.)

**B. Resolution for Certification – Agricultural Development Area Map  
Amendment – Cape May County**

Mr. Bruder referred the Committee to Resolution FY2016R3(2) dealing with a request for an agricultural development area (ADA) map amendment for Cape May County. Mr. Bruder reviewed the specifics of the amendment with the Committee.

Cape May County's designated ADA map was last amended as part of the 2008 update to the County's comprehensive farmland preservation plan. That amendment was adopted by the CADB and certified by the SADC in November 2008. It was since determined that an update to the ADA was warranted to reflect updated parcel-based farmland assessment



data, ensure further consistency with local, regional and State planning objectives and to exclude from the ADA previously developed or preserved areas or those lacking productive farmland. Prior to SADC certification of the ADA amendment, the CADB received an application for farmland preservation for Block 90, Lot 6 in Woodbine Borough. The Pinelands Comprehensive Management Plan identifies Woodbine Borough as a Pinelands Town and as such, Block 90, Lot 6 was not initially included in the ADA amendment.

Mr. Bruder stated that in February the CADB held a public hearing to adopt by resolution the revision to the ADA to include this block and lot. The revised ADA, as determined by the N.J. Department of Environmental Protection's 2012 Land Use Land Cover data, includes 73 percent of the total agricultural acreage in Cape May County (6,488 acres), below the statutory limitation of no more than 90 percent of the agricultural land mass of the county. The CADB has requested SADC certification of the amended ADA map. SADC staff reviewed the CADB submissions and has determined that the analysis of factors and resultant criteria is reasonable and consistent with the statute and SADC regulations, pursuant to N.J.A.C. 2:76-1.6. Staff recommendation is to certify the amendment as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2016R3(2) certifying the amendment to the Cape May County Agriculture Development Board's Agricultural Development Area map, pursuant to N.J.A.C. 2:76-1.7 as shown on Schedule B of said Resolution. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2016R2(2) is attached to and is a part of these minutes.)

**C. Resolutions for Final Approval – Municipal Planning Incentive Grant Program**

Ms. Miller and Ms. Roberts referred the Committee to five requests for final approval under the Municipal Planning Incentive Grant Program. The specifics were reviewed with the Committee and staff's recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Waltman to approve Resolution FY2016R3(3) through Resolution FY2016R3(7), 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. Nicolas Villa, SADC # 18-0204-PG (Resolution FY2016R3(3))  
Block 26, Lots 16.02 and 16.08, Borough of Peapack and Gladstone, Somerset County, 35.4 Gross Acres  
State cost share of \$16,800 per acre (60% of the certified easement value and purchase price) for a total grant need of \$436,800 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. Lot 16.02 is owned by Nicolas Villa and Vernon Associates LLC. Nicolas Villa is the contract purchaser of the portion of Lot 16.08 that is part of the property; the remainder is an approximately 7.1-acre severable exception for a future single-family residential unit, to be retained by Vernon Associates and access to which will be through the private driveway access that connects to Willow Avenue, not through the property. The property includes one approximately 1.5-acre nonseverable exception area for one existing single-family residential unit and one approximately 1-acre nonseverable exception for and limited to one future single-family residential unit of no greater than 2,000 square feet of heated living space. The future single-family residential unit of no greater than 2,000 square feet can be constructed in either exception area, but not both. The portion of the property outside of the exception area includes zero housing opportunities, zero agricultural labor units and no preexisting nonagricultural uses on the area to be preserved.
2. Campbell Foundry Corporation Farm, SADC # 21-0583-PG (Resolution FY2016R3(4))  
Block 5200, Lot 1100, Hope Township, Warren County, 174.1 Gross Acres  
State cost share of \$1,500 per acre (75% of the certified easement value and purchase price) for a total grant need of \$259,275 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 1.25-acre nonseverable exception area for and limited to one existing single-family residential unit. The portion of the property to be preserved outside of the exception area includes one existing single-family residential unit, zero agricultural labor units and no preexisting nonagricultural uses.

Discussion: At the time of application and certification the property included two approximately 1-acre nonseverable exception areas, each for and limited to one existing single-family residential unit and zero housing opportunities outside the exception area. After certification of values, the landowner requested to eliminate the exception area around one of the residential units and increase the size of the other exception area, along the road, to include the septic system. It is the opinion of each independent appraiser and the SADC appraisal manager that these changes to the application have no impact on



their original valuations or SADC certified values. The property now includes one approximately 1.25-acre nonseverable exception area for and limited to one existing single-family residential unit, resulting in approximately 172.85 net acres to be preserved.

3. Sussex County Farm and Horse Show Association, Inc., SADC # 19-0044-PG (Resolution FY2016R3(5))  
Block 10, Lot 3, Frankford Township, Sussex County, 47.8 Gross Acres  
State cost share of \$2,980 per acre (69.30% of the certified easement value and purchase price) for a total grant need of \$136,484 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule D. The property includes one approximately 2-acre severable exception area for future flexibility of use. The property outside of the exception area includes one existing single-family residential unit and zero agricultural labor units. The portion of the property outside the exception area also includes the following pre-existing nonagricultural uses: overflow public parking in the +/- 3-acre area delineated on Schedule A for 10 days (Friday-Sunday) during the New Jersey State Fair and storage of fair materials in the barn, which will be delineated and restricted by the terms of the easement as a preexisting nonagricultural use.
4. Ray and Dana Eisele, SADC # 19-0043-PG (Resolution FY2016R3(6))  
Block 68, Lots 1.01, 1.03, Frankford Township, Sussex County, 14.8 Gross Acres  
State cost share of \$3,160 per acre, (68.69% of the certified easement value and purchase price) for a total grant need of \$46,768 pursuant to N.J.A.C. 2:76.6.11 and the conditions contained in Schedule C. The property includes zero exception areas, one existing single-family residential unit and zero agricultural labor units. The property has a pre-existing nonagricultural use located in the basement of the existing single-family residential unit, occupying an area 10 feet by 11 feet, where the landowner collects, repairs and sells antique firearms.
5. William Henry Ray, SADC # 17-0140-PG (Resolution FY2016R3(7))  
Block 28, Lot 1.05, Alloway Township, Salem County, 65 Gross Acres  
State cost share of \$3,950 per acre (64.75% of the certified easement value and purchase price) for a total grant need of \$252,800 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule E. The property includes one approximately 1-acre nonseverable exception area limited to one future single-family residential unit and to afford future flexibility of use. The portion of the property to be preserved outside the exception area includes zero housing opportunities and zero agricultural labor units. The SADC will utilize any remaining Federal Farm and Ranch Lands Protection Program (FRPP) grant funds

(estimated \$54,400) to offset SADC grants 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 total local cost share. The equine map (Schedule B) and specialized "Equine Schedule B" (Schedule C) will be recorded with the Deed of Easement. The portion of the property to be preserved outside of the exception area includes a pre-existing nonagricultural use, on an approximately .23-acre area within an old gravel pit, used to store wood chips from a landscape business, which will be identified in the Deed of Easement and on the survey as a pre-existing nonagricultural use.

Discussion: A portion of the property outside of the exception area has a pre-existing nonagricultural use. It used to be a mined area and Mr. Ray's son-in-law has a landscaping business there. It will be identified in the Deed of Easement and on the survey as a pre-existing nonagricultural use. Approximately 0.1 acres is devoted to equine services (boarding services) outside the exception area. The New Jersey Conservation Foundation submitted a parcel application to the USDA, NRCS Federal Farm and Ranch Lands Protection Program (FRPP) for consideration of a grant for the easement purchase on this farm. The County has informed the SADC that NRCS determined 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 \$6,000 per-acre value of the FRPP appraisal submitted for approval on January 4, 2016, equating to an FRPP grant of \$3,000 per acre (50% of \$6,000) or approximately \$192,000 in total FRPP funds. The owners have agreed to the additional restrictions involved with the FRPP grant, including a 7% maximum impervious coverage restriction (approximately 4.48 acres) for the construction of agricultural infrastructure on the property outside of the exception area, which is the maximum impervious coverage allowable for the property through the FRPP program at this time. 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. Should alternate FRPP funding become available from other funding years or through other qualified entities such as the SADC, a nonprofit organization or County, it may be utilized if such funding benefits the easement acquisition and/or the successful use of FRPP funding. This final approval is conditioned upon FRPP funding in an amount sufficient to cover the County and Township's cost share. Because the FRPP grant amount has not been solidified, Alloway Township is requesting the SADC encumber the full grant amount of \$252,800 from the available municipal PIG funding, and sufficient funds are available.



These approvals are considered final agency decisions appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (Copies of Resolution FY2016R3(3) through Resolution FY2016R3(7) are attached to and are a part of these minutes.)

**D. Resolutions for Final Approval – County Planning Incentive Grant Program**

Ms. Payne stated that the next item on the agenda under this heading is the Konkus farm in Chester Township, Morris County. Staff is asking the Committee to not take action on this agenda item today. Ms. Payne asked Mr. Knox to share some information on this item with the Committee. She stated that it is a very unusual application. Mr. Knox stated that this farm has a pre-existing conservation easement. There is a lineal stream running through an area and it looks like when subdivision was sought a number of years ago they put a protection area on it as part of their subdivision approval. When the application came to the SADC, we are saying that we will not pay on this area since it is already preserved so we are looking at the balance of the area. There are existing residences that will be within an exception area and there is an equine operation and then a nonagricultural use. When the NJDEP Green Acres program was looking at this project in the past couple of days, they raised a question about the conservation easement and our easement being on top of their easement. As Ms. Payne indicated, staff would like to pull this agenda item to further look into the issue that was raised regarding the feasibility and practicality of placing one easement on top of another. Ms. Payne stated that typically when we see a conservation easement, we put our easement on top of that in case the conservation easement is ever removed so that the entire farm is preserved. Green Acres has raised concern about having a farmland preservation easement on top of something that either is or should be on their Recreation and Open Space Inventory (ROSI), so we have to work with the agency to figure something out. Ms. Jones stated that we need to work out the language together because the conservation easement itself, even if it is unfunded, has protection under the Green Acres rules because it should be on that agency's ROSI. Ms. Jones stated that they are going to follow up with the town on that. There is also the Patriot's Path on the property although she didn't see any language that the SADC is going to put the farmland easement on top of that. Because this has protection under the Green Acres rules, to have the farmland easement with its rules and regulations over a Green Acres easement, even though it is an unfunded protected easement, it is just too confusing. What we want to look into is, if in the future it is a hypothetical situation that the easement goes away, if it is extinguished it has to get approved by the Commissioner of DEP. Then maybe the SADC and the farmland program can come in and exercise its rights to put the farmland easement on it at that future point in time. So that is what we want to look at, the language to that effect. Ms.

Jones stated she just read the easement yesterday and it appears it is for water quality and wetlands protection purposes. It has stipulations that you see in standard conservation easements – no buildings, no removal of topsoil – but then it has a clause “except if the two parties agree to that,” meaning the landowner and the Township. However, when you go back and look over the overall goal and mission of that easement, it always comes back to as long as those uses are consistent and don’t interfere with the purposes of that easement.

Mr. Siegel stated that the idea of monitoring to see when one easement is extinguished, that the holder of the other easement now has rights they have to carry out, seems to be creating a covenant in the future that everyone will forget about. There are plenty of examples where easements sit on top of each other and both easements prevail. We have an agricultural easement that says the property cannot be used for anything but agriculture and you have a conservation easement that says it can’t be used for anything. That prevails over the agricultural use. The agricultural easement doesn’t allow agricultural use because the other easement is on top of it. Why can’t we just layer one easement on top of the other and if one is ever extinguished the other remains in place? Ms. Jones stated that this is something we want to talk about with their Deputy Attorney General and the staff and then we will come back to the Committee.

Ms. Payne stated that if we go down this road of trying to accommodate the concern of the NJDEP, she thinks the deed would have to be structured in such a way that our easement goes over the entirety but perhaps the deed says that our provisions only become active upon the expiration or something like that. We want to create a legal mechanism that is automatic, not something that we have to pay attention to and do new deeds in the future. There has to be something in place that is operable. It has to be something automatic.

SADC staff referred the Committee to one request for final approval under the County Planning Incentive Grant Program. SADC staff reviewed the specifics 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 FY2016R3(8), granting final approval to the following application under the County Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said resolution:

1. John and Debra Basile, SADC # 17-0146-PG  
Block 18, Lot 6, Upper Pittsgrove Township, Salem County, 27.9 Gross Acres



State cost share of \$4,150 per acre (63.85% of the certified easement value and purchase price) for a total grant need of \$106,862.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 2.5-acre nonseverable exception area limited to zero housing opportunities and for future flexibility of use around the existing winery. The portion of the property outside of the exception area includes one single-family residential unit, zero agricultural labor units and no pre-existing nonagricultural uses. This final approval is conditioned upon the subject property being encumbered with an ingress/egress easement at least 10 feet wide leading from Richwood Road to Block 40, Lot 21 in Elk Township, Gloucester County prior to closing.

Discussion: This is a situation where the County did a very good job of working with the landowners to take an exception area because there is a winery, albeit a small one at this time, located within the exception area, which is 2.5 acres that will allow that operation to grow and not be subject to the Deed of Easement. The certification of value and this final approval are conditioned upon the subject property being encumbered with a 10-foot wide ingress/egress easement from Richwood Road along the northern boundary to access Block 40, Lot 21, a 1.1+/- acre lot owned by the applicant in Elk Township, Gloucester County, that is not in the application, prior to closing (Schedule A). The proposed ingress/egress easement is needed because the preservation of the subject property will land lock Block 40, Lot 21. The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 25.75 acres will be utilized to calculate the grant need.

This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2016R3(8) is attached to and is a part of these minutes.)

#### **E. Resolutions for Final Approval – State Acquisition Program**

Ms. Miller and Ms. Roberts referred the Committee to four requests for final approval under the State Acquisition Program. SADC staff reviewed the specifics with the Committee and stated that the recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Germano to approve Resolution FY2016R3(9) through Resolution FY2016R3(12), granting final approval and amended final approval to the following applications under the State Acquisition Program, as presented and discussed, subject to any conditions of said resolutions:

1. Michael and Brenda Seery, SADC # 17-0282-DE (Resolution FY2016R3(9))  
**(Amended Final Approval)**  
Block 67, Lot 17; Block 68, Lot 2  
Upper Pittsgrove Township, Salem County, 103 Net Easement Acres  
Amended Final Approval is granted to purchase the development easement on the property with three equal payments. The SADC shall release the first installment to the owners at the time of closing and the subsequent two installments as detailed in Schedule C. All other provisions of the December 10, 2015 Final Approval shall remain in effect.

Discussion: The SADC granted final approval for the purchase of a development easement on this property in December 2015. Subsequent to SADC final approval, the owners requested that the purchase price be paid in three installments (Schedule C). The SADC may, under the Agriculture Retention and Development Act pursuant to N.J.S.A. 4:1C-32c, at the time of settlement agree with the landowner to establish a schedule of payment which provides that the landowner may receive consideration for the easement in installments over a period of up to 40 years from the date of settlement.

2. Joseph Case, West #1 Farm, SADC # 10-0238-DE (Resolution FY2016R3(10))  
Block 21, p/o Lot 36, Alexandria Township, Hunterdon County, 74.6 Net Easement Acres  
Acquisition of the development easement at a value of \$6,000 per acre for a total of approximately \$447,600 subject to the conditions contained in Schedule C. The property includes one approximately 3-acre nonseverable exception area limited to one future single-family residential unit and for flexibility of use, resulting in approximately 74.6 net acres to be preserved. The portion of the property to be preserved outside of the exception area includes one existing single-family residential unit, zero agricultural labor units, and no pre-existing nonagricultural uses. Certification of values and this resolution for final approval are conditioned upon the landowner completing an unconditional subdivision of Lot 36 prior to closing and the simultaneous preservation of both farms.

Discussion: The SADC's certification of values and this resolution for final approval are conditioned upon the landowner completing an unconditional subdivision of Lot 36, to divide the Case #1 West farm and the Case #2 East farm applications prior to closing and the simultaneous preservation of both farms.

3. Joseph Case, East #2 Farm, SADC # 10-0237-DE (Resolution FY2016R3(11))



Block 21, p/o Lot 36, Alexandria Township, Hunterdon County, 83.4 Net Easement Acres

Acquisition of the development easement at a value of \$5,600 per acre for a total of approximately \$408,240 subject to the conditions contained in Schedule B. The property includes one approximately 10.5-acre nonseverable exception area limited to two future single-family residential units and for future flexibility of use, i.e. a possible veterinary practice, resulting in approximately 72.9 net acres to be preserved. The portion of the property to be preserved outside of the exception area includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses.

Discussion: The SADC's certification of values and this resolution for final approval are conditioned upon the landowner completing an unconditional subdivision of Lot 36 to divide the Case #1 West and the Case #2 East farms prior to closing and the simultaneous preservation of both farms.

4. David K. and Tracy L. Strang, SADC # 17-0289-DE (Resolution FY2016R3(12))  
Block 74, Lot 1; Block 75, Lot 14; Block 76, Lot 10  
Upper Pittsgrove Township, Salem County  
Block 44, Lot 5, Alloway Township, Salem County  
160.4 Easement Acres  
Acquisition of the development easement at a value of \$5,100 per acre for a total of approximately \$818,040 subject to the conditions contained in Schedule B. The property has zero housing opportunities, zero exception areas, zero agricultural labor units and no pre-existing nonagricultural uses.

These approvals are considered final agency decisions appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved.  
(Copies of Resolution FY2016R3(9) through Resolution FY2016R3(12) are attached to and are a part of these minutes.)

**F. Assignment of Deed of Easement – Nonprofit Grant Program**

- a. Ziebarth farm/SADC # 18-0011NP

Mr. Knox stated that in December 2015 the New Jersey Conservation Foundation (NJCF) received SADC final approval to acquire the development easement on the Ziebarth farm, known as Block 41, Lot 1, Bedminster Township, Somerset County. NJCF anticipates closing on the farm in the near future, at which time the Deed of Easement will be recorded in the Somerset County Clerk's Office. The NJCF intends to assign the Deed of

Easement to the Somerset County Board of Chosen Freeholders immediately after closing. In September 2015, the NJCF passed a resolution approving the assignment of the Ziebarth Deed of Easement to Somerset County. Federal funding was also utilized in this acquisition. In March 2016, USDA, NRCS granted approval to the assignment to the County of Somerset. Also in March 2016, the Somerset CADB granted approval to the assignment of the Deed of Easement to Somerset County. On March 22, 2016, the Somerset County Board of Chosen Freeholders approved the acceptance of the assignment of the Deed of Easement. Both NJCF and Somerset County are requesting SADC approval of the assignment. Once the assignment has been recorded, Somerset County will be responsible for monitoring and enforcing the Deed of Easement. Staff recommendation is to approve this request.

It was moved by Mr. Germano and seconded by Mr. Siegel to approve Resolution FY2016R3(13) approving the assignment of the Ziebarth Deed of Easement from the New Jersey Conservation Foundation to the Somerset County Board of Chosen Freeholders immediately after the Deed of Easement to the New Jersey Conservation Foundation has been recorded in the Somerset County Clerk's Office. All documents required to complete the assignment shall be subject to review and approval by the SADC. This approval expires 12 months after the date of the Deed of Easement recording. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2016R3(13) is attached to and is a part of these minutes.)

**D. Stewardship**

**1. Installation of Personal Wireless Service Facility**

**a. Centenary College, Washington Township, Morris County**

Mr. Roohr referred the Committee to Resolution FY2016R3(14) regarding an application for a special permit for the installation of a personal wireless service facility received from the law firm Price, Meese, Shulman and D'Arminio (Agent) on behalf of the owner, Centenary College, Block 51, Lot 22.02, Washington Township, Morris County, comprising 65.75 acres. The application was received in December 2012. In February 2013 the SADC responded to the Agent that the application was not compliant with numerous sections of N.J.A.C. 2:76-23 (Schedule B). The Agent subsequently rescinded its application and sought to construct the facility within the 6.99-acre nonseverable exception area on the property. Mr. Roohr stated that the owner was unable to obtain the local zoning approvals for the facility within the exception area and in an effort to settle an existing lawsuit related to the zoning matter, has re-applied for a special permit for a personal wireless service facility on the preserved part of the farm, the location of which



would, according to the Agent, conform with local zoning requirements.

Mr. Roohr stated that in January 2016 the SADC received from the Agent a second application, which was nearly identical to the one filed in 2012. In a follow-up letter (Scheduled C), the Agent stated that the owner is a nonprofit educational facility that does not produce or sell agricultural products. Mr. Roohr stated that the property is used as an equine education facility with approximately 14.78 acres used as pasture for the horses. The imputed value of grazing land for the property based on the Farmland Evaluation Advisory Committee values in Morris County for farmland assessment purposes, has been calculated to be less than \$2,500. The owner is seeking SADC approval for a new cellular tower and associated infrastructure consisting of approximately 1,600 square feet. Also in the letter sent by the Agent (February 25, 2016), the Agent identifies that the owner would be willing to encumber 1,600 square feet of its exception area in exchange for use of 1,600 square feet on the preserved portion of the premises. The Garden State Preservation Trust Act and the Agriculture Retention and Development Act do not authorize easement exchanges.

Mr. Roohr stated that the owner proposes to construct a new cellular tower and associated infrastructure that supports the personal wireless service facility in the area identified on Schedule A. Access to the facility for purposes of installing and maintaining the tower and infrastructure is from the existing farm lane currently used to access the farm fields and manure containment structure, and will involve the creation of a 5-foot by 200-foot gravel walkway along the edge of the farm field at the end of the existing farm lane.

Mr. Roohr stated that staff has determined that the owner has not met the qualifications of N.J.A.C. 2:76-23.4 to apply for a personal wireless service facility for the following reasons:

1. N.J.S.A. 4:1C-32.2c.(1) and N.J.A.C. 2:76-23.4(a)1, allow for permits for personal wireless service facilities to be granted on properties qualifying as commercial farms, and the Agent has stated that the property is an educational facility that does not produce or sell agricultural products; furthermore, the imputed value of pasture lands on the property do not reach the values necessary to be considered a commercial farm as defined in the statute and the regulations.
2. N.J.S.A. 4:1C-32.2c.(7) and N.J.A.C. 2:76-23.6(a)7, allow for up to 500 square feet of new structures to accommodate the personal wireless service facility, and the owner is requesting 1,600 square feet of space for the tower, associated infrastructure and perimeter fencing, as shown in Schedule D.

3. N.J.S.A. 4:1C-32.2c.(12) and N.J.A.C. 2:76-23.6(a)12, requires that all necessary local zoning and land use approvals required by Federal, State or local law, rule, regulation or ordinance have been obtained, and such approvals do not contain any requirements for implementation of the personal wireless facility that are inconsistent with N.J.S.A. 4:1C-32.2, and the Agent has stated that Township permits have not been granted.

Mr. Roohr stated staff recommendation is to deny the request for the construction of the personal wireless service facility on the property for the above stated reasons and as outlined in said Resolution.

It was moved by Mr. Danser and seconded by Mr. Waltman to approve Resolution FY2016R3(14) finding that the owner has not complied with all of the applicable provisions of N.J.S.A. 4:1C-32.2 and N.J.A.C. 2:76-23, et seq. concerning a personal wireless service facility to be erected on the land. The SADC denies the construction of the personal wireless service facility on the Premises. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2016R3(14) is attached to and is a part of these minutes.)

#### **PUBLIC COMMENT**

None

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

SADC Regular Meeting: **Friday**, April 22, 2016, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

#### **CLOSED SESSION**

At 10:00 a.m., Mr. Danser moved the following resolution to go into Closed Session. The motion was seconded by Mr. Johnson 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. Siegel and seconded by Mr. Danser to approve the following Certification of Values for the following applicants as discussed in Closed Session:

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

1. Pearl Abrams, SADC # 03-0415-PG  
Block 18, Lots 11.01, 12, 15, Shamong Township, Burlington County, 110 Gross Acres & 106 Net Acres (AOC)

The motion was approved. (Mr. Johnson recused himself from the vote.) (A copy of the Certification of Value report is attached to and is a part of the Closed Session minutes.)

It was moved by Mr. Waltman and seconded by Mr. Germano to approve the following Certification of Values for the following applicants as discussed in Closed Session, noting that the Ag-Mart Certification of Value was pulled from today's agenda:

### **Municipal Planning Incentive Grant Program**

1. Philip Atanasio, SADC # 17-0155-PG  
Block 22, Lot 2.03, Pilesgrove Township, Salem County, 39.65 Gross/39.65 Net Acres (AOC)
2. William K. Stoms Trustee of the William K. Stoms Revocable Trust, SADC # 17-0154-PG  
Block 24, Lot 5.03, Pilesgrove Township, Salem County, 16 Acres
3. Wayne and Marlene Wentzell, SADC # 17-0153-PG  
Block 41, Lot 5, Pilesgrove Township, Salem County, 35 Acres

### **Direct Easement Purchase Program**



1. Wickie Home et als, (The Hom Farm) SADC # 13-0075-DE  
Block 31, Lot 19, East Windsor Township, Mercer County  
Block 8, Lot 1, Millstone Township, Monmouth County  
94.40 Net Acres (AOC); 98.40 Gross Acres (AOC)
2. Kenneth Lustgarten, SADC # 13-0073-DE  
Block 35, Lot 23, Upper Freehold Township, Monmouth County  
128.30 Net Acres (AOC); 132.34 Gross Acres (AOC)
3. Catherine Licciardello Trustee (The Licciardello Farm), SADC #170-0295-DE  
Block 9, Lot 3; Block 10, Lot 1; Block 12, Lot 1  
Pilesgrove Township, Salem County, 130.40 Net Acres (AOC); 132.40 Gross  
Acres (AOC)

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

#### **PUBLIC COMMENT**

None

#### **ADJOURNMENT**

There being no further business, it was moved by Mr. Siegel and seconded by Mr. Danser and unanimously approved to adjourn the meeting at 10:38 a.m.

Respectfully Submitted,



Susan E. Payne, Executive Director  
State Agriculture Development Committee

Attachments



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2016R3(1)  
FINAL APPROVAL

of the

FRANKFORD TOWNSHIP, SUSSEX COUNTY  
PLANNING INCENTIVE GRANT APPLICATION INCLUDING THE COMPREHENSIVE  
FARMLAND PRESERVATION PLAN AND PROJECT AREA SUMMARY

2012 PLANNING ROUND

March 24, 2016

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

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

1. Identify project areas of multiple farms that are reasonably contiguous and located in an agricultural development area ("ADA") authorized pursuant to the Agriculture Retention and Development Act, P.L. 1983, c.32 (C.4:1C-11 et seq.);
2. Establish an agricultural advisory committee composed of at least three, but not more than five, residents with a majority of the members actively engaged in farming and owning a portion of the land they farm;
3. Establish and maintain a dedicated source of funding for farmland preservation pursuant to P.L. 1997, c.24 (C.40:12-15.1 et seq.), or an alternative means of funding for farmland preservation, such as, but not limited to, repeated annual appropriations or repeated issuance of bonded indebtedness, which the SADC deems to be, in effect, a dedicated source of funding; and
4. Prepare a farmland preservation plan element pursuant to paragraph (13) of section 19 of P.L. 1975, c.291 (C.40:55D-28) in consultation with the agricultural advisory committee; and

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

WHEREAS, a municipality applying for a grant to the SADC shall submit a copy of the municipal comprehensive farmland preservation plan and a project area summary for each project area designated within the plan, pursuant to N.J.A.C. 2:76-17A.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.4, the SADC specified that a municipal comprehensive farmland preservation plan shall, at a minimum, include the following components:

1. The adopted farmland preservation plan element of the municipal master plan;
2. A map and description of the municipality's agricultural resource base including, at a minimum, the proposed farmland preservation project areas;
3. A description of the land use planning context for the municipality's farmland preservation initiatives including identification and detailed map of the county's adopted Agricultural Development Area (ADA) within the municipality, consistency of the municipality's farmland preservation program with county and other farmland preservation program initiatives and consistency with municipal, regional and State land use planning and conservation efforts;
4. A description of the municipality's past and future farmland preservation program activities, including program goals and objectives, including a summary of available municipal funding and approved funding policies in relation to the municipality's one-, five- and ten-year preservation projections;
5. A discussion of the actions the municipality has taken, or plans to take, to promote agricultural economic development in order to sustain the agricultural industry;
6. Other farmland preservation techniques being utilized or considered by the municipality;
7. A description of the policies, guidelines or standards used by the municipality in conducting its farmland preservation efforts, including any minimum eligibility criteria or standards used by the municipality for solicitation and approval of farmland preservation program applications in relation to SADC minimum eligibility criteria as described at N.J.A.C. 2:76-6.20, adopted ranking criteria in relation to SADC ranking factors at N.J.A.C. 2:76-6.16, and any other policies, guidelines or standards that affect application evaluation or selection;
8. A description of municipal staff and/or consultants used to facilitate the preservation of farms; and
9. Any other information as deemed appropriate by the municipality; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.5, the SADC required the municipality to prepare a project area summary containing the following information for each project area:

1. An inventory showing the number of farms or properties, and their individual and aggregate acreage, for targeted farms, farmland preservation applications with final approvals, preserved farms, lands enrolled in an eight-year farmland preservation program and preserved open space compatible with agriculture;
2. Aggregate size of the entire project area;
3. Density of the project area;



4. Soil productivity of the targeted farms;
5. An estimate of the cost of purchasing development easements on the targeted farms in the designated project area;
6. A multi-year plan for the purchase of development easements on the targeted farms in the project area, indicating the municipality's and, if appropriate, any other funding partner's share of the estimated purchase price, including an account of the estimated percentage of leveraged State funds and the time period of installment purchase agreements, where appropriate; and

WHEREAS, on May 24, 2007, the SADC adopted *Guidelines for Developing Municipal Comprehensive Farmland Preservation Plans* to supplement the new rules at N.J.A.C. 2:76-17A and provide uniform, detailed plan standards, update previous planning standards, and incorporate recommendations from the 2006 edition of the Agricultural Smart Growth Plan for New Jersey, the Planning Incentive Grant Statute (N.J.S.A. 4:1C-43.1) and the New Jersey Department of Agriculture Guidelines for Plan Endorsement under the State Development and Redevelopment Plan; and

WHEREAS, the *Guidelines* emphasize that these Municipal Comprehensive Farmland Preservation Plans should be developed in consultation with the agricultural community including the municipal Agricultural Advisory Committee, municipal Planning Board, CADB, county Planning Board and the county Board of Agriculture, and where appropriate, in conjunction with surrounding municipalities and the County Comprehensive Farmland Preservation Plan, with at least two public meetings including a required public hearing prior to Planning Board adoption as an element of the municipal master plan; and

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

WHEREAS, to date, the SADC has received 47 municipal planning incentive grant applications, pursuant to N.J.A.C. 2:76-17A.6(a); and

WHEREAS, in total, these 47 municipal planning incentive grant applications identified 112 project areas in 9 counties and targeted 2,573 farms and 110,805 acres at an estimated total cost of \$1,338,000,000, with a ten-year preservation goal of 63,252 acres as summarized in the attached Schedule A; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.6(b)1 and N.J.A.C. 2:76-17A.6(b)2, in order to improve municipal and county farmland preservation coordination, the municipality forwarded its application to the county for review and provided evidence of county review and comment and, if appropriate, the level of funding the county is willing to provide to assist in the purchase of development easements on targeted farms; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, SADC staff reviewed and evaluated the municipalities' applications to determine whether all the components of the comprehensive farmland preservation plans are fully addressed and complete and whether the project area summaries are complete and technically accurate, and that the application is designed to preserve a significant area of reasonably contiguous farmland that will promote the long-term economic viability of agriculture as an industry; and

WHEREAS, on April 28, 2011, the SADC granted conditional preliminary approval to Frankford Township's planning incentive grant application received for the 2012 Municipal Planning Incentive Grant planning round; and

WHEREAS, the conditions of preliminary approval for Frankford Township were as follows:

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

WHEREAS, SADC staff have since determined that Frankford Township has satisfied all requirements of the conditional preliminary approval; and

WHEREAS, to date \$750,000 of FY09 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Project Area; and

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval of the Frankford Township Planning Incentive Grant application submitted under the FY12 program planning round as summarized in the attached Schedule B:

BE IT FURTHER RESOLVED, that funding eligibility shall be established pursuant to N.J.A.C. 2:76-17A.8(a), and SADC Resolution #FY2011R4(4); and

BE IT FURTHER RESOLVED, that the SADC will monitor the municipality's funding plan pursuant to N.J.A.C. 2:76-17A.17 and adjust the eligibility of funds based on the municipality's progress in implementing the proposed funding plan. Each Planning Incentive Grant municipality should expend its grant funds within three years of the date the funds are appropriated. To be considered expended a closing must have been completed with the SADC. Any funds that are not expended within three years are subject to reappropriation and may no longer be available to the municipality; and

BE IT FURTHER RESOLVED, that the SADC will continue to assist municipalities with planning for agricultural retention, the promotion of natural resource conservation efforts, county and municipal coordination, and agricultural economic development and in strengthening of Right to Farm protections; and

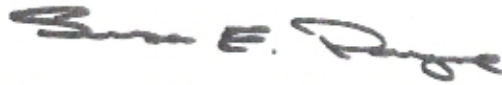


BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

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

3-24-16

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	ABSENT
W. Scott Ellis	YES
Denis Germano, Esq.	YES
Pete Johnson	YES
James Waltman	YES

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COUNTY AND MUNICIPAL PLANNING INCENTIVE GRANT  
APPLICATION SUMMARY

County / Municipality	# of Project Areas	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost in Millions	Project Area Acreage	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	Dedicated Tax \$0.00/\$100	Annual Tax Revenue in Millions	Annual Tax for Farmland Preservation in Millions
<b>Atlantic</b>	15	288	9,690	\$43,676	27,724	200	750	1,500	5.0	\$2,100	No Set Amount
<b>Bergen</b>	8	40	525	\$70,454	10,887	30	150	300	0.25	\$4,136	No Set Amount
<b>Burlington</b>	4	171	18,222	\$111,000	113,027	1,000	5,000	10,000	1.5	\$7,000	No Set Amount
<b>Camden</b>	5	57	3,469	\$30,843	15,071	258	1,394	3,147	2.0	\$6,800	No Set Amount
<b>Cape May</b>	6	239	10,766	\$104,163	14,304	149	1,143	1,485	1.0	\$4,730	No Set Amount
<b>Cumberland</b>	16	512	20,441	\$101,151	65,302	2,044	10,221	20,441	1.0	\$0,896	No Set Amount
<b>Hopewell</b>	1	45	1,576	\$9,420	5,689	158	788	1,576	0.0	\$0,000	No Set Amount
<b>Upper Deerfield</b>	1	51	3,418	\$20,536	9,233	396	1,979	3,958	0.0	\$0,050	\$0,050
<b>Gloucester</b>	11	1031	23,488	\$281,898	114,481	1,000	4,000	8,000	4.0	\$11,000	\$5,000
<b>Ek</b>	2	29	953	\$10,482	3,620	75	377	754	1.0	\$0,036	\$0,036
<b>Franklin</b>	5	125	4,870	\$29,061	10,105	598	1,789	3,290	1.00	\$0,125	No Set Amount
<b>Woodwich</b>	3	72	3,403	\$51,048	5,183	265	1,920	3,984	5.0	\$0,323	No Set Amount
<b>Hunterdon</b>	7	113	8,987	\$79,789	178,126	1,000	5,000	10,000	3.0	\$7,000	\$1,500
<b>Alexandria</b>	4	74	3,821	\$38,195	16,912	524	1,160	2,137	4.00	\$0,328	No Set Amount
<b>Delaware</b>	2	20	1,472	\$20,601	23,707	300	500	1,000	6.0	\$0,475	No Set Amount
<b>East Amwell</b>	1	18	1,848	\$24,024	13,515	165	925	1,848	4.0	\$0,268	\$0,268
<b>Franklin</b>	1	16	1,313	\$11,813	10,644	349	413	265	5.00	\$0,270	No Set Amount
<b>Holland</b>	4	34	2,106	\$21,095	11,335	703	1,700	2,222	2.0	\$0,079	\$0,079
<b>Kingwood</b>	1	27	1,698	\$16,982	12,645	169	679	849	3.00	\$0,183	No Set Amount
<b>Rietlan</b>	4	23	1,554	\$31,079	6,111	100	300	600	1.5	\$0,602	No Set Amount
<b>Readington</b>	1	43	2,362	\$42,516	16,774	100	600	1,100	2.0	\$0,569	No Set Amount
<b>Tewksbury</b>	3	3	409	\$9,700	4,557	100	300	1,000	5.0	\$0,425	No Set Amount
<b>Union</b>	3	20	618	\$6,100	4,189	70	325	500	2.0	\$0,137	No Set Amount
<b>West Amwell</b>	1	7	608	\$6,080	10,440	59	549	608	6.0	\$0,289	No Set Amount
<b>Mercer</b>	7	33	2,628	\$22,743	14,976	50	250	500	2.5	\$10,507	No Set Amount
<b>Hopewell</b>	1	10	854	\$17,060	10,761	150	500	854	3.00	\$1,195	No Set Amount
<b>Middlesex</b>	5	121	4,468	\$179,797	21,313	225	1,125	2,250	2.0	\$27,796	No Set Amount
<b>Monmouth</b>	6	105	9,109	\$197,027	60,623	1,200	3,000	6,000	1.5	\$16,486	\$1,100
<b>Colle Neck</b>	1	6	321	\$12,562	9,321	41	81	199	1.2	\$0,367	No Set Amount
<b>Holmdel</b>	1	14	587	\$27,162	2,572	10	70	338	2.50	\$0,958	No Set Amount
<b>Howell</b>	3	13	560	\$8,554	12,666	127	370	453	2.00	\$1,396	\$0,700
<b>Manasquan</b>	1	38	1,318	\$26,343	9,223	131	659	1,318	2.00	\$1,175	No Set Amount
<b>Marlboro</b>	3	17	627	\$16,790	19,690	47	216	298	1.00	\$0,675	No Set Amount
<b>Millsboro</b>	4	52	3,204	\$96,120	14,024	80	150	300	6.0	\$0,940	No Set Amount
<b>Upper Freehold</b>	1	167	5,042	\$75,630	27,368	550	1,000	1,500	6.0	\$0,715	\$0,477
<b>Morris</b>	3	74	4,391	\$110,561	169,342	437	2,185	4,391	1.0	\$8,94	\$0,89
<b>Ocean</b>	7	152	2,540	\$84,287	21,975	200	901	1,623	1.2	\$10,000	No Set Amount



**COUNTY AND MUNICIPAL PLANNING INCENTIVE GRANT  
APPLICATION SUMMARY**

County/Municipality	# of Project Areas	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost in Millions	Project Area Acreage	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	Dedicated Tax (\$0.0/\$1.00)	Annual Tax Revenue in Millions	Annual Tax for Farmland Preservation in Millions
<b>Passaic</b>	1	10	191	\$5,977	6,415	100	500	1,000	1.0	\$5,000	\$0,750
<b>Salem</b>	3	411	33,764	\$270,112	80,424	2,600	13,000	26,000	2.0	\$1,091	\$1,053
Alloway	1	9	599	\$3,976	5,465	200	400	600	0.05	\$0,014	No Set Amount
Mannington	1	47	1,140	\$6,843	22,827	25	125	250	2.00	\$0,043	\$0,043
Pilesgrove	4	58	4,281	\$39,569	9,305	203	1,304	2,608	3.00	\$0,145	\$0,145
Pilesgrove	2	248	5,091	\$38,181	13,881	255	1,018	3,054	1.0	\$0,087	No Set Amount
Upper Pilesgrove	1	256	11,240	\$84,299	24,167	700	3,500	7,000	2.00	\$0,080	\$0,080
<b>Somers</b>	12	287	14,123	\$229,218	87,623	1,000	4,000	5,000	3.0	\$17,470	No Set Amount
Bedminster	1	120	5,863	\$175,899	10,111	500	2,706	2,706	2.0	\$0,342	No Set Amount
Bernards	1	25	538	\$40,323	3,798	165	165	200	4.0	\$3,030	No Set Amount
Branchburg	1	23	737	\$40,535	1,873	154	266	737	5.0	\$1,500	No Set Amount
Franklin	2	19	855	\$16,594	18,931	508	644	830	5.0	\$4,480	No Set Amount
Hillsborough	3	28	996	\$14,814	3,860	100	500	1,000	2.8	\$1,529	No Set Amount
Montgomery	1	18	804	\$27,687	20,646	50	300	454	4.00	\$1,483	No Set Amount
Peapack & Gladstone	2	11	315	\$11,031	1,932	20	85	160	2.9	\$0,204	No Set Amount
<b>Sussex</b>	10	888	35,470	\$195,850	176,195	2,648	13,240	26,480	0.34	\$0,677	\$0,677
Frankford	4	101	4,318	\$25,065	10,142	63	350	700	0.50	\$0,080	\$0,080
Green	3	53	1,831	\$11,908	7,832	150	675	1,300	1.5	\$0,063	\$0,063
<b>Warren</b>	7	523	31,041	\$163,154	154,781	2,000	10,000	20,000	6.0	\$7,400	\$3,707
Blairtown	4	72	2,065	\$14,450	12,307	100	500	1,000	2.0	\$0,144	No Set Amount
Franklin	4	150	5,700	\$37,062	11,542	225	1,000	1,900	4.5	\$0,166	No Set Amount
Freylinguysen	7	76	2,744	\$17,838	11,029	45	220	430	2.00	\$0,055	\$0,055
Greenville	1	21	1,283	\$14,337	3,453	174	1,092	1,573	4.0	\$0,239	\$0,239
Hamony	3	87	4,087	\$24,580	12,409	220	1,000	1,800	5.00	\$0,239	\$0,239
Hope	4	66	3,292	\$18,108	6,298	65	300	600	2.0	\$0,052	\$0,052
Knowlton	2	34	2,985	\$14,923	13,355	100	500	1,000	2.0	\$0,052	\$0,052
Polatcong	4	14	1,055	\$9,337	8,156	100	500	1,000	0.5	\$0,174	\$0,174
White	4	113	4,435	\$22,281	13,599	150	700	1,300	2.00	\$0,116	\$0,116
<b>County Totals (18)</b>	<b>133</b>	<b>5,145</b>	<b>233,333</b>	<b>\$2,281</b>	<b>1,332,589</b>	<b>16,141</b>	<b>75,859</b>	<b>148,117</b>		<b>\$149,022</b>	
<b>Municipal Totals (47)</b>	<b>112</b>	<b>2,573</b>	<b>110,805</b>	<b>\$1,338</b>	<b>516,703</b>	<b>9,507</b>	<b>35,211</b>	<b>63,252</b>		<b>\$25,876</b>	

Note: In some cases County and Municipal project areas overlap. Identified farms may appear on both County and Municipal target farm lists.

Note: Data is red reflect 2009/2010 data. These are applications that did not submit 2011 round applications.

Date: 5/11/15

Schedule B

MUNICIPAL PLANNING INCENTIVE GRANT  
Final Approval Application  
(2012 Round)  
March 2016

Municipality	County	Project Area	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	Estimated Cost per Acre	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	Dedicated Tax \$0.0 - \$100	Annual Tax Revenue	Annual Tax for Farm Preservation
Frankford	Sussex	Agricultural Heartland	37	2,036	\$12,726,312	\$6,250						
		Agricultural Uplands	25	857	\$3,428,200	\$6,250						
		Kittatimny Valley West	15	428	\$2,677,250	\$6,250						
		Papackaling Creek Valley	26	997	\$6,203,063	\$6,250						
Total		1	37	4,318	\$25,064,825		63	350	700	0.5	\$80,000	\$80,000
March 2016 MUN. PI6 (2012 Round) FINAL PRELIMINARY APPROVAL TOTALS												
		1	37	4,318	\$25,064,825		63	350	700			



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

CAPE MAY COUNTY

RESOLUTION #FY2016R3(2)

March 24, 2016

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

WHEREAS, the State Agriculture Development Committee (SADC) certified Cape May County's designated Agricultural Development Area criteria (as identified in the attached Schedule "A") pursuant to N.J.S.A. 4:1C-18, and N.J.A.C. 2:76-1.4 on January 28, 1988; and,

WHEREAS, Cape May County's designated Agricultural Development Area map was last amended as part of the 2008 update to the County's Comprehensive Farmland Preservation Plan; and

WHEREAS, for the 2008 Plan the Cape May County Agriculture Development Board (CADB) examined aerial photography, zoning information, the State Development and Redevelopment Plan map, farmland assessment data, infrastructure availability, soils data and other information to update the ADA map; and

WHEREAS, the ADA amendment associated with the 2008 Cape May County Comprehensive Farmland Preservation Plan was adopted by the CADB and certified by the SADC on November 6, 2008; and

WHEREAS, it was since determined that an update to the ADA was warranted to reflect updated parcel based farmland assessment data, ensure further consistency with local, regional and state planning objectives and to exclude previously developed or preserved areas or those lacking productive farmland from the ADA; and

WHEREAS, on September 28, 2015 the CADB held a public hearing to adopt by resolution revisions to the ADA; and

WHEREAS, prior to SADC certification of the ADA amendment the CADB received an application for farmland preservation for Block 90, Lot 6 in Woodbine Borough; and

WHEREAS, the Pinelands Comprehensive Management Plan identifies Woodbine Borough as a Pinelands Town and as such Block 90, Lot 6 was not initially included in the ADA amendment; and

WHEREAS, upon further review it was determined that the CADB desired to pursue the preservation of Block 90, Lot 6 in Woodbine Borough and that addition of Block 90, Lot 6 to the ADA would not be detrimental to local or regional planning objectives; and

WHEREAS, on February 29, 2016 the CADB held a second public hearing to adopt by resolution revision to the ADA to include Block 90, Lot 6 in Woodbine Borough; and

WHEREAS, at both public hearings the CADB reviewed the proposed ADA amendments against the ADA criteria set forth at N.J.S.A. 4:1C-18, and N.J.A.C. 2:76-1.4 and the CADB criteria certified by the SADC on January 28, 1988; and

WHEREAS, the revised ADA, as determined by New Jersey Department of Environmental Protection's 2012 Land Use Land Cover data, includes 73% of the total agricultural acreage in Cape May County (6,488 acres), below the statutory limitation of no more than 90% of the agricultural land mass of the County; and

WHEREAS, the CADB has requested the SADC's certification of the amended ADA map; and

WHEREAS, pursuant to N.J.A.C. 2:76-1.5, the CADB has submitted to the SADC copies of the approved minutes of the public hearing including discussions of factors considered for updating the ADA map, the ADA criteria, the CADB resolution of adoption, and the amended ADA map showing the general location of the ADA(s) herein attached as "Schedule B"; and

WHEREAS, the SADC reviewed the CADB submissions and has determined that the analysis of factors and resultant criteria is reasonable and consistent with the statute and SADC regulations, pursuant to N.J.A.C. 2:76-1.6.

NOW THEREFORE BE IT RESOLVED that the SADC certifies the CADB approval of the amended ADA map, pursuant to N.J.A.C. 2:76-1.7 as shown on the attached Schedule B; and

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

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

3-24-16  
Date

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



VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	ABSENT
W. Scott Ellis	YES
Denis Germano, Esq.	YES
Pete Johnson	YES
James Waltman	YES

S:\ADAS\COUNTIES\CAPE MAY\Amended CM ADA Map Resolution 032416.docx



HERBERT C. FREDERICK  
Freeholder

*County of Cape May*  
**Agriculture Development Board**  
DN-109-Central Mail Room  
Cape May Court House, N.J. 08210-3096



(609) 465-7111  
Ext. 436

**CRITERIA FOR DESIGNATION OF AGRICULTURAL DEVELOPMENT AREAS**

1. Minimum Tract Size

No tract shall be smaller than five acres

Explanation: Tracts of less than five acres may be included within an agricultural area but the owners of these smaller tracts will not be eligible for the benefits of the Farmland Preservation Program

2. Only Entire Lots Will Be Included in Agricultural Development Areas

Explanation: Lots or tracts as delineated on tax maps must be included in their entirety

3. Farmland or woodland eligible for the farmland tax assessment program and situated in a zone in which agriculture is permitted or is listed as a non-conforming use may be included in an agricultural development area (ADA)

Explanation: Some uses may be classified as "non-conforming uses" under municipal zoning procedures

4. Compatibility of Adjacent Land Uses

Explanation: Existing or proposed urban or commercial use of adjacent land which may result in conflicts will be considered on a case-by-case basis

5. Availability of Water and Sewer Service

Explanation: The effect of this service on the future use of lands otherwise eligible for inclusion in ADA's will be considered on a case-by-case basis

6. Woodland May be Included

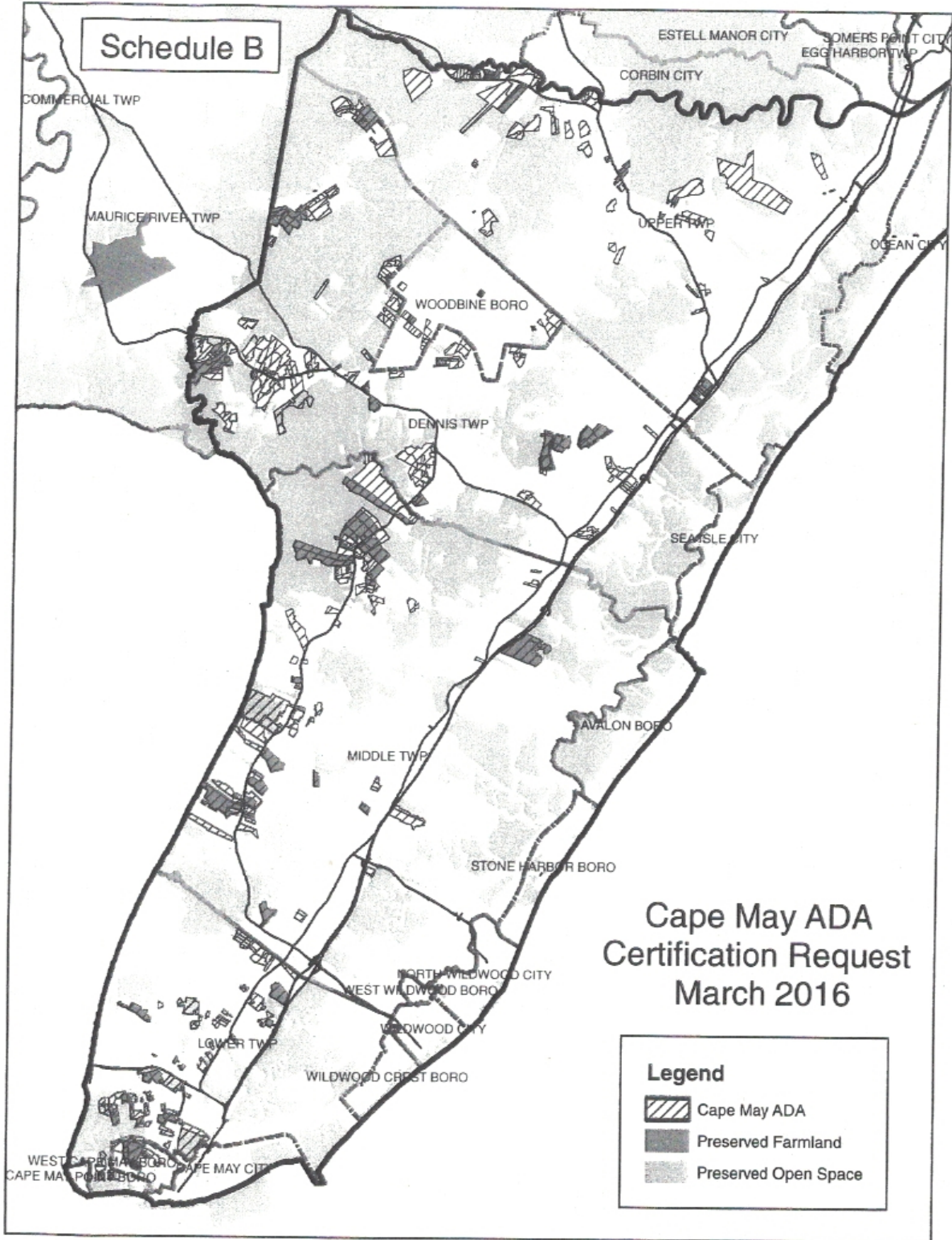
Explanation: Woodland eligible for farm-woodland tax assessment may be included in ADA's.

7. Provision to Waive a Criterion

Explanation: The consideration of any criterion as a factor in the decision to include or exclude land in an ADA may be waived under conditions determined by the Board on a case-by-case basis



# Schedule B







STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R3(3)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BOROUGH OF PEAPACK AND GLADSTONE

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Nicolas Villa ("Owners")

Borough of Peapack and Gladstone, Somerset County

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

SADC ID# 18-0204-PG

MARCH 24, 2016

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 the Borough of Peapack and Gladstone, Somerset County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Borough of Peapack and Gladstone received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on September 28, 2012 the SADC received an application for the sale of a development easement from the Borough of Peapack and Gladstone for the subject farm identified as Block 26, Lots 16.02 and 16.08, Borough of Peapack and Gladstone, Somerset County, totaling approximately 35.4 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property is located in the Borough of Peapack and Gladstone's Raritan Valley Project Area and in the Highlands Planning Area; and

WHEREAS, Lot 16.02 is owned by Nicolas Villa and Vernon Associates LLC. Nicolas Villa is the contract purchaser of the portion of Lot 16.08 that is part of the Property; the remainder is an approximately 7.1-acre severable exception to be retained by Vernon Associates, for a future residence, and access to which will be through the private driveway access that connects to Willow Avenue, not through the Property; and

WHEREAS, the Property also includes one (1), approximately 1.5 acre non-severable exception area for the one (1) existing single family residential unit and one (1) approximately 1-acre nonseverable for and limited to one (1) future single family residential unit of no greater than 2,000 square feet of heated living space, resulting in approximately 26 net acres to be preserved; and

WHEREAS, the Owner and County have imposed a housing restriction where the future single family residential unit of no greater than 2,000 square feet can be constructed in either exception area, but not both; and

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

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on November 21, 2013 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on February 26, 2015 the SADC certified a development easement value of \$28,000 per acre based on January 1, 2004 zoning and environmental regulations and \$28,000 per acre based on current zoning and environmental regulations in place as of June 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Borough's offer of \$28,000 per acre for the development easement for the Property; and

WHEREAS, the Borough of Peapack and Gladstone is requesting \$436,800 and sufficient funds are available (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on February 23, 2016 the Borough of Peapack and Gladstone approved the application and a funding commitment for an estimated \$5,600 per acre; and

WHEREAS, the Somerset County Agriculture Development Board approved the application on January 19, 2016 and secured a commitment of funding from the Somerset County Board of Chosen Freeholders for the \$5,600 per acre required local match on March 8, 2016; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 26 net easement acres):

	<u>Total</u>	
SADC	\$436,800	(\$16,800 per acre / 60% of purchase price)
Somerset County	\$145,600	(\$5,600 per acre)
<u>Borough of Peapack and Gladstone</u>	<u>\$145,600</u>	<u>(\$5,600 per acre)</u>
Total Easement Purchase	\$728,000	(\$28,000 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, 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 Borough for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIIG 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 Borough of Peapack and Gladstone for the purchase of a development easement on the Property, comprising approximately 26 net easement acres, at a State cost share of \$16,800 per acre, (60% of certified easement value and purchase price), for a total grant need of \$436,800 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

BE IT FURTHER RESOLVED, Lot 16.02 is owned by Nicolas Villa and Vernon Associates LLC. Nicolas Villa is the contract purchaser of the portion of Lot 16.08 that is part of the Property; the remainder is an approximately 7.1-acre severable exception for a future single family residential unit, to be retained by Vernon Associates and access to which will be through the private driveway access that connects to Willow Avenue, not through the Property; and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 1.5 acre non-severable exception area for one (1) existing single family residential unit and one (1) approximately 1-acre non-severable exception for and limited to one (1) future single family residential unit of no greater than 2,000 square feet of heated living space; and

BE IT FURTHER RESOLVED, the future single family residential unit of no greater than 2,000 square feet can be constructed in either exception area, but not both; and

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

BE IT FURTHER RESOLVED, if the Borough and County agree to the SADC providing its grant directly to Somerset County, the SADC shall enter into a Grant Agreement with the Borough 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 area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-B Supplement; 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

3-24-11

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	ABSENT
W. Scott Ellis	YES
Denis Germano, Esq.	YES
Pete Johnson	YES
James Waltman	YES



## Schedule A



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

Nick Villa/Bluebird Farm  
Block 26 Lots P/O 16.02 (17.4 ac); P/O 16.02-ES (severable exception - 7.1 ac);  
P/O 16.08 (8.4 ac) & P/O 16.08-EN (non-severable exceptions - 1.5 & 1.0 ac)  
Gross Total = 35.4 ac  
Peapack-Gladstone Borough, 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:**  
F - Freshwater Wetlands  
L - Linear Wetlands  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
N - Non-Wetlands  
B - 300' Buffer  
W - Water

**Sources:**  
NJDEP Freshwater Wetlands Data  
Green Acres Conservation Easement Data  
NJDOT Road Data  
NJOT/OGIS 2012 Digital Aerial Image

August 6, 2014



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

**Nick Villa/Bluebird Farm**

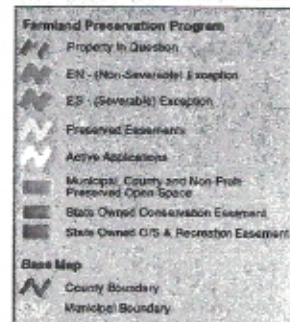
Block 26 Lots P/O 16.02 (17.4 ac); P/O 16.02-ES (severable exception - 7.1 ac);

P/O 16.08 (8.4 ac) & P/O 16.08-EN (non-severable exceptions - 1.5 & 1.0 ac)

Gross Total = 35.4 ac

Peapack-Gladstone Borough, Somerset 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  
 NJOT/OGIS 2012 Digital Aerial Image

August 6, 2014



SADC Municipal PIG Financial Status  
Schedule B

Borough of Peapack Gladstone, Somerset County

Farm	SADC ID#	Acres	Pay Acres	SADC Certified Per Acre	SADC Grant Per Acre	SADC			Expended	Balance
						Cost Basis	Cost Share	Encumbered		
Villa (Bluebird)	18-0204-PG	26.000	26.000	28,000.00	16,800.00	728,000.00	436,800.00	436,800.00		1,250,000.00
										813,200.00
Total Encumbered								436,800.00		
Closed/Expended									0.00	
Total										813,200.00

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Bluebird Farm\Villa, Nick  
18- 0204-PG  
PIG EP - Municipal 2007 Rule  
26 Acres

Block 26	Lot 16.08	Peapack Gladstone Bor Somerset County
Block 26	Lot 16.02	Peapack Gladstone Bor Somerset County

<b>SOILS:</b>	Other	15% *	0	=	.00
	Prime	63% *	.15	=	9.45
	Statewide	22% *	.1	=	2.20

**SOIL SCORE: 11.65**

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

**TILLABLE SOILS SCORE: 12.15**

<b>FARM USE:</b>	Field Crop Except Cash Grain	acres
	Hay	acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (1.5) acres for existing single family residential unit  
Exception is not to be severed from Premises
    - 2nd one (1) acres for future single family residential unit  
Exception is not to be severed from Premises  
Exception is to be limited to one future single family residential unit(s)  
The unit is restricted to less than 2,000 sq ft of heated living space
    - 3rd (7.1) acres for to be retained by Vernon Valley LLC. as co-owners of Lot 16.02  
Exception is severable  
Access to exception will be through the private driveway access that connects to Willow Avenue, not through the Premises
  - c. Additional Restrictions:
    1. The Owner and County have imposed a housing restriction where the future single family residential unit of no greater than 2,000 square feet can be constructed in either exception area, but not both.
  - 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.



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**  
**RESOLUTION FY2016R3(4)**  
**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**  
**HOPE TOWNSHIP**  
**for the**  
**PURCHASE OF A DEVELOPMENT EASEMENT**  
**On the Property of**  
**Campbell Foundry Corp. Farm ("Owners")**  
**Hope Township, Warren County**  
**N.J.A.C. 2:76-17A. et seq.**  
**SADC ID#21-0583-PG**

**MARCH 24, 2016**

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 Hope Township, Warren County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Hope Township received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on April 1, 2015 the SADC received an application for the sale of a development easement from Hope Township for the subject farm identified as Block 5200, Lot 1100, Hope Township, Warren County, totaling approximately 174.1 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Hope Township's Project Area 4 and in the Highlands Planning Area; and

WHEREAS, at the time of application and certification the Property included two (2), approximately 1-acre non-severable exception areas, each for and limited to one (1) existing single family residential unit and zero (0) housing opportunities outside the exception area; and

WHEREAS, at the time of application the Property was in hay, corn 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 June 15, 2015 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 September 24, 2015 the SADC certified a development easement value of \$2,000 per acre based on January 1, 2004 zoning and environmental regulations and \$1,700 per acre based on current zoning and environmental regulations in place as of July 2015 ; and

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

WHEREAS, after certification the landowner requested to eliminate the exception area around one of the residential units and increase the size of the other exception area, along the road, to include the septic system; and

WHEREAS, it is the opinion of each of the independent appraiser and the SADC appraisal manager that these changes to the application have no impact on their original valuation or SADC certified values; and

WHEREAS, the Property now includes one (1), approximately 1.25-acre non-severable exception area for and limited to one (1) existing single family residential unit, resulting in approximately 172.85 net acres to be preserved; and

WHEREAS, the portion of the Property outside the exception area now includes one (1) existing single family residential unit, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on February 24, 2016 the Hope Township Committee approved the application and a funding commitment for \$250 per acre; and

WHEREAS, the Warren County Agriculture Development Board approved the application on March 17, 2016 and secured a commitment of funding from the Warren County Board of Chosen Freeholders for the \$250 per acre required local match on March 23, 2016; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 172.85 net easement acres):

	Total	
SADC	\$259,275.00	(\$1,500 per acre)
Warren County	\$ 43,212.50	(\$ 250 per acre)
Hope Twp.	\$ 43,212.50	(\$ 250 per acre)
Total Easement	\$345,700.00	(\$2,000 per acre)

WHEREAS, Hope Township is requesting \$259,275 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 since the County is providing funding for the preservation of the farm; and

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

WHEREAS, 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 Hope Township for the purchase of a development easement on the Property, comprising approximately 172.85 net easement acres, at a State cost share of \$1,500 per acre, (75% of certified easement value and purchase price), for a total grant need of \$259,275.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 1.25-acre non-severable exception area for and limited to one (1) existing single family residential unit; and

BE IT FURTHER RESOLVED, the portion of the Property to be preserved outside of the exception area includes one (1) existing single family residential unit, zero (0) agricultural labor units and no pre-existing non-agricultural uses; 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 area of the Property to be preserved outside of any exception areas, 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 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.

3-24-16

Date

Susan E. Payne

Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	ABSENT
W. Scott Ellis	YES
Denis Germano, Esq.	YES
Pete Johnson	YES
James Waltman	YES

# Schedule A



Application within the (PA4) Rural Area

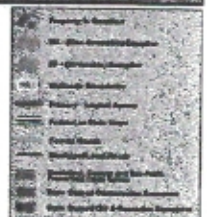
Application within the Highlands Planning Area

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

Campbell Foundry Co.  
Block 5200 Lots P/O 1100 (172.8 ac)  
& P/O 1100-EN (non-severable exceptions - 1.25 ac)  
Gross Total = 174.1 ac  
Hope 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 this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.



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

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

March 1, 2016



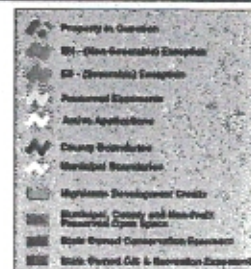
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# **FARMLAND PRESERVATION PROGRAM** **NJ State Agriculture Development Committee**

Campbell Foundry Co.  
 Block 5200 Lots P/O 1100 (172.8 ac)  
 & P/O 1100-EN (non-severable exceptions - 1.25 ac)  
 Gross Total = 174.1 ac  
 Hope Twp., Warren County

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



Sources:  
 NJ Farmland Preservation Program  
 Green Acres Conservation Easement Data  
 NJDOT/OGIS 2012 Digital Aerial Image

## 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



**Municipal Planning Incentive Grant  
Hope Township, Warren County**

Farm	SADC ID#	Acres	Pay Acres	SADC		SADC		SADC		
				Certified Per Acre	SADC Grant Per Acre	Cost Basis	Cost Share	Encumbered	Expended	Balance
Campbell Foundry	21-0583-PG	172.850	172.850	2,000.00	1,500.00	345,700.00	259,275.00	259,275.00		1,250,000.00
										990,725.00
Total Encumbered								259,275.00		
Closed/Expended									0.00	
Total										990,725.00

Schedule B



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase  
March 24, 2016

Campbell Foundry Company  
21- 0583-PG  
PIG EP - Municipal 2007 Rule  
173 Acres

Block 5200	Lot 1100	Hope Twp.	Warren County
<b>SOILS:</b>		Other	100% * 0 = .00
			<b>SOIL SCORE: .00</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	43% * .15 = 6.45
		Wetlands	7% * 0 = .00
		Woodlands	50% * 0 = .00
			<b>TILLABLE SOILS SCORE: 6.45</b>
<b>FARM USE:</b>	Hay	80 acres	
	Corn-Cash Grain	21 acres	
	Beef Cattle Except Feedlots	acres	~20 beef cows

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 single family residential unit
    - 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:  
Standard Single Family
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**  
**RESOLUTION #FY2016R3(5)**  
**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**  
**FRANKFORD TOWNSHIP**

**for the**  
**PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of**  
**The Sussex County Farm & Horse Show Association, Inc. ("Owners")**  
**Frankford Township, Sussex County**

**N.J.A.C. 2:76-17A. et seq.**  
**SADC ID# 19-0044-PG**

**MARCH 24, 2016**

WHEREAS, on December 15, 2010, 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 Frankford Township, Sussex County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Frankford Township received SADC approval of its PIG Plan and FY2016 application annual update on March 24, 2016; and

WHEREAS, on July 15, 2014 the SADC received an application for the sale of a development easement from Frankford Township for the subject farm identified as Block 10, Lot 3, Frankford Township, Sussex County totaling approximately 47.8 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Frankford Township's Papakating Creek Valley Project Area; and

WHEREAS, the Property includes one (1), approximately 2-acre severable exception area for future flexibility of use resulting in approximately 45.8 net acres to be preserved; and

WHEREAS, the portion of the Property outside the exception area includes one (1) single family residential unit and zero (0) agricultural labor units; and

WHEREAS, the portion of the Property outside the exception area also includes the following pre-existing non-agricultural uses (Acknowledged in Schedule B) which will be delineated on the survey and restricted by the terms of the easement:

- Overflow public parking in the +/- 3-acre area delineated on Schedule A for 10 days (Friday - Sunday) during the New Jersey State Fair. The remainder of the year the field area is in hay production;
- Storage of fair materials in the barn; 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 January 30, 2015 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on July 23, 2015 the SADC certified a development easement value of \$4,300 per acre based on current zoning and environmental regulations in place as of May 2015; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township's offer of \$4,300 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on November 10, 2015 the Frankford Township Committee approved the application and a funding commitment for an estimated \$660 per acre; and

WHEREAS, the Sussex County Agriculture Development Board approved the application on January 19, 2016 and secured a commitment of funding from the Sussex County Board of Chosen Freeholders for the \$660 per acre required local match on March 9, 2016; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 45.8 net easement acres):

	<u>Total</u>	
SADC	\$136,484	(\$2,980 per acre)
Sussex County	\$ 30,228	(\$ 660 per acre)
Frankford Twp.	\$ 30,228	(\$ 660 per acre)
Total Easement Purchase	\$196,940	(\$4,300 per acre)

WHEREAS, Frankford Township is requesting \$ 136,484.00 and sufficient funds are available (Schedule C); and

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

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

WHEREAS, 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 Frankford Township for the purchase of a development easement on the Property, comprising approximately 45.8 net easement acres, at a State cost share of \$2,980 per acre, (69.30% of certified easement value and purchase price), for a total grant need of \$136,484 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule D);

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 2-acre severable exception area for future flexibility of use; and

BE IT FURTHER RESOLVED, the Property outside of the exception area includes one (1) existing single family residential unit and zero (0) agricultural labor units; and

BE IT FURTHER RESOLVED, the portion of the Property outside the exception area also includes the following pre-existing non-agricultural uses: Overflow public parking in the +/- 3-acre area delineated on (Schedule A) for 10 days (Friday - Sunday) during the New Jersey State Fair and storage of fair materials in the barn, which will be delineated and restricted by the terms of the easement as a pre-existing non-agricultural use; and

BE IT FURTHER RESOLVED, if the Township and County agree to the SADC providing its grant directly to Sussex 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 area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-B Supplement 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.

3-24-16

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee



## VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	ABSENT
W. Scott Ellis	YES
Denis Germano, Esq.	YES
Pete Johnson	YES
James Waltman	YES



## Schedule A



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

Bert Smith Farm/The Sussex County Farm and Horse Show Assoc., Inc.  
Block 10 Lots P/O 3 (45.8 ac)  
& P/O 3-ES (severable exception - 2.0 ac)  
Gross Total = 47.8 ac  
Frankford Twp., Sussex County



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

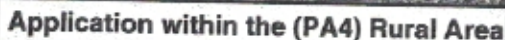


**Wetlands Legend:**  
F - Freshwater Wetlands  
L - Linear Wetlands  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
N - Non-Wetlands  
B - 300' Buffer  
W - Water

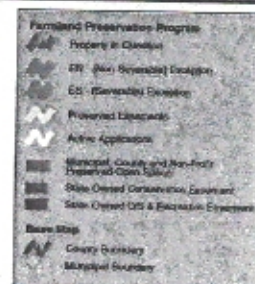
Sources:  
NJDEP Freshwater Wetlands Data  
Green Acres Conservation Easement Data  
NJDOT Road Data  
NJOT/OGIS 2012 Digital Aerial Image

July 22, 2014





Bert Smith Farm/The Sussex County Farm and Horse Show Assoc., Inc.  
Block 10 Lots P/O 3 (45.8 ac)  
& P/O 3-ES (severable exception - 2.0 ac)  
Gross Total = 47.8 ac  
Frankford Twp., Sussex County



**Sources:**  
NJ Farmland Preservation Program,  
Green Acres Conservation Easement Data  
NJOT/DGIS 2012 Digital Aerial Image

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



Stefanie Miller, Northern Project Manager  
State Agriculture Development Committee  
PO Box 330  
Trenton, New Jersey 08625

Re: NJ Farmland Preservation Application -  
Sussex County Farm & Horse Show Association  
Block 10, Lot 1 - Frankford Township, Sussex County

Dear Ms. Miller:

Sussex County Farm & Horse Show Association hereby acknowledges that the application to Frankford Township to enroll in the State Agriculture Retention and Development program includes a nonagricultural use as described below and depicted on Attachment A to this acknowledgment:

1. The storage of materials and equipment in a barn.
2. The use of a field for overflow parking from the Sussex County Fairgrounds 10 days a year (Friday - Sunday) during the New Jersey State Fair.

Should the farm become preserved, we understand that the nonagricultural uses will be delineated on the survey plat and restricted as follows by Section 4 of the Deed of Easement:

4. All nonagricultural uses, if any, existing on the Premises at the time of the landowner's application to the Grantee as set forth in Section 3 above may be continued and any structure may be restored or repaired in the event of partial destruction thereof, subject to the following:

- i No new structures or the expansion of pre-existing structures for nonagricultural use are permitted;
- ii No change in the pre-existing nonagricultural use is permitted;
- iii No expansion of the pre-existing nonagricultural use is permitted; and
- iv In the event that the Grantor abandons the pre-existing nonagricultural use, the right of the Grantor to continue the use is extinguished.

☐ (check if yes) I have received a copy of the proposed Deed of Easement for review.

JAN. 12, 2015  
Date

Harold E. Pellow PRES  
Print name under signature  
HAROLD E. PELLOW



Municipal Planning Incentive Grant  
Frankford Township, Sussex County

Farm	SADC ID#	Acres	Pay Acres	SADC		SADC			Balance
				Certified Per Acre	SADC Grant Per Acre	Cost Basis	Cost Share	Encumbered	
Sussex Farm & Horse Assoc	19-0044-PG	45.800	45.800	4,300.00	2,980.00	196,940.00	136,484.00		750,000.00
								136,484.00	613,516.00
Total Encumbered	1								
Closed/Expended									
Total								0.00	
Reprogram Out									613,516.00

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Bert Smith Farm\The Sussex Co. Farm & Horse Show Assc., Inc.  
19- 0044-PG  
PIG EP - Municipal 2007 Rule  
46 Acres

Block 10	Lot 3	Frankford Twp.	Sussex County
<b>SOILS:</b>		Other	41% * 0 = .00
		Prime	59% * .15 = 8.85
			<b>SOIL SCORE: 8.85</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	63% * .15 = 9.45
		Other	17% * 0 = .00
		Wetlands	4% * 0 = .00
		Woodlands	16% * 0 = .00
			<b>TILLABLE SOILS SCORE: 9.45</b>
<b>FARM USE:</b>		Corn-Cash Grain	45 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use:
    - fairgrounds storage in large barn
    - public parking in +/- 3 acre northwest field
    - 10 days during NJ State Fair
  - b. Exceptions:
    - 1st two (2) acres for Future Flexibility
    - Exception is severable
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:
    - Standard Single Family
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R3(6)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

FRANKFORD TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Ray and Dana Eisele ("Owners")  
Frankford Township, Sussex County

N.J.A.C. 2:76-17A. et seq.  
SADC ID# 19-0043-PG

MARCH 24, 2016

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 Frankford Township, Sussex County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Frankford Township received SADC final approval of its FY2016 PIG Plan application on March 24, 2016; and

WHEREAS, on January 27, 2014 the SADC received an application for the sale of a development easement from Frankford Township for the subject farm identified as Block 68, Lots 1.01, 1.03, Frankford Township, Sussex County, totaling approximately 14.8 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Frankford Township's Kittatinny Valley Project Area; and

WHEREAS, the Property includes zero (0) exception areas, resulting in approximately 14.8 acres to be preserved; and

WHEREAS, the Property to be preserved includes one (1) existing single family residential unit, zero (0) agricultural labor units; and

WHEREAS, the Property has a pre-existing non-agricultural use located in the basement of the existing single family residential unit, occupying an area 10'x 11', where the landowner collects, repairs and sells antique firearms; and

WHEREAS, at the time of application the Property was in vegetable, goat and chicken 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 25, 2015 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 December 10, 2015 the SADC certified a development easement value of \$4,600 per acre based on current zoning and environmental regulations in place as of September 2015 ; and

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

WHEREAS, Frankford Township is requesting \$46,768 and sufficient funds are available (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on February 2, 2016 the Frankford Township Committee approved the application and a funding commitment for the balance of local funds needed after deducting the SADC and County contribution, estimated to be \$11,312; and

WHEREAS, the Sussex County Agriculture Development Board approved the application on January 19, 2016 and secured a commitment of funding from the Sussex County Board of Chosen Freeholders for a lump sum of \$10,000 to be applied to the required local match on March 9, 2016; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 14.8 net easement acres):

	<u>Total</u>	
SADC	\$46,768	(\$3,160 per acre)
Sussex County	\$10,000	(County approved a lump sum, no per acre)
Frankford Twp.	\$11,312	(Twp. to pay remaining local cost share)
Total Easement Purchase	\$68,080	(\$4,600 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, 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 Frankford Township for the purchase of a development easement on the Property, comprising approximately 14.8 easement acres, at a State cost share of \$3,160 per acre, (68.69% of certified easement value and purchase price), for a total grant need of \$46,768 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

BE IT FURTHER RESOLVED, the Property includes zero (0) exception areas; and

BE IT FURTHER RESOLVED, the Property includes one (1) existing single family residential unit and zero (0) agricultural labor units; and

BE IT FURTHER RESOLVED, the Property has a pre-existing non-agricultural use located in the basement of the existing single family residential unit, occupying an area 10'x 11', where the landowner collects, repairs and sells antique firearms; and

BE IT FURTHER RESOLVED, if the Township and County agree to the SADC providing its grant directly to Sussex 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 area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-B Supplement; and

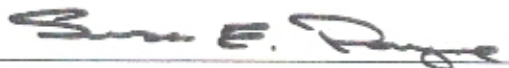
BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

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.

3-24-16

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

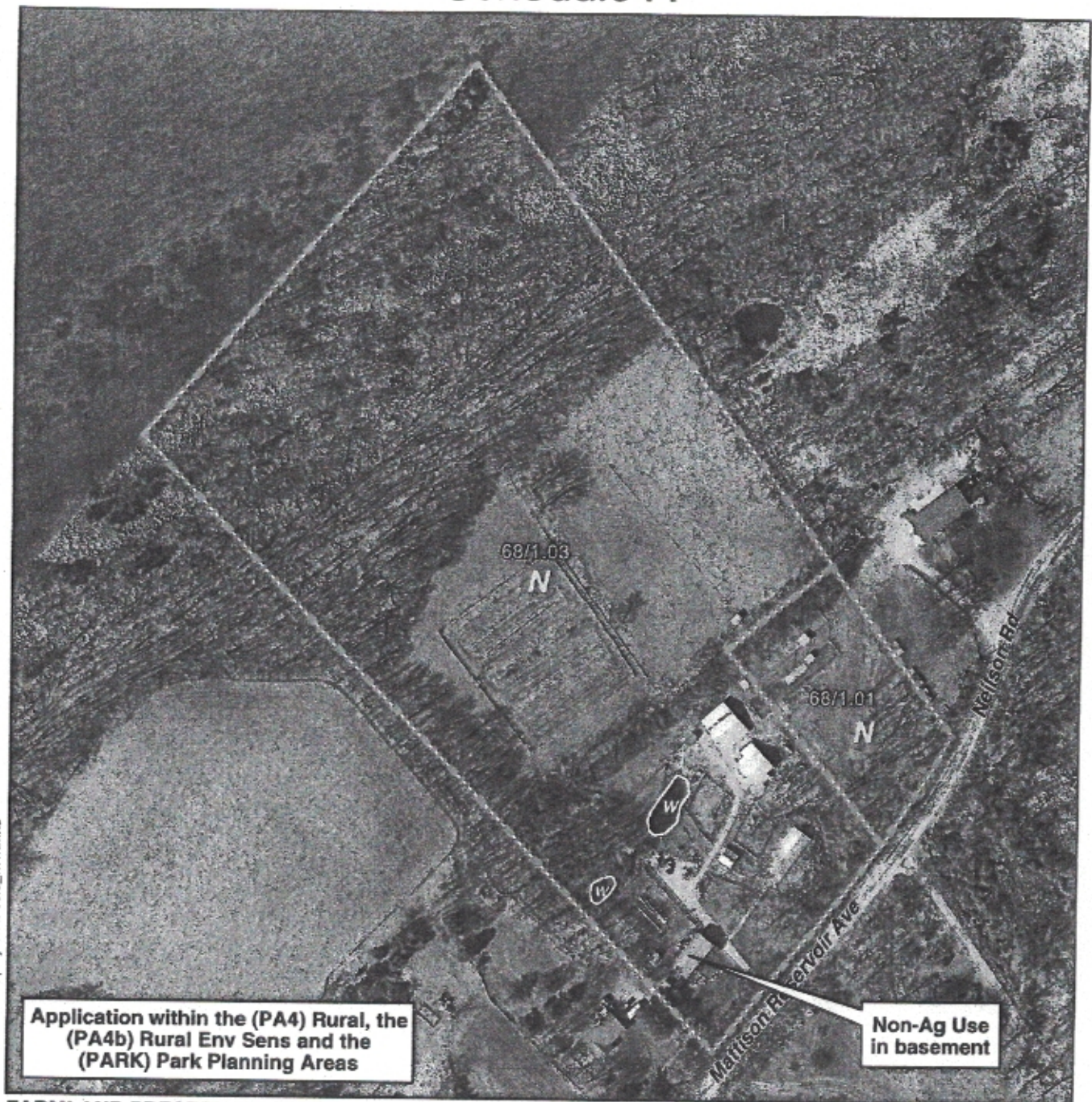
**VOTE WAS RECORDED AS FOLLOWS:**

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	ABSENT
W. Scott Ellis	YES
Denis Germano, Esq.	YES
Pete Johnson	YES
James Waltman	YES



# Schedule A

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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Ray and Dana Eisele/DanaRay Farm  
Block 68 Lots 1.01 (1.2 ac) & 1.03 (13.6 ac)  
Gross Total = 14.8 ac  
Frankford Twp., Sussex County



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



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

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

November 17, 2014



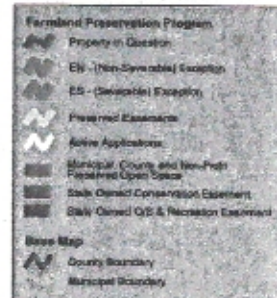
Application within the (PA4) Rural, the  
(PA4b) Rural Env Sens and the  
(PARK) Park Planning Areas

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

Ray and Dana Eisele/DanaRay Farm  
Block 68 Lots 1.01 (1.2 ac) & 1.03 (13.6 ac)  
Gross Total = 14.8 ac  
Frankford 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 Easement Data  
NJOTI/OGIS 2012 Digital Aerial Image

November 17, 2014



**Municipal Planning Incentive Grant  
Frankford Township, Sussex County**

**Schedule B**

Farm	SADC ID#	Acres	Pay Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	SADC			Federal Grant			Expended	Balance
							Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered			
Sussex Farm & Horse Assoc	19-0044-PG	45,800	45,800	4,300.00	4,300.00	2,980.00	196,940.00	136,484.00			136,484.00		750,000.00	
Eisele	19-0043-PG	14,800	14,800	4,600.00	4,600.00	3,160.00	68,080.00	46,768.00			46,768.00		613,516.00	
													566,748.00	
Total Encumbered	2	60,600					265,020.00	183,252.00			183,252.00			
Closed/Expended												0.00		
Total													666,748.00	

SADC Final Review: Development Easement Purchase  
March 24, 2016

Eisele, Ray & Dana (DanaRay Farm)  
19- 0043-PG  
PIG EP - Municipal 2007 Rule  
15 Acres

Block 68	Lot 1.03	Frankford Twp.	Sussex County
Block 68	Lot 1.01	Frankford Twp.	Sussex County
<b>SOILS:</b>		Other	100% * 0 = .00
			<b>SOIL SCORE: .00</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	50.61% * .15 = 7.59
		Wetlands	5% * 0 = .00
		Woodlands	44.39% * 0 = .00
			<b>TILLABLE SOILS SCORE: 7.59</b>
<b>FARM USE:</b>	Agricultural Production Crops	2 acres	
	Agriculture Production Livestock	acres	8 acres pasture
	Bee Farms	acres	6 hives

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:

Repair of antique firearms in bsment of the SFR unit~10' x 11'
  - b. Exceptions: No Exceptions Requested
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions:

There is an existing farm market occupying approximately 1500 square feet of the basement. Sell products from the farm only. ( jams, honey etc.)
  - e. Dwelling Units on Premises:

Standard Single Family - 24 feet by 70 feet- Farm market in portion of bsmnt.
  - 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 FY2016R3(7)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

ALLOWAY TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
William Henry Ray ("Owner")  
Alloway Township, Salem County

N.J.A.C. 2:76-17A. et seq.  
SADC ID# 17-0140-PG

March 24, 2016

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, Alloway Township received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on September 24, 2014 the SADC received an application for the sale of a development easement from Alloway Township for the subject farm identified as Block 28, Lot 1.05, Alloway Township, Salem County, totaling approximately 65 gross acres hereinafter referred to as "the Property" (Schedule A); and

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

WHEREAS, the Property includes one (1), approximately 1-acre non-severable exception area limited to one (1) future single family residential unit and to afford future flexibility of use resulting in approximately 64 net acres to be preserved; and

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

WHEREAS, the portion of the property outside of the exception area includes a pre-existing non-agricultural use, on an approximately .23 acre area within an old gravel pit, used to store wood chips from a landscape business which will be identified in the Deed of Easement and on the survey as a pre-existing non-agricultural use; and

WHEREAS, at the time of application the Property was in sheep, goat and equine production with approximately 31.4 acres utilized for growing hay and pasturing (Schedule B); and

WHEREAS, approximately 0.1 acres, is devoted to equine service (boarding services,) outside the exception area; and

WHEREAS, the equine map (Schedule B) and specialized "*Equine Schedule B*" (Schedule C) will be recorded with the Deed of Easement; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on March 27, 2015 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 12, 2015 the SADC certified a development easement value of \$6,100 per acre based on current zoning and environmental regulations in place as of December 30, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township's offer of \$6,100 per acre for the development easement for the Property; 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 Ray 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 \$6,000 per acre value of the FRPP appraisal submitted for approval on January 4, 2016 equating to an FRPP grant of \$3,000 per acre (50% of \$6,000) or approximately \$192,000 in total FRPP funds; and

WHEREAS, the Owners have agreed to the additional restrictions involved with the FRPP Grant, including a 7% maximum impervious coverage restriction (approximately 4.48 acres) for the construction of agricultural infrastructure on the Property outside of the exception area, 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, should alternate FRPP funding become available from other funding years or through other qualified entities such as the SADC, a Non-Profit organization or County it may be utilized if such funding benefits the easement acquisition and/or the successful use of FRPP funding; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on March 17, 2016 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 re-approved the application on March 23, 2016 and secured a commitment of funding from the Salem County Board of Chosen Freeholders approved the application on March 2, 2016 but is not participating financially in the easement purchase due to the anticipated receipt of the 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 64 net easement acres):

	<u>Total</u>	
SADC	\$252,800	(\$3,950 per acre)
Salem County	\$ 68,800	(\$1,075 per acre)
Alloway Twp.	\$ 68,800	(\$1,075 per acre)
Total Easement Purchase	\$390,400	(\$6,100 per acre)

**Estimated Cost share breakdown if the \$192,000 FRPP Grant is finalized and applied:**

	<u>Total</u>	<u>FRPP \$</u>	<u>New Cost Share</u>
SADC	\$252,800 (\$3,950 per acre)	\$54,400	\$198,400 (\$3,100/acre)
Salem County	\$ 68,800 (\$1,075 per acre)	\$68,800	0
Alloway Township	\$ 68,800 (\$1,075 per acre)	\$68,800	0
<u>FRPP Grant</u>			<u>\$192,000 (3,000/acre)</u>
<b>TOTAL</b>	<b>\$ 390,400</b>	<b>\$192,000</b>	<b>\$390,400 (\$6,100/acre)</b>

WHEREAS, because the FRPP grant amount has not been solidified Alloway Township is requesting the SADC encumber the full grant amount \$252,800 from the available municipal PIG funding and sufficient funds are available (Schedule D); and

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

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

WHEREAS, 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 64 net easement acres, at a State cost share of \$3,950 per acre, (64.75% of certified easement value and purchase price), for a total grant need of \$252,800 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule E);

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 1-acre non-severable exception area limited to one (1) future single family residential unit and to afford future flexibility of use; and

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

BE IT FURTHER RESOLVED, that the SADC will utilize any remaining FRPP grant funds (estimated \$54,400) 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 total local cost share; and

BE IT FURTHER RESOLVED, the equine map (Schedule B) and specialized "*Equine Schedule B*" (Schedule C) will be recorded with the Deed of Easement; and

BE IT FURTHER RESOLVED the portion of the property to be preserved outside of the exception area includes a pre-existing non-agricultural use, on an approximately .23 acre area within an old gravel pit, used to store wood chips from a landscape business which will be identified in the Deed of Easement and on the survey, as a pre-existing non-agricultural use; and



BE IT FURTHER RESOLVED, the SADC agrees to both provide its grant directly to Salem County and 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 area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-B Supplement; 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.

3-24-16

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	ABSENT
W. Scott Ellis	YES
Denis Germano, Esq.	YES
Pete Johnson	YES
James Waltman	YES

SADC Final Review: Development Easement Purchase  
March 24, 2016

Ray, William Henry  
17- 0140-PG  
PIG EP - Municipal 2007 Rule  
64 Acres

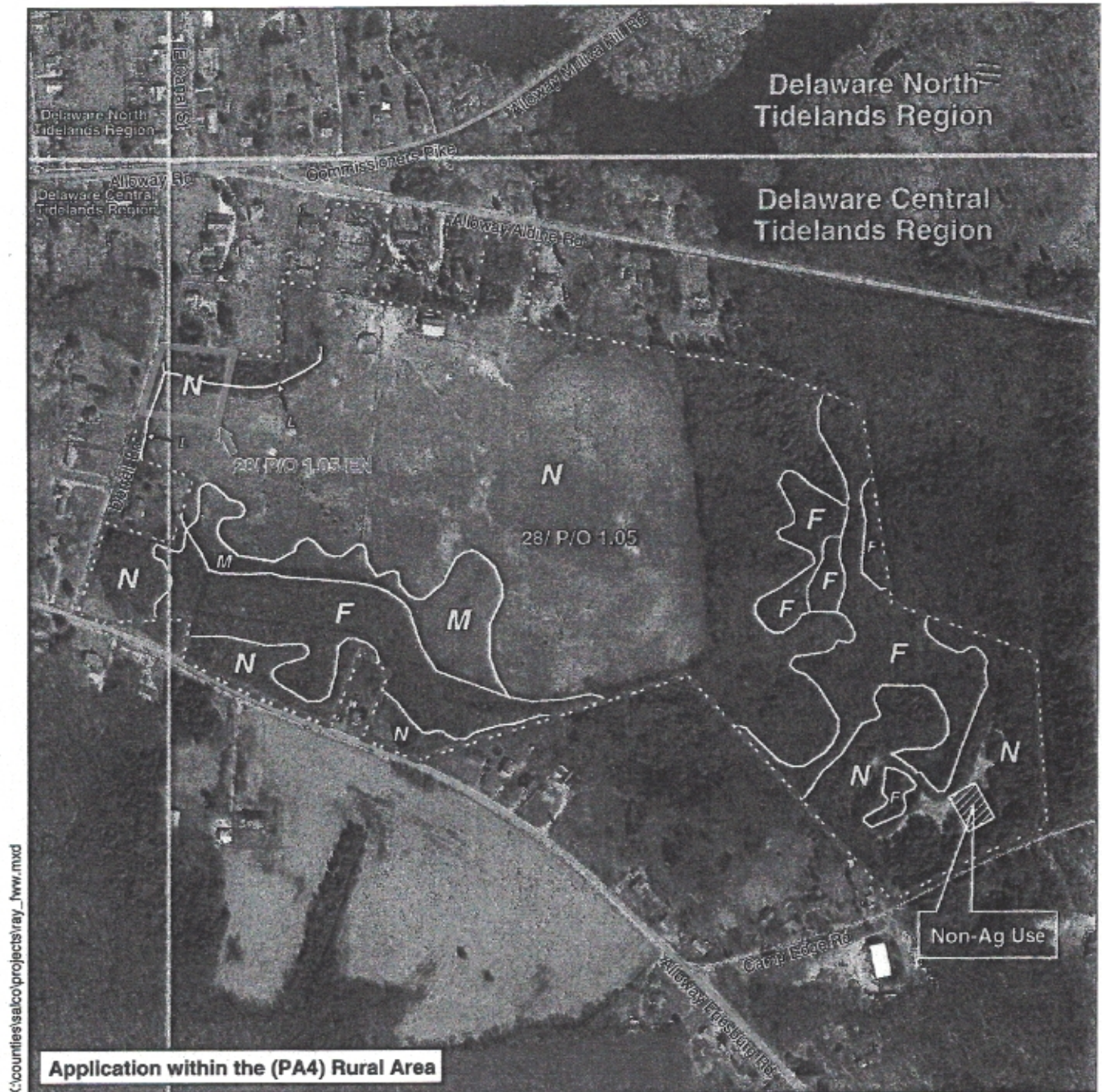
Block 28	Lot 1.05	Alloway Twp.	Salem County	
<b>SOILS:</b>		Other	15% * 0	= .00
		Prime	69% * .15	= 10.35
		Statewide	16% * .1	= 1.60
				<b>SOIL SCORE: 11.95</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	49% * .15	= 7.35
		Wetlands	19% * 0	= .00
		Woodlands	32% * 0	= .00
				<b>TILLABLE SOILS SCORE: 7.35</b>
<b>FARM USE:</b>		Sheep & Goats	acres	11 goats
		Horse & Other Equine	acres	16 horses

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:  
storage of wood chips from landscape business on approximately .23 acres.
  - b. Exceptions:  
1st one (1) acres for Future single family residential unit.  
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.



# Schedule A



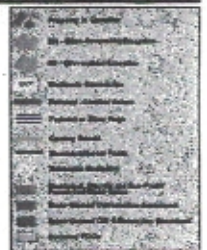
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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Henry Ray  
Block 28 Lots P/O 1.05 (64.6 ac)  
& P/O 1.05-EN (non-severable exception - 1.0 ac)  
Gross Total = 65.6 ac  
Alloway Twp., Salem County

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

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



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

**Sources:**  
NJDEP Freshwater Wetlands Data  
Green Acres Conservation Easement Data  
NJDOT Road Data  
NJCIT/OGIS 2012 Digital Aerial Image

October 22, 2014



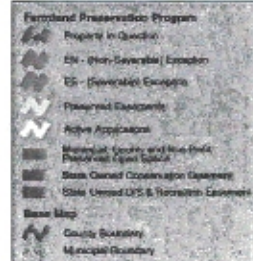
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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Henry Ray  
Block 28 Lots P/O 1.05 (64.6 ac)  
& P/O 1.05-EN (non-severable exception - 1.0 ac)  
Gross Total = 65.6 ac  
Alloway Twp., Salem County

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



### NOTE:

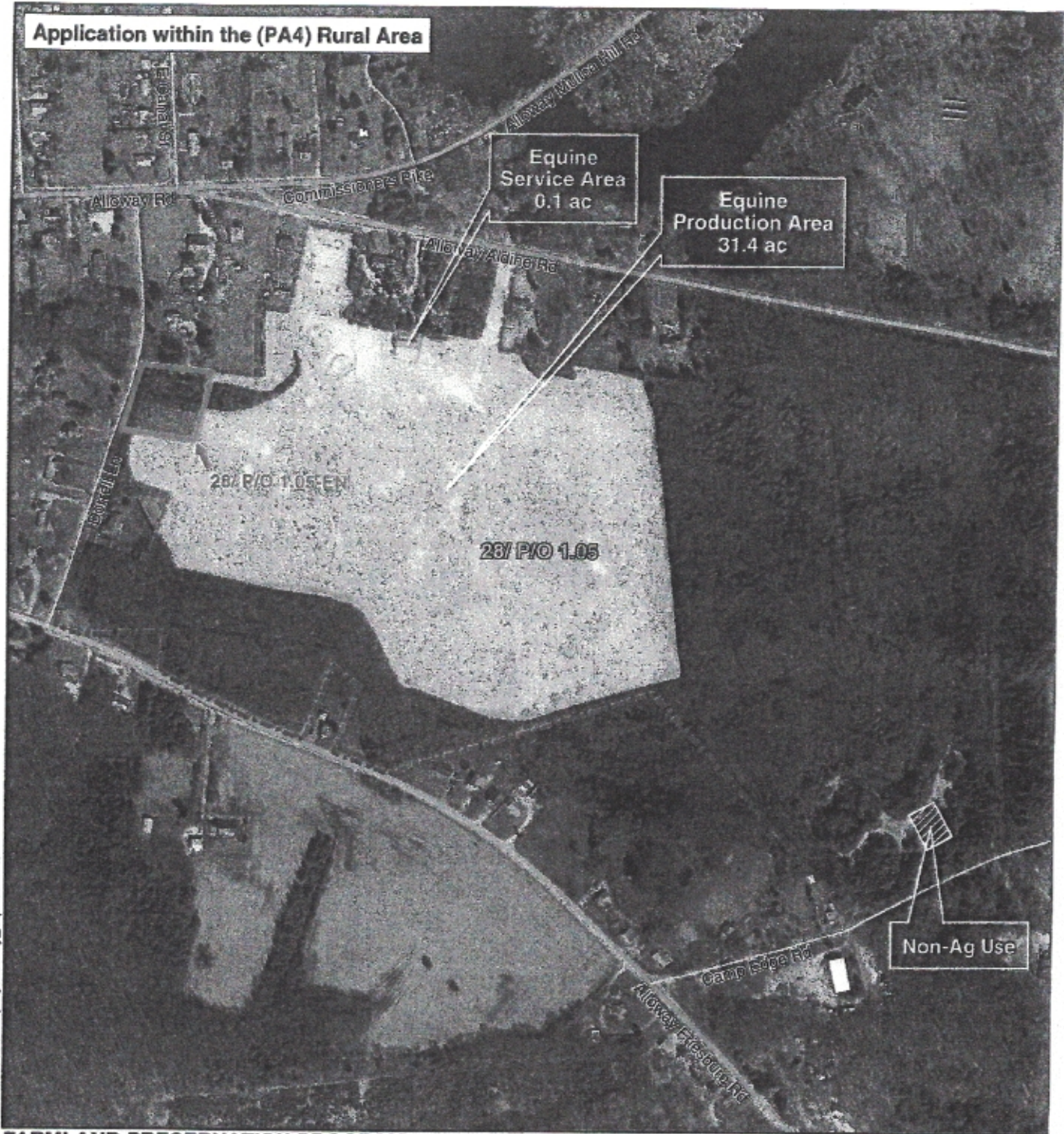
The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJOT/OGIS 2012 Digital Aerial Image

October 22, 2014



Application within the (PA4) Rural Area



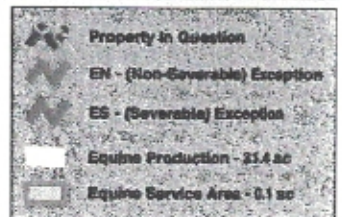
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**FARMLAND PRESERVATION PROGRAM  
NJ State Agriculture Development Committee**

Henry Ray  
Block 28 Lots P/O 1.05 (64.6 ac)  
& P/O 1.05-EN (non-severable exception - 1.0 ac)  
Gross Total = 65.6 ac  
Alloway Twp., Salem 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



Sources:  
NJDOT Road Data  
NJOT/OGIS 2012 Digital Aerial Image

January 14, 2015



## SCHEDULE B

Grantor certifies that at the time of the application to sell the development easement to the Grantee no non-agricultural uses existed. Grantor further certifies that at the time of the execution of this Deed of Easement no non-agricultural uses exist.

Grantor certifies that at the time of the application to sell the development easement to the Grantee and at the time of the execution of this Deed of Easement the following uses occur on the Premises:

Boarding, in a barn , as depicted on the survey dated \_\_\_\_\_, prepared by \_\_\_\_\_.

Grantor further certifies that the above uses (hereafter "equine service activities") are currently ancillary to equine-related production, including pasturing, horse breeding and hay production. Grantor understands and agrees that said activities are deemed agricultural uses and are not currently subject to the restrictions placed on non-agricultural uses in Paragraphs 3 and 4 of the Deed of Easement.

Grantor also understands and agrees that if, in the future, all equine production activities cease, the above equine service activities will be deemed non-agricultural, and will be subject to the restrictions placed on non-agricultural uses in Paragraphs 3 and 4 of the Deed of Easement, or, **in the event the Committee has adopted a rule regarding equine service activities on preserved farms, the equine service activities described above will be permissible only if conducted in compliance with such rules.**



**Municipal Planning Incentive Grant  
Alloway Township, Salem County**

Farm	SADC ID#	Acres	Pay Acres	SADC Certified Per Acre	SADC Grant Per Acre	SADC			Federal Grant			Encumbered	Expended	Balance
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant					
Yanus Sickler	17-0116-PG	81.047	80.959	5,700.00	3,750.00	451,523.30	303,633.75					303,633.75	303,633.75	1,250,000.00
Yanus Ancillary Costs	17-0115-PG	11.492	11.492	6,600.00	4,200.00	75,847.20	48,266.40					48,266.40	48,266.40	946,366.25
Sickler Ancillary Costs							6,710.00						6,710.00	898,099.85
Chard	17-0132-PG	22.000	22.000	7,000.00	4,400.00	154,000.00	96,800.00	82,500.00	25,300.00			96,800.00	3,245.50	888,144.35
Ray	17-0140-PG	64.000	64.000	6,100.00	3,950.00	390,400.00	252,800.00	192,000.00	54,400.00			252,800.00		791,344.35
														538,544.35
Total Encumbered	2	86.00				544,400.00	349,600.00					349,600.00		
Closed/Expended	2	92.539				537,370.50	361,855.65						361,855.65	
Total														538,544.35

SADC Final Review: Development Easement Purchase  
March 24, 2016

Ray, William Henry  
17- 0140-PG  
PIG EP - Municipal 2007 Rule  
64 Acres

Block 28	Lot 1.05	Alloway Twp.	Salem County	
<b>SOILS:</b>		Other	15% * 0	= .00
		Prime	69% * .15	= 10.35
		Statewide	16% * .1	= 1.60
				<b>SOIL SCORE: 11.95</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	49% * .15	= 7.35
		Wetlands	19% * 0	= .00
		Woodlands	32% * 0	= .00
				<b>TILLABLE SOILS SCORE: 7.35</b>
<b>FARM USE:</b>		Sheep & Goats	acres	11 goats
		Horse & Other Equine	acres	16 horses

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:  
storage of wood chips from landscape business  
.23 acres.
  - b. Exceptions:  
1st one (1) acres for Future single family residential unit.  
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 #FY2016R3(8)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

SALEM COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

John and Debra Basile ("Owner")

Upper Pittsgrove Township, Salem County

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

SADC ID# 17-0146-PG

March 24, 2016

WHEREAS, on December 15, 2007 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Salem 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, Salem County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on June 18, 2015 the SADC received an application for the sale of a development easement from Salem County for the subject farm identified as Block 18, Lot 6, Upper Pittsgrove Township, Salem County, totaling approximately 27.9 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Salem County's Cohansey-Pole Tavern-Pine Tavern (1) Project Area or; and

WHEREAS, the Property includes one (1), approximately 2.5-acre non-severable exception area limited to zero (0) housing opportunities and for future flexibility of use around the existing winery resulting in approximately 25 net acres to be preserved; and

WHEREAS, the portion of the Property outside the exception area includes one (1) single family residential unit, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

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

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

- WHEREAS, the Property has a quality score of 62.62 which exceeds 47, which is 70% of the County's average quality score as determined by the SADC July 24, 2014; and
- WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on July 27, 2015 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 10, 2015 the SADC certified a development easement value of \$6,500 per acre based on zoning and environmental regulations in place as of the current valuation date August 31, 2015;
- WHEREAS the certification and this final approval are conditioned upon the subject property being encumbered with a ten foot wide ingress/egress easement from Richwood Road along the Northern boundary to access Block 40, Lot 21, a 1.1+- acre lot owned by the applicant in Elk Township, Gloucester County, that is not in the application, prior to closing (Schedule A); and
- WHEREAS, the proposed ingress/egress easement is needed because the preservation of the subject property will land lock Block 40, Lot 21; and
- WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$6,500 per acre for the development easement for the Property; and
- WHEREAS, on January 28, 2016 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 February 3, 2016 the Upper Pittsgrove Township Committee approved the Owner's application for the sale of development easement and a commitment of funding for \$1,175 per acre to cover the municipal cost share; and
- WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on February 24, 2016 the Salem 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 5, 2016, the Board of Chosen Freeholders of the County of Salem passed a resolution granting final approval and a commitment of funding for \$1,175 per acre to cover the county cost share; and
- WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 25.75 acres will be utilized to calculate the grant need; and



WHEREAS, the estimated cost share breakdown is as follows (based on 25.75 acres); and

SADC	\$106,862.50	(\$4,150/acre)
Upper Pittsgrove	\$ 30,256.25	(\$1,175/acre)
County	\$ 30,256.25	(\$1,175/acre)
Total Easement Purchase	\$167,375.00	(\$6,500/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Salem County Agriculture Development Board is requesting \$106,862.50 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 Salem County for the purchase of a development easement on the Property, comprising approximately 25.75 net easement acres, at a State cost share of \$4,150 per acre, (63.85% of certified easement value and purchase price), for a total grant need of \$106,862.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 2.5-acre non-severable exception area limited to zero (0) housing opportunities and for future flexibility of use around the existing winery; and

BE IT FURTHER RESOLVED, the portion of the Property outside of the exception area includes one (1) single family residential unit, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, that this final approval is conditioned upon the subject property being encumbered with an ingress/egress easement at least ten feet wide leading from Richwood Road to Block 40, Lot 21 in Elk Township, Gloucester County prior to closing; 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 area of the Property to be preserved outside of any exception areas, 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 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.

3-24-16

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	ABSENT
W. Scott Ellis	YES
Denis Germano, Esq.	YES
Pete Johnson	YES
James Waltman	YES



## Schedule A

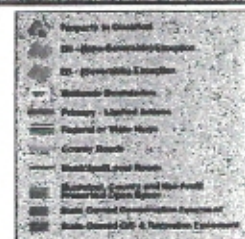


**FARMLAND PRESERVATION PROGRAM**  
**NJ State Agriculture Development Committee**

John and Debra Basile  
Block 18 Lots P/O 6 (25.4 ac);  
& P/O 6-EN (non-severable exception - 2.5 ac)  
Gross Total = 27.9 ac  
Upper Pittsgrove Twp., Salem 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 geospatial accuracy and precision of the GIS data contained in this file shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.



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

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJDEP Wetlands Data  
NJOT/OGIS 2012 Digital Aerial Image

March 4, 2018



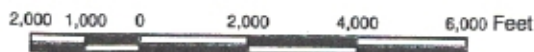
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Application within both the (PA4b) Rural Env Sens  
and the (PA5) Env Sens Areas

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

John and Debra Basile  
Block 18 Lots P/O 6 (25.4 ac);  
& P/O 6-EN (non-severable exception - 2.5 ac)  
Gross Total = 27.9 ac  
Upper Pittsgrove Twp., Salem County



**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  
NJOT/OGIS 2012 Digital Aerial Image

July 6, 2015



# SADC County Pig Financial Status Schedule B

## Salem County

SADC ID#	Farm	Municipality	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC			Federal Grant			Base Grant		
						SADC Grant Per Acre	Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance
17-0123-PG	Greco	Pittsgrove	313.4310	313.3210	5,100.00	3,450.00	1,697,937.16	1,080,957.45			1,122,906.00	1,080,957.45	1,080,957.45	1,538,382.52
17-0121-PG	Preslige World Wide	Alloway	61.3530	61.3172	7,100.00	4,450.00	364,342.12	228,361.54			242,935.50	228,361.54	228,361.54	1,300,020.96
17-0122-PG	Dunham	Mannington	38.4630	38.1450	5,700.00	3,750.00	217,436.50	143,043.75			146,775.00	143,043.75	143,043.75	1,164,977.23
17-0125-PG	Mahoney	Mannington	28.8220	28.6910	5,300.00	3,550.00	152,062.30	101,853.05			106,036.50	101,853.05	101,853.05	1,063,124.18
17-0110-PG	Moore	Mannington	145.7460	145.7460	5,050.00	3,425.00	756,217.30	513,880.06	498,292.54	254,955.29	511,523.75	257,924.76	257,924.76	805,199.42
17-0134-PG	Dubois Props., LLC	Pittsgrove	31.2230	31.2230	7,900.00	4,850.00	246,881.70	161,431.55			149,865.00	161,431.55	161,431.55	653,767.97
17-0127-PG	Brown	Upper Pittsgrove	66.2690	66.2690	6,350.00	3,575.00	311,680.30	208,272.35			213,570.50	208,272.35	208,272.35	445,495.52
17-0135-PG	Fogg, Harris, Allen	Quinton	33.6790	33.6790	3,500.00	2,500.00	117,536.50	83,947.50			87,550.00	83,947.50	83,947.50	361,648.02
17-0124-PG	Eckert, Hebert & Rowena	Essex	46.6520	46.6520	2,100.00	1,570.00	97,569.20	73,243.64			71,843.20	73,253.05	73,253.05	266,264.66
17-0133-PG	Harris	Quinton	49.3170	49.3170	3,500.00	2,500.00	172,609.50	123,292.50			123,292.50			165,002.46
17-0146-PG	Basile, J & D	Upper Pittsgrove	25.0000	25.7500	6,500.00	4,150.00	167,375.00	106,662.50			106,662.50			58,139.96
Totals Closed	8		704.8950	704.2802			3,763,863.82	2,610,747.24	498,292.54	264,955.29				
Totals Encumbered	3		120.9690	121.7190			437,963.70	303,395.64	0.00	0.00				
									Encumbered Expended FY09				617,339.97	
									Encumbered Expended FY11				1,800,000.00	
									Encumbered Expended FY13		230,155.00	73,253.05	138,451.98	58,139.96
									Encumbered Expended FY16					
									Total					58,139.96

# SADC Final Review: Development Easement Purchase

Basile Farm  
17- 0146-PG  
County PIG Program  
25 Acres

Block 18 Lot 6 Upper Pittsgrove Twp. Salem County

<b>SOILS:</b>	Other	35% *	0	=	.00
	Statewide	60% *	.1	=	6.00
	Unique zero	5% *	0	=	.00

**SOIL SCORE: 6.00**

<b>TILLABLE SOILS:</b>	Cropland Harvested	60% *	.15	=	9.00
	Other	8% *	0	=	.00
	Wetlands	20% *	0	=	.00
	Woodlands	12% *	0	=	.00

**TILLABLE SOILS SCORE: 9.00**

<b>FARM USE:</b>	Grape	4 acres
	Corn-Cash Grain	15 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (2.5) acres for winery
    - Exception is not to be severed from Premises
    - Exception is to be limited to zero future single family residential unit(s)
    - No residential construction
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:
    - Standard Single Family
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2016R3(9)

Amended Final Approval and Authorization to Execute Closing Documents  
Authorization to Contract for Professional Services  
SADC Easement Purchase

On the Property of  
Michael and Brenda Seery ("Owners")

March 24, 2016

Subject Property: Michael and Brenda Seery ("Owners")  
Block 67, Lot 17  
Block 68, Lot 2  
Upper Pittsgrove Township, Salem County  
SADC ID#: 17-0282-DE  
Approximately 103 net easement acres

Amendment Synopsis

- Approve the Owners request that payment for their development easement be paid in three installments.

WHEREAS, on August 21, 2014 the State Agriculture Development Committee ("SADC") received a development easement sale application from Michael and Brenda Seery, hereinafter "Owners", identified as Block 67, Lot 17 & Block 68, Lot 2, Upper Pittsgrove Township, Salem County, hereinafter "the Property", totaling approximately 108 gross easement acres, identified in (Schedule A); and

WHEREAS, the SADC is authorized under the Garden State Preservation Trust Act, pursuant to N.J.S.A. 13:8C-1 et seq., to purchase development easements directly from landowners; and

WHEREAS, on September 24, 2015, the SADC certified the development easement value of the Property at \$5,250 per acre based on current zoning and environmental conditions as of May 30, 2015, which the SADC offered and the Owners accepted; and

WHEREAS, the SADC granted Final Approval for the purchase of a development easement on the Property for \$5,250 on December 10, 2015 which included an allocation of one (1) Residual Dwelling Site Opportunity (RDSO), and one (1) approximately 5-acre non-severable exception area limited to one (1) single family residential unit and for future flexibility of use including an existing liming and fertilizing business, resulting in approximately 103 net acres to be preserved (Schedule B); and

WHEREAS, subsequent to SADC Final Approval the Owners requested that payment of the purchase price for the development easement be paid in three installments (Schedule C); and

WHEREAS, the SADC may, under the Agriculture Retention and Development Act, pursuant to N.J.S.A. 4:1C-32c., at the time of settlement, agree with the landowner to establish a schedule of payment which provides that the landowner may receive consideration for the easement in installments over a period of up to 40 years from the date of settlement; and

NOW THEREFORE BE IT RESOLVED that the SADC grants amended Final Approval to purchase the development easement on the Property with three equal payments; and

BE IT FURTHER RESOLVED, that the SADC shall release the first installment to the Owners at the time of closing and the subsequent two installments as detailed in (Schedule C); and

BE IT FURTHER RESOLVED, that all other provisions of the December 10, 2015 Final Approval shall remain in effect; 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-4f.

3-24-16

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	ABSENT
W. Scott Ellis	YES
Denis Germano, Esq.	YES
Pete Johnson	YES
James Waltman	YES



**Schedule C**  
**Schedule of Payments**

**Subject Property**

Michael and Brenda Seery ("Owners")

Block 67, Lot 17

Block 68, Lot 2

Upper Pittsgrove Township, Salem County

SADC ID#: 17-0282-DE

Approximately 103 net easement acres

**Date**

Closing

January 31, 2017

January 31, 2018

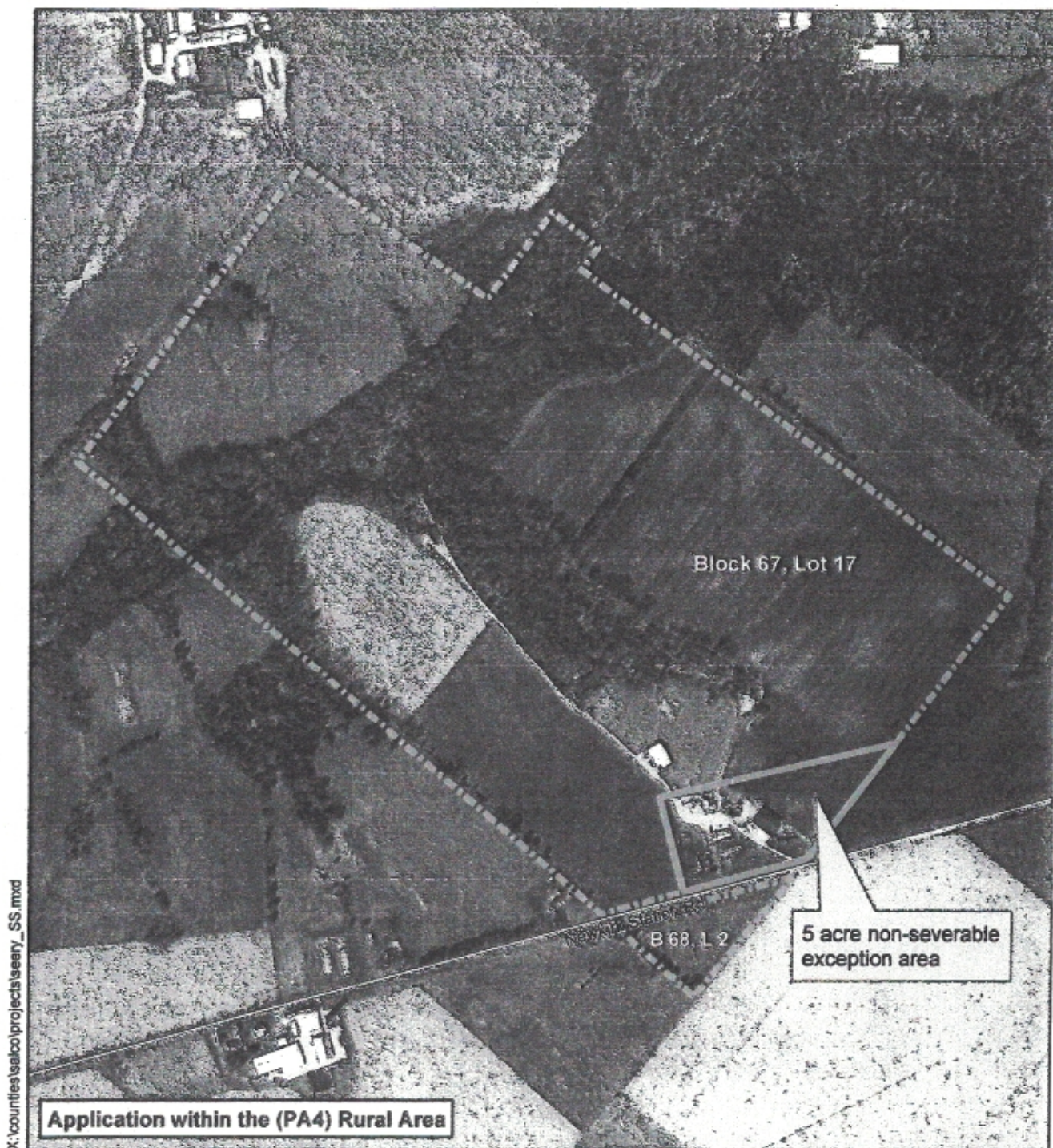
**Amount**

1/3 of purchase price

1/3 of purchase price

1/3 of purchase price

# Project Map



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

Brenda and Michael Seery  
Block 67 Lots P/O 17 (100.4 ac)  
& P/O 17-EN (non-severable exception - 5.0 ac);  
& Block 68 Lot 2 (2.4 ac)  
Gross Total = 107.8 ac  
Upper Pittsgrove Twp., Salem County

500 250 0 500 1,000 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



**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION #FY2016R12(1)**

**Final Approval and Authorization to Execute Closing Documents  
Authorization to Contract for Professional Services  
SADC Easement Purchase**

**On the Property of  
Michael and Brenda Seery ("Owners")**

**December 10, 2015**

Subject Property: Michael and Brenda Seery ("Owners")  
Block 67, Lot 17  
Block 68, Lot 2  
Upper Pittsgrove Township, Salem County  
SADC ID#: 17-0282-DE  
Approximately 103 net easement acres

WHEREAS, on August 21, 2014 the State Agriculture Development Committee ("SADC") received a development easement sale application from Michael and Brenda Seery, hereinafter "Owners," identified as Block 67 Lot 17 & Block 68, Lot 2, Upper Pittsgrove Township, Salem County, hereinafter "the Property," totaling approximately 108 gross easement acres, identified in (Schedule A); and

WHEREAS, the SADC is authorized under the Garden State Preservation Trust Act, pursuant to N.J.S.A. 13:8C-1 et seq., to purchase development easements directly from landowners; and

WHEREAS, the Property has been allocated one (1) Residual Dwelling Site Opportunity (RDSO), and has one (1), approximately 5 acre non-severable exception area limited to one (1) single family residential unit, and for future flexibility of use including an existing liming and fertilizing business, resulting in approximately 103 net acres to be preserved; and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 24, 2014 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 92 and minimum quality score of 60) because it is approximately 103 net easement acres and has a quality score of 71.47; and

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

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

WHEREAS, on September 24, 2015, the SADC certified the development easement value at \$5,250 per acre based on current zoning and environmental conditions as of May 30, 2015; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$5,250 per acre; and

WHEREAS, to proceed with the SADC's purchase of the development easement it is recognized that various professional services will be necessary including but not limited to contracts, survey, title search and insurance and closing documents; and

WHEREAS, contracts and closing documents for the acquisition of the development easement will be prepared and shall be subject to review by the Office of the Attorney General;

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval for its acquisition of the development easement at a value of \$5,250 per acre for a total of approximately \$540,750 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the Property has been allocated one (1) Residual Dwelling Site Opportunity (RDSO), and has one (1) approximately 5-acre non-severable exception area limited to one (1) single family residential unit and for future flexibility of use including an existing liming and fertilizing business, resulting in approximately 103 net acres to be preserved; and

BE IT FURTHER RESOLVED, that the SADC's purchase price shall be based on the final surveyed acreage of the Property adjusted for proposed road rights of way, other rights of way or easements as determined by the SADC, tidelands claim and streams or water bodies on the boundaries of the Property as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement; and

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

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



12-10-15



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Date

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Susan E. Payne, Executive Director  
State Agriculture Development Committee**VOTE WAS RECORDED AS FOLLOWS:**

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

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Application within the (PA4) Rural Area

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

Brenda and Michael Seery  
Block 67 Lots P/O 17 (100.4 ac)  
& P/O 17-EN (non-severable exception - 5.0 ac);  
& Block 68 Lot 2 (2.4 ac)  
Gross Total = 107.8 ac  
Upper Pittsgrove Twp., Salem 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:  
NJDEP Freshwater Wetlands Data  
Green Acres Conservation Easement Data  
NJDOT Road Data  
NOI/TOGIS 2012 Digital Aerial Image

September 8, 2014



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Application within the (PA4) Rural Area

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

Brenda and Michael Seery  
Block 67 Lots P/O 17 (100.4 ac)  
& P/O 17-EN (non-severable exception - 5.0 ac);  
& Block 68 Lot 2 (2.4 ac)  
Gross Total = 107.8 ac  
Upper Pittsgrove 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 FDC Data  
NJCIT/OGIS 2012 Digital Aerial Image

September 8, 2014



Brenda & Michael Seery  
State Acquisition  
Easement Purchase - SADC  
103 Acres

Block 67            Lot 17            Upper Pittsgrove Twp. Salem County  
Block 68            Lot 2            Upper Pittsgrove Twp. Salem County

<b>SOILS:</b>	Other	17% *	0	=	.00
	Prime	60% *	.15	=	9.00
	Statewide	23% *	.1	=	2.30
					<b>SOIL SCORE: 11.30</b>
<b>TILLABLE SOILS:</b>	Cropland Harvested	70% *	.15	=	10.50
	Wetlands	9% *	0	=	.00
	Woodlands	21% *	0	=	.00
					<b>TILLABLE SOILS SCORE: 10.50</b>
<b>FARM USE:</b>	Corn-Cash Grain		48 acres		
	Hay		12 acres		

**This final approval is subject to the following:**

1. Available funding.
2. The allocation of 1 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st five (5) acres for Ag business and 1 single family residence
    - Exception is not to be severable 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
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.



## Schedule C Schedule of Payments

**Subject Property**

Michael and Brenda Seery ("Owners")

Block 67, Lot 17

Block 68, Lot 2

Upper Pittsgrove Township, Salem County

SADC ID#: 17-0282-DE

Approximately 103 net easement acres

<b>Date</b>	<b>Amount</b>
Closing	1/3 of purchase price
January 31, 2017	1/3 of purchase price
January 31, 2018	1/3 of purchase price

## Schedule C Schedule of Payments

**Subject Property**

Michael and Brenda Seery ("Owners")

Block 67, Lot 17

Block 68, Lot 2

Upper Pittsgrove Township, Salem County

SADC ID#: 17-0282-DE

Approximately 103 net easement acres

<b>Date</b>	<b>Amount</b>
Closing	1/3 of purchase price
January 31, 2017	1/3 of purchase price
January 31, 2018	1/3 of purchase price



## Schedule C Schedule of Payments

**Subject Property**

Michael and Brenda Seery ("Owners")

Block 67, Lot 17

Block 68, Lot 2

Upper Pittsgrove Township, Salem County

SADC ID#: 17-0282-DE

Approximately 103 net easement acres

<b>Date</b>	<b>Amount</b>
Closing	1/3 of purchase price
January 31, 2017	1/3 of purchase price
January 31, 2018	1/3 of purchase price

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2016R3(10)

Final Approval and Authorization to Execute Closing Documents  
Authorization to Contract for Professional Services  
SADC Easement Purchase

On the Property of  
Joseph Case Farm West #1 ("Owners")

March 24, 2016

Subject Property: Joseph Case ("Owners")  
Block 21, p/o Lot 36 Farm West #1  
Alexandria Township, Hunterdon County  
SADC ID#: 10-0238-DE  
Approximately 74.6 Net Easement Acres

WHEREAS, on August 21, 2015, the State Agriculture Development Committee ("SADC") received a development easement sale application from Joseph Case, hereinafter "Owners," identified as a portion of Block 21, Lot 36, Alexandria Township, Hunterdon County, hereinafter "the Property," totaling approximately 77.6 Gross Acres, identified in (Schedule A); and

WHEREAS, the SADC is authorized under the Garden State Preservation Trust Act, pursuant to N.J.S.A. 13:8C-1 et seq., to purchase development easements directly from landowners; and

WHEREAS, a 83.4-acre portion of Block 21, Lot 36 was submitted as a separate application for the sale of a development easement known as the Joseph Case Farm East #2 (Schedule B); and

WHEREAS, the Property is in the Highlands Planning Area; and

WHEREAS, the Property includes one (1), approximately 3-acre non-severable exception area limited to one (1) future single family residential unit and for flexibility of use, resulting in approximately 74.6 net acres to be preserved; and

WHEREAS, the portion of the Property to be preserved outside of the exception area includes one (1) existing single family residential unit, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 23, 2015, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Hunterdon County (minimum acreage of 49 and minimum quality score of 55) because it is approximately 74.6 net easement acres and has a quality score of 66.85; and



WHEREAS, at the time of application, the Property was devoted to soybean and wheat production; and

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

WHEREAS, on February 25, 2016 the SADC certified the development easement value of the Property at \$6,000 per acre based on January 1, 2004 zoning and environmental conditions and \$5,000 per acre based on current zoning and environmental conditions as of December 2015; and

WHEREAS, the SADC's certification and this final approval are conditioned upon the landowner completing an unconditional subdivision of Lot 36, to divide the Case #1 West and Case #2 farm applications prior to closing and the simultaneous preservation of both farms; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$6,000 per acre; and

WHEREAS, to proceed with the SADC's purchase of the development easement it is recognized that various professional services will be necessary including but not limited to contracts, survey, title search and insurance and closing documents; and

WHEREAS, contracts and closing documents for the acquisition of the development easement will be prepared and shall be subject to review by the Office of the Attorney General;

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval for its acquisition of the development easement at a value of \$6,000 per acre for a total of approximately \$447,600 subject to the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 3-acre non-severable exception area limited to one (1) future single family residential unit and for flexibility of use, resulting in approximately 74.6 net acres to be preserved; and

BE IT FURTHER RESOLVED, the portion of the Property to be preserved outside of the exception area includes one (1) existing single family residential units, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, the SADC's certification and this resolution for final approval are conditioned upon the landowner completing an unconditional subdivision of Lot 36 prior to closing and the simultaneous preservation of both farms; and

BE IT FURTHER RESOLVED, that the SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement; and

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

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

3-24-16

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	ABSENT
W. Scott Ellis	YES
Denis Germano, Esq.	YES
Pete Johnson	YES
James Waltman	YES



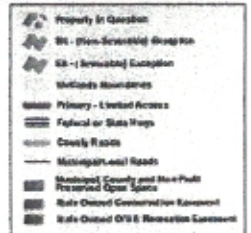
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# **FARMLAND PRESERVATION PROGRAM** **NJ State Agriculture Development Committee**

Case Farm (#1)  
 Block 21 Lots P/O 36 (74.5 ac) &  
 P/O 36-EN (non-severable exception - 3.1 ac)  
 Gross Total = 77.6 ac  
 Alexandria Twp., Hunterdon County

500 250 0 500 1,000 Feet



**Wetlands Legend:**  
 F - Freshwater Wetlands  
 L - Linear Wetlands  
 M - Wetlands Modified for Agriculture  
 T - Tidal Wetlands  
 N - Non-Wetlands  
 B - 30' Buffer  
 W - Water

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

Sources:  
 NJ Farmland Preservation Program  
 Green Acres Conservation Easement Data  
 NJDEP Wetlands Data  
 NJ Highlands Council Data  
 NJOT/ODIS 2012 Digital Aerial Image

January 15, 2016



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Application within the Highlands Planning Area

# **FARMLAND PRESERVATION PROGRAM**

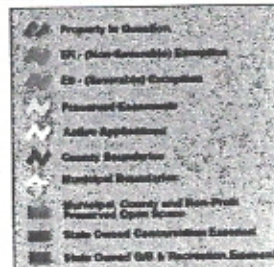
## **NJ State Agriculture Development Committee**

Case Farm (#1)  
 Block 21 Lots P/O 36 (74.5 ac) &  
 P/O 36-EN (non-severable exception - 3.1 ac)  
 Gross Total = 77.6 ac  
 Alexandria Twp., Hunterdon 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 Highlands Council Data  
 NJGIS 2012 Digital Aerial Image

August 17, 2015



# Schedule B

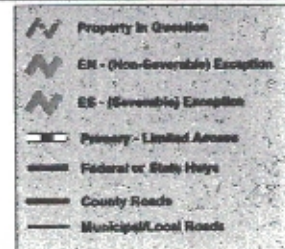
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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Case Farm (#1)  
Block 21 Lots P/O 36 (74.5 ac) &  
P/O 36-EN (non-severable exception - 3.1 ac)  
Gross Total = 77.6 ac  
Alexandria Twp., Hunterdon County

Case Farm (#2)  
Block 21 Lots P/O 36 (72.8 ac) &  
P/O 36-EN (non-severable exception - 10.5 ac)  
Gross Total = 83.4 ac  
Alexandria Twp., Hunterdon County



Sources:  
Green Acres Conservation Easement Data  
NJOT/OGIS 2012 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 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.

March 14, 2016



# SADC Final Review: Development Easement Purchase

## Case, Joseph (c/o John) #1 West Farm State Acquisition Easement Purchase - SADC 75 Acres

Block 21	Lot p/o 36	Alexandria Twp.	Hunterdon County
<b>SOILS:</b>		Other	5% * 0 = .00
		Prime	58% * .15 = 8.70
		Statewide	37% * .1 = 3.70
			<b>SOIL SCORE: 12.40</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	57% * .15 = 8.55
		Wetlands	11% * 0 = .00
		Woodlands	32% * 0 = .00
			<b>TILLABLE SOILS SCORE: 8.55</b>
<b>FARM USE:</b>	Wheat-Cash Grain		43 acres

### This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (3.1) acres for 1 future single family residential unit; future flexibility of use
    - Exception is not to be severable from Premises
    - Right to Farm language is to be included in Deed of Easement
    - Exception is to be limited to one future single family residential unit(s)
  - c. Additional Restrictions:
 

Use of the exception area shall not impair, hinder or negatively impact the agricultural use on the Premises (adjacent preserved farmland as determined by the SADC).
  - d. Additional Conditions:
 

The SADC's certification and final approval are conditioned upon the landowner completing an unconditional subdivision of Lot 36 prior to closing and the simultaneous preservation of both the Case #1 West and Case #2 East farms.
  - e. Dwelling Units on Premises:
 

Standard Single Family
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2016R3(11)

Final Approval and Authorization to Execute Closing Documents  
Authorization to Contract for Professional Services  
SADC Easement Purchase

On the Property of  
Joseph Case Farm East #2 ("Owners")

March 24, 2016

Subject Property: Joseph Case ("Owners")  
Block 21, p/o Lot 36 Farm East #2  
Alexandria Township, Hunterdon County  
SADC ID#: 10-0237-DE  
Approximately 83.4 Net Easement Acres

WHEREAS, on August 21, 2015, the State Agriculture Development Committee ("SADC") received a development easement sale application from Joseph Case, hereinafter "Owners," identified as a portion of Block 21, Lot 36, Alexandria Township, Hunterdon County, hereinafter "the Property," totaling approximately 83.4 Gross Acres, identified in (Schedule A); and

WHEREAS, the SADC is authorized under the Garden State Preservation Trust Act, pursuant to N.J.S.A. 13:8C-1 et seq., to purchase development easements directly from landowners; and

WHEREAS, a 77.6-acre portion of Block 21, Lot 36 was submitted as a separate application for the sale of a development easement known as the Joseph Case Farm West #1 (Schedule B); and

WHEREAS, the Property is in the Highlands Planning Area; and

WHEREAS, the Property includes one (1), approximately 10.5-acre non-severable exception area limited to two (2) future single family residential units and for future flexibility of use, i.e. a possible veterinary practice, resulting in approximately 72.9 net acres to be preserved; and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 23, 2015, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Hunterdon County (minimum acreage of 49 and minimum quality score of 55) because it is approximately 72.9 net easement acres and has a quality score of 73.04; and

WHEREAS, at the time of application, the Property was devoted to soy bean production; and

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

WHEREAS, on February 25, 2016 the SADC certified the development easement value of the Property at \$5,600 per acre based on January 1, 2004 zoning and environmental conditions and \$3,600 per acre based on current zoning and environmental conditions as of December 2015; and

WHEREAS, the SADC's certification and this final approval are conditioned upon the landowner completing an unconditional subdivision of Lot 36, to divide the Case #1 West and Case #2 East prior to closing and the simultaneous preservation of both farms; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$5,600 per acre; and

WHEREAS, to proceed with the SADC's purchase of the development easement it is recognized that various professional services will be necessary including but not limited to contracts, survey, title search and insurance and closing documents; and

WHEREAS, contracts and closing documents for the acquisition of the development easement will be prepared and shall be subject to review by the Office of the Attorney General;

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval for its acquisition of the development easement at a value of \$5,600 per acre for a total of approximately \$408,240 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 10.5-acre non-severable exception area limited to two (2) future single family residential units and for future flexibility of use, i.e. a possible veterinary practice, resulting in approximately 72.9 net acres to be preserved; and

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

BE IT FURTHER RESOLVED, the certification and final approval are conditioned upon the landowner completing an unconditional subdivision of Lot 36, , to divide the Case #1 West and Case #2 East, prior to closing and the simultaneous preservation of both farms; and

BE IT FURTHER RESOLVED, that the SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and



review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement; and

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

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

3-24-16

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	ABSENT
W. Scott Ellis	YES
Denis Germano, Esq.	YES
Pete Johnson	YES
James Waltman	YES

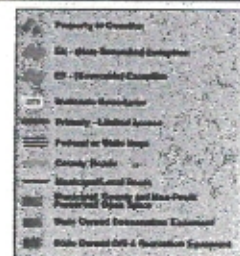


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**FARMLAND PRESERVATION PROGRAM**  
NJ State Agriculture Development Committee

Case Farm (#2)  
Block 21 Lots P/O 36 (72.8 ac) &  
P/O 36-EN (non-severable exception - 10.5 ac)  
Gross Total = 83.4 ac  
Alexandria Twp., Hunterdon County



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

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJDEP Wetlands Data  
NJ Highlands Council Data  
NJOT/OGIS 2012 Digital Aerial Image

January 25, 2016

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# **FARMLAND PRESERVATION PROGRAM**

## **NJ State Agriculture Development Committee**

Case Farm (#2)  
 Block 21 Lots P/O 36 (72.8 ac) &  
 P/O 36-EN (non-severable exception - 10.5 ac)  
 Gross Total = 83.4 ac  
 Alexandria Twp., Hunterdon 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



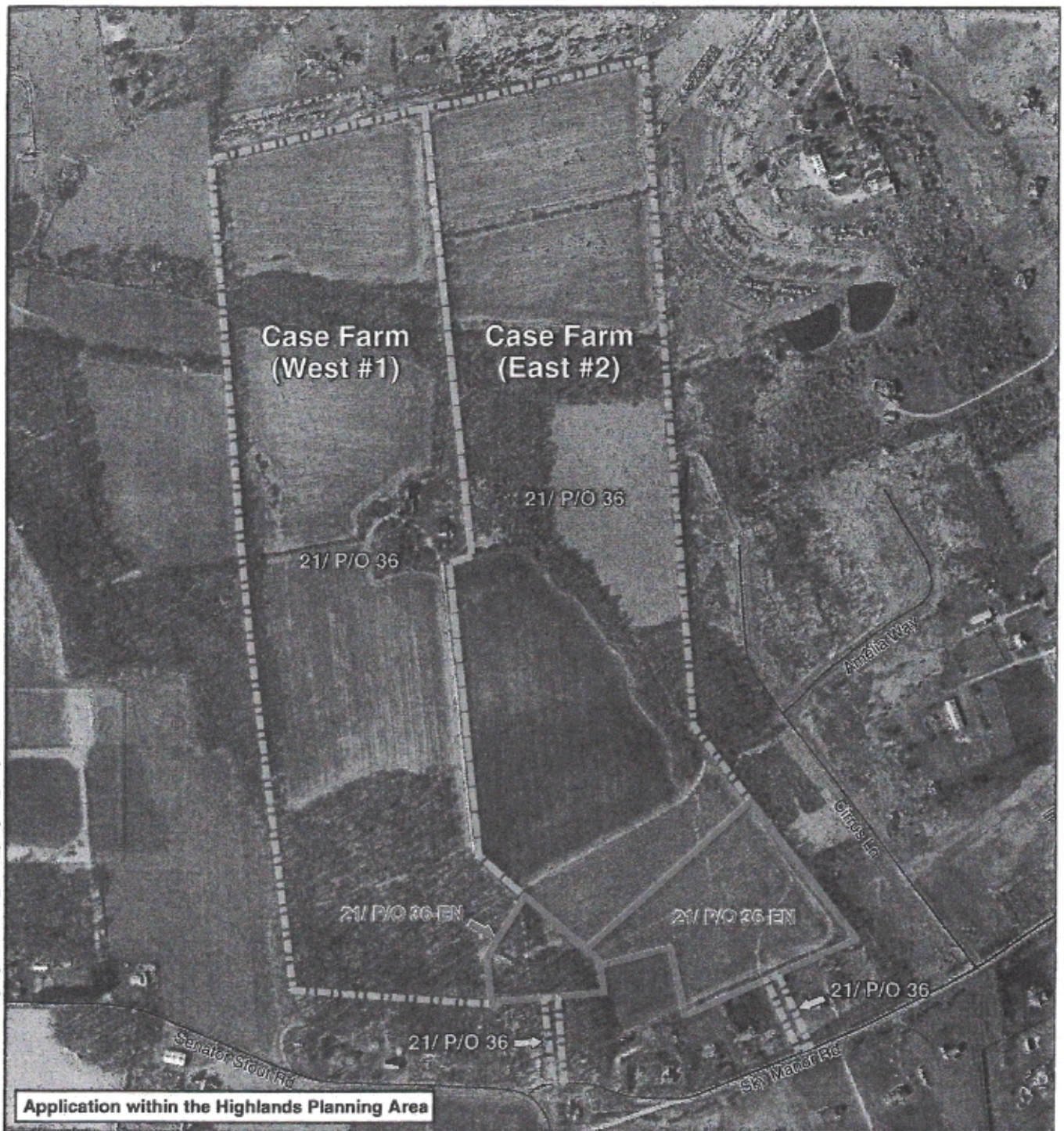
Sources:  
 NJ Farmland Preservation Program  
 Green Acres Conservation Easement Data  
 NJ Highlands Council Data  
 NJGIS/OGIS 2012 Digital Aerial Image

August 17, 2016



# Schedule B

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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Case Farm (#1)  
Block 21 Lots P/O 36 (74.5 ac) &  
P/O 36-EN (non-severable exception - 3.1 ac)  
Gross Total = 77.6 ac  
Alexandria Twp., Hunterdon County

Case Farm (#2)  
Block 21 Lots P/O 36 (72.8 ac) &  
P/O 36-EN (non-severable exception - 10.5 ac)  
Gross Total = 83.4 ac  
Alexandria Twp., Hunterdon County



	Property in Question
	EM - (Non-Severable) Exception
	ES - (Severable) Exception
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads

500 250 0 500 1,000 Feet

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

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March 14, 2016



# SADC Final Review: Development Easement Purchase

Case, Joseph (c/o John Case) #2 East Farm  
State Acquisition  
Easement Purchase - SADC  
73 Acres

Block 21	Lot p/o 36	Alexandria Twp.	Hunterdon County
<b>SOILS:</b>			
	Other	5% * 0	= .00
	Prime	81% * .15	= 12.15
	Statewide	14% * .1	= 1.40
		<b>SOIL SCORE: 13.55</b>	
<b>TILLABLE SOILS:</b>			
	Cropland Harvested	76% * .15	= 11.40
	Wetlands	10% * 0	= .00
	Woodlands	14% * 0	= .00
		<b>TILLABLE SOILS SCORE: 11.40</b>	
<b>FARM USE:</b>	Soybeans-Cash Grain	55 acres	

**This final approval is subject to the following:**

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (10.5) acres for 2 future single family residential units and flexibility of use; possible veterinary practice.
    - Exception is not to be severable from Premises
    - Right to Farm language is to be included in Deed of Easement
    - Exception is to be limited to two future single family residential unit(s)
  - c. Additional Restrictions:
 

Use of the exception area shall not impair, hinder or negatively impact the agricultural use on the Premises (adjacent preserved farmland as determined by the SADC.
  - d. Additional Conditions:
 

The SADC's certification and final approval are conditioned upon the landowner completing an unconditional subdivision of Lot 36, Case #1 West and Case #2 East prior to closing and the simultaneous preservation of both farms.
  - e. Dwelling Units on Premises:
 

No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2016R3(12)

Final Approval and Authorization to Execute Closing Documents  
Authorization to Contract for Professional Services  
SADC Easement Purchase

On the Property of  
David K. and Tracy L. Strang ("Owners")

March 24, 2016

Subject Property: David K. and Tracy L. Strang ("Owners")  
Blocks 74, Lot 1; Block 75, Lot 14; Block 76, Lot 10  
Upper Pittsgrove Township  
Block 44, Lot 5, Alloway Township  
Salem County  
SADC ID#: 17-0289-DE  
Approximately 160.4 Easement Acres

WHEREAS, on May 4, 2015, the State Agriculture Development Committee ("SADC") received a development easement sale application from David K. and Tracy L. Strang, hereinafter "Owners," identified as Block 74, Lot 1; Block 75, Lot 14 and Block 76, Lot 10, Upper Pittsgrove Township, and Block 44, Lot 5, Alloway Township, Salem County, hereinafter "the Property," totaling approximately 160.4 Gross Acres, identified in (Schedule A); and

WHEREAS, the SADC is authorized under the Garden State Preservation Trust Act, pursuant to N.J.S.A. 13:8C-1 et seq., to purchase development easements directly from landowners; and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 25, 2013, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 92 and minimum quality score of 60) because it is approximately 160.4 easement acres and has a quality score of 74.30; and

WHEREAS, at the time of application, the Property was devoted to grain, vegetable and melon production; and

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



WHEREAS, on February 25, 2015, the SADC certified the development easement value at \$5,100 per acre based on current zoning and environmental conditions as of January 6, 2016; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$5,100 per acre; and

WHEREAS, to proceed with the SADC's purchase of the development easement it is recognized that various professional services will be necessary including but not limited to contracts, survey, title search and insurance and closing documents; and

WHEREAS, contracts and closing documents for the acquisition of the development easement will be prepared and shall be subject to review by the Office of the Attorney General;

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval for its acquisition of the development easement at a value of \$5,100 per acre for a total of approximately \$818,040 subject to the conditions contained in (Schedule B); and

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

BE IT FURTHER RESOLVED, that the SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement; and

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

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

3-24-16

Date



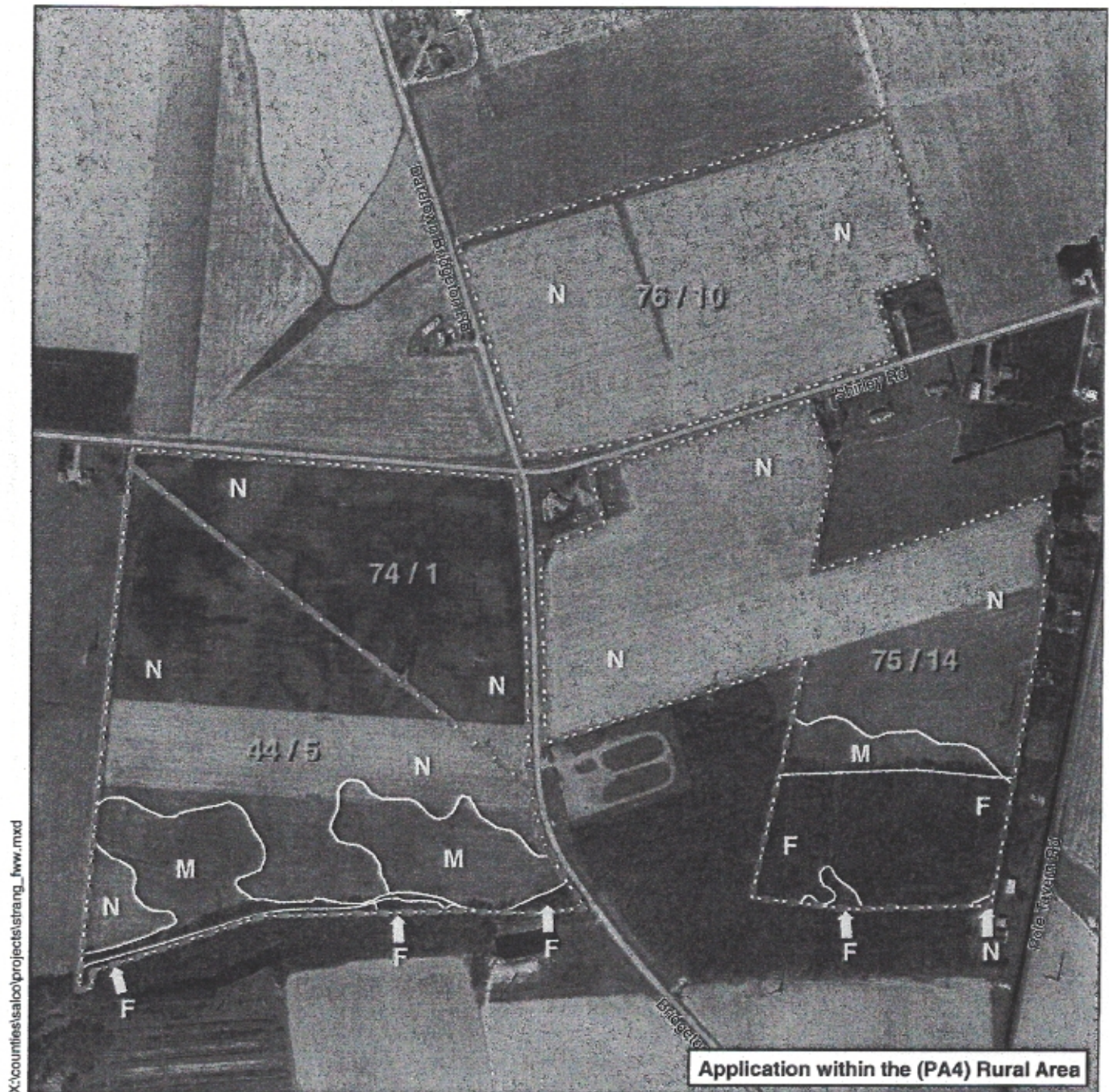
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	ABSENT
W. Scott Ellis	YES
Denis Germano, Esq.	YES
Pete Johnson	YES
James Waltman	YES



# Schedule A

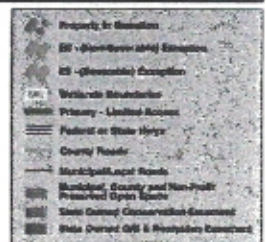


## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

David and Tracy Strang  
 Alloway Twp - Block 44 Lot 5 (46.85 ac)  
 Upper Pittsgrove Twp - Block 74 Lot 1 (22.21 ac); Block 75 Lot 14 (54.8 ac)  
 & Block 76 Lot 10 (35.75 ac)  
 Gross Total = 159.61 ac  
 Salem County

500 250 0 500 1,000 Feet

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



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

**Sources:**  
 NJ Farmland Preservation Program  
 Green Acres Conservation Easement Data  
 NJCEP Wetlands Data  
 NJOTISGIS 2012 Digital Aerial Image

Date: 6/9/2015



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# **FARMLAND PRESERVATION PROGRAM**

## **NJ State Agriculture Development Committee**

David and Tracy Strang  
 Alloway Twp - Block 44 Lot 5 (46.85 ac)  
 Upper Pittsgrove Twp - Block 74 Lot 1 (22.21 ac); Block 75 Lot 14 (54.8 ac)  
 & Block 76 Lot 10 (35.75 ac)  
 Gross Total = 159.61 ac  
 Salem County



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

Sources:  
 NJ Farmland Preservation Program  
 Green Acres Conservation Easement Data  
 NJOT/OGIS 2012 Digital Aerial Image

### **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

Date: 6/9/2015



# SADC Final Review: Development Easement Purchase

## Strang Farm Easement Purchase - SADC 160 Acres

Block 74	Lot 1	Upper Pittsgrove Twp. Salem County
Block 75	Lot 14	Upper Pittsgrove Twp. Salem County
Block 76	Lot 10	Upper Pittsgrove Twp. Salem County
Block 44	Lot 5	Alloway Twp. Salem County

<b>SOILS:</b>	Other	8% * 0	=	.00
	Prime	78% * .15	=	11.70
	Statewide	14% * .1	=	1.40

**SOIL SCORE: 13.10**

<b>TILLABLE SOILS:</b>	Cropland Harvested	91% * .15	=	13.65
	Wetlands	9% * 0	=	.00

**TILLABLE SOILS SCORE: 13.65**

<b>FARM USE:</b>	Soybeans-Cash Grain	acres
	Vegetable & Melons	acres

### This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions: No Exceptions Requested
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION #FY2016R3(13)**

**NEW JERSEY CONSERVATION FOUNDATION**

**ASSIGNMENT OF DEED OF EASEMENT  
ZIEBARTH FARM -SADC #18-0011 NP**

**March 24, 2016**

WHEREAS, on December 10, 2015 New Jersey Conservation Foundation (NJCF) received State Agriculture Development Committee (SADC) Final Approval to acquire the development easement on the Ziebarth farm, Block 41, Lot 1, Bedminster Township, Somerset County, see Schedule A; and

WHEREAS, NJCF anticipates closing on the Ziebarth farm in the near future at which time the Deed of Easement will be recorded in the Somerset County Clerk's Office; and

WHEREAS, N.J.A.C. 2:76-16.1(a)3.iii provides for the conveyance of the Deed of Easement by the nonprofit to the county; and

WHEREAS, paragraph 30 of the draft Deed of Easement states, "Grantee shall not convey the development easement except to the Federal government, the State, the county, or another qualifying tax exempt nonprofit organization for farmland preservation purposes. Any conveyance shall be approved in writing by the United States and the Committee, or their respective successors or assigns, and executed in recordable form."; and

WHEREAS, NJCF intends to assign the Deed of Easement to the Somerset County Board of Chosen Freeholders immediately after closing on the Deed of Easement; and

WHEREAS, on September 23, 2015 NJCF passed a resolution approving the assignment of the Ziebarth Deed of Easement to Somerset County; and

WHEREAS, on March 9, 2016 the United States Department of Agriculture, Natural Resources Conservation Service granted approval to the assignment of the Ziebarth Deed of Easement from the New Jersey Conservation Foundation to the County of Somerset; and

WHEREAS, on February 16, 2016 the Somerset County Agriculture Development Board granted approval to NJCF's assignment of the Ziebarth Deed of Easement to Somerset County; and

WHEREAS, on March 22, 2016 the Somerset County Board of Chosen Freeholders approved the acceptance of the assignment of the Ziebarth Deed of Easement; and



WHEREAS, NJCF and Somerset County are requesting SADC approval for the assignment of the Deed of Easement on the Ziebarth farm to the Somerset County Board of Chosen Freeholders; and

WHEREAS, after the assignment has been recorded in the Somerset County Clerk's Office, Somerset County will be responsible for monitoring and enforcing the Deed of Easement;

NOW THEREFORE BE IT RESOLVED, that the SADC approves the assignment of the Ziebarth Deed of Easement from New Jersey Conservation Foundation to the Somerset County Board of Chosen Freeholders immediately after the Deed of Easement to NJCF has been recorded in the Somerset County Clerk's Office; and

BE IT FURTHER RESOLVED, that all documents required to complete the assignment shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that this approval expires 12 months after the date of the Deed of Easement recording; 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 approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

3-24-16

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	ABSENT
W. Scott Ellis	YES
Denis Germano, Esq.	YES
Pete Johnson	YES
James Waltman	YES

Schedule A

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2016R12(6)

Final Approval and Authorization to  
Execute Deed of Easement, Project Agreement, and Closing Documents  
New Jersey Conservation Foundation - Ziebarth Farm  
FY2013 Non Profit Round - SADC #18-0011 NP

December 10, 2015

WHEREAS, on May 21, 2012 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from New Jersey Conservation Foundation ("NJCF") for the Ziebarth farm identified as Block 41, Lot 1, Bedminster Township, Somerset County, totaling approximately 29 gross acres, hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property includes one (1), approximately 5.2-acre non-severable exception limited to one (1) existing single family residential unit and one (1) existing cottage (limited to 1,200 square feet), resulting in approximately 23.8 net acres to be preserved; and

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

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

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

WHEREAS, on September 27, 2012 the SADC granted preliminary approval by Resolution #FY2013R9(26) to the NJCF application and appropriated \$2,169,237 for the acquisition of development easement on seven farms including the Ziebarth farm; and

WHEREAS, in accordance with N.J.A.C. 2:76-12.2(b) the SADC determined that any farm that has a quality score (as determined by N.J.A.C. 2:76-6.16) greater than or equal to 70% of the county average quality score as determined in the County PIG program be eligible for funding; and

WHEREAS, at the time of SADC preliminary approval the Property has a quality score of 63.05 which is greater than 70% of the County average quality score of 48 as determined on July 28, 2011; and



WHEREAS, on September 24, 2015 the SADC certified the development easement value of the Property to be \$28,500 per acre based on current zoning and environmental regulations in place as of February 26, 2015; and

WHEREAS, the SADC advised NJCF of the certified value and its willingness to provide a 50 percent cost share grant pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of NJCF's eligible costs and subject to available funds appropriated in the FY2013 Nonprofit round; and

WHEREAS, a parcel application was submitted by the NJCF to the United States Department of Agriculture, Natural Resources Conservation Service Federal Farm and Ranch Lands Protection Program (FRPP); and

WHEREAS, the NRCS has determined that the Property and Landowner qualified for FRPP grant funds; and

WHEREAS, the landowner has agreed to the additional restrictions associated with the FRPP grant, including a 6.67% maximum impervious coverage restriction (approximately 1.59 acres) on the lands being preserved outside of the exception area for the construction of agricultural infrastructure on the Property, which is the maximum impervious coverage allowable for the Property through the FRPP program at this time; and

WHEREAS, the FRPP approved current easement value is \$32,000 per acre equating to a maximum estimated FRPP grant of \$16,000.00 per acre (50% of \$32,000); and

WHEREAS, the Owner accepted NJCF's offer of \$30,000 for the development easement on the Property which was higher than the SADC certified value, but equal to the highest appraisal submitted for certification; and

WHEREAS, on October 26, 2015 NJCF informed the SADC that it accepted the SADC certified easement value of \$28,500 per acre and SADC 50% per acre cost share of \$14,250.00; and

WHEREAS, the anticipated cost share participation for the project will be as follows based on 23.8 acres:

NJCF FRPP Grant	\$374,850.00	\$15,750.00/acre
SADC Nonprofit Grant Funds	<u>\$339,150.00</u>	<u>\$14,250.00/acre (50% of \$28,500)</u>
Total	\$714,000.00	\$30,000.00/acre; and

WHEREAS, this final approval is conditional upon securing FRPP funding in an amount sufficient enough to cover NJCF's cost share; and

WHEREAS, pursuant to N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3, the SADC shall provide a cost share grant to NJCF for up to 50% of the eligible ancillary costs which will be deducted from its appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the New Jersey Conservation Foundation/Ziebarth easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$14,250.00 per acre (total of approximately \$339,150.00 based on 23.8 acres) to the New Jersey Conservation Foundation for the development easement acquisition on the Ziebarth farm subject to the availability of funds; and

BE IT FURTHER RESOLVED, that this final approval is conditional upon securing FRPP funding in an amount sufficient enough to cover the NJCF's cost share; and

BE IT FURTHER RESOLVED, the SADC approves the use of NJCF Federal Farm and Ranch Land Protection Program funds for the preservation of the Ziebarth farm, which will include an impervious coverage limitation of 6.67% and other restrictions required under the Federal Farm and Ranch Land Protection Program; and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 5.2 acre non-severable exception limited to one existing single family residential unit and one existing cottage (limited to 1,200 square feet); and

BE IT FURTHER RESOLVED, the Property to be preserved outside of the non-severable exception includes zero (0) housing opportunities, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, the application is subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED that the SADC authorizes staff to proceed with the preparation of a Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1; and

BE IT FURTHER RESOLVED, the SADC's cost share grant to New Jersey Conservation Foundation for the development easement purchase on the approved application shall be based on the final surveyed acreage of the Property to be preserved outside of any exception area adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement; and



BE IT FURTHER RESOLVED that the SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute by signature all documents necessary to provide a grant to the New Jersey Conservation Foundation for the acquisition of a development easement on the Ziebarth farm; 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

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

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

12-10-15

Date

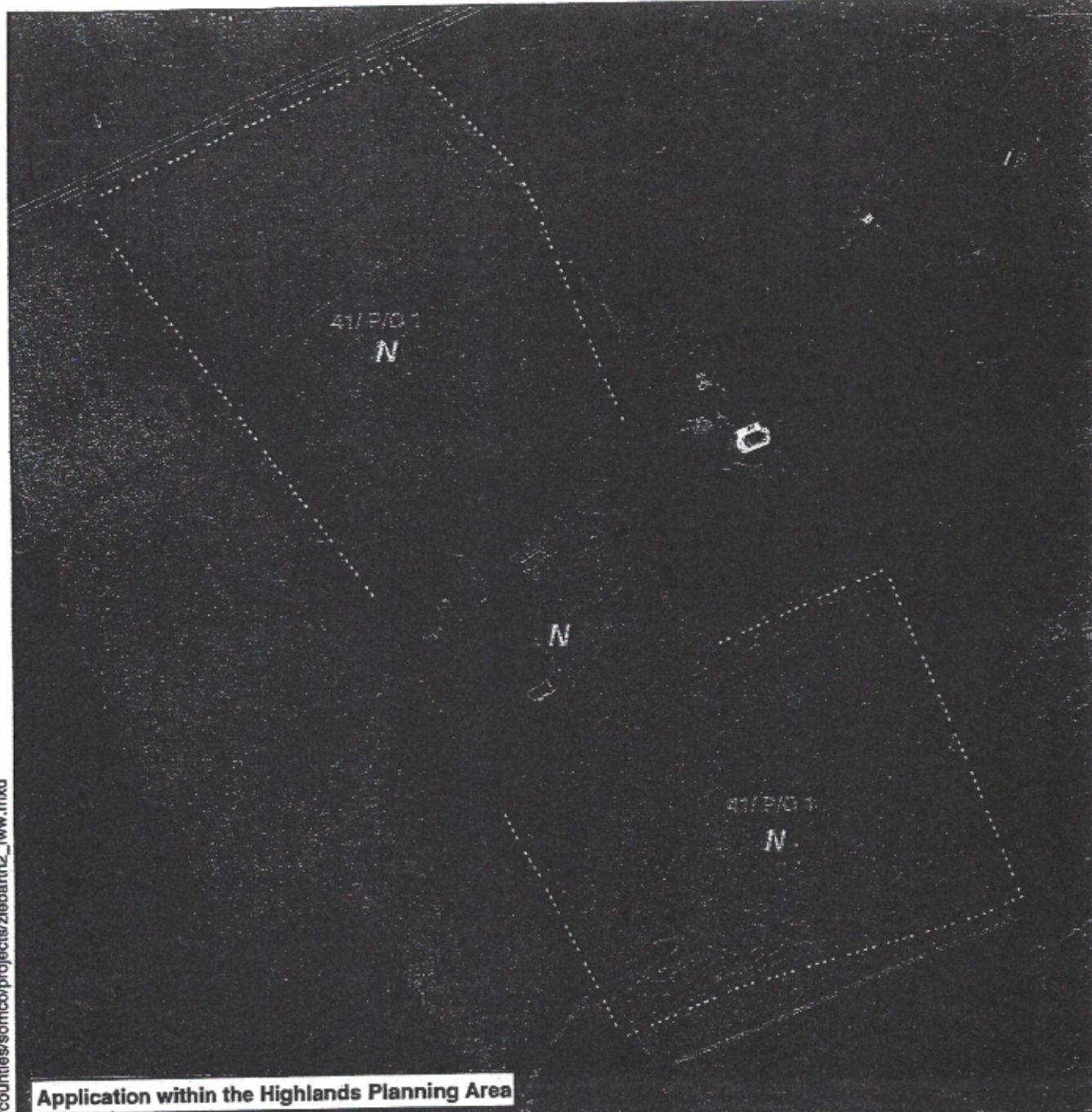


Susan E. Payne, Executive Director  
State Agriculture Development Committee

#### VOTE WAS RECORDED AS FOLLOWS

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

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Application within the Highlands Planning Area

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

Michael and Ryder Ziebarth  
 Block 41 Lots P/O 1 (12.4 & 11.2 ac)  
 & P/O1-EN (non-severable exception - 5.2 ac)  
 Gross Total = 28.9 ac  
 Bedminster Twp., Somerset County



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

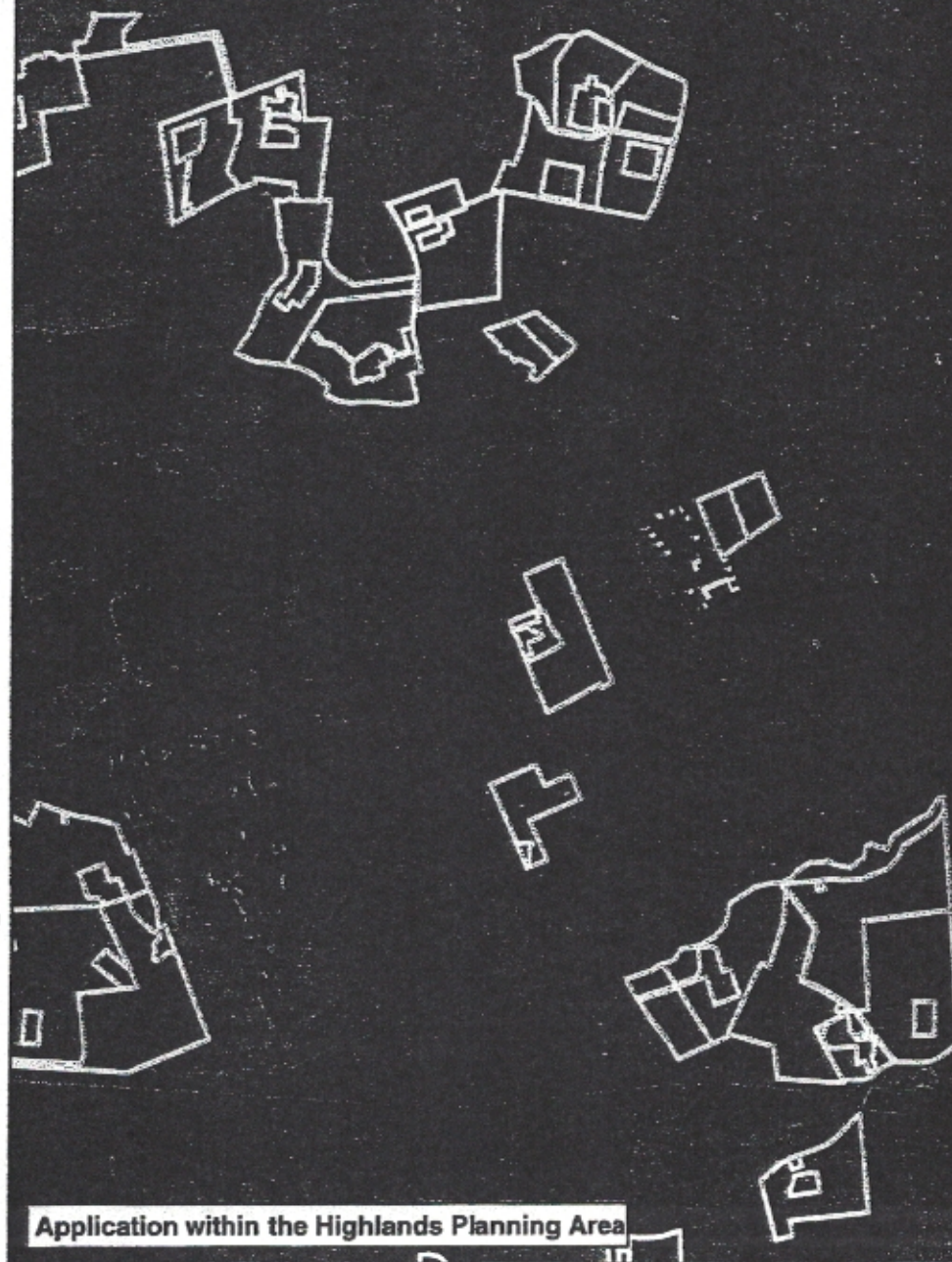
**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and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

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

September 10, 2012



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

Michael and Ryder Ziebarth  
Block 41 Lots P/O 1 (12.4 & 11.2 ac)  
& P/O1-EN (non-severable exception - 5.2 ac)  
Gross Total = 28.9 ac  
Bedminster Twp., Somerset 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  
NJDOT/OGIS 2007/2008 Digital Aerial Image

September 10, 2012

## Ziebarth Farm (B41-L1)

18- 0011-NP

FY 2013 Easement Purchase - Nonprofit  
24 Acres

Block 41	Lot 1	Bedminster Twp.	Somerset County
SOILS:		Local	17% * .05 = .85
		Prime	19% * .15 = 2.85
		Statewide	64% * .1 = 6.40
			SOIL SCORE: 10.10
TILLABLE SOILS:		Cropland Harvested	93% * .15 = 13.95
		Woodlands	7% * 0 = .00
			TILLABLE SOILS SCORE: 13.95
FARM USE:	Hay		21 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 50% of the eligible costs. 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 (5.2) acres for Single family residential unit, cottage and assorted bldgs.  
Exception is not to be severable from Premises  
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)  
cottage is limited to 1,200 SF
  - c. Additional Restrictions:
    1. FY12 FRPP via NJCF subject to a 6.67% maximum impervious coverage (approximately 1.59 acres) restriction on the Premises.
  - 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 eligible costs ancillary to 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, N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.





STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R3(14)

Centenary College  
March 24, 2016

**Installation of a Wireless Service Facility, Structures and Equipment on a Preserved Farm**

Subject Property: Centenary College  
Block 51, Lot 22.02  
Washington Township, Morris County  
65.75-Acres

WHEREAS, Centenary College, hereinafter "Owner", is the record owner of Block 51, Lot 22.02, in the Township of Washington, County of Morris, by Deed dated June 29, 1995, and recorded in the Morris County Clerk's Office in Deed Book 4209, Page 69, totaling 65.75 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the County of Morris on June 26, 2001, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., recorded in Deed Book 5402, Page 207; and

WHEREAS, the Premises contains a 6.99 acre non-severable exception area which contains classrooms and other equestrian infrastructure utilized by the college for its equine studies program; and

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

WHEREAS, the SADC adopted regulations at N.J.A.C. 2:76-23.1, et seq., for personal wireless service facilities to establish the process for landowners applying for a special permit to allow for a personal wireless service facility to be erected on the preserved farmland, and identifying the standards for review of an application for a special permit by the SADC; and

WHEREAS, the SADC has determined that it may accept and review applications for the construction of personal wireless service facilities on preserved farms, and may issue such a special permit, in its sole discretion, in order to limit, to the maximum extent possible, the intensity of the permitted activity and its impact on the land and surrounding area; and



WHEREAS, N.J.A.C. 2:76-23.4 states that the owner of a preserved farm may apply for a special permit to allow a personal wireless service facility to be erected on the land, provided that:

- (1) The land is a commercial farm;
- (2) No other special permit for a personal wireless service facility on the premises has been granted;
- (3) There is no commercial nonagricultural activity in existence on the premises at the time of application for the special permit or on any portion of the farm that is not subject to the development easement, except that the SADC may waive this requirement entirely, or subject to any appropriate conditions: (a) if such preexisting commercial nonagricultural activity is deemed to be of a minor or insignificant nature or to rely principally upon farm products, as defined pursuant to N.J.S.A. 4:10-1, derived from the farm, or (b) for other good cause shown by the applicant;
- (4) Notwithstanding (3) above, a person who has been granted a special permit for a commercial nonagricultural activity pursuant to N.J.A.C. 2:76-22 is eligible for a special permit on the same premises pursuant to N.J.A.C. 2:76-23.1, et seq.; and
- (5) The development easement was acquired without the participation of Federal Farm and Ranch Lands Protection Program funds;
- (6) In the event the premises were divided after conveyance of the development easement in accordance with N.J.A.C. 2:76-6.15(a)15, only one special permit for a personal wireless facility may be issued by the Committee for the originally preserved premises, regardless of the resulting parcels of land; and

WHEREAS, on December 20, 2012, the SADC received a completed "Application for a Special Permit for the Installation of a Personal Wireless Service Facility" from the law firm Price, Meese, Shulman & D'Arminio (hereinafter "Agent"), on behalf of the Owner, pursuant to N.J.S.A. 4:1C-32.2 and N.J.A.C. 2:76-23.4; and

WHEREAS, on February 5, 2013, the SADC responded to the Agent that the application was not compliant with numerous sections of N.J.A.C. 2:76-23, see attached Schedule "B"; and

WHEREAS, the Agent subsequently rescinded its application and sought to construct the facility within the 6.99 acre non-severable exception area on the Premises; and

WHEREAS, the Owner was unsuccessful in obtaining local zoning approvals to place the facility within the exception area and in an effort to settle an existing lawsuit related to the zoning matter has re-applied for a special permit for a personal wireless service facility on the preserved part of the farm, the location of which would, according to the Agent, conform with local zoning requirements; and

WHEREAS, on January 19, 2016, the SADC received from the Agent a second "Application for a Special Permit for the Installation of a Personal Wireless Service Facility" on the Premises, which application is nearly identical to that filed in 2012; and

WHEREAS, in a follow up letter on February 25, 2016, see attached Schedule "C", the Agent stated that the Owner is a nonprofit educational facility which does not produce or sell agricultural products; and

WHEREAS, the Premises is used as an equine education facility with approximately 14.78 acres used as pasture for the horses; and

WHEREAS, the imputed value of grazing land for the premises based on the Farmland Evaluation Advisory Committee values in Morris County for farmland assessment purposes has been calculated to be less than \$2,500; and

WHEREAS, the Owner is seeking SADC approval for a new cellular tower and associated infrastructure consisting of approximately 1,600 sq./ft.; and

WHEREAS, in the February 25, 2016 letter the Agent identifies that the Owner would be willing to encumber 1,600 sq./ft. of its exception area in exchange for use of 1,600 sq./ft. on the preserved portion of the Premises; and

WHEREAS, the Garden State Preservation Trust Act and the Agriculture Retention and Development Act do not authorize easement exchanges; and

WHEREAS, N.J.A.C. 2:76-23.6 states that the SADC shall determine whether the application meets the following criteria:

- (1) The premises meets the definition of "commercial farm" set forth in this subchapter;
- (2) No other special permits for a personal wireless service facility have been granted on the premises;
- (3) The personal wireless service facility is necessary and serves a public benefit by potentially improving cellular communications, in particular, for emergency purposes;
- (4) There are no commercial nonagricultural activities in existence on the premises or on any portion of the farm that is not subject to the development easement.
  - i. The Committee and the easement holder may waive this requirement if they find the preexisting commercial nonagricultural activity is of a minor or insignificant nature or relies principally upon farm products, as defined pursuant to N.J.S.A. 4:10-1, derived from the premises, or for other good cause shown by the applicant;
- (5) The personal wireless service facility utilizes, or is supported by, a structure existing on the premises as of the date of application;
- (6) If an expansion of an existing structure(s) is requested:
  - i. The expansion cannot exceed 500 square feet in footprint area in total for all the structures needed to accommodate the personal wireless facility;



- ii. The expansion is necessary to the operation or functioning of the personal wireless service facility; and
  - iii. The area of the proposed footprint of the expansion is reasonably calculated based solely upon the demands of accommodating the personal wireless service facility and does not incorporate excess space;
- (7) If a new structure is being proposed to support or accommodate the personal wireless service facility:
  - i. The new structure cannot exceed 500 square feet in footprint area;
  - ii. The new structure is necessary to the operation or functioning of the personal wireless service facility;
  - iii. The area of the proposed footprint of the expansion is reasonably calculated based solely upon the demands of accommodating the personal wireless service facility and does not incorporate excess space;
  - iv. There are no existing structures on the land which could be utilized or occupied to adequately support the personal wireless service facility and the relevant deficiencies associated with each existing structure, as provided by the applicant pursuant to N.J.A.C.2:76-23.5(a)9i, support that conclusion;
- (8) The personal wireless service facility does not interfere with the use of the land for agricultural purposes;
- (9) The personal wireless service facility uses the land in its existing condition, except as otherwise allowed pursuant to paragraph 7 above;
- (10) The personal wireless service facility does not have an adverse impact upon the soils, water resources, air quality, or other natural resources of the land or the surrounding area and does not require the creation of additional parking spaces, paved or unpaved and is consistent with the deed of easement and land use approvals and any other applicable approvals that may be required by Federal, State, or local laws, rules, regulations, or ordinances, provided that if such approvals contain any requirements for implementation of the personal wireless service facility that are inconsistent with N.J.S.A. 4:1C-32.2, N.J.A.C. 2:76-23.1, et seq., or the special permit itself, the special permit will be denied;
  - i. To the maximum extent possible, the facility shall avoid being placed on soils classified as prime farmland and Statewide importance;
- (11) The location, design, height, and aesthetic attributes of the personal wireless service facility reflect, to the greatest degree possible without creating an undue hardship on the applicant or an unreasonable impediment to the erection of the personal wireless service facility, the public interest of preserving the natural and unadulterated appearance of the landscape and structures;
- (12) All necessary local zoning and land use approvals, and any other approvals required by Federal, State, or local law, rule, regulation or ordinance have been obtained, and such approvals do not contain any requirements for implementation of the personal wireless

service facility that are inconsistent with N.J.S.A. 4:1C-32.2, this subchapter or the special permit itself;

- (13) Additional factors, such as traffic generated and the number of employees are limited to the maximum extent possible to limit the intensity of the activity and its impact on the land and surrounding area;
- (14) The personal wireless service facility provider has agreed in writing to allow, at no charge to the requesting State or local government entity, the sharing of the facility or any State or local government owned or sponsored compatible wireless communication use for public purposes, such as law enforcement or emergency response communication equipment, as permitted by the Committee;
- (15) The personal wireless service company is not requiring conveyance of an easement or another interest in the premises to construct or access the personal wireless service facility;
- (16) The owner of the premises is not in violation of any provision of the deed of easement; and
- (17) The personal wireless service facility otherwise complies with N.J.S.A. 4:1C-32.2.

WHEREAS, the Owner proposes to construct a new cellular tower and associated infrastructure that supports the personal wireless service facility in the area identified on Schedule "A"; and

WHEREAS, access to the personal wireless service facility for purpose of installing and maintaining the tower and infrastructure is from the existing farm lane presently used to access the farm fields and manure containment structure and will involve the creation of a 5 ft. by 200 ft. gravel walkway along the edge of the farm field at the end of the existing farm lane; and

WHEREAS, the SADC has determined that the Owner has not met the qualifications of N.J.A.C. 2:76-23.4 to apply for a personal wireless service facility for the following reasons:

1) N.J.S.A. 4:1C-32.2 c. (1) and N.J.A.C. 2:76-23.4 (a)1, allow for permits for personal wireless service facilities to be granted on properties qualifying as commercial farms, and the Agent has stated that the property is an educational facility that does not produce or sell agricultural products, furthermore the imputed value of pasture lands on the Premises to do not reach the values necessary to be considered a commercial farm as defined in the statute and the regulation; and

2) N.J.S.A. 4:1C-32.2 c.(7) and N.J.A.C. 2:76-23.6 (a)7, allow for up to 500 sq./ft. of new structures to accommodate the personal wireless service facility, and the Owner is requesting 1,600 sq./ft. of space for the tower, associated infrastructure and perimeter fencing, as shown in Schedule "D"; and



3) N.J.S.A. 4:1C-32.2 c.(12) and N.J.A.C. 2:76-23.6 (a)12, requires that all necessary local zoning and land use approvals required by Federal, State or local law, rule, regulation or ordinance have been obtained, and such approvals do not contain any requirements for implementation of the personal wireless facility that are inconsistent with N.J.S.A. 4:1C-32.2 and the Agent has stated that Township permits have not been granted.

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the Owner has not complied with all of the applicable provisions of N.J.S.A. 4:1C-32.2 and N.J.A.C. 2:76-23, et seq., concerning a personal wireless service facility to be erected on the land; and

BE IT FURTHER RESOLVED, that the SADC denies of the construction of the personal wireless service facility on the Premises; 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.

3-24-16

DATE



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	ABSENT
W. Scott Ellis	YES
Denis Germano, Esq.	YES
Pete Johnson	YES
James Waltman	YES



# Centenary College

Proposed Personal Wireless Service  
Facility Tower and Infrastructure

G:\SADC\Centenary College\farmview.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Centenary College  
Block 51, Lot 22.02  
Washington Township, Morris County  
65.75 - Acres



0 230 460 920 1,380 Feet

3/8/2016

### 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
  - (PA5) RURAL ENV SENS
  - (PA6) ENV SENS
  - (PA7) ENV SENSITIVE BARRIER
  - (PA8) FARMLANDS
  - PARK
  - MILITARY
  - NEW JERSEY MEADOWLANDS
  - WATER
  - ELKS ISLAND - NJ
  - ELKS ISLAND - NY
- Base Map**
  - County Boundaries
  - Municipal Boundaries
  - Highlands Planning Area
  - Highlands Preservation Area
  - Farmlands Area
  - Green Acres Preserved Easements





## State of New Jersey

STATE AGRICULTURE DEVELOPMENT COMMITTEE  
HEALTH/AGRICULTURE BUILDING  
PO Box 330  
TRENTON NJ 08625-0330

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Li. Governor*

DOUGLAS H. FISHER  
*Secretary*

Susan E. Payne  
*Executive Director*  
(609) 984-2504  
(609) 292-7988  
(609) 633-2004 - FAX

Douglas H. Fisher  
*Chairman*

February 5, 2013

Price, Meese, Shulman & D'Arminio  
c/o Mr. Gregory D. Meese Esq.  
50 Tice Boulevard, Suite 380  
Woodcliff Lake, NJ 07677

Re: Personal Wireless Service Facility Permit  
Centenary College  
Block 51, Lot 22.02  
Washington Township, Morris County  
SADC ID # -14-0059-EP

Dear Mr. Meese:

The State Agriculture Development Committee (SADC) is in receipt of your application dated December 20, 2012 for a personal wireless service facility permit on the above-referenced preserved farm. Please be advised that an initial review of the application has found a number of items which appear to render the application incomplete at this time. We require additional information or clarification on the following items in order to complete the review of this application;

-N.J.A.C. 2:76:23.4(a)1, requires that the land be a commercial farm, as defined in the regulations. The Schedule "C" provided shows that the landowner claims a property tax exemption, but there is no evidence of the land's commercial farm status. As defined in N.J.A.C. 2:76-23.3, a commercial farm means:

1. A farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.; or
2. A farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.

-N.J.A.C. 2:76:23.4(a)3, requires that "no commercial nonagricultural activity be in existence on the premises at the time of the application or on any part of the farm not subject to the development easement, except that the Committee may waive the requirements of this paragraph entirely or subject to any appropriate conditions:

- i. if such preexisting commercial nonagricultural activity is deemed to be of a minor or insignificant nature or to rely principally upon farm products, as defined pursuant to N.J.S.A. 4:10-1, derived from the farm; or
- ii. for other good cause shown by the applicant."

Our records indicate that there is an approximately 7-acre non-severable exception area on this property currently used as an educational facility by Centenary College. The SADC would likely consider this a commercial nonagricultural use.

-N.J.A.C. 2:76:23.6(a)7, requires that if a new structure is being proposed to support or accommodate the personal wireless service facility:

"i. The new structure cannot exceed 500 square feet in footprint area;"  
Personal wireless service facility is defined as "a personal wireless service tower and any associated equipment and structures necessary to operate and maintain that tower, as regulated by Federal law." According to the plans provided it appears that the design of the tower, control structures and perimeter fencing would utilize 1,540 sq/ft of new footprint area.

-N.J.A.C. 2:76:23.6(a)8, requires that the personal wireless service facility does not interfere with the use of the land for agricultural purposes. According to the plans provided it appears that the new tower, control structures and perimeter fencing would be located in a field currently available for agricultural production.

-N.J.A.C. 2:76:23.6(a)15, requires that the personal wireless facility provider has agreed, in writing, to allow at no charge to the requesting State or local governmental entity, the sharing of the facility or any State or government owned or sponsored compatible wireless communication use for public purposes. No evidence of this agreement was included in the application.

Please contact Charles Roohr, Farmland Stewardship Program Manager, at 609-984-2504 if you have any questions.

Sincerely,



Susan E. Payne  
Executive Director



**PRICE,  
MEESE,  
SHULMAN &  
D'ARMINIO**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

MACK-CALI CORPORATE CENTER  
50 TICE BOULEVARD, SUITE 380  
WOODCLIFF LAKE  
NEW JERSEY 07677

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JOHN R. EDWARDS, JR.\*

MICHAEL K. BREEN\*

PAUL A. CONCIATORI\* #

WILLIAM D. BIERMAN\*

CATHY J. POLLAK\*

THOMAS C. MARTIN\*

JOHN L. MOLINELLI\* x

RICHARD M. FRICKE\* +

MARK W. GREENE\* o

KAREN F. EDLER

MICHAELA A. OROZCO\*

KATHRYN J. RAZIN\* +

RICK A. STEINBERG\* o

DOROTHY A. KOWAL

JENNIFER M. KNARICH\* o

TERENCE STEED\*

BRIAN J. VARZAB

JENNIFER M. BERARDO\*

ERLINA PEREZ\*

\* Also admitted in NY

+ Also admitted in DC

o Also admitted in PA

o Also admitted in CT

\* Also admitted NY Fed Cir.

# Also LEED AP

x Bergen County Prosecutor (ret.)

Additional Offices:

4 WEST RED OAK LANE, SUITE 302  
WHITE PLAINS, NEW YORK 10604  
TELEPHONE (914) 251-1618  
FACSIMILE (914) 251-1230

ONE GATEWAY CENTER, SUITE 2600  
NEWARK, NEW JERSEY 07102  
TELEPHONE (973) 799-8551  
FACSIMILE (973) 735-2719

Schedule "C"

2/29/16

February 25, 2016

Via UPS

Ms. Susan E. Payne

Executive Director

State Agriculture Development Committee

369 South Warren Street

Trenton, NJ 08608-2308

**Re: Personal Wireless Service Facility Permit  
Centenary College  
Block 51, Lot 22.02  
Washington Township, Morris County  
SADC ID#-14-0059-EP**

Dear Ms. Payne:

Thank you for your letter of February 18, 2016, in connection with the above-referenced application. In response to your letter and the issues raised therein, please be advised of the following:

1. Centenary College does not produce or sell agricultural products; it is a nonprofit educational facility.
2. The area proposed for the wireless communications facility is behind a manure storage facility that is not currently used for the grazing of horses.
3. If approved, the applicants would allow use of the facility, at no charge, for State and local governmental units for public communications purposes.
4. The College does have certain unencumbered land that it is willing to swap for the 1600 square foot parcel to be used for the communications facility. The unencumbered land is an exception area originally contemplated for a road around the pond located in the front horse riding area north of the indoor arena. There is no present plan to construct the road and the College is willing to encumber 1600 square feet of that area in exchange for the communications parcel.

Would you kindly inform me whether it is worth discussing this matter further? Or, if despite our best efforts if this property is ineligible for a permit, we ask that the Committee issue a denial of the application so that we may provide the same to the Court.

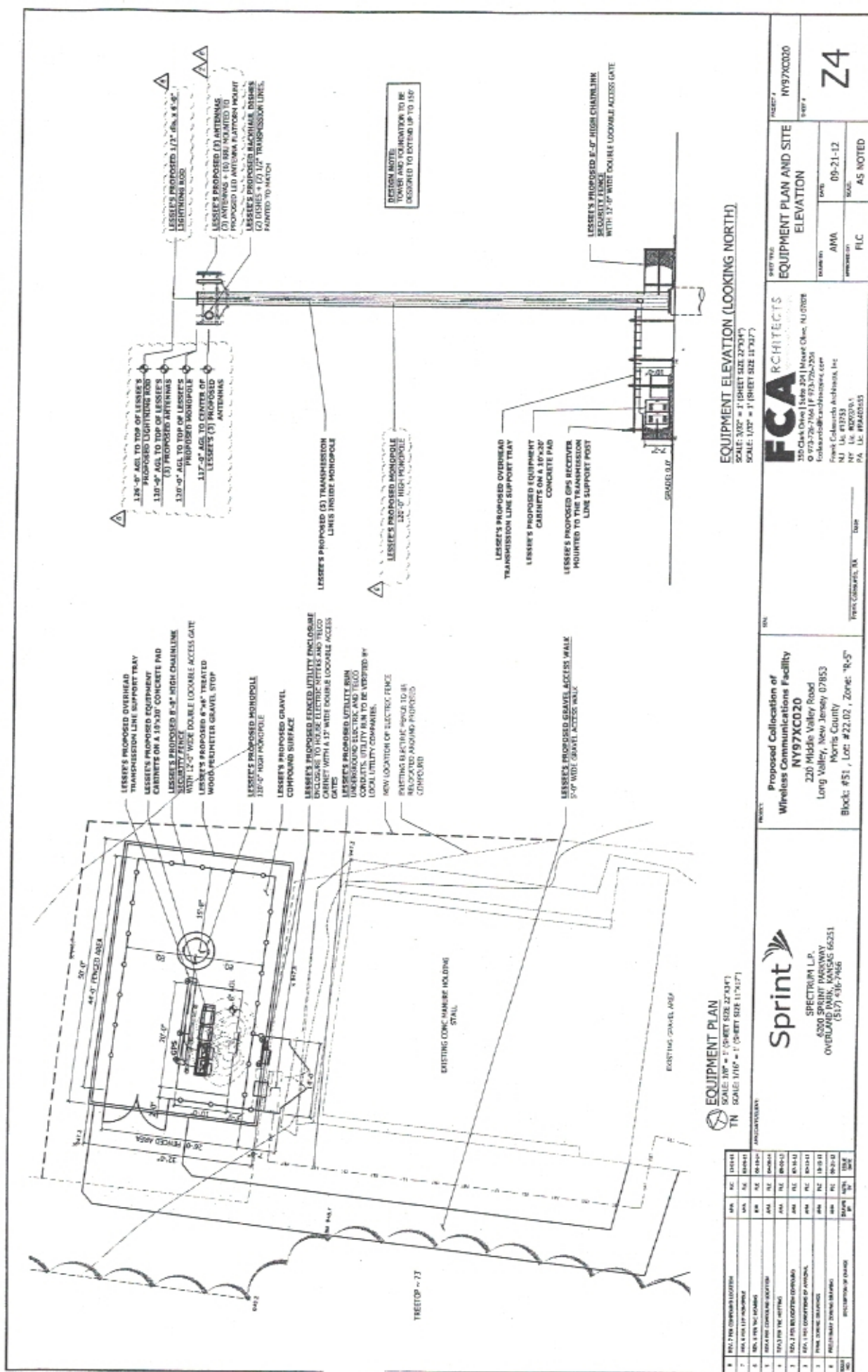
Thank you for your courtesies.

Very truly yours,

  
Gregory D. Meese

gdm/

cc: Mr. Roger Anderson  
Mr. Tom Lacey  
Mr. Mark Palmieri



**EQUIPMENT PLAN**  
SCALE: 1/8" = 1' (SHEET SIZE 22"x34")  
TN SCALE: 1/16" = 1' (SHEET SIZE 11"x17")

**Sprint**  
SPECTRUM L.P.  
6500 SPRINT PARKWAY  
OVERLAND PARK, MO 66251  
(817) 516-7468

**Proposed Collocation of**  
**Wireless Communications Facility**  
**NY97XCD20**  
220 Middle Valley Road  
Long Valley, New Jersey 07853  
Morris County  
Block: #51, Lot: #22.02, Zone: "R-S"

**FCA ARCHITECTS**  
350 Clark Drive | Suite 201 | Newark, NJ 07102  
973-726-7166 | F 973-726-2256  
fcaarchitects.com  
Newark, NJ 07102  
PA: 13-000402035

**EQUIPMENT PLAN AND SITE ELEVATION**  
DATE: 09-21-12  
BY: AMA  
CHECKED BY: FLC  
AS NOTED

SHEET: NY97XCD30  
24

NO.	REVISION	DATE	BY	CHKD	APP'D
1	ISSUED FOR CONSTRUCTION	09/21/12	AMA	FLC	AMA
2	REVISED FOR THE SETTING	09/21/12	AMA	FLC	AMA
3	REVISED FOR THE SETTING	09/21/12	AMA	FLC	AMA
4	REVISED FOR THE SETTING	09/21/12	AMA	FLC	AMA
5	REVISED FOR THE SETTING	09/21/12	AMA	FLC	AMA
6	REVISED FOR THE SETTING	09/21/12	AMA	FLC	AMA
7	REVISED FOR THE SETTING	09/21/12	AMA	FLC	AMA
8	REVISED FOR THE SETTING	09/21/12	AMA	FLC	AMA
9	REVISED FOR THE SETTING	09/21/12	AMA	FLC	AMA
10	REVISED FOR THE SETTING	09/21/12	AMA	FLC	AMA