

**STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC)  
REGULAR MEETING**

**REMOTE MEETING DUE TO CORONAVIRUS  
EMERGENCY**

**December 2, 2021**

Vice Chairman Germano called the meeting to order at 9:01 a.m.

Ms. Payne read the notice stating that the meeting was being held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.

Roll call indicated the following:

**Members Present**

Denis Germano, Acting Chairman

Martin Bullock

Scott Ellis

Gina Fischetti

Pete Johnson

Richard Norz

Mr. James Waltman

Cecile Murphy (arrived at 9:10 a.m.)

**Members Absent**

Brian Schilling

Julie Krause

Chairman Fisher

---

Susan E. Payne, Executive Director

Jason Stypinski, Esq., Deputy Attorney General

---

**Minutes**

SADC Regular Meeting of October 28, 2021 (Open Session)

It was moved by Mr. Norz and seconded by Mr. Ellis to approve the Open Session minutes of the SADC regular meeting of October 28, 2021. The motion was unanimously approved.

**Report of the Executive Director**

Ms. Payne advised the committee that starting on Monday, December 6 there will be two people joining the staff, an attorney and a planner. Ms. Payne stated that she is delighted to have these new individuals on board, and thanked Ms. Winzinger for her work in the hiring process.

Ms. Payne stated that after the SADC meeting last month, she and Mr. Everett appeared before the State Board of Agriculture to discuss the soil protection standards. They gave a detailed presentation and discussed the soil protection proposal with board members. She asked the board to submit any comments in writing to SADC staff. Ms. Payne noted that she would keep the committee apprised of all soil protection comments as they are submitted.

Ms. Payne reviewed two emails that were sent to staff that consisted of comments from people who participated in last month's meeting. The comments were emailed because the participants were not able to unmute their microphones in time for public comment.

Ms. Payne stated that she is aware that everyone is very anxious to get back to meeting in person for the SADC meetings. She is in communication with the Governor's office to seek the ability to have the meetings in person as soon as possible.

Ms. Payne stated that the League of Municipalities had its annual convention in Atlantic City this year. She participated in a panel with Tom Gilbert from New Jersey Conservation Foundation and Bob Kettig from New Jersey DEP to give people an outline of the solar legislation that passed this summer and what it means going forward. She stated that staff will continue to work with the BPU, the committee, and the DEP on the new legislation.

**NOTE: Cecile Murphy joined the meeting at 9:10 a.m.**

**Public Comment**

Amy Hansen from the New Jersey Conservation Foundation asked about the process for committee approval of the soil protection standards and if the proposed standards will be published in the New Jersey Register. Ms. Payne stated staff has been tasked with drafting the standards in a detailed manner for review and approval by the Committee. She anticipates holding a subcommittee meeting to go over the draft rule proposal, then staff will present the draft to the full committee at the January meeting. Farmland preservation stakeholders will have the opportunity to respond to the detailed draft before the formal rule making begins.

Ms. Hansen stated that the NJCF is hoping that the proposed waiver would not automatically be granted but that landowners would have to apply for it and demonstrate need. There is a concern that the proposal is that anyone within 50% of the limit could apply for a waiver and, she suggested that the waiver threshold be increased to 100%.

**New Business****A. Right to Farm**

**Note: Martin Bullock is recused from this case as he was on the CADB on this matter.**

1. IMO Helmlinger Meadow Hill Farm, LLC.  
Upper Freehold Township, Monmouth County

Ms. Reynolds stated that this case arose from 2017 complaints filed with the Monmouth County Agriculture Development Board (MCADB) by a group of neighbors, residing adjacent to the Helmlinger Farm, located in Upper Freehold Township, Monmouth County. Their complaints against the Helmlinger Farm were about various issues, but the main one was the odor emanating from the source separated food waste (SSFW) that Mr. Christopher Helmlinger was feeding to his 110 head of cattle. Ms. Reynolds pointed out that the SADC has not adopted a generally accepted agricultural management practice (AMP) for the feeding of SSFW to livestock, and this practice has never been considered by the agency under the Right to Farm Act (RTFA), so this case presents a novel issue.

In 2010, Mr. Helmlinger received a site-specific agricultural management practice (SSAMP) determination from the MCADB for breeding and raising cows, pigs and chickens, farming in hay, and the boarding, training and sale of horses. After receiving the SSAMP in 2010, Mr. Helmlinger increased his cattle herd from approximately 30 head to approximately 110 and began feeding them SSFW.

Under RTFA regulations, if a CADB receives a complaint regarding an agricultural practice for which the SADC has not adopted an AMP, the case must be forwarded to the SADC for a determination of whether the practice constitutes a generally accepted agricultural management practice. However, the rules also provide that if the disputed activities in the complaint are related to a previously issued SSAMP, then the CADB retains jurisdiction over the complaint. Based on its issuance of the 2010 SSAMP, the MCADB concluded that it could retain jurisdiction over the neighbors' complaints against Helmlinger, and ultimately the board granted Helmlinger RTFA protection with respect to all of the complained-of activities but denied protection for the feeding of SSFW as the cattle's primary source of nutrition.

The MCADB stated that the use of source separated food waste as cattle feed and the odors associated with this process under its current use were not a generally accepted farm management practice, nor a permissible activity for a commercial farm, as the practice of using food waste as the primary source of a steer's diet is not commonplace in the industry; the practice potentially exacerbates the odor emanating from the farm property; and, at this point, there is no adopted AMP related to the practice. Mr. Helmlinger appealed this denial of right to farm protection for the feeding of SSFW, and the SADC forwarded the appeal to the Office of Administrative Law (OAL).

At the OAL hearing, the two individuals who testified on behalf of Mr. Helmlinger were Dan Wunderlich, an employee of the New Jersey Department of Agriculture (NJDA) and Mr. Helmlinger himself.

Mr. Wunderlich was qualified by the administrative law judge (ALJ) as an expert in livestock feed management. Wunderlich testified that he had visited the farm numerous times and made suggestions to Mr. Helmlinger as to what to feed the cattle, including adding sodium bicarbonate to the SSFW in an effort to address the acidosis that could have been impacting the odors. Mr. Wunderlich also testified that he did not see issues that would adversely or directly affect public health or safety and described the farm odor as normal.

Mr. Helmlinger testified that he began feeding the SSFW in 2015, that it was more cost effective than feeding corn and that the SSFW had agronomic benefits. He also testified that he and his family live on the farm and that the odor from the food waste did not have an impact on his family's residential uses..

Ms. Reynolds stated that the three neighbors who testified on behalf of the MCADB were Jeffrey Gale, Barbara McEvoy and Denise Knoll. Jeffrey Gale described the odor as the equivalent of sitting behind a garbage truck full of rotting food in the middle of a summer day. He also discussed how his family could not hold parties at their house and how his daughter who was attending college, did not want to come home on the weekends due to the smell. Mr. Gale also discussed the psychological impacts of not knowing when the odor would impact his property.

Barbara McEvoy described the odor as a combination of a landfill if you got close to it on a hot summer's day, and manure. She testified that wind direction and speed as well as the activities occurring on the farm contributed to the odor, which caused a lack of predictability and made it difficult to plan activities on her property.

Denise Knoll testified that the odor was like a potato that had gone bad, and she also said that it would take your breath away and give you headaches if you breathed it in too long. She testified that she felt like a prisoner in her own home and that she could not, for example, have a garden or eat outside, that her son would not have his friends over, and that she stopped opening her pool in 2016. Ms. Knoll, like the other two neighbors, testified about the lack of predictability regarding the odor.

The ALJ's initial decision found all the witnesses to be credible. The judge held that feeding livestock source separated food waste was a generally accepted agricultural management practice and that the practice on the Helmlinger Farm did not pose a direct threat to public health and safety. The case is now before the SADC, which can accept, reject and/or modify the judge's initial decision.

Ms. Reynolds stated that the purpose of today's presentation is for staff to review the background of this case and for the committee to discuss the issues and provide direction regarding the SADC's final decision.

One issue staff would like to discuss with the committee is the procedural question of whether the CADB should have retained jurisdiction over whether the feeding of SSFW to Helmlinger's cattle was a generally accepted agricultural management practice.

Ms. Reynolds stated that staff believes it was proper for the MCADB to retain jurisdiction in accordance with the RTFA regulations because the feeding of livestock is unmistakably related to the raising of livestock, which was one of the activities that was the subject of the 2010 SSAMP issued to Mr. Helmlinger.

Mr. Helmlinger argued in papers filed with the OAL that the 2010 SSAMP protected the feeding of SSFW from the neighbors' complaints. However, as he was not feeding his livestock source separated food waste in 2010, and therefore, that practice was not considered by the MCADB during the 2010 proceeding, staff believes it was proper for the MCADB to assess whether the practice was generally accepted in the context of the 2017 complaints and that the board was not bound by the 2010 SSAMP. Ms. Reynolds noted that this case underscores the importance of writing detailed SSAMP resolutions, as the generality of the 2010 resolution contributed to some of the confusion about whether the MCADB should have retained jurisdiction over the 2017 complaints.

Ms. Reynolds stated that the next issue is whether what was occurring on the farm is a generally accepted agricultural management practice. The administrative law judge found that feeding livestock SSFW was a generally accepted activity. However, the text of the RTFA states that this finding must be made on a site-specific basis.

SADC staff concurs with the ALJ that, in light of written evidence, such as Rutgers and EPA reports discussing the benefits of feeding source separated food waste, and that the NJDA has issued approvals for the practice, feeding SSFW to cattle is generally acceptable. However, since a finding under the RTFA must be whether or not the practice is acceptable on a site-specific basis, the impact of Helmlinger's particular agricultural operation on lawful neighboring uses must also be considered. Therefore, the feeding of SSFW on the Helmlinger farm needed to be balanced against the residential neighbors' rights to the use and enjoy their properties.

Although the ALJ found the neighbors' testimony credible, the judge relied heavily on the testimony of Dan Wunderlich that he did not find the odors unusual for a farm. However, staff believes Mr. Wunderlich's limited expertise in the nutritional aspects of livestock feed management was not a proper foundation upon which the ALJ could rely on as conclusive of the impacts of the odors on neighboring residential uses. Therefore, staff finds it clear that absent from the initial decision was the necessary balancing between this legitimate agricultural management practice and the neighbors' use and enjoyment of their lands.

Ms. Reynolds stated that staff does want to recognize that Mr. Helmlinger worked with various entities to improve the management of his farm. For example, sodium bicarbonate was added to the feed to try and address the odor. Mr. Helmlinger also moved the SSFW storage facility approximately several hundred feet further away from the residential neighbors, and Mr. Helmlinger added a roof and gutters to the SSFW facility to try to

prevent the waste from leaching. However, despite these measures, the odor was still a major issue for the neighbors.

Although Mr. Helmlinger worked with implementing the recommendations of those agencies with expertise in animal nutrition and manure management, what is notably missing from the record are recommendations from the agencies tasked with protecting public health, specifically with regard to odor. This absence is particularly glaring given the large number of complaints regarding the odors that were made with DEP and the County and Township Boards of Health. Based on the record, it appears that complaint calls would be made later in the day, an inspector would come out the following morning and, at that point, the odor would have dissipated and the agency would close the case. There was no comprehensive investigation into the odor and whether its impact on the neighbors was acceptable or met established health and safety standards.

Ms. Reynolds stated that considering the testimony from the neighbors, the small size of the property given the large operation and the lack of factual determinations from the agencies tasked with protecting public health regarding odor, the record is incomplete regarding whether there is a direct threat to public health and safety and to properly balance the feeding of SSFW against the impact on the neighbors' use and enjoyment of the properties.

Staff believes that the neighbors testimony raises the question about whether the odor poses a direct threat to public health and safety, a jurisdictional issue, and the farmer has not met his burden of proving that there is no direct threat to public health and safety. Further, even if it is determined that there is no threat to public health and safety, a balancing of the impact of the practice on the residential uses is needed and is missing from the initial decision. Based on the foregoing, staff does not think the source separated food waste practice for this particular operation can be afforded right to farm protection.

Mr. Norz asked if the committee will be discussing this case in open session or closed session. Ms. Payne stated that if the committee has legal questions for Mr. Stypinski, then that can be discussed in closed session. However, questions as to how this case should proceed is generally an open session matter.

Mr. Ellis commented that the practice of food waste is generally accepted for pigs and hogs but he has never heard of it being used for cattle. Mr. Norz stated that as a livestock and vegetable producer, he knows that there are a lot of different food waste products that do get fed to cattle such as bad vegetables and tofu remnants.

Ms. Reynolds stated that what Mr. Helmlinger is feeding his cattle has been approved by the NJDA as a food source and that NJDA staff is aware of three other farms that have also been approved to use source separated food waste as the primary source of nutrition for cattle.

Mr. Germano stated that the slide presentation seems to indicate that the property is heavily wooded. Ms. Reynolds stated that some of the wooded areas have been cleared for

pasture. Ms. Payne stated that the majority of this property is not wooded and approximately 20%-25% are covered in trees.

Mr. Germano stated that the neighbors made a complaint, but it seems as though the ALJ treated the case as if it were an application by the farmer to amend his SSAMP and, depending on which it is, one or the other party had the burden of proof.

Ms. Reynolds stated that she believed the burden of proof is based on the statute with regard to complaints, which is section 10 of the Right to Farm Act. Ms. Reynolds asked Mr. Germano if his question is whether the burden of proof changes based on whether it's an SSAMP or a complaint.

Mr. Germano stated that he was asking about an application by a farmer to amend an SSAMP. He stated that the numbers in the memo that were presented to the SADC was different than what was presented to the ALJ. Mr. Helmlinger testified, and no one contradicted him, that before he started using SSFW he had anywhere from 40 to 80 cows, but now he has over 100. Mr. Germano said that under any analysis there has been a significant increase in the size of the herd.

Mr. Helmlinger commented that he farms an additional 130 acres and his operation uses this 19 acres as a manure/cow lot. Most of the cattle are kept on this cow lot and it's managed in accordance with NRCS and the NJDA standards. Mr. Germano asked him if all his cows are on the 19 acres of land. Mr. Helmlinger stated that he has some of the cows pastured across the street and the next town over. He also noted that the cattle have a balanced nutritional diet that consists of more than just food waste.

Mr. Helmlinger stated that the Monmouth County Department of Health visited the farm a couple of times and wrote letters to the ALJ stating there was no threat to public health and safety. The DEP also came out numerous times and said that they found no problem with the onsite activities. Mr. Germano asked if the DEP issued a report. Mr. Helmlinger stated that they didn't issue a report but worked with the Monmouth Health Department and issued a letter stating that this was an acceptable recycling method for the product and that the DEP granted jurisdiction to the Department of Agriculture to oversee it.

Ms. Reynolds stated that the visit from the health department to which Mr. Helmlinger is referring was in April 2017 when the Monmouth County Health Department's Solid Waste Enforcement Team stated that the property was not a solid waste facility under DEP regulations that the property was exempt from state solid waste regulations. So this visit was not from the section of the Health Department responsible for enforcing odor violations.

Mr. Germano asked if the ALJ hearing was a complaint from the neighbors or an application from Mr. Helmlinger to modify his SSAMP to increase the size of his heard and use the SSFW. Ms. Reynolds stated that the county appeared to treat the case as an application to amend the 2010 SSAMP; however, she believes the matter was also considered essentially as a complaint.



Mr. Smith stated that he thinks it's difficult to separate the complaint aspect and the SSAMP aspect, but both place the burden on the farmer. A direct threat to public health and safety is jurisdictional. A farmer cannot get to square one with RTFA protection for an agricultural operation unless it does not pose a direct threat to public health and safety. Ultimately, it's the farmer that wants the protection, so the farmer has the burden. There was at least some quantity of evidence in the record that there was a direct threat to public health and safety. The RTFA doesn't have a burden allocation in it, it just says if you're a farmer and you want right to farm protection, your operation cannot pose a direct threat to public health and safety. Other than the neighbors' testimony, there was nothing to rebut the neighbors' direct complaints that their public health was endangered by the operation. Mr. Germano stated that he's hearing that the burden is Mr. Helmlinger's regardless of whether it was a complaint or an application to amend his SSAMP.

Mr. Norz commented that Mr. Smith stated the burden has been proven by the homeowners, but based on what Ms. Reynolds said, it sounds like the local health department didn't find anything to support their complaints, so wouldn't that also be a counter to the homeowners? Mr. Smith stated that it seems, based on the evidence, there could be a direct threat to public health and safety. The problem is that this issue was not proven to anyone's satisfaction, and that the record on that issue was not developed properly. Mr. Helmlinger certainly didn't prove that the operation wasn't a direct threat, and the government agencies that went out to the farm were looking at it as a solid waste issue, so that's not dispositive either. Mr. Germano stated that although the DEP has jurisdiction over odor complaints to the extent that odor is included under the Air Pollution Control Act, they only concluded that the separated food waste practice didn't violate the solid waste management rules. The DEP never addressed the odor complaint, which was a crucial factor in this case. The ALJ made a specific finding that no public agency found that there was a direct threat to public health or safety.

Ms. Germano asked if any other SADC members had questions or comments. Seeing none, he called on comments from the landowner's attorney as well as the neighbors of the landowner.

Lauren Dooley, Esq., attorney for Mr. Helmlinger, stated that she wanted to speak but had another court matter in a few minutes and would release Mr. Helmlinger to speak on his own behalf after she left the virtual meeting. Counsel said she would take questions from the committee if it had any. Ms. Payne asked Ms. Dooley to expand on Mr. Germano's earlier question whether the case involved complaints against Mr. Helmlinger or an update of his 2010 SSAMP.

Ms. Dooley stated that she was always under the impression that the case involved a complaint against her client, and it was not until she saw the approved resolution that she noted the MCADB deemed it a modified SSAMP. Ms. Dooley stated that in the appeal her appeal that the burden of proof as to public health and safety should have been on the neighbors and not on Mr. Helmlinger. If she thought the burden was on her client, then she would have gone to greater lengths to show that Mr. Helmlinger's operation did not pose a



direct threat to public health and safety, possibly having an expert provide an opinion on that issue .

Counsel said that the evidence she provided is everything that the neighbors put forth in their case and they were represented by counsel before the County and that attorney did not represent them for the appeal. Ms. Dooley said that has always been her opinion and she stated in her appeal that the burden of proof for a direct threat to public health and safety for a complaint is on the neighbor and all they provided was testimony and nothing else. Ms. Dooley stated that she provided evidence from the board of health, but nothing else was provided by the neighbors, only testimony.

Mr. Germano asked Ms. Dooley to confirm that there's nothing anyone can do to make the DEP come out and make a finding under the Air Pollution Control Act. Ms. Dooley stated that, to her knowledge, there is nothing that could be done, and she could not make the DEP come out five to 10 minutes of a passing odor. She stated that her client was always open to anyone coming to his farm at any time and that access was never restricted . She said that the board was invited to come at any time and there was never a restriction. She said that if she was aware that she needed to do some extensive research she would have done so.

Ms. Dooley noted that Mr. Helmlinger can speak very well about his farming practices, how extensively they have both tried to do everything asked by every possible government agency, and there was never an effort by him to ignore any recommendations. In fact, they have solicited recommendations and Mr. Helmlinger has received grants from the state to build the SSFW facility which is an integral part of how his farm stays in business.

Mr. Germano called on the neighbor, Mr. Gale, to speak. Mr. Gale stated that he been a resident in his home since 1993 and before that had lived next door in his grandparents' home, which is now the Eiler's residence, since birth. He stated that he has lived next to the Helmlinger farm from the time that Walt Helmlinger put this farm into operation, but it was a very different operation in the past compared to what is happening there today once the food waste came on-board . Mr. Gale openly stated that he always considered having a friendly relationship with Mr. Christopher Helmlinger and has tried very hard to support his farm.

Mr. Gale noted that there were instances where a horse broke loose from Mr. Helmlinger's farm and crashed through two of his fences and that he helped Mr. Helmlinger rescue the horses. He said that caused extensive damage to some of his landscaping, but instead of asking for compensation, he just dealt with it.

Mr. Gale stated that when the food waste issue started he placed phone calls to Mr. Helmlinger. One call in particular, on Father's Day 2016, Mr. Gale explained to Mr. Helmlinger that he (Mr. Gale) was scheduled to have a pool party with his family, but instead he had to take them to dinner because they could not use their yard. Mr. Helmlinger told Mr. Gale that was not fair and that he would hold off with the food waste

operation until late fall or the wintertime but that didn't happen. Instead, the problem got worse in the wintertime.

Mr. Germano stated that based on Mr. Gale's testimony he assumes that the odor problem started in 2016 and asked if that was correct. Mr. Gale stated that's not accurate and that 2016 was the year he couldn't take it anymore and realized that it had become a persistent problem. It took a while for the neighbors to recognize what was going on since they never received notification that there was going to be a change on the operation of the Helmlinger farm property.

Mr. Gale stated that he was not opposed to living next to a farm, but he thinks everyone is doing a disservice to the term farmland preservation by speaking about this operation like it is a farm. He stated that he made it through the winter but came to realize that he can't use his backyard.

Mr. Gale stated that the farm is positioned at the top of the hill and his home is at the bottom of the hill, so the prevailing wind blows the odor down towards his home despite the fact that Mr. Helmlinger's storage facility has been moved and covered. He noted that his house and his pool are configured on property that is essentially a catch basin for all of the odor and runoff coming from the farm. He stated that he has no opposition as to what Mr. Helmlinger is doing, except for the fact that Mr. Gale can't go outside, his daughter stopped coming home from college and he can't have pool parties anymore.

Mr. Gale went on to say that a major problem is when the food waste operation occurs during hours when no one is available to come and assess the situation; the odor persists overnight and by the time someone comes out the next day, the odor is gone. The amount of waste that's being brought onto that farm and the number of deliveries also causes an extreme amount of manure. Moving the waste and moving the food around stirs up the smell in the air and exacerbates the situation. Mr. Gale stated that Mr. Helmlinger told him that he really doesn't smell the odor anymore and stated that he was "nose blind" to it. Mr. Gale said that numerous health studies have shown that concentrated feed operations can cause loss of smell, which is probably the case with Mr. Helmlinger. He went on to say that studies indicate that the wind disturbance sends toxins causing respiratory issues and depression.

Mr. Germano interrupted Mr. Gale and stated that it was not appropriate for him to give testimony regarding such studies, as that information was not presented to the ALJ. Mr. Gale stated that the only reason he brought it up is because it sounded like this has never been discussed before and it seemed like something the committee should consider.

Mr. Gale noted that the comments that were made earlier about health visits were not accurate. Margie Yang, a health official who had visited one of the SSFW distribution sites, testified in front of the county agriculture development board about a concern for health risks. Mr. Gale asked the committee to imagine opening the door of your home every morning when you're about to go outside and not knowing what's about to hit you in the face and how that drastically changes the way that you use your property. He stated

that although Mr. Helmlinger moved the storage facility and put a roof over it, those were ineffective because the farm still remains uphill and the wind funnels the odor directly downhill. He stated that this issue is unfair to him and the neighbors and giving Mr. Helmlinger RTF protection affords Mr. Gale, his family and his neighbors no protection at all.

Mr. Gale noted that the DEP has a call log of thousands of calls about this problem, which typically results in a return call 24 hours later, where nothing gets rectified. He reiterated that this has dragged on for 5 years now without an opportunity for the problem to be alleviated because the neighbors have not been fully heard. He concluded that this devastating odor is not something to take lightly, because it has been an extreme disruption to his life and to that of his family.

Mr. Germano thanked Mr. Gale for his testimony and called on neighbor Ms. Denise Knoll to speak.

Ms. Knoll stated that Mr. Helmlinger received a letter on July 7, 2017 from the DEP's Department of Air Enforcement, regarding the odor complaints. The letter said, in part, that pursuant to regulations, Mr. Helmlinger would be liable for enforcement action; not limited to monetary penalties, for causing odors that result in unreasonable interference with the neighbor's enjoyment of life or property. Mr. Germano stated that the letter did not result in enforcement action by the DEP and because it did not result in enforcement it could not be considered. Ms. Knoll stated that she brought it up because it was included in the MCADB hearings.

She stated that Mr. James Cervelli, director of DEP Air Quality, and Mr. Nelson Santiago, Monmouth county health inspector, stated that it's impossible to get an air quality violation on record because it is impossible to complete the 360-degree report. Ms. Payne asked Ms. Knoll why it's impossible for them to complete the 360-degree inspection. Ms. Knoll stated, as per Mr. Santiago, every property that surrounds Mr. Helmlinger's property would have to be visited in order to source the odor and there is not enough time or personnel to do so. Ms. Knoll stated that she has an incident report that she wanted to review with the committee. Mr. Germano told her that, instead, it's best for the committee to know how this operation is affecting her and the use of her property.

Ms. Knoll stated that her outdoor activities are limited because she does not know when the odor will come or how long it will last. She stated that she has anxiety as a result and runs her air conditioning constantly because there is no fresh air coming in from outside, as the food waste smells are strong. She stated that Mr. Helmlinger pushes the food waste around after a load shows up and the smell is horrendous. Ms. Knoll stated there have been 121 loads delivered so far this year that she knows of which can be up to 35,000 pounds of source separated food waste. She says she gets anxiety when she sees the truck come up the driveway because she knows what the rest of the day will be like and that she won't be able to go outside. She noted that she has been a prisoner in her own home and has no quality of life.

Mr. Germano thanked Ms. Knoll for her testimony and then called on neighbor Ms. McEvoy to speak.

Ms. McEvoy stated she has been on the property for 40 years and prior to that grew up at the house next door so she's been on the property for over 70 years. She explained that she doesn't have an issue with farming, but that she was not aware of what a commercial farm could end up being like. She expressed concern that although some of the food waste goes to other properties, all of it is delivered to this particular property and there is a truckload coming every other day and it smells like a landfill. She stated that the number of cattle and the amount of waste that's being produced on this property is not appropriate for a farm of this size. The entire problem boils down to the amount of waste that the cows are producing mixed with the smell of the food source. Ms. McEvoy stated that the neighbors have no quality of life and they are not able to enjoy their property because they don't know when they will be confronted with the smell.

Mr. Germano thanked Ms. McEvoy for her input and called on Mr. Helmlinger to speak.

Mr. Helmlinger stated that he did stop deliveries for a while but then he started back up again because the complaints from the neighbors did not cease. He realized that the neighbors were not smelling the fruits and vegetables, instead they were smelling the manure and there is nothing that he can do about that other than what he has already done. He noted that NRCS, NJDA, and even the SADC chipped-in some money, and Rutgers, to put a roof over his whole cow lot. He stated that he has a five and eight-year-old son and daughter and they play outside in the yard all the time and he has get-togethers all the time with his family and extended family. He said that this is his full-time job and it's how he makes his living. He noted that there is science behind this method of feeding and that the cows have a balanced, rationed diet with fruit and vegetables, corn silage, brewers' grain and a mineral pack with sodium bicarbonate. All of his cattle are choice and prime beef. Mr. Helmlinger stated that he never had a conversation with Mr. Gale about being "nose blind" to the smell of the separated food waste.

Mr. Germano stated that Ms. McEvoy said Mr. Helmlinger takes the food from his farm to somewhere else. Mr. Helmlinger stated that he takes his loader that holds about 1,000 pounds and he brings it across the street and brings it to the cows there. He also has cows at another location, and he takes corn silage to them. He said he takes a ton of food off the property every evening.

Mr. Germano opened the matter up for committee discussion. Ms. Payne stated that there was discussion at the CADB level regarding the manure smelling differently because of the source separated food waste that the cows were being fed. Mr. Germano commented that he thought the Department of Agriculture recommended that sodium bicarbonate be added to the feed to eliminate the odor problems. Mr. Helmlinger stated that it's common with any high energy diet, most particularly in ground corn, from dairy farms to the large feedlots out West, to add sodium bicarbonate to prevent acidosis in livestock, and it's not just particular to a diet of fruit and vegetables.

Mr. Waltman commented that this is a case where we need to understand where the burden of proof is and what is our obligation to balance the different interests at stake here. He stated that Ms. Reynolds memo suggested and concluded that there hasn't been a proper balancing of interest of the impact of the odors on adjoining residential uses against the commercial farm's specific agricultural operation. Mr. Waltman asked Ms. Reynolds to remind the committee where the balancing requirement resides in the statute that we need to operate under.

Ms. Reynolds stated that SSAMPs are in section 9 of the RTFA act and complaints are in section 10, which say that "the operation or activity which conforms to agricultural management practices and all relevant federal or state statutes or rules and regulations and which does not pose a direct threat to public health and safety, there shall be a presumption that against it being a public or private nuisance...nor shall any such operation activity or structure be deemed to otherwise invade or interfere with the use and enjoyment of any other lands or property."

Mr. Waltman stated that he's not a farmer but that there is a farm on the property that he manages at his nonprofit day job. He stated that he is a homeowner, but he's having trouble concluding anything but that the adjacent homeowners are really being harmed here; and they don't have an option to leave but the landowner has an option to change his practices to support the neighbor's quality of life.

Mr. Ellis asked what exactly is in the source separated food waste. Ms. Reynolds stated that it is described as pre-consumer discarded food and vegetables, like the food that goes bad at grocery stores. She noted that per animal, the approved ration is 89 pounds of source separated food waste, 9 pounds of brewer's grain and 5 to 8 pounds of hay. Ms. Payne stated that this is not considered garbage feeding, as it's only discarded fruits and vegetables.

Ms. Payne commented that she wanted to add one thing to Mr. Waltman's question about the obligation to do the balancing. She stated that Ms. Reynolds read a part of the statute regarding public health and safety and nuisance, but an important part of the statute in the memo, under N.J.S.A. 4:1C-2e., says that the express intent of the RTFA is to protect commercial farm operations "while, at the same time, acknowledging the need to provide a proper balance among the varied and sometimes conflicting interest of all lawful activities in New Jersey" and that is the essence of the balancing.

Ms. Payne said that she didn't know if there was a violation of the state odor laws and regulations here, but if we were to assume that is not the case and that whatever Mr. Helmlinger did was not triggering state law, the SADC still has the obligation to balance interests, so this case boils down to what is a reasonable impact of being next to this kind of farm operation that we think neighbors should have to endure and be subject to? If the odor impact was once a month or once a week, would that change our position? It's the obligation of the SADC to do the balancing and we do not think the ALJ did that balancing at all .

Ms. Payne stated that the SADC recognizes Mr. Helmlinger is innovating, food waste is a big issue, and recycling fruits and vegetable as nutritional feed for cattle is a great idea. She noted that Mr. Helmlinger cooperated and did everything he could with regard to solid waste and a storm water management compliance, which the SADC applauds. Ms. Payne stated that the question is whether or not the impacts of the operation that have been described by the neighbors are reasonable.

Mr. Germano says that he looks at the case the way Ms. Payne does, and he says cases like this have two issues. The agencies that have a direct responsibility to look into the issue of Mr. Helmlinger's activities posing a threat to public health and safety, failed to do so. The farmer members who are also on CADBs know that the CADB is not an investigative agency, as it's the job of the parties to bring evidence to the board. However, when you have two agencies who have the jurisdiction to make a finding on the matter, but fail to do so and defer to the RTFA, it impacts the RTFA decision. More help is needed from these other agencies.

Mr. Germano stated that there is no finding as to whether public health and safety is affected in this case, but the odor complaints still are relevant to the impacts this operation is having on the neighbors. Mr. Germano stated that the fault with the ALJ is that the judge thought this operation was approved as an SSAMP, but in his (Mr. Germano's) opinion, Mr. Helmlinger, despite his efforts, could not make the odor problem go away and the SSFW operation is not appropriate for this site. The ALJ never took the next step to look at that issue and that makes the decision faulty. Mr. Germano stated that the ALJ found the feed appropriate but did not analyze if this operation is appropriate for this site and if it unreasonably interfered with the neighbors right to use their property.

Ms. Fischetti stated that she is very uncomfortable considering this issue based on the testimony that was provided today. She stated that she appreciates the neighbors explaining their situation, but she doesn't feel comfortable deciding based on whether this is a nuisance based on their testimony. She asked if the SADC is able to make findings of fact or will it be remanded back to the ALJ; that way there will be more evidence given in addition to people giving their own personal opinions and experiences.

Ms. Payne stated that the role of the SADC is to accept, modify or reject the decision of the ALJ, but if the committee determines that it does not have sufficient facts before it to make a decision, the matter can be remanded back to the OAL for further hearing and further fact finding.

Mr. Germano stated that this case has been going on for a long time. Ms. Payne stated that staff is cognizant of the cost of all parties to date and how long it's taken, and the testimony of the neighbors has been consistent before the MCADB, the OAL, and the SADC. Ms. Payne asked Ms. Fischetti what information she thinks is missing in order to guide the ALJ as to what direction would be taken on remand. Ms. Fischetti stated that there were other agencies that went out to the site that said they didn't notice anything, so the contradictions are concerning. Ms. Fischetti would like objective evidence based as to whether or not a nuisance exists. She understands the neighbors' complaints, but that doesn't mean the

complaints are factual. Ms. Payne clarified that Ms. Fischetti is looking for an objective assessment of whether a nuisance exists.

Ms. Payne asked Mr. Smith to comment on this question about whether the SADC has the ability to make this finding of a nuisance or unacceptable impact. Mr. Smith stated that he doesn't think the SADC is being asked to make a finding that this is a nuisance, the question is whether this site-specific operation is entitled to RTFA protection. The issue of nuisances was not before the ALJ or the CADB, the issue is whether the specific operation or practices are eligible for RTFA protection.

Mr. Smith stated that he agreed with Ms. Payne in that there can always be a remand, as that's been done in the past; however, it drags the case on for another 18 months to 2 years in the OAL. Further, Mr. Smith observed that there's no guarantee an OAL decision after a remand will be well thought-out. Mr. Smith recalled the del Campo case that was remanded and said that the SADC had to come up with very specific questions to guide the ALJ to ensure a better product from the OAL. Mr. Smith called on Mr. Stypinski for his advice.

Mr. Stypinski stated that he usually gives legal advice in closed session, but he stated that he is uncomfortable about the committee finding there's a nuisance. The RTFA's section 10 basically says that there is an irrebuttable presumption that an agricultural operation is not a nuisance if the operation is an acceptable agricultural management practice, which the ALJ determined existed in this case. He understands the concern for a remand and suggested the committee do a remand only for a balancing test as that may be an appropriate remedy.

Mr. Germano asked if the balancing test could be done based on the record. Mr. Stypinski said that the problem is that the balancing test was never done by the ALJ in the initial decision and the committee would be performing its own test. This can be done, but the decision to do that is up to the committee. Mr. Germano stated that he would like to do the balancing test with the committee now. Ms. Fischetti asked if all of the evidence for the balancing test is before us today. Mr. Germano stated that it's not going to get better because smell is a subjective thing and sending someone else out there is going to confirm what we already know. Ms. Fischetti stated that if the committee actually does a balancing test in favor of the neighbors, will this make the farm less economically viable and will the farmer have to reduce his operations.

Mr. Norz stated that it sounds like this is a right to farm issue and if the landowner is doing all things that are within the realm of right to farm, there doesn't seem to be an issue with Mr. Helmlinger being out of scope of a farming practice. He understands the concern of the neighbors, but he doesn't see concrete evidence that the landowner is doing something beyond the scope of what would be permitted under the right to farm. Mr. Germano stated that since this is an SSAMP, the question becomes whether this is an appropriate place for the landowner to conduct his business. Mr. Norz asked if that means the SSAMP needs to be re-applied for. Ms. Payne stated that the MCADB did that and denied protection to this aspect of the landowner's operation because of the impact to the neighbors. d



Ms. Murphy agreed with Mr. Germano and his summary of the issues. She tried to get information from the DEP before the meeting but was unsuccessful because the department is in the middle of moving its offices. Ms. Murphy asked whether the SADC was able to obtain information from the DEP.

Ms. Reynolds stated that she asked the DEP's air compliance unit about its records regarding the odors. DEP sent Ms. Reynolds a log of all the complaints regarding the Helmlinger farm that were called in on DEP's hotline from 2016 to 2017. There were over 100 calls, and the logs contained the times the calls were made and the disposition of the calls. The DEP would get a message on its hotline, call the neighbors back, leave a message and then close the case. There would be times that the DEP called back and inspected the farm, but by the time of the inspection the odor had dissipated and the case was closed. Ms. Reynolds stated that was also the case with calls to and inspections by the county board of health.

Mr. Waltman stated that the farmland preservation program will be accepted enthusiastically, as it always has been, by the voters and taxpayers of NJ if they find it to be beneficial to the health, financial health, quality of life and culture of the state. The minute the SADC starts approving things that appear to harm individual homeowners, that is when the public support for the program becomes endangered. Just because other people are doing this practice, doesn't mean that is the best thing to do here in this case. The MCADB is closer to this case than we are, and they ruled against the farmer, so it's appropriate for the SADC to disagree with the ALJ and act consistently with the MCADB's determination.

Mr. Norz stated that he respects Mr. Waltman's opinion, but he does not have enough evidence to say that Mr. Helmlinger should change his farming operations at this time.

Mr. Germano asked whether the committee had further comments, and stated that a motion would also need to be offered. Mr. Ellis asked Mr. Germano to explain what the committee is deciding on.

Mr. Germano stated that the ALJ had to make findings about whether the landowner's practice is an accepted ag practice for this specific site and whether there was enough evidence in the record to establish that a direct threat to public health and safety existed. Once these two issues are resolved, the complaint is resolved. The SADC has to accept, modify or reject these findings. Mr. Johnson asked what the CADB's reason was for denying the SSFW operation right to farm protection. Mr. Germano stated that the CADB found that this was not a widely accepted agricultural practice.

Ms. Reynolds stated that the MCADB found that the SSFW practice is not commonplace in the industry and is potentially exacerbating the odor, and there is no adopted AMP or regulations under the RTFA. Mr. Johnson asked if the 2010 SSAMP addressed using source separated food waste and staff confirmed it did not.

Mr. Ellis stated that he agrees with Mr. Waltman and that the MCADB should be supported. Mr. Germano stated that the SADC can't support the MCADB by commenting on their decision; instead, the SADC can accept the ALJ's decision that this is an accepted practice. But Mr. Germano concluded the SSFW operation is not appropriate here and there was no proof of a direct threat to public health and safety. Mr. Ellis stated that in his opinion that is what the committee should do. Mr. Germano asked if he would like to make that a motion. Mr. Ellis stated that he would. Mr. Germano asked for a second. Mr. Waltman stated that he would second the motion. Mr. Norz asked for a reading of what the exact motion would be.

Mr. Germano suggested that the motion would read, *"the use of source separated food waste to feed cattle is a generally accepted agricultural management practice but the intensity of that use on this site, given it's size and it's location relative to a number of residences, makes it inappropriate for the grant of an SSAMP that permits it. Secondly, the SADC agrees with the ALJ that there was no evidence, finding or proof that what Mr. Helmlinger is doing is a direct threat to public health and safety."* Mr. Waltman and Mr. Ellis stated that they were not comfortable with the last sentence that he read and that it should be left out.

Mr. Norz asked where the proof was that this is a threat to public health and safety, other than the neighbors' complaints. Mr. Waltman stated that the committee doesn't have to make that finding, the question is whether they are shielded from the practice. Mr. Germano stated that he has no problem with leaving that out. Ms. Payne agreed with Mr. Germano and stated that while there is no evidence that Mr. Helmlinger is violating the health and safety of the neighbors, there's also no evidence that he's not violating it. Mr. Norz stated that mentioning the last sentence will give some backing to the farmer because it looks as though we are making decisions without any hard evidence that this is a threat to public safety.

Mr. Germano stated that these decisions are public and get published, and stated that he would like the decision to tell the DEP and the county health department that the SADC needs help in these decisions going forward, so that's why he offered the language "there was no evidence, finding or proof that what Mr. Helmlinger is doing is a direct threat to public health and safety". Mr. Waltman said that he is concerned about inappropriate interpretation or suggesting that the burden is really on the health agencies when in this matter the burden is on the landowner. Mr. Norz stated that this is a farming practice and without the appropriate evidence the committee is overstepping by telling the farmer how to run his practice.

Ms. Payne stated that RTFA doesn't tell a farmer what to do, instead it protects the farmer from litigation from neighbors, and enforcement actions by municipal and county governments, if the farming operation has been declared to be a generally accepted agriculture management practice. She stated that the ball would be back in Helmlinger's court as to whether he wants to continue to do this or adjust his operation to avoid any further legal entanglement. Mr. Norz stated that he disagrees with Ms. Payne in that the landowner will have to change his practice because he assumes a lawsuit will be filed by

one or more people and he takes that very seriously. Ms. Payne agreed that this is a serious matter and the committee is not dictating what the farmer can and can't do, but the question is whether right to farm is protecting the farmer. Mr. Norz stated that he would agree to disagree with her.

Ms. Murphy agreed that the last sentence of the motion should be left out and stated that the DEP did try to help in this case. Mr. Germano stated that if the majority is of the mind that the last part of the motion doesn't need to be mentioned, he will go along with it.

Ms. Fischetti asked if the proper procedure has been followed to decide whether an SSAMP is inappropriate SSAMP. Mr. Germano stated that he believes the proper procedure was followed.

Mr. Waltman stated that he would like to see the language that Ms. Reynolds had in her memo, regarding the balancing of interests, included in the motion. It says, "*the impact of the odors on adjoining residential uses was not properly balanced against the commercial farm's specific agricultural operation.*" Mr. Waltman requested that verbiage be included in place of the section of the motion which reads, "*the SADC agrees with the ALJ that there was no evidence, finding or proof that what Mr. Helmlinger is doing is a direct threat to public health and safety.*"

Mr. Germano stated that the resolution is modifying the decision of the ALJ because the judge didn't do the balancing, and now the SADC will suggest the balancing supports the neighbor's complaints. Ms. Fischetti asked if this decision is based on firm ground and if a true balance test was done by any agency. Ms. Payne stated that in reading the MCADB's decision, she realized the board's frustration about SSFW being a new practice with no standards for the MCADB to turn to for guidance, coupled with the impact on the neighbors. Ms. Payne stated that the evidence of balancing comes from testimony from the five neighbors involved in this case and she's trying to understand what further evidence Ms. Fischetti believes would be needed, as the committee is entitled to decide based on the testimony in the record.

Ms. Fischetti asked if there was a way to change the wording in the motion that mentions "intensity of use" because there may be changes in the farmer's operation that could make it more permissible and acceptable. Ms. Payne asked Ms. Fischetti if she's more focused on the degree of impact of the operation. Ms. Fischetti agreed. Ms. Payne stated that if Mr. Helmlinger wants to change his operation to lessen the degree of impact, then that may be something that could be eligible for right to farm protection down the road, but he has to ameliorate the current impacts.

Ms. Fischetti stated that she is not comfortable making a decision based on the current information that the SADC has now. She would prefer more fact-based information in addition to the neighbor's testimony. She requested that the motion be changed to give the farmer the option to make changes but continue on with his business and lessen the impact.

Mr. Germano stated that the combination of the intensity of the use and the size of the parcel on which it is occurring results in unreasonably negative impacts on neighboring properties. Ms. Fischetti stated that if the landowner changed the manner in which his operation is being run it would lessen the impact on the neighbors. Mr. Ellis commented that the landowner is outside the bounds of the SSAMP, and the purpose is to get a SSAMP to allow or not allow what the landowner is doing and it's up to the CADB to try and figure that out. Ms. Payne stated that the landowner has a legitimate reason to operate as he does but then there has to be a balance as to what impact this operation has on everyone else who's not the farmer. She stated that there is enough evidence in the record that source separated food waste is a relatively new accepted practice and SADC needs to be careful about not embracing innovation of operations while considering the needs of the neighbors.

After further discussion regarding the phrasing of a prospective motion, Mr. Ellis offered and Mr. Waltman seconded a motion that the feeding of source separated food waste to livestock is a generally accepted agricultural management practice, but because this is an SSAMP case and the ALJ failed to do the proper balancing of interests, the SADC finds the manner in which the operation is being conducted, with the effect it has on the neighbors, makes it inappropriate for protection as an SSAMP. A roll call vote was taken. Mr. Norz and Ms. Fischetti voted against the motion. Mr. Ellis, Mr. Waltman, Mr. Johnson, Ms. Murphy and Mr. Germano voted in favor of the motion. The motion was approved.

#### **B. Resolution: Final Approval – County PIG Program**

Ms. Miller referred the committee to six requests for final approval under the County PIG Program. She reviewed the specifics of the requests with the committee and stated that staff recommendation is to grant final approval.

**Note: Mr. Johnson stated that he has to recuse from Resolutions 3 through 6 as he is a member of the Burlington CADB.**

It was moved by Mr. Norz and seconded by Mr. Bullock to approve Resolutions FY2022R12(1) and FY2022R12(2), granting approval to the following applications under the County PIG Program, as presented, subject to any conditions of said resolution.

1. Gerard and Janet McEvoy, SADC ID#21-0624-PG, FY2022R12(1), Block 13, Lot 11.01, White Township, Warren County, 21.6 gross acres.
2. The Andrew Dietz 2012 House Trust & The Karen Dietz 2012 House Trust, SADC ID# 14-0133-PG, FY2022R12(2), Block 7, Lot 13.23, Chester Township, Morris County, 28.3 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2022R12(1) and FY2022R12(2) is attached to and a part of these minutes.

It was moved by Mr. Norz and seconded by Mr. Waltman to approve Resolutions FY2022R12(3) through FY2022R12(6), granting approval to the following applications under the County PIG Program, as presented, subject to any conditions of said resolution.

3. Whalen Farms, LLC, SADC ID# 03-0439-PG, FY2022R12(3), Block 33, Lot 12, Shamong Township, Burlington County, 16.0 acres.
4. Dara & Douglas Edward Emmons (Emmons Home), SADC ID# 03-0438-PG, FY2022R12(4), Block 805, Lot 1, Pemberton Township, Burlington County, 96.0 acres.
5. Dara & Douglas Edward Emmons (Emmons West), SADC ID# 03-0437-PG, FY2022R12(5), Block 804, Lots 5.01 and 6.01, Pemberton Township, Burlington County, 82 acres.
6. John & Denise Stevens, SADC ID# 03-0435-PG, FY2022R12(6), Block 902, Lot 9.01, Tabernacle Township, Burlington County, 76 acres.

A roll call vote was taken. The motion was unanimously approved, with Mr. Johnson recusing on the Burlington County applications. A copy of Resolutions FY2022R12(3) through FY2022R12(6) is attached to and a part of these minutes.

### **C. Resolutions: Final Approval – Municipal PIG Program**

Ms. Miller referred the committee to two requests for final approval under the Municipal PIG Program. She reviewed the specifics of the request with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Bullock and seconded by Ms. Murphy to approve Resolutions FY2022R12(7) and FY2022R12(8), granting approval to the following applications under the Municipal PIG Program, as presented, subject to any conditions of said resolution.

1. Annabelle Hamilton, SADC ID#17-0237-PG, FY2022R12(7), Block 32, Lot 1, Upper Pittsgrove Township, Salem County, 37.1 acres.
2. David and Sharon Zeck, SADC ID#17-0233-PG, FY2022R12(8), Block 13, Lot 21, Upper Pittsgrove Township, Salem County, 41.8 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2022R12(7) and FY2022R12(8) is attached to and a part of these minutes.

### **D. Resolutions: Final Approval – Non-Profit Program**

Ms. Miller referred the committee to one request for final approval under the Non-Profit Program. She reviewed the specifics of the request with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Ellis and seconded by Mr. Norz to approve Resolution FY2022R12(9) granting approval to the following applications under the Non-Profit PIG Program, as presented, subject to any conditions of said resolution.

1. Campgaw Club, LLC, SADC ID#21-0047-NP, FY2022R12(9), Block 5400, Lot 400, Hope Township, and Block 1701, Lots 18.01 & 18.02, Blairstown Township, Warren County, 135.54 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2022R12(9) is attached to and a part of these minutes.

#### **E. FY2023 Nonprofit Round Announcement**

Ms. Miller stated that in September, the SADC granted preliminary approval to all the applications in the FY2023 round and, pursuant to SADC regulations, a notice of solicitation of nonprofit applications must be published in the NJ Register. The notice must be published at least 90 days in advance of the application deadline. Staff is looking for SADC approval today to get that process started. If so approved, staff will be anticipating a January 18, 2022 NJ Register publication date. The application submission deadline is May 15, 2022, and staff will come back to the SADC in September 2022 for preliminary approval of the applications submitted.

It was moved by Mr. Norz and seconded by Ms. Murphy to authorize the FY2023 Nonprofit Round. The motion was unanimously approved.

#### **F. Resolution: Delegation of Certain SADC Actions for Acquisition Program**

Ms. Payne stated that as result of the COVID health emergency, the SADC previously delegated certain matters, including the certification of easement values, jointly to the SADC Executive Director and the Secretary of Agriculture. All COVID-related delegations are set to expire in January 2022, so the SADC must revisit whether and to what extent it wishes to continue these previously delegated powers and whether any other delegations should be considered going forward. In addition to certification of easement values, staff has identified certain routine SADC actions that could be appropriate for future delegation in order to continue to streamline SADC processes and shorten application times, including the annual notice of the nonprofit funding round, issuance of preliminary approvals for alternate and other ranked farms in the State Direct easement purchase program, and issuance of eligibility waivers for farms in the County PIG program. Ms. Payne stated that Mr. Everett would go over each delegation point in more detail.

Mr. Everett stated that with regard to easement values, staff is proposing the committee continue to delegate to the Executive Director and Secretary of Agriculture for approval certifications where the difference between the two appraised easement values is less than \$3,000 per acre and the highest appraised easement value is no more than 25% higher than the lower appraised easement value, whichever is greater. In addition, for certifications that do not meet these criteria or for which the Executive Director does not recommend approval, or otherwise in the discretion of the Executive Director, the matter shall be brought to the Committee for review.

Ms. Murphy stated that she is concerned that if the first time we see properties is at Final Approval, it doesn't leave time for cooperation between DEP and SADC. She said the DEP used to see them at preliminary approval but that was done away with. She relies on mapping the adjacent land use to identify possible coordination. Mr. Everett and Ms. Payne stated that they could include the 2-mile map in a more robust delegation report.

Mr. Norz stated that when the committee gets the CMVs in a delegation report, he does not feel there is an opportunity for the committee to ask questions about the farms. He noted that he is in favor of quick meetings, but that staff has figured out how to have an executive session, so he feels the SADC has an obligation to see these farms in their entirety.

Ms. Payne stated that staff is fine with whatever the SADC wants to do, and the decision is entirely up to the members. She just pointed out that the delegation would have the effect of accelerating the time in which it takes to get information to the partners and, in turn, to the landowners.

Mr. Germano asked how often the SADC has failed to certify a value? Ms. Payne stated that she has seen the committee make a change, which was recommended by staff, to a CMV once in 16 years. However, she understands that the committee wants to see maps and be able to ask questions about particular applications.

Mr. Everett discussed the annual application round for the nonprofit program and said that there are no conditions or parameters for delegation here.

As for direct easement farm applications, farms that meet the following criteria will be delegated to the Executive Director for approval, subject to availability of funding. These criteria are that all priority farms have already been selected; these particular farms meet the county's 70% average quality score or are over 60% of the County's average farm size and has a density score of at least 8 points and all "Alternate" farms have been selected; or is a unique and valuable agricultural resource to the surrounding community where development poses a threat to existing investment in preservation, and the farm has a reasonable opportunity to remain agriculturally viable. Individual application approvals for applications that do not meet these criteria or for which the Executive Director does not recommend selection, or otherwise in the discretion of the Executive Director, will be brought to the Committee for review.



As for the county PIG eligibility waiver for a 70% score, currently if a farm fails to meet the minimum rank score for an “eligible farm”, and the CADB wishes to preserve the farm, it may request a waiver of the minimum score criteria. The SADC may grant a waiver if it believes the conversion of the farm will cause a negative impact, the property is a high agricultural resource, or the property is a unique and valuable ag resource to the community. Staff recommends this be delegated to the Executive Director and applications that the Executive Director does not recommend, or otherwise in the discretion of the Executive Director, will be brought to the SADC for approval.

Mr. Norz stated that he has confidence in the staff and everything they are doing, but it would be positive for him to see these during the meetings to spark some conversation. He likes the fact that he can see the information and have discussion on the applications.

Mr. Germano suggested taking a vote on each one of the delegation points separately since they are all different.

It was moved by Ms. Murphy and seconded by Mr. Bullock to approve delegation of Certifications of Market Values for Development Easements. A roll call vote was taken. Mr. Norz voted against the motion. The remaining members voted in favor of the motion. The motion was approved.

It was moved by Ms. Murphy and seconded by Mr. Waltman to approve the delegation of notice of Annual Application Round for the Nonprofit Program. Mr. Norz voted against the motion. The remaining members voted in favor of the motion. The motion was approved.

It was moved by Ms. Murphy and seconded by Mr. Bullock to approve the delegation of Direct Easement Farm Applications. A roll call vote was taken. Mr. Norz voted against the motion. The remaining members voted in favor of the motion. The motion was approved.

It was moved by Ms. Murphy and seconded by Mr. Bullock to approve the delegation of the County Planning Incentive Grant eligibility waiver for a 70% score. A roll call vote was taken. Mr. Norz voted against the motion. The remaining members voted in favor of the motion. The motion was approved.

Mr. Norz stated that his no votes have nothing to do with the confidence he has in the staff and how they do their job. He’s just disappointed because he feels it’s a missed opportunity that the committee does not get to see everything that was done.

**Public Comment**

Ms. Sachau asked about the four resolutions that were just voted on and asked if the information would be available to the public. Ms. Payne stated that all of the information would be posted for review. Ms. Sachau noted that she was not able to get into the call when she tried earlier this morning and stated that the number is not working correctly. Ms. Payne said that staff would look into that.

Mr. Ellis stated that the meetings really need to take place in person and that staff needs to do whatever it takes to make that happen. Mr. Bullock agreed with Mr. Ellis .

Mr. Germano stated that as a lawyer he's appeared before and represented a lot of boards and the SADC is a good committee and he's proud of how everyone conducts themselves in a civil manner. Mr. Ellis stated that Mr. Germano did a good job in Chairing the meeting today.

**TIME AND PLACE OF NEXT MEETING**

**SADC Regular Meeting:** 9 A.M., January 27, 2022

Location: TBA

**ADJOURNMENT**

The meeting was adjourned at 12:43 p.m.

Respectfully Submitted,

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

Susan E. Payne, Executive Director  
State Agriculture Development Committee

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2022R12(1)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
WARREN COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of McEvoy, Gerard & Janet (Lot 11.01#2) ("Owners")  
SADC ID# 21-0624-PG  
White Township, Warren County  
N.J.A.C. 2:76-17 et seq.**

**DECEMBER 2, 2021**

WHEREAS, on September 29, 2020, it was determined that the application for the sale of a development easement for the subject farm identified as Block 13, Lot 11.01, White Township, Warren County, totaling approximately 21.6 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

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

WHEREAS, the Property includes one (1), approximately 1-acre non-severable exception area for and limited to one (1) future single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 20.6 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, the 1-acre non-severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises
- 3) Shall be limited to one (1) single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

- 5) The installation of future driveways to nonseverable exceptions requires approval from the SADC pursuant to Policy P-41, due to the farm's location in the highlands preservation area, the SADC is requiring access to be along the existing farm lane; and

WHEREAS, the Premises includes:

- 1) Zero (0) housing opportunities
- 2) Zero (0) Residual Dwelling Site Opportunity (RDSO)
- 3) Zero (0) agricultural labor units
- 4) No pre-existing non-agricultural uses; and

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

WHEREAS, the Property has a quality score of 64.34 which exceeds 44, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, the Owner provided a recorded deed showing that the property was originally acquired by Janet L. McEvoy on December 14, 2002; therefore, the property appears eligible for, and must be appraised under, zoning and environmental conditions in place as of 01/01/2004 for farms in the Highlands region pursuant to N.J.S.A. 13:8B, as amended by the "Preserve New Jersey Act," P.L.2015, c.5; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on January 12, 2021, in accordance with SADC Resolution #FY2020R4 (14), Executive Director Payne and Secretary Fisher certified a development easement value of \$5,200 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$1,400 per acre based on zoning and environmental regulations in place as of the current valuation date December 22, 2020; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,200 per acre for the purchase of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on September 8, 2021, the White Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 16, 2021, the Warren County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 22, 2021, the Board of Warren County Commissioners passed a resolution granting final approval and a commitment of funding for \$1,700 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 21.22 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 21.22 acres):

	Total	Per/acre
SADC	\$74,270	(\$3,500/acre)
Warren County	\$36,074	(\$1,700/acre)
Total Easement Purchase	\$110,344	(\$5,200/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$74,270 in base grant funding which is available at this time (Schedule B); and

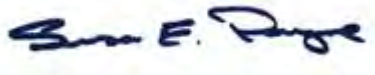
WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Premises, comprising approximately 21.22 net easement acres, at a State cost share of \$3,500 per acre, (67.31% of certified easement value and purchase price), for a total grant of approximately \$74,270 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
4. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
5. The SADC's cost share grant to the county for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
6. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
7. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the

herein-approved exception, so long as there is no impact on the SADC certified value.

8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.



December 2, 2021

---

Date

---

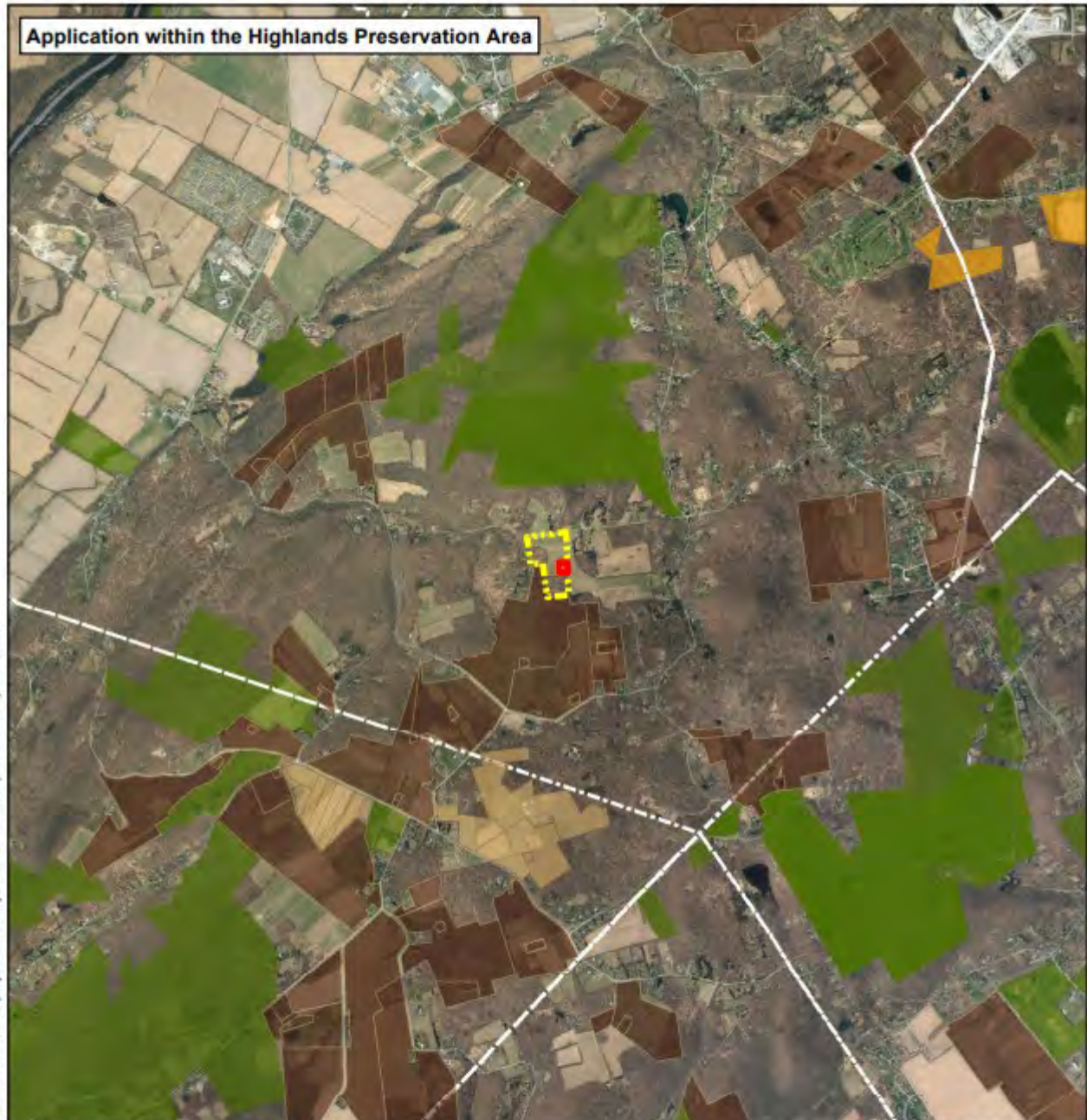
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	ABSENT



# Preserved Farms and Active Applications Within Two Miles



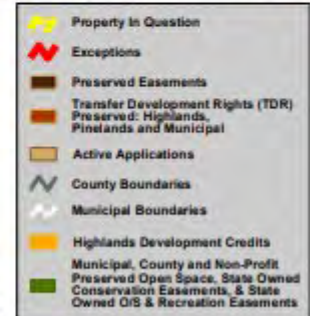
X:\counties\warren\projects\McEvoy, Gerard & Janet (Lot 11.01 #2) 2miles.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

McEvoy, Gerard & Janet (Lot 11.01 #2)  
Block 13 Lots P/O 11.01 (20.6 ac);  
& P/O 11.01-EN (non-severable exception - 1.0 ac)  
Gross Total = 21.6 ac  
White Twp., Warren County

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

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

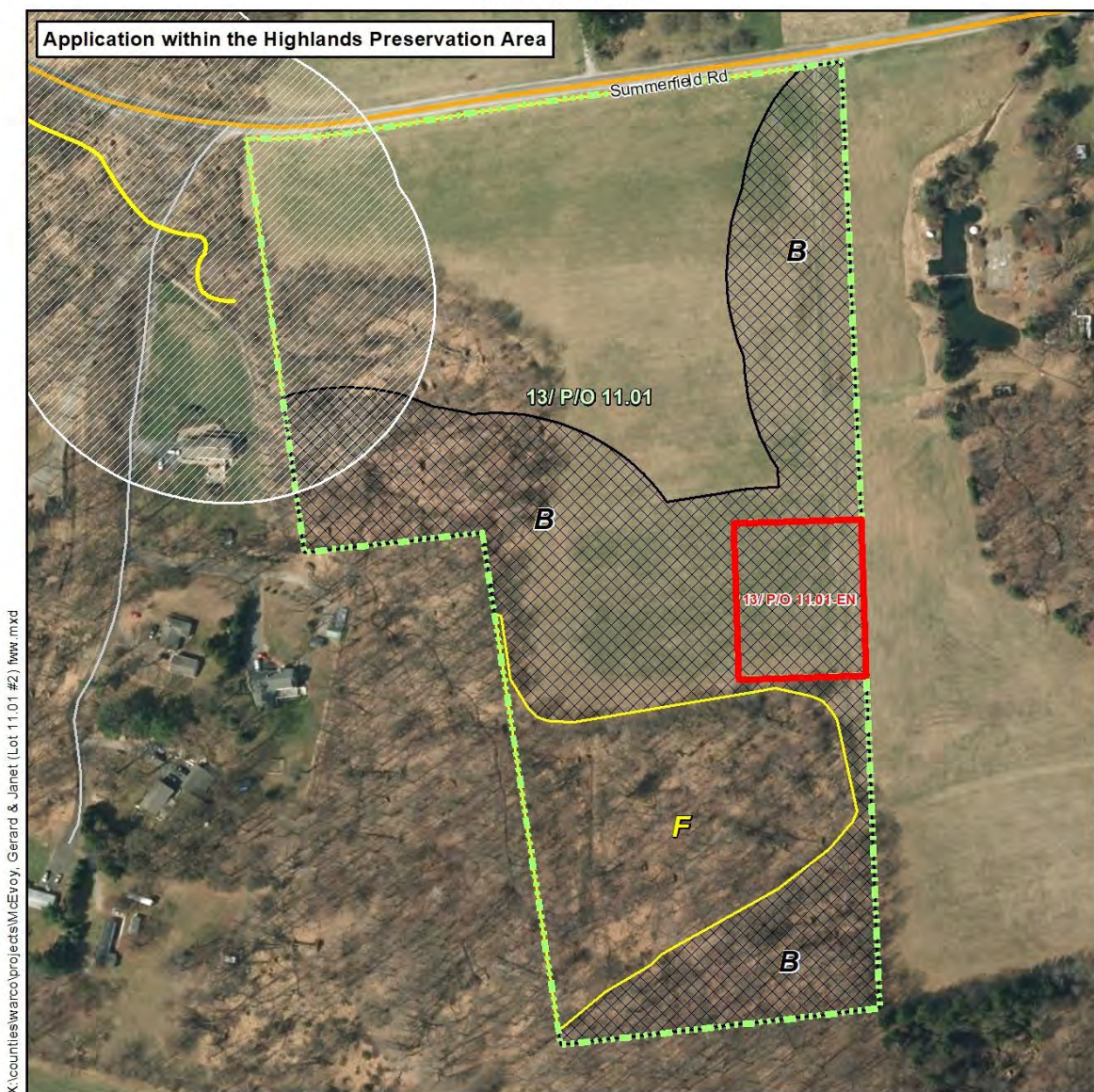


**Sources:**  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Protected Areas Database of the United States (PAD-US)  
NJOIT / GIS 2015 Digital Aerial Image

September 9, 2020



# Wetlands



X:\counties\warco\projects\McEvoy, Gerard & Janet (Lot 11.01 #2) \www.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

McEvoy, Gerard & Janet (Lot 11.01 #2)  
Block 13 Lots P/O 11.01 (20.6 ac);  
& P/O 11.01-EN (non-severable exception - 1.0 ac)  
Gross Total = 21.6 ac  
White Twp., Warren County



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJ Highlands Council Data  
NJOT/OGIS 2015 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.

- Property In Question
- EN - (Non-Severable) Exception
- Wetlands Boundaries
- 300 ft Buffered Wetlands
- Primary - Limited Access
- Federal or State Hwys
- County Roads
- Municipal/Local Roads



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

September 9, 2020

SADC County PIG  
Financial Status  
Schedule B

Warren County

SADC ID#	Farm	Municipality	Acres	Pay Acres	SADC FA	Closed	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	Grant (%) Per Acre	SADC		Total Federal Grant	SADC Federal Grant	Base Grant				Competitive Funds					Fund Balance										
										Cost Basis	Cost Share			Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 20	Fiscal Year 21	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 18	Fiscal Year 20	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 18	Fiscal Year 20					
Encumbered	PV	Expended	Balance	Encumbered	PV	Expended	FY11 Balance	FY13 Balance	FY17 Balance	FY18 Balance	FY20 Balance																						
			3,500,000.00																														
21-0530-PG	JJ Smith North	Harmony	80.0000	82.4000	04/24/15		4,600.00	3,160.00	68.70%	379,040.00	260,384.00						260,384.00	249,595.76								3,448,369.54							
21-0558-PG	JJ Smith South	Harmony	42.3800	43.6500	11/12/15		6,000.00	3,900.00	65.00%	261,900.00	170,235.00						170,235.00	165,141.60								3,283,227.94							
21-0543-PG	Klimas	Mansfield/Independence	197.4750	197.1190	07/23/15	12/05/16	3,700.00	2,620.00	70.81%	729,340.30	516,451.78						512,734.00	516,451.78	516,451.78							2,766,776.16							
21-0559-PG	Thompson	White	34.6210	34.6210	08/27/15	02/18/16	3,600.00	2,560.00	71.11%	124,635.60	88,629.76						95,462.40	88,629.76	88,629.76							2,678,146.40							
21-0572-PG	RLL Enterprises	Franklin	47.7350	47.7350	09/24/15	03/15/16	7,600.00	4,700.00	61.84%	362,786.00	224,354.50						230,441.00	224,354.50	224,354.50	2,716,111.98						2,662,173.25							
21-0560-PG	Burke & Dinsmore (51.01)	Harmony	78.735	78.7330	11/12/15	01/22/18	3,500.00	2,500.00	71.43%	275,565.50	196,832.50						206,000.00	196,832.50	196,832.50							2,465,340.75							
21-0561-PG	Burke & Dinsmore (51.02)	Harmony	18.106	18.1060	12/01/16	01/22/18	7,800.00	4,800.00	61.54%	141,226.80	86,908.80						92,448.00	86,908.80	86,908.80							2,378,431.95							
21-0570-PG	Race	White	85.566	85.5660	11/03/16	3/7/2017	5,700.00	3,750.00	65.79%	487,726.20	320,872.50						333,742.50	320,872.50	320,872.50							2,057,559.45							
21-0574-PG	Unangst	White	84.0410	84.0410	11/12/15	1/11/2019	3,625.00	2,575.00	71.03%	304,648.63	216,405.58						229,149.25	216,405.58	216,405.58	2,709,245.56						1,848,020.29							
21-0568-PG	Barton #1	Mansfield/Indep/Liberty	34.5188	33.9604	01/28/16	12/07/16	4,500.00	2,952.27	65.61%	152,821.80	100,260.20						100,260.20	100,260.20	100,260.20							1,747,760.09							
21-0564-PG	Barton #2	Mansfield/Liberty	69.8326	69.8326	02/25/16	12/07/16	4,800.00	3,266.02	68.04%	335,196.48	228,074.80						228,074.80	228,074.80	228,074.80							1,519,685.29							
21-0565-PG	Barton #3	Mansfield/Liberty	26.6195	26.6195	02/25/16	12/07/16	5,800.00	3,800.00	65.52%	154,393.10	101,154.10						103,918.60	101,154.16	101,154.16							1,418,531.13							
21-0557-PG	O'Dowd East	Greenwich/Franklin	91.7830	91.7830	02/25/16	12/23/16	6,300.00	4,050.00	64.29%	578,232.90	371,721.15						401,213.25	371,721.15	371,721.15							1,046,809.98							
21-0554-PG	O'Dowd West	Greenwich	104.7370	104.7370	02/25/16	12/21/16	5,600.00	3,700.00	66.07%	586,527.20	387,526.90						402,234.40	387,526.90	387,526.90							659,283.08							
21-0553-PG	Bartha	White/Oxford	40.5150	40.5150	07/28/16	02/16/17	4,500.00	3,100.00	68.89%	182,317.50	125,596.50						130,913.00	125,596.50	125,596.50							533,686.58							
21-0602-PG	Shandor, Riddle, West, Spade	Harmony	100.1900	100.1900	10/25/18	05/18/21	3,100.00	2,260.00	72.90%	310,589.00	226,429.40			243,628.00	226,427.14	226,429.40	773,570.60																
21-0609-PG	Haydu, S & J, and Potter, D	Harmony	43.9860	42.9330	01/24/19		4,900.00	3,340.00	68.16%	210,371.70	143,396.22			146,208.50	143,396.22		630,174.38																
21-0605-PG	LaBarre Family LMTD Partnership	Hope/Knowlton	101.4830	100.5600	02/28/19		3,200.00	2,320.00	72.50%	324,745.60	233,299.20			233,299.20	233,299.20	233,299.20	396,875.18																
21-0604-PG	Hoffmann-LaRoche Inc.	White	92.7160	92.7160	05/23/19	03/24/21	5,100.00	3,450.00	67.65%	472,851.60	319,870.20			333,063.00	319,870.20	319,870.20	77,004.98																
21-0612-PG	Anema, Kristopher	Washington	19.6560	18.8700	05/23/19	11/13/19	4,000.00	2,800.00	70.00%	75,480.00	52,836.00			43,801.30	43,801.30	43,801.30	33,203.68	13,598.70	9,034.70	9,034.70						4,990,965.30							
21-0613-PG	Route 57 Partnership	Franklin	69.5790	69.5730	06/27/19	05/09/21	3,200.00	2,320.00	72.50%	222,633.60	161,409.36						165,121.36	161,409.36	161,409.36							4,829,555.94							
21-0370-PG	CDEK LLC & Stampone, Edward	Knowlton	32.7640	32.7300	09/26/19	05/11/21	4,650.00	3,190.00	68.60%	152,194.50	104,156.69						104,156.69	104,156.69	104,156.69							4,725,399.25							
21-0615-PG	Beatty, Carol A. (South)	Greenwich	50.5000	52.0200	10/24/19		9,500.00	5,700.00	60.00%	494,190.00	296,514.00						296,514.00									4,428,885.25							
21-0614-PG	Beatty, Carol A. (North)	Greenwich	84.0000	86.5200	04/23/20		8,800.00	5,300.00	60.23%	761,376.00	458,556.00			30,391.40			2,812.28	428,164.60								4,000,720.65							
21-0608-PG	Dykstra Properties, LLC	Mansfield	288.9000	297.5670	01/28/20		3,900.00	2,740.00	70.26%	1,160,511.30	815,333.58						815,333.58									3,185,387.07							
21-0619-PG	7 Old Orchard Rd, LLC	Hardwick	75.3000	77.5590	03/25/21		4,000.00	2,440.00	61.00%	310,236.00	189,243.96						189,243.96									2,986,143.11	2,000,000.00						
21-0625-PG	Anema, Brenda	Washington	122.0600	125.7210	07/22/21		4,300.00	2,980.00	69.30%	540,600.30	374,648.58						374,648.58				517,804.94					2,776,046.52	1,861,329.65						
21-0624-PG	McEvoy, Gerard & Janet ( Lot 11.01 #2)	White	20.6000	21.2200	12/02/21		5,200.00	3,500.00	67.31%	110,344.00	74,270.00			2,812.28			-	71,457.72								2,756,176.92	1,809,741.53						
Closed	33		2,505.3549	2,497.6445						11,835,462.03	7,987,148.84	89,686.77	38,717.25																				
Encumbered	9		807.7260	829.5900						4,228,569.30	2,782,581.34																						
														Encumber/Expended FY09	-	-	-	-	-														
														Encumber/Expended FY11	-	-	-	1,500,000.00	-	-	-	290,754.44	2,709,245.56										
														Encumber/Expended FY13	-	-	-	1,000,000.00	-	-	15,881.64	414,737.36	4,051,576.06	517,804.94									
														Encumber/Expended FY17	33,203.68	143,396.22	823,400.10	-	1,969,220.07	274,600.75			2,756,179.18										
														Encumber/Expended FY18	-	-	-	-	190,258.47	-	-					1,809,741.53							
														Encumber/Expended FY20	-	-	-	-	-	-	-							2,000,000.00					
														Encumber/Expended FY21	-	-	-	-	-	-	-												
														Total				0.00				2,709,245.56	517,804.94	2,756,179.18	1,809,741.53	2,000,000.00							



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

McEvoy, Gerard & Janet (Lot 11.01 #2)  
21- 0624-PG  
County PIG Program  
21 Acres

Block 13	Lot 11.01	White Twp.	Warren County	
<b>SOILS:</b>		Other	8% * 0	- .00
		Prime	60% * .15	- 9.00
		Statewide	32% * .1	- 3.20
			<b>SOIL SCORE:</b>	<b>12.20</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	58% * .15	- 8.70
		Wetlands/Water	18% * 0	- .00
		Woodlands	24% * 0	- .00
			<b>TILLABLE SOILS SCORE:</b>	<b>8.70</b>
<b>FARM USE:</b>		Hay	49 acres	
		Agricultural Production Crops	10 acres	Oats
		Poultry & Eggs	33 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:
  - b. Exceptions:
    - 1st one (1) acres for Futuresingle family residence  
Exception is not to be severed from Premises  
Right to Farm language is to be included in Deed of Easement  
Exception is to be limited to one existing single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as ammended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2022R12(2)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
MORRIS COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of The Andrew Dietz 2012 Trust & The Karen Dietz 2012 House Trust  
("Owners")  
SADC ID#14-0133-PG  
Chester Township, Morris County  
N.J.A.C. 2:76-17 et seq.**

**DECEMBER 2, 2021**

WHEREAS, on November 27, 2019, it was determined that the application for the sale of a development easement for the subject farm identified as Block 7, Lot 13.23, Chester Township, Morris County, totaling approximately 28.3 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

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

WHEREAS, the Property includes, one (1), approximately 4.25-acre non-severable exception area for two (2) existing single-family residential units, and to afford future flexibility for nonagricultural uses, resulting in approximately 24.1 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, the 4.25-acre non-severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises
- 3) Shall be limited to two (2) single family residential units
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Premises includes:

- 1) Zero (0) housing opportunities
- 2) Zero (0) Residual Dwelling Site Opportunity (RDSO)
- 3) Zero (0) agricultural labor units
- 4) No pre-existing non-agricultural uses; and

WHEREAS, at the time of application, the Property was in grain, hay, fruits and vegetables; and

WHEREAS, the Property has a quality score of 60.89 which exceeds 43, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, the SADC Green Light Approval noted areas of concern in 2018 aerial imagery that were confirmed by onsite visits as erosion issues, and the landowner has been working with the Natural Resources Conservation Service (NRCS) to remediate the areas; and

WHEREAS, this final approval and SADC cost share grant to Morris County is conditioned on remediation of the erosion and stabilization of the area to the SADC's satisfaction; and

WHEREAS, the Owner provided a recorded deed showing that the property was originally acquired by Andrew E. Dietz and Karen Dietz on June 1, 1995; therefore, the property is eligible for, and must be appraised under, zoning and environmental conditions in place as of 01/01/2004 for farms in the Highlands region pursuant to N.J.S.A. 13:8B, as amended by the "Preserve New Jersey Act," P.L.2015, c.5; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on August 25, 2020, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$18,300 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$900 per acre based on zoning and environmental regulations in place as of the current valuation date May 4, 2020; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$19,250 per acre for the purchase of the development easement on the Premises, which is higher than the certified easement, but not higher than the highest appraised value of \$22,200; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on November 4, 2020, the Chester Township Committee approved the application for the sale of development easement but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on October 7, 2021, the Morris County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on January 13, 2021, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$8,270 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 24.823 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 24.823 acres):

	Total	Per/acre
SADC	\$272,556.54	(\$10,980/acre) based on SADC certified value
<u>Morris County</u>	<u>\$205,286.21</u>	<u>(\$8,270/acre) based on County offer of \$19,250</u>
Total Purchase	\$477,842.75	(\$19,250/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$272,556.54 in base grant funding which is available at this time (Schedule B); and

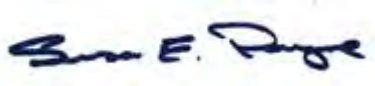
WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. SADC final approval and cost share grant to Morris County is conditioned on remediation of the erosion and stabilization of the area to the SADC's satisfaction prior to closing.
3. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Premises, comprising approximately 24.823 net easement acres, at a State cost share of \$10,980 per acre, (60% of certified easement value and 57.04% purchase price), for a total grant of approximately \$272,556.54 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
4. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
5. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
6. The SADC's cost share grant to the county for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as

identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.

7. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
8. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
9. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
10. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
11. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.



December 2, 2021

---

Date

---

Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	ABSENT



# Preserved Farms and Active Applications Within Two Miles

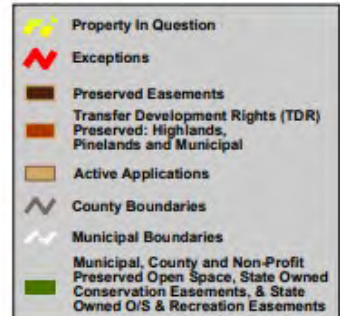


## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

The Andrew Dietz 2012 House Trust & The Karen Dietz 2012 House Trust  
Block 7 Lots P/O 13.23 (24.1 ac);  
& P/O 13.23-EN (non-severable exception - 4.25 ac)  
Gross Total = 28.3 ac  
Chester Twp., Morris County

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

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



**Sources:**  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Protected Areas Database of the United States (PAD-US)  
NJOT/OGIS 2015 Digital Aerial Image

October 21, 2018



# Wetlands

X:\counties\mirc\projects\The Andrew Dietz 2012 House Trust & The Karen Dietz 2012 House Trust\www.mxd



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

The Andrew Dietz 2012 House Trust & The Karen Dietz 2012 House Trust  
Block 7 Lots P/O 13.23 (24.1 ac);  
& P/O 13.23-EN (non-severable exception - 4.25 ac)  
Gross Total = 28.3 ac  
Chester Twp., Morris County

250 125 0 250 500 Feet

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Protected Areas Database of the United States (PA-D-US)  
NJDEP Wetlands Data  
NJ Highlands Council Data  
NJDOT GIS 2015 Digital Aerial Image

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



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

October 21, 2019

## Schedule B

# SADC County Pig Financial Status Schedule B

# Morris County

							SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	Grant (%) Per Acre	SADC		Federal Grant		Base Grant				Competitive Funds							
														Fiscal Year 11 Fiscal Year 13 Fiscal Year 17 - Fiscal Year 20 Fiscal Year 21				Maximum Grant				Fund Balance			
																		Fiscal Year 11				Fiscal Year 11			
																		Fiscal Year 13				Fiscal Year 13			
																		Fiscal Year 17				Fiscal Year 17			
Fiscal Year 18				Fiscal Year 18																					
Fiscal Year 20				Fiscal Year 20																					
Fiscal Year 21				Fiscal Year 21																					
SADC ID#	Farm	Municipality	Acres	Pay Acres	SADC FA	Closed				Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance	Encumbered	PV	Expended	FY11 Balance	FY13 Balance	FY17 Balance	FY18 Balance	
14-0110-PG	Angen LLC	Mount Olive	23.8410	23.8010	02/28/13	01/03/14	64,000.00	37,700.00	58.91%	1,523,264.00	897,297.70			931,944.00	897,297.70	897,297.70	6,500,000.00								
14-0109-PG	Michel I	Chester	106.0816	105.1881	09/26/13	05/15/14	36,500.00	21,900.00	60.00%	3,839,365.65	2,303,619.39			1,602,702.30	1,602,702.30	1,602,702.30	4,000,000.00	935,771.00	700,917.09	700,917.09	2,299,082.91				
14-0108-PG	Michel II	Chester	96.2075	94.8754	09/26/13	05/15/14	21,000.00	12,600.00	60.00%	1,992,383.40	1,195,430.04							1,258,866.00	1,195,430.04	1,195,430.04	1,103,652.87				
14-0113-PG	Estate of Scheller	Washington	42.5390	42.4350	06/25/15	06/15/16	19,300.00	11,580.00	60.00%	818,995.50	491,397.30							489,023.40	491,397.30	491,397.30		4,508,602.70			
14-0116-PG	Aresty Estate	Chester	60.0057	59.8545	06/25/15	12/29/16	36,000.00	19,200.00	53.33%	2,154,762.00	1,149,206.40							1,166,784.00	1,149,206.40	1,149,206.40		3,359,396.30			
14-0118-PG	Tinc	Mt. Olive	13.1890	13.1890	01/28/16	06/21/16	15,000.00	9,000.00	60.00%	197,835.00	118,701.00							132,102.00	118,701.00	118,701.00		3,240,695.30			
14-0115-PG	Konkus	Chester	23.0021	11.7184	05/26/16	09/22/16	23,000.00	13,800.00	60.00%	269,523.20	161,713.92							174,846.00	161,713.92	161,713.92		3,078,981.38			
14-0125-PG	Verbeke, Simonne M.	Chester	19.5350	19.5350	07/27/17	01/30/18	16,000.00	9,600.00	60.00%	312,560.00	187,488.00							187,488.00	187,488.00	187,488.00		2,891,493.38			
14-0130-PG	Cogger, Marie (Young #2)	Chester	13.7010	11.9250	12/07/17	06/31/18	30,000.00	18,000.00	60.00%	357,750.00	214,650.00			208,440.00	214,650.00	214,650.00	3,785,350.00						5,000,000.00		
14-0128-PG	Olsen, Kenneth A. & Ludwig, Dorothy O.	Chester	32.2230	32.1340	01/25/18	05/08/18	25,500.00	15,000.00	58.82%	819,417.00	482,010.00			496,200.00	482,010.00	482,010.00	3,303,340.00								
14-0129-PG	Williams, Donald, Douglas, Dorothy, Marie	Mount Olive	39.0590	38.8200	01/24/19	04/28/20	30,900.00	16,200.00	52.43%	1,199,538.00	628,884.00			303,340.00	303,340.00	303,340.00	3,000,000.00	325,544.00	325,544.00	325,544.00			4,674,456.00		
14-0133-PG	The Andrew Dietz 2012 House Trust & The Karen Dietz 2012 House Trust	Chester	24.1000	24.8230	12/02/21		19,250.00	10,980.00	57.04%	477,842.75	272,556.54			272,556.54			2,727,443.46								
										</															



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

The Andrew Dietz 2012 House & The Karen Dietz 2012 House  
14- 0133-PG  
County PIG Program  
24 Acres

Block 7	Lot 13.23	Chester Twp.	Morris County	
<b>SOILS:</b>		Other	15% * 0	- .00
		Prime	41% * .15	- 6.15
		Statewide	44% * .1	- 4.40
			<b>SOIL SCORE:</b>	<b>10.55</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	83% * .15	- 12.45
		Other	.5% * 0	- .00
		Woodlands	16.5% * 0	- .00
			<b>TILLABLE SOILS SCORE:</b>	<b>12.45</b>
<b>FARM USE:</b>		Cash Grains	6 acres	Rye
		Hay	8 acres	
		Fruit & Tree Nut NEC	1 acres	Apple
		Vegetable & Melons	4 acres	Pumpkins & mixed vegetables
		Horse & Other Equine	5 acres	horses and goats

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:
  - b. Exceptions:
    - 1st (4.25) acres for Surrounding existing residences and outbuildings
    - Exception is not to be severed from Premises
    - Exception is to be limited to two existing single family residential unit(s) and zero future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions:
    1. SADC final approval and cost share grant to Burlington County are conditioned on remediation of the erosion and stabilization of the area to the SADC's satisfaction
  - 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. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2022R12(3)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
BURLINGTON COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of Whalen Farms, LLC ("Owner")  
SADC ID# 03-0439-PG  
Shamong Township, Burlington County  
N.J.A.C. 2:76-17 et seq.**

**DECEMBER 2, 2021**

WHEREAS, on January 29, 2021, it was determined that the application for the sale of a development easement for the subject farm identified as Block 33, Lot 12, Shamong Township, Burlington County, totaling approximately 16.0 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

WHEREAS, the targeted Property is located in the County's South Project Area and in the Pinelands Special Agricultural Production Area; and

WHEREAS, the Property includes no exception areas resulting in approximately 16.0 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the Premises includes:

- 1) zero (0) housing opportunities
- 2) Zero (0) Residual Dwelling Site Opportunities (RDSO)
- 3) zero (0) agricultural labor units
- 4) no pre-existing non-agricultural uses; and

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

WHEREAS, the Property has a quality score of 67.64 which exceeds 47, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, the New Jersey Pinelands Commission Amended Letter of Interpretation #1689 allocated 0.5 Pinelands Development Credits (PDCs) to Block 33, Lot 12; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, the 0.5 PDCs will be retired; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on March 24, 2021 the SADC certified a development easement value of \$1,450 per acre and a fee simple value of \$3,200 per acre based on zoning and environmental regulations in place as of the current valuation date November 3, 2020; and

WHEREAS, as per N.J.A.C. 2:76-19.3, landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.3, on March 24, 2021, the SADC issued a Pinelands Formula Valuation Certification of \$2,438.15 per acre without the impervious cover option and \$2,742.92 with the 10% impervious cover option; and

WHEREAS, the Formula takes into consideration the PDCs for a particular parcel and the presence of important agricultural and environmental features. The Formula provides for certain base values to be adjusted upward in varying percentages depending on factors such as site-specific environmental quality, access to highways, septic suitability and agricultural viability; and

WHEREAS, N.J.A.C. 2:76-19.4 provides that the development easement value shall not exceed 80 percent of the fee simple market value as determined by the Committee, which is \$2,560 per acre; and

WHEREAS, since the property does not have a residential opportunity and has limited access, SADC is requiring that the property be permanently associated with the adjacent preserved farm after closing to better ensure the agricultural viability on the Premises in perpetuity; and

WHEREAS, the certification of easement value was, and this Final Approval is conditioned on, this farm being permanently associated with Block 33, Lots 10, 11.01, 11.02, 13.02, 16.01, 16.02, 17, 18.01, and 18.02. These lots were preserved on December 30, 2014, by Farmland Preservation Deed of Easement recorded in the Burlington County Clerk's Office on January 23, 2015 in Deed Book OR13156, Page 7585 ("adjacent parcels"). There shall be a deed provision prohibiting the conveyance of the Premises separate and apart from the adjacent parcels. These adjacent parcels are owned by Whalen Farms, LLC. Whalen Farms, LLC is in agreement with this condition; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.14, the Owner accepted the County's offer of \$2,485 per acre with the 10% impervious cover option, but without the wetlands restrictions; and

WHEREAS, the Owner agreed to the additional restrictions associated with accepting the higher of the two Pinelands formula evaluations, a maximum (10%) impervious cover, or approximately 1.6 acres, available for the construction of agricultural infrastructure on the Property outside of the exception area; and

WHEREAS, on October 27, 2021, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on September 7, 2021, the Shamong Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 8, 2021, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 22, 2021, the County Board of Commissioners passed a resolution granting final approval and a commitment of funding for \$2,485 per acre for the pre-acquisition of the development easement; and

WHEREAS, subsequent to purchasing the development easement, the County will request a cost share reimbursement from the SADC; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 16.5 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 16.5 net acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$30,351.75	(\$1,839.50/acre)
<u>Burlington County</u>	<u>\$10,650.75</u>	<u>(\$645.50/acre)</u>
Total Easement Purchase	\$41,002.50	(\$2,485/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$30,351.75 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 subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Property, comprising approximately 16.5 net easement acres, at a State cost share of \$1,839.50 per acre, (74% of Formula value and purchase price), for a total grant of approximately \$30,351.75 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. This final approval is conditioned upon this farm being permanently associated with Block 33, Lots 10, 11.01, 11.02, 13.02, 16.01, 16.02, 17, 18.01, and 18.02. These lots were preserved on December 30, 2014 by Farmland Preservation Deed of Easement recorded in the Burlington County Clerk's Office on January 23, 2015 in Deed Book OR13156, Page 7585 ("adjacent parcels"). There shall be a deed provision

prohibiting the conveyance of the Premises separate and apart from the adjacent parcels. These adjacent parcels are owned by Whalen Farms, LLC. Whalen Farms, LLC is in agreement with this condition.

4. The prior condition to receive the operating agreement for Whalen Farms, LLC has been resolved and is no longer a condition.
5. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund).
6. If unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.
7. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
8. The SADC's cost share grant to the county for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
9. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
10. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
11. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
12. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

December 2, 2021

---

Date



---

Susan E. Payne, Executive Director  
State Agriculture Development Committee



VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	RECUSED
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	ABSENT

[https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/03-0439-PG/Acquisition/Final Approval & ROW draft/Whalen\\_SADC County Pinelands FIG Final Approval.docx](https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/03-0439-PG/Acquisition/Final Approval & ROW draft/Whalen_SADC County Pinelands FIG Final Approval.docx)

## Preserved Farms and Active Applications Within Two Miles



### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Whalen Farms, LLC  
Block 33 Lot 12 (15.8 ac)  
Gross Total = 15.8 ac  
Shamong Twp., Burlington County

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



- Property In Question
- Preserved Easements
- Transfer Development Rights (TDR)  
Preserved: Highlands,  
Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Pinelands Development Credits
- Municipal, County and Non-Profit  
Preserved Open Space, State Owned  
Conservation Easements, & State  
Owned O/S & Recreation Easements

**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  
Protected Areas Database of the United States (PAD-US)  
NJOT/OGIS 2015 Digital Aerial Image

December 29, 2020

# Whalen Farm Consolidation



X:\counties\burco\projects\Whalen Farms, LLC consolidation.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Current Application: Whalen Farms, LLC  
Block 33 Lot 12 (15.8 ac)

Formerly Preserved Farm: Whalen Farm (South)  
Block 33 Lots 10; 11.01; 11.02; 13.02;  
16.01; 16.02; 17; 18.01 & 18.02

Gross Total Once Consolidated = 129.2 ac  
Shamong Twp., Burlington 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.



- Property In Question
- Whalen Farm (South)
- Preserved Easements
- Active Applications
- Municipal/Local Roads
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJ Pinelands Commission FDC Data  
NJOT/OGIS 2015 Digital Aerial Image

December 29, 2020





SADC County PIG Financial  
StatusSchedule B

Burlington County

SADC ID#	Farm	Municipality	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Base Grant				Competitive Funds										
							Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance	Maximum Grant			Competitive Fund Balance							
															Fiscal Year 09	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 18	Fiscal Year 20	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 18	Fiscal Year 20
Encumbered																									

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Whalen Farms, LLC  
03- 0439-PG  
County PIG Program  
16 Acres

Block 33	Lot 12	Shamong Twp.	Burlington County
<b>SOILS:</b>		Unique .125	63% * .125 = 7.88
		Unique zero	37% * 0 = .00
		<b>SOIL SCORE: 7.88</b>	
<b>TILLABLE SOILS:</b>		Cropland Harvested	63% * .15 = 9.45
		Wetlands/Water	32% * 0 = .00
		Woodlands	5% * 0 = .00
		<b>TILLABLE SOILS SCORE: 9.45</b>	
<b>FARM USE:</b>	Berry	7 acres	cranberries

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:
  - b. Exceptions: No Exceptions Requested
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions:
    1. This property shall, as a condition of closing on the development easement, be permanently associated with the adjacent preserved farm owned by Whalen Farms, LLC (Block 33, Lots 10, 11.01, 11.02, 13.02, 16.01, 16.02, 17, 18.01 & 18.02) who is in agreement with this condition. There shall be a deed provision prohibiting the conveyance of the property separate and apart from the adjacent parcels.
  - 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. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2022R12(4)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
BURLINGTON COUNTY**

**for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of Emmons, Dara & Douglas Edward (Emmons Home) ("Owner")  
SADC ID# 03-0438-PG  
Pemberton Township, Burlington County  
N.J.A.C. 2:76-17 et seq.**

**December 2, 2021**

WHEREAS, on January 29, 2021, it was determined that the application for the sale of a development easement for the subject farm identified as Block 805, Lot 1, Pemberton Township, Burlington County, totaling approximately 96.0 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

WHEREAS, the targeted Property is located in the County's East Project Area and in the Pinelands Agricultural Production Area; and

WHEREAS, the Property includes one (1) approximately 6-acre non-severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 90.0 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the 6-acre non-severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises from the Premises
- 3) Shall be limited to one (1) existing single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the portion of the Property outside the exception area includes:

- 1) zero (0) housing opportunities
- 2) Zero (0) Residual Dwelling Site Opportunities (RDSO)
- 3) zero (0) agricultural labor units
- 4) no pre-existing non-agricultural uses; and

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

WHEREAS, the Property has a quality score of 69.91 which exceeds 47, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, the New Jersey Pinelands Commission Letter of Interpretation #2182 allocated 4.25 Pinelands Development Credits (PDCs) to Block 805, Lot 1; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, the 4.25 PDCs will be retired; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on March 24, 2021, the SADC certified a development easement value of \$3,900 per acre and a fee simple value of \$8,000 per acre based on zoning and environmental regulations in place as of the current valuation date November 3, 2020; and

WHEREAS, as per N.J.A.C. 2:76-19.3, landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.3, on March 24, 2021, the SADC issued a Pinelands Formula Valuation Certification of \$3,516 per acre without the impervious cover option and \$3,955 with the 10% impervious cover option; and

WHEREAS, the Formula takes into consideration the PDCs for a particular parcel and the presence of important agricultural and environmental features. The Formula provides for certain base values to be adjusted upward in varying percentages depending on factors such as site-specific environmental quality, access to highways, septic suitability and agricultural viability; and

WHEREAS, N.J.A.C. 2:76-19.4 provides that the development easement value shall not exceed 80 percent of the fee simple market value as determined by the Committee, which is \$6,400 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.14, the Owner accepted the County's offer of \$4,019 per acre for the development easement for the Property which is higher than the certified development easement value, but not higher than the highest appraised value of \$4,867 per acre; and

WHEREAS, on October 27, 2021, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on September 1, 2021, the Pemberton Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 8, 2021, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 22, 2021, the County Board of Commissioners passed a resolution granting final approval and a commitment of funding for \$4,019 per acre for the pre-acquisition of the development easement; and



WHEREAS, subsequent to purchasing the development easement, the County will request a cost share reimbursement from the SADC; and

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

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

	<u>Total</u>	<u>Per/acre</u>
SADC	\$260,616.78	(\$2,811.40/acre)
<u>Burlington County</u>	<u>\$111,944.52</u>	<u>(\$1,207.60/acre)</u>
Total Easement Purchase	\$372,561.30	(\$4,019.00/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$260,616.78 in base grant funding which is available at this time (Schedule B); and

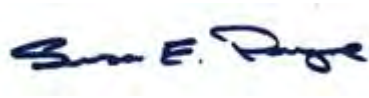
WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Property, comprising approximately 95.8 net easement acres, at a State cost share of \$2,811.40 per acre, (70% of Formula value and purchase price), for a total grant of approximately \$260,616.78 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund).
4. If unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.
5. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
6. The SADC's cost share grant to the county for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or

otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.

7. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.



December 2, 2021

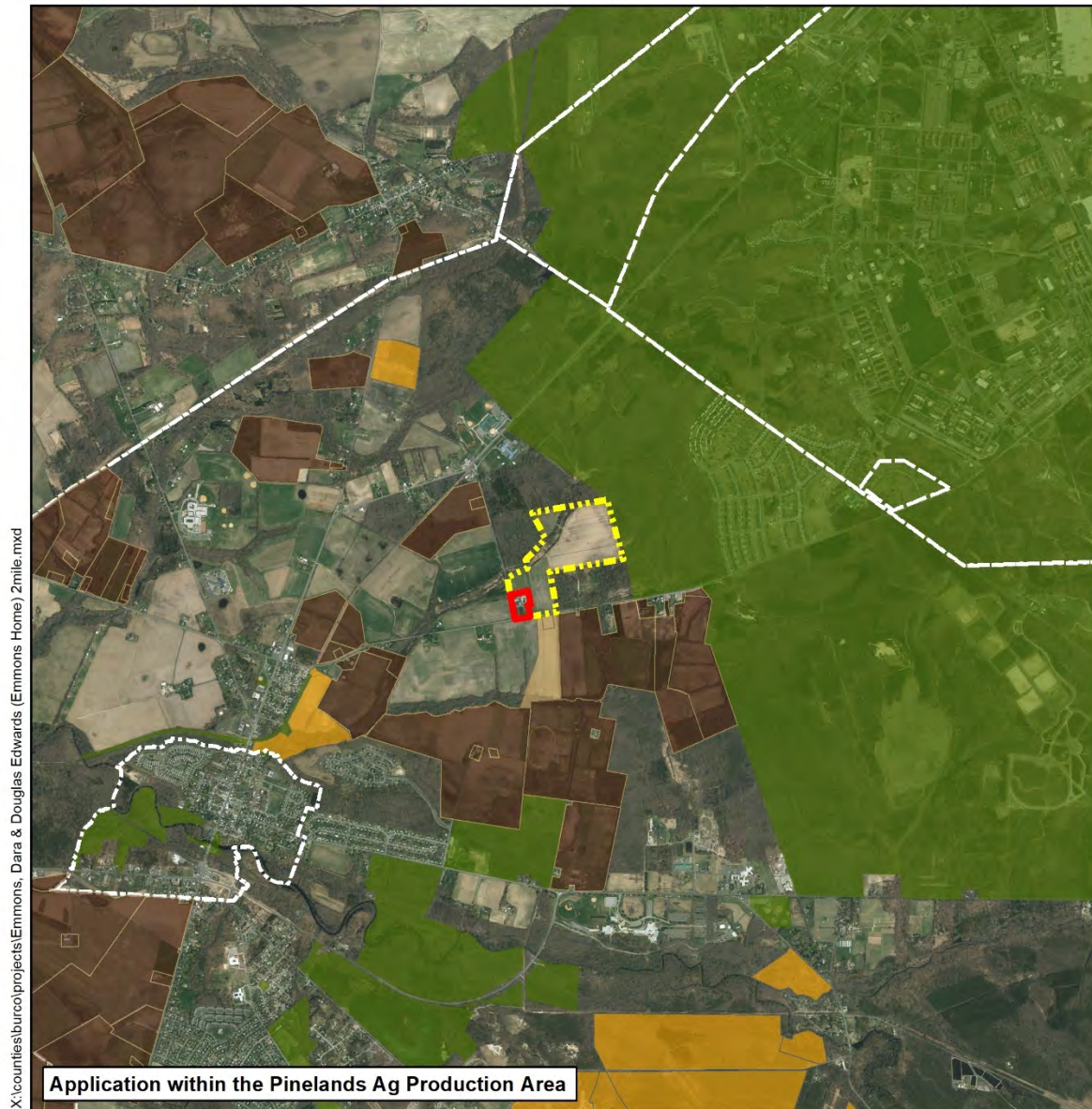
\_\_\_\_\_  
Date

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

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	RECUSED
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	ABSENT

## Preserved Farms and Active Applications Within Two Miles



### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Emmons, Dara & Douglas Edward (Emmons Home)  
Block 805 Lots P/O 1 (89.6 ac)  
P/O 11-EN (non-severable exception - 6.0 ac)  
Gross Total = 95.6 ac  
Pemberton Twp., Burlington County

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



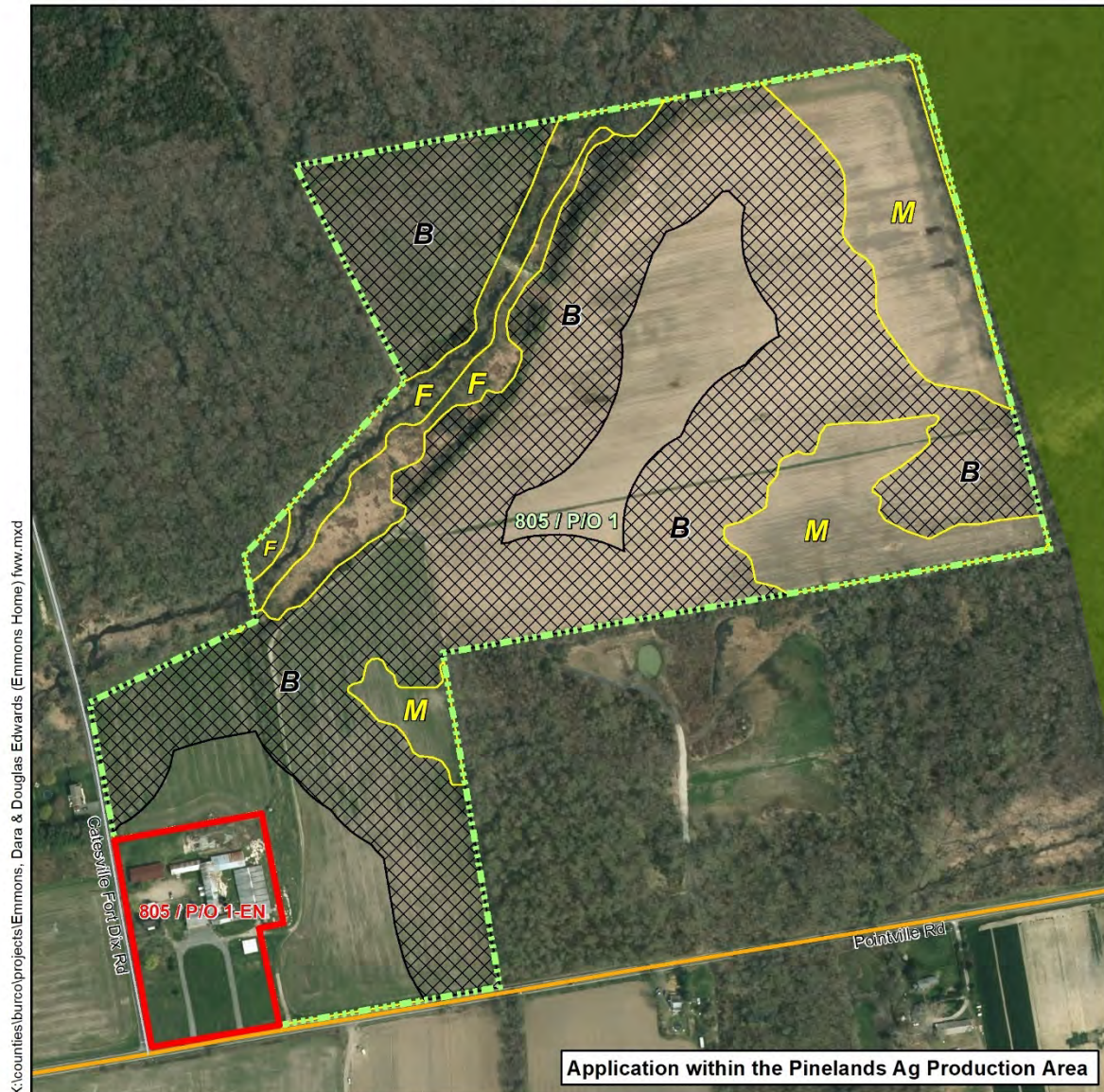
Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Protected Areas Database of the United States (PAD-US)  
NJOT/OGIS 2015 Digital Aerial Image

**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

December 22, 2020



# Wetlands



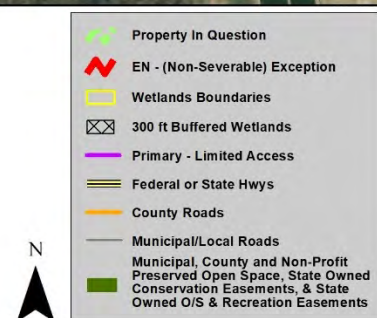
## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Emmons, Dara & Douglas Edward (Emmons Home)  
Block 805 Lots P/O 1 (89.6 ac)  
P/O 11-EN (non-severable exception - 6.0 ac)  
Gross Total = 95.6 ac  
Pemberton Twp., Burlington County



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJDEP Tidelands Claim Line, NJ, Edition 20161214  
NJ Pinelands Commission PDC Data  
NJOT/OGIS 2015 Digital Aerial Image

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



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

December 22, 2020

Schedule B

SADC County PIG  
Financial Status  
Schedule B

Burlington County

SADC ID#	Farm	Municipality	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Base Grant				Competitive Funds								
											Fiscal Year 09		1,057.50	Maximum Grant			Competitive Fund Balance						
											Fiscal Year 11		1,500,000.00	Fiscal Year 11		3,000,000.00	Fiscal Year 11		0.00				
											Fiscal Year 13		1,000,000.00	Fiscal Year 13		5,000,000.00	Fiscal Year 13		0.00				
											Fiscal Year 17		1,000,000.00	Fiscal Year 17		5,000,000.00	Fiscal Year 17		0.00				
SADC ID#	Farm	Municipality	Acres	Pay Acres	Negotiated Per Acre	SADC Grant Per Acre	Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance	Encumbered	PV	Expended	FY11 Balance	FY13 Balance	FY17 Balance	FY18 Balance	FY20 Balance	
																							Fiscal Year 20
03-0412-PG	Giberson, W.P. & J.L. (Home Farm)	Pemberton	236.8450	236.8250	3,706.00	1,853.00	877,747.57	438,836.73	438,873.79		438,836.73	438,836.73	438,836.73	7,501,057.50									
03-0406-PG	Giberson Grain Farm, LLC	Pemberton	175.7450	175.7450	4,240.00	2,120.00	745,158.80	372,579.40	372,579.40		372,579.40	372,579.40	372,579.40	4,561,163.27									
03-0413-PG	Chung, Peter B.J. & Monica H.L.	Shamong	116.7950	116.6644	3,726.00	2,635.60	435,178.17	307,480.69			188,583.87	188,583.87	188,583.87	4,000,000.00	118,896.82	118,896.82	118,896.82			4,881,103.18			
03-0408-PG	Rowe, Stanley & Roseanne	Shamong	34.7580	34.7580	6,818.00	4,250.00	236,980.04	147,721.50							147,721.50	147,721.50	147,721.50			4,733,381.68			
03-0415-PG	Abrams, Pearl A.	Shamong	102.3260	101.8520	4,719.00	3,231.40	480,639.59	329,124.55							329,124.55	329,124.55	329,124.55			4,404,257.13			
03-0409-PG	McNaughton, Noble & Dorothy	Tabernacle	18.2240	18.2240	3,235.00	2,341.00	58,954.64	42,662.38							42,662.38	42,662.38	42,662.38			4,361,594.75			
03-0414-PG	To Better Days Boarding, LLC	Springfield	54.8830	54.2514	3,400.00	2,200.00	185,242.20	119,771.08							119,771.08	119,353.08	119,353.08			4,242,241.67			
03-0411-PG	Caul, Adam & Lisa	Springfield	39.6170	39.5430	2,700.00	1,350.00	106,766.10	53,383.05	53,383.05						53,383.05	53,383.05	53,383.05			4,188,858.62			
03-0422-PG	Alloway Family LP - South	Southampton	44.2390	43.7790	3,664.00	2,598.40	162,091.70	113,755.35							123,112.19	113,755.35	113,755.35			4,075,103.27			
03-0423-PG	Kirby, Harold C. & Gail W.	Pemberton	54.9550	54.9550	3,977.00	2,786.20	218,556.04	153,115.62	65,440.42	-					157,838.23	153,115.62	153,115.62			3,921,987.65			
03-0417-PG	Hatt, Linda E.	Chesterfield	69.8240	56.8650	8,016.00	4,008.00	559,709.18	227,914.92	279,854.59	-					284,848.56	227,914.92	227,914.92			3,694,072.73			
03-0418-PG	Lanwin Development Corp.	Chesterfield	135.0140	135.0140	4,900.00	3,220.00	661,568.60	434,745.08	279,854.59	-					441,043.40	434,745.08	434,745.08			3,259,327.65			
03-0416-PG	Thompson South, LLC	Chesterfield	133.4950	133.4950	5,050.00	3,340.00	674,149.75	445,873.30							464,427.00	445,873.30	445,873.30			2,813,454.35			
03-0419-PG	M&N Farms Land Holdings, LLC	Chesterfield	35.5730	34.6750	5,750.00	3,775.00	199,381.25	130,898.13							147,753.50	130,898.13	130,898.13			2,682,556.22			
03-0421-PG	Fenimore, Michael	Pemberton	74.8420	71.9310	3,145.00	2,287.00	235,378.09	164,506.20	64,214.45						173,720.52	164,506.20	164,506.20			2,518,050.02			
03-0425-PG	Alloway Family LP - North	Southampton	119.5000	119.4470	4,118.00	2,870.80	491,882.75	342,908.45							351,873.96	342,908.45	342,908.45			2,175,141.57			
03-0420-PG	Patel, I.P. & Chetan, N.D., M & D.C.	Springfield	33.9500	33.9500	5,550.00	3,675.00	188,422.50	124,766.25							128,698.50	124,766.25	124,766.25			2,050,375.32			
03-0429-PG	Jannen, Christian G. & Barbara L.	Southampton	32.0080	32.0080	3,441.00	2,200.00	110,139.53	70,417.60							70,417.60					1,979,957.72			
03-0432-PG	RTE, Ill Farms, LLC (Eckert West)	Tabernacle	94.4930	94.3020	3,815.00	2,689.00	359,762.13	253,578.08			258,144.00	253,578.08		3,746,421.92									
03-0433-PG	RTE, Ill Farms, LLC (Eckert East)	Tabernacle	53.5880	53.4840	3,593.00	2,555.80	192,168.01	136,694.41							140,569.00	136,694.41							
03-0434-PG	Allen, Edward W. (Pointville)	Pemberton	28.5690	28.5690	3,443.00	2,465.80	98,363.07	70,445.44							71,613.26	70,445.44							
03-0430-PG	Giberson, Daniel & Pamela (North Farm)	Southampton	52.6420	52.3420	4,194.00	2,916.40	220,780.55	152,650.21							152,650.21	152,650.21							
03-0431-PG	Giberson, Daniel & Pamela (Home Farm)	Southampton	22.8960	22.8960	3,484.00	2,490.40	79,769.66	57,020.20							57,020.20	57,020.20							
03-0439-PG	Whalen Farms, LLC	Shamong	16.0000	16.5000	2,485.00	1,839.50	41,002.50	30,351.75							30,351.75								
03-0438-PG	Emmons, Dara & Douglas Edwards (Emmons Home)	Pemberton	90.0000	92.7000	4,019.00	2,811.40	372,561.30	260,616.78							260,616.78								
03-0437-PG	Emmons, Dara & Douglas Edwards (Emmons West)	Pemberton	79.4000	81.8000	3,673.00	2,603.80	300,451.40	212,990.84							212,990.84								
03-0435-PG	Stevens, John W. & Denise M.	Tabernacle	59.0000	60.8000	4,110.00	2,866.00	249,888.00	174,252.80							174,252.80								
Closed	48		5,406.7560	5,354.5610			22,987,762.86	14,626,001.13	2,831,251.70	0.00													
Encumbered	10		528.5960	535.4010			2,024,886.15	1,419,018.10	0.00	0.00													
										Encumber/Expended FY09	-	-	1,057.50	-									
										Encumber/Expended FY11	-	-	1,500,000.00	-	-	-	3,000,000.00	-					
										Encumber/Expended FY13	-	-	1,000,000.00	-	-	-	5,000,000.00		-				
										Encumber/Expended FY17	-	-	1,000,000.00	-	70,417.60	-	2,949,624.68			1,979,957.72			
										Encumber/Expended FY18				-	-	-					2,000,000.00		
										Encumber/Expended FY20	678,212.17	670,388.34	-	651,399.49	-	-	-					2,000,000.00	
										Encumber/Expended FY21	-	-	-	2,000,000.00									
										Total				2,651,399.49				0.00	0.00	1,979,957.72	2,000,000.00	2,000,000.00	

## Schedule C

### State Agriculture Development Committee SADC Final Review: Development Easement Purchase

Emmons, Dara & Douglas Edward (Emmons Home)  
03- 0438-PG  
County PIG Program  
90 Acres

Block 805	Lot 1	Pemberton Twp.	Burlington County				
<b>SOILS:</b>		Other	22% *	0	=	.00	
		Prime	78% *	.15	=	11.70	
						<b>SOIL SCORE:</b>	<b>11.70</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	86% *	.15	=	12.90	
		Wetlands/Water	8% *	0	=	.00	
		Woodlands	6% *	0	=	.00	
						<b>TILLABLE SOILS SCORE:</b>	<b>12.90</b>
<b>FARM USE:</b>		Soybeans-Cash Grain	25 acres				
		Sod	50 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:
  - b. Exceptions:
    - 1st six (6) acres for Existing residence, farm market & barns
    - Exception is not to be severed from Premises
    - Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
  - 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. 4:1C-11 et seq., P.L. 1983, c.32, as ammended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2022R12(5)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
BURLINGTON COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of Emmons, Dara & Douglas Edward (Emmons West) ("Owner")  
SADC ID# 03-0437-PG  
Pemberton Township, Burlington County  
N.J.A.C. 2:76-17 et seq.**

**DECEMBER 2, 2021**

WHEREAS, on January 29, 2021 it was determined that the application for the sale of a development easement for the subject farm identified as Block 804, Lots 5.01 and 6.01, Pemberton Township, Burlington County, totaling approximately 82.0 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

WHEREAS, the targeted Property is located in the County's North Project Area and in the Pinelands Agricultural Production Area; and

WHEREAS, the SADC's Green Light Approval and the certification of easement value identified possible areas of erosion on the farm, when SADC staff visited the farm on July 23, 2021 no areas of concern were observed that would be in violation of the Deed of Easement; and

WHEREAS, the original application included one (1) approximately 2-acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses ; and

WHEREAS, the SADC's Green Light Approval and the certification of easement value identified possible areas of encroachment from adjacent properties; and

WHEREAS, while the County was undertaking title and survey of the Premises, it confirmed that there was an approximately 0.6-acre encroachment on Lot 6.01 from adjacent Block 804, Lot 6.02 and the landowner requested that this area be included in a severable exception area; and

WHEREAS, the SADC Review Appraiser determined that the addition of the severable exception area does not affect the certified development easement and the SADC Planning Manager determined that it does not affect the Pinelands Formula; and

WHEREAS, the Property will also include one (1) approximately 0.6 acre severable exception for afford future flexibility for nonagricultural uses, resulting in approximately 79.4 net acres to be preserved, hereinafter referred to as "the Premises"; and



WHEREAS, the 2-acre non-severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises from the Premises
- 3) Shall be limited to one (1) future single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the 0.6-acre severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) May be severed or subdivided from the Premises from the Premises
- 3) Right-to-Farm language will be included in the Deed of Easement
- 4) If the exception is severed from the property it shall be merged with Block 804, Lot 6.02; and

WHEREAS, the portion of the Property outside the exception areas includes:

- 1) zero (0) housing opportunities
- 2) Zero (0) Residual Dwelling Site Opportunities (RDSO)
- 3) zero (0) agricultural labor units
- 4) no pre-existing non-agricultural uses; and

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

WHEREAS, the Property has a quality score of 64.13 which exceeds 47, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, the New Jersey Pinelands Commission Letter of Interpretation #2183 allocated 3.25 Pinelands Development Credits (PDCs) to Block 804, Lots 5.01 & 6.01; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, the 3.25 PDCs will be retired; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on March 24, 2021, the SADC certified a development easement value of \$3,700 per acre and a fee simple value of \$7,900 per acre based on zoning and environmental regulations in place as of the current valuation date November 3, 2020; and

WHEREAS, as per N.J.A.C. 2:76-19.3, landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.3, on March 24, 2021, the SADC issued a Pinelands Formula Valuation Certification of \$3,265 per acre without the impervious cover option and \$3,673 with the 10% impervious cover option; and



WHEREAS, the Formula takes into consideration the PDCs for a particular parcel and the presence of important agricultural and environmental features. The Formula provides for certain base values to be adjusted upward in varying percentages depending on factors such as site-specific environmental quality, access to highways, septic suitability and agricultural viability; and

WHEREAS, N.J.A.C. 2:76-19.4 provides that the development easement value shall not exceed 80 percent of the fee simple market value as determined by the Committee, which is \$6,320 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.14, the Owner accepted the County's offer of \$3,673 per acre with the 10% impervious cover option for the development easement for the Property, which is higher than the certified development easement value, but less than 80 percent of the fee simple market value; and

WHEREAS, the Owner agreed to the additional restrictions associated with accepting the higher of the two Pinelands formula evaluations:

- a maximum (10%) impervious cover, or approximately 7.9 acres, available for the construction of agricultural infrastructure on the Property outside of the exception area; and
- Agricultural use of wetlands and areas within 300 feet of wetlands ("wetlands transition areas") shall be consistent with subchapter 6 of the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-6, as may be amended from time to time. Specifically, except for horticulture of native Pinelands species, berry agriculture, and beekeeping, agriculture shall not be permitted in wetlands and wetlands transition areas, except if such agricultural uses existed prior to the promulgation of the Pinelands Comprehensive Management Plan in 1979 or if the Comprehensive Management Plan is amended to permit such uses; and

WHEREAS, on October 27, 2021, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on September 1, 2021, the Pemberton Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 8, 2021, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 22, 2021, the County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$3,673 per acre for the pre-acquisition of the development easement; and

WHEREAS, subsequent to purchasing the development easement, the County will request a cost share reimbursement from the SADC; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 81.8 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 81.8 net acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$212,990.84	(\$2,603.80/acre)
<u>Burlington County</u>	<u>\$ 87,460.56</u>	<u>(\$1,069.20/acre)</u>
Total Easement Purchase	\$300,451.40	(\$3,673.00/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$212,990.84 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 subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Property, comprising approximately 81.8 net easement acres, at a State cost share of \$2,603.80 per acre, (71% of Formula value and purchase price), for a total grant of approximately \$212,990.84 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. The encroachment and erosion areas have been resolved and are no longer of concern.
4. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund).
5. If unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.
6. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
7. The SADC's cost share grant to the county for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as

identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.

8. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
9. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
10. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
11. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.



December 2, 2021

---

Date

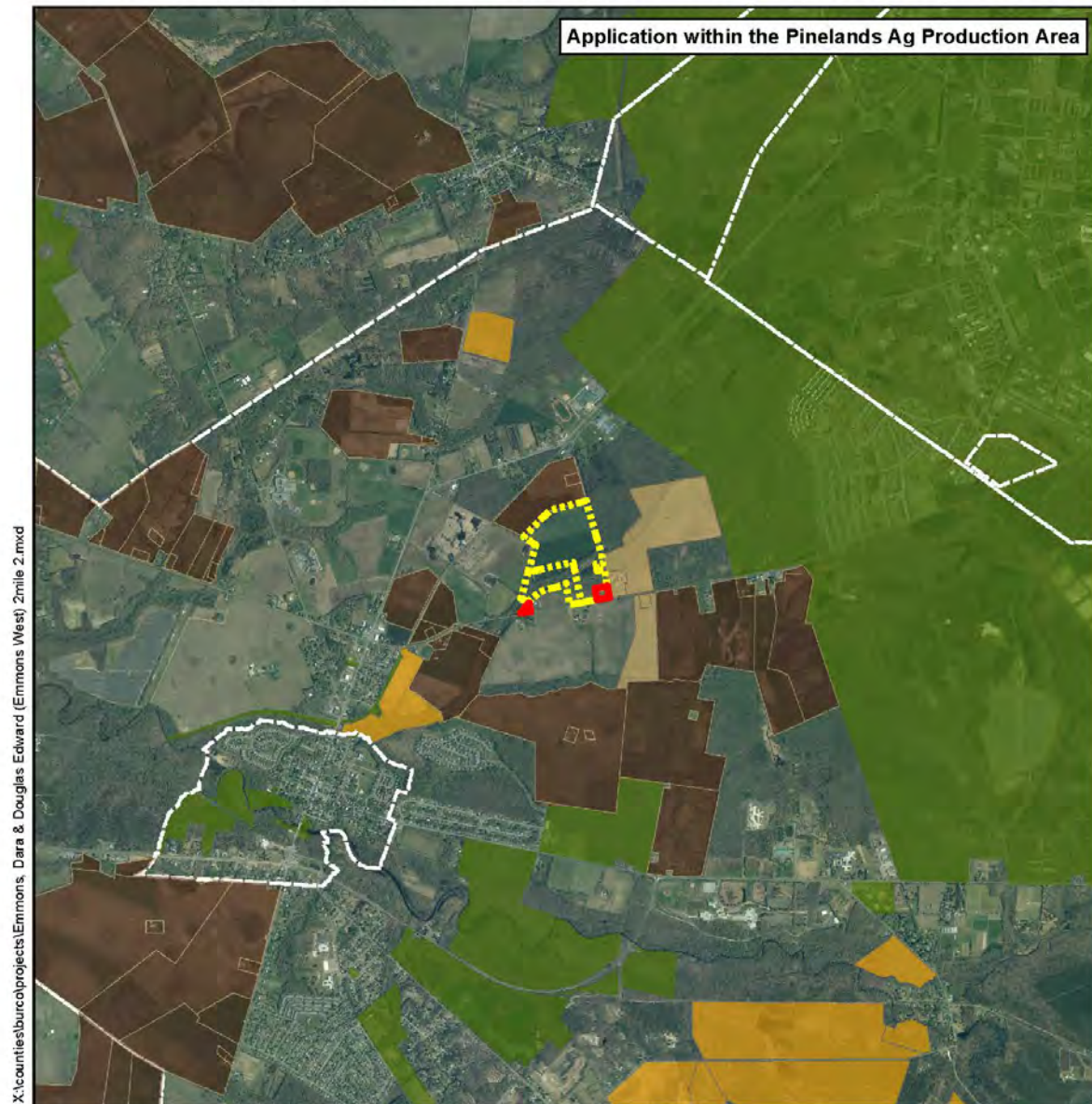
---

Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	RECUSED
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	ABSENT

## Preserved Farms and Active Applications Within Two Miles



X:\counties\burco\projects\Emmons, Dara & Douglas Edward (Emmons West) 2mile 2.mxd

### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Emmons, Dara & Douglas Edward (Emmons West)  
Block 804 Lots P/O 6.01 (18.7 ac); P/O 6.01- ES (severable exception - 0.6 ac);  
P/O 5.01 (60.2 ac); & P/O 5.01-EN (non-severable exception - 2.0 ac)  
Gross Total - 81.5 ac  
Pemberton Twp., Burlington County

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



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Protected Areas Database of the United States (PAD-US)  
NJOT/OGIS 2015 Digital Aerial Image

November 3, 2021

**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



# Wetlands



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Emmons, Dara & Douglas Edward (Emmons West)  
Block 804 Lots P/O 6.01 (18.7 ac); P/O 6.01- ES (severable exception - 0.6 ac);  
P/O 5.01 (60.2 ac); & P/O 5.01-EN (non-severable exception - 2.0 ac)  
Gross Total - 81.5 ac  
Pemberton Twp., Burlington County

250 125 0 250 500 Feet

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJ Pinelands Commission PDC Data  
NJOT/OGIS 2015 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.



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

November 3, 2021

SADC County PIG  
Financial StatusSchedule B

Burlington County

SADC ID#	Farm	Municipality	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Base Grant				Competitive Funds									
							Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year				Maximum Grant			Competitive Fund Balance						
											09	11	13	17	20	21	11	13	17	18	20	FY11 Balance	FY13 Balance	FY17 Balance
											Encumbered	PV	Expended	Balance	Encumbered	PV	Expended							
03-0412-PG	Giberson, W.P. & J.L. (Home Farm)	Pemberton	236.8450	236.8250	3,706.00	1,853.00	877,747.57	438,836.73	438,873.79		438,836.73	438,836.73	438,836.73	7,501,057.50										
03-0406-PG	Giberson Grain Farm, LLC	Pemberton	175.7450	175.7450	4,240.00	2,120.00	745,158.80	372,579.40	372,579.40		372,579.40	372,579.40	372,579.40	4,188,583.87										
03-0413-PG	Chung, Peter B.J. & Monica H.L.	Shamong	116.7950	116.6644	3,726.00	2,635.60	435,178.17	307,480.69			188,583.87	188,583.87	188,583.87	4,000,000.00										
03-0408-PG	Rowe, Stanley & Roseanne	Shamong	34.7580	34.7580	6,818.00	4,250.00	236,980.04	147,721.50							147,721.50	147,721.50	147,721.50					4,881,103.18		
03-0415-PG	Abrams, Pearl A.	Shamong	102.3260	101.8520	4,719.00	3,231.40	480,639.59	329,124.55							329,124.55	329,124.55	329,124.55					4,404,257.13		
03-0409-PG	McNaughton, Noble & Dorothy	Tabernacle	18.2240	18.2240	3,235.00	2,341.00	58,954.64	42,662.38							42,662.38	42,662.38	42,662.38					4,361,594.75		
03-0414-PG	To Better Days Boarding, LLC	Springfield	54.8830	54.2514	3,400.00	2,200.00	185,242.20	119,771.08							119,771.08	119,353.08	119,353.08					4,242,241.67		
03-0411-PG	Caul, Adam & Lisa	Springfield	39.6170	39.5430	2,700.00	1,350.00	106,766.10	53,383.05	53,383.05						53,383.05	53,383.05	53,383.05					4,188,858.62		
03-0422-PG	Alloway Family LP - South	Southampton	44.2390	43.7790	3,664.00	2,598.40	162,091.70	113,755.35							123,112.19	113,755.35	113,755.35					4,075,103.27		
03-0423-PG	Kirby, Harold C. & Gail W.	Pemberton	54.9550	54.9550	3,977.00	2,786.20	218,556.04	153,115.62	65,440.42	-					157,838.23	153,115.62	153,115.62					3,921,987.65		
03-0417-PG	Hatt, Linda E.	Chesterfield	69.8240	56.8650	8,016.00	4,008.00	559,709.18	227,914.92	279,854.59	-					284,848.56	227,914.92	227,914.92					3,694,072.73		
03-0418-PG	Lanwin Development Corp.	Chesterfield	135.0140	135.0140	4,900.00	3,220.00	661,568.60	434,745.08	279,854.59	-					441,043.40	434,745.08	434,745.08					3,259,327.65		
03-0416-PG	Thompson South, LLC	Chesterfield	133.4950	133.4950	5,050.00	3,340.00	674,149.75	445,873.30							464,427.00	445,873.30	445,873.30					2,813,454.35		
03-0419-PG	M&N Farms Land Holdings, LLC	Chesterfield	35.5730	34.6750	5,750.00	3,775.00	199,381.25	130,898.13							147,753.50	130,898.13	130,898.13					2,682,556.22		
03-0421-PG	Fenimore, Michael	Pemberton	74.8420	71.9310	3,145.00	2,287.00	235,378.09	164,506.20	64,214.45						173,720.52	164,506.20	164,506.20					2,518,050.02		
03-0425-PG	Alloway Family LP - North	Southampton	119.5000	119.4470	4,118.00	2,870.80	491,882.75	342,908.45							351,873.96	342,908.45	342,908.45					2,175,141.57		
03-0420-PG	Patel, I.P. & Chetan, N.D., M & D.C.	Springfield	33.9500	33.9500	5,550.00	3,675.00	188,422.50	124,766.25							128,698.50	124,766.25	124,766.25					2,050,375.32		
03-0429-PG	Jannen, Christian G. & Barbara L.	Southampton	32.0080	32.0080	3,441.00	2,200.00	110,139.53	70,417.60							70,417.60							1,979,957.72		
03-0432-PG	RTE, III Farms, LLC (Eckert West)	Tabernacle	94.4930	94.3020	3,815.00	2,689.00	359,762.13	253,578.08			258,144.00	253,578.08		3,746,421.92										
03-0433-PG	RTE, III Farms, LLC (Eckert East)	Tabernacle	53.5880	53.4840	3,593.00	2,555.80	192,168.01	136,694.41			140,569.00	136,694.41		3,609,727.51										
03-0434-PG	Allen, Edward W. (Pointville)	Pemberton	28.5690	28.5690	3,443.00	2,465.80	98,363.07	70,445.44			71,613.26	70,445.44		3,539,282.07										
03-0430-PG	Giberson, Daniel & Pamela (North Farm)	Southampton	52.6420	52.3420	4,194.00	2,916.40	220,780.55	152,650.21			152,650.21	152,650.21		3,386,631.86										
03-0431-PG	Giberson, Daniel & Pamela (Home Farm)	Southampton	22.8960	22.8960	3,484.00	2,490.40	79,769.66	57,020.20			57,020.20	57,020.20		3,329,611.66										
03-0439-PG	Whalen Farms, LLC	Shamong	16.0000	16.5000	2,485.00	1,839.50	41,002.50	30,351.75			30,351.75			3,299,259.91										
03-0438-PG	Emmons, Dara & Douglas Edwards (Emmons Home)	Pemberton	90.0000	92.7000	4,019.00	2,811.40	372,561.30	260,616.78			260,616.78			3,038,643.13										
03-0437-PG	Emmons, Dara & Douglas Edwards (Emmons West)	Pemberton	79.4000	81.8000	3,673.00	2,603.80	300,451.40	212,990.84			212,990.84			2,825,652.29										
03-0435-PG	Stevens, John W. & Denise M.	Tabernacle	59.0000	60.8000	4,110.00	2,866.00	249,888.00	174,252.80			174,252.80			2,651,399.49										
Closed	48		5,406.7560	5,354.5610			22,987,762.86	14,626,001.13	2,831,251.70	0.00														
Encumbered	10		528.5960	535.4010			2,024,886.15	1,419,018.10	0.00	0.00														
											Encumber/Expended FY09	-	-	1,057.50	-									
											Encumber/Expended FY11	-	-	1,500,000.00	-		-	-	3,000,000.00	-				
											Encumber/Expended FY13	-	-	1,000,000.00	-		-	-	5,000,000.00	-				
											Encumber/Expended FY17	-	-	1,000,000.00	-		70,417.60	-	2,949,624.68			1,979,957.72		
											Encumber/Expended FY18						-	-	-				2,000,000.00	
											Encumber/Expended FY20	678,212.17	670,388.34	-	651,399.49		-	-	-				2,000,000.00	
											Encumber/Expended FY21			-	-	2,000,000.00								
											Total				2,651,399.49					0.00	0.00	1,979,957.72	2,000,000.00	2,000,000.00

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Emmons, Dara & Douglas Edward (Emmons West)  
03- 0437-PG  
County PIG Program  
79 Acres

Block 804	Lot 5.01	Pemberton Twp.	Burlington County
Block 804	Lot 6.01	Pemberton Twp.	Burlington County
<b>SOILS:</b>		Other	12% * 0 = .00
		Prime	78% * .15 = 11.70
		<b>SOIL SCORE: 11.70</b>	
<b>TILLABLE SOILS:</b>		Cropland Harvested	74% * .15 = 11.10
		Wetlands/Water	0% * 0 = .00
		Woodlands	17% * 0 = .00
		<b>TILLABLE SOILS SCORE: 11.10</b>	
<b>FARM USE:</b>		Sod	50 acres
		Soybeans-Cash Grain	12 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:
  - b. Exceptions:
    - 1st two (2) acres for Future SFR and flexibility  
Exception is not to be severed from Premises  
Exception is to be limited to zero existing single family residential unit(s) and one future single family residential unit(s)
    - 2nd (.6) acres for To merge with neighboring lot 6.02 to the east -  
cannot be sold separately as a building lot  
Exception is not to be severed from Premises
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as ammended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2022R12(6)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
BURLINGTON COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of Stevens, John W. & Denise M. ("Owner")  
SADC ID# 03-0435-PG  
Tabernacle Township, Burlington County  
N.J.A.C. 2:76-17 et seq.**

**DECEMBER 2, 2021**

WHEREAS, on June 2, 2021, it was determined that the application for the sale of a development easement for the subject farm identified as Block 902, Lot 9.01, Tabernacle Township, Burlington County, totaling approximately 76.0 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

WHEREAS, the targeted Property is located in the County's South Project Area and in the Pinelands Agricultural Production Area; and

WHEREAS, the Property includes:

- one (1) approximately 0.35-acre severable exception area for an access easement, to afford future flexibility for nonagricultural uses limited to zero (0) single family residential units; and
- one (1), approximately 2-acre non-severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses; and
- one (1) 15-acre non-severable exception area for and limited to an existing United States Department of Agriculture Farm Service Agency (FSA) conservation easement resulting in approximately 59.0 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the 0.35-acre severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) May be severed or subdivided from the Premises from the Premises
- 3) Shall be limited to zero (0) single family residential units
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the 2-acre non-severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises from the Premises
- 3) Shall be limited to one (1) existing single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the 15-acre non-severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises from the Premises

WHEREAS, the Owners conveyed a "Grant of Easement," pursuant to the FSA program, recorded January 31, 1997, in the Burlington County Clerk's office in Deed Book 5294, Page 28 (FSA Conservation Easement); and

WHEREAS, the FSA Conservation Easement boundaries are coextensive with the 15-acre non-severable exception; and

WHEREAS, the Owners signed an Acknowledgment and understand that their rights under the Farmland Preservation Deed of Easement may be affected by certain terms and conditions of the FSA Conservation Easement including, but not limited to, activities that cause vegetative or hydrological alterations in the FSA easement area within the nonseverable exception area; and

WHEREAS, a similar provision containing the foregoing shall be included in the Farmland Preservation Deed of Easement; and

WHEREAS, the portion of the Property outside the exception areas includes:

- 1) zero (0) housing opportunities
- 2) Zero (0) Residual Dwelling Site Opportunities (RDSO)
- 3) zero (0) agricultural labor units
- 4) no pre-existing non-agricultural uses; and

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

WHEREAS, the Property has a quality score of 66.46 which exceeds 47, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, the New Jersey Pinelands Commission Letter of Interpretation #2188 allocated 3.0 Pinelands Development Credits (PDCs) to Block 902, Lot 9.01; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, 3.0 PDCs will be retired; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on June 29, 2021, the SADC certified a development easement value of \$3,000 per acre and a fee simple value of \$7,000 per acre based on zoning and environmental regulations in place as of the current valuation date October 26, 2020; and

WHEREAS, as per N.J.A.C. 2:76-19.3, landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.3, on June 29, 2021, the SADC issued a Pinelands Formula Valuation Certification of \$3,654 per acre without the impervious cover option and \$4,110 with the 10% impervious cover option; and

WHEREAS, the Formula takes into consideration the PDCs for a particular parcel and the presence of important agricultural and environmental features. The Formula provides for certain base values to be adjusted upward in varying percentages depending on factors such as site-specific environmental quality, access to highways, septic suitability and agricultural viability; and

WHEREAS, N.J.A.C. 2:76-19.4 provides that the development easement value shall not exceed 80 percent of the fee simple market value as determined by the Committee, which is \$5,600 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.14, the Owner accepted the County's offer of \$4,110 per acre with the 10% impervious cover option for the development easement for the Property, which is higher than the certified development easement value, but less than 80 percent of the fee simple market value; and

WHEREAS, the Owner agreed to the additional restrictions associated with accepting the higher of the two Pinelands formula evaluations:

- a maximum (10%) impervious cover, or approximately 5.9 acres, available for the construction of agricultural infrastructure on the Property outside of the exception area; and
- Agricultural use of wetlands and areas within 300 feet of wetlands ("wetlands transition areas") shall be consistent with subchapter 6 of the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-6, as may be amended from time to time. Specifically, except for horticulture of native Pinelands species, berry agriculture, and beekeeping, agriculture shall not be permitted in wetlands and wetlands transition areas, except if such agricultural uses existed prior to the promulgation of the Pinelands Comprehensive Management Plan in 1979 or if the Comprehensive Management Plan is amended to permit such uses; and

WHEREAS, on October 27, 2021, 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 22, 2021, the Tabernacle Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 8, 2021, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 22, 2021, the County Board of Commissioners passed a resolution granting final approval and a commitment of funding for \$4,110 per acre for the pre-acquisition of the development easement; and

WHEREAS, subsequent to purchasing the development easement, the County will request a cost share reimbursement from the SADC; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 60.8 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 60.8 net acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$174,252.80	(\$2,866/acre)
<u>Burlington County</u>	<u>\$75,635.20</u>	<u>(\$1,244/acre)</u>
Total Easement Purchase	\$249,888.00	(\$4,110/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$174,252.80 in base grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Property, comprising approximately 60.8 net easement acres, at a State cost share of \$2,866 per acre, (70% of Formula value and purchase price), for a total grant of approximately \$174,252.80 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund).
4. If unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.

5. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
6. The SADC's cost share grant to the county for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
7. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.



December 2, 2021

---

Date

---

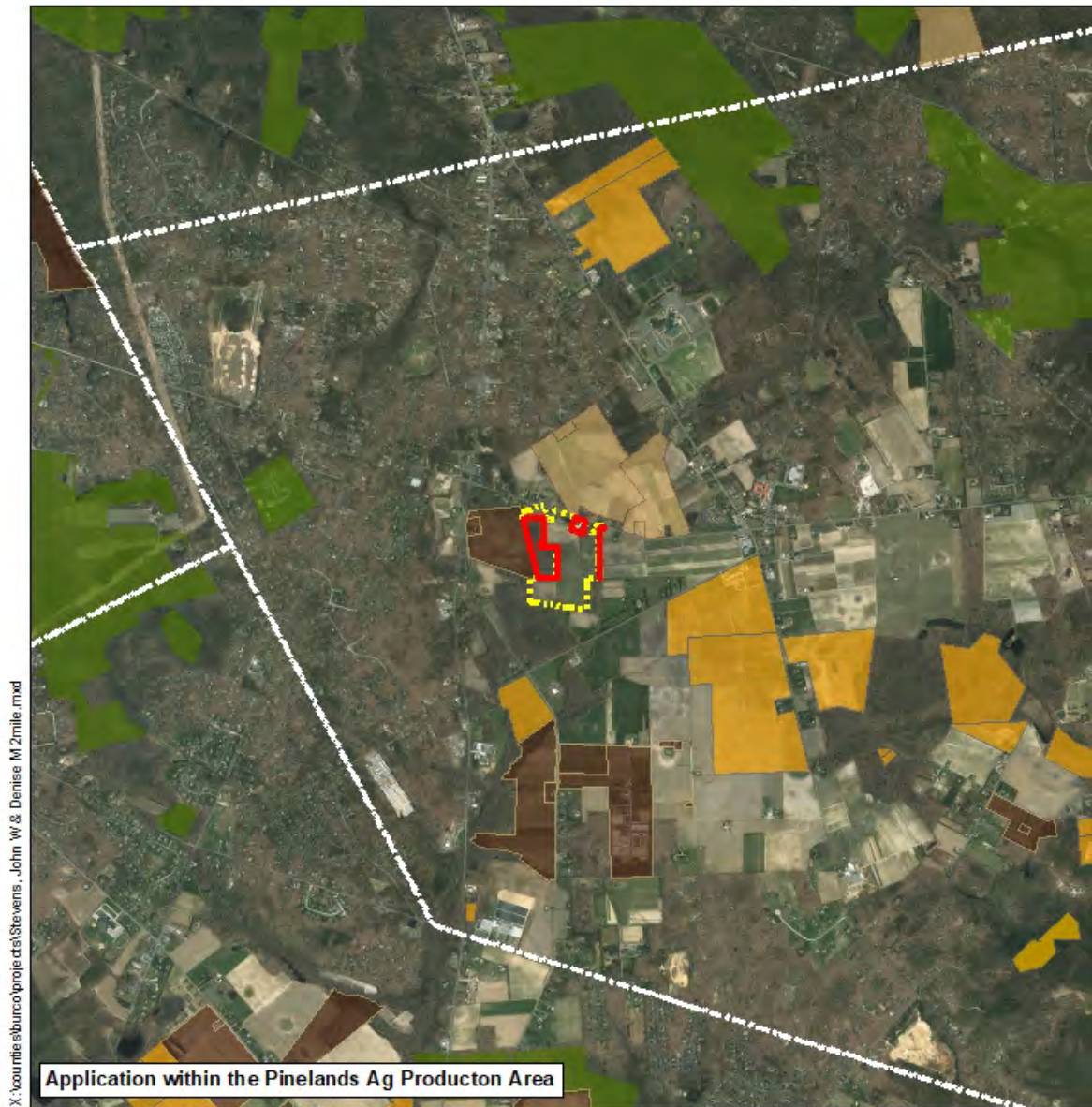
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	RECUSED
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	ABSENT



## Preserved Farms and Active Applications Within Two Miles



### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Stevens, John W. & Denise M.  
Block 902 Lots P/O 9.01 (58.4 ac); P/O 9.01-ES (severable exception - 0.35 ac)  
& P/O 9.01-EN (non-severable exceptions - 15.6 & 2.0 ac)  
Gross Total - 76.35 ac  
Pemberton Twp., Burlington County

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

- Property In Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR)
- Preserved Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Pinelands Development Credits
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Protected Areas Database of the United States (PAD-US)  
NJGIS/OGIS 2015 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

December 9, 2020



# Wetlands



## FARMLAND PRE SERVATION PROGRAM NJ State Agriculture Development Committee

Stevens, John W. & Denise M.  
Block 902 Lots P/O 9.01 (58.4 ac); P/O 9.01-ES (severable exception - 0.35 ac)  
& P/O 9.01-EN (non-severable exceptions - 15.6 & 2.0 ac)  
Gross Total - 76.35 ac  
Pemberton Twp., Burlington County



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJDEP Wetlands Data, NJ, Edition 2018/2019  
NJ Pinelands Commission P/O Data  
NJDEP/USGS 2015 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 geographic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring definition and location of true ground horizontal and/or vertical controls, nor shall be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.



**Wetlands Legend:**  
F - Freshwater Wetlands  
L - Linear Wetlands  
M - Marsh/Wetlands Modified for Agriculture  
N - Non-Wetlands  
W - Water

December 5, 2020

SADC County PIG  
Financial Status  
Schedule B

Burlington County

SADC ID#	Farm	Municipality	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Base Grant				Competitive Funds										
											Fiscal Year 09		1,057.50	Maximum Grant		Competitive Fund Balance									
											Fiscal Year 11		1,500,000.00	Fiscal Year 11		3,000,000.00	Fiscal Year 11		0.00						
											Fiscal Year 13		1,000,000.00	Fiscal Year 13		5,000,000.00	Fiscal Year 13		0.00						
											Fiscal Year 17		1,000,000.00	Fiscal Year 17		5,000,000.00	Fiscal Year 17		0.00						
-		Fiscal Year 18		2,000,000.00	Fiscal Year 18		6,864,256.42																		
Fiscal Year 20		2,000,000.00	Fiscal Year 20		2,000,000.00	Fiscal Year 20		10,000,000.00																	
Fiscal Year 21		2,000,000.00	-		-		-																		
SADC ID#	Farm	Municipality	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance	Encumbered	PV	Expended	FY11 Balance	FY13 Balance	FY17 Balance	FY18 Balance	FY20 Balance			
03-0412-PG	Giberson, W.P. & J.L. (Home Farm)	Pemberton	236.8450	236.8250	3,706.00	1,853.00	877,747.57	438,836.73	438,873.79		438,836.73	438,836.73	438,836.73	7,501,057.50											
03-0406-PG	Giberson Grain Farm, LLC	Pemberton	175.7450	175.7450	4,240.00	2,120.00	745,158.80	372,579.40	372,579.40		372,579.40	372,579.40	372,579.40	4,561,163.27											
03-0413-PG	Chung, Peter B.J. & Monica H.L.	Shamong	116.7950	116.6644	3,726.00	2,635.60	435,178.17	307,480.69			188,583.87	188,583.87	188,583.87	4,000,000.00	118,896.82	118,896.82	118,896.82		4,881,103.18						
03-0408-PG	Rowe, Stanley & Roseanne	Shamong	34.7580	34.7580	6,818.00	4,250.00	236,980.04	147,721.50							147,721.50	147,721.50	147,721.50		4,733,381.68						
03-0415-PG	Abrams, Pearl A.	Shamong	102.3260	101.8520	4,719.00	3,231.40	480,639.59	329,124.55							329,124.55	329,124.55	329,124.55		4,404,257.13						
03-0409-PG	McNaughton, Noble & Dorothy	Tabernacle	18.2240	18.2240	3,235.00	2,341.00	58,954.64	42,662.38							42,662.38	42,662.38	42,662.38		4,361,594.75						
03-0414-PG	To Better Days Boarding, LLC	Springfield	54.8830	54.2514	3,400.00	2,200.00	185,242.20	119,771.08							119,771.08	119,353.08	119,353.08		4,242,241.67						
03-0411-PG	Caul, Adam & Lisa	Springfield	39.6170	39.5430	2,700.00	1,350.00	106,766.10	53,383.05	53,383.05						53,383.05	53,383.05	53,383.05		4,188,858.62						
03-0422-PG	Alloway Family LP - South	Southampton	44.2390	43.7790	3,664.00	2,598.40	162,091.70	113,755.35							123,112.19	113,755.35	113,755.35		4,075,103.27						
03-0423-PG	Kirby, Harold C. & Gail W.	Pemberton	54.9550	54.9550	3,977.00	2,786.20	218,556.04	153,115.62	65,440.42	-					157,838.23	153,115.62	153,115.62		3,921,987.65						
03-0417-PG	Hatt, Linda E.	Chesterfield	69.8240	56.8650	8,016.00	4,008.00	559,709.18	227,914.92	279,854.59	-					284,848.56	227,914.92	227,914.92		3,694,072.73						
03-0418-PG	Lanwin Development Corp.	Chesterfield	135.0140	135.0140	4,900.00	3,220.00	661,568.60	434,745.08	279,854.59	-					441,043.40	434,745.08	434,745.08		3,259,327.65						
03-0416-PG	Thompson South, LLC	Chesterfield	133.4950	133.4950	5,050.00	3,340.00	674,149.75	445,873.30							464,427.00	445,873.30	445,873.30		2,813,454.35						
03-0419-PG	M&N Farms Land Holdings, LLC	Chesterfield	35.5730	34.6750	5,750.00	3,775.00	199,381.25	130,898.13							147,753.50	130,898.13	130,898.13		2,682,556.22						
03-0421-PG	Fenimore, Michael	Pemberton	74.8420	71.9310	3,145.00	2,287.00	235,378.09	164,506.20	64,214.45						173,720.52	164,506.20	164,506.20		2,518,050.02						
03-0425-PG	Alloway Family LP - North	Southampton	119.5000	119.4470	4,118.00	2,870.80	491,882.75	342,908.45							351,873.96	342,908.45	342,908.45		2,175,141.57						
03-0420-PG	Patel, I.P. & Chetan, N.D., M & D.C.	Springfield	33.9500	33.9500	5,550.00	3,675.00	188,422.50	124,766.25							128,698.50	124,766.25	124,766.25		2,050,375.32						
03-0429-PG	Jannen, Christian G. & Barbara L.	Southampton	32.0080	32.0080	3,441.00	2,200.00	110,139.53	70,417.60							70,417.60				1,979,957.72						
03-0432-PG	RTE, Ill Farms, LLC (Eckert West)	Tabernacle	94.4930	94.3020	3,815.00	2,689.00	359,762.13	253,578.08			258,144.00	253,578.08		3,746,421.92											
03-0433-PG	RTE, Ill Farms, LLC (Eckert East)	Tabernacle	53.5880	53.4840	3,593.00	2,555.80	192,168.01	136,694.41			140,569.00	136,694.41		3,609,727.51											
03-0434-PG	Allen, Edward W. (Pointville)	Pemberton	28.5690	28.5690	3,443.00	2,465.80	98,363.07	70,445.44			71,613.26	70,445.44		3,539,282.07											
03-0430-PG	Giberson, Daniel & Pamela (North Farm)	Southampton	52.6420	52.3420	4,194.00	2,916.40	220,780.55	152,650.21			152,650.21	152,650.21		3,386,631.86											
03-0431-PG	Giberson, Daniel & Pamela (Home Farm)	Southampton	22.8960	22.8960	3,484.00	2,490.40	79,769.66	57,020.20			57,020.20	57,020.20		3,329,611.66											
03-0439-PG	Whalen Farms, LLC	Shamong	16.0000	16.5000	2,485.00	1,839.50	41,002.50	30,351.75				30,351.75		3,299,259.91											
03-0438-PG	Emmons, Dara & Douglas Edwards (Emmons Home)	Pemberton	90.0000	92.7000	4,019.00	2,811.40	372,561.30	260,616.78			260,616.78			3,038,643.13											
03-0437-PG	Emmons, Dara & Douglas Edwards (Emmons West)	Pemberton	79.4000	81.8000	3,673.00	2,603.80	300,451.40	212,990.84			212,990.84			2,825,652.29											
03-0435-PG	Stevens, John W. & Denise M.	Tabernacle	59.0000	60.8000	4,110.00	2,866.00	249,888.00	174,252.80			174,252.80			2,651,399.49											
Closed	48		5,406.7560	5,354.5610			22,987,762.86	14,626,001.13	2,831,251.70	0.00															
Encumbered	10		528.5960	535.4010			2,024,886.15	1,419,018.10		0.00															
												Encumber/Expended FY09	-	-	1,057.50	-									
												Encumber/Expended FY11	-	-	1,500,000.00	-	-	-	3,000,000.00	-					
												Encumber/Expended FY13	-	-	1,000,000.00	-	-	-	5,000,000.00	-	-				
												Encumber/Expended FY17	-	-	1,000,000.00	-	70,417.60	-	2,949,624.68	1,979,957.72					
												Encumber/Expended FY18					-	-	-			2,000,000.00			
												Encumber/Expended FY20	678,212.17	670,388.34	-	651,399.49	-	-	-				2,000,000.00		
												Encumber/Expended FY21	-	-	-	2,000,000.00									
												Total			2,651,399.49						0.00	0.00	1,979,957.72	2,000,000.00	2,000,000.00

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Stevens John W. & Denise M.  
03- 0435-PG  
County PIG Program  
59 Acres

Block 902	Lot 9.01	Tabernacle Twp.	Burlington County
<b>SOILS:</b>		Other	54 * 0 = .00
		Prime	238 * .15 = 3.45
		Statewide	728 * .1 = 7.20
		<b>SOIL SCORE: 10.65</b>	
<b>TILLABLE SOILS:</b>		Cropland Harvested	94% * .15 = 14.10
		Wetlands/Water	19 * 0 = .00
		Woodlands	1% * 0 = .00
		<b>TILLABLE SOILS SCORE: 14.10</b>	
<b>FARM USE:</b>		Corn-Cash Grain	46 acres
		Vegetable & Melons	4 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:
  - b. Exceptions:
    - 1st (.35) acres for Access easement  
Exception is severable  
Right to Farm language is to be included in Deed of Future Lot  
Exception is to be limited to zero existing single family residential unit(s) and zero future single family residential unit(s)
    - 2nd fifteen (15) acres for Conservation Easement  
Exception is not to be severed from Premises  
Exception is to be limited to zero existing single family residential unit(s) and zero future single family residential unit(s)
    - 3rd two (2) acres for Existing SFR  
Exception is not to be severed from Premises  
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
  - 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. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2022R12(7)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
UPPER PITTSBORO TOWNSHIP  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of Hamilton, B. Annabelle ("Owner")  
SADC ID#17-0237-PG  
Upper Pittsgrove Township, Salem County  
N.J.A.C. 2:76-17A. et seq.**

**DECEMBER 2, 2021**

WHEREAS, on May 24, 2021, it was determined that the application for the sale of a development easement for the subject farm identified as Block 32, Lot 1, and Block 29 Lot 9, Upper Pittsgrove Township, Salem County, totaling approximately 37.1 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a) and the Township has met the Municipal Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

WHEREAS, the Owner read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, and Non-Agricultural Uses; and

WHEREAS, the targeted Property is located in Upper Pittsgrove Township's Project Area; and

WHEREAS, the Property includes one (1), approximately 3-acre severable exception area for the existing single-family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 34.1 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, the 3-acre severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) May be severed or subdivided from the Premises
- 3) Shall be limited to one single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and



WHEREAS, the portion of the Property outside the exception area includes:

- 1) One(1) single family residential unit
- 2) Zero (0) agricultural labor units
- 3) No pre-existing non-agricultural uses; and

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

WHEREAS, the SADC Green Light Approval noted areas of concern in 2018 aerial imagery and this final approval and SADC cost share grant to Upper Pittsgrove is conditioned on remediation of the erosion and stabilization of the area to the SADC's satisfaction prior to closing; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 14, 2021, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$6,000 per acre based on zoning and environmental regulations in place as of the current valuation date August 20, 2021; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12, the Owner accepted the Township's offer of \$6,000 per acre for the purchase of the development easement on the Premises; and

WHEREAS, on October 11, 2021, the Municipality 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. 2:76-17A.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on November 9, 2021, the Upper Pittsgrove Township Committee approved the application for the sale of development easement and a funding commitment of \$1,050 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on October 27, 2021, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on November 3, 2021, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$1,050 per acre to cover the local cost share; and

WHEREAS, the Municipality has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 35.12 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 35.12 acres):

	Total	Per/acre
SADC	\$136,968	(\$3,900/acre)
Upper Pittsgrove Township	\$ 36,876	(\$1,050/acre)
<u>Salem County</u>	<u>\$ 36,876</u>	<u>(\$1,050/acre)</u>
Total Easement Purchase	\$210,720	(\$6,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76 17A.14 (d) (f), if there are insufficient funds available in a Municipality's base grant, it may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the Municipality is requesting \$136,968 in base grant funding which is available at this time (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 subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11;

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:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. SADC final approval and cost share grant to Upper Pittsgrove Township is conditioned on remediation of the erosion and stabilization of the area to the SADC's satisfaction prior to closing.
3. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Premises, comprising approximately 35.12 net easement acres, at a State cost share of \$3,900 per acre, (65% of certified easement value and purchase price), for a total grant of approximately \$136,968 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
4. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
5. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
6. The SADC will be providing its grant directly to the County, and 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).
7. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the

Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.

8. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
9. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
10. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
11. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

December 2, 2021



---

Date

---

Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	ABSENT

## Preserved Farms and Active Applications Within Two Miles



### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Hamilton, B. Annabelle  
Block 29 Lot 9 (13.4 ac); Block 32 Lots P/O 1 (20.7 ac)  
& P/O 1-ES (severable exception - 3.0 ac)  
Gross Total = 37.1 ac  
Upper Pittsgrove Twp., Salem County

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



- Property in Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR)
- Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Protected Areas Database of the United States (PAD-US)  
NJOT/OGIS 2015 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

April 23, 2021



# Project Map

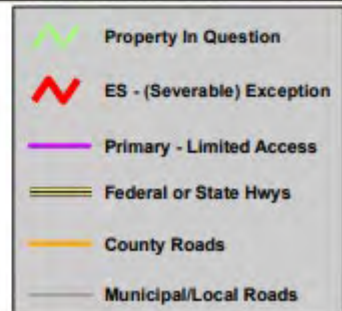


X:\counties\salc\projects\Hamilton, B Annabelle project map.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Hamilton, B. Annabelle  
Block 29 Lot 9 (13.4 ac); Block 32 Lots P/O 1 (20.7 ac)  
& P/O 1-ES (severable exception - 3.0 ac)  
Gross Total = 37.1 ac  
Upper Pittsgrove 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:  
Green Acres Conservation Easement Data  
NJOT/OGIS 2015 Digital Aerial Image

April 23, 2021



SADC Municipal Pig Financial Status  
Schedule B  
Upper Pittsgrove Township, Salem County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Grant			
										Fiscal Year 09		750,000.00	
										Fiscal Year 11		500,000.00	
										Fiscal Year 13		500,000.00	
										Fiscal Year 17		500,000.00	
										Fiscal Year 19		1,000,000.00	
										Fiscal Year 21		1,000,000.00	
SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance
4,250,000.00													
08-0192-PG	Michael & Carolynn Foote	8.6020	8.6020	7,100.00	2,295.82	61,074.20	19,748.68	41,325.52	2,626.93	22,375.61	19,748.68	19,748.68	2,579,656.77
17-0136-PG	Jasper ancillary											10,337.50	2,569,319.27
17-0156-PG	Thumlert ancillary											5,996.50	2,563,322.77
17-0162-PG	Williams ancillary											3,522.00	2,559,800.77
17-0158-PG	Hackett, James & Pauline	22.4240	22.3310	6,000.00	3,900.00	133,986.00	87,090.90			89,700.00	87,090.90	87,090.90	2,472,709.87
17-0159-PG	Seery, David J.	54.6840	54.6840	4,650.00	3,190.00	254,280.60	174,441.96			175,450.00	174,441.96	174,441.96	2,298,267.91
17-0167-PG	Monroeville Farm LLC (Ambruster)	25.1050	25.1050	7,900.00	4,850.00	198,329.50	121,759.25			121,250.00	121,759.25	121,759.25	2,176,508.66
17-0138-PG	Foote, Michael & Carolynn	30.4750	30.4750	7,100.00	3,164.52	216,372.50	96,438.60	119,933.90	37,651.40	95,266.68	96,438.60	96,438.60	2,080,070.06
17-0159-PG	Seery ancillary											5,388.75	2,074,681.31
17-0158-PG	Hackett ancillary											3,936.00	2,070,745.31
17-0111-PG	Lewis ancillary											3,784.00	2,066,961.31
17-0108-PG	Schmid ancillary											4,085.00	2,062,876.31
17-0120-PG	Sottile ancillary											9,987.50	2,052,888.81
17-0113-PG	Kramme ancillary											5,127.50	2,047,761.31
17-0167-PG	Monroeville Farm LLC (Ambruster) ancillary											4,292.50	2,043,468.81
	Bishop Brothers and Foote Ancillary											15,062.00	2,028,406.81
17-0187-PG	Seery, Michael and David	19.5460	18.8730	6,100.00	3,950.00	115,125.30	74,548.35			73,075.00	74,548.35	74,548.35	1,953,858.46
17-0180-PG	Ambruster, L. Scott	25.7500	25.7500	5,950.00	3,875.00	153,212.50	99,781.25			99,781.25			1,854,077.21
17-0181-PG	McCracken, Hilda	42.8200	42.8200	6,000.00	3,900.00	256,920.00	166,998.00			166,998.00	166,998.00	166,998.00	1,687,079.21
17-0193-PG	Kessel, Robert A. Jr.	44.9360	44.9360	5,900.00	3,850.00	265,122.40	173,003.60			172,865.00	173,003.60	173,003.60	1,514,075.61
	Seery, McCracken, and Kessel Ancillary											14,298.00	1,499,777.61
17-0198-PG	Hurst, William I. & Virginia O.	20.4630	20.4630	6,200.00	3,055.69	126,870.60	62,528.60	45,018.60	19,323.40	59,280.00	62,528.60	62,528.60	1,437,249.01
17-0231-PG	Wright, Robert & Joyce	19.5000	20.0850	6,300.00	4,050.00	122,850.00	81,344.25			81,344.25			1,355,904.76
	Hurst Ancillary											4,452.50	1,351,452.26
17-0237-PG	Hamilton, B. Annabelle	34.1000	35.1200	6,000.00	3,900.00	210,720.00	136,968.00			136,968.00			1,214,484.26
17-0233-PG	Zeck, David & Sharon	41.8000	43.0500	5,900.00	3,850.00	246,620.00	165,742.50			165,742.50			1,048,741.76
Closed	19	792.5630	784.3430			4,418,463.35	2,748,955.11	804,487.67	269,065.25				
Encumbered	4	121.1500	124.0050			733,402.50	483,836.00	-	-				
									Encumber/Expended FY09		-	750,000.00	-
									Encumber/Expended FY11	-	-	500,000.00	-
									Encumber/Expended FY13	-	-	500,000.00	-
									Encumber/Expended FY17	-	-	500,000.00	-
									Encumber/Expended FY19	483,836.00	-	467,422.24	48,741.76
									Encumber/Expended FY20				
									Encumber/Expended FY21	-	-	-	1,000,000.00
									Total				1,048,741.76

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Hamilton, B. Annabelle  
17- 0237-PG  
PIG EP - Municipal 2007 Rule  
34 Acres

Block 32	Lot 1	Upper Pittsgrove Twp. Salem County
Block 29	Lot 9	Upper Pittsgrove Twp. Salem County

<b>SOILS:</b>	Prime	96% *	.15	=	14.40
	Statewide	4% *	.1	=	.40
				<b>SOIL SCORE:</b>	<b>14.80</b>
<b>TILLABLE SOILS:</b>	Cropland Harvested	100% *	.15	=	15.00
				<b>TILLABLE SOILS SCORE:</b>	<b>15.00</b>
<b>FARM USE:</b>	Soybeans-Cash Grain		23 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:
  - b. Exceptions:
    - 1st three (3) acres for Single Family Residence
    - Exception is not to be severed from Premises
    - Exception is to be limited to one existing single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:
    - Standard Single Family - Farmhouse
  - 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. 4:1C-11 et seq., P.L. 1983, c.32, as ammended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2022R12(8)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
UPPER PITTSBGROVE TOWNSHIP  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of Zeck, David A. & Sharon L. ("Owners")  
SADC ID#17-0233-PG  
Upper Pittsgrove Township, Salem County  
N.J.A.C. 2:76-17A. et seq.**

**DECEMBER 2, 2021**

WHEREAS, on October 19, 2020, it was determined that the application for the sale of a development easement for the subject farm identified as Block 13, Lot 21, Upper Pittsgrove Township, Salem County, totaling approximately 41.8 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a) and the Township has met the Municipal Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

WHEREAS, the Owners read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, and Non-Agricultural Uses; and

WHEREAS, the targeted Property is located in Upper Pittsgrove Township's Project Area; and

WHEREAS, the Property includes no exception areas resulting in approximately 41.8 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the Property includes:

- 1) Zero (0) exceptions,
- 2) One (1) single family residential unit
- 3) Zero (0) agricultural labor units
- 4) No pre-existing non-agricultural uses; and

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

WHEREAS, the SADC Green Light Approval noted limited access for farm equipment through the wooded wetlands on the property and requested that permanent access be confirmed prior to closing; and

WHEREAS, the landowner has indicated there is an existing stream crossing and Upper Pittsgrove Township has since approved an agricultural access easement across the adjacent 75 foot wide public bike path providing an alternate route to the rear field; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on August 14, 2021, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$5,900 per acre based on zoning and environmental regulations in place as of the current valuation date June 22, 2021; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12, the Owner accepted the Township's offer of \$5,900 per acre for the purchase of the development easement on the Premises; and

WHEREAS, on October 22, 2021, the Township 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. 2:76-17A.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on October 12, 2021, the Upper Pittsgrove Township Committee approved the application for the sale of development easement and a funding commitment of \$1,025 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on September 22, 2021, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on October 6, 2021, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$1,025 per acre to cover the local cost share; and

WHEREAS, the Municipality has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 43.05 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 43.05 acres):

	Total	Per/acre
SADC	\$165,742.50	(\$3,850/acre)
Upper Pittsgrove Township	\$44,126.25	(\$1,025/acre)
<u>Salem County</u>	<u>\$44,126.25</u>	<u>(\$1,025/acre)</u>
Total Easement Purchase	\$253,995	(\$5,900/acre)

WHEREAS, pursuant to N.J.A.C. 2:76 17A.14 (d) (f), if there are insufficient funds available in a Municipality's base grant, it may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the Township is requesting \$165,742.50 in base grant funding which is available at this time (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 subject to available funds and 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:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Premises, comprising

approximately 43.05 net easement acres, at a State cost share of \$3,850 per acre, (65.25% of certified easement value and purchase price), for a total grant of approximately \$165,742.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).

3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
4. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
5. The SADC will be providing its grant directly to the County, and 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).
6. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
7. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

December 2, 2021

\_\_\_\_\_  
Date

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

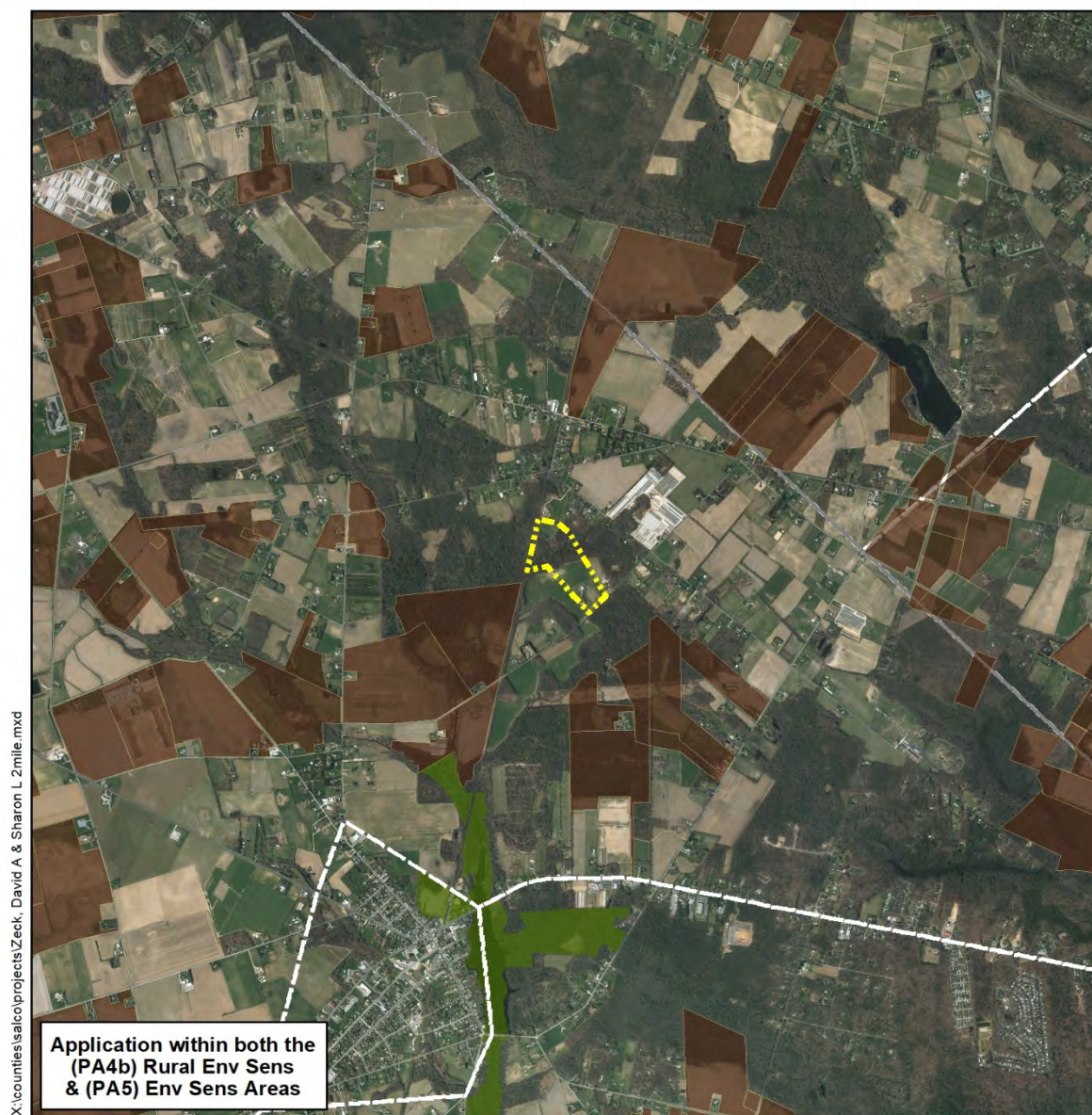


VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	ABSENT

<https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/17-0233-PG/Acquisition/Final Approval/Zeck, David & Sharon Final Approval.docx>

## Preserved Farms and Active Applications Within Two Miles



### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Zeck, David A. & Sharon L.  
Block 13 Lot 20 (41.8 ac)  
Gross Acres = 41.8 ac  
Upper Pittsgrove Twp., Salem County

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



**Sources:**  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Protected Areas Database of the United States (PAD-US)  
NJOIT/OGIS 2015 Digital Aerial Image

September 23, 2020

**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



# Project Map

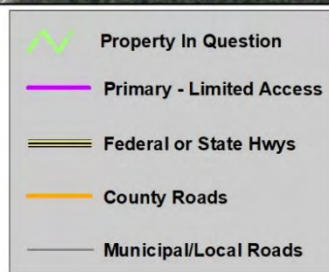


X:\counties\sarco\projects\Zeck, David A & Sharon L project map.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Zeck, David A. & Sharon L.  
Block 13 Lot 20 (41.8 ac)  
Gross Acres = 41.8 ac  
Upper Pittsgrove 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:  
Green Acres Conservation Easement Data  
NJOT/GIS 2015 Digital Aerial Image

September 23, 2020

SADC Municipal Pig Financial Status  
Schedule B

Upper Pittsgrove Township, Salem County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Grant			
										Fiscal Year 09		750,000.00	
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance
4,250,000.00													
08-0192-PG	Michael & Carolynn Foote	8.6020	8.6020	7,100.00	2,295.82	61,074.20	19,748.68	41,325.52	2,626.93	22,375.61	19,748.68	19,748.68	2,579,656.77
17-0136-PG	Jasper ancillary											10,337.50	2,569,319.27
17-0156-PG	Thumlert ancillary											5,996.50	2,563,322.77
17-0162-PG	Williams ancillary											3,522.00	2,559,800.77
17-0158-PG	Hackett, James & Pauline	22.4240	22.3310	6,000.00	3,900.00	133,986.00	87,090.90			89,700.00	87,090.90	87,090.90	2,472,709.87
17-0159-PG	Seery, David J.	54.6840	54.6840	4,650.00	3,190.00	254,280.60	174,441.96			175,450.00	174,441.96	174,441.96	2,298,267.91
17-0167-PG	Monroeville Farm LLC (Ambruster)	25.1050	25.1050	7,900.00	4,850.00	198,329.50	121,759.25			121,250.00	121,759.25	121,759.25	2,176,508.66
17-0138-PG	Foote, Michael & Carolynn	30.4750	30.4750	7,100.00	3,164.52	216,372.50	96,438.60	119,933.90	37,651.40	95,266.68	96,438.60	96,438.60	2,080,070.06
17-0159-PG	Seery ancillary											5,388.75	2,074,681.31
17-0158-PG	Hackett ancillary											3,936.00	2,070,745.31
17-0111-PG	Lewis ancillary											3,784.00	2,066,961.31
17-0108-PG	Schmid ancillary											4,085.00	2,062,876.31
17-0120-PG	Sottile ancillary											9,987.50	2,052,888.81
17-0113-PG	Kramme ancillary											5,127.50	2,047,761.31
17-0167-PG	Monroeville Farm LLC (Ambruster) ancillary											4,292.50	2,043,468.81
	Bishop Brothers and Foote Ancillary											15,062.00	2,028,406.81
17-0187-PG	Seery, Michael and David	19.5460	18.8730	6,100.00	3,950.00	115,125.30	74,548.35			73,075.00	74,548.35	74,548.35	1,953,858.46
17-0180-PG	Ambruster, L. Scott	25.7500	25.7500	5,950.00	3,875.00	153,212.50	99,781.25			99,781.25			1,854,077.21
17-0181-PG	McCracken, Hilda	42.8200	42.8200	6,000.00	3,900.00	256,920.00	166,998.00			166,998.00	166,998.00	166,998.00	1,687,079.21
17-0193-PG	Kessel, Robert A. Jr.	44.9360	44.9360	5,900.00	3,850.00	265,122.40	173,003.60			172,865.00	173,003.60	173,003.60	1,514,075.61
	Seery, McCracken, and Kessel Ancillary											14,298.00	1,499,777.61
17-0198-PG	Hurst, William I. & Virginia O.	20.4630	20.4630	6,200.00	3,055.69	126,870.60	62,528.60	45,018.60	19,323.40	59,280.00	62,528.60	62,528.60	1,437,249.01
17-0231-PG	Wright, Robert & Joyce	19.5000	20.0850	6,300.00	4,050.00	122,850.00	81,344.25			81,344.25			1,355,904.76
	Hurst Ancillary											4,452.50	1,351,452.26
17-0237-PG	Hamilton, B. Annabelle	34.1000	35.1200	6,000.00	3,900.00	210,720.00	136,968.00			136,968.00			1,214,484.26
17-0233-PG	Zeck, David & Sharon	41.8000	43.0500	5,900.00	3,850.00	246,620.00	165,742.50			165,742.50			1,048,741.76
Closed	19	792.5630	784.3430			4,418,463.35	2,748,955.11	804,487.67	269,065.25				
Encumbered	4	121.1500	124.0050			733,402.50	483,836.00	-	-				
								Encumber/Expended FY09		-	750,000.00	-	
								Encumber/Expended FY11		-	500,000.00	-	
								Encumber/Expended FY13		-	500,000.00	-	
								Encumber/Expended FY17		-	500,000.00	-	
								Encumber/Expended FY19	483,836.00	-	467,422.24	48,741.76	
								Encumber/Expended FY20					
								Encumber/Expended FY21		-	-	1,000,000.00	
								Total				1,048,741.76	

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Zeck, David A. & Sharon L.  
17- 0233-PG  
PIG EP - Municipal 2007 Rule  
42 Acres

Block 13	Lot 20	Upper Pittsgrove Twp. Salem County			
<b>SOILS:</b>		Other	40% *	0	= .00
		Prime	48% *	.15	= 7.20
		Statewide	12% *	.1	= 1.20
					<b>SOIL SCORE: 8.40</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	50% *	.15	= 7.50
		Wetlands/Water	37% *	0	= .00
		Woodlands	13% *	0	= .00
					<b>TILLABLE SOILS SCORE: 7.50</b>
<b>FARM USE:</b>		Corn-Cash Grain	27 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:
  - b. Exceptions: No Exceptions Requested
  - 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. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2022R12(9)  
FINAL REVIEW AND APPROVAL OF A NONPROFIT GRANT TO  
The Land Conservancy of New Jersey (TLCNJ)  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of Campgaw Club, LLC ("Owner")**

**FY 21 Nonprofit Round – SADC #21-0047-NP**

**DECEMBER 2, 2021**

WHEREAS, on June 8, 2020, the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from The Land Conservancy of New Jersey (TLCNJ) for the Campgaw Club, LLC farm identified as Block 5400, Lot 400, Hope Township, Block 1701, Lots 18.01 & 18.02, Blairstown Township, Warren County, totaling approximately 135.54 gross acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the portion of the Property in Hope Township is in the Highlands Planning Area; and

WHEREAS, the Owner has read and signed SADC Guidance Documents regarding Exceptions, and Non-Agricultural Uses; and

WHEREAS, the Premises includes one (1), approximately 4.8 acre non-severable exception area for one (1) existing and one (1) future single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 130.74 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, the 4.8-acre non-severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises
- 3) Shall be limited to two single family residential units
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the portion of the Property outside the exception area includes:

- 1) Zero (0) housing opportunities
- 2) Zero (0) Residual Dwelling Site Opportunity (RDSO)
- 3) Zero (0) agricultural labor units
- 4) No pre-existing non-agricultural uses; and

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

WHEREAS, on September 24, 2020, the SADC granted preliminary approval by Resolution #FY2021R9(3) to the TLCNJ's FY2021 Nonprofit application and appropriated \$2,148,775 for the acquisition of development easement on nine (9) farms including the Campgaw Club, LLC farm; and

WHEREAS, at this time \$69,600 for the Giordano, Melissa & Thomas farm has received final approval, therefore approximately \$2,079,175 is still available; 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, the Property has a quality score of 52.13 which is greater than 70% of the County average quality score of 44 as determined by the SADC, at the time the application was submitted; and

WHEREAS, the Owner provided a recorded deed showing that the property was originally acquired by Campgaw Club, LLC on October 18, 1995; therefore, the property is eligible for, and must be appraised under, zoning and environmental conditions in place as of 01/01/2004 for farms in the Highlands region pursuant to N.J.S.A. 13:8B, as amended by the "Preserve New Jersey Act," P.L.2015, c.5; and

WHEREAS, pursuant to N.J.A.C. 2:76 15(b) 2., if two appraisals have been obtained on a parcel, and the difference between the two appraisal values is 10% of the higher appraisal value or less, the eligible land cost shall be the average of the appraisal values; and

WHEREAS, on March 24, 2021 the SADC acknowledged the development easement value of the Premises to be \$4,000 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$4,000 per acre based on zoning and environmental regulations in place as of the current valuation date November 23, 2020; and

WHEREAS, the SADC advised TLCNJ 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 TLCNJ's eligible costs and subject to available funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-15.2, on October 26, 2021, TLCNJ informed the SADC that it will accept the SADC cost share of \$2,000 per acre; and

WHEREAS, the Warren County Board of Commissioners entered into a Farmland Preservation Agreement with October 15, 2021, and will provide 50% matching funds from Warren County for the development easement acquisition on the Campgaw Club, LLC farm and agreed to accept assignment of the development easement from TLCNJ and be responsible for annual monitoring; and

WHEREAS, the cost share breakdown based on 130.74 acres is as follows:

	<u>Total</u>	<u>Per/acre</u>
SADC	\$261,480	(\$2,000/acre)
Warren County	<u>\$261,480</u>	<u>(\$2,000/acre)</u>
Total Easement Purchase	\$522,960	(\$4,000/acre)

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 TLCNJ for up to 50% of the eligible ancillary costs which will be deducted from its FY2021 appropriation and subject to the availability of funds; and

WHEREAS, N.J.A.C. 2:76-16.1(a)3.iii allows for the conveyance of the development easement to the Federal Government, the State, the County, or another qualifying tax exempt organization for farmland preservation purposes; and

WHEREAS, TLCNJ will assign the Deed of Easement to Warren County immediately after closing on the Deed of Easement; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to TLCNJ for the Property easement acquisition application subject to compliance with N.J.A.C. 2:76-16.
3. The SADC approves the assignment of the Deed of Easement from TLCNJ to Warren County provided the SADC reviews and approves in advance all documentation to accomplish the assignment including, but not limited to, review of survey, title, and assignment document.
4. The SADC shall provide a cost share grant not to exceed \$2,000 per acre (total of approximately \$261,480 based on 130.74 acres) to TLCNJ for the development easement acquisition on the Premises, subject to the availability of funds.
5. The application is subject to the conditions contained in (Schedule B).
6. 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.
7. The SADC's cost share grant to TLCNJ for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted

for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses

8. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
9. The SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute all documents necessary to provide a grant to TLCNJ for the acquisition of a development easement on the Property.
10. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
11. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
12. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

December 2, 2021



---

Date

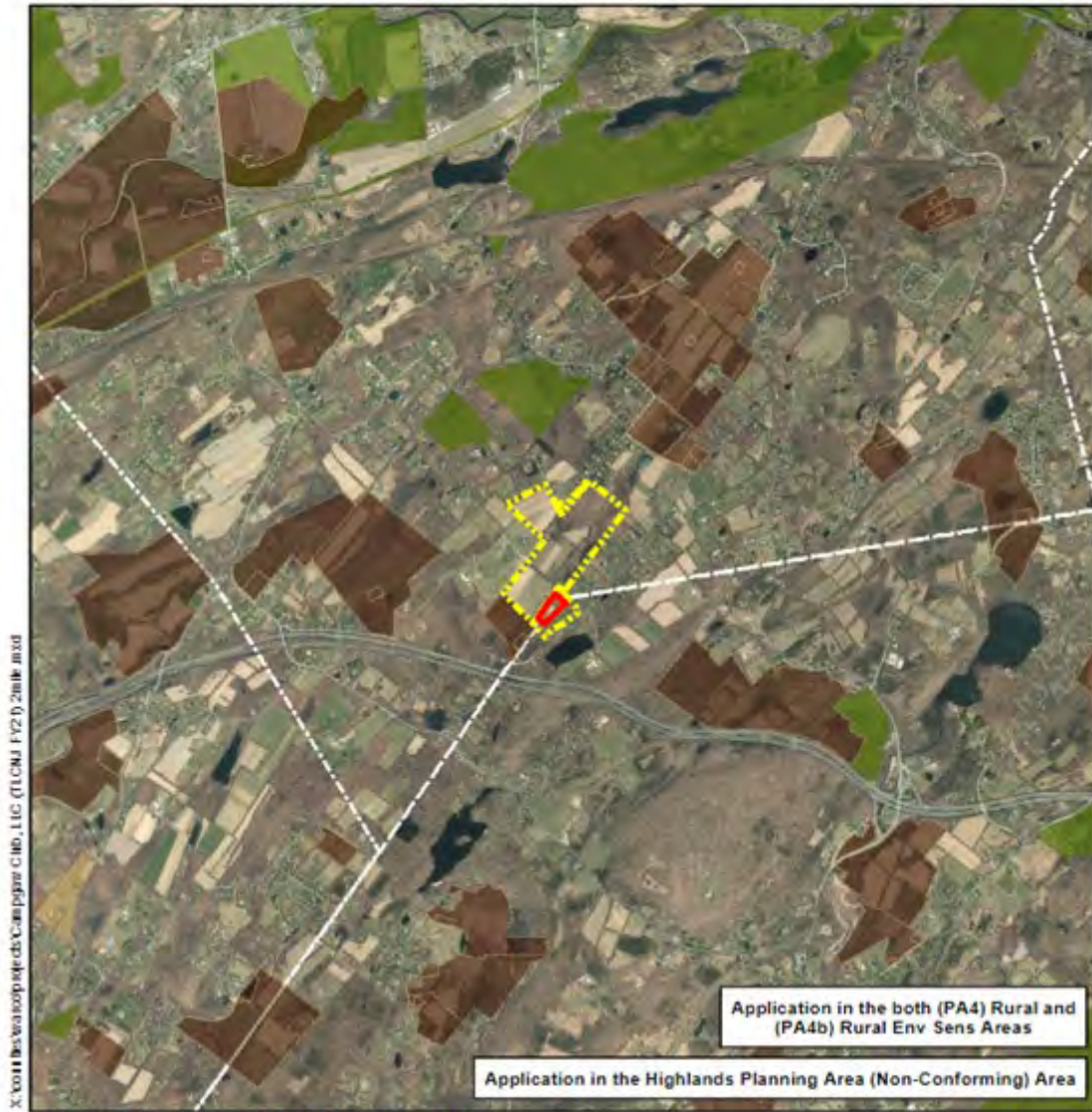
---

Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	ABSENT

# Preserved Farms and Active Applications Within Two Miles



X:\GIS\Bureau\workspace\workspace\Campgaw Club, LLC (TCLNJ FY21) 2.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Campgaw Club, LLC (TCLNJ FY21)  
Blairstown Twp. - Block 1701 Lots 18.01 (118.5 ac) & 18.02 (2.1 ac) &  
Hope Twp. - Block 5400 Lots P/O 400 (10.2 ac)  
& P/O 400-EN (non-severable exception - 4.8 ac)  
Gross Total = 135.54 ac  
Warren County

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

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

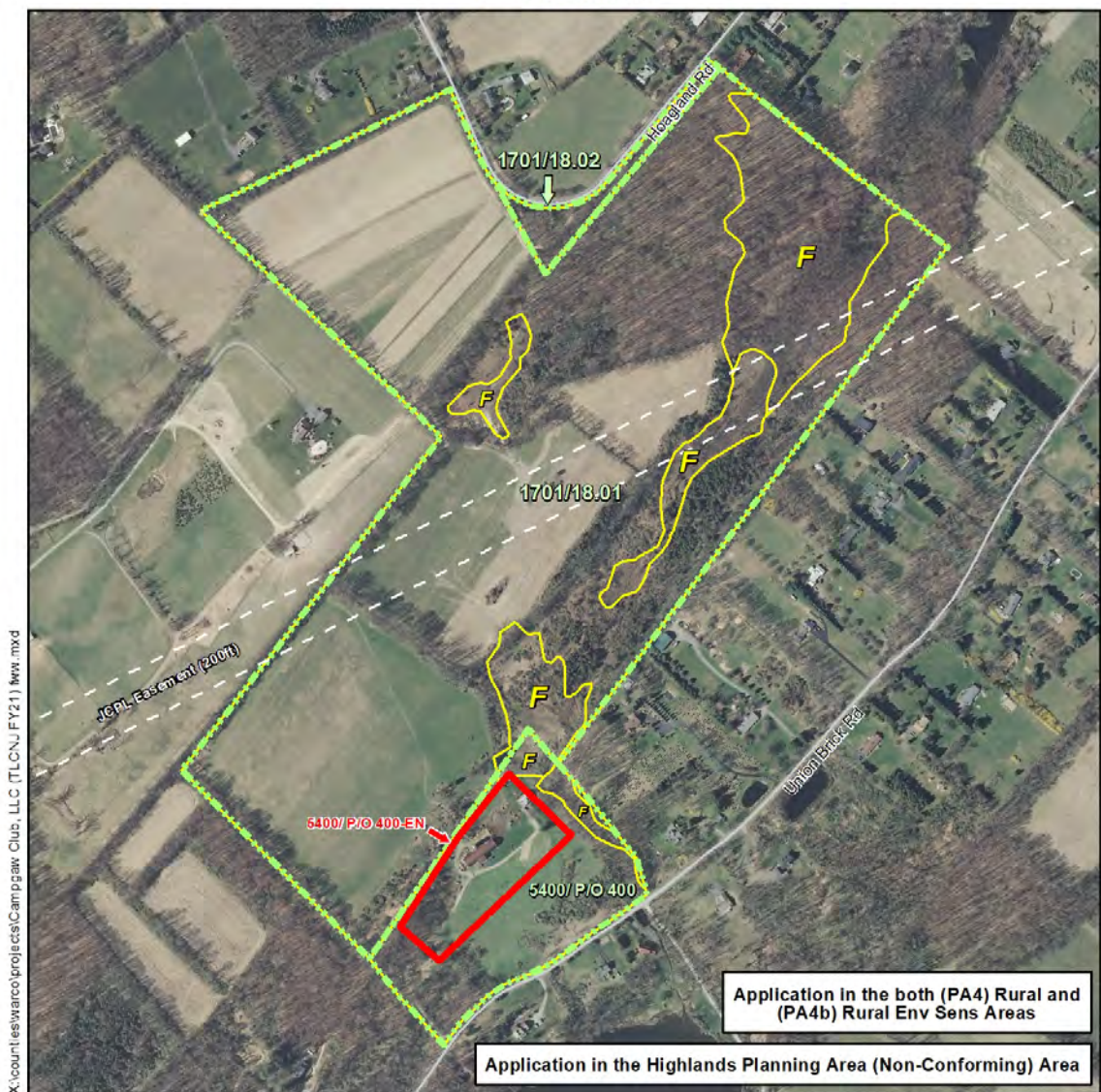
- Property In Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR)
- Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O&R Recreation Easements

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Protected Areas Database of the United States (PAD-US)  
USGS 2013 Digital Data Image

May 12, 2020



# Wetlands



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Campgaw Club, LLC (TCLNJ FY21)  
Blairstown Twp. - Block 1701 Lots 18.01 (118.5 ac) & 18.02 (2.1 ac) &  
Hope Twp. - Block 5400 Lots P/O 400 (10.2 ac)  
& P/O 400-EN (non-severable exception - 4.8 ac)  
Gross Total = 135.54 ac  
Warren County

500 250 0 500 1,000 Feet

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Protected Areas Database of the United States (PAD-US)  
NJDEP Wetlands Data  
NJ Highlands Council Data  
NJ011/OGIS 2015 Digital Aerial Image

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

- Property In Question
- EN - (Non-Severable) Exception
- Wetlands Boundaries
- Primary - Limited Access
- Federal or State Hwys
- County Roads
- Municipal/Local Roads

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

May 12, 2020

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Campgaw Club LLC (TLCNJ FY 21)

21- 0047-NP

FY 2021 Easement Purchase - Nonprofit  
131 Acres

Block 5400	Lot 400	Hope Twp.	Warren County
Block 1701	Lot 18.02	Blairstown Twp.	Warren County
Block 1701	Lot 18.01	Blairstown Twp.	Warren County
<b>SOILS:</b>			
	Other	93% *	0 - .00
	Unique zero	7% *	0 - .00
		<b>SOIL SCORE:</b>	<b>.00</b>
<b>TILLABLE SOILS:</b>			
	Cropland Harvested	46% *	.15 - 6.90
	Wetlands/Water	15% *	0 - .00
	Woodlands	39% *	0 - .00
		<b>TILLABLE SOILS SCORE:</b>	<b>6.90</b>
<b>FARM USE:</b>			
	Agriculture Production Livestock	14 acres	
	Corn-Cash Grain	35 acres	
	Hay	25 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 (4.8) acres for Existing & future single family and improvements
    - Exception is not to be severable from Premises
    - Exception is to be limited to one existing single family residential unit(s) and one future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - 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 #FY2022R12(10)**  
**DELEGATION OF ROUTINE SADC ACTIONS FOR ACQUISITION**

DECEMBER 2, 2021

WHEREAS, at its September 26, 2019, meeting, the State Agriculture Development Committee (SADC) discussed delegating certain routine actions of the SADC to the Executive Director to review, approve, deny, or alternatively, when deemed appropriate, to bring the matter to the SADC for further action; and

WHEREAS, by resolution #FY2020R4(14) dated April 23, 2020, adopted as a result of the COVID-19 pandemic and in accordance with Executive Orders #103 and #127, the SADC delegated to the Executive Director certain actions, including the Certification of Market Values for Development Easements; and

WHEREAS, Executive Order #244, in conjunction with P.L. 2021, c. 103, ended the COVID-19 public health emergency, terminated Executive Order #103 and extended Executive Order #127 until January 1, 2022; and

WHEREAS, in order to maximize efficiency in reviewing and processing certain routine actions and applications, the SADC requested staff to develop parameters for each proposed delegation so only actions falling within the prescribed parameters are eligible for delegation; and

WHEREAS, the Right to Farm Act (Act), which created the SADC, contains language at N.J.S.A. 4:1C-5e. enabling the Committee to "perform any act or thing necessary, convenient, or desirable for the purposes of the committee to carry out any power expressly given" in the Act, which would include the authority to delegate certain actions to the Executive Director; and

WHEREAS, Part IV, Section 3 of the SADC By-Laws states that "The Executive Director shall have all the power and authority delegated to him/her in accordance with these By-Laws, actions of the Committee or otherwise pursuant to the 'Right to Farm Act' and the "Agriculture Retention and Development Act"; and

WHEREAS, the SADC previously delegated to the Executive Director approval for: term easement enrollments, appraisal handbook updates, Direct Easement Purchase Application Prioritization and the selection of Priority farms, County Planning Incentive Grant average quality score eligibility, along with a number of other routine stewardship actions; and

WHEREAS, SADC staff has subsequently developed recommendations for the delegation of certain additional routine Acquisition Program-related actions including, and subject to, the noted conditions (Schedule A):

- **Certification of Market Values for Development Easements**
  - For applications where the difference between the two appraised easement values is less than \$3,000 per acre and the highest appraised easement value is no more than 25% higher than the lower appraised easement value:
    - Certification shall be delegated to the Executive Director and Secretary of Agriculture for approval.
  - Certifications that do not meet the above criteria, or for which the Executive

Director does not recommend approval, or otherwise in the discretion of the Executive Director, shall be brought to the Committee for review.

- **Notice of Annual Application Round for the Nonprofit Program**
  - Certification will be delegated to the Executive Director. No conditions or parameters for delegation. Notice will adhere to requirements of N.J.A.C. 2:76-13 et seq.
- **Direct Easement Farm Applications**
  - Farms that meet the following criteria will be delegated to the Executive Director for approval, subject to availability of funding:
    - All “Priority” farms have been selected; and
    - Meets the County’s 70% average quality score; or
    - Is over 60% of the County’s average farm size and has a density score of at least 8 points and all “Alternate” farms have been selected; or
    - Is a unique and valuable agricultural resource to the surrounding community where development poses a threat to existing investment in preservation, and it has a reasonable opportunity to remain agriculturally viable.
  - Individual application approvals for applications that do not meet these criteria or for which the Executive Director does not recommend selection, or otherwise in the discretion of the Executive Director, will be brought to the Committee for review.
- **County Planning Incentive Grant eligibility waiver for 70% score**
  - Pursuant to N.J.A.C. 2:76-17.9 (a)7, i. if a farm fails to meet the minimum rank score for an “eligible farm” and the County Agriculture Development Board (CADB) wishes to preserve the farm, the CADB may request a waiver of the minimum score criteria.

The SADC may grant a waiver of the minimum score criteria upon a finding that any of the following apply:

- (A) The conversion of the farm to non-agricultural use will likely cause a substantial negative impact on the public investment made in farmland preservation within the project area;
  - (B) The subject property is of exceptionally high agricultural resource value based on soil characteristics; or
  - (C) The subject property represents a unique and valuable agricultural resource to the surrounding community, and the Committee finds that it has a reasonable opportunity to remain agriculturally viable.
- Certification will be delegated to the Executive Director. Individual application approvals for waiver requests that the Executive Director does not recommend, or otherwise in the discretion of the Executive Director, will be brought to the SADC for approval.

WHEREAS, the Executive Director shall not be precluded from bringing any delegated approval to the SADC for review, approval or denial if deemed necessary;

NOW, THEREFORE, BE IT RESOLVED that:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC has determined that circumstances warrant the delegation of and it so delegates authority to the Executive Director to review and approve, approve with conditions, or deny any applications or updates listed on and under the conditions set forth in Schedule A.
3. Such approvals may be issued without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director.
4. SADC staff shall provide notification of all such approvals in the form of a written report at SADC regular monthly meetings as outlined in Schedule A.
5. The denial of any approval or conditional approval by the Executive Director may be appealed to the SADC within 30 days of the receipt of the Executive Director's decision:  
and
6. This Resolution shall not be effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

December 2, 2021

Date



Susan E. Payne, Executive Director

State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
James Waltman	YES
Richard Norz	NO
Douglas Fisher, Chairperson	ABSENT



## Delegation of Routing Acquisition Items

December 2, 2021

Agenda Item	Description	Parameters for Delegation	Applicable Provisions (Policy, Rule, Law)	Report to Committee
Certification of Market Value	Certification of Market Value	<p>For applications where the difference between the two appraised easement values is less than \$3,000 per acre and the highest appraised easement value is no more than 25% higher than the lower appraised easement value:</p> <p>- Certification shall be delegated to the Executive Director and Secretary of Agriculture for approval.</p> <p>Certifications that do not meet the above criteria, or for which the Executive Director does not recommend approval, or otherwise in the discretion of the Executive Director, shall be brought to the Committee for review.</p>		monthly summary for SADC
Nonprofit Annual Round Notification	Annual approval for the NP round announcement for publication in the register	Certification will be delegated to the Executive Director. No conditions or parameters for delegation. Notice will adhere to requirements of N.J.A.C. 2:76-13 et seq.	<a href="#">N.J.A.C. 2:76-3 et seq</a>	Mention once a year in delegation report
Direct Easement "Alternate" Farm Applications	Farms that meet certain criteria will be delegated to approval of the Executive Director to be selected for appraisal	<p>Farms that meet the following criteria will be delegated to approval of the Executive Director:</p> <ul style="list-style-type: none"> <li>o All "Priority" farms have been selected; and</li> <li>o Meets the County's 70% average quality score ; or</li> <li>o Is over 60% of the County's average farm size and has a density score of at least 8 pts and all "Alternate" farms have been selected; or</li> <li>o Is a unique and valuable agricultural resource to the surrounding community where development poses a threat to existing investment in preservation, and it has a reasonable opportunity to remain agriculturally viable.</li> </ul> <p>Individual application approvals for applications that do not meet these criteria or for which the Executive Director does not recommend selection, or otherwise in the discretion of the Executive Director, will be brought to the Committee for review.</p>	<a href="#">N.J.A.C. 2:76-11.5</a>	Committee would grant final approval to all farms where the landowner accepted the easement offer
County Planning Incentive Grant eligibility waiver for 70% score	Delegation of waiver requests for County PIG applications that do not have or meet the 70% quality score pursuant to N.J.A.C. 2:76-17.9	Certification will be delegated to the Executive Director. Individual application approvals for waiver requests that the Executive Director does not recommend, or otherwise in the discretion of the Executive Director, will be brought to the SADC for approval.	<a href="#">N.J.A.C. 2:76-17.9</a>	Monthly delegation report when waivers have been granted