

STATE AGRICULTURE DEVELOPMENT COMMITTEE

Regular Meeting

December 5, 2024

Secretary Wengryn called the meeting to order at 9:02 a.m.

Mr. Roohr 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

Secretary Edward Wengryn, Chairman
Martin Bullock
Scott Ellis
Pete Johnson
Rich Norz
Charles Rosen (arrived at 9:10 a.m.)
Gina Fischetti
Julie Krause (arrived at 9:12 a.m.)
Lauren Procida
Brian Schilling

Members Absent

Tiffany Bohlin

Charles Roohr, SADC Deputy Executive Director

Jay Stypinski, Esq., Deputy Attorney General

Minutes

Approval of SADC Open and Closed Session Minutes of October 24, 2024, and November 18, 2024.

It was moved by Mr. Ellis and seconded by Mr. Bullock to approve the SADC Open and Closed Session Minutes of October 24, 2024, and November 18, 2024. Mr. Johnson and Ms. Procida abstained from the vote. The motion was approved.

Report of the Chairman

Secretary Wengryn thanked the committee and the SADC staff for all their hard

work. He stated that a lot of groundwork has been laid in the past year regarding the Funding Formula and Soil Protection Standards and is excited for the work to be completed in the upcoming year.

Report of the Deputy Executive Director

Mr. Roohr reported staff has been focusing on the development of the Statewide Formula Value and there is a meeting scheduled with the preservation partners to update them on the status of the formula and how this will affect them.

Mr. Roohr stated that he and Mr. Willmott presented the Statewide Formula Value at a roundtable for East Coast preservation entities and received productive feedback. Staff also presented at the League of Municipalities discussing Right to Farm (RTF), Special Occasion Events (SOEs) and Soil Protection Standards (SPS).

Mr. Roohr announced that the closing took place on the 130-acre Patricelli fee simple acquisition in Hopewell Township, and staff will seek suggestions from the committee as to what to do with the farm at a later date.

Public Comment

Ms. Ashley Kerr, New Jersey Farm Bureau (NJFB), stated the NJFB recently held its annual convention and thanked those from the SADC who attended. The NJFB ranks policies each year and RTF was ranked #2 and Ag Viability was ranked #1. She stated that the NJFB has requested a labor housing AMP as well as clarification of equine production requirements for horse shows and rodeos. SPS was ranked #6 and ag retention and farmland preservation was ranked # 9, calling for the reauthorization of dual appraisal in the Highlands as well as a forest preservation program through SADC. Ms. Kerr noted that the NJFB is in very strong support of the new appraisal formula and the farmland preservation program and looks forward to an enactment of the appropriations bill and the selection of the permanent SADC Executive Director.

Mr. John Hart from Hopewell Township asked, with regard to the Wilson Farm housing issue, that the state provide guidance on whether a mobile home can be permitted to stay on the farm.

Ms. Patricia Springwell, Hunterdon County, referred to the agriculture census and stated that there are threats to 125,000 acres of NJ farmland which include being paved over, fragmented or converted to uses that jeopardize agriculture. She emphasized her concerns of large houses being built on farms. She stated she is concerned about the next generation of farmers being able to afford quality farmland.

Ms. Amy Hansen, New Jersey Conservation Foundation, commented on the formula value and stated she is concerned that natural resources are given 5% extra value but that the formula does not include additional restrictions to protect those resources permanently.

CLOSED SESSION

At 9:22 a.m. Mr. Roohr read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss legal advice related to action on the agenda and to discuss any other matters under N.J.S.A. 10:4-12(b) that arose during the public portion of the meeting. The minutes of such a meeting shall remain confidential until the Committee determines that the need for confidentiality no longer exists.

It was moved by Mr. Norz and seconded by Mr. Johnson to go into closed session. The motion was unanimously approved.

Note: Returned to open session at 9:52 a.m.

Old Business

A. Soil Protection Standards – Authorization to publish adoption of Subchapters 25 and 25A

Mr. Smith stated the committee has been provided a copy of the SPS rules to be published in the NJ Register which includes all the comments received and the agency's responses. He reviewed the material that was presented at the April 2024 SADC meeting which led to the Notice of Substantial Changes that was published in August 2024.

Mr. Norz commended Mr. Smith on his presentation. Secretary Wengryn stated he read Mr. Smith's responses to the comments and questions and believes he answered everyone's questions in a way that the public should be satisfied with the direction the agency is going. He thanked Mr. Smith for his hard work.

It was moved by Mr. Schilling and seconded by Mr. Rosen to table the vote on this matter for up to one month based on advice from the Attorney General. The motion was unanimously approved.

B. Statewide Formula Value

Mr. Roohr stated the major concepts for the Statewide Formula Value (SFV) were discussed at the October 2024 SADC meeting and the committee requested several clarifications. Staff's recommendations will be presented today and if approved, Ms. Reynolds will proceed with drafting the regulations.

Mr. Roohr stated the first item was including a disincentive to retain numerous housing opportunities when preserving a farm. It was found that other entities with an alternative valuation formula have a disincentive for retaining multiple house lots, such as in the NJ Pinelands area. Staff's recommendation is not penalizing any existing residences on the property or for one future housing opportunity if none exists, but deductions would apply to additional residence requests at a rate of 4 times the per acre price.

For example, if the formula determines that an easement value is \$5,000 per acre, there would be a \$20,000 deduction for each housing opportunity attained above the first one. This number is consistent with what SADC did earlier in the program for RDSOs and like what Pinelands does now, at 4.75 times the per acre value. Mr. Rosen asked if this includes ag labor housing. Mr. Roohr stated that ag labor housing would not be included.

Ms. Fischetti asked if staff perceived there to be a problem with applicants reserving housing opportunities just because they can, without a real personal purpose to use them. Mr. Roohr stated it is uncommon in most applications due to impracticality, but there are egregious cases and staff's intent is to prevent abuse of the formula.

Ms. Czerniecki reviewed two active applications with the committee and explained how the deductions would be applied based on the requested housing opportunities.

Mr. Norz stated that he thought the purpose of formula value is to incentivize landowners to preserve their properties and he views this deduction as a possible deterrent to enroll their farms into the program. Farming families prefer to have their children live and work on the farm and this adjustment does not seem to support that. Mr. Norz stated he does not support this staff recommendation.

Mr. Roohr stated the SFV enhances the land's value to make preservation more attractive. Reserving exception areas also help landowners retain value and those house lots can be sold to anyone. The idea is to discourage people from getting the

benefit of the higher value and then carving out excessive housing lots to retain additional equity. This deduction is a way to balance the public interest and still make preservation attractive to landowners.

Ms. Fischetti stated that she agrees with Mr. Norz and asked if staff researched the intent behind requested housing opportunities. She stated that reserving three lots on a preserved farm does not seem excessive and her understanding of the formula value was to encourage people to preserve farms.

Mr. Schilling asked if an additional RDSO could be included with no extra deductions, which could support farming families and the operation of the farm. Mr. Roohr stated the comments received from the CADBs indicate the restrictions associated with RDSOs are problematic and difficult to monitor and enforce. Staff did not want to offer something that would increase RDSO allocations.

Mr. Bullock suggested allowing two housing opportunities and increasing the deduction rate for each additional housing request.

Mr. Roohr stated the second item was a voluntary restriction on house sizes. Several stakeholders expressed concern about large houses limiting affordability for future farm purchasers. A house size limit is a voluntary deed restriction which would increase the formula value by 5%. Staff recommended a 2,500 square foot limit which is larger than the average home size in NJ and the US. Mercer County's house size limit is 4,000 square feet, the SADC's fee simple limit is 3,500 square feet and Burlington County suggested the house size limit be 3,500 square feet.

Mr. Roohr explained the rationale for the 2,500 sq. ft. cap is that if an applicant is receiving an extra 5% on their offer price, the limitation should be more limiting than the fee simple limits currently in place which receive no additional compensation. Mr. Bullock asked if this would affect a typical house replacement. Secretary Wengryn stated the replacement of a dwelling existing at the time of preservation would be 2,500 square feet or the current square feet of heated living space of the existing residence.

Mr. Roohr stated the formula law gives the SADC the ability to put an inflation adjustment into the existing Pinelands formula which was established in 2000 and has never had an inflation adjustment. The staff recommendation is to adjust it based on the consumer price index for inflation since 2000 which would bring that number from the current base of \$1,600 to \$2,500. The committee agreed with the adjustment at the October 2024 meeting, but staff wanted to advise the committee

the Pinelands adjustment is not part of the special adoption of the SFV rule. Mr. Roohr stated staff has the ability to adjust the Pinelands formula, but it will need to go through the normal rule writing process.

Mr. Roohr stated staff also suggests including the value of agricultural production infrastructure in the base value if the highest and best use of the farm is determined by the appraisers to be agriculture, which could be beneficial in the Pinelands and Highlands and some large lot zoned areas. The rationale for doing this is to provide farmers a benefit for the investments they have made. Mr. Rosen stated he is strongly in favor of this to help increase the value in the Highlands.

Mr. Roohr stated the legislation allows for additional points to be awarded if a property was under threat of conversion to a non-agricultural use which would lead to conflicting land uses. Based on the committee's recommendation, staff changed the term "sensitive areas" to "critical infrastructure" which is currently defined as "infrastructure that is vital to public health, safety and national security."

After much discussion with staff, the committee decided they support the staff recommendations and authorized Ms. Reynolds to start drafting the SFV rules which will be presented to the committee at a future meeting.

C. Right to Farm

1. Resolution: Township of Hopewell v. Merrick Wilson Block 75, Lot 1.02, Hopewell Township, Mercer County.

NOTE: Mr. Ellis recused from this agenda item.

Mr. Smith stated this matter came before the committee at the October meeting and arises from a Right to Farm (RTF) complaint Hopewell Township filed against Mr. Wilson alleging that the municipal ordinance had been violated because of a tenant farmer living in an RV/mobile home. The Mercer CADB determined that it had no jurisdiction over complaint because the RV/mobile home wasn't connected to sewer, water, or electric. The board found that the alleged use of ag labor was to care for livestock and was not eligible for RTF protection because the use was not related to equine.

Mr. Wilson appealed that decision to the SADC and upon review staff agreed with Mercer County's finding that the labor structure was not related to equine and, therefore, wasn't eligible for RTF protection. There is a law providing protection for full-time, year-round equine labor housing in a building where the horses are

located, and those laborers can either live above the barn or next to the barn separated by a wall. At the October meeting, staff recommended that the SADC take no action on the appeal, which would mean that Hopewell could proceed with its municipal complaint against Mr. Wilson. At that meeting, Mr. Wilson stated he would bring a couple horses to the farm, which he did, to be eligible for RTF equine ag labor housing.

Mr. Smith stated there is legislation pending that, if approved, directs the SADC to promulgate an ag management practice for general ag labor housing which would make it eligible for RTF protection, but there is no certainty as to when or if that law will be passed.

After the October meeting, Mr. Tim Willmott inspected the farm and reviewed pictures with the committee which included a 2-acre pasture area for the horses and sheep with a run-in shed, possible vegetable production areas totaling approximately 15,000 sq. ft., a trailer, and an RV/mobile home.

Mr. Smith stated that the staff recommendation is to adopt a resolution determining that the SADC does not have jurisdiction over the RTF matter and not forward the appeal to the OAL.

Mr. Rosen asked if the run-in shed and the mobile housing were attached to each other but separated by a wall, would that meet the language of the equine ag labor law. Mr. Smith stated he did not feel that approach met the intent of the ag labor law, which is to provide a benefit to the equine industry so that horse caretakers can live on a separate floor of a building where horses are housed or boarded.

Mr. Smith read a portion of the equine labor law which defines the requirements of the housing. Mr. Rosen commented that assuming the trailer is deemed a viable residence under municipal law and was attached to the run-in shed, he did not perceive that to be non-compliant with the equine ag labor law.

Ms. Fischetti asked if the horses stayed on the farm full time. Mr. Wilson stated that they did. Mr. Norz stated that a run-in shed is adequate shelter for horses.

Mr. Rosen stated he has a livestock operation where his livestock manager does not live on the farm, which creates dangerous situations. Mr. Rosen stressed the importance of having a manager on the premises. Ms. Krause commented that when Mr. Smith read the statute there were references to building codes and other requirements.

Mr. Bullock asked if commercial farm eligibility had been established. Mr. Smith stated the material submitted by Mr. Wilson was incomplete. Mr. Roohr stated the issue before the committee today is if this farm is eligible for RTF protection under current law. Mr. Smith's memo states that under the current law this farm does not meet the requirements and there is no evidence that the farm is eligible for RTF protection.

NOTE: Ms. Krause left the meeting.

Mr. Wilson stated if the run-in shed needs to be attached to the trailer, he will do so to meet the necessary requirements. Mr. Rosen stated that he supports Mr. Wilson's effort, but he must prove that he has a commercial farm and his equine housing must meet the requirements in the statute. Mr. Smith suggested Mr. Wilson work in conjunction with Hopewell Township so that everyone is satisfied and, perhaps, resolve Hopewell Township's complaint.

Mr. Schilling asked if this is a jurisdictional issue. Secretary Wengryn stated that the committee can decide if it has jurisdiction under RTF as the facts exist today. Mr. Schilling suggested the CADB consider the case based on the new efforts of the landowners. Mr. Smith stated that the resolution is not to forward the appeal to the OAL because SADC does not have jurisdiction. Mr. Rosen suggested Mr. Wilson review the equine labor housing law and work with the municipality and county to meet those requirements because SADC currently does not have jurisdiction at this time. Secretary Wengryn stated that the operation has changed since Mr. Wilson initially met with the municipality, as he has obtained the horses, and suggested he present his case to them again.

It was moved by Mr. Bullock and seconded by Mr. Norz to approve Resolution FY2025R12(1), as presented, subject to any condition of said resolution. Ms. Krause was absent for the vote. The motion was unanimously approved.

New Business

Note: Ms. Krause returned for this discussion. Mr. Johnson left the meeting.

A. Right to Farm – Transfer of complaint

1. Monroe Township v. Smentkowski Farms

Mr. Smith stated the Smentkowski Farm is a commercial farm due to sufficient acreage, production, farmland assessment eligibility and that the farm is zoned for agriculture. However, there are two operations on this farm; Slammin Canz Inc.,

which is a demolition, tree removal and dumpster hauling operation and Smentkowski Farms, which is a farming operation involving hog production. Both operations on this farm are run by Richard and James Smentkowski who are partners in the farm operation and principals of Slammin Canz Inc.

There was a noise complaint filed by Monroe Township a few years ago due to early morning trucking activity. The Middlesex CADB forwarded the complaint to the SADC because there is no ag management practice applicable to the disputed activity. The Middlesex CADB was not specific as to what the disputed ag activity was but the board did address commercial farm criteria and determined that the ag operation was a single enterprise.

Mr. Smith stated that the Smentkowskis do not dispute that Slammin Canz and the Smentkowski Farms are two separate entities but he noted that there is overlap between the entities because the farming operation relies on the trucking operation to bring food to feed the swine, take the swine offsite for butchering and remove excess food waste to be processed elsewhere. Mr. Smith stated the committee needs to determine if this is a commercial farm, what the disputed activities are, whether they are generally accepted and, if the answer to all those questions is “yes”, remand the case to the Middlesex CADB to determine the merits of the noise complaint.

Mr. Roohr asked if the operation meets commercial farm eligibility criteria. Mr. Smith stated that farm operation does meet the commercial farm requirements if Smentkowski Farms is its own single enterprise. Mr. Rosen asked what the legal structures of the two entities are. Mr. Smith stated that the Smentkowski brothers are the property owners and the owners of the farm and the trucking company.

Donna Jennings, Esq., attorney for Smentkowski Farms, stated that only farming activities take place on the farm and none of the activities that Slammin Canz engages in occur on the property. Slammin Canz uses its vehicles early in the morning to pick up food waste and deliver it to the farm and most of the equipment on the farm is owned by the farm entity. They are not conducting a separate business on the farm.

Note: Mr. Richard Smentkowski was sworn in by Mr. Stypinski before he gave his testimony.

Mr. Smentkowski stated that he and his brother are the owners of the property, of Smentkowski Farms and of Slammin Canz. They are 4th generation pig farmers who inherited the farm and the trucking business. Mr. Smentkowski stated the

entities are kept separate due to requirements for the solid waste business. Mr. Smentkowski, in answer to a question from Rosen, stated the farm is not charged for the use of Slammin Canz's equipment. Mr. Rosen asked how much of the Slammin Canz equipment is used for farm use as opposed to outside activities. Mr. Smentkowski stated that 50% of the Slammin Canz equipment is used for the farming operation. Mr. Smith stated he did ask for more detail on the 50% estimate of usage but Mr. Smentkowski did not have supporting documentation.

Mr. Smentkowski stated that the trucks are used early in the morning to pick up the food and bakery waste, so all activity before 7 a.m. is farm related. Mr. Rosen asked for details on the complaint. Mr. Smentkowski stated a neighbor complained about the noise associated with the trucks leaving the farm in the early morning hours.

Michael Burns, Esq., Monroe Township attorney, stated that initially the complaint concerned noise but the township's primary concern is the operation of the dumpster business on the property and whether it's properly zoned for that activity. There is no certainty of where the noise came from but there are other concerns regarding zoning, possible non-agricultural activities and the use of equipment for nonagricultural purposes.

Ms. Jennings stated the landowners are only seeking RTF protection for the use of the trucks and dumpsters until 7 a.m. to pick up and return the feed for the pigs. She also noted the other Slammin Canz activities are protected as a result of a different land use issue and should not be for the SADC to consider.

Mr. Smith stated the committee needs to decide if the following activities are generally accepted agricultural practices: 1) Swine production, including feeding swine bakery and other food waste brought to the farm by Slammin Canz vehicles; 2) hay production; 3) Slammin Canz hauling of swine offsite for butchering; 4) Slammin Canz's commercial hauling, tree removal, demolition and dumpster business; 5) Slammin Canz's hauling of excess bakery and other food waste off site to be processed; 6) Slammin Canz hauling of wood from its tree removal business to the farm to be chipped for on-farm livestock bedding and the sale of excess chips; and 7) mulch production from trees brought to the farm from off site and sold. If the committee determines that any of the activities are generally accepted agricultural practices, then the case will be remanded back to Middlesex CADB for disposition of the merits of the complaint.

Mr. Smith also stated part of the committee's job is to determine whether the Smentkowskis operate a commercial farm, and he advised that every commercial farm criterion had been met except for the single enterprise requirement.

After extensive discussion by the committee, including a consensus that activities #4 and #7 above are not eligible for RTF protection, it was moved by Mr. Bullock and seconded by Mr. Norz that activities #1, #2, and #3 above are eligible for RTF protection. The motion was unanimously approved.

It was moved by Mr. Rosen and seconded by Mr. Schilling that Smentkowski Farm is its own single enterprise and otherwise satisfied commercial farm eligibility. The motion was unanimously approved.

NOTE: Secretary Wengryn left the meeting.

It was moved by Mr. Rosen and seconded by Ms. Fischetti that RTF protection for items #5 and #6 is subject to further fact finding and a determination by the Middlesex CADB. The motion was unanimously approved.

B. Stewardship

Note: Ms. Procida and Ms. Fischetti left the meeting during this item.

1. Review of Activities

Louis Cyktor, IV and R.K. Cyktor, SADC ID# 10-0323-PG, Block 51, Lot 1, Delaware Twp., Hunterdon County.

Mr. Willmott referred the committee to a review of activities for potential Deed of Easement (DOE) violations on the 21-acre, nursery stock, Cyktor Farm which was preserved by Hunterdon County in 2014. The activities to be discussed today were found by the Hunterdon CADB to be in violation of the DOE.

In 2019 and March 2023, the Hunterdon County soil district issued a stop construction order after finding soil disturbances on the property of more than 5,000 square feet without the landowner having first obtained a certified soil erosion and sediment control plan. In June 2024, the Hunterdon County Health Department issues a notice of violation for operating a solid waste facility on the property without a permit.

In March 2023, the CADB conducted a site visit and found a mulching activity, a large pile of wood harvested from offsite, significant piles of soil from offsite and a

sign advertising the sale of topsoil and mulch. The landowner was notified that mulch grinding of material from offsite and the stockpiling of soil and mulch generated from offsite materials for resale is a non ag activity prohibited by the DOE. The landowners replied that the nursery operation, along with the production and sale of mulch and topsoil, existed prior to preservation.

Mr. Willmott showed the committee aerial images which did not support the landowners' claim about the activities existing prior to preservation. At the time of preservation, the landowners indicated there were no nonagricultural uses occurring on the farm. Mr. Willmott stated the fill material onsite is inconsistent with the 7 acres of nursery stock production and contains debris not suitable for farm use.

Mr. Willmott stated staff's determination supports the Hunterdon CADB findings that areas of the farm are being used as a solid waste facility for the processing and sale of products from offsite materials. These areas have been developed and adapted for nonagricultural uses and have not been retained for agriculture. The activities are detrimental to the soil and water resources and the continued agricultural use of the premises and constitute violations of paragraphs one through three and five through seven of the DOE.

Mr. Cyktor stated this issue arose when he requested site specific requirements for an ongoing operation that was missed when the farm was preserved. Mr. Cyktor stated the tree nursery has been in operation since 2001 and has been stockpiling and selling soil since 2004 but has never stripped soil from the property for resale. He also gave a summary of how he processes the materials to create the mulch and other products.

Mr. Roohr stated the SADC must decide whether the activities are compliant with the DOE. Mr. Roohr stated producing mulch and soil from offsite material is a violation. Additionally, even if there was proof to support the claim that these activities existed prior to preservation, the aerial images show the activities have expanded, which is also a DOE violation.

Mr. Ellis asked what SADC must decide today. Mr. Willmott stated that SADC must decide if it agrees with Hunterdon County's violation determination regarding the importation of the fill material, processing the products brought from offsite and the sale of those products.

Mr. Roohr stated that there is no resolution to vote on today but if the committee concurs with the Hunterdon CADB, staff will provide a resolution for the January meeting. The committee stated that it agreed.

2. Resolution: House Replacement

ZRH Real Estate, LLC, SADC ID# 17-0178-EP, Block 26, Lots 3 and 6, and Block 27, Lots 3, 5 and 6, Pilesgrove Twp., Salem Co.

Mr. Jasen Berkowitz referred the committee to a request for a house replacement. He reviewed the specifics of the request with the committee and stated the staff recommendation is to grant approval to replace one of the demolished single-family residences with a two-story, four-bedroom, single family residence consisting of approximately 5,890 sq./ft. of heated living space, with an unheated basement and attached garage with a new septic system, well, utilities and driveway.

It was moved by Mr. Norz and seconded by Mr. Rosen to approve Resolution FY2025R12(2) granting approval, as presented, subject to any condition of said resolution.

C. Resolution: Final Approval – County Planning Incentive Grant Program

Ms. Siessel referred the committee to two requests for final approval for the County Planning Incentive Grant Program. She reviewed the specifics of the requests with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Norz and seconded by Mr. Schilling to approve Resolutions FY2025R12(3) and FY2025R12(4) granting approval, as presented, subject to any condition of said resolution.

1. Barber, Joan L. Estate of, SADC ID# 06-0231-PG, FY2025R12(3), Block 4, Lot 34, Deerfield Twp., Block 701, Lot 11 and Block 703, Lot 2.01, Upper Deerfield Twp., Cumberland County, 41.86 gross acres.
2. Taylor, Jonathan, SADC ID# 06-0234-PG, FY2025R12(4), Block 402, Lot 5.06, Upper Deerfield Twp., Cumberland Co., 20.02 gross acres.

The motion was unanimously approved. A copy of Resolutions FY2025R12(3) and FY2025R12(4) are attached to and a part of these minutes.

D. Resolution: Preliminary Approval – State Acquisition Program

Ms. Siessel and Ms. Bacon referred the committee to two requests for preliminary approval for the State Acquisition Program. They reviewed the specifics of the requests with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Schilling and seconded by Mr. Bullock to approve Resolutions FY2025R12(5) and FY2025R12(6) granting preliminary approval, as presented, subject to any condition of said resolution.

1. Boerner, William Jr., SADC ID# 01-0047-DE, FY2025R12(5), Block 1132.01, Lots 4, 7.01 and 8, Hamilton Twp., Atlantic Co., 132.21 gross acres.
2. Round Hill Farm, LLC, SADC ID# 10-0304-DE, FY2025R12(6), Block 19, Lots 10 and part of 9, Delaware Twp., Hunterdon Co., 23.33 gross acres.

The motion was unanimously approved. Copies of Resolutions FY2025R12(5) and FY2025R12(6) are attached to and a part of these minutes.

Mr. Schilling asked for the status of the Soil and Water Cost Share program rule changes. Mr. Roohr stated that Mr. Smith is finishing the Soil Protection Standards rule publication and will begin working on the Soil and Water revisions next. Staff hopes to present the rule changes in January or February.

Public Comment

Patricia Springwell from Hunterdon County stated that farmers are modern day shepherds of the land.

CLOSED SESSION

At 2:30 p.m. Mr. Roohr read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss a municipal eminent domain action on a preserved farm in Greenwich Township, Warren County; and to discuss any other matters under N.J.S.A. 10:4-12(b) that arose during the public portion of the meeting. The minutes of such meeting shall remain confidential until the Committee determines that the need for confidentiality no longer exists.

It was moved by Mr. Norz and seconded by Mr. Bullock to go into closed session. The motion was unanimously approved.

Action as a Result of Closed Session

A. Litigation – Condemnation of preserved farmland – Dumont Road, LLC – Block 26, Lot 33, Greenwich Twp., Warren Co.

It was moved by Mr. Norz and seconded by Mr. Bullock to approve the items discussed in Closed Session. The motion was unanimously approved.

C. Resolution: Final Approval – County Planning Incentive Grant Program

NOTE: Mr. Norz recused himself from this agenda item.

Mr. Zaback referred the committee to one request for final approval for the County Planning Incentive Grant Program. He reviewed the specifics of the request with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Ellis and seconded by Mr. Bullock to approve Resolution FY2025R12(7) granting approval, as presented, subject to any condition of said resolution.

1. Deerfield Creek, LLC, SADC ID# 18-0232-PG, FY2025R12(7), Block 76, Lot 34, Branchburg Twp., Somerset Co., 97.02 gross acres.

The motion was unanimously approved. A copy of Resolution FY2025R12(7) is attached to and a part of these minutes.

D. Resolutions: Final Approval – Municipal Planning Incentive Grant Program

NOTE: Mr. Norz recused himself from this agenda item.

Mr. Zaback referred the committee to one request for final approval for the Municipal Planning Incentive Grant Program. He reviewed the specifics of the request with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Rosen and seconded by Ms. Krause to approve Resolution

FY2025R12(8) granting final approval, as presented, subject to any condition of said resolution.

1. Tucker, Andrew J.F. and Judith L., SADC ID#18-0224-PG, FY2025R12(8), Block 8, Lots 2.06 and 2.11, Peapack & Gladstone Borough, Somerset Co., 34.746 gross acres.

The motion was unanimously approved. A copy of Resolution FY2025R12(8) is attached to and a part of these minutes.

Mr. Ellis asked for an update on the hiring of the Executive Director. Secretary Wengryn stated his assistant is gathering the applications and the members of the search committee will be meeting shortly.

ADJOURNMENT

The meeting was adjourned at 2:39 p.m.

Respectfully Submitted,



Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2025R12(1)**

**Dismissal of Right to Farm Appeal
Hopewell Township v. Merrick Wilson**

December 5, 2024

**Subject Property:
Block 75, Lot 1.02
Hopewell Township, Mercer County
56.6 - acres**

WHEREAS, Merrick Wilson (Owner) is the owner of Lot 1.02, Block 75 in the Township of Hopewell, Mercer County (the Township), by deed dated June 24, 2004, and recorded in the Mercer County Clerk's office in Book 4782, Page 117; and

WHEREAS, the property consists of 56 acres on which his tenant farmers produce vegetable crops and breed and raise sheep; and

WHEREAS, single-family residential dwellings and agriculture are permitted uses in the zoning district in which the property is located; and

WHEREAS, as there is no farmhouse or other structures in which to live on the property, previous tenant farmers have resided in recreational vehicles (RVs) located on the farm; and

WHEREAS, the Owner alleges that it is necessary for a tenant farmer to reside full time on the property to feed, water, care for, breed, and protect the animals from wolves, coyotes, predators and theft; and

WHEREAS, the Township alleges that, since 2022, the current tenant farmer, Abel Smith, has resided, on a full-time basis, in a mobile home located on the property; and

WHEREAS, mobile homes and RVs do not meet the township zoning ordinance definition of a single-family residential dwelling and are not permitted in the zone for permanent habitation: and

WHEREAS, the mobile home site is not connected to a public sewer or on-site septic system, and those persons living in the mobile home use "port-a-johns" for sanitation; and

WHEREAS, the mobile home is not connected to electrical service and an external portable generator is operated on a twenty-hour, seven day a week basis; and

WHEREAS, the Township has not issued a certificate of occupancy, pursuant to the Uniform Construction Code, for the mobile home; and

WHEREAS, on February 18, 2023, James Hutzelmann, the Township's director of community development and municipal engineer, issued a summons and complaint

against the Owner, returnable in Hopewell Township municipal court, for violating township land use ordinances; and

WHEREAS, in March 2024, the Township municipal court stayed the case to allow the Mercer County Agriculture Development Board (Mercer CADB or board) to determine if it had jurisdiction to consider the Township's complaint under the Right to Farm Act (RTFA); and

WHEREAS, on April 19, 2024, Mr. Hutzelmann filed an RTFA complaint on behalf of the Township with the Mercer CADB because of the unpermitted mobile home that the township claimed was unfit for human habitation; and

WHEREAS, the Mercer CADB scheduled a public hearing at its May 18, 2024 meeting; and

WHEREAS, at the May 18, 2024 hearing the tenant farmer, Abel Smith, and Mr. Hutzelmann testified; and

WHEREAS, the Owner also testified that his tenant is required to reside on the property year-round, full-time in order to protect sheep from predators, and that this activity is protected by the RTFA; and

WHEREAS, the Mercer CADB did not determine whether the property was a commercial farm eligible for RTFA protection; and

WHEREAS, at the conclusion of the hearing the board determined that it did not have jurisdiction to consider the complaint because "housing code violations" are not included in the RTFA's list of protected activities in N.J.S.A. 4:1C-9, and further, such violations concern public health and safety; and

WHEREAS, on June 4, 2024, the Mercer CADB adopted a resolution memorializing the findings it made on May 18, 2024, confirming that it had no authority or jurisdiction to consider the matter, and returned the complaint to Hopewell Township municipal court; and

WHEREAS on June 17, 2024, the owner timely appealed the Mercer CADB resolution to the SADC; and

WHEREAS, the Owner argued on appeal that tenant farmers have resided on the premises in RVs since 1990, and that such arrangements are necessary, in the absence of a farmhouse, to properly care for the sheep; and

WHEREAS, at the SADC's October 24, 2024 meeting, the Committee gave the Owner additional time to submit information on commercial farm eligibility and on operations on the premises justifying the need for equine agricultural labor housing, an activity eligible for RTFA protection; and

WHEREAS, the on October 31, 2024, the SADC sent the Owner a questionnaire seeking information on commercial farm eligibility and equine operations on the premises; and

WHEREAS, on November 22, 2024, the Owner submitted written responses that included a recital of \$5,600 in annual agricultural production on the premises in 2024 but did not provide, as requested, proof of agricultural production income in the form of sales receipts, IRS Schedule F or similar documentation; and

WHEREAS, the Owner submitted a 2025 FA-1 form he signed on July 10, 2024 indicating that the premises was 56 acres in size and devoted to 5 acres each of melons, squash, tomatoes and mixed vegetable, 20 acres of appurtenant woodland under a forest stewardship plan, 3 cords of fuelwood, 1 horse and 10 sheep; and

WHEREAS, Owner's written responses also included a statement that he intended to use a horse stall for equine service purposes but did not further describe those purposes and the need for equine agricultural labor; and

WHEREAS, the SADC previously determined that agricultural labor housing is not eligible for RTFA protection in the Final Decision I/M/O Wilkin and Urbano, OAL Dkt. No. ADC 2609-03, SADC ID #1319-15, affirmed in In re Wilkin, 2006 WL 3018047 (A.D. 2006); and

WHEREAS, except for equine farms under the conditions set forth at N.J.S.A. 4:1C-9.3, agricultural labor housing is not an RTFA permitted activity included in N.J.S.A. 4:1C-9; and

WHEREAS, equine agricultural labor housing is eligible for RTFA protection is the following criteria in N.J.S.A. 4:1C-9.3 are met:

c. Full-time, year-round equine-related farm employee housing established in the same building or facility where horses are housed or boarded shall be located:

(1) on a separate floor of the building or facility above a floor where horses are housed or boarded and separated from the floor on which horses are housed or boarded by a ceiling and floor with at least the fire rating required for separation between residential and non-residential uses pursuant to the State Uniform Construction Code; or

(2) on the same level of the building or facility where horses are housed or boarded in an addition that is completely separated from the part of the building or facility where horses are housed or boarded by a wall that qualifies the addition as a separate building for the purposes of the State Uniform Construction Code.

The floor on which, or the addition in which, full-time, year-round farm employee housing is established shall have a ventilation system separate from the ventilation system operating on a floor or in an addition where horses are housed or boarded.

d. The construction, installation, and provision of housing pursuant to this section shall comply with any other provision of the State Uniform Construction Code and Department

of Community Affairs standards and requirements which do not exclude the construction, installation, or provision of housing units in the same building as the boarding of horses under the State Uniform Construction Code.

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are hereby incorporated by reference.
2. The Owner has given no reasonable justification of the need for full-time, year-round equine agricultural labor, and proposes no structure for the occupancy of a horse and of the laborer as required by N.J.S.A. 4:1C-9.3c. and d. above.
3. The SADC concludes, based upon review of the Mercer CADB record, In re Wilkin, and the permitted activities listed in N.J.S.A. 4:1C-9, that the use and occupancy of a mobile home for non-equine agricultural labor is ineligible for protection under the RTFA.
4. The SADC determines, based on paragraph 2 above, that it lacks jurisdiction to conduct further proceedings and will not forward the Owner's appeal of the MCADB resolution to the Office of Administrative Law as a contested case.
5. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
6. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

_12/5/2024
DATE



Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	RECUSED
Pete Johnson	YES
Rich Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

**OSTATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2025R12(2)**

**Request to Replace a Single-Family Residence
ZRH Real Estate, LLC**

December 5, 2024

Subject Property:

Block 26, Lot 3 and 6

Block 27, Lots 3, 5 and 6

Pilesgrove Township, Salem County

332.06 Acres

SADC ID# 17-0178-EP

(Original SADC ID# 17-0001-EP and 17-0006-EP)

WHEREAS, ZRH Real Estate, LLC, hereinafter "Owner," is the owner of Block 26, Lots 3 and 6 and Block 27 Lots 3, 5 and 6, Pilesgrove Township, Salem County, by deed dated December 20, 2022, and recorded in the Salem County Clerk's Office on December 27, 2022, in Deed Book 4652 Page 1697, totaling 332.06 easement acres, hereinafter referred to as the "Premises" (as shown in Schedule "A"); and

WHEREAS, a development easement on Block 26, Lot 3 and Block 27, Lots 3, 4, 5, and 6 was conveyed to the County of Salem by Clovertale Dairy Farms, Inc. on May 6, 1992, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq., as a Deed of Easement recorded on May 7, 1992, in the Salem County Clerk's Office in Deed Book 825, Page 60; and

WHEREAS, the Deed of Easement for Block 26, Lot 3 and Block 27, Lots 3, 4, 5, and 6 identifies three (3) single-family residences and one (1) duplex, no agricultural labor units, three (3) Residual Dwelling Site Opportunities (RDSOs), and no exception areas; and

WHEREAS, a development easement on Block 26, Lot 6 and Block 27, Lot 7 was conveyed to the County of Salem by Elmer S. Pettit and Vera M. Pettit on February 3, 1994, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq., as a Deed of Easement recorded on February 8, 1994, in the Salem County Clerk's Office in Deed Book 872, Page 296; and

WHEREAS, the Deed of Easement for Block 26, Lot 6 and Block 27, Lot 7 identifies no existing single-family residences, no agricultural labor units, (0) Residual Dwelling Site Opportunities (RDSOs), and no exception areas; and

WHEREAS, on November 6, 2008 the State Agriculture Development Committee (SADC) approved a division of premises by resolution #FY09R11(2), thereby dividing Block 26, Lot 6 from its original easement and permanently associating it with the Premises; and

WHEREAS, on June 23, 2022 the SADC approved a division of premises by resolution #FY2022R6(1), thereby dividing Block 27, Lot 4, which included the duplex, from

its original easement and allocated the 3 RDSOs to the Premises; and

WHEREAS, on August 20, 2024, the SADC received an application from the Salem County Agriculture Development Board (SCADB), on behalf of the Owner, to construct a single-family residence on the Premises, as shown in Schedule "B", and

WHEREAS, Zachary Heiken is the Principal of ZRH Real Estate, LLC; and

WHEREAS, the Owner farms the Premises which currently consists of approximately 280 acres of fresh market vegetable and grain production; and

WHEREAS, the Owner's overall farm management unit consists of approximately 4,000 acres of fresh market vegetables and grain;

WHEREAS, since acquiring the Premises the Owner demolished two of the three original single-family residences and the dairy buildings no longer in use; and

WHEREAS, the residences were not listed on the New Jersey or National Register of Historic Places; and

WHEREAS, the Owner obtained the necessary demolition permits from Pilesgrove Township; and

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

WHEREAS, the Owner is proposing to replace one of the demolished single-family residences with a two-story, four-bedroom, single family residence consisting of approximately 5,890 sq./ft. of heated living space, with an unheated basement and attached garage as shown on Schedule "B", to be used as a residence for Zachary Heiken and his family, and hereinafter referred to as the "Proposed Residence"; and

WHEREAS, the location of the Proposed Residence is set back approximately 1,300 feet from Auburn Road, as shown in Schedule "B"; and

WHEREAS, the proposed residence will require the installation of a new septic system, underground utility service lines, well, and a new driveway to be constructed along a hedgerow as shown in Schedule "B"; and


WHEREAS, at its October 23, 2024, meeting, the SCADB approved the Owner's request to replace one of the original single-family residences on the Premises as described in the immediately preceding paragraphs above.

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.

2. The SADC, pursuant to the restrictions contained in the Deed of Easement, finds that the construction of a single-family residence on the Premises as proposed by the Owner will have a positive impact on the continued agricultural operations of this farm by replacing one of the demolished residences with a new home which shall serve as the primary residence for the Owner's principal Zachary Heiken and his family, who farm the Premises.
3. The Committee approves construction of a new two-story, four-bedroom, single family residence consisting of 5,890 sq./ft. of heated living space, with an unheated basement and attached garage with a new septic system, well, utilities, and driveway to replace one of the demolished single-family residences on the Premises, as shown in Schedule "B".
4. This approval is valid for a period of three years from the date of this resolution, during which the Applicant shall initiate the requested action; for the purpose of this provision "initiate" means applying for applicable local, state, or federal approvals necessary to effectuate the approved SADC action.
5. This action is non-transferable.
6. The construction of the new residence and any other structures as described in the application, as appropriate, is subject to all applicable local, State and Federal regulations.
7. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
8. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

12/5/2024
Date

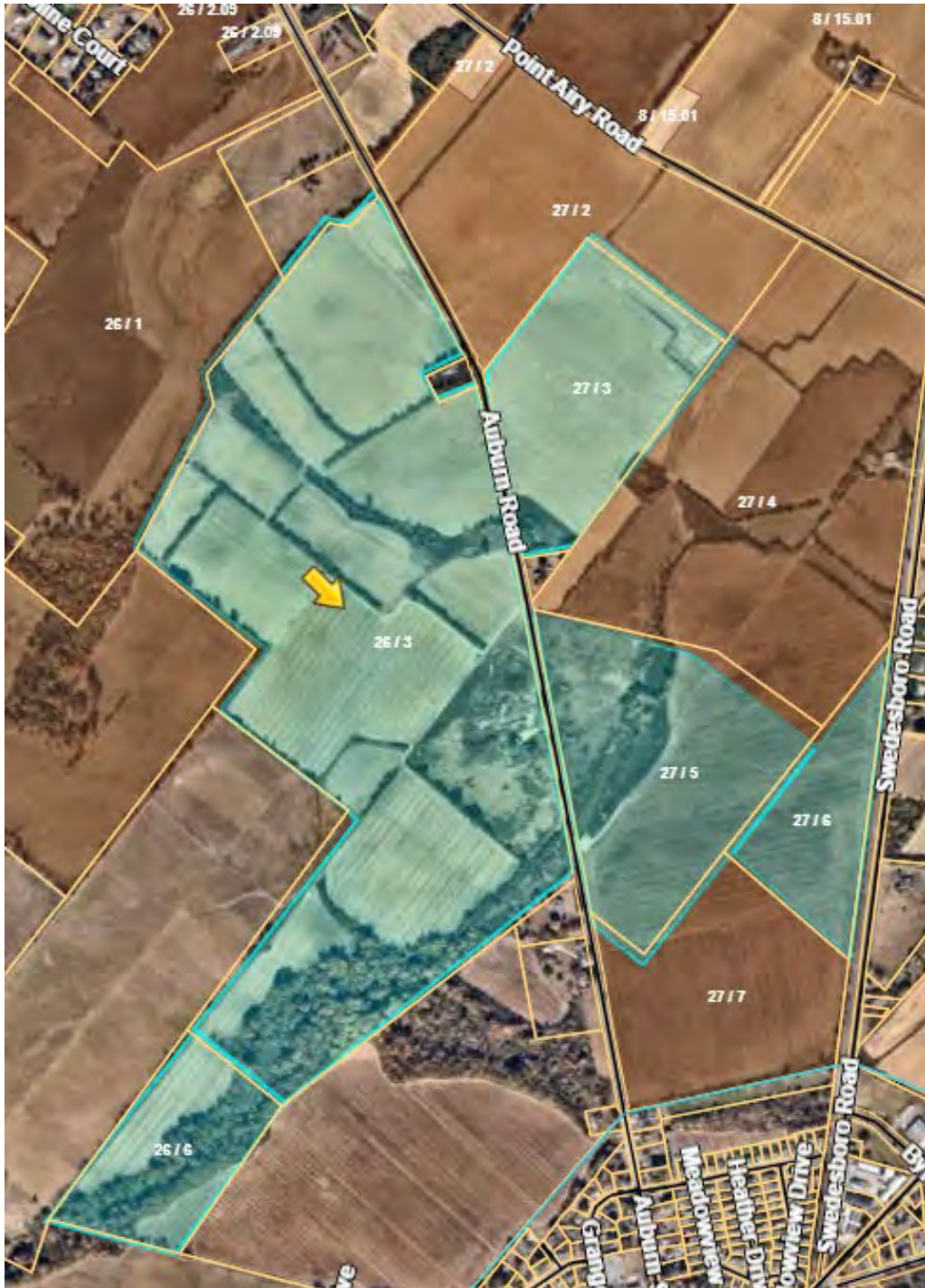


Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

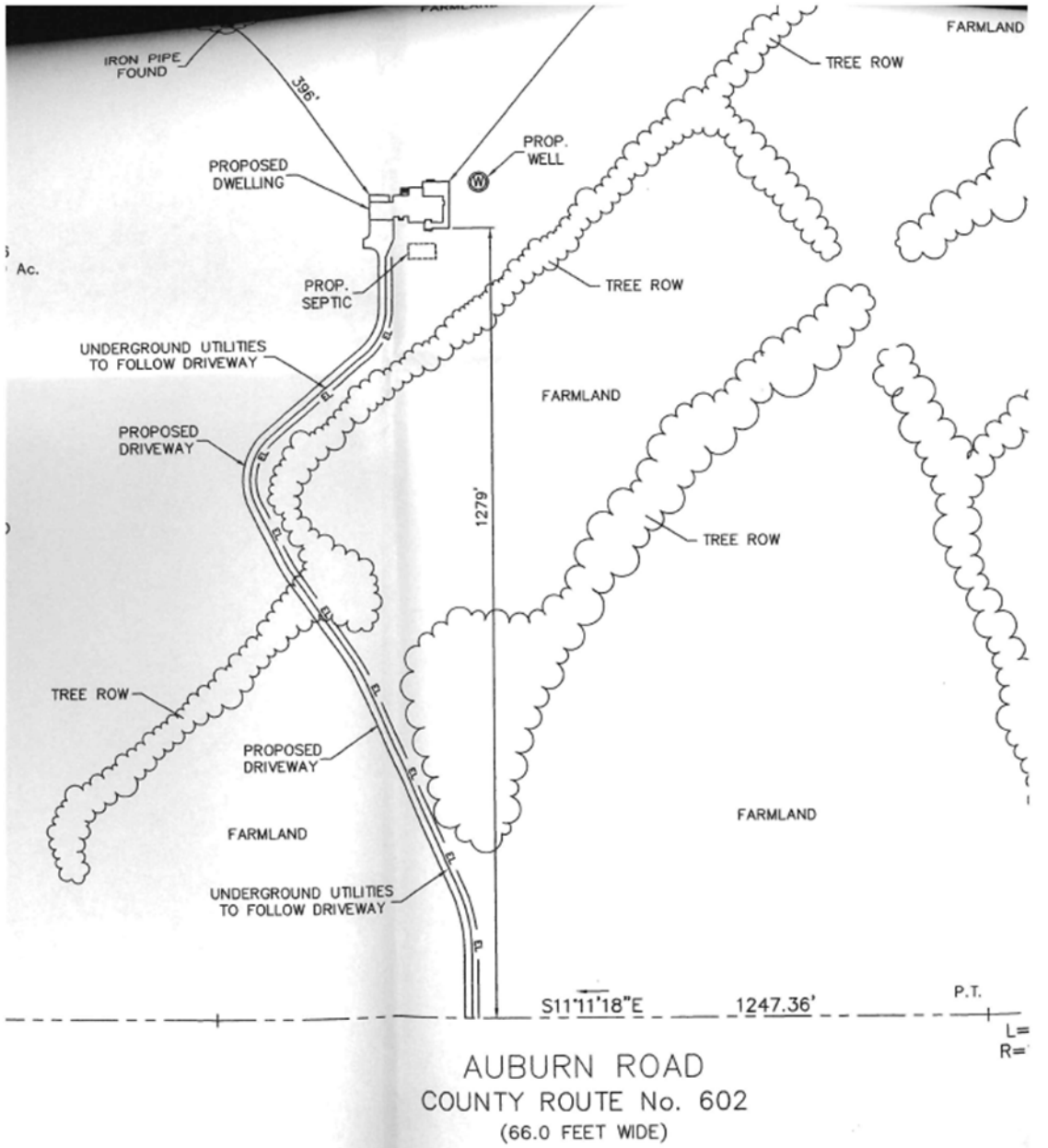
Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	YES
Rich Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	ABSENT

Schedule A – The Premises



Schedule B – Proposed House Location





Schedule C – Site Photos

Proposed Residence Site



Proposed Driveway Location



**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2025R12(3)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
CUMBERLAND COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of Barber, Joan L. Estate of (“Owners”)
SADC ID# 06-0231-PG
Deerfield and Upper Deerfield Townships, Cumberland County
N.J.A.C. 2:76-17 et seq.**

DECEMBER 5, 2024

WHEREAS, on August 15, 2024 the application for the sale of a development easement for the subject farm identified as Block 4, Lot 34, Deerfield Township and Block 701, Lot 11 and Block 703, Lot 2.01, Upper Deerfield Township, Cumberland County, totaling approximately 41.86 gross acres hereinafter referred to as “the Property” (Schedule A) was deemed complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, the County has met the County Planning Incentive Grant (“PIG”) criteria set forth in N.J.A.C. 2:76-17.6 and 7; and

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

WHEREAS, the Property is a targeted farm pursuant to N.J.A.C. 2:76-17.5(a)1 and is located in the County's Deerfield – Upper Deerfield North Project; and

WHEREAS, the Property includes zero (0) of exception areas, resulting in approximately 41.86 net acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the Premises includes:

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

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

WHEREAS, the Property has a quality score of 51.61 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, pursuant to N.J.A.C. 2:76-17.11(d), on August 26, 2024, in accordance with Resolution #FY2025R7(1), Deputy Executive Director Roohr and Chairman Edward D. Wengryn certified the Development Easement value of \$6,000 per acre based on zoning

and environmental regulations in place as of the current valuation date May 1, 2024; and

WHEREAS, pursuant to P.L. 2023 c.245 and Policy No. P-56, the Interim Policy for applications pending adoption of the Statewide Farmland Preservation Formula, the SADC shall provide for the extension of deadlines and conditional approvals if requested by the Owners and grant partners; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12(b), the Owner accepted the County's offer of \$6,000 per acre for the purchase of the development easement on the Premises and the County is proceeding under its current contract with the landowner); and

WHEREAS, on November 14, 2024 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(a), on October 16, 2024, the Deerfield 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(a), on November 7, 2024 the Upper Deerfield 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(a) on September 17, 2024 the Cumberland County Agriculture Development Board passed a resolution granting final approval for the acquisition of a development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on October 22, 2024, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$2,100 per acre to cover the local cost share; and

WHEREAS, the County has requested a funding to encumbrance of an additional 3% buffer to accommodate any increase in for possible the final surveyed acreage increases; therefore, 43.12 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 43.12 acres):

	Total	Per/acre
SADC	\$168,168	(\$3,900/acre)
<u>Cumberland County</u>	<u>\$ 90,552</u>	<u>(\$2,100/acre)</u>
Total Easement Purchase	\$258,720	(\$6,000/acre)


WHEREAS, pursuant to N.J.A.C. 2:76-17.14(c), the County is requesting \$168,168 in base grant funding which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(b), 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(d);

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 43.12 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 \$168,168 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. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
8. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
9. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

____12/5/2024_____
Date



Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	YES
Rich Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT

Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	ABSENT

https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/06-0231-PG/Acquisition/Final Approval & Closing Documents/SADC County PIC Final Approval_December 5 2025_Barber Joan L Estate of.docx

Preserved Farms and Active Applications Within Two Miles

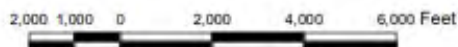


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Application within the (PA4b) Rural Env Sens Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Barber, Joan L. – Estate of
Deerfield Twp - Block 4 Lot 34 (29.04 ac) &
Upper Deerfield Twp. - Block 701 Lot 11 (4.67) &
Block 703 Lot 2.01 (8.15 ac)
Gross Total = 41.86 ac
Cumberland County



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

Sources:
NJ Farmland Preservation Program
NJICT "Parcels and MCO-IV" Composite of New Jersey"
adjacent survey data
Green Acres Conservation Assessment Data
NJDEP "Land Use/Land Cover of New Jersey 2020"
NJDEP Open Space (Various Layers)
Nearmap "Vertical Aerial Imagery 2024"

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



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

Barber, Joan L. – Estate of
Deerfield Twp - Block 4 Lot 34 (29.04 ac) &
Upper Deerfield Twp. - Block 701 Lot 11 (4.67) &
Block 703 Lot 2.01 (8.15 ac)
Gross Total = 41.86 ac
Cumberland County

	Property In Question
	Wetlands Boundaries
	County Roads
	Municipal/Local Roads



Wetlands Legend:
F - Freshwater Wetlands
M - Wetlands Modified for Agriculture
U - Uplands/Non-Wetlands
B - 330' Buffer
W - Water

Sources:
NJ Farmland Preservation Program
NJDOT "Parcels and MCO-V" Composite of New Jersey"
adjacent survey data
NJDEP "Land Use/Land Cover of New Jersey 2020"
NJDOT "Road Centerlines of NJ, Hatched, 3424"
Newsmap "Vertical Aerial Imagery 2024"

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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Barber, Joan L. - Estate of
06-0231-PG
County PIG Program
41.86 Acres

Block 4	Lot 34	Deerfield Twp.	Cumberland County
Block 703	Lot 2.01	Upper Deerfield Twp.	Cumberland County
Block 701	Lot 11	Upper Deerfield Twp.	Cumberland County

SOILS:	Prime	100% + .15	=	15.00	
					SOIL SCORE: 15.00

TILLABLE SOILS:	Cropland Harvested	82% + .15	=	12.30	
	Woodlands	18% + 0	=	.00	
					TILLABLE SOILS SCORE: 12.30

FARM USE:	Hay	20 acres		
	Agriculture Production Livestock	acres		Cattle and poultry

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: 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 FY2025R12(4)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
CUMBERLAND COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Taylor, Jonathan (“Owner”)
SADC ID# 06-0234-PG
Upper Deerfield Township, Cumberland County
N.J.A.C. 2:76-17 et seq.**

DECEMBER 5, 2024

WHEREAS, on July 23, 2024 the application for the sale of a development easement for the subject farm identified as Block 402, Lot 5.06, Upper Deerfield Township, Cumberland County, totaling approximately 20.02 gross acres hereinafter referred to as “the Property” (Schedule A) was deemed complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, the County has met the County Planning Incentive Grant (“PIG”) criteria set forth in N.J.A.C. 2:76-17.6 and 7; and

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

WHEREAS, the Property is a targeted farm pursuant to N.J.A.C. 2:76-17.5(a)1 and is located in the County's Deerfield -Upper Deerfield North Project Area; and

WHEREAS, the Property includes zero (0) of exception areas, resulting in approximately 20.02 net acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the Premises includes:

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

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

WHEREAS, the Property has a quality score of 62.41 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, pursuant to N.J.A.C. 2:76-17.11(d), on August 26, 2024, in accordance with Resolution #FY2025R7(1), Deputy Executive Director Roohr and Chairman Edward D. Wengryn certified the Development Easement value of \$3,700 per acre based on zoning and environmental regulations in place as of the current valuation date August 1, 2024; and

WHEREAS, pursuant to P.L. 2023 c.245 and Policy No. P-56, the Interim Policy for applications pending adoption of the Statewide Farmland Preservation Formula, the SADC shall provide for the extension of deadlines and conditional approvals if requested by the Owners and grant partners; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12(b), the Owner accepted the County's offer of \$3,700 per acre for the purchase of the development easement on the Premises and the County is proceeding under its current contract with the landowner); and

WHEREAS, on November 14, 2024 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(a), on November 7, 2024 the Upper Deerfield Township Committee approved the application for the sale of development; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on September 17, 2024, the Cumberland County Agriculture Development Board passed a resolution granting final approval for the acquisition of a development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on October 22, 2024, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$1,150 per acre to cover the local cost share; and

WHEREAS, the County has requested a funding to encumbrance of an additional 3% buffer to accommodate any increase in for possible the final surveyed acreage increases; therefore, 20.62 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 20.62 acres):

	Total	Per/acre
SADC	\$ 54,024.40	(\$2,620/acre)
Cumberland County	\$ 22,269.60	(\$1,080/acre)
Total Easement Purchase	\$ 76,294.00	(\$3,700/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(c), the County is requesting \$54,024.40 in base grant funding which is available at this time (Schedule B); and


WHEREAS, pursuant to N.J.A.C. 2:76-17.14(b), 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(d);

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 20.02 net easement acres, at a State cost share of \$2,620 per acre, (70.8% of certified easement value and purchase price), for a total grant of approximately \$54,024.40 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. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
8. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
9. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

____12/5/2024_____
Date

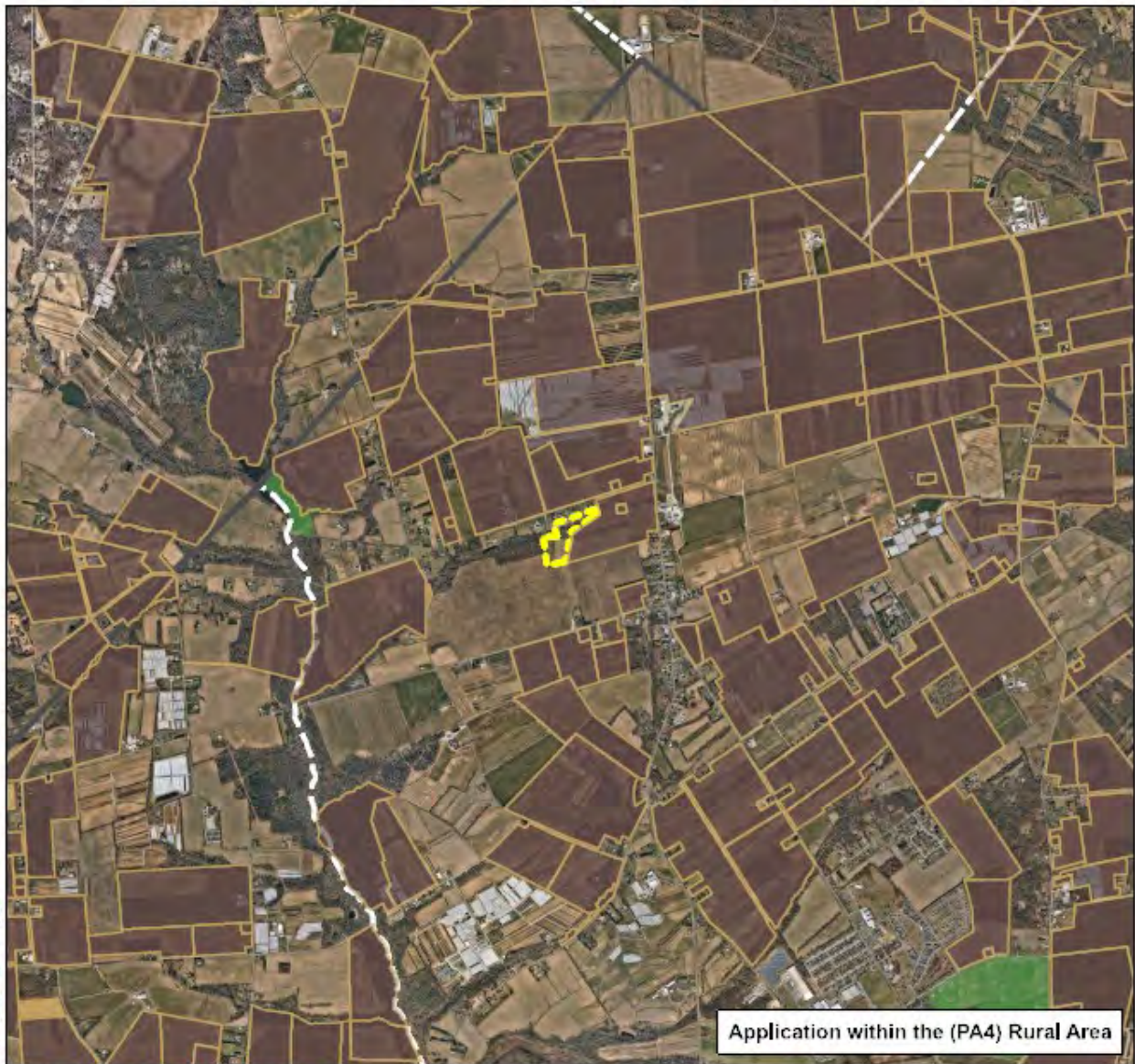


Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	YES
Rich Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	ABSENT

Preserved Farms and Active Applications Within Two Miles



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Taylor, Jonathan
 Block 402 Lot 5.06 (20.02 ac)
 Gross Total = 20.02 ac
 Upper Deerfield Twp., Cumberland County



Sources:
 NJ Farmland Preservation Program
 NJDOT "Parcels and MCD-V" Composite of New Jersey
 Green Acres Conservation Easement Data
 NJDEP Open Space (Various Layers)
 Nemap "Vertical Aerial Imagery 2024"

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

Wetlands



X:\counties\cumco\Pro Projects\taylor, Jonathan.aprx

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Taylor, Jonathan
Block 402 Lot 5.06 (20.02 ac)
Gross Total = 20.02 ac
Upper Deerfield Twp., Cumberland County



Titlepage Disclaimer:
The data used on this map were derived from NJDEP's Wetlands data downloaded from NJDEP. These features are not an official NJDEP determination and should only be used as a general reference. Only NJDEP, Bureau of Wetlands Management can perform an official determination of Wetlands location.

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 periodic 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
	Wetlands Boundaries
	County Roads

Wetlands Legend
F - Freshwater Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
U - Upland Non-Wetlands
B - 500' Buffer
W - Water

Sources:
NJ Farmland Preservation Program
NJDOT Parcel and MOU-V Composite of New Jersey
NJ edited to adjacent parcel data
NJDEP Wetlands Clear Line of NJ
NJDOT Road Centerlines of NJ, Inset, 3424
Newmap "Vertical Aerial Imagery 2024"

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Taylor, Jonathan
06-0234-PG
County PIG Program
20.02 Acres

Block 402	Lot 5.06	Upper Deerfield Twp.	Cumberland County
SOILS:		Other	18% * 0 = .00
		Prime	59% * .15 = 8.85
		Statewide	23% * .1 = 2.30
			SOIL SCORE: 11.15
TILLABLE SOILS:		Cropland Harvested	72.5% * .15 = 10.88
		Wetlands/Water	15% * 0 = .00
		Woodlands	12.5% * 0 = .00
			TILLABLE SOILS SCORE: 10.88
FARM USE:		Hay	13 acres
		Ornament Nursery Products	1 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: 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 FY2025R12(7)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
SOMERSET COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Deerfield Creek LLC (“Owner”)
SADC ID# 18-0232-PG
Branchburg Township, Somerset County
N.J.A.C. 2:76-17 et seq.**

DECEMBER 5, 2024

WHEREAS, on October 9, 2020 the application for the sale of a development easement for the subject farm identified as Block 76, Lot 34, Branchburg Township, Somerset County, totaling approximately 97.020 gross survey acres hereinafter referred to as “the Property” (Schedule A) was deemed complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, the County has met the County Planning Incentive Grant (“PIG”) criteria set forth in N.J.A.C. 2:76-17.6 and 7; and

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

WHEREAS, the Property is a targeted farm pursuant to N.J.A.C. 2:76-17.5(a)1 and is located in the County's Neshanic Valley North Project Area; and

WHEREAS, the Property includes one (1), approximately 14.897 acre severable exception area which was severed from the Property on May 23, 2023 into two lots, each to be limited to one single family residential unit; and

WHEREAS, the Property includes one (1), approximately 2.465 acre nonseverable exception area limited to one single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 79.658 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 Executive Director may approve the final size and location of the exception area such that the final size is not increased more than one (1) acre from, and the location remains within the substantially same footprint as, the herein-approved exception, and 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 2.465-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

WHEREAS, the Premises includes:

- 1) Zero (0) housing opportunities outside the exception area
- 2) Zero (0) Residual Dwelling Site Opportunities
- 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 61.91 which exceeds 51, 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, pursuant to N.J.A.C. 2:76-17.11(d), on July 23, 2021, in accordance with Resolution #FY2025R7(1), Executive Director Payne and Chairman Douglas Fisher certified the Development Easement value of \$11,000 per acre based on zoning and environmental regulations in place as of the current valuation date March 4, 2024; and

WHEREAS, pursuant to P.L. 2023 c.245 and Policy No. P-56, the Interim Policy for applications pending adoption of the Statewide Farmland Preservation Formula, the SADC shall provide for the extension of deadlines and conditional approvals if requested by the Owners and grant partners; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12(b), the Owner accepted the County's offer of \$11,000 per acre for the purchase of the development easement on the Premises and the County is proceeding under its current contract with the landowner; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a), on November 25, 2024, the Branchburg 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(a) on January 24, 2022, the County Agriculture Development Board passed a resolution granting final approval for the acquisition of a development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on February 22, 2022, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$4,400 per acre to cover the local cost share; and

WHEREAS, the County has requested a funding to encumbrance of an additional 3% buffer to accommodate any increase in for possible the final surveyed acreage increases; therefore, 82.05 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 82.05 acres):

	Total	Per/acre
SADC	\$541,530	(\$ 6,600/acre)
<u>Somerset County</u>	<u>\$361,020</u>	<u>(\$ 4,400/acre)</u>
Total Easement Purchase	\$902,550	(\$11,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(c), the County is requesting \$541,530 in base grant which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(b), 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(d);

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 82.05 net easement acres, at a State cost share of \$6,600 per acre, (60% of certified easement value and purchase price), for a total grant of approximately \$541,530 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 Executive Director may 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.

____12/5/2024_____
Date



Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	YES
Rich Norz	RECUSED
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles

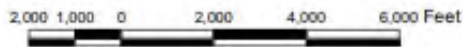


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Application within both the (PA2) Suburban and the (PA4) Rural Areas

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Deerfield Creek, LLC
 Block 76 Lots P/O 34 (79.7 ac);
 P/O 34-ES (severable exceptions - 10.4 & 3.9 ac);
 & P/O 34-EN (non-severable exception - 2.5 ac)
 Gross Total = 96.5 ac
 Branchburg Twp., Somerset County



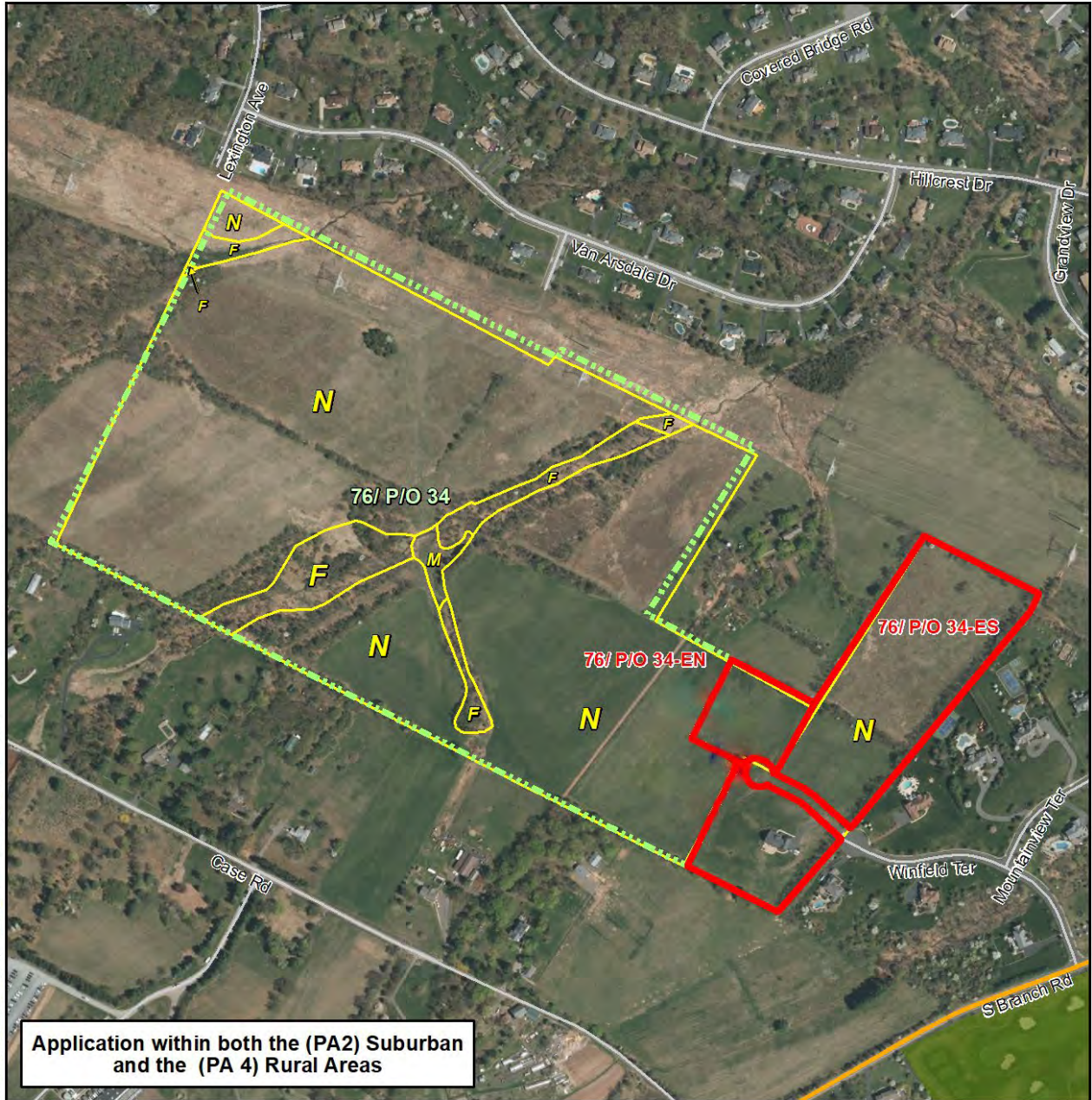
	Property in Question
	Exceptions
	Preserved Easements
	Transfer Development Rights (TDR)
	Preserved: Highlands, Pinelands and Municipal
	Active Applications
	County Boundaries
	Municipal Boundaries
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned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



Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 Protected Areas Database of the United States (PAD-US)
 NJGIT/GIS 2020 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

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Deerfield Creek, LLC
Block 76 Lots P/O 34 (78.9 ac); P/O 34-ES (severable exception - 14.6 ac);
& P/O 34-EN (non-severable exception - 2.5 ac)
Gross Total = 96.0 ac
Branchburg Twp., Somerset 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
NJDOT/OGIS 2015 Digital Aerial Image

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

March 20, 2020

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Deerfield Creek, LLC
18-0232-PG
County PIG Program
79.02 Acres

Block 76	Lot 34	Branchburg Twp.	Somerset County	
SOILS:		Local	13% * .05 =	.65
		Prime	39% * .15 =	5.85
		Statewide	48% * .1 =	4.80
				SOIL SCORE: 11.30
TILLABLE SOILS:		Cropland Harvested	88% * .15 =	13.20
		Wetlands/Water	7% * 0 =	.00
		Woodlands	5% * 0 =	.00
				TILLABLE SOILS SCORE: 13.20
FARM USE:	Hay		69 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 (14.89) acres for 2 single family units and cul-de-sac
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
Exception is to be limited to one existing single family residential unit(s) and one future single family residential unit(s)
 - 2nd (2.47) acres for future single family residence
Exception is not to be severed from Premises
Exception is to be limited to zero existing single family residential unit(s) and one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. An access easement from Winfield Terrace to the farm be recorded over the approximately 14.6 acre severable exception area prior to closing.
 - 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 FY2025R12(8)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
BOROUGH OF PEAPACK GLADSTONE
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Tucker, Andrew J.F. & Judith L. ("Owners")
SADC ID# 18-0224-PG
Peapack & Gladstone Borough, Somerset, County
N.J.A.C. 2:76-17A.1 et seq.

DECEMBER 5, 2024

WHEREAS, on December 12, 2018 the application for the sale of a development easement for the subject farm identified as Block 8, Lots 2.06 and 2.11, Peapack & Gladston Borough, Somerset County, totaling approximately 34.746 gross surveyed acres hereinafter referred to as "the Property" (Schedule A) was deemed complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, the County has met the County Planning Incentive Grant ("PIG") criteria set forth in N.J.A.C. 2:76-17A.6 and 7; and

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

WHEREAS, the Property is a targeted farm pursuant to N.J.A.C. 2:76-17A.5(a)1 and is located in the County's Upper Raritan Project Area and in the Highlands Planning Area; and

WHEREAS, the Property includes zero (0) exception areas, resulting in approximately 34.746 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the Premises includes:

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

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

WHEREAS, the Property has a quality score of 49.2 which exceeds 42, 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, pursuant to N.J.A.C. 2:76-17A.11(d), on April 25, 2024, the SADC certified a development easement value of \$56,000 per acre based on zoning and environmental regulations in place as of the current valuation date April 28, 2023; and

WHEREAS, pursuant to P.L. 2023 c.245 and Policy No. P-56, the Interim Policy for applications pending adoption of the Statewide Farmland Preservation Formula, the SADC shall provide for the extension of deadlines and conditional approvals if requested by the Owners and grant partners; and

WHEREAS, the Owners entered into an Agreement for Purchase of Farmland Preservation Easement with the Borough of Peapack & Gladstone for a bargain sale of \$1,500,000; and

WHEREAS, the Owner may opt to wait for the Statewide Formula at any time prior to closing on the farmland preservation deed of easement; and

WHEREAS, if the Owner accepts the Statewide Formula Value, an amended final approval will be necessary for the issuance of the SADC cost share grant, subject to the availability of funds; and

WHEREAS, in March 2019, the Highlands Council received a Notice of Funding Opportunity for the Highland Conservation Act (HCA) Grant Program by the United States Fish and Wildlife Service (USFWS), which could provide up to 50 % of the cost of the qualifying land preservation projects; and

WHEREAS, in May 2019, the Highlands Council solicited applications under the Open Space Program and the Highlands Development Credit (HDC) Purchase Program for projects that would qualify for funding under the provisions of the HCA Grant Program, with the intent of using qualifying projects as the Highlands Council match for the HCA Program; and

WHEREAS, on September 17, 2020 the Highlands Council approved a Notice of Funding Opportunity for the HCA Grant Program to provide up to 50% of the cost of qualifying land preservation projects, including the Owners' Property; and

WHEREAS, the HCA grant will be based on the approved current easement value of \$50,200 per acre (50% of \$1,744,249.20) or approximately \$872,124.60 in total HCA funding; and

WHEREAS, the owner has agreed to the additional restrictions associated with the HCA Grant, including:

- 1) the acquisition of a Resource Management Systems (RMS) Plan prior to closing
- 2) the implementation of the RMS Plan within 2 years of closing
- 3) the acquisition of a Forest Stewardship Plan in advance of conducting any forest management activities after closing; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13(a), on March 30, 2023, the Council for the Borough of Peapack & Gladstone Borough approved the application for the sale of development easement, but is not participating financially in the easement purchase due to the anticipated receipt of the HCA funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13(a) on October 28, 2024, the Somerset County Agriculture Development Board passed a resolution granting final approval for the acquisition of a development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13(a) on November 26, 2024, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$8,771.66 per acre to cover the local cost share; and

WHEREAS, the County has requested a funding to encumbrance of an additional 3% buffer to accommodate any increase in for possible the final surveyed acreage increases; therefore, 35.79 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 35.79 acres):

	Total	Per/acre
SADC	\$900,000	(\$25,146.69/ acre) based on purchase price
Boro. Peapack Gladstone	\$300,000	(\$8,382.23/acre)
<u>Somerset County</u>	<u>\$300,000</u>	<u>(\$8,382.23/acre)</u>
Total Easement Purchase	\$1,500,000	(\$41,911.15/acre)

Whereas, the estimated cost share breakdown if the HCA Grant is finalized and applied:

	Total	HCA \$	New Cost Share	Per/acre
SADC	\$900,000	\$586,062.30	\$313,937.70	(\$ 8,771.66/ acre)
Boro. Peapack Gladstone	\$300,000	\$286,062.30	\$0	
Somerset County	\$300,000		\$313,937.70	(\$ 8,771.66/ acre)
<u>HCA Grant</u>			<u>\$872,124.60</u>	<u>(\$24,367.83/ acre)</u>
TOTAL	\$1,500,000	\$872,124.60	\$1,500,000.00	(\$41,911.15/ acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14(c), the municipality is requesting \$313,937.70 in base grant which is available at this time (Schedule B); and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14(b), 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(d);

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 35.79 net easement acres, at a State cost share of \$8,771.66 per acre, (44.9% of certified easement value and 60% purchase price), for a total grant of approximately \$313,937.70 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 Executive Director may 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.

_____12/5/2024_____

Date

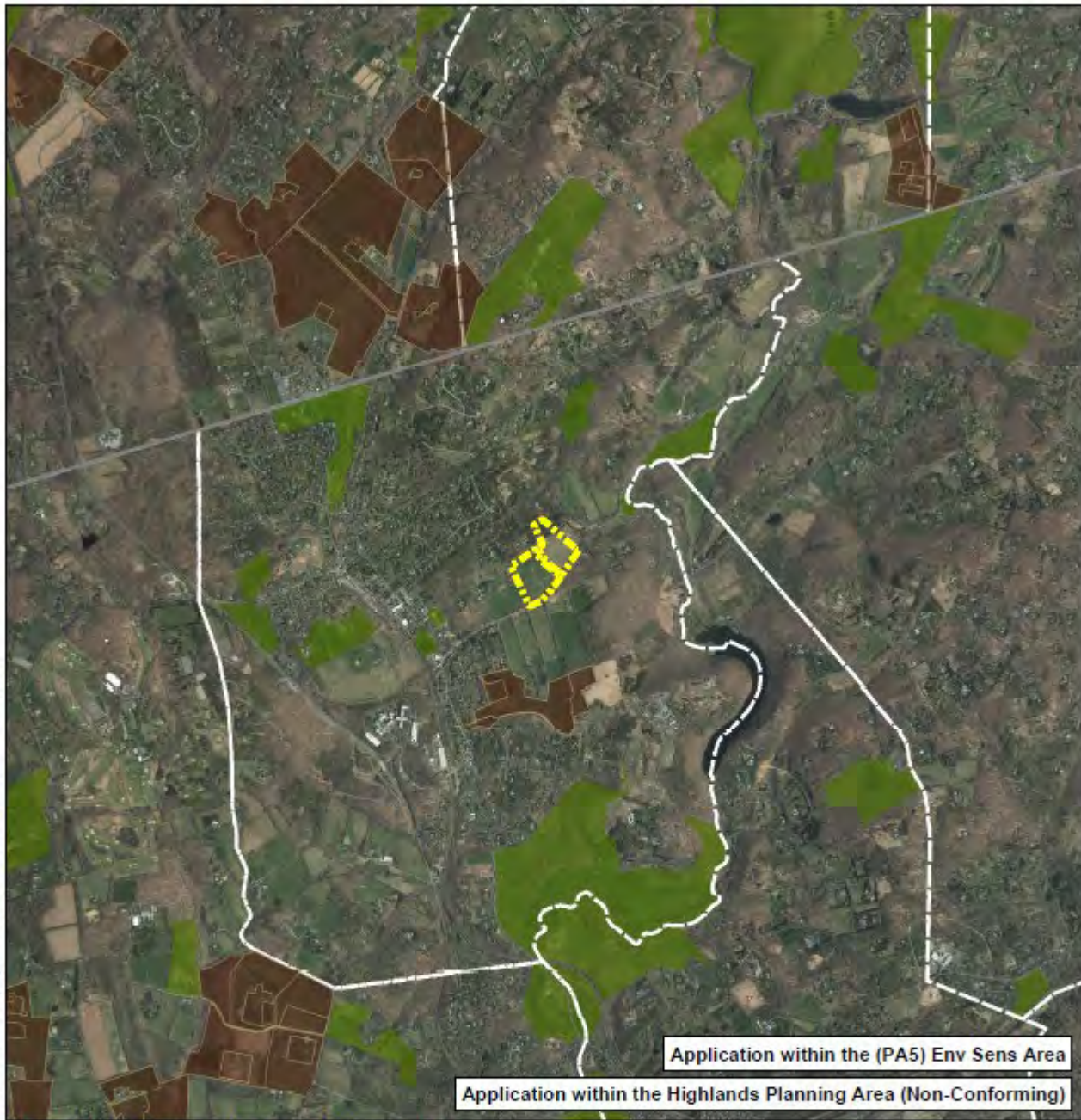


Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	YES
Rich Norz	RECUSED
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles



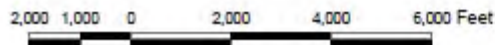
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Application within the (PA5) Env Sens Area

Application within the Highlands Planning Area (Non-Conforming)

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Tucker, Andrew J. F. & Judith L.
Block 8 Lots 2.06 (18.3 ac) & 2.11 (14.6 ac)
Gross total = 32.9 ac
Peapack-Gladstone Boro, Somerset County

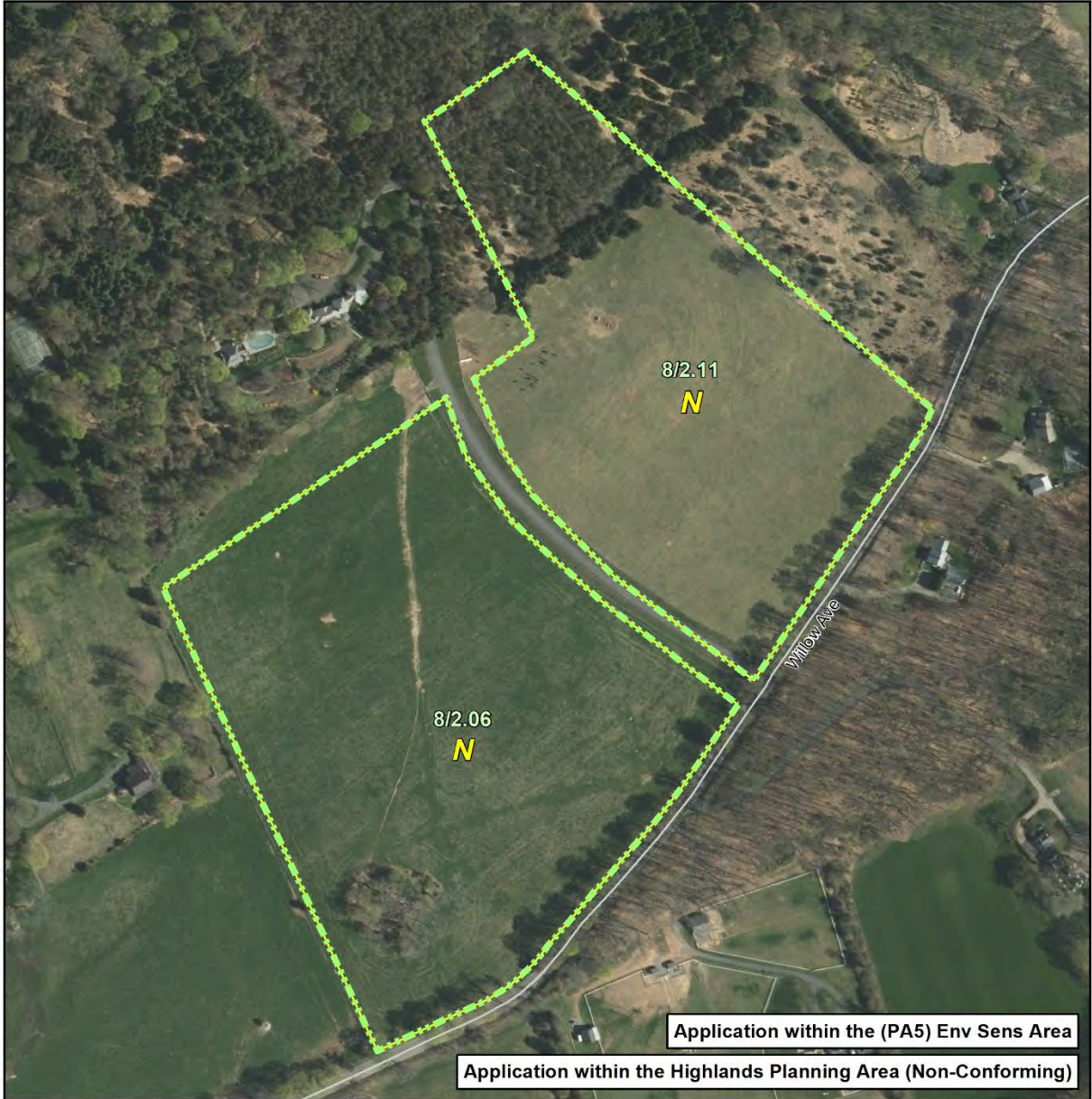


- ⬭ Property in Question
- ⬭ EN - (Non-Severable) Exception
- ⬭ ES - (Severable) Exception
- Preserved Easements
- Transfer Development Rights (TDR)
- Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned OIS & Recreation Easements

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

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Tucker, Andrew J. F. & Judith L.
Block 8 Lots 2.06 (18.3 ac) & 2.11 (14.6 ac)
Gross total = 32.9 ac
Peapack-Gladstone Boro, Somerset County



Sources:
NJ Farmland Preservation Program
NJDEP Wetlands 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.

Application within the (PA5) Env Sens Area

Application within the Highlands Planning Area (Non-Conforming)



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

August 23, 2018

Schedule B

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Grant				
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year				
										Encumbered	PV	Expended	Balance	
						1,502,274.00	901,364.40						1,500,000.00	
18-0233-PG	Smith, John Charles	42.2410	40.6020	37,000.00	22,200.00	1,502,274.00	901,364.40			989,587.20	901,364.40	901,364.40	598,635.60	
18-0224-PG	Tucker, Andrew J.F. & Judith L.	34.7480	35.7900	41,911.15	8,771.66	1,500,000.08	313,937.71	872,124.60	586,062.30	313,937.70			284,697.90	
Closed	1	42.2410	40.6020			1,502,274.00	901,364.40							
Encumbered	1	34.7480	35.7900			1,500,000.06	313,937.71							
										Encumber/Expended FY09	-	-	-	-
										Encumber/Expended FY11	-	-	750,000.00	-
										Encumber/Expended FY13	313,937.70	-	151,364.40	34,697.90
										Encumber/Expended FY17	-	-	-	250,000.00
										Encumber/Expended FY19	-	-	-	-
										Encumber/Expended FY20	-	-	-	-
										Encumber/Expended FY21	-	-	-	-
										Total				284,697.90

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Tucker, Andrew J.F. & Judith L.

18-0224-PG

PIG EP - Municipal 2007 Rule

32.9 Acres

Block 8	Lot 2.11	Peapack Gladstone Bor Somerset County			
Block 8	Lot 2.06	Peapack Gladstone Bor Somerset County			
SOILS:		Other	57% *	0	= .00
		Prime	35% *	.15	= 5.25
		Statewide	8% *	.1	= .80
					SOIL SCORE: 6.05
TILLABLE SOILS:		Cropland Harvested	88% *	.15	= 13.20
		Woodlands	12% *	0	= .00
					TILLABLE SOILS SCORE: 13.20
FARM USE:		General Prime Livestock & Animal	32 acres	All beef cattle (24-32) - Permanent Pasture	

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 Restrictions:
 1. The Highlands Conservation Act (HCA) Grant Program has the following associated conditions:
 - i. the acquisition of a Resource Management Systems (RMS) Plan prior to closing; and
 - ii. the implementation of the RMS Plan within 2 years of closing; and
 - iii. the acquisition of a Forest Stewardship Plan in advance of conducting any forest management activities after closing
 - 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 #FY2025R12(5)

Preliminary Approval of SADC Easement Purchase on an "OTHER" FARM on the Property of
Boerner, William Jr. - SADC ID#: 01-0047-DE

DECEMBER 5, 2024

Subject Property: Boerner, William Jr.
Block 1132.01, Lots 4, 7.01 and 8, Hamilton Township, Atlantic County
SADC ID#: 01-0047-DE

WHEREAS, pursuant to N.J.A.C. 2:76-11.3(a), an owner of farmland may offer to sell to the State Agriculture Development Committee ("SADC") a development easement on the farmland; and

WHEREAS, on October 15, 2024, the SADC received a development easement sale application from William Boerner, Jr, hereinafter "Owner," for the property identified as Block 1132.01, Lots 4, 7.01 and 8, Hamilton Township, Atlantic County, hereinafter "the Property," totaling approximately 132.21 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes one (1), approximately 2 acre non-severable exception area for and limited to 1 future single family residential unit and to afford future flexibility of uses resulting in approximately 120.08 net acres to be preserved; and

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

WHEREAS, the New Jersey Pinelands Commission supports preservation of this Property even though it is in a Pinelands Growth Area; and

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

WHEREAS, the Owners' application has been evaluated in accordance with N.J.A.C. 2:76-6.16, SADC Policy P-14-E, Prioritization criteria, and the State Acquisition Selection Criteria approved by the SADC on October 15, 2024, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, has a quality score of 51.07 and contains approximately 120.08 net acres (Schedule B); and

WHEREAS, the Property does meet the SADC's Atlantic County minimum size criteria for the "Priority" category which requires at least 48 acres, but because Atlantic County did not submit individual farm applications within the previous three funding cycles, there is no average quality score for Atlantic County, resulting in the need for SADC preliminary approval; and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and, pursuant to N.J.A.C. 2:76-11.6(b)i. there are no "priority" ranked applications received at least 120-days prior to the end of the fiscal year that have not already been accepted for processing; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.

2. The SADC approves selecting the Property for processing as an “Other” farm, pursuant to N.J.A.C. 2:76-11.5 because the farm:
 - a. is 122.08 acres, which is significantly larger than the average farm size and acreage criteria for a “Priority” farm in Atlantic County; and
 - b. has approximately 25.28% Prime soils and 54.26% Statewide Important soils; and
 - c. has been a farm for over 150 years, is one of the few orchards left in Atlantic County; and the County Board of Agriculture believes it to be important to the heritage of the community; and

3. The SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:
 - a. Enter into a 120-day option agreement with the Landowner;
 - b. Secure two independent appraisals to estimate the fair market value of the Property;
 - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC

4. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

5. This action is not effective until the Governor’s review period expires pursuant to N.J.S.A. 4:1C-4f.



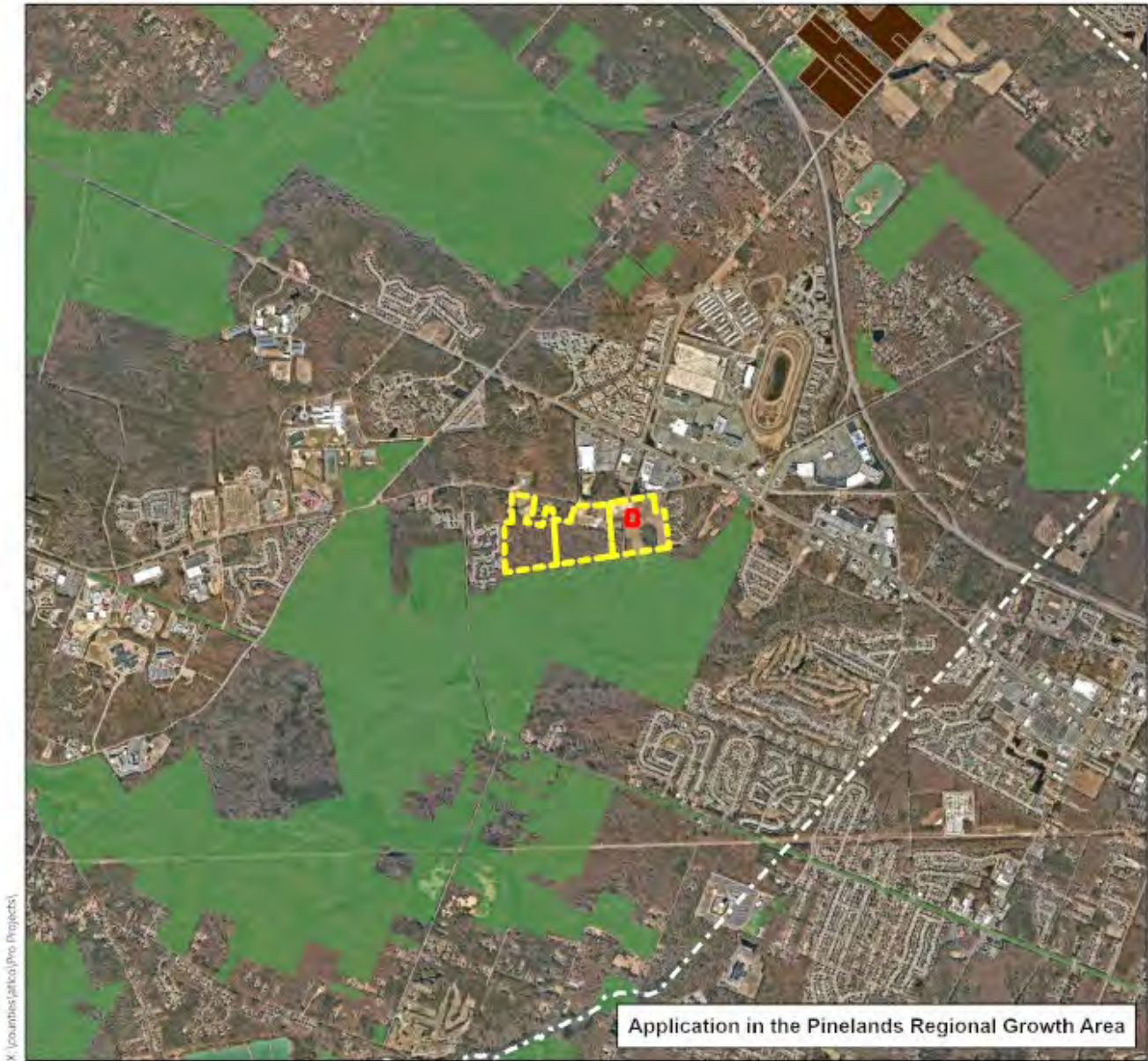
12/5/2024
Date

Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	YES
Rich Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	ABSENT

Preserved Farms and Active Applications Within Two Miles

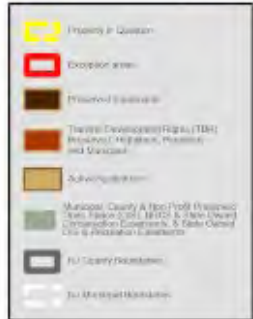


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Application in the Pinelands Regional Growth Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Boerner, William Jr.
Block 1132.01 Lots 4 (42.35 ac); 7.01 (39.79 ac);
P/O 8 (37.94 ac); &
P/O 8-EN (non-severable exception - 2.0 ac)
Gross Total = 122.08 ac
Hamilton Twp., Atlantic County



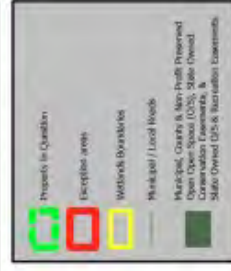
Source:
NJ Farms and Preservation Program
NJGIT "Pinelands and MODJIV Composite of New Jersey"
Green Acres Conservation Easement Data
NRCS Preserved Assessments
NJDEP Open Space (Various Layers)
NJ Pinelands Commission "New Jersey Pinelands Management Areas"
Niles Map "Vertical Aerial Imagery 2021"

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Wetlands



Application in the Pinelands Regional Growth Area



FARMLAND PRESERVATION PROGRAM
 NJ State Agriculture Development Committee

Boerner, William Jr.
 Block 1132.01 Lots 4 (42.35 ac); 7.01 (39.79 ac);
 P/O 8 (37.94 ac); &
 P/O 8-EN (non-severable exception - 2.0 ac)
 Gross Total = 122.08 ac
 Hamilton Twp., Atlantic County



Sources:
 Farmland Preservation Program
 NJ Office of Pinelands and MDC/CNJ Corporation of New Jersey
 NAD83 - National Geospatial Data and Information Center
 Near Map "Vertical Aerial Imagery 2021"

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. This map is intended for planning purposes. The geographic accuracy and precision of the GIS data contained in this file and the accuracy of the wetland delineation are not guaranteed. The wetland delineation is based on aerial photography and horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Wetland Legend:
 F - Freshwater Wetlands
 M - Wetlands Modified for Agriculture
 U - Uplands/Non-Wetlands
 B - Buffer
 W - Water

11/13/2024

State of New Jersey
 State Agriculture Development Committee
 Farmland Preservation Program
 Quality Ranking Score

GENERAL INFORMATION

COUNTY OF Atlantic Hamilton Twp. 0112
 APPLICANT Boerner, William Jr.

PRIORITIZATION SCORE

SOILS:		Other	14%	*	0	=	.00	
		Prime	25%	*	.15	=	3.75	
		Statewide	61%	*	.1	=	6.10	
							SOIL SCORE:	9.85
TILLABLE SOILS:		Cropland Harvested	38%	+	.15	=	5.70	
		Wetlands/Water	10%	+	0	=	.00	
		Woodlands	52%	+	0	=	.00	
							TILLABLE SOILS SCORE:	5.70
BOUNDARIES AND BUFFERS:		Commercial	5%	+	0	=	.00	
		Farmland (Unrestricted)	4%	+	.06	=	.24	
		Preserved state, local open space/wildlife	31%	+	.18	=	5.58	
		Residential Development	35%	+	0	=	.00	
		Streams and Wetlands	5%	+	.18	=	.90	
		Woodlands	20%	+	.06	=	1.20	
							BOUNDARIES AND BUFFERS SCORE:	7.92
CONTIGUOUS PROPERTIES / DENSITY:		Boerner	Restricted Farm or Current Application				2	
							DENSITY SCORE:	2.00
LOCAL COMMITMENT:			100%	+	15	=	15.00	
							LOCAL COMMITMENT SCORE:	15.00
SIZE:								
							SIZE SCORE:	9.38
IMMIMENCE OF CHANGE:		SADC Impact factor = 1.22						
							IMMINENCE OF CHANGE SCORE:	1.22
COUNTY RANKING:								
EXCEPTIONS:								
							EXCEPTION SCORE:	.00
TOTAL SCORE:							51.07	

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2025R12(6)

Preliminary Approval of SADC Easement Purchase on an "OTHER" FARM on the Property of
Round Hill Farm, LLC - SADC ID#: 10-0304-DE

DECEMBER 5, 2024

WHEREAS, pursuant to N.J.A.C. 2:76-11.3(a), an owner of farmland may offer to sell to the State Agriculture Development Committee ("SADC") a development easement on the farmland; and

WHEREAS, on October 8, 2024, the SADC received a development easement sale application from Landowner, hereinafter "Owner," for the property identified as Block 19, Lot 10 & part of Lot 9, Delaware Township, Hunterdon County, hereinafter "the Property," totaling approximately 23.33 gross acres; and

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

WHEREAS, on August 24, 2001, the County of Hunterdon preserved part of Block 10, Lot 9 (SADC ID#10-0065-EP) but excluded 4 acres acquired from the adjacent landowner during the application process (Schedule A); and

WHEREAS, the landowner requested that the 4 acres be included in application with Lot 10 and the easement be permanently associated with the remainder of Lot 9 that is already preserved by the Deed of Easement recorded in Hunterdon County Clerk's office on August 29, 2001 in Deed Book 2017, Page 624; and

WHEREAS, there shall be a deed provision prohibiting the conveyance of the property separate and apart from Block 19, Lot 9.

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

WHEREAS, the Owners' application has been evaluated in accordance with N.J.A.C. 2:76-6.16, SADC Policy P-14-E, Prioritization criteria, and the State Acquisition Selection Criteria approved by the SADC on October 2, 2023, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, has a quality score of 67.67 and contains approximately 23.3 net acres (Schedule B); and

WHEREAS, the Property does meet the SADC's Hunterdon County minimum score criteria for the "Priority" category which requires a quality score of at least 59, but the property does not meet the minimum size criteria for "Priority" or "Alternate" farm designation, which require a minimum size of 47 and 34 respectively; therefore, this farm is categorized as an "Other" farm, pursuant to N.J.A.C. 2:76-11.5(c)3, requiring SADC preliminary approval in accordance with N.J.A.C. 2:76-11.6(c)1i. through iii; and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and, pursuant to N.J.A.C. 2:76-11.5(b), (c)1 and (c)2, there are no "priority" or "alternate" ranked applications that have not already been selected for processing at this time; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.

2. The SADC approves selecting the Property for processing as an "Other" farm, pursuant to N.J.A.C. 2:76-11.5 (b) and (c)2 because the farm:
 - a. has a quality score of 67.67, which is above minimum ranking criteria for a "Priority" farm in Hunterdon County; and
 - b. has approximately 17.58% Prime soils and 82.04% Statewide Important soils; and
 - c. is being permanently associated with an immediately adjacent, larger preserved farm without any additional single family residential opportunities; and
 - d. is within the County Agriculture Development Area and is in a community with a significant investment in farmland preservation; and
 - e. the SADC believes that the conversion of the farm to non-agricultural use would likely cause a substantial negative impact on the public investment made in farmland preservation within the project area.

3. The SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:
 - a. Enter into a 120-day option agreement with the Landowner;
 - b. Secure two independent appraisals to estimate the fair market value of the Property;
 - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC

4. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

5. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.



__12/5/2024__
Date

Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	YES
Rich Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Lauren Procida (rep. DEP Commissioner LaTourette)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	ABSENT

Project Map

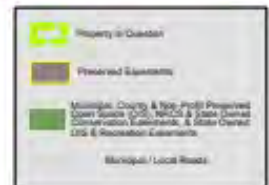


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Mapmap, NJ Department of Environmental Protection, NJ Office of

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Round Hill Farm, LLC
Block 19 Lot(s) 10 (19.23 ac); &
P/O 9 (4.10 ac)
Gross Total = 23.33 ac
Delaware Twp., Hunterdon County



Sources:
NJ Farmland Preservation Program
NJOI "Parcels and MOD-IV Composite of New Jersey"
NJDOT "Road Centerlines of NJ, Hosted, 3424"
Green Acres Conservation Easement Data
NJDEP Open Space (Various Layers)
Mapmap "Vertical Aerial Imagery 2024"

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Preserved Farms and Active Applications Within Two Miles



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

Round Hill Farm, LLC
Block 19 Lot(s) 10 (19.23 ac); &
P/O 9 (4.10 ac)
Gross Total = 23.33 ac
Delaware Twp., Hunterdon County



Sources:
NJ Farmland Preservation Program
NJGIT "Parcels and MOD-IV Composite of New Jersey"
Green Acres Conservation Easement Data
NJDEP Open Space (Various Layers)
Near Map "Vertical Aerial Imagery 2024"

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State of New Jersey
State Agriculture Development Committee
Farmland Preservation Program
Quality Ranking Score

GENERAL INFORMATION

COUNTY OF Hunterdon Delaware Twp. 1007
APPLICANT Round Hill Farm, LLC

PRIORITIZATION SCORE

SOILS:	Other	.38%	*	0	=	.00	
	Prime	17.58%	*	.15	=	2.64	
	Statewide	82.04%	*	.1	=	8.20	
							SOIL SCORE: 10.84
TILLABLE SOILS:	Cropland Harvested	83.58%	*	.15	=	12.54	
	Woodlands	16.42%	*	0	=	.00	
							TILLABLE SOILS SCORE: 12.54
BOUNDARIES AND BUFFERS:	Deed Restricted Farmland (Permanent)	32.66%	*	.2	=	6.53	
	Farmland (Unrestricted)	21.88%	*	.06	=	1.31	
	Preserved state, local open space/wildlife	5.3%	*	.18	=	.95	
	Residential Development	25.77%	*	0	=	.00	
	Woodlands	14.39%	*	.06	=	.86	
							BOUNDARIES AND BUFFERS SCORE: 9.66
CONTIGUOUS PROPERTIES / DENSITY:	Round Hill Farm, LLC	Restricted Farm or Current Application				2	
	Cramer	Restricted Farm or Current Application				2	
	Fisher	Restricted Farm or Current Application				2	
	Johnson	Restricted Farm or Current Application				2	
	Aron	Restricted Farm or Current Application				2	
							DENSITY SCORE: 10.00
LOCAL COMMITMENT:		100%	*	20	=	20.00	
							LOCAL COMMITMENT SCORE: 20.00
SIZE:							SIZE SCORE: 1.85
IMMIMENCE OF CHANGE:	SADC Impact factor =	2.78					
							IMMINENCE OF CHANGE SCORE: 2.78
COUNTY RANKING:							
EXCEPTIONS:							EXCEPTION SCORE: .00
							TOTAL SCORE: 67.67