

STATE AGRICULTURE DEVELOPMENT COMMITTEE

Regular Meeting

October 24, 2024

Secretary Wengryn called the meeting to order at 9:03 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

Roger Kumpel (alternate farmer member for Pete Johnson)

Rich Norz

Charles Rosen

Gina Fischetti (arrived at 9:19 am)

Lauren Procida

Brian Schilling

Julie Krause

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 September 26, 2024.

It was moved by Mr. Schilling and seconded by Mr. Kumpel to approve the SADC Open and Closed Session Minutes of September 26, 2024. Mr. Norz recused. The motion was approved.

Report of the Chairman

Secretary Wengryn stated the dry weather has been difficult for production

purposes for most of our agricultural industries, such as cranberries, corn and soybeans. Fall agritourism and the wineries have benefited from the mild temperatures. He also stated that he has received many compliments about the state's farmland preservation program at the various national conferences he has attended.

Report of the Deputy Executive Director

Mr. Roohr stated the agency's "Next Gen" program issued an informational press release which included a survey for various stakeholders to complete. The responses will help the Next Gen staff identify focus points for the program.

NOTE: Ms. Fischetti arrived at the meeting.

Public Comment

Patricia Springwell expressed concern about the clearing of trees on a preserved farm and the erosion caused by the activity.

Joseph Malkowski stated he is the owner of a landlocked property adjacent to a preserved farm and needs assistance with accessing a right of way that existed prior to preservation. Secretary Wengryn stated this matter is in litigation and staff would contact him.

Kirk Stephens expressed concerns regarding the statewide formula value and its ability to compete with solar development.

Old Business

NOTE: Mr. Schilling and Secretary Wengryn recused from this agenda item.

A. Right to Farm – Resolution

Maritime Marina, et al. v. Parsons Mariculture

Ms. Reynolds referred the committee to a resolution which memorializes the committee's finding from the September 2024 SADC meeting that Parsons Mariculture meets all the RTFA eligibility requirements and that the air curing of recycled shells is a generally accepted agricultural management practice. The matter will be directed back to the Ocean CADB to review the specifics of the case.

It was moved by Mr. Kumpel and seconded by Mr. Norz to approve Resolution FY2025R10(1), as presented, subject to any condition of said resolution. Mr. Schilling and Secretary Wengryn recused. The motion was unanimously approved. A copy of Resolution FY2025R10(1) is attached to and a part of these minutes.

B. Withdrawal of OAL appeal – Borough of Glassboro v. Summit City Farms, OAL Dkt. No. ADC-18801-16 and 14333-19, SADC ID #1787

Mr. Smith reviewed the case with the committee which involved whether a parking ordinance could be preempted by the RTFA. The OAL judge ruled parking ordinances were not preempted by the RTFA, which the SADC rejected. The case was remanded and ultimately withdrawn.

New Business

A. Stewardship

1. FY 2024 Annual Monitoring Report

Mr. Willmott and Mr. Berkowitz reviewed the annual monitoring report of preserved farms with the committee. Mr. Berkowitz stated the overall completion rate was 99.7% for the FY2024 monitoring period. Mr. Berkowitz stated the most common easement-related issues found were conservation issues, overgrown fields, dumping, and non-agricultural uses. Mr. Berkowitz also stated that staff will continue training sessions and outreach with monitoring partners for FY2025.

It was moved by Mr. Kumpel and seconded by to Mr. Schilling to approve the FY2024 annual monitoring report as presented. A copy of the report is attached to and a part of these minutes.

**2. Resolution: Agricultural Labor Housing
Desiderio, Stephanie (Tranquility Farm), SADC ID#14-0095-EP,
FY2025R10(2), Block 15 Lots 42.01 and 42.02, Chester Twp., Morris
County, 54.118 acres.**

NOTE: Secretary Wengryn recused from this agenda item.

Mr. Pizzio referred the committee to a request for Agricultural Labor Housing for Tranquility Farm. He reviewed the specifics of the request with the committee and stated the staff recommendation is to grant approval for three agricultural labor units on the second floor of an existing 2-story barn structure,

that will be comprised of two, 2-bedroom, 2-bath units at 2,275 sq./ft. each, and one, 1-bedroom, 1-bath unit at 923 sq./ft., totaling 5,473 sq./ft. to house up to 10 full-time laborers year-round, conditioned upon the requirements detailed in the resolution.

It was moved by Mr. Kumpel and seconded by to Mr. Bullock to approve Resolution FY2025R10(2), as presented, subject to any condition of said resolution. The motion was unanimously approved. A copy of Resolution FY2025R10(2) is attached to and a part of these minutes.

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

Ms. Siessel referred the committee to one request 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. Bullock to approve Resolution FY2025R10(3) granting approval, as presented, subject to any condition of said resolution.

1. Heritage, Samuel E., SADC ID#08-0239-PG, FY2025R10(3), Block 103, Lot 2 and Block 102, Lot 16, East Greenwich Township, Gloucester County, 47.50 gross acres.

The motion was unanimously approved. A copy of Resolutions FY2025R10(3) is attached to and a part of these minutes.

C. Resolutions: Final Approval - State Acquisition Program

Mr. Zaback and Ms. Bacon referred the committee to two requests for final 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. Ellis and seconded Mr. Norz to approve Resolution FY2025R10(4) granting final approval, as presented, subject to any condition of said resolution.

1. Ossowski, Genevieve – Estate of, SADC ID#11-0032-FS, FY2025R10(4), Block 2739, Lot 9.02, Hamilton Township, Mercer County, 46.60 gross acres.

The motion was unanimously approved. A copy of Resolution FY2025R10(4) is attached to and a part of these minutes.

It was moved by Mr. Kumpel and seconded by Ms. Fischetti to approve Resolution FY2025R10(5) granting final approval, as presented, subject to any condition of said resolution.

2. Clark, William, SADC ID#10-0092-FS, FY2025R10(5), Block 6, Lot 60, Holland Township, Hunterdon County, 182.49 gross acres.

The motion was unanimously approved. A copy of Resolution FY2025R10(5) is attached to and a part of these minutes.

D. Resolution: Preliminary Approval – State Acquisition Program

Ms. Mazzella referred the committee to one request for preliminary approval for the State Acquisition Program. She reviewed the specifics of the request with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Norz and seconded by Mr. Kumpel to approve Resolution FY2025R10(6) granting preliminary approval, as presented, subject to any condition of said resolution.

1. Van Sciver, Mark K. and Suzanne A., SADC ID#17-0087-FS, FY2025R10(6), Block 6, Lots 9 and 9.01, Quinton Township, Salem County, 62.94 gross acres.

The motion was unanimously approved. A copy of Resolution FY2025R10(6) is attached to and a part of these minutes.

E. Right to Farm

1. **Resolution: Township of Hopewell v. Merrick Wilson
Wilson, Merrick, FY2025R10(7), Block 75, Lot 1.02, Hopewell Twp.,
Mercer County, 56.6 acres.**

NOTE: Mr. Ellis recused from this agenda item.

Mr. Keller referred the specifics of the case. The landowner, Mr. Wilson, has a tenant farmer residing in a mobile home full time on the farm to care for the livestock; however, mobile homes or RVs do not comply with township zoning. The municipality filed a RTFA complaint with the Mercer CADB, which rendered a decision stating they did not have jurisdiction to consider the complaint since agricultural labor housing is not eligible for RTFA protection. The landowner appealed the decision to the SADC. Mr. Keller stated staff has prepared a resolution dismissing the landowner's appeal, stating non-equine agricultural labor housing is ineligible for protection under RTFA and SADC lacks jurisdiction to conduct further proceedings.

Ms. Fischetti asked how changes to the law regarding ag labor housing would affect this decision in the future. Mr. Keller stated the pending legislation does not make the amendments to the RTFA retroactive and is not applicable to the pending case today.

Mr. Smith added that any legislation passed making ag labor housing eligible for RTF protection, could not pre-empt state law regarding health codes and UCC compliance.

Mr. Wilson stated ag labor housing is necessary to the agriculture operation occurring on the farm. He asked the committee to table the approval of this resolution due to the pending legislation.

Mr. Schilling asked if there is an equine operation on the farm. Mr. Wilson said there was none at this time, but horses have been on the farm in the past and can be placed back there.

Mr. Rosen asked about the requirements of the equine housing allowed under the RTFA. Mr. Smith stated the law would need further review by legal staff.

It was moved by Mr. Rosen and seconded by Mr. Norz to defer this matter to the December SADC meeting to allow staff to research the RTFA equine housing requirements and determine if this operation is compliant with that law.

A roll call was taken. Mr. Schilling voted against the motion. The motion was approved.

2. Final Decision and Remand Order: Township of Upper, et al. v Cape May CADB and Halpern (Ocean City Winery), OAL Dkt. No. ADC-01543-23, SADC ID #2000

Mr. Smith stated staff is recommending a remand in the final decision of this case because the administrative law judge (ALJ) approved a settlement that was vague, ambiguous and subject to interpretation.

Mr. Smith advised the committee that the parties entered into a settlement agreement which was approved by the ALJ without making the required findings that the agreement was in accordance with the procedural rules and that the settlement was voluntary, consistent with law and dispositive of all issues in the case. Mr. Smith stated the agreement includes vague settlement terms and the remand order requests clarification of the terms to ensure they are consistent with the RTFA.

Mr. Smith stated the final decision rejects the approval of the settlement agreement, modifies the initial decision to parse out the enforcement terms, and remands the case to determine the ambiguous terms in the settlement agreement. Further, the final decision requires the judge to determine whether the agreement is fully dispositive and was knowingly and voluntarily entered into.

Mr. Norz asked for clarification as to what action is being requested of the committee. Mr. Smith stated to send the case back to the ALJ to review the settlement agreement and clarify why it is fully dispositive, is consistent with the RTFA and was knowingly and voluntarily entered into by the parties.

Kevin Balestreri, attorney for the Halperns, stated the ALJ did state in his opinion that he reviewed the terms of settlement agreement and determined the settlement was voluntary, consistent with the law and fully dispositive. Mr. Balestreri offered explanations to the questions posed in the remand order and asked the committee to reconsider the remand order.

Mr. Halpern, co-owner of Ocean City Winery, provided the history of his ownership of the property. He expressed concern that the potential of a remand creates uncertainty and impacts the ability to operate his farm effectively. He supports his counsel's request to reconsider the remand order.

Frank Corrado, counsel for Upper Township, states the Township will abide by whatever decision the committee makes regarding the remand.

TJ Mooney, counsel for the neighboring parties, supports the position of the Township. He asked for a clarification of what the outcome will be based on the board's decision.

Jon Batastini, counsel for the Cape May CADB, stated he also supports the position of the Township.

Mr. Smith stated the final decision rejects the initial decision's approval of the settlement and the determination that the settlement was voluntary, consistent with state law and dispositive of all issues and modifies the initial decision to state in case of enforcement action regarding the settlement agreement, it would be done in the appropriate court venue. The remand requires the ALJ to clarify the ambiguous terms in the agreement and to determine if the agreement was voluntary, consistent with state law and dispositive of all issues.

Mr. Norz stated he supports clarification from the ALJ on the agreement but does not support requiring more information on the settlement details. After discussion among the committee, it was determined the final decision and remand order as prepared, requests the same.

It was moved by Mr. Norz and seconded by Mr. Bullock to approve the final decision and remand order as prepared by staff. The motion was approved.

F. FY2025 Budget

Mr. Distaulo presented the expenditures of FY2024 and the FY2025 budget for both the Farmland Preservation Program (FPP) and Right-to-Farm (RTF) program. For the FPP, Mr. Distaulo asked the committee to approve a budget limit of \$6,882,200 for administrative costs and \$83,000 for the RTF program.

Mr. Distaulo explained that the RTF budget is used for salary and legal costs associated with administering the program and separate from the FPP budget. He also noted that staff intends to request for an increase in the future due to the increase in expenses.

It was moved by Mr. Norz and seconded by Mr. Kumpel to approve the FY2025 budget as presented. The motion was unanimously approved.

After discussion, the committee supported an increase to the RTF budget request for FY2026.

It was moved by Mr. Schilling and seconded by Mr. Ellis to increase the RTF budget recommendation for FY2026. The motion was unanimously approved.

Public Comment

Patricia Springwell, Hunterdon County, asked whether the SADC has formed a subcommittee to address house-size restrictions. Mr. Roohr stated it has not been formed yet due to other priorities, but the committee still has interest in the topic.

G. Statewide Formula Value

NOTE: Ms. Procida left the meeting at 2:27 p.m and Ms. Krause left the meeting at 2:40 p.m.

Mr. Roohr stated staff and the SADC's Future Program subcommittee have been working on the creation of the Statewide Formula Value (SFV) since May which included outreach to stakeholders, consultations with experts and collaboration with various interest groups. Mr. Roohr stated staff will be presenting an alternative valuation method that allows value to be assigned to property characteristics considered to be important to New Jersey.

Mr. Roohr reviewed the history of the traditional appraisal process and how it is no longer meeting landowners' expectations due to lower before values and/or the higher after values squeezing the easement values which results in lower payments for preservation. Mr. Roohr stated that over the last twenty years, preservation offers have reduced by roughly 20% and are currently approximately 50% of the fee value.

Mr. Roohr stated the SFV law provides direction on what factors need to be considered and assigned value which include the following: appraisals, the value of adjacent land, natural resources, rate of inflation, quality of soils, the size of the property, risk of conversion, and proximity of the farm to other preserved land, aquifer recharge, lands subject to development and lands whose conversion could lead to conflicting land uses. Mr. Roohr explained the formula valuation process is an additional valuation to the other valuation tools currently used which allows the landowner different offers to choose from.

Mr. Roohr explained the concept of the SFV starts by establishing a base value by using 50% of the certified fee value and then adding percentages of your fee value based on the quality characteristics of your farm. Additional percentages can be added for agricultural values (up to 20% of fee value), natural resource values (up to 10% of fee value) and other factors (up to 15% of fee value), with a

maximum of 30% that could be added to the base value, for a possible total of 80% of the certified fee value for an easement acquisition. If a landowner was willing to agree to additional voluntary deed restrictions, an impervious cover limit (5%) and/or a house size limitation (5%), an additional maximum of 10% could be added to the base value, for a potential total of 90% of the certified fee value as an easement offer.

Mr. Roohr stated the formula is likely to raise easement offers for most farms, but it has been designed so that highest quality parcels will receive the maximum offers. Based on the current formula proposal analysis, it is estimated that the majority of farms will receive an offer in the 70 to 75% range of the certified fee value. Mr. Roohr noted the counties expressed a need to have input into farms that are unique and significant to their region but may not fall into one of the aforementioned value categories. As a result, the category of “local importance” was added to the “other factors” category. Mr. Roohr stated that staff’s goal was to create a formula that was easy to use, was based off reliable data sources and resulted in consistent scoring statewide.

Mr. Roohr stated the subcommittee and staff made all efforts to include the major categories raised by stakeholders, which mostly fell into agricultural characteristics and natural resource characteristics. It was decided to weigh agricultural characteristics heavier since the formula is for the farmland preservation program.

Ms. Czerniecki reviewed three sample farms with the committee and demonstrated how the formula would be applied to each one. She also illustrated the difference between the standard certified easement value offer and the increased SFV offer.

Ms. Czerniecki stated that each category has subcategories. Agricultural resources subcategories are soils, farm size, tillability, contiguity to preserved farms, and water supply. Natural resources subcategories are aquifer recharge, upland forest, hydrology, contiguity to preserved open space or conservation lands, and surface water quality. The top three scores for each of these categories are used to calculate a cumulative score, with a maximum of 20 points for the agricultural resources and 10 points for the natural resources category. The “Other Factors” subcategories are risk of conversion, proximity to sensitive land uses and local importance. Each of these are worth 5% if applicable. The combined scores for agricultural and natural resources and other factors is capped at a 30% increase to the base value. Additional voluntary restrictions are available if the landowner is willing to accept them, which include the subcategories of an impervious cover limit and/or a house size limit. Each

additional restriction is worth 5%. These scores are converted into percentages which are added to the 50% base value, for a maximum potential offer of up to 90% of the certified fee value.

Ms. Kreiser noted staff is trying to establish a reliable data source for water supply and the availability of water. Mr. Schilling stated irrigation infrastructure should not be considered the same as the natural underlying water resource availability of the property. Mr. Roohr stated that stakeholders expressed the importance of a water source and value should be assigned to it. Based off the subcommittee meetings, this category was assigned five points and would assist farms with water supply infrastructure that potentially did not score as high in other categories.

Mr. Schilling asked how the 2,500 sq/ft house size limitation was established. Mr. Roohr stated the average house size for housing requests is approximately 3,500 sq/ft. 3,500 sq/ft is also the SADC's house size maximum for farms sold through its fee simple program. Staff also researched the average house size in New Jersey, which is approximately 1,700 sq/ft. Staff chose 2,500 sq/ft as a number that was less than the average request or the SADC's maximum as a fair number that reflected the additional compensation. The committee raised concern if a 2,500 sq/ft house was large enough to accommodate and encourage families to live on their farms. Staff reiterated this restriction was voluntary, but the committee could direct staff to increase the house size when drafting the rule.

Mr. Norz stated that one of his concerns with this approach is how long the appraisal process takes. Ms. Czerniecki stated that one benefit of the formula approach is staff can apply the formula and then provide landowners with the percentage of the fee value they would receive before obtaining appraisals. If the landowner is interested, they can proceed with appraisals.

Ms. Krause stated that the reference to "sensitive lands" in the "Other Factors" subcategory was confusing, and it was determined that this subcategory needed to be renamed to more accurately reflect the land use in question. "Critical infrastructure" was brought up as an example of a better reference in this subcategory.

Mr. Bruder reviewed the various map layers used to calculate the scores and percentages for each farm with the committee.

Mr. Roohr asked the committee if it supports any disincentives for taking multiple housing opportunities on a farm. The committee agreed that staff will need to provide more data for a decision to be made.

Mr. Roohr stated the formula allows the SADC to include an inflation adjustment in the Pineland Formula. Staff's suggestion, based on inflation reports from the Consumer Price Index, is to raise the Pineland's Formula \$1600 base number 56%, to \$2500. The committee agreed.

Mr. Roohr stated the Dual Appraisal option in the Highlands expired in June 2024 and has not been renewed. Staff supports the dual appraisals being reinstated but if that does not happen, the committee could hire an appraisal firm to establish regional values for counties located in the Highlands or use in-house data to establish a base value.

Mr. Roohr stated the SFV, as drafted, does not impact fee simple acquisitions, but staff suggests the option allowing a 10% premium above the fee value for certain high quality farms when making offers. Mr. Rosen suggested modifying the formula so farms could earn up to 10% over the fee value. It was discussed that doing this would require new legislation.

Mr. Roohr also asked the committee if it wanted to consider large lot zoning as an approach for fee simple offers. After discussion, the committee ultimately favored requesting legislative change to allow the committee to offer 10% over the certified fee value. Mr. Roohr asked the committee if they support matching developer's offers if all requirements are met. The committee expressed support for this option as well.

Mr. Roohr asked the committee if they support requesting legislative change so the committee could offer an increased cost-share amount to their partners which would assist in paying for the higher easement offers generated from the SFV. The committee agreed with supporting that request.

After extensive discussion, the committee agreed for staff to continue with the development of the formula based on the topics discussed today and to prepare summary slides to be distributed to the preservation partners.

It was moved by Mr. Rosen and seconded by Mr. Schilling to direct staff to continue with the formation of the SFV and provide summary materials to the program's preservation partners. The motion was unanimously approved.

Mr. Wengryn asked if there was any public comment. Ms. Uttal read the following comments from the chat section:

Beth: For the nonprofit program, we often use other programs to match the SADC grant, they will be unlikely to use this method as the basis for their

matching grants. Will SADC be making up the increment between the SADC valuation approach and the traditional appraisal approach?

Ed Clerico: Is the resource value impacted by infrastructure such as subsurface drainage and irrigation wells that are already in place? Is the resource value impacted by improved natural features such as riparian corridor buffers, wetland enhancements, etc. that are already in place? Higher value/risk crops would demand better water and drainage improvements by comparison to typical row crops. By rewarding such improvements, you would be incentivizing higher economic agricultural production.

Amy Hansen: Just identifying natural resources on a farm shouldn't make the value greater without additional permanent protections.

Frank Pinto: Chuck's opening comment was not wrong on this being the biggest thing ever for the farmland preservation program. Will there be any restriction on re-sale of the farm after preservation? Will this only apply to landowners of record at the time of enactment of the formula statute?

Mr. Roohr noted staff intends to report back to the committee in December with the items discussed today with the goal of having a clean version of the formula and a draft of the regulations at the January meeting. Once everything is approved by the committee and published in the NJ Register, staff can start using the SFV for acquisition applications.

CLOSED SESSION

At 3:10 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 the Malkowski v. Estate of Patane litigation matter; 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. Schilling and seconded by Mr. Rosen to go into closed session. The motion was unanimously approved.

Action as a Result of Closed Session

A. Litigation - Malkowski

It was moved by Mr. Norz and seconded by Mr. Bullock to take action as discussed in Closed Session. The motion was unanimously approved.

ADJOURNMENT

The meeting was adjourned at 3:35 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Charles Roohr".

Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2025R10(1)**

**Generally Accepted Agriculture Management Practice Finding
NJ Right to Farm Act, N.J.S.A. 4:1C-1, et seq.
Maritime Marina, Inc. and Tuckerton Marine Service Center v. Parsons Mariculture
SADC ID #2027**

October 24, 2024

Subject Property:

**468 South Green Street
Block 33, Lot 67
Tuckerton Borough, Ocean County
0.70 Acres
("Property 1")**

**45 Montana Drive
Block 326.225, Lot 60
Little Egg Harbor Township, Ocean County
8.6 Acres
("Property 2")**

**Great Bay, the Mullica River, and Little Egg Harbor Bay
Seventy-One Leased Shellfish Lots
228 Acres
("Property 3")**

WHEREAS, Parsons Mariculture, LLC (Parsons) is a shellfish aquaculture business of which Dale S. Parsons, Jr., is the sole member; and

WHEREAS, Parsons Seafood II, LLC, of which Mr. Parsons is the sole member, owns Property 1; and

WHEREAS, Property 1 is zoned "Marine Commercial/Waterfront Cluster District"; and

WHEREAS, the following activities occur on Property 1:

- (1) The storage and processing of Parsons' harvested clams and oysters for wholesale marketing to local restaurants and large-scale vendors;
- (2) The depositing, storing, and air curing of empty oyster and clam shells from the food waste of Atlantic City and other area restaurants, the air curing helping to ensure complete removal of contaminants prior to the following purposes:
 - a. The transporting of empty oyster shells to Parsons' Little Egg Harbor shellfish nursery, where the shells receive disease-resistant oyster larvae for subsequent deposit in waters leased by Parsons from the NJ Department of Environmental Protection (NJDEP), Bureau of Shellfisheries to grow out for ultimate harvesting and eventual consumption.
 - b. The transporting of empty oyster shells to the Little Egg Harbor nursery, where the shells receive disease-resistant oyster larvae for subsequent deposit in

Parsons' leased waters for the purpose of facilitating general oyster population, the natural formation of oyster reefs, and the improvement of water quality in Barnegat Bay.

- (3) A retail store operated by "Parsons Seafood" where clams, oysters, and other seafood products are sold.

WHEREAS, the Parsons shellfish commercial farm operation maintains all required federal and state licenses and permits to engage in shellfish aquaculture, including a current Aquatic Farmer License issued by the New Jersey Department of Agriculture; a commercial shellfish license and nursery/hatchery permit issued by NJDEP; a New Jersey Department of Health license for shellfish shipping and handling on Property 1; and an Army Corps of Engineers permit to grow oysters and clams in U.S. navigable waters; and

WHEREAS, on May 11, 2023, Maritime Marina, Inc. and Tuckerton Marine Service Center (Complainants), businesses operating on each side of Property 1, filed a Right to Farm Act (RTFA) complaint with the Ocean County Agriculture Development Board (OCADB) alleging that Parsons' practice of storing and air curing the clam and oyster shells created a nuisance resulting in damage to their boats; loss of business; lost time related to property cleanup; offensive smells and unsanitary conditions; and

WHEREAS, Maritime Marina also claimed Parsons trespassed on its property when shells were delivered to Property 1; and

WHEREAS, the OCADB held a hearing and determined, in a June 14, 2023, resolution (attached as Exhibit A), the following:

- (1) Parsons Mariculture qualified as a "shellfish commercial farm" because,
 - a. It engaged in shellfish aquaculture,
 - b. Produced shellfish worth at least \$40,000 or more annually,
 - c. Was in operation as of March 13, 2023, the effective date of the law providing RTFA eligibility protecting certain aquaculture activities, and
 - d. Was operating on property zoned for commercial or industrial use;
- (2) The recycling and storage of shells on Property 1 was an aquaculture activity permitted by the RTFA; and
- (3) Since the SADC had not adopted an agricultural management practice (AMP) for the recycling and storage of shells, the complaint would be forwarded to the SADC; and

WHEREAS, under the RTFA, when a CADB receives a complaint against a commercial farm and the SADC has not recommended an AMP concerning the activities addressed by the complaint, the CADB shall forward the complaint to the SADC for a determination of whether the disputed agricultural operation constitutes a generally accepted agricultural operation or practice (N.J.S.A. 4:1C-10.1c.); and

WHEREAS, N.J.S.A. 4:1C-10.1c. further provides that upon receipt of the complaint, the SADC shall hold a public hearing and issue its decision, in writing, to the CADB; and

WHEREAS, at its September 26, 2024 meeting, the SADC held a hearing on whether the practice of depositing, storing, and air curing empty oyster and clam shells from the food waste of restaurant for the purpose of controlling disease for the purposes of future shellfish production and depositing of shells in leased waters for the reasons stated above is a generally accepted agriculture management practice; and

WHEREAS, at the hearing, SADC staff provided background on the matter and advised, based

on the record before the OCADB, that the following RTFA eligibility requirements were met:

- (1) Parsons operated a shellfish aquaculture management unit as defined in N.J.S.A. 4:1C-3,
- (2) Parsons qualified as a shellfish commercial farm as defined in N.J.S.A. 4:1C-3, including operation as a single enterprise as a result of Mr. Parsons being the sole member of Parsons Mariculture and Parsons Seafood,
- (3) Parsons' shellfish commercial farm satisfied the locational and operational requirements in N.J.S.A. 4:1C-3.2b.,
- (4) The complained-of activities were included in the list of authorized shellfish aquaculture activities set forth in N.J.S.A. 4:1C-3.2b. as follows:
 - a. production and processing of the shellfish output of the shellfish commercial farm pursuant to N.J.S.A. 4:1C-3.2b.(1) and (2),
 - b. controlling diseases of shellfish pursuant to N.J.S.A. 4:1C-3.2b.(4),
 - c. recycling of shells on land included in the shellfish aquaculture management unit as set forth in N.J.S.A. 4:1C-3.2b.(6); and

WHEREAS, the Complainants did not dispute that the Parsons operation met RTFA eligibility requirements; and

WHEREAS, SADC staff presented the following images during their presentation:

- (1) An aerial view of Property 1,
- (2) A survey of Property 1,
- (3) A photo of the shell pile located on Property 1 taken on June 20, 2024,

The above images are attached to this resolution as Exhibit B; and

WHEREAS, the Complainants were represented by Robert Rue, Esq.; and

WHEREAS, Parsons was represented by Lauren Dooley, Esq. of Novins York Jacobus & Dooley; and

WHEREAS, Mr. Rue stated that his clients were not challenging the issue of whether the Parsons operation was a shellfish commercial farm; rather, the concern was with Parsons' air curing of recycled shells on a 60-foot-wide property surrounded by two commercial operations open to the public; and

WHEREAS, Mr. Rue called Eric Hanson, owner of Maritime Marina, who provided sworn testimony under oath; and

WHEREAS, Mr. Hanson testified regarding the nuisances experienced with Parsons' shell curing activities; and

WHEREAS, Mr. Rue, on behalf of the Complainants, submitted the following documents during the hearing:

- (1) A photo of the shell pile located on Property 1,
- (2) NJDEP's Marine Resources Administration's Annual Report on its Shell Recycling Program for the 2022 Collection Year,
- (3) A copy of Parsons' survey,

The Complainants' submissions are attached hereto as Exhibit C; and

WHEREAS, Ms. Dooley called Dale Parsons, who provided sworn testimony under oath; and

WHEREAS, Mr. Parsons testified regarding his aquaculture operation, shell recycling activities, reef restoration efforts, and the grants he received from various entities for his shell recycling activities; and

WHEREAS, Ms. Dooley called Edward Gaine, the President of New Jersey Shellfisheries Association, who provided sworn testimony under oath; and

WHEREAS, Mr. Gaine testified that air curing shells is a standard process essential to the propagation of shellfish, and that the period of time during which the shells are air cured is also essential, not the size of the pile or the air flow through it; and

WHEREAS, Ms. Dooley called Nicole Ciccaglione, District Conservationist for the USDA Natural Resources Conservation Service (NRCS) who provided sworn testimony under oath; and

WHEREAS, Ms. Ciccaglione testified that NRCS has a conservation practice for restoration of rare or declining natural shellfish communities and calls for air curing of at least six months; and

WHEREAS, Ms. Ciccaglione stated that the NRCS practice does not contemplate air flow; and

WHEREAS, Ms. Dooley, on behalf of Parsons, submitted the following documents during the hearing:

- (1) Photos of three different recycled shell piles at three different locations,
- (2) A list of attendees at a Legislative tour of the Parsons operation at Property 1,

Parsons' submissions are attached hereto as Exhibit D; and

WHEREAS, during the hearing, public comments were received, virtually, from Robert B. Rheault, Ph.D., Executive Director of the East Coast Shellfish Growers Association, and Steve Evert (the comments are attached hereto as Exhibit E); and

WHEREAS, in the interest of time, Ms. Dooley chose to not have the comments read into the record, but have them attached to the SADC's meeting minutes instead; and

WHEREAS, since the above-mentioned comments were not read into the record, the SADC did not rely on them in its final determination in this matter, and are attached to this resolution only for the purpose of providing complete documentation to the OCADB; and

WHEREAS, during the course of its deliberations, SADC members questioned whether the size of the shell pile and size of Property 1 were appropriate; however, the committee ultimately determined that those aspects were matters to be considered by the OCADB, as the SADC was tasked with the narrow issue of determining whether the practice of air curing recycled shells is a generally accepted agricultural management practice.

NOW, THEREFORE, BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC finds the following RTFA eligibility requirements:

a. Parsons operated a shellfish aquaculture management unit as defined in N.J.S.A. 4:1C-3,

b. Parsons qualified as a shellfish commercial farm as defined in N.J.S.A. 4:1C-3, including operation as a single enterprise as a result of Mr. Parsons being the sole member of Parsons Mariculture and Parsons Seafood,

c. Parsons' shellfish commercial farm satisfied the locational and operational requirements in N.J.S.A. 4:1C-3.2b.,

d. The complained-of activities were included in the list of authorized shellfish aquaculture activities set forth in N.J.S.A. 4:1C-3.2b. as follows:

(1) production and processing of the shellfish output of the shellfish commercial farm pursuant to N.J.S.A. 4:1C-3.2b.(1) and (2),

(2) controlling diseases of shellfish pursuant to N.J.S.A. 4:1C-3.2b.(4),

(3) recycling of shells on land included in the shellfish aquaculture management unit as set forth in N.J.S.A. 4:1C-3.2b.(6).


3. The SADC finds that the practice of air curing recycled shells is a generally accepted agriculture management practice.

4. The Right to Farm complaint filed in this matter will be returned to the OCADB pursuant to N.J.A.C. 2:76-2.7(i)1 for its review of the details of this particular operation under dispute including, but not limited to, the operation's impact on neighboring properties, and balancing the parties' conflicting interests.

5. In accordance with N.J.S.A. 4:1C-10.1c. and N.J.A.C. 2:76-2.7(j), the OCADB shall hold a public hearing on the complaint and issue its findings and recommendations.

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

10/24/2024
Date


Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Roger Kumpel	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)	YES
Brian Schilling (rep. Executive Dean Lawson)	RECUSED
Edward D. Wengryn, Chairperson	RECUSED

EXHIBIT A

**A RESOLUTION
OF THE OCEAN COUNTY AGRICULTURE DEVELOPMENT BOARD
ELIGIBILITY DETERMINATION OF A COMMERCIAL FARM
FOR PARSON'S MARICULTURE.**

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1, et. seq. (the "Act") and the State Agriculture Development Committee ("SADC") regulations, N.J.A.C. 2:76 et. seq., any person aggrieved by the operation of a commercial farm within the County of Ocean shall first file a complaint in writing to the Ocean County Agriculture Development Board ("Board") prior to filing an action in court; and

WHEREAS, on May 11, 2023, the Board received a formal complaint against Dale Parsons, the owner and operator of Parson's Mariculture (hereinafter "Parson's Mariculture") located at 468 South Green Street in the Borough of Tuckerton, Great Bay Marina located at 45 Montana Drive in the Township of Little Egg Harbor, and shellfish lease areas in the Great Bay, Mullica River, and Little Egg Harbor Bay; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.7(c), the Board shall determine (1) whether the commercial farm meets the eligibility criteria pursuant to the Act, and (2) whether the dispute involves agricultural activities that are included in one or more of the permitted activities set forth in the Act and addressed by an agricultural management practice regulation adopted by the SADC; and

WHEREAS, the formal complaint described concerns arising from the recycling and storage of clamshells on the Parson's Mariculture property located on the Tuckerton portion of the shellfish aquaculture management unit. The complaints were as follows:

1. Damage to boats and property due to seagulls dropping shells
2. Loss of business
3. Loss of time due to cleaning up the mess caused by the storage of clam shells
4. Horrible smell and unsanitary conditions; and

WHEREAS, pursuant to the Act, N.J.S.A. 4:1C-3 et. seq. and the SADC regulations, N.J.A.C. 2:76-2.1, the Board must determine whether the shellfish commercial farm satisfies at least one of the following conditions:

- (1) It is located in an area of which, as of December 31, 1997, or thereafter, agriculture is a permitted use under Municipal zoning ordinances and is consistent with the municipal master plan; or
- (2) The shellfish commercial farm was in operation as of the effective date of P.L.2023, c.20 (C.4:1C-3.2 et al.), March 13, 2023, and is located in an area zoned for commercial or industrial use; or

- (3) Is located in the coastal area, as designated pursuant to section 4 of P.L. 1973, c. 185 (C.13:19-4), and is zoned for commercial or industrial use; or
- (4) Is located on land under tidal waters that the shellfish commercial farm has the authority to use pursuant to a riparian grant or lease granted pursuant to R.S. 12:3-2 et seq. or a lease granted pursuant to R.S.50:1-23 et seq., and that operates in conformance with agricultural management practices recommended by the committee and adopted pursuant to the provisions of the “Administrative Procedure Act”; and

WHEREAS, on May 12, 2023, the Board staff reached out to Parson’s Mariculture to notify him of the neighbor’s complaint against his business and provided a Commercial Farm Certification form; and

WHEREAS, on May 18, 2023, Parson’s Mariculture returned the Commercial Farm Certification form filled out along with his 2022 tax returns and 2023 Shellfish Lease Extension from the NJDEP Shellfish Bureau; and

WHEREAS, on May 19, 2023, Parson’s Mariculture provided two Quickbook Reports from 2021 and 2022 highlighting “clams which were farmed on my shellfish leases and sold through my fish market”; and

WHEREAS, in accordance with N.J.A.C. 2:76-2.7(c), the Board conducted a site visit to view the subject property. The site visit was held on May 23, 2023 and attended by one (1) Board Member, Board Staff, Board Counsel, and Counsel for the owners of the property; and

WHEREAS, N.J.S.A. 4:1C-3 defines a “shellfish aquaculture management unit” as an area, contiguous or noncontiguous, together with buildings, structures, and facilities, on which shellfish aquaculture is occurring, and which is operated as a single enterprise; and

WHEREAS, N.J.S.A. 4:1C-3 defines a “shellfish commercial farm” as a shellfish aquaculture management unit that engages in shellfish aquaculture and produces shellfish worth \$40,000 or more annually; and

WHEREAS, the Commercial Farm Certification identifies the shellfish aquaculture management unit as follows:

Municipality	Block	Lot	Acres	Product/Operation	Start Date
Tuckerton	33	67	.70	Shell Recycling Clam & Oyster Farm	1909
Little Egg Harbor	326.225	60	8.6	Shellfish nursery	2013

and 71 lease areas within the Great Bay, Mullica River, and the Little Egg Harbor Bay totaling approximately 228.73 acres; and

WHEREAS, the portion of the Shellfish Commercial Farm located in Tuckerton is zoned B-4 "Marine Commercial/Waterfront Cluster District"; and

WHEREAS, the portion of the Shellfish Commercial Farm located in Little Egg Harbor is zoned WFD "Waterfront Development Zone"; and

WHEREAS, the Commercial Farm Certification described the operation or practice of the Commercial Farm as follows:

Shell is cured at 468 South Green St., then transported to Little Egg Harbor Shellfish Nursery to receive disease resistant oyster larva, Shell & Oysters are then transported to commercial farm leases to grow out to food product. Oysters and clams, wholesale and retail.

WHEREAS, upon the satisfaction of the eligibility criteria pursuant to N.J.S.A. 4:1 C-3.2 the Board must then determine whether the dispute involves agricultural activity (ies) that is or are included in one or more of the permitted activities set forth in N.J.S.A. 4:1C-3.2.

WHEREAS, N.J.S.A. 4:1C-3.2 permits the following activities:

- (1) produce shellfish as described in the Standard Industrial Classification for shellfish farming or, after the operative date of the regulations adopted pursuant to section 5 of P.L.2003, c.157 (C.4:1C-9.1), as described in the corresponding classification under the North American Industry Classification System;
- (2) process and package the shellfish output of the shellfish commercial farm;
- (3) provide for the operation of a shellfish farm market, including the construction of a building and parking area in conformance with municipal standards;
- (4) control pests, predators, and diseases of shellfish;
- (5) conduct on-site disposal of organic waste on land included in the shellfish aquaculture management unit, excluding land currently flowed by tidal waters;
- (6) recycle shells on land included in the shellfish aquaculture management unit;
- (7) conduct agriculture-related educational and farm-based recreational activities, provided that the activities are related to marketing the shellfish output of the shellfish commercial farm; and
- (8) engage in any other agricultural activity as determined by the committee and adopted by rule or regulation pursuant to the provisions of the "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.).

WHEREAS, upon the satisfaction of the eligibility criteria pursuant to N.J.S.A. 4:1 C-3.2 and determination that the activities complained of are protected under N.J.S.A. 4:1C-3.2, the Board must determine whether the SADC has recommended an agricultural management practice concerning activities addressed by a complaint or a Site-Specific Agricultural Management Practice (SSAMP) has been adopted; and

WHEREAS, pursuant to N.J.S.A. 4:1C-10.1 if an SSAMP does not exist and the SADC has not recommended an agricultural management practice concerning activities addressed by a complaint, the Board shall forward the complaint to the SADC for a determination of whether the disputed agricultural operation constitutes a generally accepted agricultural operation or practice.

WHEREAS, the following exhibits were reviewed by the Board:

1. Formal Complaint against Parson's Mariculture submitted by Maritime Marina Inc. and also signed off on by neighboring Tuckerton Marine
2. CADB Commercial Farm Certification Form
3. Schedule F, 2022 Tax Return
4. 2021 and 2021 Quickbook Reports showing income
5. NJDEP Division of Fish and Wildlife Bureau of Shellfisheries 2023 Shellfish Lease Extension Agreement
6. Survey of property
7. Photos

NOW THEREFORE BE IT RESOLVED, the Board makes the following findings of fact concerning the eligibility of Parson's Mariculture under the Right to Farm Act:

1. Parson's Mariculture is a shellfish commercial farm that engages in shellfish aquaculture and produce shellfish worth \$40,000 or more annually.
2. Parsons Mariculture was in operation as of the effective date of P.L.2023, c.20 (C.4:1C-3.2 et al.), March 13, 2023, and is located in an area zoned for commercial or industrial use.
3. Parson's Mariculture qualifies as a shellfish commercial farm, pursuant to P.L.2023, c.20 (C.4:1C-3.2 et al.) and is entitled to the protections set forth in section 4 of P.L.2023, c.20 (C.4:1C-10a)
4. The Complaint filed with the Board arise out of the storage and recycling of clams on the shellfish aquaculture management unit located in Tuckerton, Ocean County.
5. The recycling and storage of shells on the Tuckerton property is an activity that is protected by N.J.S.A. 4:1C-3.2.
6. The SADC has not issued an Agricultural Management Practice related to the recycling and storage of shells for aquaculture.

7. Parson's Mariculture does not have a Site-Specific Agricultural Management Plan for the recycling and storage of shells for aquaculture.

BE IT FURTHER RESOLVED that the Board hereby forwards this matter to the attention of the State Agriculture Development Committee for a determination of whether the disputed agricultural operation constitutes a generally accepted agricultural operation or practice.

BE IT FURTHER RESOLVED that copies of this Resolution shall be provided to:

1. Maritime Marina
2. Tuckerton Marine
3. Dale Parsons, c/o Parson's Mariculture
4. Borough of Tuckerton
5. Township of Little Egg Harbor
6. State Agriculture Development Committee

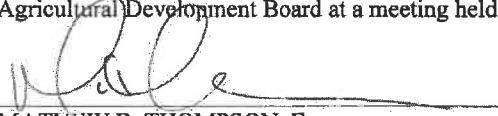


Doug Hallock, OCADB Chairman

June 14, 2023
Date

	Yes	No	Abstain	Absent
Mr. Hallock	✓			
Mr. Hunter	✓			
Ms. Sucharski	✓			
Mr. Lynch	✓			
Mr. Vogel	✓			
Mr. Riccardi	✓			

I hereby certify the above to be a true copy of a Resolution adopted by the Ocean County Agricultural Development Board at a meeting held on June 14, 2023.



MATTHEW B. THOMPSON, Esq.
Attorney at Law, State of New Jersey

EXHIBIT B



414 SO. GREEN ST.
CDEP 176, SOUTH
GREEN STREET

MYLUND, GEORGE
JR & ROBERT 466
SOUTH GREEN STREET

PARSONS, DALE
5400 SOUTH
GREEN STREET

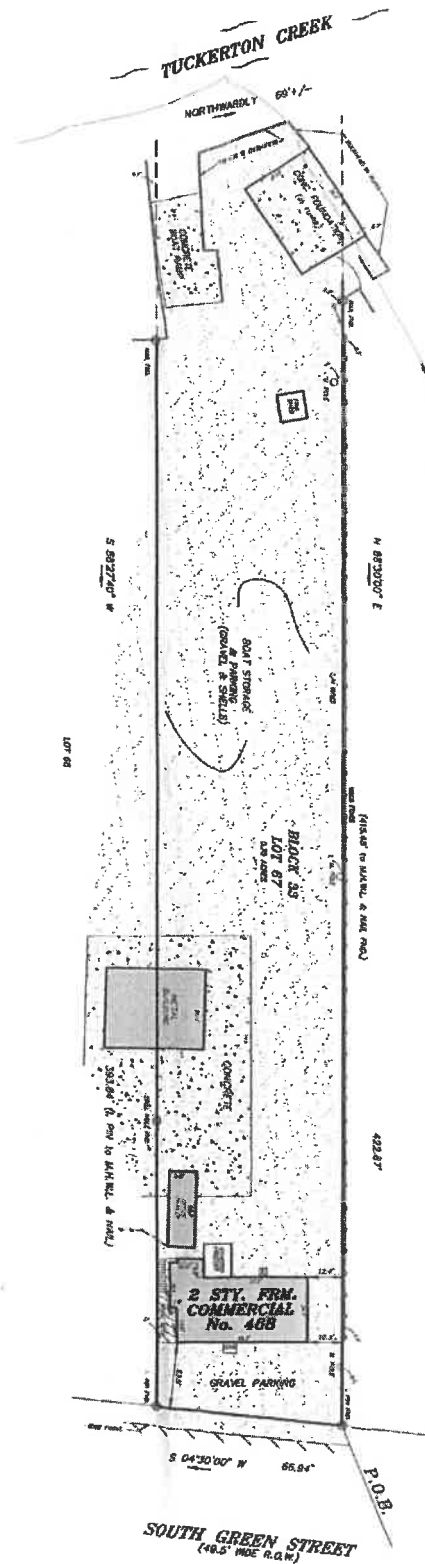
HAKING
470 SOUTH
GREEN STREET

LMO EQUITIES
LLC 709 SOUTH
GREEN STREET

ENDING
AT BLVD



Parsons, Tuckerton Borough



BEING KNOWN AS LOT 47 IN BLOCK 48, AS SHOWN ON THE CORRECTED AND
 ASSIGNED LOTS OF THE POSITION OF TUCKERTON CREEK COUNTY, NEW JERSEY,
 BEING CALLED "AROMATIC" AS SHOWN ON THE PLAN.

THIS PLAT IS THE RESULT OF A SURVEY MADE BY THE SURVEYOR
 AND IS SUBJECT TO THE RIGHTS OF THE STATE OF NEW JERSEY
 IN THE MATTER OF THE TUCKERTON CREEK COUNTY, NEW JERSEY,
 BEING CALLED "AROMATIC" AS SHOWN ON THE PLAN.

BY: PAUL R. HARRISON
 PAUL R. HARRISON (Surveyor)
 ASSISTANT SURVEYOR
 1000 W. LITTLEFIELD AVENUE
 CHICAGO 7, ILLINOIS, U.S.A.

PAUL R. HARRISON
 Surveyor
 1000 W. LITTLEFIELD AVENUE
 CHICAGO 7, ILLINOIS, U.S.A.

JOHN M. US
 Surveyor
 1000 W. LITTLEFIELD AVENUE
 CHICAGO 7, ILLINOIS, U.S.A.

LAND LINE SURVEYING
 703 HILL STREET, ROOM 1007
 CHICAGO, ILL. 60611
 TEL. (312) 467-0273 FAX (312) 467-0274

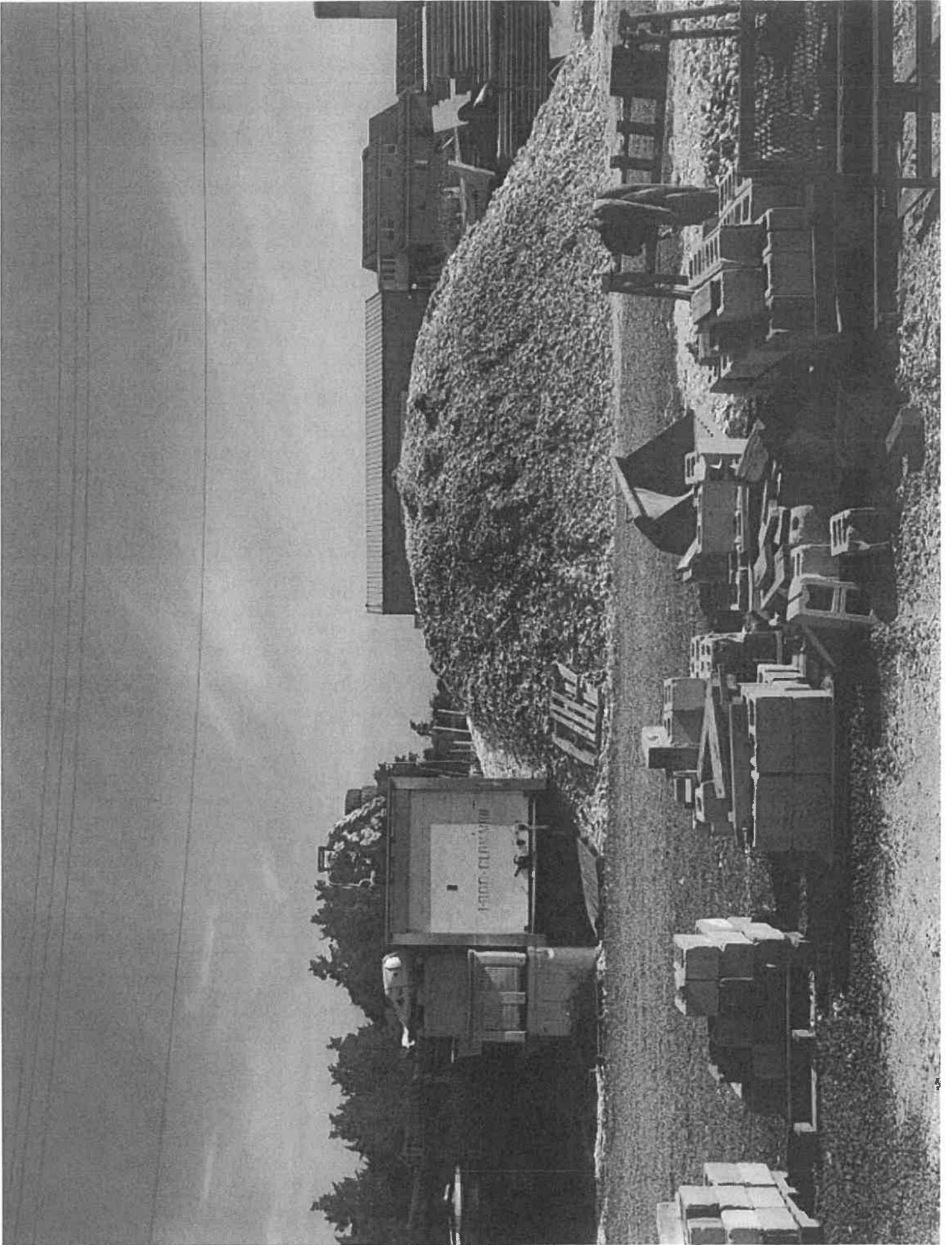
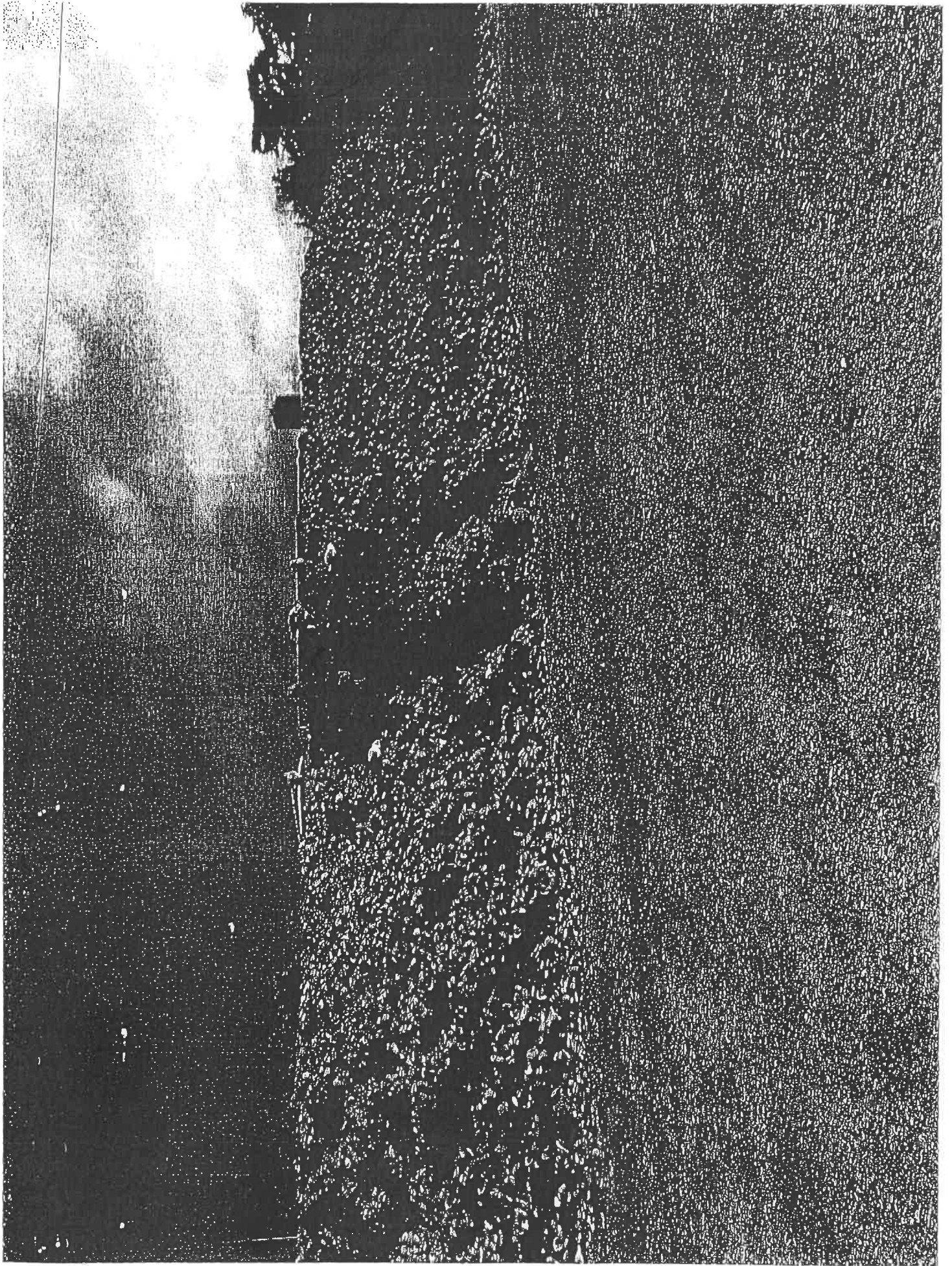


EXHIBIT C



Marine Resources Administration Shell Recycling Program

2022 Collection Year



Annual Report

Scott Stueber

Fisheries Biologist

New Jersey Department of Environmental Protection

New Jersey DEP Fish and Wildlife

Marine Resources Administration- Bureau of Marine Habitat & Shellfisheries



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Acknowledgments

The Shell Recycling Program would not be possible without the hardworking, dedicated staff of the Marine Resources Administration's Bureau of Marine Habitat & Shellfisheries, restaurant partners, program partners, and supporters. Great appreciation is expressed to Les Frie, Ricky DiVaccaro, Michael Lindner, and Michelle White for performing weekly shell collection, data collection/ entry, preparation of materials, and the operation and maintenance of equipment. Special thanks are offered to Jenny Tomko in program outreach planning and execution. Appreciation is extended to the Bureau of Marine Fisheries staff for assisting with shell collection operations. Sincere appreciation is extended to supervisory staff, Kira Dacanay, Jeff Normant, and Russ Babb, for guidance and direction on shell recycling activities. Thanks are extended to all restaurant partners, Hard Rock Hotel & Casino, Dock's Oyster House, Knife & Fork Inn, Steve & Cookies by the Bay, and Golden Nugget Casino. Finally, thanks to all program partners and supporters, including the Jetty/ Jetty Rock Foundation, Stockton University, Rutgers Cooperative Extension, the Atlantic Coast Fish Habitat Partnership, Atlantic County Utilities Authority, and the Casino Reinvestment Development Authority.

Executive Summary

This report documents recycled shell collection in 2022 by the Marine Resources Administration's Shell Recycling Program in Atlantic City, New Jersey. Included are the economic and potential ecological benefits, logistical tasks, partners, outreach, and challenges associated with the collection of shell. Additionally, this document summarizes program operations, origins and history, the partners' roles, and the recycled shell's intended use. In 2022, a total of 3,362 bushels (92.45 tons) were collected from five restaurant partners. A separate report providing a complete analysis of the MRA's shellfish enhancement activities, in which recycled shell is a critical component, will be produced and available in the coming months. Full shell planting activities are not described in this report.

Introduction

Eastern oysters (*Crassostrea virginica*) are a keystone species, meaning they are an integral part of a healthy ecosystem. As reef-building organisms, oysters provide structural habitat for many of New Jersey's commercially and recreationally important species, such as striped bass, blue crab, and summer flounder. The three-dimensional structure the reefs create offers protection from predators and forms a nursery ground for juvenile finfish. Additionally, adult oysters can filter significant volumes of water, helping to improve water quality by cycling excess nutrients.

Oysters are critical socially and economically in the United States, recognized as one of the most popular seafood dishes served at seafood restaurants. Traditionally, when oysters and other bivalve shellfish (such as hard clams, *Mercenaria mercenaria*) are consumed at a local restaurant, the leftover shell is put in the trash for disposal in a landfill. Shell recycling programs aim to beneficially reuse what otherwise would be a waste product by collecting the shell and using it for oyster enhancement efforts. The cured shell provides the hard substrate required for oyster populations to grow and succeed. In addition to the ecological benefits, shell recycling produces significant cost savings for local restaurants (see Table 5) by reducing the total weight of trash produced. Recycling shell also allows local restaurants to display their commitment to environmental stewardship, providing a good advertising platform to engage consumers.

In February of 2019, NJDEP Marine Resources Administration (MRA), the Jetty Rock Foundation (JRF), Rutgers Cooperative Extension (RCE), and Stockton University (SU) collaborated on the development of a conceptual shell recycling program in Atlantic City, New Jersey. The program was developed after the Hard Rock Hotel and Casino in Atlantic City (HRC) learned of an existing program in Long Beach Township, New Jersey, and expressed interest in recycling shell. The Jetty Rock Foundation and Long Beach Township built a successful model through their Oyster Recycling Program, demonstrating how municipalities can make shell recycling efforts successful, and it sparked the interest and development of this program in Atlantic City. Many other shell recycling programs exist throughout the United States.

As anticipated, the benefits of shell recycling have become appealing to additional casinos and area restaurants. As the partnership moved forward, many logistical challenges became apparent. Transportation, storage, and curing locations for the shell are among the most challenging,

especially with the prospect of adding more casinos/restaurants. Shell was being collected by RCE using an F-250 pickup truck and stored at the SU marine field station, which was quickly running out of available storage space. Trucks were manually loaded at the casino and unloaded at SU marine field station. The process was incredibly time-consuming and labor-intensive. Additional partners were sought to help with these challenges but without success. Consequently, in October 2019, after careful consideration and discussions with partners, the MRA agreed to take on a larger coordination role in this project to help continue its growth and success. Having assumed the lead role in the program, MRA dedicated staff, equipment, and resources. The program has expanded significantly since 2019 and now serves Hard Rock Hotel & Casino, Dock's Oyster House, the Knife & Fork Inn, and Golden Nugget Hotel & Casino. The program continues in efforts to expand to additional venues in the Atlantic City region.

Program Implementation

Partnerships, Roles, and Support

Project Partners & Supporters

NJDEP Marine Resources Administration:

MRA is responsible for protecting and managing New Jersey's marine habitat, resources, and industry. Improving the overall conditions of shellfish habitat and increasing shellfish populations through various enhancement and restoration programs is a focus of the MRA. These programs provide a net benefit to the ecology of New Jersey's estuarine waters and afford harvest opportunities for commercial and recreational shellfishermen. The MRA is the coordinating agency for this program and will collect, store, and plant the recycled shell primarily to enhance the Mullica River oyster reefs, one of the last self-sustaining oyster populations on the Atlantic coast of New Jersey.

Jetty/ Jetty Rock Foundation:

Jetty/Jetty Rock Foundation is an outdoor coastal lifestyle apparel brand and certified corporation that runs charitable initiatives through its 501(C)3 nonprofit. Jetty is the content/media creation partner of the Shell Recycling Program. Jetty designed the Shell Recycling Program logo and all promotional materials. Jetty will continue producing media, signage, apparel, and content for the program moving forward.

Rutgers Cooperative Extension:

RCE provides science-based educational programs and brings knowledge of the state university to local communities. Extension efforts include educational programming and applied research in fisheries, aquaculture, and coastal resource management, part of which is the Barnegat Bay Shellfish Restoration Program that focuses on estuarine ecology, environmental stewardship, and shellfish biology, restoration, and aquaculture. RCE assists the shell recycling program where necessary by providing resources in Ocean and Atlantic Counties, including personnel, relevant educational programming for the public and volunteers, and support for other logistics involved (i.e., vehicles, shell transport, and planting)

Stockton University Marine Field Station:

The SU marine field station houses research vessels, sampling equipment, and staff to conduct research-driven programs. Faculty at the SU conduct oyster restoration and monitoring projects throughout New Jersey's coastal bays and seek external funding and partnerships to support those projects. The University is well situated, geographically and strategically, to serve the program through student engagement, research, and monitoring.

Atlantic Coast Fish Habitat Partnership:

The Atlantic Coast Fish Habitat Partnership (ACFHP) endorsed the Shell Recycling Program in 2019. ACFHP's focus is "*enhancing, preserving, and protecting Atlantic diadromous, estuarine, and coastal fish habitats.*" The Shell Recycling Program aligns with ACFHP's mission-centric work by enhancing coastal fish habitat with the collected shell being beneficially reused to provide much-needed hard substrate to local oyster reefs.

Catrachos Trash & Recycling:

In 2021, Catrachos Trash and Recycling (CTR) assisted the program's expansion by providing several 64-gallon recycling containers for shell collection (see Figure 13). The containers facilitated a more efficient shell collection process and allowed additional venues to join the program. CTR continues to display support for the program, and the supplied containers are still used regularly.

Casino Reinvestment Development Authority:

The Casino Reinvestment Development Authority (CRDA) facilitates economic and community development in Atlantic City. The Shell Recycling Program aligns with the CRDA's mission by achieving cost savings for local restaurants, keeping waste out of landfills, and engaging with the public. CRDA funded the purchase of additional shell recycling containers (see Figure 12), expected to arrive in early 2023.

Atlantic County Utilities Authority:

The Atlantic County Utilities Authority (ACUA) continually seeks ways to provide responsible waste management services through the protection of waters and lands. Shell recycling fits within the overall mission of the ACUA in using a waste product to benefit local ecosystems. ACUA has displayed public support for the program and assisted in fostering a relationship with CRDA. Additionally, ACUA hosts an annual Earth Day festival that provides an excellent platform for the program's public engagement.

Restaurant Partners¹:

Table 1

Active Restaurant Partners

Start Date	Venue
February 2019	Hard Rock Hotel & Casino
January 2020	Dock's Oyster House
August 2020	The Knife & Fork Inn
October 2021	Steve & Cookies by the Bay
September 2022	Golden Nugget Hotel & Casino

Areas for Future Partnership

Collection Assistance:

At this time, MRA can only dedicate staff members to collect shell on a weekly basis. This limits the ability to include additional casino or restaurant participants. Many prospective restaurants are deterred from joining the program when requests for more frequent collection due to odor or storage constraints cannot be met. Vehicle/staff support for supplementary shell collections during the week would provide the opportunity for more venues to join the program.

Public Drop-Off Locations:

The top question received by MRA staff is where the public can drop off shells from personal shellfish consumption. Currently, the program does not offer a public drop-off location. MRA staff has contacted local trash and recycling centers and county parks and recreation departments to find a suitable public drop-off location, but they have yet to be identified. This is an area for a future partnership that would help increase public engagement and environmental stewardship education.

Shell Collection

Shell is picked up weekly by MRA staff on an agreed-upon schedule with the restaurant partners. In 2022, staff continued use of its dump trailer (see Figures 13-16) equipped with a hydraulic lift arm to maximize efficiency. The dump trailer allows for the collection of up to 175 bushels of shell (nearly five tons) in one trip. The capacity of the dump trailer has allowed for continued expansion. In September 2022, the Golden Nugget Hotel & Casino became a restaurant partner.

¹ Steve & Cookies by the Bay was a restaurant partner through July 2022. Due to odor and collection frequency, Steve & Cookies opted to no longer participate in the program.

All restaurant partners keep shell separate from their regular trash stream and place them in the designated Shell Recycling Program containers. Each venue uses 64-gallon recycling containers (see Figures 12-13). To accurately assess the amount of shell collected from each venue, the total volume of the container was determined relative to the US standard bushel. Staff estimated that the maximum number of bushels per container is 6.90 bu./container (e.g., a 64-gallon container has a volume of 8.56 cu ft, and a standard US Bushel has a volume of 1.24 cu ft. $8.56/1.24 = 6.90$ bu./container)

During pickups, staff recorded pertinent data (see Figure 5), which included a percentage estimate of the fullness of each container. This percentage and the maximum bushels per container were used to estimate the number of bushels collected. All shell was transported back to Nacote Creek Research Station, where it was left to cure for a minimum of six months.

In 2022, a total of 3,362 bushels of shell were collected, an estimated 92.45 tons. This marks a 39.5% increase in collected shell from 2021 (see Table 3 and Figures 2-4).

Curing Site & Maintenance

Prior to shell being returned to a marine environment for oyster reef enhancement, it must cure by being subjected to the elements to rid it of any potential pathogens or bacteria that may be left on the shell. This primarily refers to Dermo disease (*Perkinsus marinus*), which is not harmful to humans but can be detrimental to native oyster populations. The curing process reduces the risk to the native shellfish population when adding the shell back into the marine environment. According to Bushek et al. (2004), a minimum curing of one month is needed to dramatically reduce the risk of spreading *P. marinus*. Out of an abundance of caution, most shell recycling programs use a six-month curing period prior to planting shell back in the marine environment.

In following this protocol, MRA staff spreads the collected shell as thin as possible and tends to it regularly using a front-end loading tractor. Spreading the shell out and rotating piles allows for maximum exposure to the elements, speeding up the curing process. Regularly tending the shell ensures that all shells are safe to be planted after six months. Additionally, this process ensures that any unintended trash present in the collected shell is removed and will not enter the marine environment.

One of the many challenges in recycling shell is finding an adequate storage location to place the shell while curing. Due to the strong unpleasant odor and the amount of space needed, it can be challenging to identify appropriate locations, especially within New Jersey's heavily developed coastal communities. In 2020, the MRA developed two storage sites at the Nacote Creek Research Station in Port Republic, a long-term storage and short-term staging area (see Figure 1). Shell is stored in the long-term storage area (see Figures 16-17) until it is cured and then is loaded back into the dump trailer to be transported down to the short-term staging area by the waterfront (see Figure 18). Placement here allows for the easy loading of the shell onto a barge for shell planting. The Nacote Creek Research Station is uniquely situated, only a short boat ride away from the Mullica River oyster reefs, allowing for an efficient shell planting process.



Figure 1. Shell Curing Locations

2022 Shell Planting²

The Summer of 2022 marked the second annual shell plant on the Mullica River oyster reefs with recycled shell. The Mullica River is the initial focus for enhancement using collected shell as it houses one of the last self-sustaining oyster reefs on the Atlantic coast of New Jersey. These reefs are an excellent platform to enhance and expand due to this oyster populations' resiliency. A full report on the MRA's shellfish enhancement efforts is under development and will provide additional detail on the planting process, equipment, methods, and results.

The MRA rented a 40-foot-long by 24-foot-wide barge from a local contractor that was delivered to the Nacote Creek Research Station. Shell was loaded from the staging area onto the barge using a 3032e John Deere tractor. The tractor loaded shell onto a 30-foot-long portable electric conveyor that was staged overhanging the bulkhead with the end centered over the barge (see Figure 19). The barge and conveyor were shifted periodically throughout the loading process to ensure the barge was loaded evenly for proper weight distribution. Once loaded, the barge was towed to the planting site by the MRA's 42-foot research vessel, RV Zephyrus. Shell was then planted using a series of high-pressure water hoses, including a new water cannon (see Figure 21), to blow shell off the barge and onto a 2-acre parcel within the Mullica River oyster reefs. Shell planting commenced over several weeks throughout June and July to align with the oyster spawn. Planting during this time allows for the greatest likelihood of successful recruitment.

The Shell Recycling Program, while it expanded considerably in 2022, did not collect enough shell to meet the MRA's enhancement goals. As a result, the recycled shell was supplemented with additional shell sources for the 2022 shell plant. In total, 5,000 bushels (125 tons) of shell was planted: 2,410 bushels (66 tons) of recycled oyster and clam shell and 2,590 bushels (58 tons) of surf clam shell. The recycled shell planted in 2022 was collected in 2021 in accordance with shell curing protocols. Shell collected in 2022 will be planted in the Summer of 2023. The planted shell will allow this resilient oyster population to expand and succeed. The MRA intends to plant shell on these reefs annually to provide the substrate needed for continued success.

Outreach

2022 brought continued progress in branding the Shell Recycling Program, community engagement, and content creation. One of the priorities set for 2022 was to attend public events to raise awareness of shell recycling and engage with the community. The program attended four events (see Table 2 and Figures 6-9).

² Recycled shell planted in 2022 was collected in 2021. Shell collected in 2022 will be planted in 2023 in accordance with shell curing protocols.

Table 2

Events attended in 2022

Date	Event
4/23/2022	A.C. Community Day Cleanup and Party in the Park
4/24/2022	Atlantic County Utilities Authority Earth Day Festival
6/7/2022	Mr. B's Backyard Nature Fest
12/6/2022	Presentation for Toms River Regional Schools

To assist in outreach efforts, MRA staff worked with Jetty to create a pop-up tent, a collapsible banner, and a brochure for the Shell Recycling Program (see Figures 6-11). The brochure and banner outlined the shell recycling process and displayed all partners and supporters.

MRA staff developed a QR code with New Jersey Fish & Wildlife's Bureau of Information and Education to allow easy public access to the Shell Recycling Program webpage. The QR code will be included in all promotional materials and is now displayed on the back of the dump trailer.

Challenges and Lessons Learned

While 2022 demonstrated a significant increase in the program shell collection, branding, and general program awareness, the program still faced many challenges and lessons learned throughout the year.

Trash in Collected Shell

One of the continuing challenges associated with shell collection is receiving shell that contains trash. This includes excess food waste, plastic utensils, cans, bottles, straws, etc. Ensuring that these items do not find their way back into the marine environment is a top priority for the MRA. To minimize this issue, MRA has discussed the importance of this matter with restaurant partners and has instituted a protocol for tending to shell (see Curing and Maintenance) during the curing process in which any remaining trash is removed. Additionally, MRA staff uses a vessel and crew dedicated to collecting remaining trash that makes its way into the marine environment during the planting (see Figure 24).

Odor Produced by Shell Collection at Restaurants

Another continuing challenge associated with shell collection is the odor produced by the accumulated shell at the venue and insects being attracted to the area. This continues to be an issue for venues that have outdoor seating during the warmer months. MRA staff continues to work with restaurant partners to find cost-effective solutions to alleviate this issue.

Collection Frequency

Due to the above issue regarding odor, many venues request more frequent shell collection than the standard once-per-week currently in place. Due to staff and equipment limitations, MRA is currently unable to collect shell more than once per week. This results in some restaurants not participating in the program. Collection frequency and the odor produced by the shell directly led to Steve & Cookies by the Bay's departure from the program in July of 2022.

The Shell Recycling Program does not have dedicated full-time staff. The full-time staff working on this program contribute considerable time to shell collection (see Table 4.), amongst other non-shell recycling duties. Adding additional part-time dedicated staff will assist with program operations.

Equipment

The program dump trailer has been an exceptional upgrade to the performance of the Shell Recycling Program that has permitted expansion, more efficient collections, and decreased manual labor. Despite these benefits, there is concern that as the program expands, dependence on the trailer increases, and should the trailer have mechanical or other issues, serving the increased capacity would prove to be challenging.

The MRA, since 2021, has rented barges for shell planting events. As discussed in the shell planting section, the MRA conducts shell planting in June and July to coincide with the oyster spawn. The timing of this is essential as it offers the greatest likelihood of success in recruitment on the newly planted shell. In 2022, shell planting was forced to commence two weeks earlier than planned because the barge contractor had another urgent job during our scheduled use. While shell planting was still successful, the schedule change made accomplishing the task challenging. To avoid this issue in the future, MRA will research the purchase of a barge for future use. Purchasing a barge would also create opportunities for planting more frequently throughout the year.

Updates and Improvements

Based on lessons learned in 2021, the Shell Recycling Program significantly improved program operations in 2022 with noteworthy updates and improvements.

One of the challenges continually faced by the program is ensuring the longevity of the equipment used. As addressed in the 2021 Shell Recycling Program annual report, the dump trailer is a critical component to the viability and success of the program. In addition to the regular washing of the trailer, and the previously installed stainless steel plating, MRA staff added the application of a corrosion inhibitor after each shell collection. This solution dissolves salt and leaves a coating that protects against future corrosion. The solution is applied to the entire dump trailer and lift arm to ensure the longevity of this equipment.

Collection frequency, odor, and attraction of insects were among the top challenges identified in 2021. While MRA still cannot increase collection frequency, the program attempted to find solutions to foul odor and insects. In 2022, working with Steve & Cookies by The Bay, plastic caps (similar to shower caps) were added to cover the closed containers. This, and using trash liners within the shell recycling containers, alleviated some odor/insect concerns. However,

despite these efforts, odor and insects remain a challenge and ultimately led to Steve & Cookies by the Bay's departure from the program in July of 2022.

To reduce the time full-time staff spends on shell collection, the MRA successfully hired an hourly employee in 2022. This employee assisted with shell collection, equipment operation, maintenance, data entry, and the annual shell planting on the Mullica River oyster reefs. Adding this employee helped reduce full-time staff's time spent on shell collection, which was a goal for 2022.

As discussed in the outreach section, program awareness and outreach were priorities identified for 2022. To meet this need, the MRA attended multiple events (see Table 2) and worked with Jetty to create a program brochure, banner, and pop-up tent (see Figures 6-11).

MRA staff compiled a record of all restaurants serving shellfish in the greater Atlantic City area. This database categorizes restaurants by the number of bivalve shellfish served and proximity to existing restaurant partner locations. This will help target additional restaurant partners and maximize efficiency in shell collection.

MRA coordinated with the Casino Reinvestment Development Authority (CRDA) and the Atlantic County Utilities Authority (ACUA) to obtain additional shell recycling containers for the program (see Figure 12). CRDA funded the purchase of smaller (32-gallon) containers that will help reduce the strain on the lift arm. The containers will display the New Jersey Fish & Wildlife and CRDA logos. To reduce the amount of trash placed in them, the containers will be lime green to differentiate them from other trash receptacles. The new containers are expected to be delivered in early 2023 and immediately used at existing venues and any new restaurant partners. This development directly addressed two challenges identified in the 2021 Shell Recycling Program annual report (strain on the lift arm and excess trash).

MRA purchased a John Deere 5100e utility tractor in 2022 and expects delivery in early 2023. The addition of this tractor will result in increased efficiency. A larger bucket volume, load capacity, and height clearance significantly reduce staff time tending to shell piles, transportation between storage locations, and loading the barge.

MRA purchased a water cannon (typically used on fire trucks) for shell planting (see Figure 21). The water cannon provided greater control and stability when planting shell. This addition allowed for a more efficient shell planting process and increased the safety of shell planting for staff.

Plans for 2023

MRA staff intends to continue to serve existing restaurant partners weekly in 2023. In addition to regular shell collection, the main priorities for 2023 include the following:

- Integrate new 32-gallon shell recycling containers into the regular collection route.
- Work with program partner Jetty to create new and update existing outreach materials for the program.
- Increase social media presence to increase program awareness.
- Work with New Jersey Fish and Wildlife's Bureau of Information and Education staff to update the shell recycling video that was produced in 2021. Create new video and photo content to be used for social media posts.

- Work with restaurant partners to assist with developing methods to display involvement and commitment to shell recycling.
- Attend more public events and give presentations to better promote the program and generate awareness of shell recycling and the public’s role in environmental stewardship.
- Continue researching and working with restaurant partners to evaluate and develop innovative solutions to odor and insect problems.
- Work to develop a public drop-off location for shell to be discarded.
- Obtain a secondary dump trailer that can be used as a backup for shell collection and transporting shell around the Nacote Creek Research Station.
- Add a minimum of two additional restaurant partners to increase shell volume.
- Hire an additional hourly employee dedicated to shell collection and equipment maintenance.
- Plant collected shell from 2022 and supplemental surf clam shell on the Mullica River oyster reefs.

Appendix

Shell Collection Numbers

Table 3

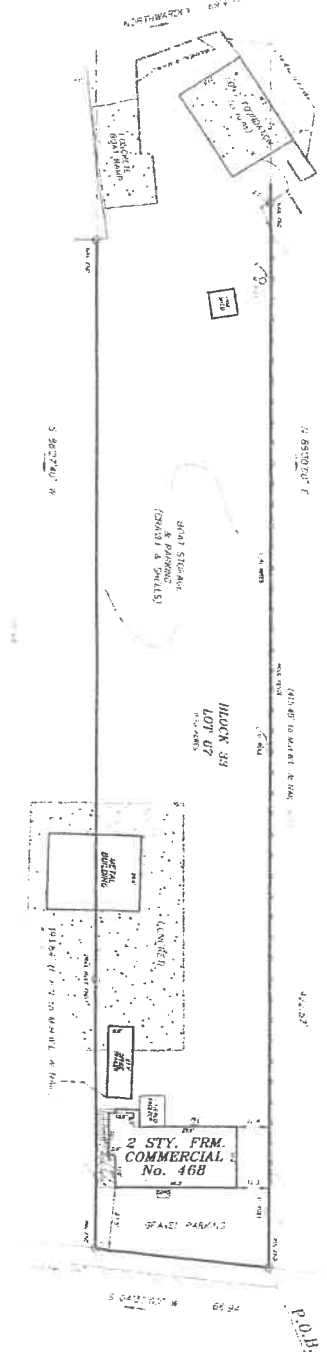
Collection Statistics by Year³

<u>Year</u>	<u>Total Number of Trips</u>	<u>Average Run Time (h: mm)</u>	<u>Average Number of Bushels Per Trip</u>	<u>Total Bushels Collected</u>	<u>Total Tons Collected</u>
2020	36	1:22	18.9	672.7	18.5
2021	51	2:02	47.3	2410.3	66.3
2022	51	2:38	65.9	3,361.6	92.5

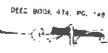
³ Shell collection numbers were significantly lower than anticipated in 2020 as a direct result of COVID-19. Collection was suspended for three months, and many restaurants did not reopen until 2021.



TUCKERTON CREEK



SOUTH GREEN STREET
48' 5" WIDE R.O.W.



THIS REPORT WAS PREPARED BY THE ENGINEER IN CHARGE OF THE SURVEY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

THESE DIMENSIONS AND AREAS WERE OBTAINED FROM THE ORIGINAL RECORDS OF THE SURVEY AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

[Signature]
 11/15/15
 16.45204.121 17.46204.121
 18.47204.121 19.48204.121
 20.49204.121 21.50204.121

PLAN OF SURVEY
 5 x 5 SCALE
 LAND LINE SURVEYING

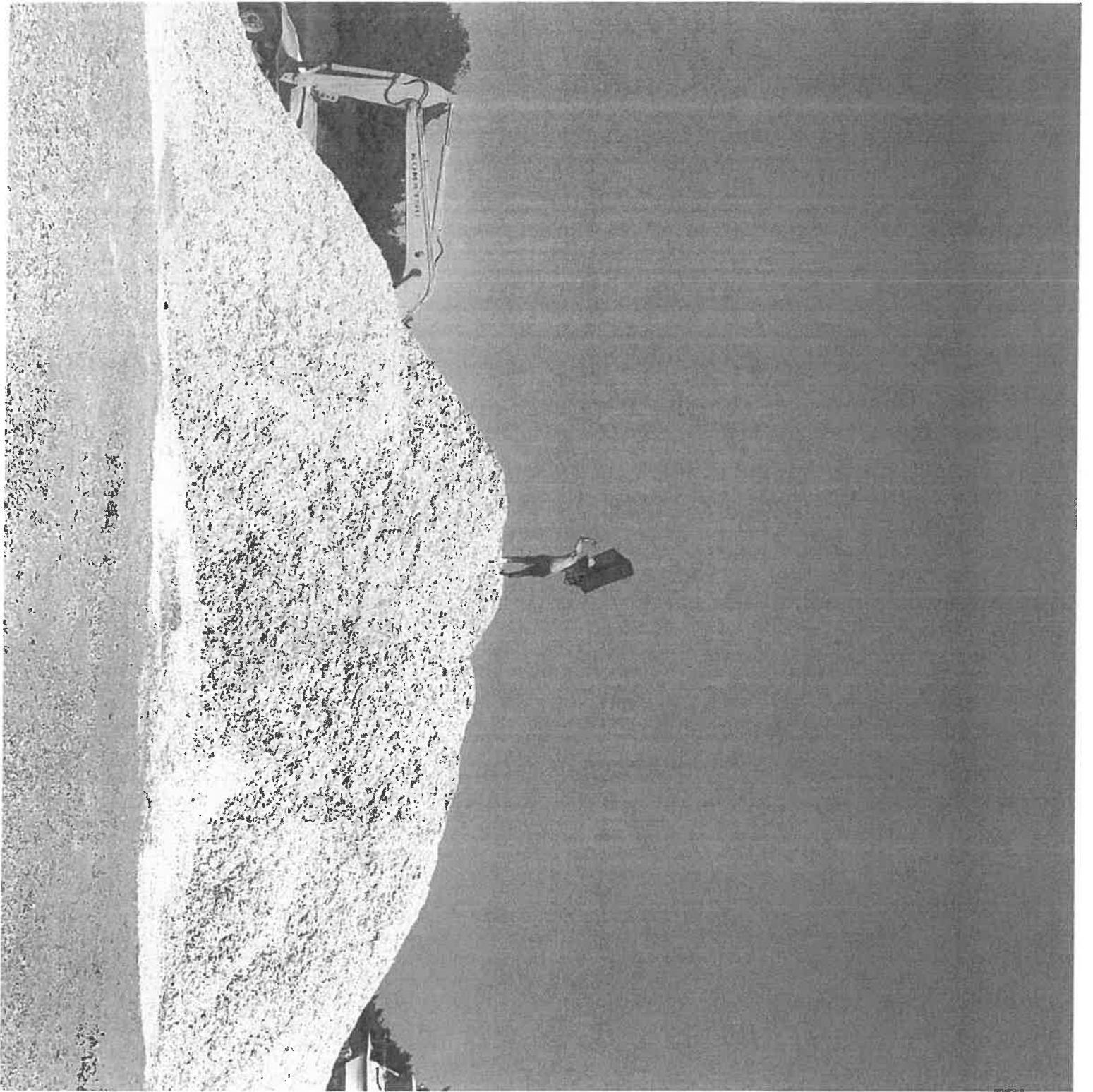
EXHIBIT D

Lauren Dooley

From: Dale Parsons <saltwater33@msn.com>
Sent: Wednesday, September 25, 2024 1:41 PM
To: Lauren Dooley
Subject: Re: Parsons Mariculture

Legislative tour list, pls be sure the board receives this list

Secretary of Agriculture Ed Wengryn
Commissioner of Health Dr. Kaitlan Baston
Assistant Secretary Joe Atchison
Steve Lee, IV – State Board of Agriculture
Joel Viereck – State Board of Agriculture
Senator Nilsa Cruz-Perez – Chair Senate Economic Growth Committee
Assemblyman Bill Spearman – Chair Assembly Commerce, Economic Development & Agriculture
Assemblywoman Andrea Katz – Assembly Commerce, Economic Development & Agriculture and Environment,
Natural Resources, and Solid Waste
Assemblywoman Carmen Theresa Morales - Assembly Commerce, Economic Development & Agriculture
Assemblywoman Luanne Peterpaul - Assembly Commerce, Economic Development & Agriculture
Jen Spiegel – Gov’s Office
Lance Taylor – Gov’s Office
Claire Gaston – Legislative Aide to Asw Peterpaul
Max Vilchis – Intern (Doing study on Aquaculture - Peterpaul)
Elizabeth Theodore – Asm Maj Environment
Ashley Jaramillo – Assembly Rep Office
Brett Philip – Assembly Rep Office
Max Blum - COS - Asw Alixon Collazos-Gill
Ameerah McCoy – COS to Asw Morales
Reece Jones – Legislative Aide to Asm Spearman
Erika Nava – Senate Economic Growth
Nohemi Sonia – COS Sen Cruz-Perez
Nick Dannenfelser-Legislative Director – Asw Katz
Patrick Lee-Director of Constituent Services – Asw Katz
Anthony Arbeeny – General Manager – The Nassau Club
Tameko Webster – Chief of Staff NJDA
Frank Minch – Director – Division of Agriculture & Natural Resources
Dr. Amanda Wenzel – Aquaculture Specialist NJDA
Alyssa Pitt – Governor’s Fellow NJDA
Jeff Wolfe – Public Information Officer NJDA
Rob Vivian – Legislative Liaison NJDA
Ashley Kerr – NJ Farm Bureau
Al Murray – NJ Farm Bureau
Christine Raabe – Ocean County Soil Conservation District
Kristin Adams - OCSCD

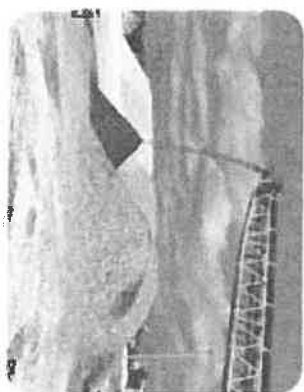


10:00

LTE



Friday, 9/22/23



stacking shell at our shell storage facility 6989 Miller Avenue PortNorris nj

Awesome!
How many business a year you
think?

96 thousand 2024

Thank you

+



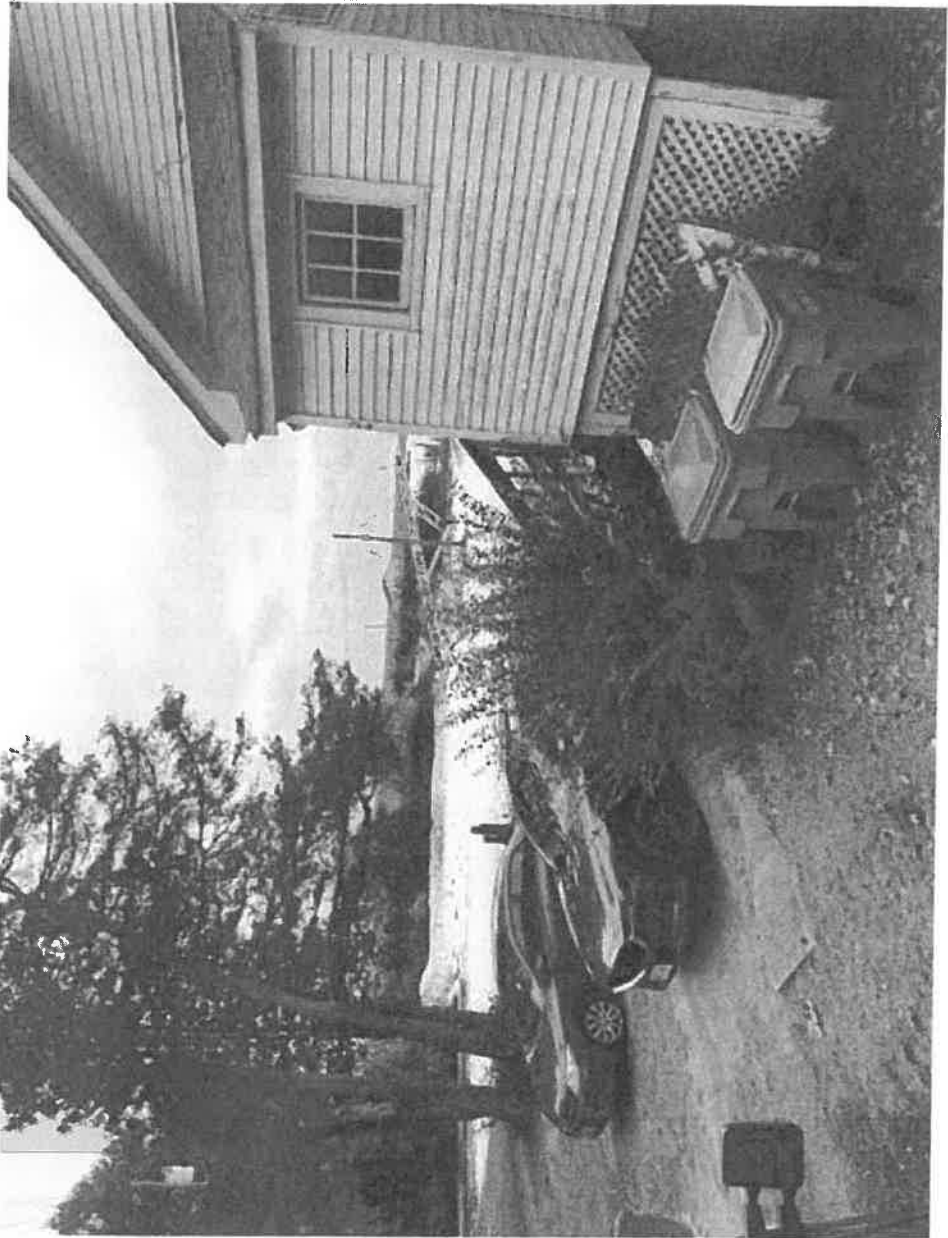


EXHIBIT E

The ECSGA represents the 2,300 shellfish farmers from Maine to Texas that collectively harvest \$170M in sustainably produced shellfish. The USDA's Environmental Quality Incentive Program (EQIP) supports oyster reef restoration in at least six states providing millions of dollars to support these projects through the Farm Service Agency. Several more states are seeking to tap into these funds to develop similar programs in their states.

The FSA Approved Practice requires practitioners to deploy shell to harden the bottom prior to planting young oysters on the top to develop an oyster reef because of the proven ecological benefits that oyster reefs provide including: mitigating excess nitrogen, improving water quality and clarity, enhancing biodiversity, and increasing fish survival and future harvest.

The Best Practices established for the use of shell require the practitioner to age the shell for a year prior to deployment as a biosecurity measure.

Spreading aged shell on bay bottoms has been an established traditional method of increasing oyster populations in New Jersey for over a century.

As in most states, the NJ Right to Farm regulations allow farmers to dispose of organic waste on site such as clam and oyster shell from farming operations (Protected Agricultural Activities, N.J.S.A. 4:1C-9). We submit that these farming activities are protected under the Right to Farm Act even if neighbors may object to odors associated with this farming activity, similar to manure spreading or composting.

An adverse decision here could impact millions of dollars of EQIP-funded oyster reef restoration projects in many other states and we encourage you to find amenable solutions that respect the rights of farmers to conduct traditional farming practices.

Sincerely,

Robert B. Rheault, Ph.D.

Executive Director

bob@ECSGA.org

(401) 783-3360

Steve Evert:

Public comment on New Business A: Steve Evert, 12 W. 14th St., Long Beach Township, NJ 08008

As a coastal resident and a professional working in the marine science community of New Jersey I would like to emphasize to the Committee the importance shellfish farming in New Jersey, and especially those farmers that are engaged in restoration activities. A limiting factor to implement these programs is both the geographic location of the farmer relative to the restoration sites and the ability to recycle and cure shell. The act of recycling and curing the shells is an essential practice of those farmers. Mr. Parson's farming activities, by extension of his experience, physical resources and geographic location relative to Barnegat and Great Bays, has contributed positively to restoration activities in since at least 2015. These restoration programs will continue with anticipated successful funding and it is essential to their success that we have the ability to engage with oyster farmers. Thank you.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2025R10(2)**

**Construction of Onsite Agricultural Labor Housing
Desiderio / Tranquility Farm**

October 24, 2024

Subject Property:

**Block 15, Lots 42.01, 42.02
Chester Township, Morris County
54.118 Acres
SADC ID# 14-0095-EP**

WHEREAS, Stephanie Desiderio, hereinafter (“Owner”) is the record owner of Block 15, Lot 42, now known as Lots 42.01 and 42.02, in Chester Township, Morris County, by restricted fee deed dated December 30, 2004, and recorded on January 12, 2005, in the Morris County Clerk’s Office in Deed Book 6263, Page 81, totaling 54.118 acres, hereinafter referred to as the “Premises”, as shown on Schedule A; and

WHEREAS, by the restricted fee deed, Chester Township placed a development easement on the premises; and

WHEREAS, the development easement on the Premises was assigned to the County of Morris on October 18, 2007, by the Township of Chester through the Assignment of the Development Easement deed recorded in the Morris County Clerk’s Office on October 19, 2007, in Deed Book 20942, Page 786; and

WHEREAS, the SADC provided a cost share grant to the County, as evidenced by cost sharing grant agreement recorded in the Morris County Clerk’s Office on November 1, 2007, in Deed Book 20951, Page 134, thereby enrolling the Deed of Easement in the ARDA program as administered by the SADC; and

WHEREAS, by Corrective Deed of Easement date May 1, 2018, and recorded on June 1, 2018, in the Morris County Clerk’s Office in Deed Book 23354, Page 559, certain deficiencies in the assignment deed were corrected; and

WHEREAS, the farmland preservation Deed of Easement identifies zero (0) existing single-family residence, zero (0) Residual Dwelling Site Opportunities, zero (0) units used for agricultural labor purposes and one (1) 5-acre non-severable exception area; and

WHEREAS, Stephanie Desiderio is the owner and operator of the Premises known as Tranquility Farm; and

WHEREAS, the Premises has been developed as an equine operation that specializes in the breeding and training of Hunter/Jumper show horses and includes indoor and outdoor riding arenas, stables, and 45 acres of fenced paddocks, and boarding services; and

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

- i. To provide structures for the housing of agricultural labor employed on the Premises, but only with approval of the Grantee and the Committee. If Grantee and the Committee grant approval for the construction of agricultural labor housing, such housing shall not be used as a residence for Grantor, Grantor’s spouse, Grantor’s parents, Grantor’s lineal descendants, adopted or natural, Grantor’s spouse’s parents, Grantor’s spouse’s lineal descendants, adopted or natural.”; and*

WHEREAS, in August of 2024 the Owner submitted an application to the Morris County Agriculture Development Board (MCADB) for approval to construct three agricultural labor units within an existing 2-story barn structure, that will be comprise of two, 2-bedroom, 2-bath units, 2,275 sq./ft. each, and one, 1-bedroom, 1-bath unit, 923 sq./ft., totaling 5,473sq./ft. to house up to ten full-time laborers year-round; and

WHEREAS, the first story of the structure is comprised of 12 horse stalls, 4 grooming stalls, 2 sections used to store animal feed or farm equipment, and is used in the daily agricultural production aspects of the operation; and

WHEREAS, the structure shares electric, well and gas service with the primary equine facility as shown in Schedule A; and

WHEREAS, the agricultural labor housing units will utilize the existing driveway and parking area servicing the subject structure as shown in Schedule B; and

WHEREAS, the construction of a new septic will be required to service the labor units, and the proposed location is north of the subject structure, as identified in Schedule B; and

WHEREAS, at its September meeting, the MCADB approved the Owner’s request to construct the housing units within the existing structure for the purpose of housing agricultural labor employed on the Premises as proposed; and

WHEREAS, representations by the Owner relating to the need for agricultural labor housing are as follows:

- a. The Premises is in active production consisting of approximately 54 acres where approximately 60 horses are managed on average.
- b. Of the horses managed, approximately 30 horses are associated with the production aspects of Tranquility Farm where the operation either owns the horses to be sold or receives a commission for horses that are owned by others but trained by Tranquility Farm.
- c. The operation’s equine production includes breeding, foaling, raising, pasturing, and training horses with the intent to sell.

- d. The operation offers equine services such as boarding, riding lessons, rehab and training of horses for client's personal use.
- e. The operation specializes in the production and management of Hunter/Jumper show horses which require substantial care and require a sufficient number of employees to perform the duties the operation offers.
- f. The care of the horses is a round-the-clock responsibility. The success of the operation is closely tied to always maintaining a suitable workforce on the farm to ensure the highest level of care and safety for the animals.
- g. Onsite labor is required to properly manage the farm operation's needs and housing is necessary to acquire and retain experienced agricultural labor in an area with high housing costs.
- h. The primary duties of the employees residing in the agricultural labor housing units will be assisting in the breeding program, handling and caring for stallions and broodmares, assisting in raising foals, stall management, feeding, turnout and scheduling, grooming, training, and the maintenance of pastures, fences and arenas.
- i. The farm workers will be employed on the farm for a minimum of 1,440 hours per year.
- j. The occupants of the proposed agricultural labor housing unit are not the owner, or the owner's spouse, parents, lineal descendant (adopted or natural), spouse's parents, or lineal descendants (adopted or natural).

WHEREAS, the Committee promulgated regulations at N.J.A.C. 2:76-2B.3(e) ("regulations") pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. ("RTFA") that define what types of equine-related revenue constitute agricultural production income that can be used to satisfy the production requirements in the definition of "commercial farm" set forth in the RTFA; and

WHEREAS, these regulations include as production income monies from the sale of a horse that was trained or raised on the commercial farm for at least 120 days prior to the time of sale;

WHEREAS, the Committee has previously found that a commission due on the sale of any horse trained on the commercial farm constitutes production income for the purposes of evaluating agricultural labor housing eligibility; and

WHEREAS, application of the aforementioned regulations and prior Committee determinations to the Owner's operation results in the SADC finding that the following sources of revenue will constitute production income: Income from breeding, the sale of any horse trained or raised on the commercial farm for a period of at least 120 days prior to sale, and the sale of any horse trained on the Premises where a commission stake of 10-20% is due to the Owner; and

WHEREAS, the SADC finds that the labor activities conducted in connection with the equine production activities identified above are eligible for agricultural labor housing on the Premises; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC has reviewed the Owner's application for approval to construct three agricultural labor housing units within an existing 2-story structure, that will be comprised of two, 2-bedroom, 2-bath units, 2,275 sq./ft. each, and one, 1-bedroom, 1-bath unit, 923 sq./ft., totaling 5,473sq./ft. on the Premises in the location shown on Schedule "B" for the purpose of housing up to ten fulltime laborers, and finds that utilizing the proposed agricultural labor units, as described by the Owner, is consistent with agricultural uses on the Premises; and:
 - a) The location of the proposed units minimizes adverse impacts on the agricultural land due to utilizing an existing agricultural structure on the Premises as shown on Schedule "B".
 - b) Onsite labor housing is necessary due to the regular feeding, watering, turnout, stall maintenance, breeding, foaling and health care needs of the horses as well as the on-call requirements of the operation and lack of affordable offsite housing within the area.
 - c) The production aspects of the operation consisting of a 54-acre equine farm that manages approximately 60 horses on the Premises, of which approximately 30 horses are tied to equine agricultural production warrants the need for ten full-time agricultural laborers.
 - d) Based on horses associated with production activities on the farm, the Owner is requesting a groom to horse ratio of 1:3.
 - e) The Owners' proposal to construct agricultural labor housing on the Premises for purposes of housing on-site labor who are regularly engaged in the production aspects of this operation is consistent with the requirements of the Deed of Easement and enhances the economic viability of the owner's production agricultural business.
 - f) The Owner's proposal to construct agricultural labor housing on the premises for purposes of housing on-site labor who are regularly engaged in the production aspects of this equine operation is consistent with the requirements of the Deed of Easement; and
3. Only agricultural laborers employed on the Premises, in production aspects of the operation, and their immediate family, may live in the agricultural labor unit. Agricultural labor housing shall not be used as housing for the Owner, Owner's spouse, Owner's parents, Owner's lineal descendants, adopted or natural, Owner's spouse's parents, or the Owner's spouse's lineal descendants, adopted or natural.

4. The agricultural laborers shall be engaged in the day-to-day production activities on the Premises, which includes assisting in the breeding program, handling and caring for stallions and broodmares, assisting in raising foals, stall management, feeding, turnout and scheduling, grooming, training, and the maintenance of pastures, fences and arenas.
5. As a condition of this approval, the Committee reserves the right to annually require the Owner to produce documentation supporting the production aspects of the operation to ensure that there is sufficient production activity occurring on the farm to continue to warrant use of the agricultural labor units.
6. This approval is condition on MCADB memorializing its approval.
7. The Owner's use of any structures for housing agricultural laborers shall comply with all applicable Federal, State, County, and local regulations.
8. This approval is non-transferable.
9. This approval is valid for a period of three years from the date of this resolution, during which the Owner 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; and
10. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
11. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.



Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

Date 10/24/2024

VOTE WAS RECORDED AS FOLLOWS:

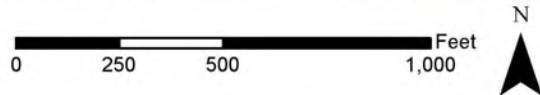
Martin Bullock	YES
Scott Ellis	YES
Roger Kumpel	YES
Rich Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)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

Schedule A

Tranquility Farm 14-0095-EP **BI 15 / Lots 42.01 & 42.02 Chester Twp. Morris County** **New Jersey Farmland Preservation Program**



For Planning Purposes Only
Date: 10/10/2024

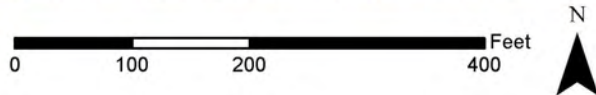


Schedule B

Tranquility Farm 14-0095-EP
BI 15 / Lot 42.02 Chester Twp. Morris County
New Jersey Farmland Preservation Program



For Planning Purposes Only
Date: 10/10/2024



**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2025R10(3)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
GLOUCESTER COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Heritage, Samuel E. ("Owner")
SADC ID# 08-0239-PG
East Greenwich Township, Gloucester County
N.J.A.C. 2:76-17 et seq.**

OCTOBER 24, 2024

WHEREAS, on January 26, 2023, the application for the sale of a development easement for the subject farm identified as Block 103, Lot 2 and Block 102, Lot 16, East Greenwich Township, Gloucester County, totaling approximately 47.5 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, on July 25, 2023, the property ownership was transferred entirely to Samuel E. Heritage and the file name will be referred to as such from hereon; 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 Repaupo-Mantua Project Area; and

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

WHEREAS, in preparation for final approval, the landowner requested to change the application and eliminate the 2-acre severable exception area and increase the size of the non-severable exception area to 1.75 acres resulting in approximately 45.75 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 1.75-acre non-severable exception area:

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

WHEREAS, the Premises includes:

- 1) One (1) exception,
- 2) Zero (0) existing single family residential unit
- 3) Zero (0) Residual Dwelling Site Opportunity (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 sweet corn and snap bean production; and

WHEREAS, the Property has a quality score of 68.49 which exceeds 46, 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, On March 29, 2023, in accordance with Resolution #FY2022R12(10), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$54,500 per acre based on zoning and environmental regulations in place of the current valuation date of February 15, 2023; and

WHEREAS, it is the opinion of the SADC real estate appraiser that the changes to the application would not decrease the SADC certified market value of the development easement or offer to the landowner; 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 \$54,500 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 April 25, 2023, the East Greenwich Township Committee approved the application for the sale of development easement; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on April 20, 2023, the Gloucester 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 2, 2024, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$54,500 per acre for the pre-acquisition of the development easement; and

WHEREAS, if the County decides to purchase the development easement in advance of the SADC grant, the County will request a cost share grant reimbursement from the SADC; 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, 47.12 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 47.12 acres):

	Total	Per/acre
SADC	\$1,530,222	(\$32,475/acre)
<u>Gloucester County</u>	<u>\$1,037,818</u>	<u>(\$22,025/acre)</u>
Total Easement Purchase	\$2,568,040	(\$54,500/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(c), the County is requesting \$876,005.82 in base grant and \$654,216.18 competitive 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 47.12 net easement acres, at a State cost share of \$32,475 per acre, (59.59% of certified easement value and purchase price), for a total grant of approximately \$1,530,222 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.

____10/24/2024_____
Date



Charles Roohr, Deputy Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Roger Kumpel	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)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles

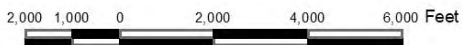
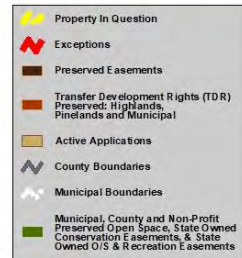


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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Heritage, Samuel E., & Harold R., Sr.
Block 103 P/O Lots P/O 2 (22.3 ac);
P/O 2-ES (severable exception - 2.0 ac)
& P/O 2-EN (non-severable exception - 1.0 ac)
Block 102 Lot 16 (22.2 ac)
Gross Total - 47.5 ac
East Greenwich Twp., Gloucester County

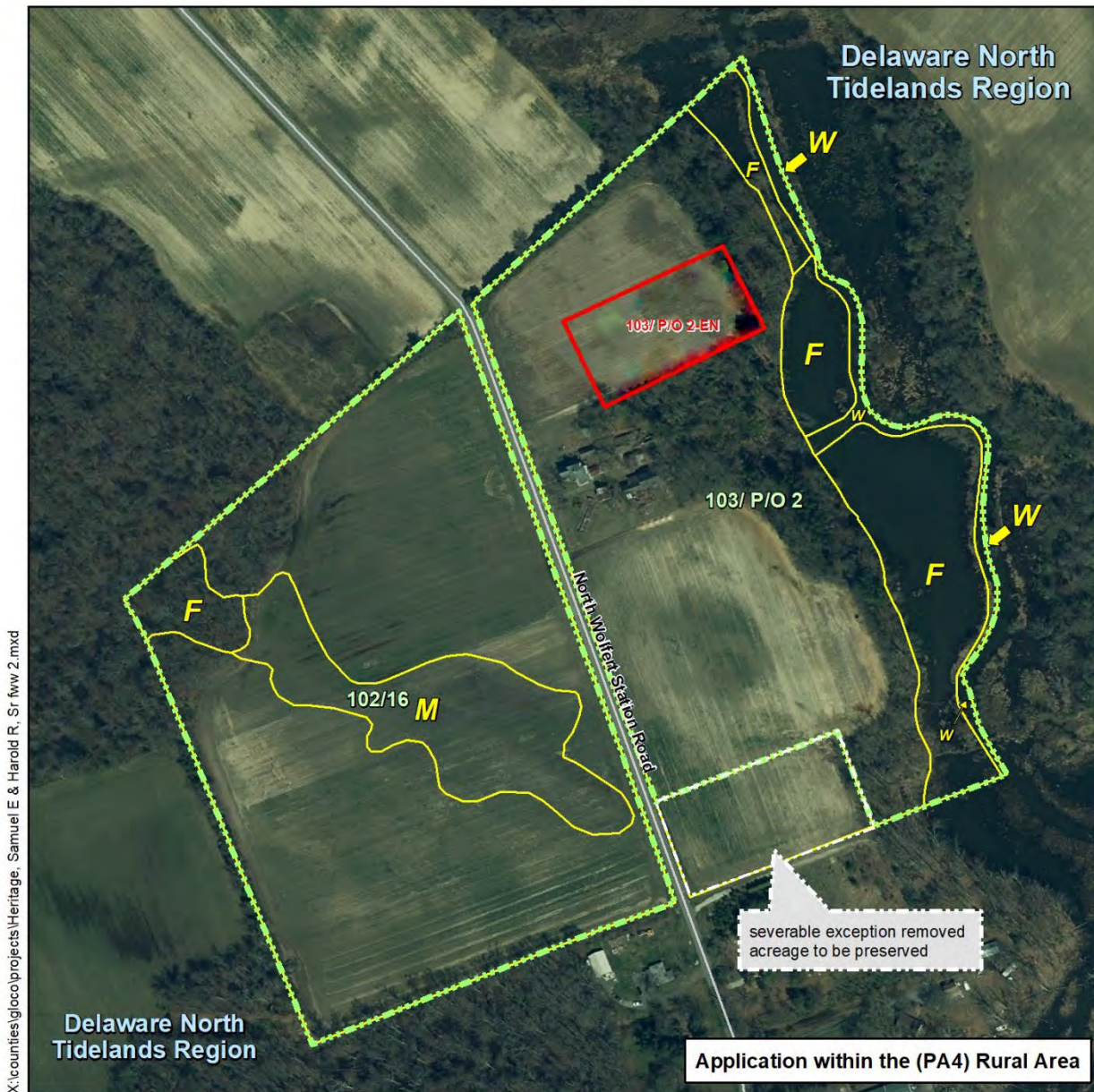


NOTE:
The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors

Sources:
NJ Farmland Preservation Program
NJOT Parcel data edited to adjacent survey data
USDOT National Pipeline Mapping System
NJDEP Conservation/Open Space Easement Data
NJDOT Road Data
NJOT/IGIS 2020 Digital Aerial Image

January 25, 2023

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

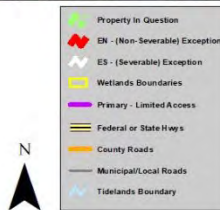
Heritage, Samuel E., & Harold R., Sr.
Block 103 P/O Lots P/O 2 (23.5 ac);
P/O 2-EN (non-severable exception - 1.75 ac)
Block 102 Lot 16 (22.2 ac)
Gross Total - 47.5 ac
East Greenwich Twp., Gloucester County



TIDELANDS DISCLAIMER:
The Tidelands depicted on this map were derived from NJDEP's Hydr. water, tidelands, claim downloadable file hosted on NJGIS. These features are not an official NJDEP determination and should only be used as a general reference. Only NJDEP, Bureau of Tidelands Management can perform an official determination of Tidelands/Riparian claims.

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

Application within the (PA4) Rural Area



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

Sources:
NJ Farmland Preservation Program
NJGIT Parcel data edited to adjacent survey data
Green Acres Conservation Easement Data
NJDEP Tidelands Claim Line
NJDEP 2015 Landuse/Landcover Data
NJDEP Open Space
NJDOT Road Data
NJGIT/OGIS 2020 Digital Aerial Image

January 25, 2023

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Heritage, Samuel E.
08-0239-PG
County PIG Program
45.75 Acres

Block 102	Lot 16	East Greenwich Twp.	Gloucester County		
Block 103	Lot 2	East Greenwich Twp.	Gloucester County		
SOILS:		Other	12% * 0	-	.00
		Prime	51% * .15	-	7.65
		Statewide	22% * .1	-	2.20
		Unique zero	15% * 0	-	.00
				SOIL SCORE:	9.85
TILLABLE SOILS:		Cropland Harvested	66% * .15	-	9.90
		Wetlands/Water	14% * 0	-	.00
		Woodlands	20% * 0	-	.00
				TILLABLE SOILS SCORE:	9.90
FARM USE:		Vegetable & Melons	12 acres		Beans
		Corn-Cash Grain	20 acres		

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st one (1.75) acres for Future single family residence and flexibility
Exception is not to be severed from Premises
Exception is to be limited to one future single family residential unit(s).
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-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 # FY2025R10(4)**

FINAL REVIEW AND APPROVAL OF AN SADC FEE SIMPLE PURCHASE

**On the Property of Ossowski, Genevieve - Estate of
October 24, 2024**

Subject Property: **Ossowski, Genevieve - Estate of**
Block 2739, Lot 9.02 - Hamilton Township, Mercer County
SADC ID#: 11-0032-FS

WHEREAS, on June 2, 2023, the State Agriculture Development Committee ("SADC") received an application from the Estate of Genevieve Ossowski, hereinafter "Owner," to sell the fee simple title to property identified as Block 2739, Lots 9.02 Hamilton Township, Mercer County, hereinafter "the Property," totaling approximately 46.6 gross acres, identified in (Schedule A); and

WHEREAS, the SADC is authorized by N.J.S.A. 4:1C-31.1 of the Agriculture Retention and Development Act and N.J.S.A. 13:8C-37a.(4) of the Garden State Preservation Trust Act to purchase real property directly from landowners; and

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

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

WHEREAS, staff evaluated this application for the purchase of farmland in accordance with N.J.A.C. 2:76-8.5 and the State Acquisition Selection Criteria approved by the SADC on September 14, 2022, which categorizes applications as "Priority", "Alternate" and "Other" ; and

WHEREAS, the Property has a quality score that is higher than the minimum quality score of 58 needed for a "Priority" farm designation in Mercer County, but at approximately 46.6 acres its size does not meet the minimum acreage criteria for the "Priority" category, which requires farm sizes of at least 58 acres, the property is an "Alternate" farm; and

WHEREAS, on June 22, 2023, the SADC granted preliminary approval (Resolution #FY2023R6(3)) to proceed with the fee purchase of the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on April 25, 2024, the SADC certified the following values based on zoning and environmental regulations in place as of the current valuation date February 27, 2024:

- a fee simple value of value \$23,000 per acre
- a development easement value of \$15,000 per acre; 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 Owner; and

WHEREAS, on August 30, 2024 the Owner provisionally accepted the SADC's fee purchase offer of \$23,000 per acre but requested final approval to be conditioned on the provision of a certified Statewide Formula Value as such time as the Statewide Formula is adopted by the SADC; 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, if the Owners decide to proceed with the sale of a development easement based on the certified value of \$15,000 per acre, at any time prior to the adoption of the Statewide Formula, an internal amendment to this final approval will be necessary; and

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


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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the real property at a value of \$23,000 per acre for a total of approximately \$1,071,800 and subject to the conditions in Schedule B.
3. The SADC's purchase price of the Property set forth in the approved application shall be based on the final surveyed acreage of the Property.
4. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
5. The SADC authorizes Chairman Edward D. Wengryn or Deputy Executive Director Charles Roohr, to execute an Agreement to Sell and all necessary documents to contract for the professional services necessary to acquire said property including, but not limited to, a survey, title search and insurance, environmental audits, liability insurance, and to execute all necessary documents required to acquire the property.

6. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
7. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

10/24/2024
Date


Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Roger Kumpel	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)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles



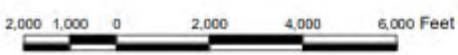
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Nearmap, NJ DE

Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Ossowski, Edward & Genevieve
Block 2739 Lot 9.02 (46.6 ac)
Gross Total = 46.6 ac
Hamilton Twp., Mercer 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 O/S & Recreation Easements



Source:
NJ Farmland Preservation Program
NJDOT Parcel edited to adjacent survey data
NJDEP Conservation/Open Space Easement Data
NJDOT Road Data
NJDOT/Near Map 2021 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



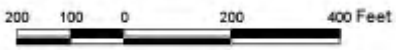
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Nearmap, N.J.D.

Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Ossowski, Edward & Genevieve
Block 2739 Lot 9.02 (46.6 ac)
Gross Total = 46.6 ac
Hamilton Twp., Mercer County



Sources:
NJ Farmland Preservation Program
NJDOT Parcel adjusted to adjacent survey data
NJDEP 2015 Landcover and cover data
NJDOT Road Data
NJDOT Near Map 2021 Digital Aerial Image

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	Property In Question
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads



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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

		Ossowski Farm			
		Fee Simple - SADC			
		46.6 Acres			
Block 2739	Lot 9.02	Hamilton Twp.	Mercer County		
SOILS:		Other	1% * 0	=	.00
		Prime	60% * .15	=	9.00
		Statewide	39% * .1	=	3.90
					SOIL SCORE: 12.90
TILLABLE SOILS:		Cropland Harvested	98% * .15	=	14.70
		Wetlands/Water	.4% * 0	=	.00
		Woodlands	1.6% * 0	=	.00
					TILLABLE SOILS SCORE: 14.70
FARM USE:					

This final approval is subject to the following:

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION # FY2025R10(5)**

FINAL REVIEW AND APPROVAL OF AN SADC FEE SIMPLE PURCHASE

On the Property of William Clark

OCTOBER 24, 2024

Subject Property: **Clark, William**
 Block 6, Lot 60 - Holland Township, Hunterdon County
 SADC ID#: 10-0092-FS

WHEREAS, on March 26, 2024, the State Agriculture Development Committee ("SADC") received an application from William Clark, hereinafter "Owner," to sell the fee simple title to property identified as Block 6, Lots 60, Holland Township, Hunterdon County, hereinafter "the Property," totaling approximately 182.49 gross acres, identified in (Schedule A); and

WHEREAS, the SADC is authorized by N.J.S.A. 4:1C-31.1 of the Agriculture Retention and Development Act and N.J.S.A. 13:8C-37a.(4) of the Garden State Preservation Trust Act to purchase real property directly from landowners; and

WHEREAS, the Property includes two (2) existing residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

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

WHEREAS, staff evaluated this application for the purchase of farmland in accordance with N.J.A.C. 2:76-8.5 and the State Acquisition Selection Criteria approved by the SADC on October 2, 2023, which categorizes applications as "Priority", "Alternate" and "Other" ; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Hunterdon County (minimum acreage of 47 and minimum quality score of 59) because it is approximately 182.49 acres and has a quality score of 69.05; and

WHEREAS, on April 25, 2024, the SADC granted preliminary approval (Resolution #FY2024R4(6)) to proceed with the fee purchase of the Property; and

WHEREAS, the Property is in the Highlands Planning Area and, pursuant to N.J.S.A. 13:8C-38j., as amended by P.L. 2016, Chapter 136, applications are eligible to be appraised based on zoning and environmental conditions in place as of 01/01/2004 if the landowners, or an immediate family member, owned the property on 01/01/2004 and continuously thereafter; and

WHEREAS, the chain of title reflects that: (a) Olga Clark owned the property in 2001 until the property was transferred to William Clark, who is the son of Olga Clark, care of the Estate of Olga Clark; and

WHEREAS, the Owner is, therefore, an immediate family member of a landowner who owned the property as of 01/01/2004, making the property eligible for appraisal under zoning and environmental conditions in place as of 01/01/2004; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on July 25, 2024, the SADC certified:

- a fee simple value of value of \$11,100 per acre based on zoning and environmental regulations in place as of January 1, 2004 and \$9,500 per acre based on zoning and environmental regulations in place as of the current valuation date May 24, 2024; and
- an improvement value of \$65,000; and
- a development easement value of \$5,700 per acre based on zoning and environmental regulations in place as of January 1, 2004 and \$4,100 per acre based on zoning and environmental regulations in place as of the current valuation date May 24, 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 Owner; and

WHEREAS, on September 26, 2024, the Owner provisionally accepted the SADC's fee purchase offer of \$11,100 per acre plus \$65,000 for the value of improvement but requested final approval to be conditioned on the provision of a certified Statewide Formula Value as such time as the Statewide Formula is adopted by the SADC; and

WHEREAS, if the Owner accepts the Statewide Formula Value, an amended final approval will be necessary for the SADC's purchase of the property, subject to the availability of funds; and

WHEREAS, if the Owners decide to proceed with the sale of a development easement based on the certified value of \$5,700 per acre, at any time prior to the adoption of the Statewide Formula, an internal amendment to this final approval will be necessary; and

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the real property at a value of \$11,100 per acre plus \$65,000 improvement value, for a total of approximately \$2,090,639 and subject to the conditions in Schedule B.
3. The SADC's purchase price of the Property set forth in the approved application shall be based on the final surveyed acreage of the Property.
4. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
5. The SADC authorizes Chairman Edward D. Wengryn or Deputy Executive Director Charles Roohr, to execute an Agreement to Sell and all necessary documents to contract for the

professional services necessary to acquire said property including, but not limited to, a survey, title search and insurance, environmental audits, liability insurance, and to execute all necessary documents required to acquire the property.

6. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
7. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

10/24/2024
Date


Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Roger Kumpel	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)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

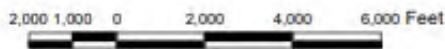
Preserved Farms and Active Applications Within Two Miles



Application in the Highlands Planning Area (Conforming)

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Clark, William
Block 6 Lot 60 (182.49 ac)
Gross Total = 182.49 ac
Holland Twp., Hunterdon County

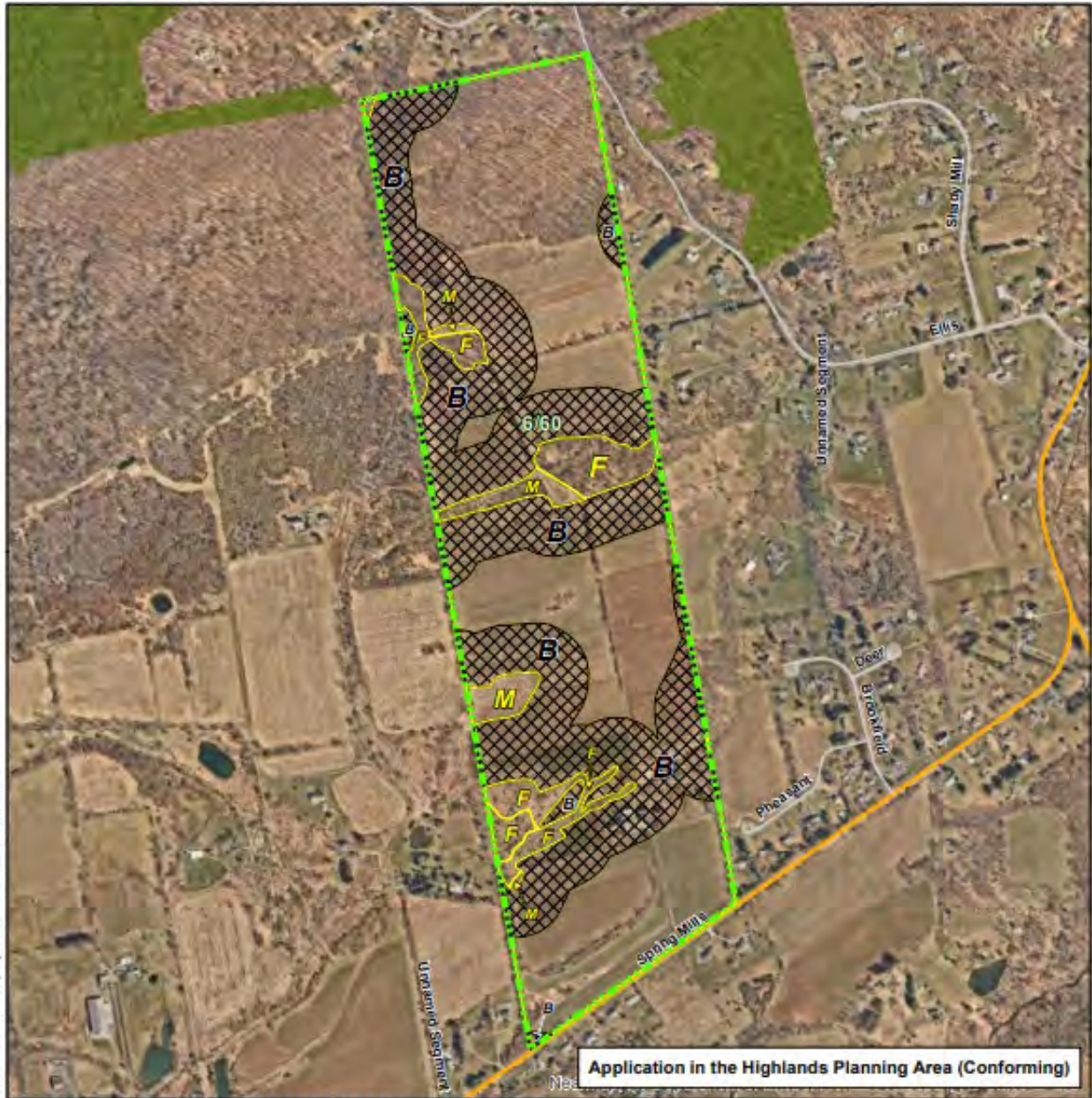


	Property In Question
	Preserved Easements
	Transfer Development Rights (TDR) Preserved: Highlands, Pinelands and Municipal
	Active Applications
	County Boundaries
	Municipal Boundaries
	Municipal, County, Pinelands & Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S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

Sources:
NJ Farmland Preservation Program
NJOT Parcel data
NJDEP Conservation/Open Space Easement Data
NJ Highlands Council Data
NJOT/Near Map 2023 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



X:\county\h\hunc\projects\Clark, William fww.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

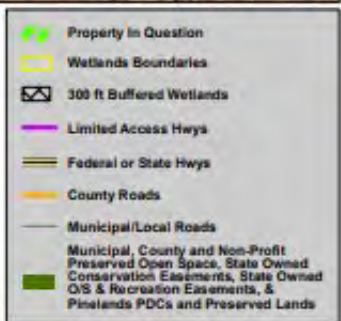
Clark, William
Block 6 Lot 60 (182.49 ac)
Gross Total = 182.49 ac
Holland Twp., Hunterdon County

500 250 0 500 1,000 1,500 Feet

Sources:
NJ Farmland Preservation Program
NJOT Parcel data
Green Acres Conservation Easement Data
NJDEP 2020 Landuse/Landcover Data
NJDEP Open Space
NJDOT Road Data
NJ Highlands Council Data
NJOT Near Map 2023 Digital Aerial Image

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Application in the Highlands Planning Area (Conforming)



Wetlands Legend:
F - Freshwater Wetlands
M - Wetlands Modified for Agriculture
N - Non-Wetlands
B - 300' Buffer
W - Water



State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Clark, William
Fee Simple - SADC
182.49 Acres

Block 6	Lot 60	Holland Twp.	Hunterdon County			
SOILS:		Other	40% *	0	=	.00
		Prime	43% *	.15	=	6.45
		Statewide	17% *	.1	=	1.70
					SOIL SCORE:	8.15
TILLABLE SOILS:		Cropland Harvested	67% *	.15	=	10.05
		Wetlands/Water	7% *	0	=	.00
		Woodlands	26% *	0	=	.00
					TILLABLE SOILS SCORE:	10.05
FARM USE:		Corn-Cash Grain		54	acres	
		Hay		29	acres	
		Wheat-Cash Grain		20	acres	
		Beef Cattle Feedlots			acres	

This final approval is subject to the following:

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE RESOLUTION #FY2025R10(6)
Preliminary Approval of SADC Fee Simple Purchase on the Property of**

Van Sciver, Mark K. and Suzanne A. - SADC ID#: 17-0087-FS

October 24, 2024

WHEREAS, pursuant to N.J.A.C. 2:76-8.1, an owner of farmland may offer to sell their farmland in fee simple to the State Agriculture Development Committee ("SADC"); and

WHEREAS, on July 17, 2024, the SADC received a fee simple application from Mark K. and Suzanne A. Van Sciver, hereinafter "Owners," identified as Block 6, Lots 9 and 9.01, Quinton Township, Salem County, hereinafter "the Property," totaling approximately 62.94 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes one (1) existing residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

WHEREAS, the SADC will also offer the landowner as easement value as an alternative to the fee simple purchase, and:

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

WHEREAS, the application has been evaluated for the sale of development easement pursuant to N.J.A.C. 2:76-8.5 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 is within the County Agriculture Development Area, has a quality score of 74.26, which is higher than the minimum quality score of 61 needed for a "Priority" farm designation in Salem County, but at approximately 62.94 acres, its size does not meet the minimum acreage criteria for the "Priority" or "Alternate" categories, which requires farm sizes of at least 94 or 69 acres respectfully, therefore, the Property is categorized as an "Other" farm (Schedule B); and

WHEREAS, staff is requesting SADC preliminary approval because the landowners are requesting a fee simple acquisition and the Property is categorized as an "Other" farm; 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. 2:76-8.5, the Committee can determine to proceed with the application; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants preliminary approval to the Property for a fee simple

purchase pursuant to N.J.A.C. 2:76-8.5 and N.J.A.C. 2:76-6.16 because the Property:

- a. has an above average quality score for Salem County;
 - b. contains approximately 98% Prime soils and 2% Statewide Important soils;
 - c. contains over 57.5 acres (91%) of tillable land;
 - d. is directly contiguous with three other preserved farms;
 - e. is located within the Southern project area as identified in Salem County's Farmland Preservation Plan and is a targeted farm in the county planning incentive grant program; and
 - f. 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 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 fee simple and 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.

10/24/2024

Date



Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Roger Kumpel	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)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles



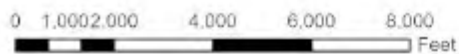
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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM
 NJ State Agriculture Development Committee

Van Sciver, Mark K. & Suzanne A.
 Block 6 Lots 9 (42.72 ac) & 9.01 (20.22 ac)
 Gross Total = 62.94 ac
 Quinton Twp., Salem County

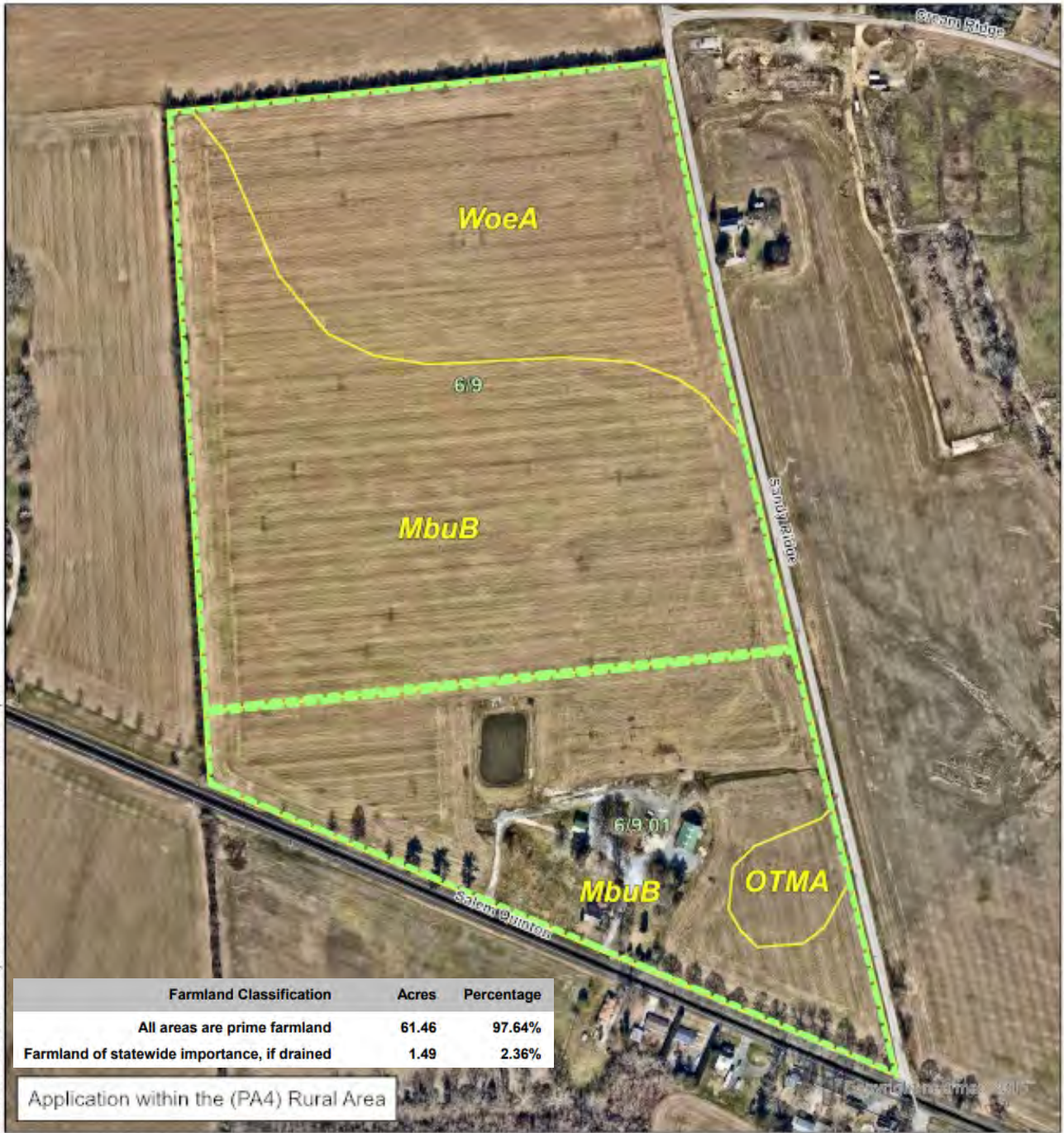
- Property in Question
- Preserved Easements
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County, Private & Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned OES & Recreation Easements



Sources:
 NJ Farmland Preservation Program
 NJULI 3SR05 and MUJ-IV Composite of New Jersey
 Green Acres Conservation Easement Data
 NJDEP Open Space (Various Layers)
 Nearmap Vertical Aerial Imagery 2024

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Soils



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Van Sciver, Mark K. & Suzanne A.
Block 6 Lots 9 (42.72 ac) & 9.01 (20.22 ac)
Gross Total = 62.94 ac
Quinton Twp., Salem County



- Property in Question
- Soil Boundaries
- State Highways
- Municipal/Local Roads

Sources:
NJ Farmland Preservation Program
NJGIT "Parcels and MOD-IV Composite of New Jersey"
NRCS "SSURGO 2012 Soil Data"
NJDOT "Road Centerlines of NJ, 11sted, 3424"
Newsmap "Vertical Aerial Imagery 2024"

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State of New Jersey
 State Agriculture Development Committee
 Farmland Preservation Program
 GreenLight Approval and Quality Score Report
 Information subject to change/update as Application Proceeds to Final Approval and Closing

Preliminary Review Completed

THIS APPLICATION HAS PASSED GREENLIGHT ELIGIBILITY REQUIREMENTS

GENERAL INFORMATION

COUNTY OF	Salem	Quinton Twp. 1711
APPLICANT	Van Sciver, Mark K. & Suzanne A.	SADC ID # 17-0087-FS
Address	842 Quinton Rd., Salem, NJ 08079	
<u>Blocks and Lots</u>		Gross Acres on Application 62.94
Quinton Twp.	1711 Block 6	Lot 9 42.72 ACRES
Quinton Twp.	1711 Block 6	Lot 9.01 20.22 ACRES
<u>Exceptions</u>		Exception Acres on Application 0
<u>NET ACRES</u>		Net Acres on Application 62.94

HOUSING AND OTHER STRUCTURES ON PREMISES

<u>Structure</u>	<u>Aq Use</u>	<u>Leased</u>	<u>Notes</u>
Standard Single Family	N	N	Historic (1805)
Barn	N	N	
Shed	N	N	(2) - one used for handling chemicals

SUMMARY OF HOUSING OPPORTUNITIES

Existing Single Family Residential Unit(s) on Easement 1
 Existing Single Family Residential Unit(s) on Exception
 Future Single Family Residential Unit(s) on Exception
 Eligible RDSOs
 Approved RDSOs

Additional Conditions or Restrictions: NONE

TYPE OF AGRICULTURAL OPERATION

Soybeans-Cash Grain

SOILS:		<u>% of Net</u>	<u>% of Gross</u>
	Prime	98.00%	98.00%
	Statewide	2.00%	2.00%
TILLABLE SOILS:		<u>% of Net</u>	<u>% of Gross</u>
	Cropland Harvested	91.00%	91.00%
	Wetlands/Water	9.00%	9.00%
SEPTIC:		<u>% of Net</u>	<u>% of Gross</u>
	Very Limited	100.00%	100.00%
WETLANDS:		<u>% of Net</u>	<u>% of Gross</u>
	Uplands/Non-Wetlands	99.50%	99.50%
	Water Bodies	.50%	.50%

C1-Stream: No

SUBDIVISION OF THE PREMISES

<u>Status</u>	<u>Preliminary</u>	<u>Final Approval</u>	<u>Scale</u>
No Value Selected			

State of New Jersey
 State Agriculture Development Committee
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PRE-EXISTING NON-AG USES OR LEASES ON PREMISE - Determined During Application Review
 ** NONE LOGGED **

EASEMENTS AND RIGHT OF WAYS - Determined During Application Review
 ** NONE LOGGED **

ADDITIONAL CONCERNS/NOTES:

STATE DEVELOPMENT AND REDEVELOPMENT PLANNING AREA

(PA4) Rural

HIGHLANDS REGION YES NO ELIGIBLE FOR 04 ZONING YES NO

PINELANDS REGION YES NO

MINIMUM ELIGIBILITY CRITERIA

YES NO

- 91 % Tillable 57.5 acres Tillable YES NO
- 91 % Soils Supporting Ag 57.7 acres Supporting Ag YES NO
- Development Potential?
 - Additional Development Possible YES NO
 - Sufficient Legal Access to Property YES NO
 - Additional Development via Development Credits YES NO

MINIMUM RANK SCORE

YES NO

County's Average Score on Record 69
 70% County's Average Rank Score 48
 Quality Score of Application as determined by SADC 74.25
 Quality Score of Application as determined by CADB