

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

December 10, 2015

Acting Chairperson Purcell called the meeting to order at 9:05 a.m. She indicated that Chairman Fisher would be attending the meeting shortly. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

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

Roll call indicated the following:

Members Present

Monique M. Purcell, Acting Chairperson (Left at 9:24 a.m.)
Douglas H. Fisher, Chairman (Arrived at 9:24 a.m.)
Brian Schilling (rep. Executive Dean Goodman)
Pamela Weintraub (rep. DCA Commissioner Richman)
Cecile Murphy (rep. DEP Commissioner Martin)
Ralph Siegel (rep. Acting State Treasurer Scudder) (Arrived at 9:11 a.m.)
Denis C. Germano, Esq. (Arrived at 9:22 a.m.)
James Waltman
Jane Brodhecker

Members Absent

Alan Danser, Vice Chairman
Peter Johnson

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

Others present as recorded on the attendance sheet: Heidi Winzinger, Stefanie

Miller, Cindy Roberts, Jessica Uttal, Paul Burns, Richard Martin, Dan Knox, Jeffrey Everett, Hope Gruzlovic, Brian Smith, Esq., David Kimmel, Charles Roohr, Alison Reynolds, Esq., Pat O'Connell, Matthew DiStaulo, Steven Bruder, Hector Weah, Sandy Giambrone and Patricia Riccitello, SADC staff; Michael Collins, Esq., Governor's Authorities Unit; Daniel Pace, Mercer County Agriculture Development Board; Brian Wilson, Burlington County Agriculture Development Board; Tom Beaver, New Jersey Farm Bureau; Donna Rue, Rue Brothers Farm, Warren County; Carrie Lindig, Gail Bartok and Lauren Lapczynski, U.S. Department of Agriculture Natural Resources Conservation Service (USDA, NRCS); Brigitte Sherman, Cape May County Agriculture Development Board; Jacqueline Middleton, Hunterdon Land Trust, Hunterdon County; Harriet Honigfeld and Eric Pierson, Monmouth County Agriculture Development Board; and Scott Ellis, Hamilton Township, Mercer County.

Minutes

A. SADC Regular Meeting of November 12, 2015 (Open and Closed Sessions)

It was moved by Ms. Murphy and seconded by Ms. Brodhecker to approve the Open Session and Closed Session minutes of the SADC regular meeting of November 12, 2015. The motion was unanimously approved.

REPORT OF THE ACTING CHAIRPERSON

Ms. Purcell stated that the State Board of Agriculture will be meeting next Wednesday in Port Morris because it wants to talk about some of the things that are going on in the aquaculture industry, including the Federal listing of the Red Knot bird as a threatened and endangered species. Currently there is a biological assessment process going on between the U.S. Fish and Wildlife Service, the N.J. Department of Environmental Protection (NJDEP) and the Department of Agriculture, which will result in conservation measures that aquaculture operators will have to take to make sure they are being protective of the Red Knot birds during their migration from South America. Aquaculture has been dealing with a lot of issues, permitting issues, and then this Red Knot issue happened earlier this year. There has also been a call for another permit needed from the NJDEP because of some noncompliant issues with the FDA. The State Board membership wanted to be located further south not only for the South Jersey Open Meeting but also so that aquaculturalists could attend the meeting to speak to the board.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne introduced a new SADC staff person to the Committee – Richard Martin. Mr. Martin has been hired as a staff appraiser. The SADC's former staff appraiser, Edward Ireland, retired more than a year ago and it has taken a year to go through the hiring process to replace that position. Mr. Martin is an appraiser from Burlington County and has been one of the SADC's independent review appraisers for several years now so he is well-equipped to step into the position. Mr. Martin thanked Ms. Payne and stated that he is looking forward to working with everyone at the SADC.

Ms. Payne stated that S-2769, which would allocate Corporate Business Tax (CBT) funds to preservation programs, passed the full Senate on Monday. We are not seeing anything scheduled on the Assembly side as yet. That is where we are at the moment.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. Ms. Payne stated there is an article in the packet about a poll that the New Jersey Farm Bureau commissioned through Fairleigh Dickinson University that found that about 56 percent of New Jerseyans want open space solely for its intended purposes. She wanted to give the Farm Bureau an opportunity to talk about the poll, however, Mr. Beaver stepped out of the room. Ms. Payne stated that the article would suggest that the public is strongly in favor of using dedicated funds for the intended purposes of preservation. They also talk somewhat about locally grown and Jersey Fresh. There are some very impressive statistics in there about the public's recognition of locally grown, their use of Jersey Fresh and locally grown, particularly in grocery stores and that it is a motivating factor when people are buying products. There was very strong and positive feedback on the whole locally grown and Jersey Fresh programs.

Ms. Payne stated that the next piece of correspondence relates to what we will be talking about today, which is the State of Delaware choosing to no longer use the USDA, NRCS Federal Farm and Ranch Lands Protection Program (FRPP) funding, now called the Agricultural Land Easement (ALE) program. They have had some concerns and difficulties associated with their ability to use the funds. According to the article Delaware is no longer accepting Federal funds.

PUBLIC COMMENT

None

OLD BUSINESS

A. Federal Agricultural Land Easement (ALE) Program

1. New Jersey State Conservationist Carrie Lindig

Ms. Payne thanked Ms. Lindig and her staff Gail Bartok and Lauren Lapczynski for taking the time to attend today's meeting. Ms. Payne stated that these are the people who the SADC works with on a daily basis when processing transactions related to Federal funds. Mr. Clapp also works very closely with them on issues related to soil and water resources on farms.

Ms. Payne stated that the purpose of today's discussion is for the Committee to better understand what is going on with respect to the Federal requirements as they relate to the ALE program. The Farm Bill came out and the NRCS issued an interim final rule. We went through a very lengthy and detailed process to try to hammer out a deed template for New Jersey. That process has stopped based on some of the concerns that the Committee discussed at its last meeting. Ms. Payne stated that the Committee has authorized proceeding on one individual farm under the new farmland program with a deed specific to that farm. At this point in time we are going to be closing on the first farm under this new 2014 ALE program probably sometime in early January 2016 if not by the end of this year.

Ms. Payne stated that at the last meeting we provided and reviewed a bit of a chart that staff developed to help the Committee understand what staff thought were some of the biggest changes from the prior FRPP deed. The Committee raised some major concerns. Staff has invited NRCS staff here today to try to help the Committee understand what is going on and why, and the extent that things are or are not written in stone at the Federal level. She would just say to the Committee that any decisions or deliberations that we have about whether the Committee is going to move forward with ALE funds would be saved for either the Executive Session discussion or a future meeting. This portion of the agenda is really for questions and answers and discussion but no decision will be made at this point.

Ms. Lindig thanked the Committee for the invitation to meet with everyone. She stated her title is State Conservationist. She uses the term State Director more often than not as

her position with the USDA, NRCS. Ms. Bartok is directly under her and she manages all the programs that the NRCS receives out of the Farm Bill. Some of them are easements and some are not easement programs. Ms. Lapczynski is on Ms. Bartok's staff and she gets into the nitty-gritty and works out the fine details. Ms. Lindig stated she hopes she can help with the big picture and if the Committee's questions get really specific Ms. Lapczynski can address those.

Ms. Lindig stated that if you are not familiar with the Natural Resources Conservation Service (NRCS), it is one of 17 agencies under the U.S. Department of Agriculture. They have been around since the 1930s. In the early days they were called the Soil Conservation Service and in 1994 that changed because they were dealing with more issues than just soil. Here in New Jersey they have 6 offices across the state. They are a non-regulatory agency. The premise of the NRCS is to work on a voluntary basis. They have been given the carrot to motivate and incentivize people to do the right thing for conservation – not the hammer as those are other agencies within the Federal government. Ms. Lindig stated they are very fortunate as since the 1990s their funding has continued to go up while funding for other Federal agencies has decreased. The reason for that is the Farm Bill. The Farm Bill is re-authorized every five years and if you watch the news and are concerned with agriculture you know that the Farm Bill is a big deal. There are all kinds of things in it like food stamps and other things that all agriculture deals with. In there is a conservation title, Title 2, where Congress comes up with concepts and ideas that they would like to see done by the Department of Agriculture. There are certain programs in there that are very political and very specific. If you agree to do something they will pay for part of it and the landowner will pay for the other part of it. Some of them are easement programs. We are here to talk about ALE, the Agricultural Land Easement program, but we have other easement programs as well dealing with restoring wetlands and things like that.

Ms. Lindig stated that the program they are here to talk about today originated in the early 1990s. It was called the Farm and Ranch Lands Protection Program (FRPP). Congress came up with this saying we are losing too much farmland so they would like to have a program to preserve all the great farmland in the United States. The Secretary of Agriculture charged NRCS with implementing it. The agency had never done easements before and we are still somewhat catching up. Ms. Lindig stated that the premise of the program since its inception was identifying prime, unique soils and keeping them available for farming in perpetuity. As we talk about this and we discuss some of your issues here today, that is still the premise of the Federal program – it is to protect the soils and make them available for farming into the future. As she stated earlier, the Farm Bill is reauthorized every five years. That means that someone has a chance to get in there

and tweak it or make changes. Sometimes things show up that we can't explain and don't necessarily agree with and sometimes they stay the same. They are here today to talk about, she believes, the last issue of the Farm Bill, which was in 2014. People were complaining that there were too many programs in the Farm Bill and it was too confusing so Congress said they would consolidate some of them. They changed the name; it is no longer the FRPP, it is the Agricultural Conservation Easement Program (ACEP), which has the farmland preservation piece (ALE) and the wetlands preservation piece.

Ms. Lindig stated there were some changes to it and she appreciates staff coming up with the outline of things the SADC saw as different between the old program and the new one. From their perspective they are not that different – there weren't a whole lot of changes. There was the name change, the added opportunity to accept grasslands more so now because they rolled the Grasslands Reserve Program into the ACEP, ALE. Then in the old FRPP you didn't have to have a whole conservation plan, you just had to address the soil component and now you are supposed to have a whole conservation plan before the easement closes. The other thing she would mention is that the program has evolved. When she was doing Ms. Bartok's job in another state the NRCS was negotiating all deeds individually across the country. Every deed went to a couple of attorneys in Washington D.C. and they looked at all of them. As you can imagine that became too onerous and difficult. The premise now is to use a template, that these are the basic minimum requirements that are required in any ALE easement that is going to have Federal dollars tied to it, and that they can be tweaked and made more restrictive but the basic premise of the template cannot change. That is kind of where they are right now.

Ms. Lapczynski stated that the big thing with the change of the minimum deed terms that Ms. Lindig talked about is that that template language had to be included verbatim because some of those changes happened across the country and different states were modifying that language and changing the intent that Congress had with that original language. So now the big major change is we have to include that template language verbatim so that the intent does not get altered in any way. That is one of the major changes. You can still negotiate individual deeds for each parcel. There are three different options – you can attach, incorporate or create a template that they use for each one. Attaching is very simple but also very complicated for explaining to a landowner because you have two separate documents – the state deed and then you would attach their minimum deed terms, and it would create a little bit of complexity in reviewing anything that might be different. Ms. Payne stated that on that point – at the administrative level you dismiss that as an option. To have a landowner sign a deed with the State but then there is an attachment 15 pages long or whatever, it is like you have to deal with two deeds and try to reconcile terms. Staff felt no, we want the landowners to

be clear on what is permitted and what is not permitted. Ms. Lapczynski stated that since this is national, it might work for other states that don't have established farmland preservation programs where they are just getting started and they can just pull our deed terms and have their easement transaction included separately. The other options are really to develop an individual template that they would use for every transaction that would include their additional clarifying language that would include state laws and things to that, and also you will have the option to go on a case-by-case basis. The Lobell deed they pushed through because originally it started as a template and it actually is approved as a template even though we are only using it for this property.

Ms. Lindig stated that you might be asking if you are not familiar, what kind of dollars are we talking about here. What does NRCS bring to New Jersey in the form of these easement dollars? Again it is a national program and every state receives an allocation. In New Jersey her understanding is that the average amount that they get every year is somewhere around \$5 or \$6 million and has gone as high as \$9 million per year. The 2014 Farm Bill de-emphasized agricultural preservation easements so right now the FRPP used to be the most funding they received of all their programs and now it has shifted, just because of the national emphasis, and she couldn't tell you why it was de-emphasized in the Farm Bill. Ms. Payne asked if the money is allocated to both programs as a group, ALE and WRE. Ms. Lindig responded yes. Ms. Payne asked is it one pot of money that you can use or was there a specific allocation you could use? Ms. Lindig stated it was specific. Ms. Payne asked how much money is allocated nationally to ALE annually? Ms. Lindig stated she didn't know.

Ms. Payne stated that one of the SADC's concerns, particularly at the staff level, is in reading what the Farm Bill says, which isn't a lot, about the ALE program, and then reading the rule, the draft rule, which hasn't been adopted yet. The draft rule is what everyone gets to review and comment on, but the rule refers to minimum standards that the NRCS is going to come up with. Part of her concern, just from a due process standpoint, is there doesn't seem to be an opportunity for real debate and real public comment and review on minimum terms because the rules kind of just say that the NRCS is going to come up with them. She thinks that is part of the problem of what is going on at the national level, that you can comment on the rule if you like it or not but the terms of the minimum standards will not be subject to that same public review process. She thinks some of the states are feeling like it is take it or leave it time with the minimum terms and you have said here today that nothing can change from those minimum standards. Ms. Payne stated that she feels it is an incredibly inflexible position for the Federal government to take when you are trying to make one program work and 28 states have farmland preservation programs. Staff has gone through six months of very detailed

back and forth on this deed and most of the answers were sorry, that is in the minimum terms and it must be that way. Ms. Payne stated that is not a partnership kind of position. That is our frustration. Ms. Lindig stated she can understand that. When you look at it from the national perspective too, they were looking for ways and opportunities to streamline also. Basically they are saying from their perspective these are the minimum guidelines and if you are willing to accept these you can just go – no further discussion needed – or if you want to make them more restrictive they will take a look at them and you can go, instead of having to negotiate each and every one every time. She thinks that she told staff that if they get to that point that is something they can certainly do. Some of the issues that are at issue, that have come up when they dealt with the Lobell farm, that are now spelled out in the template – when they discussed it with their national office, basically the response she got was that intent has always been there, it just hasn't necessarily been spelled out in the deed. Ms. Payne stated that the SADC is perceiving a much bigger change than the NRCS is. The SADC compared the NRCS-approved deed from the last FRPP round to what the Lobell deed looks like and it is substantially different. So the NRCS can take the position that nothing much has changed but from the user's perspective and from the landowner's perspective a lot has changed.

Ms. Payne stated that one of the big issues for some of the states is the ALE plan. As Ms. Lindig mentioned, under the FRPP the landowner only had to do the highly erodible lands plan and now it is an ALE plan, and we are not quite sure what the requirements of the ALE plan are going to be. That is not entirely fleshed out by the NRCS. Ms. Lindig stated correct. Ms. Payne stated that this deed is full of requiring compliance with an ALE plan and yet none of us understand what is going to be required yet so that is causing unease. The other big piece that she knows some states are struggling with is the grantee, i.e. the county, state or nonprofit, is obligated to enforce that ALE plan. Ms. Payne stated that she isn't a soils scientist, she is a planner, but she has discussed this with the SADC's soil scientist, Mr. Clapp, asking how would you actually go about enforcing this plan. Her concern is that counties may not have the ability to go out and say, for instance, has the rotation been properly accomplished or can you show us the pH test. She doesn't know how invasive that is going to be. Possibly Ms. Lindig could help us understand what the NRCS is contemplating in terms of what looks like a compliant farm in its mind to an ALE plan. Ms. Lindig stated that in the chart that Ms. Payne provided, it is correct, so the HEL plan, or the highly erodible lands plan – in 1985 Congress passed another law that said if you are getting USDA benefits you cannot be farming in an erosive manner. Across the country there were a lot of people who were sod-busting rangeland just to get into the Conservation Reserve Program, farming land that never should have been farmed to begin with, farming land to get the disaster payments. So the Food Security Act brought about this HEL plan through the NRCS in

an almost borderline regulatory way where they had to go out and say if you are getting crop insurance or you are getting FSA benefits and you're farming at four times the level of soil loss than you really should be, you need to do something now or you don't get the USDA benefits anymore. So it was just looking at the soil, just to say that if you are getting Federal benefits you cannot be farming in an irresponsible way. That is all that was about, it was just soil. When NRCS does a conservation plan they look at more than just the soil. They look at the plants, they look at what they call the SWAPA – soil, water, air plants, animals; they look at everything. This change in moving from just the basic minimum, which you have to do anyway because with HEL you cannot be farming erosively, to looking at more, it is her thinking it is a nod toward there is a lot of money going into these easements and they would like to see this land taken care of and they are going to develop a conservation plan with you beyond what you have to do. They are going to address some other things in there but conservation plans are voluntary. That is what a lot of people don't understand. The whole thing about NRCS, what they do is voluntary. When she talked to the head of her agency who runs this program, she asked what really are we asking the entities to do for these conservation plans in monitoring because really none of us have the staff to do the level of detail that we would like to do. Basically, as far as what they would be asking is that because you all, the partners, are out looking at these parcels every year, if you see a black eye, if you see something that looks really bad, what you would do is notify the NRCS and they will take care of the conservation plan and they will work with them to do as much as they can. If the landowner would choose not to then the NRCS would work with the agency and decide how far they want to take it with enforcement, but it is really more of keeping the program in good faith, protecting the Federal investment and the state and partnership's investment. There were a lot of taxpayer dollars that went toward this land and it should be taken care of.

Mr. Sigel stated that assuming that this all happens already, which it does, and the NRCS office should find for some reason a violation of an easement, what happens? Ms. Lindig asked a conservation plan violation? Mr. Siegel stated, well the ALE plan is required as part of a farmland preservation easement so you look at a farmland tract and you conclude that it is in violation, there is an activity on the farm that is in violation of the easement, what happens then under ALE that didn't happen under FRPP? What is the difference? Ms. Lapczynski stated that the process would still be the same, that the Grantee would be the one ultimately responsible for enforcing the violation. The NRCS still doesn't step in unless the Grantee isn't doing their job or not enforcing the easement. As far as the ALE plan specifically, it wouldn't necessarily be a violation of the plan unless it was a violation of an HEL requirement, which is still the same as under the FRPP. It wasn't new under ALE. If they have a conservation plan where there is an issue,

there is current erosion that they had said they would take care of under the plan, they would go through the normal planning process to maybe modify that plan. If they really can't do that anymore, their planning process continues. They don't just have a plan and say this is the plan and now we are done and go forth and do that plan. It wouldn't really be a violation in that case. It would be come back to the office and let's redo that plan again. Mr. Siegel stated let's say it's a violation and there is a perception that under the ALE plan there was a change in Federal procedure concerning dealing with a nonperforming monitor – the person holding the easement is not monitoring adequately. There is a perception that ALE has changed from FRPP as to what the Federal response might be if they see an easement violation occurring that the easement holder is not acting on. Is that correct or has it always been within the realm of the NRCS to come after a non-performing easement holder? Ms. Lapczynski stated yes, that has always been part of the program and has always been included in their cooperative agreements, which the Grantees have all signed and approved when they sign the deeds. She thinks that the change is that some of that language is now included in the deed but that language has always been included in their regulation and in the cooperative agreements. None of that monitoring policy has changed. Mr. Siegel commented that also includes there has always been a potential for the Federal agencies to seek financial recovery. Ms. Lapczynski stated yes. Ms. Payne stated that she would have to look at the SADC's cooperative agreements because that doesn't seem right to her. She stated she knows the counties – the people on the ground who are using this money, – they never have had an expectation or an understanding that the Grantee or the nonprofit was going to be responsible to pay back the Federal government for its cost of reinforcement. Ms. Payne stated that Ms. Lapczynski just said that has always been in the cooperative agreement. Ms. Lapczynski stated it has been in either the cooperative agreement or in their regulation. Ms. Payne stated that is part of what is going on here. She thinks that maybe the Federal government may have had regulations or whatever but the deeds that got negotiated that the landowners and the counties are all reading and saying, yes we can enforce these terms, that language has never been in those deeds and so we could argue about what was in the regulation but it was never in the deeds.

Mr. Siegel asked why has this happened do you think? Is it because there is a feeling at the Federal level that people were ignoring easement enforcement? Ms. Lindig stated when she asked that question, the response she got was that in other parts of the country, even though it was the expectation that the entity was responsible for monitoring, if they missed something, weren't doing it or there was a violation they were saying well, it's not on us, we are not going to take care of it, even though that was the expectation and she was told it was spelled out in the regulations already. So to make it clearer they moved that language to the deed. Mr. Siegel stated that essentially you had easement

holders in some jurisdictions who were putting the easement into a folder and saying well, it isn't our responsibility to litigate for instance. Mr. Lindig stated she doesn't know that it went that far. Mr. Siegel stated there was nothing happening and they were not doing anything. Ms. Lindig stated correct and that violations would occur. She stated that she thinks that two things are being mixed a little bit. There is language in there now for ALE and being in violation with your ALE plan, and depending on how severe the action is she cannot see the agricultural activity necessarily being in violation or something we would go after for enforcement. If it is blatant, then maybe but if you are talking about boundary violations or other building violations, all these kinds of things and we haven't seen it in a while and then we go out there and there is a strip mall.... Ms. Payne stated that those things, erosion, buildings, those are all things that were already regulated in the deed. That is so clear and we have never questioned that and the SADC is a pretty rigorous agency in terms of monitoring and enforcement. What is creating a cloud is this deed is explicit that we are obligated as the Grantee to enforce the ALE plans and you are saying that the ALE plan may include plants, animals and threatened and endangered species she is assuming. We are not saying we are worried about if someone goes out and has a gully because we would go after them today anyway because they would have to clean it up because that would violate the basic provisions of the deed. Now we are getting into something that we cannot define and we are being required to enforce it. Ms. Payne stated she tried sitting down with counties to try to explain here are the changes to the ALE plan and these are the questions that need to be clearly answered.

Ms. Lindig stated that for the ALE plan itself, if you see a violation, say a gully or whatever the situation, NRCS doesn't expect you to know and understand crop rotations that they might include in the plan because what they do with the farmer depends on what their objectives are. If they are wanting to not just keep the land in place but maybe make it better, like build up the soil health or something, NRCS doesn't expect you to know that and it wouldn't be a violation if they weren't. Any violation would be anything that would put the resource in jeopardy that we have all bought into to protect. If you see something she would ask that you let NRCS know and they will work with it or work with the agency to do it. She doesn't expect the agency or its people to handle that. Chairman Fisher stated that conversations between agencies and agents and players and participants are one thing. Pretty much you are saying it will all work out if we know what the objectives are and what we expect them to be and you'll take care of it. But they are worried about this whole black-and-white line that says you have to indemnify us if your agency says there is a problem, and you are just saying that this has always been there but it was never in black and white.

Ms. Payne stated that the states collectively have said that they are sovereign entities and

they cannot indemnify the United States. That has been a very long and deep discussion. This Farm Bill comes out and NRCS has communicated, good news, we are not going to require you to indemnify us anymore but we are going to require you to pay us back. Ms. Payne stated she is thinking what is the difference. It is if the NRCS determines there is a violation and the NRCS determines that the Grantee is not enforcing the deed, you are responsible to pay them back whatever the NRCS might have to do. To her that feels like a very open checkbook. She doesn't know how we can commit to writing that.

Mr. Siegel stated that the additional problem that this raises is like what Ms. Payne is saying. It is being explicitly spelled out and added to an easement, which is a formal contract that we are agreeing to that we are indemnifying a Federal agency. He doesn't know if we officially asked the question yet but we may not be allowed to do that. In fact, a lot of jurisdictions are going to come back with that answer. The Attorney Generals of the different states have said they cannot indemnify the Federal government, we don't know what they are going to do. As a matter of policy we cannot sign a contract that indemnifies the Federal government of anything. Mr. Siegel asked that when you talk about this being a template or a baseline, is there contemplation that that legal requirement, it would go back to the regulations and be removed from the easement, or is it your understanding that this language has to be carried in every ALE easement? Ms. Lindig stated it is supposed to be carried in every ALE easement. Ms. Lapczynski stated that that particular section has been vetted through the Office of General Counsel as that is the language. Ms. Payne stated but that is not what the Farm Bill said. Chairman Fisher stated that we are going to have to make a determination if we want to participate based on those kinds of conditions and where we can make changes we will suggest them but he thinks it is intractable. Mr. Siegel stated that if they are implementing a regulation as an interpretation of the Farm Bill the regulated community is allowed to challenge that interpretation. Chairman Fisher stated that wherever we can offer comment we will but we are not settling anything here today.

Deputy Attorney General Stypinski stated that this was addressed last month with Mr. Doyle who sat in for him at last month's meeting. Mr. Stypinski stated that he isn't going to give advice in Open Session but as far as deliberations go in discussions that should probably be reserved for Closed Session. Mr. Siegel stated he doesn't know if that is Closed Session but could we ask for a letter? Treasury asks for letters all the time from the Attorney General's Office on contracts. Mr. Stypinski stated yes, you can ask for advice.

Ms. Murphy asked if the ALE plan is like a farm conservation plan in terms of – let's say there is a farm and it is in an area where there is a deficit of grassland bird habitats and

NRCS feels like part of the farm should be left in its natural state for the grassland birds. Could a farmer say no, he isn't interested in that in his plan? Ms. Lindig stated yes, he could. Ms. Murphy stated that NRCS would like to see soil and water, air, plants and animals in the plans but if the farmer doesn't want to put anything in the plan say beyond erosion, then that would be acceptable? Ms. Bartok stated that the minimum things that have to be in that plan are the HEL aspects, as always, and then if it is a grazing type operation it is required to have a grazing plan. Ms. Payne asked what does that mean, what is a grazing plan? Ms. Bartok stated it outlines the best use for the pastures on the farm. Ms. Lindig stated you calculate how much grass you have and make sure you don't have too many animals for the grass so that it gets overgrazed. Or it might involve fencing out the stream, making sure that there is not a lot of erosion or animals sitting in the stream defecating, and there are a lot of places like that across the country. Ms. Payne stated that regarding the third point on the chart, the concern was that the language of the deed itself talked about the Grantors may not "hay, mow or harvest or seed during certain nesting seasons for birds whose populations are in significant decline and identified by the Grantee or NRCS," and this is new language in the deed. Ms. Lindig stated correct. Ms. Payne asked if Ms. Lindig could help the Committee understand how that would apply to New Jersey or a farm that actually does hay. Ms. Lindig stated they specifically asked about that question and if you finish the entire sentence it says "...as identified by the Grantee or NRCS," so it is totally their discretion whether they identify any birds at all. This is primarily for places like out West for the Sage Grouse and things like that. It is totally at their discretion whether they want to name a bird or not and you would name it up front and everyone would all agree that this is an important bird in New Jersey and they would like to see that the management of the agricultural lands is beneficial for that bird. Ms. Lindig stated they would have to agree up front before the landowner would close on the easement. It isn't something that we would come in after the fact and decide. If they decide that they are not going to identify any birds it is a non-issue. Mr. Siegel stated that it would be species-specific. You identify an exact species so it isn't every bird in decline that ever comes across your property. Ms. Lindig stated correct and it would have to be in writing. It would have to be something in writing from the NRCS or from the Grantee that said that this easement will always, as a consideration for the management, consider this bird. Ms. Payne asked if that was expressed in the ALE plan or does that get tailored to be defined in the deed. Ms. Lindig stated she was told that it would be defined through a letter and then it would be addressed in the ALE plan.

Ms. Payne stated that to get back to logistics and what the NRCS wants us to accomplish – the difficulty is that landowners and nonprofits and counties seek NRCS funding two years in advance, maybe more, of when a closing will actually occur. We all go through a lot of pain to make application, to qualify and then an ALE plan gets defined. If the

landowner doesn't understand until the end – right before we are all supposed to go to closing – and then all of a sudden there is a bird that has popped up. She doesn't have a sense, are we talking about a quarter of an acre, or are we talking about 50 acres of a farm that could be affected if NRCS determines that there is an important nesting area? Again, how do we explain what the expectation of the landowners can be as we go through this process? Ms. Lindig stated that the NRCS wouldn't make this call without working with the NJ Department of Agriculture, the Fish and Game Division, and then make that decision. Mr. Siegel asked if there was a species in New Jersey that you know of that would apply under this. Ms. Lindig stated not a grassland bird. There is an effort in South Jersey regarding a quail. Mr. Waltman stated he runs a nonprofit and they have a nature reserve that has some grasslands and they have some NRCS programs. They received an up-front payment to restore native warm-season grasses with the hope that they would attract some of these birds. They are not on the endangered species list, they are just known to be relatively low in numbers. There is an advisory to them that they need to mow these fields once a year and the advisory is to not mow between certain months, something like don't mow earlier in May and don't mow later than July 15th because the birds may be nesting at those times. It isn't that they can't mow it, but rather trying to work around the nesting season of the birds that they are hoping to attract. Ms. Lindig stated that there are other things that can be done also. NRCS has asked people to mow and hay from the inside point out so that you can flush the birds out. It is advisory in nature. Ms. Payne stated it is no longer advisory once you put it in the deed. Ms. Lapczynski stated that she thinks they are two separate things. You would have to define that and just having a conservation plan or an ALE plan where you have grasslands and management included in that plan does not trigger that action in the deed. She thinks that is where the distinction is. You can have an ALE plan where you are doing delayed mowing and warm season grass planting but it is not triggered as an enforcement action unless NRCS writes that letter saying they are doing this for this purpose and we need you to manage it for that. As long as they don't write that letter that isn't needed.

Mr. Waltman stated that the question for him would be the timing. If he was a landowner and he knows going into a transaction what the rules are going to be that is one thing. It isn't buyer beware because he has been told and he is going to agree to enter the easement if he thinks it is a good thing to do. The question is the case that Ms. Payne sketched out that there is a several-year process of getting to know you and the consideration of doing an easement. The landowner goes all the way through the process and then gets a letter a week before closing. Ms. Lindig stated that they don't make those calls in a vacuum either. They have a committee that has multiple groups, organizations and agencies that advise them on what they should or shouldn't do and the SADC sends representatives to the meeting. If there was a consensus, if the Fish and Wildlife Service

and the Fish and Game agency and all the groups said they think there is a lot that should be done and we should do everything for this one bird species, then that would be something they would have to tell the landowner up front before the NRCS would even approach them about the ALE money. They would have to know that ahead of time. Ms. Payne asked if it was defined prior to closing and does it change after closing? Ms. Lindig stated it should be defined prior to even starting the process because that is the expectation. Ms. Payne stated agreed, but can that change if the needs of the birds change after closing? Is this something that NRCS could conceivably go back 10 years later and say, this is now on the endangered species list or it is getting close? Ms. Lindig stated it isn't necessarily their call. They try to do all of the things that they can to help farmers meet environmental regulations and the threatened and endangered species is one of the regulations. Mr. Waltman stated that if a bird became endangered on the Federal list, whether or not the farmer has agreed to an easement, they are subject to an action by the U.S. Fish and Wildlife Service that would prevent them from chopping up these birds by mowing. Ms. Lindig stated that the NRCS doesn't advocate necessarily for a specific species.

Mr. Siegel commented that it isn't the intention of the NRCS to put the species in the easement, right? It is going to be in the conservation plan. Ms. Lindig stated correct. Mr. Siegel stated but the conservation plan is subject to revision as time goes on and he thinks that is where we are going here. The easement says if they tell me there is an endangered species impact if I mow this field, well in five or six years from now I'm all of a sudden finding out that guess what, there is an endangered species impact but it wasn't at the time you closed but it is there now so now we are telling you that you cannot mow the field. Is that a plausible outcome? Ms. Lindig stated that when she asked the question, for it to be a significant issue the deed would have to be amended. They can't just add a letter after the fact and say, oh by the way now this bird species is listed. Mr. Siegel stated it really would be what is in the conservation plan at the time of closing and if that plan is later amended, changed or revised, the farmer can say he isn't going to amend his easement and that is OK. The landowner doesn't have to agree to an easement amendment. Ms. Lindig stated that the entity and the Federal government are purchasing the rights to the management of the property, right? So do you have to have the landowner's permission? Mr. Siegel stated, well then this scenario is possible then? If a farmer were to discover that a bird that has been nesting in his field is all of a sudden in decline he would be in violation of the easement if he doesn't change his practices, even though he signed the easement 10 years ago? All of a sudden he gets a new conservation plan and that plan says oh, by the way. Mr. Siegel stated that today under the easement we have now that doesn't happen so this is what we are concerned about is the ALE easement changing from the FRPP easement. The FRPP easement, when you're done

with the easement you are done. There is none of this oh, by the way something is happening on your property and we have to protect the critters. Ms. Lindig stated if a bird species would be identified in the future the NRCS and the entities, the other funding sources, would all have to be in agreement that this is something that would be added. If NRCS makes the recommendation and you would say no, then it doesn't get added. Everyone would have to agree. Mr. Germano stated that if everyone does agree then the farmer has to obey. If everyone agrees then the rules can change for the farmer. He doesn't think that the farmer gets asked in this process. Ms. Lindig stated that they have had that situation with all of their easements, they are included in the discussion. We run into this for Wetlands Reserve Program easements too and they want to modify to manage the wetlands. People come to them and they want a fishing pond, they want a pond and there is not really a wetland, so they have a disagreement about what needs to be constructed or not. They are always encouraged to work with the landowner but they bought the rights so it is NRCS' call.

Mr. Schilling stated that this is where it gets very murky. The right to manage certain conservation values is one thing but from the farm community, what he keeps hearing is well, our agricultural management practices are evolving too. Those are adapting to new crops and new production systems and whatever and some farmers are feeling constrained that those adaptations are being constrained by the easement so there is sort of this asymmetrical kind of relationship there. That is a real issue. One side of the equation can change the terms of the deal but the landowner can't.

Chairman Fisher stated that practically speaking he has heard farmers say that they have entered into the grasslands nesting bird program and all they have to do is during these three months not mow the area and then they manage the farm as they always do. You're saying we essentially are managing that, we bought the management rights to that piece of land. Ms. Lindig stated that in the WRE Program they purchase the management rights of the land. They pay more money in those easements than in the ALE. ALE is basically nothing besides agriculture can occur on this property. The only time the NRCS gets involved is when soil is being lost, it's being abused or something like that. Mr. Waltman stated that the WRE is a very different program. It is about voluntary conservation of something that is regulated by the Federal government as it is. These are wetland areas so it's trying to get a voluntary cooperative way of managing them and you are kind of managing in a more friendly way around something that is otherwise a regulation question. He doesn't see a parallel program, Federal or state programs managing farming unless there is some Federal question like a Federally endangered species. Again, that is going to be regulated whether there is an easement or not. Mr. Schilling stated that is why he was going to say before that the endangered species thing

kind of just takes it out of the discussion here. Mr. Waltman stated that he thinks it would be smart if we proceed to recognize this as a fundamentally different kind of program so that the landowners are aware that there is the State, which is a more traditional agricultural easement program, and then this program, which is steering toward a more land conservation and natural resource conservation program.

Ms. Payne asked Ms. Lindig to address the issue of sod farming and ball-and-burlap operations. Ms. Lindig stated that her understanding is that, remember, the original FRPP program was all about protecting soils; you had to have a highly erodible land plan so that when you farmed you were protecting the soils. Ball-and-burlap and sod farming, in essence, at a very minuscule level, are almost soil mining so again you are losing soil. The intention was to never have those in the FRPP program and they are. We have them in New Jersey. So as those issues have come up and they became more aware they finally just said that it has to be put in black and white and documented with these funds – no ball-and-burlap operations and no sod operations. To take it a step further, the issue here in New Jersey is greenhouses. Your program allows for greenhouses because it is agriculture, to be built on the preserved farms. Yes, you could remove the greenhouses ultimately but the soils are never the same. The NRCS is interested in keeping those prime, unique soils available for farming in perpetuity. Ms. Lindig stated she went down to Cumberland County and talked to the CADB there because she heard they were voting on whether to allow NRCS funds in their county. That is totally their right, they can do that, but her question to them was, why take that option off the table for someone who maybe didn't want greenhouses on their property? Why make that decision for people? Having open lands and the landscape for water drainage, for the watershed and everything, why would you take that option off the table? Mr. Siegel stated that building coverage has been a debate as long as this Committee has been here but our easement, which is in our statute and also in our bond financing covenants, is that this land is being made available for agriculture. You don't have to farm it now to be in compliance with our easement but the land has to remain available for agriculture and agriculture remains something defined by the State legislature. Now to comply with this easement we are defining that agriculture shall not include nursery and sod in the future as well as now. What kind of impact does this have on the nursery industry? Ms. Lindig stated and there is a new movement toward pot and pod. There are other things you can do besides the ball-and-burlap.

Mr. Siegel stated that the point is soil and he is surprised it hasn't come up before because the point is soil is leaving the property, whether it is on the bottom of the grass or in a bag that is holding a tree, soil is leaving the property. Ms. Lindig stated yes, the point is the soil.

Chairman Fisher asked if anyone had any other questions for the NRCS staff or if there was anything else that Ms. Lindig or her staff would like to add. Ms. Lindig stated she would add that the other question that NRCS asked Ms. Payne, because it was an issue with Lobell, was the whole idea of the reference to extraction of materials. This is something that is coming from other parts of the country, larger operations. When you have a ranch or something, everyone has an outcrop of some geologic material, rock that they use and they go and get a scoop to put in the road or something. That is actually extraction and is not for a conservation practice. It is some clay that they use to line the pond or some material that they use to build a road. It is actual borderline mining so they have just said to identify those areas. Ms. Lindig stated they cannot think of any situation in New Jersey where that has been an issue but it is in other parts of the country. That was the issue on extraction.

Mr. Schilling stated that on the topic of soil, one of the things highlighted, if it is an accurate distinction, relates to certain recreational activities and the distinction here is permissibility on a year-round basis versus now defining it as temporary or seasonal. He thought that both provisions would say basically something to the effect that the property has to be used in its existing condition and it can't be a detriment to farming and so forth because that is sort of a standard requirement. What is the concern that would limit it to a seasonal or temporary basis? Ms. Bartok stated that she doesn't know where that came from but if you are talking seasonal activities like hunting, it is done during certain periods. There are different seasons for say weapons. Mr. Schilling stated it also says certain temporary or seasonal outdoor recreational activities, such as hunting, fishing, etc. Mr. Schilling stated he is obviously getting into this concept of agritourism and direct marketing. That is a very large part of our industry too, probably one out of five farms do some form of it. Some of our marketers are, quite frankly, open year-round and it is not seasonal so it is just a matter of defining what those activities are. His curiosity is why it was specifically limited to temporary or seasonal. Ms. Lindig stated she didn't know. They talked to their national office with the issues regarding the Lobell farm and then she got the list after that so she can find out where that came from. It probably came from somewhere else in the country but she doesn't see it as an issue here. Mr. Schilling stated that is one of the challenges, having NRCS being Federal and having 50 states that operate so differently. Because out West for example, you would be absolutely right about saying hunting and fishing, hunting in particular on these big ranches is their dominant form of agritourism. But here in many cases it is more year round and it is more integral to direct marketing efforts, some of which are year round and certainly extending beyond the typical hunting and fishing seasons.

Chairman Fisher thanked Ms. Lindig, Ms. Bartok and Ms. Lapczynski for coming today and helping to explain all of these issues for the Committee. He stated that he doesn't know where this is going to go for New Jersey in terms of the SADC and its participation. Ms. Lindig stated she appreciated the invitation and she stated that the NRCS staff should come to more of these meetings to listen to the various issues.

NEW BUSINESS

A. Resolution for Final Approval – Direct Easement Purchase Program

SADC staff referred the Committee to three requests for final approval under the Direct Easement Purchase Program. SADC staff reviewed the specifics with the Committee and stated that the recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Waltman to approve Resolution FY2016R12(1) through Resolution FY2016R12(3) granting final approval to the following applications under the Direct Easement Purchase Program, as presented and discussed, subject to any conditions of said resolution. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey:

1. Michael and Brenda Seery, SADC #17-00282-DE (Resolution FY2016R12(1))
Block 67, Lot 17; Block 68, Lot 2
Upper Pittsgrove Township, Salem County, 103 Net Easement Acres
Acquisition of the development easement at a value of \$5,250 per acre for a total of approximately \$540,750 subject to the conditions contained in Schedule B. The property has been allocated one Residual Dwelling Site Opportunity (RDSO) and has one approximately 5-acre nonseverable exception area limited to one single-family residential unit and for future flexibility of use including an existing liming and fertilizing business, resulting in approximately 103 net acres to be preserved.

Discussion: The portion of the property to be preserved outside of the exception area includes zero single-family residential units, zero agricultural labor units and no pre-existing nonagricultural uses.

2. C. Glenn Myers, Gerald Myers and Marian Haag, SADC # 17-0285-DE
(Resolution FY2016R12(2))
Block 53, Lots 3 and 3.01, Upper Pittsgrove Township, Salem County, 110

Easement Acres

Acquisition of the development easement at a value of \$7,000 per acre for a total of approximately \$770,000 subject to the conditions contained in Schedule B.

Discussion: The property has been allocated one Residual Dwelling Site Opportunity (RDSO) and has zero single-family residential units, zero agricultural labor units and no pre-existing nonagricultural uses.

3. Tyler Bill, SADC #17-0286-DE (Resolution FY2016R12(3))
Block 28, Lot 26, Quinton Township, Salem County, 178.89 Net Easement Acres
Acquisition of the development easement on approximately 178.89 acres at a value of \$1,650 per acre for a total of approximately \$295,168 subject to the conditions contained in Schedule B. The property includes one approximately 3-acre severable exception area limited to one future single-family residential unit.

Discussion: The portion of the property to be preserved outside of the exception area includes one existing single-family residential unit, zero agricultural labor units and no pre-existing nonagricultural uses.

The motion was unanimously approved. (Copies of Resolution FY2016R12(1) through Resolution FY2016R12(3) are attached to and are a part of these minutes.)

B. Resolutions for Final Approval – Municipal PIG Program

SADC staff referred the Committee to one request for final approval under the Municipal Planning Incentive Grant Program. SADC staff reviewed the specifics with the Committee and stated that the recommendation is to grant final approval.

It was moved by Ms. Murphy and seconded by Mr. Siegel to approve Resolution FY2016R12(4) granting final approval to the following application under the Municipal Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said resolution. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey:

1. John D. Thompson, Sr. Family Limited Partnership, SADC # 13-0448-PG
(Resolution FY2016R12(4))
Block 164, Lots 8.01, 15.01 and 16; Block 168, Lot 38
Howell Township, Monmouth County, 70.5 Gross Acres
State cost share of \$10,260 per acre (60% of the certified easement value and

purchase price) for a total grant need of \$707,940 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 1.5 acre nonseverable exception area for and limited to one existing single-family residential unit and to afford future flexibility of use.

Discussion: The portion of the property outside the exception area includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses.

The motion was unanimously approved. (A copy of Resolution FY2016R12(4) is attached to and is a part of these minutes.)

C. Resolutions for Final Approval – Nonprofit Grant Program

SADC staff referred the Committee to two requests for final approval under the Nonprofit Grant Program. SADC staff reviewed the specifics with the Committee and stated that the recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Waltman to approve Resolution FY2016R12(5) granting final approval to the following application under the Nonprofit Grant Program, as presented and discussed, subject to any conditions of said resolution. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey:

1. New Jersey Conservation Foundation – Timchal Farm, SADC # 17-0046-NP (Resolution FY2016R12(5))
Block 15, Lot 2, Pilesgrove Township, Salem County, 81.34 Gross Surveyed Acres
Cost share grant not to exceed \$3,550 per acre (total of approximately \$268,344.50 based on 75.59 acres) to the New Jersey Conservation Foundation (NJCF) for the development easement acquisition on the Timchal farm, subject to availability of funds and subject to compliance with N.J.A.C. 2:76-16 and the conditions contained in Schedule B. This final approval is conditional upon securing Federal Farm and Ranch Lands Protection Program (FRPP) funding in an amount sufficient to cover the NJCF's 50% cost share. The SADC approves the use of NJCF FRPP funds for the preservation of this farm, which will include a 5% maximum impervious coverage restriction (approximately 3.78 acres) for the construction of agricultural infrastructure on the property outside of the exception areas, which is the maximum impervious coverage allowable through the FRPP program at this time. The property includes one approximately 5.75

acre severable exception limited to one single-family residential unit. The property to be preserved outside the nonseverable exception area includes zero housing opportunities, zero agricultural labor units, and no pre-existing nonagricultural uses.

Discussion: A parcel application was submitted by the NJCF to the USDA, NRCS, Federal Farm and Ranch Lands Protection Program (FRPP). The USDA, NRCS has determined that the property and landowner qualified for Federal grant funds. At this time the Federal approved current easement value has not been finalized; therefore, for the purpose of the resolution, the Federal grant will be estimated using the SADC current easement value of \$7,100 per acre equating to an estimated Federal grant of \$3,550 per acre (50% of \$7,100 per acre) or approximately \$268,344.50 in total Federal funds. The owner has agreed to the additional restrictions associated with Federal funding, including a 5% maximum impervious coverage restriction on the lands being preserved outside of the exception area for the construction of agricultural infrastructure on the property, which is the maximum impervious coverage allowable for the property through the FRPP at this time.

The motion was unanimously approved. (A copy of Resolution FY2016R12(5) is attached to and is a part of these minutes.)

It was moved by Mr. Germano and seconded by Ms. Brodhecker to approve Resolution FY2016R12(6) granting final approval to the following application under the Nonprofit Grant Program, as presented and discussed, subject to any conditions of said resolution. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey:

1. New Jersey Conservation Foundation – Ziebarth Farm, SADC # 18-0011-NP (Resolution FY2016R12(6))
Block 41, Lot 1, Bedminster Township, Somerset County, 29 Gross Acres
Cost share grant not to exceed \$14,250 per acre (total of approximately \$339,150 based on 23.8 acres) to the New Jersey Conservation Foundation for the development easement acquisition on the Ziebarth farm, subject to the availability of funds. This final approval is conditioned upon securing USDA, NRCS, Federal Farm and Ranch Lands Protection Program (FRPP) funding in an amount sufficient to cover the New Jersey Conservation Foundation's cost share. The SADC approves the use of NJCF FRPP funds for the preservation of this property, which will include an impervious coverage limitation of 6.67% and other restrictions required under the FRPP program. The property includes one

approximately 5.2 acre nonseverable exception limited to one existing single-family residential unit and one existing cottage (limited to 1,200 square feet). The property to be preserved outside of the nonseverable exception includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses. The application is subject to the conditions contained in Schedule B.

Discussion: A parcel application was submitted by the New Jersey Conservation Foundation to the USDA, NRCS, Federal Farm and Ranch Lands Protection Program (FRPP). The NRCS has determined that the property and landowner qualified for FRPP grant funds. The landowner has agreed to the additional restriction associated with the FRPP grant, including a 6.67% maximum impervious coverage restriction (approximately 1.59 acres) on the lands being preserved outside of the exception area for the construction of agricultural infrastructure on the property, which is the maximum impervious coverage allowable for the property through FRPP at this time.

The motion was unanimously approved. (A copy of Resolution FY2016R12(6) is attached to and is a part of these minutes.)

C. Nonprofit Assignment of Deed of Easement

1. Hunterdon Land Trust – Mulligan Farm, Kingwood Twp., Hunterdon Co.

SADC staff referred the Committee to Resolution FY2016R12(7) for a request by the Hunterdon Land Trust (HLT) to assign the Deed of Easement on the Mulligan Farm, known as Block 33, Lot 24, in Kingwood Township, Hunterdon County, to the Hunterdon County Board of Chosen Freeholders. In September 2013 the HLT received SADC final approval to acquire the development easement on the property. In March 2014 the HLT acquired a deed of easement on the property. In September 2013 the Hunterdon CADB granted approval to HLT's acquisition of the Deed of Easement and on March 6, 2014 the HLT passed a resolution approving the assignment to Hunterdon County. In February 2015 the USDA, NRCS granted approval to the assignment of the farm's Deed of Easement from the HLT to the County of Hunterdon and on September 1, 2015 the Hunterdon County Board of Chosen Freeholders approved the acceptance of the assignment. Mr. Siegel asked why it was being assigned to Hunterdon County. Mr. Knox stated that one reason is that the HLT doesn't want to hold it any longer and also Hunterdon County is better equipped to do the monitoring. Jacqueline Middleton from the HLT stated that in 2014 the County participated in the funding of the transaction and part of the deal was that they would get the easement. She stated that they are capable of monitoring the property but it would be better for them if Hunterdon County has it. The

HLT and Hunterdon County are requesting SADC approval for the assignment of the Deed of Easement. Staff recommendation is to approve the request.

It was moved by Ms. Murphy and seconded by Mr. Waltman to approve Resolution FY2016R12(7) approving the assignment of the Mulligan Deed of Easement from the Hunterdon Land Trust to the Hunterdon County Board of Chosen Freeholders. All documents required to complete the assignment shall be subject to review and approval by the SADC. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2016R12(7) is attached to and is a part of these minutes.)

D. Stewardship

1. Request for Division of the Premises
 - a. Stuart Reed Farm

SADC staff referred the Committee to Resolution FY2016R12(8) for a request by Stuart Reed, owner of Block 24, Lots 22.01 and 23, in Upper Freehold Township, Monmouth County, comprising 238.8 acres, to divide the premises into two parcels. The original premises, comprising 403.68 acres, was preserved in 1997. It was originally the Shipper farm and it was two pieces about 3 miles apart from each other. The subject property was created as the result of a division of the premises request approved by the Committee in September 1998 by Resolution FY99R9(18). The Deed of Easement for the original premises references one existing residence, no agricultural labor residences, and two residual dwelling site opportunities (RDSOs). At the time of preservation 20 wooded acres of the subject property along Doctor's Creek was severed from preservation to allow for the potential future sale of this area to the Monmouth County Parks System. It was taken as a severable exception and it has not been severed as of today. At this point the County has not purchased it. Should the County want to do so to make it part of the Doctor's Creek Trail that option has not changed because of this, they would just be dealing with two owners instead of one. Mr. Waltman asked was it the County as the entity that wanted to preserve the stream corridor and have they weighed in on this? Would it make sense for one of the two new parcels to have the whole thing so that the County would only need to deal with one owner? Mr. Roohr stated that the County has not purchased it and he doesn't know if they have negotiated with the Reeds in any way since that point but the Reed family still owns it 100 percent and that is the line where they wanted to put it. Harriet Honigfeld from the Monmouth County Agriculture Development Board stated that the County owns the adjacent stream corridor on the other side. Normally we negotiate together at closing but Shipper was the sole development

company that was going out of business and they put in the application knowing that the County asked that they keep the stream corridor out of the agricultural easement area so that it could be part of the greenways in Monmouth County's master plan. Ms. Payne asked if the County had any objections to the subdivision. Ms. Honigfeld stated no, none.

The single-family residence, originally located on the subject premises and existing at the time of preservation, has since been removed, and one of the two RDSOs was allocated to the subject premises through SADC Resolution FY99R9(18). The purpose of this new division is to split the farm in half in order to transfer Parcel A to David Reed, the owner's son and current manager of the family business, Reed's Sod Farm. The owner will retain ownership of Parcel B.

SADC staff stated that Parcel A would result in a 103.3 acre property and would include an additional 8.8 acres of land from the 20 acres reserved from preservation along Doctor's Creek. Parcel A is improved with an equipment barn, underground irrigation mains as well as an irrigation pond. The RDSO associated with the subject premises shall be allocated to Parcel A.

The resulting Parcel B would result in a 135.5 acre property and would include an additional 11.2 acres of land from the 20 acres reserved from preservation along Doctor's Creek. Parcel B is improved with one equipment barn, underground irrigation mains and an irrigation pond. The ability to reconstruct the single-family residence that existed on the subject premises at the time of preservation shall be associated with Parcel B. Staff recommendation is to approve the request as presented and discussed.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve Resolution FY2016R12(8) granting a request by Stuart Reed, owner of Block 24, Lots 22.01 and 23, in Upper Freehold Township, Monmouth County, comprising 238.8 acres, to divide the premises into two parcels. As a condition of approval the RDSO associated with the subject premises shall be allocated to Parcel A and the ability to replace the previously existing single-family residence, as shown on Schedule A, shall be associated with Parcel B. This approval is subject to the conditions set forth in this resolution and is not transferrable to another purchaser. As a condition of the approval, the Owner shall provide copies of the draft deed of sale to the Committee for review and approval prior to the sale, showing both the allocation of the RDSO to Parcel A and the assignment of the ability to replace the previously existing single-family residence to Parcel B. As a condition of this approval the Owner shall provide a copy of a survey and metes and bounds description of the newly created parcels to the Committee. Upon approval of the transfer deed and receipt of the survey and metes and bounds description for the

individual parcels the SADC shall file a copy of its approval of the division of the premises with the Monmouth County Clerk's Office. The SADC's approval is subject to, and shall be effective upon the recording of the SADC's approval resolution with the Clerk's Office. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This approval is valid for a period of three years from the date of approval. The motion was unanimously approved. (A copy of Resolution FY2016R12(8) is attached to and is a part of these minutes.)

2. Renewable Energy Request
Raymond and Gerard Hlubik, Chesterfield Township, Burlington Co.

SADC staff referred the Committee to Resolution FY2016R12(9) for a request by Raymond and Gerard Hlubik, owners of Blocks 600, Lot 33, and Block 901, Lot 16 in Chesterfield Township, Burlington County, comprising 60.82 acres to install a ground-mounted solar energy generation facility. The facility will be owned by the landowners. This request is actually to add one set of panels to what is already an existing set that includes two arrays. The two that were put in were installed prior to 2010, which was the date of the legislation that then required that you had to get SADC approval. These two units predated that so there is no problem with them. What has happened since that time is that the landowner has increased his cooler space. He has a farm market on site and he has a processing barn where he has his refrigeration and coolers so as his business has increased and his cooling needs have increased so has his electrical demand. He is looking to put in this new set of panels. The farm market, coolers and barn are located on a nonseverable exception on the farm and there is a greenhouse that is located partially on the exception area and partially on the preserved part of the farm. The infrastructure is used primarily in the production, processing, storage and sale of the output of the premises. The energy demand for the previous calendar year for the farm market, coolers and barn was approximately 43,228 kWh's. The owners' existing ground mounted solar array, which was installed prior to January 2010, produced approximately 28,000 kWh's last year. The rated capacity of the proposed new solar energy generation facility is 14,849 kWh's per year. Combined, the new and existing systems will supply approximately 99% of the current energy demand for the market, coolers and barn. The proposed ground-mounted solar energy facility comprises approximately 4 square feet of impervious cover. The proposed facility will be located in a grass area directly in front of a pre-existing solar array, located approximately 250 feet from the farm market on the property as identified in Schedule A.

The existing ground-mounted array on the property consists of two rows of panels that have an occupied area of approximately 6,950 square feet of space, just south of the farm

market. The proposed ground-mounted solar energy facility consists of the area around the panels themselves, including a 20-foot perimeter buffer and the underground trench that connects the panels to the meter on the farm market, which together comprise an occupied area of approximately 5,300 square feet. When combined with the existing array the total occupied area for all the existing and proposed panels would be approximately 12,250 square feet. The proposed ground-mounted solar energy facility will be installed with screw-in posts. The proposed ground-mounted solar energy facility requires site disturbance of approximately 304 square feet. Staff recommendation is to approve the request as presented and discussed.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve Resolution FY2016R12(9) granting a request by Raymond and Gerard Hlubik, owners of Block 600, Lot 33, and Block 901, Lot 16, in Chesterfield Township, Burlington County, comprising 60.82 acres to install a ground mounted energy generation facility. The SADC approves of the construction, installation, operation and maintenance of the photovoltaic energy generation facilities, structures and equipment consisting of approximately 5,300 square feet of occupied area about 250 feet south of the existing farm market and having a rated capacity of 14,849 kWh's of energy as identified in Schedule A, and as described further in said Resolution. The total electrical energy demand for the farm market and storage barns is 43,228 kWh's annually. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2016R12(9) is attached to and is a part of these minutes.)

PUBLIC COMMENT

None

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, January 28, 2016, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 10:37 a.m., Mr. Siegel moved the following resolution to go into Closed Session. The motion was seconded by Mr. Schilling and unanimously approved.

“Be it resolved, in order to protect the public interest in matters involving

minutes, real estate, and attorney-client matters, pursuant to N.J.S.A. 10:4-12, the N.J. State Agriculture Development Committee declares the next one-half hour to be private to discuss these matters. The minutes will be available one year from the date of this meeting.”

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters - Certification of Values

It was moved by Mr. Germano and seconded by Ms. Brodhecker to approve the Certification of Values as discussed in Closed Session for the following applicants:

County Planning Incentive Grant Program

1. Mark Shut/Shute ET AL (S. Yarborough, Mark Shute, Michael Shute, J. Curtice, D. Minix), SADC # 08-0184-PG
Block 702, Lot 7, Logan Township, Gloucester County, 45 Acres
2. John and Debra Basile, SADC # 17-0146-PG
Block 18, Lot 6, Upper Pittsgrove Twp., Salem County, 27.9 Gross Acres

Municipal Planning Incentive Grant Program

1. Franklin T. Atkinson, Jr., # 1, SADC # 06-0168-PG
Block 76, Lot 11.01, Hopewell Township, Cumberland County, 50 Acres
2. Ianniciello, Amilcare and Angiolina (Panorama Farm), SADC #10-0362-PG
Block 25, Lot 8, Delaware Township, Hunterdon County, 58 Acres
3. Darla Mae Waters/Heatherfield Farms, SADC # 21-0578-PG
Block 21, Lot 42, Harmony Township, Warren County, 78 Acres

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

It was moved by Mr. Germano and seconded by Mr. Schilling to approve the Certification of Values as discussed in Closed Session for the following applicant:

Ms. Brodhecker recused herself from any discussion/action pertaining to the following agenda item to avoid the appearance of a conflict of interest. Ms. Brodhecker is the Chairperson of the Sussex County Agriculture Development Board.

3. Ray and Dana Eisele (DanaRay Farm), SADC # 19-0043-PG
Block 68, Lots 1.01 and 1.03, Frankford Twp., Sussex County, 15 Acres

The motion was approved. (Ms. Brodhecker recused herself from the vote.) (Copies of the Certification of Value Reports are attached to and are a part of the Closed Session minutes.)

PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, it was moved by Mr. Germano and seconded by Mr. Schilling and unanimously approved to adjourn the meeting at 11:33 a.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2016R12(1)

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

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

December 10, 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12-10-15



Date

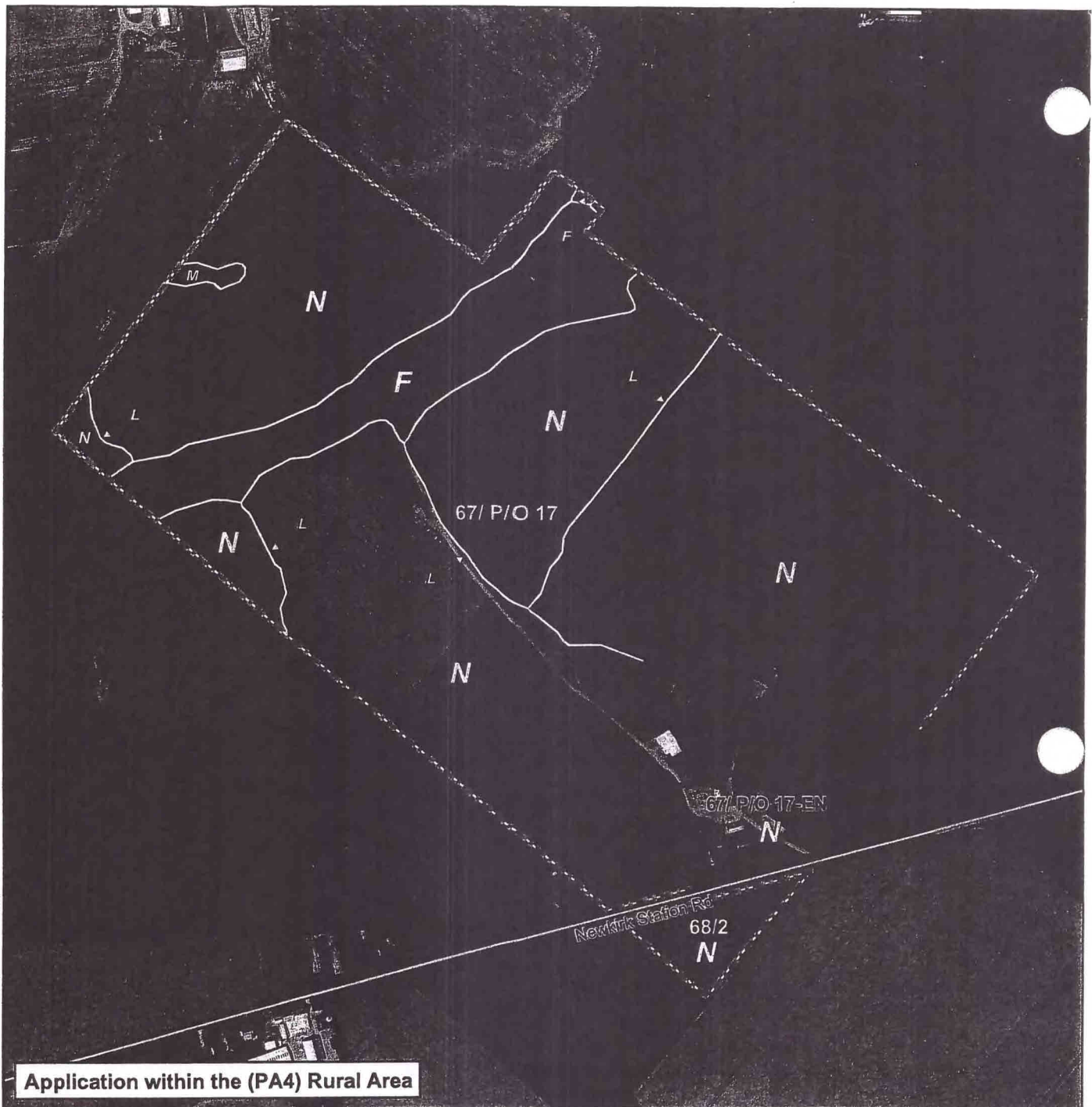
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A

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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

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



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

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

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

September 8, 2014

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Application within the (PA4) Rural Area

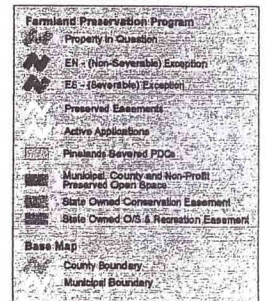
FARMLAND PRESERVATION PROGRAM **NJ State Agriculture Development Committee**

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

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

NOTE:

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



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

September 8, 2014

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

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

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

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

This final approval is subject to the following:

1. Available funding.
2. The allocation of 1 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st five (5) acres for Ag business and 1 single family residence
 - Exception is not to be severable from Premises
 - Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additonal 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 #FY2016R12 (2)

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

On the Property of
C. Glenn Myers, Gerald Myers and Marian Haag ("Owners")

December 10, 2015

Subject Property: C. Glenn Myers, Gerald Myers and Marian Haag ("Owners")
Block 53 Lots 3 & 3.01
Upper Pittsgrove Township, Salem County
SADC ID#:17-0285-DE
Approximately 110 Easement Acres

WHEREAS, on December 15, 2014, the State Agriculture Development Committee ("SADC") received a development easement sale application from C. Glenn Myers, Gerald Myers and Marian Haag, hereinafter "Owners," identified as Block 53, Lot 3 & 3.01, Upper Pittsgrove Township, Salem County, hereinafter "the Property," totaling approximately 110 gross Acres (Schedule A); and

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

WHEREAS, the Property has been allocated one (1) Residual Dwelling Site Opportunity (RDSO) and has zero (0) single family residential units, zero (0) agricultural labor units, no pre-existing non-agricultural uses and; and

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

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 92 and minimum quality score of 60) because it is approximately 110 net easement acres and has a quality score of 75.67; and

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

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

WHEREAS, on September 24, 2015, the SADC certified the development easement value at \$7,000 per acre based on current zoning and environmental conditions as of June 26, 2015; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$7,000 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval for its acquisition of the development easement at a value of \$7,000 per acre for a total of approximately \$770,000 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the Property has been allocated one (1) Residual Dwelling Site Opportunity (RDSO) and has zero (0) single family residential units, zero (0) agricultural labor units, no pre-existing non-agricultural uses and; and; and

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

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

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

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

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

Date

12-10-16

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

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Schedule A

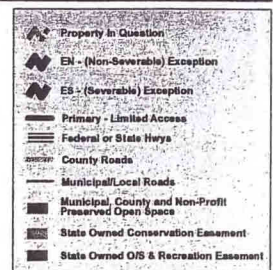
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Gerald Myers, C. Glenn Myers and Marian E. Haag
Block 53 Lots 3 (83.4 ac)
& 3.01 (27.0 ac)
Gross Total = 110.4 ac
Upper Pittsgrove Twp., Salem County

1,000 500 0 Feet



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

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

Date: 5/22/2015

Preserved Farms and Active Applications Within Two Miles

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Gerald Myers, C. Glenn Myers and Marian E. Haag
Block 53 Lots 3 (83.4 ac)
& 3.01 (27.0 ac)
Gross Total = 110.4 ac
Upper Pittsgrove Twp., Salem County

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



NOTE:

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

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

December 30, 2014

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Myers & Haag Farm
State Acquisition
Easement Purchase - SADC
110 Acres

Block 53 Lot 3 Upper Pittsgrove Twp. Salem County
Block 53 Lot 3.01 Upper Pittsgrove Twp. Salem County

SOILS:	Prime	92% *	.15	=	13.80
	Statewide	8% *	.1	=	.80
				SOIL SCORE:	14.60
TILLABLE SOILS:	Cropland Harvested	100% *	.15	=	15.00
				TILLABLE SOILS SCORE:	15.00
FARM USE:	Hay		26 acres		
	Corn-Cash Grain		39 acres		
	Soybeans-Cash Grain		35 acres		

This final approval is subject to the following:

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2016R12(3)

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

On the Property of
Tyler Bill ("Owner")

December 10, 2015

Subject Property: Tyler Bill ("Owner")
Block 28, Lot 26
Quinton Township, Salem County
SADC ID#:17-0286-DE
Approximately 178.89 acres Net Easement Acres

WHEREAS, on February 4, 2015, the State Agriculture Development Committee ("SADC") received a development easement sale application from Tyler Bill hereinafter "Owner," identified as Block 28, Lot 26, Quinton Township, Salem County, hereinafter "the Property," totaling approximately 181.89 Gross Acres, identified in (Schedule A); and

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

WHEREAS, the Property includes one (1) approximately 3-acre severable exception area limited to one (1) future single family residential unit, resulting in approximately 178.89 net acres to be preserved; and

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

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

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 92 and minimum quality score of 60) because it is approximately 178.89 net easement acres and has a quality score of 65.34; and

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

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

WHEREAS, on November 12, 2015, the SADC certified the development easement value at \$1,650 per acre based on current zoning and environmental conditions in place as of August 19, 2015; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement for \$1,650 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval for its acquisition of the development easement on approximately 178.89 acres at a value of \$1,650 per acre for a total of approximately \$295,168 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the Property includes one (1) approximately 3-acre severable exception area limited to one (1) future single family residential unit; and

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

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

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

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

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

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

12-10-15

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Tyler Bill
Block 28 Lots P/O 26 (178.9 ac)
& P/O 26-ES (severable exception - 3.0 ac)
Gross Total = 181.9 ac
Quinton Twp., Salem County



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

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



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

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

February 25, 2015

CONTINUED



February 25, 2015

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Tyler Bill Farm
State Acquisition
Easement Purchase - SADC
179 Acres

Block 28	Lot 26	Quinton Twp.	Salem County		
SOILS:		Other	30% *	0	= .00
		Prime	63% *	.15	= 9.45
		Statewide	7% *	.1	= .70
					SOIL SCORE: 10.15
TILLABLE SOILS:		Cropland Harvested	54% *	.15	= 8.10
		Other	10% *	0	= .00
		Wetlands	28% *	0	= .00
		Woodlands	8% *	0	= .00
					TILLABLE SOILS SCORE: 8.10
FARM USE:	Hay			96 acres	

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st three (3) acres for Future home for family
 - Exception is severable
 - Exception is to be limited to one existing single family residential unit(s) and one future single family residential unit(s)
 - c. Additional Restrictions: No Additonal Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 - Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R12(4)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

HOWELL TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
John D. Thompson, Sr. Family Limited Partnership ("Owners")
Howell Township, Monmouth County

N.J.A.C. 2:76-17A. et seq.
SADC ID#13-0448-PG

DECEMBER 10, 2015

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Howell Township, Monmouth County; and

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

WHEREAS, on August 14, 2014 the SADC received an application for the sale of a development easement from Howell Township for the subject farm identified as Block 164, Lots 8.01, 15.01, and 16 and Block 168, Lot 38, Howell Township, Monmouth County, totaling approximately 70.5 gross acres hereinafter referred to as "the Property" (Schedule A); and

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

WHEREAS, the Property includes one (1), approximately 1.5 acre non-severable exception for/and limited to one (1) single family residential unit and to afford future flexibility of use, resulting in approximately 69 net acres to be preserved; and

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

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on September 20, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 24, 2015 the SADC certified a development easement value of \$17,100 per acre based on current zoning and environmental regulations in place as of May 15, 2015 ; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township's offer of \$17,100 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on October 19, 2015 the Howell Township Committee approved the application and a funding commitment for an estimated \$2,736 per acre; and

WHEREAS, the Monmouth County Agriculture Development Board approved the application on November 10, 2015 and secured a commitment of funding from the Monmouth County Board of Chosen Freeholders on November 12, 2015, for the \$4,104 per acre to cover the remaining local cost share; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 69 net easement acres):

		<u>Total</u>
SADC	\$ 707,940	(\$10,260 per acre and 60% of CMV))
Monmouth County	\$ 283,176	(\$ 4,104 per acre and 24% of CMV)
Howell Township	\$ 188,784	(\$ 2,736 per acre and 16% of CMV)
Total Easement Purchase	\$1,179,900	(\$17,100 per acre)

WHEREAS, Howell Township is requesting \$707,940 and sufficient funds are available (Schedule B); and

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

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Howell Township for the purchase of a development easement on the Property, comprising approximately 69 net easement acres, at a State cost share of \$10,260 per acre, (60% of certified easement value and purchase price), for a total grant need of \$707,940 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 1.5 acre non-severable exception area for/and limited to one (1) existing single family residential unit and to afford future flexibility of use; and

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

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

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

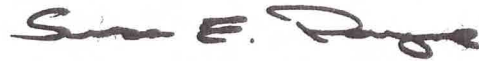
BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

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

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

12-10-15

Date

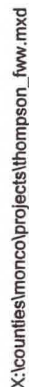


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

John D. Thompson, Jr., Family Limited Partnership
Block 164 Lots 8.01 (3.7 ac); P/O 15.01 (44.8 ac);
P/O 15.01-EN (non-severable exception - 1.5 ac)
& 16 (9.9 ac) and Block 168 Lot 38 (10.0 ac)
Gross Total = 70.0 ac
Howell Twp., Monmouth County

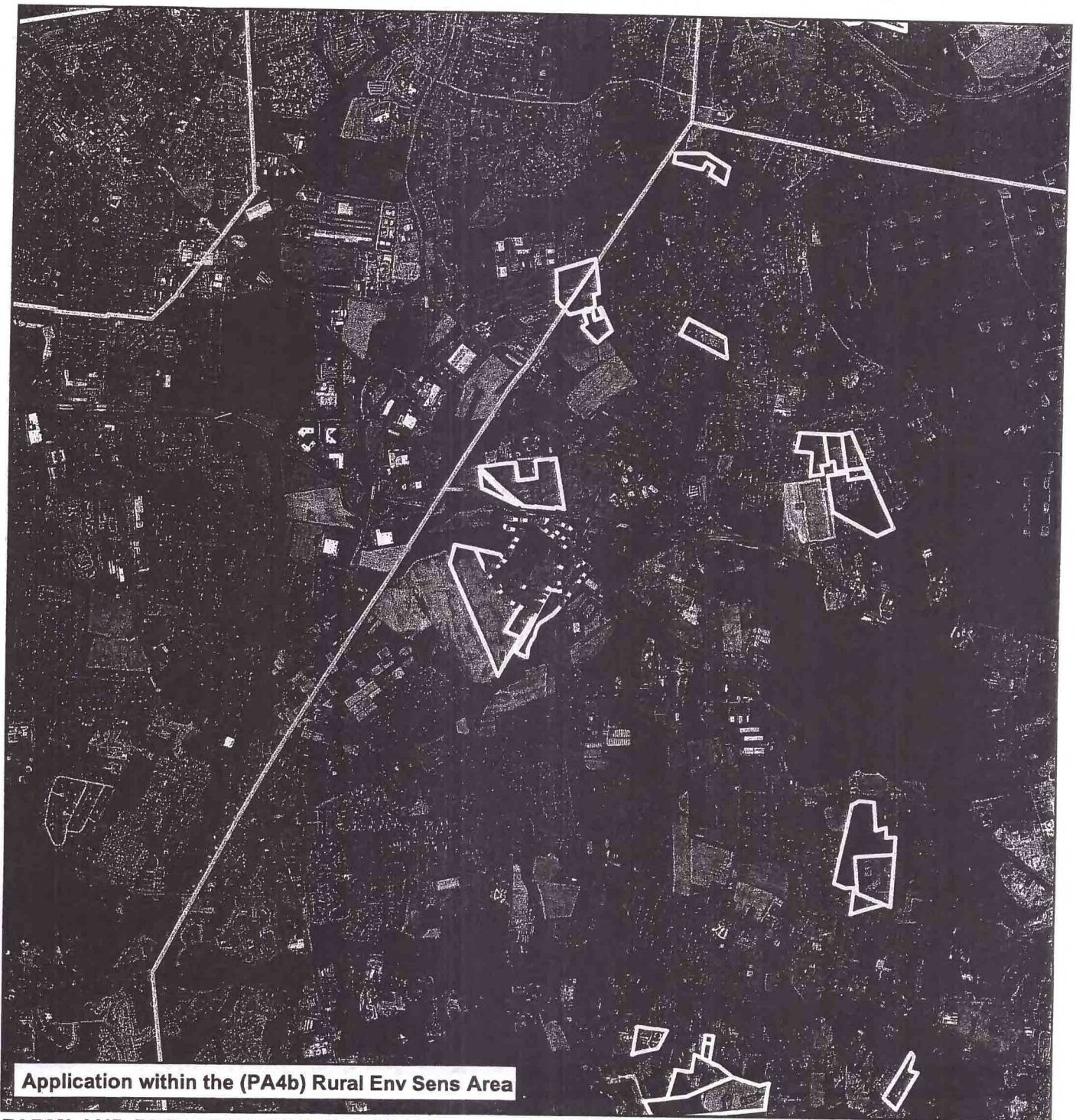


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Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJDOT Road Data
NJOIT/OGIS 2012 Digital Aerial Image

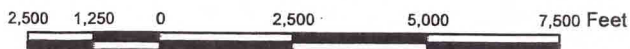
X:\counties\monco\projects\thompson_2mile.mxd



Application within the (PA4b) Rural Env Sens Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

John D. Thompson, Jr., Family Limited Partnership
Block 164 Lots 8.01 (3.7 ac); P/O 15.01 (44.8 ac);
P/O 15.01-EN (non-severable exception - 1.5 ac)
& 16 (9.9 ac) and Block 168 Lot 38 (10.0 ac)
Gross Total = 70.0 ac
Howell Twp., Monmouth County



NOTE:

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

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

August 16, 2014

Municipal Planning Incentive Grant
Howell Township, Monmouth County

Schedule B

Farm	SADC ID#	Acres	Negotiated & Approved Per Acre	SADC Grant Per Acre	SADC				
					Cost Basis	Cost Share	Encumbered	Expended	Balance
Clayton	13-0408-PG	26.496	37,500.00	22,500.00	992,625.00	596,160.00	596,160.00	595,575.00	1,750,000.00
Thompson	13-0448-PG	69.000	17,100.00	10,260.00	1,179,900.00	707,940.00	707,940.00		1,154,425.00
									446,485.00
Total Pending									
Total Encumbered	1	69.000			1,179,900.00	707,940.00	707,940.00		
Closed/Expended	1	26.496			992,625.00	596,160.00		595,575.00	
Total									446,485.00

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Thompson Family Farm
13- 0448-PG
PIG EP - Municipal 2007 Rule
69 Acres

Block 164	Lot 8.01	Howell Twp.	Monmouth County
Block 164	Lot 15.01	Howell Twp.	Monmouth County
Block 164	Lot 16	Howell Twp.	Monmouth County
Block 168	Lot 38	Howell Twp.	Monmouth County

SOILS:	Other	24% *	0	=	.00
	Prime	55% *	.15	=	8.25
	Statewide	21% *	.1	=	2.10

SOIL SCORE: 10.35

TILLABLE SOILS:	Cropland Harvested	76% *	.15	=	11.40
	Other	2% *	0	=	.00
	Wetlands	22% *	0	=	.00

TILLABLE SOILS SCORE: 11.40

FARM USE:	Sod	acres
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the SADC certified a value of \$17,100.00 per acre for the development easement. The Township is contracted to purchase the easement for \$17,100.00 per acre. The SADC approves a purchase price of the development easement of \$17,100.00 per acre for an estimated \$1,179,900.00. The SADC 60.00% cost share pursuant to N.J.A.C. 2:76-6.11 is \$10,260.00 per acre for an estimate of 707,940.00. County 24.00% cost share is \$4,104.00 per acre for an estimate of 283,176.00. Municipal 16.00% cost share is \$2,736.00 per acre for an estimate of 188,784.00.

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (1.5) acres for Flexibility for use of buildings and house
 - Exception is not to be severed from Premises
 - Exception is to be limited to one single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2016R12(5)

**Final Approval and Authorization to
Execute Deed of Easement, Project Agreement, and Closing Documents
New Jersey Conservation Foundation – Timchal Farm
FY2013 Non Profit Round – SADC #17-0046 NP**

December 10, 2015

WHEREAS, on May 21, 2012 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from New Jersey Conservation Foundation ("NJCF") for the Timchal farm identified as Block 15, Lot 2, Pilesgrove Township, Salem County, totaling approximately 81.34 gross surveyed acres, hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property includes one (1), approximately 5.75-acre severable exception limited to one (1) single family residential unit, resulting in approximately 75.59 net acres to be preserved; and

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

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

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

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

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

WHEREAS, at the time of SADC preliminary approval the Property had a quality score of 64.49 which is greater than 70% of the County average quality score of 48 as determined on July 28, 2011; and

WHEREAS, on September 24, 2015 the SADC certified a development easement value of the Property to be \$7,100 per acre based on current zoning and environmental regulations in place as of July 10, 2015; and

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

WHEREAS, on October 16, 2015 NJCF informed the SADC that it accepted the SADC certified easement value of \$7,100 per acre and SADC 50% per acre cost share of \$3,550.00; and

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

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

WHEREAS, at this time the FRPP approved current easement value has not been finalized, therefore, for the purpose of this resolution, the FRPP grant will be estimated using the SADC current easement value of \$7,100 per acre equating to an estimated FRPP grant of \$3,550.00 per acre (50% of \$7,100) or approximately \$268,344.50 in total FRPP funds; and

WHEREAS, the Owner has agreed to the additional restrictions associated with the FRPP grant, including a 5% maximum impervious coverage restriction (approximately 3.78 acres) on the lands being preserved outside of the exception area for the construction of agricultural infrastructure on the Property, which is the maximum impervious coverage allowable for the Property through the FRPP program at this time; and

WHEREAS, the estimated cost share participation for the project is as follows (based on 75.59 acres); and

NJCF FRPP Grant	\$268,344.50	\$3,550.00/acre (50% of \$7,100)
SADC Nonprofit Grant Funds	<u>\$268,344.50</u>	<u>\$3,550.00/acre (50% of \$7,100)</u>
Total	\$536,689.00	\$7,100.00/acre; and

WHEREAS, this final approval is conditional upon securing FRPP funding in an amount sufficient enough to cover the NJCF's 50% cost share; and

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the New Jersey Conservation Foundation/Timchal easement acquisition application subject to compliance with N.J.A.C. 2:76-16 and the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$3,550.00 per acre (total of approximately \$268,344.50 based on 75.59 acres) to the New Jersey Conservation Foundation for the development easement acquisition on the Timchal farm subject to the availability of funds; and

BE IT FURTHER RESOLVED, that this final approval is conditional upon securing FRPP funding in an amount sufficient enough to cover the NJCF's 50% cost share; and

BE IT FURTHER RESOLVED, the SADC approves the use of NJCF Federal Farm and Ranch Land Protection Program funds for the preservation of the Timchal farm, which will include a 5% maximum impervious coverage restriction (approximately 3.78 acres) for the construction of agricultural infrastructure on the Property outside of the exception areas, which is the maximum impervious coverage allowable through the FRPP program at this time; and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 5.75 acre severable exception limited to one single family residential unit; and

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

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

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

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

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

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

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

12-10-15

Date



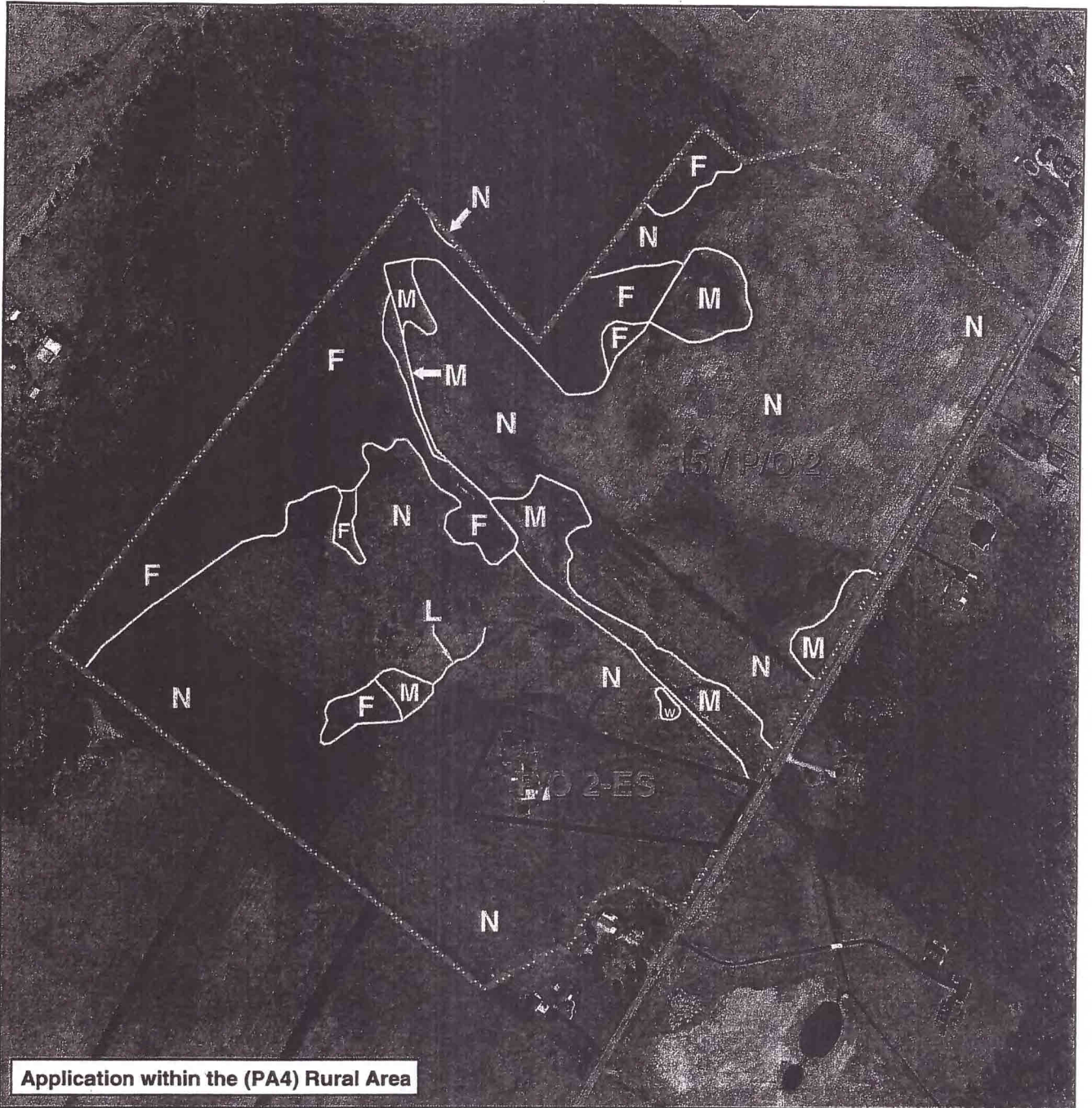
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A

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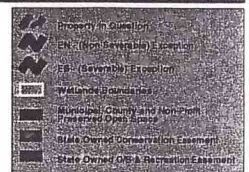


Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Timchal, George & Nancy / NJCF
Block 15 P/O Lot 2 (75.57 ac)
& P/O Lot 2-ES (severable exception - 5.75 ac)
Gross Total - 79.64 ac
Pilesgrove Twp. Salem County

500 250 0 500 1,000 Feet



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
W - Water

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

Date: 7/12/2012

Preserved Farms and Active Applications Within Two Miles

X:/counties/salco/projects/TimchalGN_NJCF_2mile.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Timchal, George & Nancy / NJCF
Block 15 P/O Lot 2 (75.57 ac) & P/O Lot 2-ES (severable exception - 4.07 ac)
Gross Total - 79.64 ac
Pilesgrove Twp. Salem County

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



NOTE:

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

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 Digital Aerial Image

Date: 7/12/2012

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Timchal Farm
17- 0046-NP
FY 2013 Easement Purchase - Nonprofit
74 Acres

Block 15	Lot 2	Pilesgrove Twp.	Salem County
SOILS:		Prime	32.45% * .15 = 4.87
		Statewide	67.55% * .1 = 6.76
			SOIL SCORE: 11.62
TILLABLE SOILS:		Cropland Harvested	71.68% * .15 = 10.75
		Woodlands	28.32% * 0 = .00
			TILLABLE SOILS SCORE: 10.75
FARM USE:		Cash Grains	8 acres
		Corn-Cash Grain	24 acres
		Soybeans-Cash Grain	24 acres
			hay

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 50% of the eligible costs. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (5.75) acres for existing SFR
Exception is severable
Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions:
 1. FY12 FRPP via NJCF subject to 5% maximum impervious coverage restriction (approximately 3.78 acres) the Premises.
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for eligible costs ancillary to the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, N.J.A.C. 2:76-12.6 and N/J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2016R12(6)

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

December 10, 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12-10-15

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Schedule A

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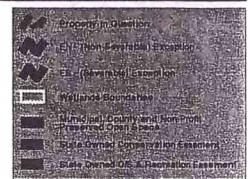


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

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



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



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

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

September 10, 2012

Preserved Farms and Active Applications Within Two Miles

x:\counties\somco\projects\ziebarth2_2mile.mxd



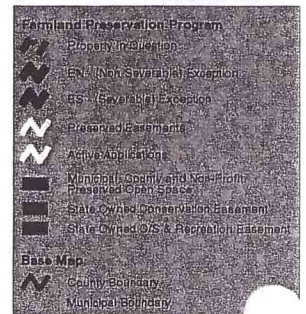
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

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

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

NOTE:

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



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOT/OGIS 2007/20008 Digital Aerial Image

September 10, 2012

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Ziebarth Farm (B41-L1)

18- 0011-NP

FY 2013 Easement Purchase - Nonprofit

24 Acres

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

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 50% of the eligible costs. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (5.2) acres for Single family residential unit, cottage and assorted bldgs.
Exception is not to be severable from Premises
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
cottage is limited to 1,200 SF
 - c. Additional Restrictions:
 1. FY12 FRPP via NJCF subject to a 6.67% maximum impervious coverage (approximately 1.59 acres) restriction on the Premises.
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for eligible costs ancillary to the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, N.J.A.C. 2:76-12.6 and N/J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R12(7)

HUNTERDON LAND TRUST

ASSIGNMENT OF DEED OF EASEMENT

December 10, 2015

WHEREAS, on September 26, 2013 Hunterdon Land Trust (HLT) received State Agriculture Development Committee (SADC) Final Approval to acquire the development easement on the Mulligan farm, Block 33, Lot 24, Kingwood Township, Hunterdon County; and

WHEREAS, on March 12, 2014 HLT acquired a Deed of Easement on the Mulligan farm, which was recorded in the Hunterdon County Clerk's Office on March 14, 2014 in Deed Book 2327, Page 719; and

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

WHEREAS, HLT wants to assign the Deed of Easement to the Hunterdon County Board of Chosen Freeholders; and

WHEREAS, on September 12, 2013 the Hunterdon County Agriculture Development Board granted approval to HLT's acquisition of the Mulligan Deed of Easement; and

WHEREAS, on March 6, 2014 HLT passed a resolution approving the assignment of the Mulligan Deed of Easement to Hunterdon County; and

WHEREAS, on February 24, 2015 the United States Department of Agriculture, Natural Resources Conservation Service granted approval to the assignment of the Mulligan Deed of Easement from the Hunterdon Land Trust to the County of Hunterdon; and

WHEREAS, on September 1, 2015 the Hunterdon County Board of Chosen Freeholders approved the acceptance of the assignment of the Mulligan Deed of Easement; and

WHEREAS, HLT and Hunterdon County are requesting SADC approval for the assignment of the Deed of Easement on the Mulligan farm to the Hunterdon County Board of Chosen Freeholders; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC approves the assignment of the Mulligan Deed of Easement from Hunterdon Land Trust to the Hunterdon County Board of Chosen Freeholders; and

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

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

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

12-10-15

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands

x:\counties\hunco\projects\mulligan_fw.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mark Mulligan/HLT
Block 33 Lots P/O 24 (60.6 ac)
& P/O 24-EN (non-severable exception - 5.0 ac)
Gross Total = 65.6 ac
Kingwood Twp., Hunterdon County

500 250 0 500 1,000 Feet



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

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

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

June 18, 2012

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R12(8)

Request for Division of Premises

**Stuart Reed
December 10, 2015**

Subject Property: Stuart Reed
Block 24, Lots 22.01 & 23
Upper Freehold Township, Monmouth County
238.8-Acres

WHEREAS, Stuart Reed, hereinafter "Owner" is the record owner of Block 24, Lots 22.01 & 23, in Upper Freehold Township, Monmouth County, hereinafter referred to as the "Premises", by deed dated October 28, 1998, and recorded in the Monmouth County Clerk's Office in Deed Book 5786, Page 685; and

WHEREAS, the Subject Premises totals approximately 238.8 acres, as shown in Schedule "A"; and

WHEREAS, a development easement on the Original Premises, consisting of approximately 403.68 acres, as shown in Schedule "B", was conveyed to the State Agriculture Development Committee, by the former owner, 526 Upper Freehold Corporation, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. by Deed of Easement dated July 11, 1997, and recorded in the Monmouth County Clerk's Office in Deed Book 5624, Page 949; and

WHEREAS, the Subject Premises was created as the result of a Division of Premises request approved by the Committee on September 17, 1998, and reflected in SADC Resolution #FY99R9(18); and

WHEREAS, the Deed of Easement for the Original Premises references one existing residence, no agricultural labor residences, two (2) residual dwelling site opportunities (RDSO's); and

WHEREAS, at the time of preservation 20 wooded acres of the Subject Premises along Doctor's Creek was reserved from preservation to allow for the potential future sale of this area to the Monmouth County Parks system (at this time the classification of severable or non-severable was not used to describe this area) as shown on Schedule "A"; and

WHEREAS, the single family residence, originally located on the Subject Premises and existing at the time of preservation (since removed), and one of the two RDSO's were allocated to the Subject Premises through SADC Resolution #FY99R9(18); and

WHEREAS, on November 12, 2015, the SADC received an application from the Monmouth CADB on behalf of the Owner to divide the Subject Premises into two parcels as shown in Schedule "A"; and

WHEREAS, the purpose of the division is to split the farm in half in order to transfer Parcel-A to David Reed, the Owner's son and current manager of the family business, Reed's Sod Farm, a fourth generation operation with over 1,000 acres in production; and

WHEREAS, the Owner will retain ownership of Parcel-B; and

WHEREAS, paragraph 15 of the Deed of Easement states that no division of the Premises shall be permitted without the joint approval in writing of the Grantee and the SADC; and

WHEREAS, in order to grant approval, the SADC must find that the division is for an agricultural purpose and will result in agriculturally viable parcels such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output; and

WHEREAS, the resulting Parcel-A would result in a 103.3-acre property that is approximately 82% (84 acres) tillable with 71% (73 acres) Prime soils and 13% (13 acres) of soils of Statewide Importance; and

WHEREAS, Parcel-A would also include an additional 8.8-acres of land from the 20-acres reserved from preservation along Doctor's Creek; and

WHEREAS, Parcel-A is improved with an equipment barn, underground irrigation mains as well as an irrigation pond; and

WHEREAS, the RDSO associated with the Subject Premises shall be allocated to Parcel-A; and

WHEREAS, the resulting Parcel-B would result in a 135.5-acre property that is approximately 61% (83 acres) tillable with 70% (94 acres) prime soils and 16% (22 acres) soils of Statewide Importance; and

WHEREAS, Parcel-B would also include an additional 11.2-acres of land from the 20-acres reserved from preservation along Doctor's Creek; and

WHEREAS, Parcel-B is improved with one equipment barn, underground irrigation mains and an irrigation pond; and

WHEREAS, the ability to reconstruct the single-family residence that existed on the Subject Premises at the time of preservation, as shown on Schedule "A", shall be associated with Parcel-B; and

WHEREAS, the primary outputs of the Subject Premises have historically been sod and grains; and

WHEREAS, the SADC makes the following findings related to its determination of whether the division will result in agriculturally viable parcels, such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output:

- 1) Each parcel contains a significant acreage of high quality, tillable soils, as follows:

-Parcel-A, at 103 acres, has 84 tillable acres with approximately 86 acres of soils classified as prime or of statewide importance;

-Parcel-B, at 135 acres, has 83 tillable acres with approximately 116 acres of soils classified as prime or of soils of statewide importance;

WHEREAS, the SADC makes the following findings related to its determination of whether this application meets the agricultural purpose test:

- 1) The division is being undertaken for purpose of transferring acreage to the Owner's son who is the current farm manager and next generation operator of the family business; and

WHEREAS, on November 10, 2015, the Monmouth CADB approved the Owner's request for a division of the Premises.

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the division is for an agricultural purpose and results in agriculturally viable parcels such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output due to the size of the two proposed parcels and the quality of

the soils present on both parcels; and

BE IT FURTHER RESOLVED, that as a condition of approval the RDSO associated with the Subject Premises shall be allocated to Parcel-A and the ability to replace the previously existing single family residence, as shown on Schedule "A", shall be associated with Parcel-B; and

BE IT FURTHER RESOLVED, that this approval is subject to the conditions set forth in this resolution and is not transferrable to another purchaser; and

BE IT FURTHER RESOLVED, that as a condition of this approval the Owner shall provide copies of the draft deed of sale to the Committee for review and approval prior to the sale, showing both the allocation of the RDSO to Parcel-A and the assignment of the ability to replace the previously existing single family residence to Parcel-B; and

BE IT FURTHER RESOLVED, that as a condition of this approval the Owner shall provide a copy of a survey and metes and bounds description of the newly created parcels to the Committee; and

BE IT FURTHER RESOLVED, that upon approval of the transfer deed and receipt of the survey and metes and bounds description for the individual parcels the SADC shall file a copy of its approval of the Division of the Premises with the Monmouth County Clerk's Office; and

BE IT FURTHER RESOLVED, that the SADC's approval of the division of the premises is subject to, and shall be effective upon, the recording of the SADC's approval resolution with the Clerk's Office; and

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

BE IT FURTHER RESOLVED, that this approval is valid for a period of three years from the date of approval; and

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

12-10-15

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

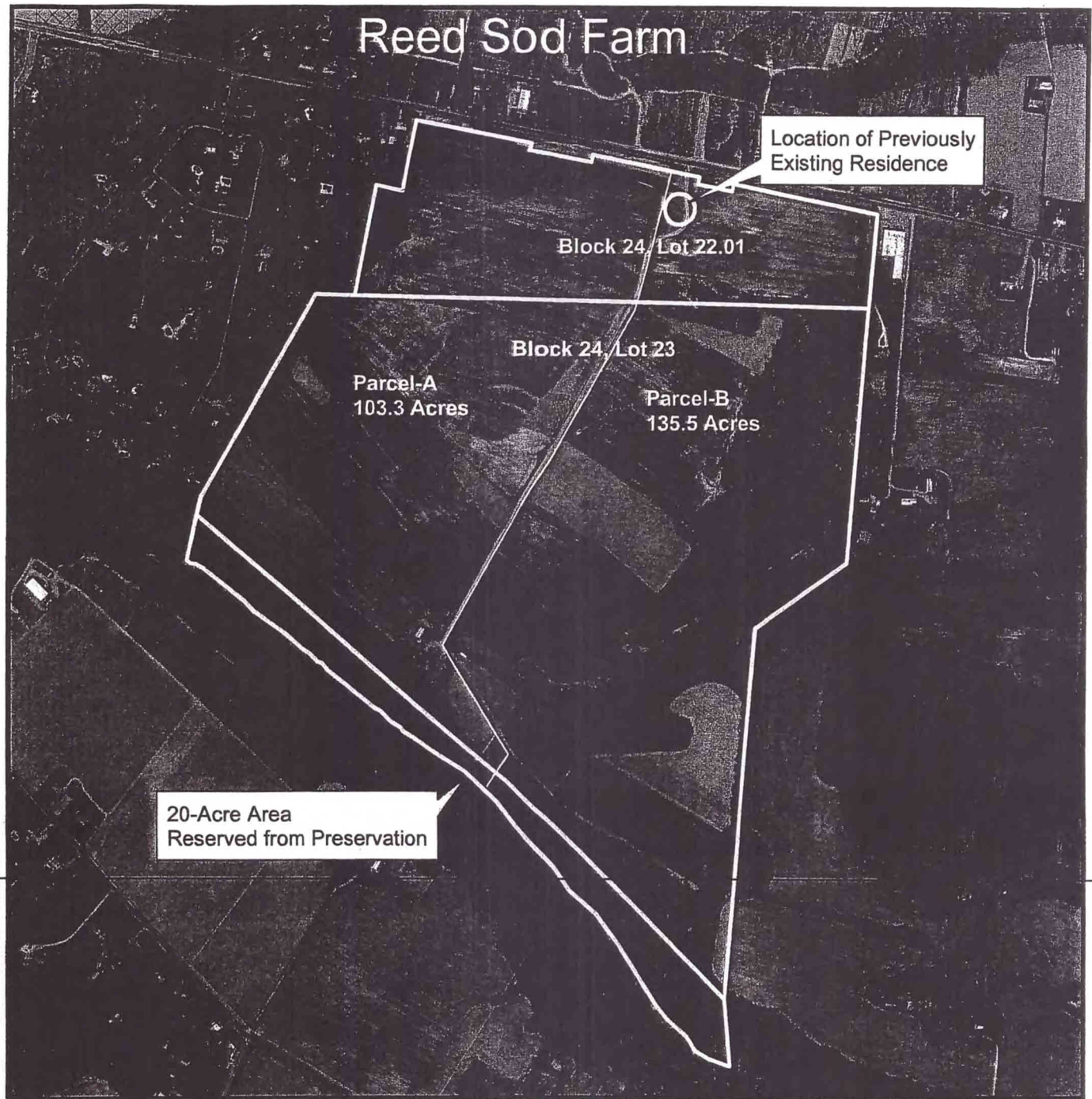
Douglas H. Fisher, Chairman	YES
Alan Danser, Vice Chairman	ABSENT
Brian Schilling (rep. Executive Dean Goodman)	YES
Pamela Weintraub (rep. DCA Commissioner Richman)	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Jane Brodhecker	YES
Denis C.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

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Schedule "A"

Reed Sod Farm

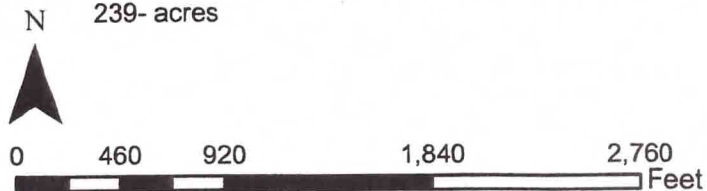
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FARMLAND PRESERVATION PROGRAM

NJ State Agriculture Development Committee

Reed Sod Farm
Block 24, Lots 22.01 & 23
Upper Freehold Township, Monmouth County
239- acres



12/1/2015

Farmland Preservation Program

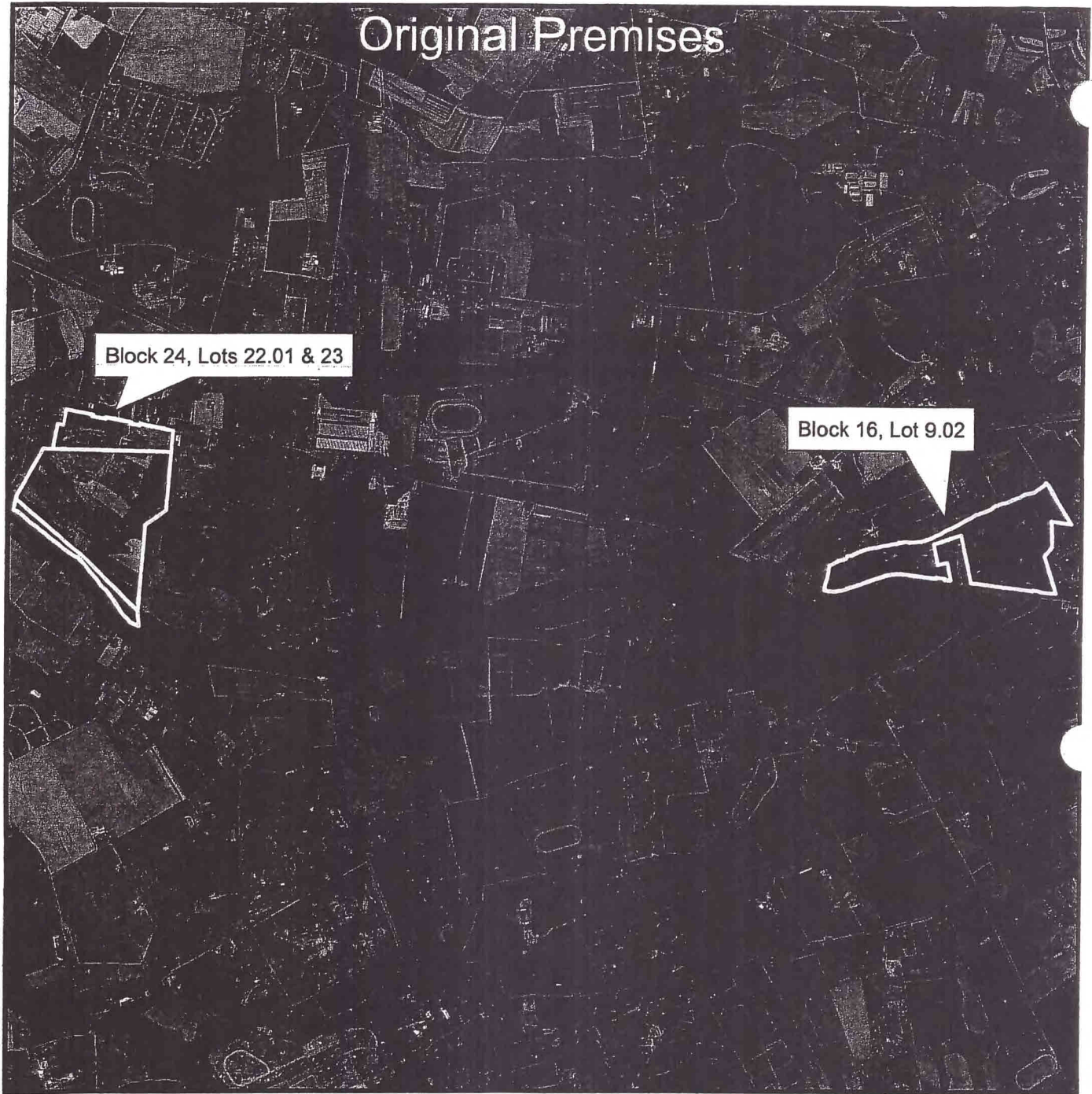
	PRESERVED EASEMENT
	EXCEPTION AREA
	PRESERVED EASEMENT / NR
	EXCEPTION AREA / NR
	FINAL APPROVAL
	PRELIMINARY APPROVAL
	ACTIVE APPLICATION
	8 YEAR PRESERVED
	TARGETED FARM
	INACTIVE APPLICATION
	NO CORRESPONDING DATA

State Planning Areas	
	(PA1) METRO
	(PA2) SUBURBAN
	(PA3) FRINGE
	(PA4) RURAL
	(PA4b) RURAL ENV SENS
	(PA5) ENV SENS
	(PA5b) ENV SENSITIVE BARRIER IS
	(P10) PINELANDS
	PARK
	MILITARY
	NEW JERSEY MEADOWLANDS
	WATER
Base Map	
	County Boundaries
	Municipal Boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Pinelands Area
Green Acres Preserved Easements	

Schedule "B"

Original Premises

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Original Premises
Block 24, Lots 22.01 & 23
Block 16, Lot 9.02
Upper Freehold Township, Monmouth County
403- acres



0 2,000 4,000 8,000 12,000 Feet

12/1/2015

Farmland Preservation Program

	PRESERVED EASEMENT
	EXCEPTION AREA
	PRESERVED EASEMENT / NR
	EXCEPTION AREA / NR
	FINAL APPROVAL
	PRELIMINARY APPROVAL
	ACTIVE APPLICATION
	8 YEAR PRESERVED
	TARGETED FARM
	INACTIVE APPLICATION
	NO CORRESPONDING DATA

State Planning Areas	
	(PA1) METRO
	(PA2) SUBURBAN
	(PA3) FRINGE
	(PA4) RURAL
	(PA4b) RURAL ENV SENS
	(PA5) ENV SENS
	(PA5b) ENV. SENSITIVE BARRIER IS
	(P10) PINELANDS
	PARK
	MILITARY
	NEW JERSEY MEADOWLANDS
	WATER
	ELLIS ISLAND- NJ
	ELLIS ISLAND- NY
Base Map	
	County Boundaries
	Municipal Boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Pinelands Area
Green Acres Preserved Easements	

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2016R12(9)

Installation of Ground-Mounted Solar Energy Generation Facility, Structures and Equipment on a Preserved Farm

Raymond & Gerard Hlubik
December 10, 2015

Subject Property: Raymond & Gerard Hlubik Farm
Blocks 600 & 901, Lots 33 & 16
Chesterfield Township, Burlington County
60.82-Acres

WHEREAS, Raymond & Gerard Hlubik, hereinafter "Owners", are the record owners of Blocks 600, Lot 33, and Block 901, Lot 16, in the Township of Chesterfield, County of Burlington, by Deed dated April 2, 2007, and recorded in the Burlington County Clerk's Office in Deed Book 6494, Page 697, totaling approximately 61 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the original Premises was conveyed to the County on June 28, 2000, by the former owner, Mary Hlubik, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, as a Deed of Easement recorded in Deed Book 5789, Page 513; and

WHEREAS, P.L. 2009, c.213 signed into law on January 16, 2010, requires the State Agriculture Development Committee (SADC) approval before constructing, installing, and operating renewable energy generating facilities, structures and equipment on preserved farms, including areas excepted from the Premises; and

WHEREAS, on June 3, 2013, the regulations (N.J.A.C. 2:76-24.1 et seq.) implementing the legislation allowing owners of preserved farms to install solar energy systems on preserved farms became effective; and

WHEREAS, the regulations state that the owner of a preserved farm may construct, install and operate renewable energy generation facilities on preserved farms for the purpose of generating power or heat, provided the systems:

1. The facilities will not interfere significantly, as set forth in N.J.A.C. 2:76-24.6, with the use of the land for agricultural or horticultural production;
2. The facilities are owned by the landowner, or will be owned by the landowner upon the conclusion of the term of an agreement with the installer or operator of the solar energy generation facilities, structures, or equipment by which the landowner uses the income or credits realized from the solar energy generation to purchase the facilities, structures, or equipment;
3. The facilities will be used to provide power or heat to the farm, either directly or indirectly, or to reduce, through net metering or similar programs and systems, energy costs on the farm;
4. Solar energy facilities on the farm are limited in total annual energy generation to:
 - i. The farm's previous calendar year's energy demand plus 10 percent, in addition to energy generated from facilities, structures, or equipment existing on roofs of buildings or other structures on the farm on January 16, 2010; or
 - ii. Alternatively at the option of the landowner, to an occupied area consisting of no more than one percent of the area of the farm;
5. If wind or biomass energy generation systems are located on the farm, the limits in (a)4i and ii above shall apply to the cumulative total energy generated or area occupied by all the solar, wind, and biomass energy facilities;
6. The owner(s) of the farm and the solar energy facilities will sell energy only through net metering, or as otherwise permitted under an agreement pursuant to (a)2 above, and/or directly to the electric distribution system provided that the solar energy facilities occupy no greater than one percent of the farm;
7. The land occupied by the solar energy facilities is eligible for valuation, assessment, and taxation pursuant to P.L. 1964, c. 48 (N.J.S.A. 54:4-23.1 et seq.) and will continue to be eligible for such valuation after construction of the solar energy facilities;
8. The solar energy facilities do not exceed the one acre of impervious cover on the premises; and
9. A solar energy facility located in the Pinelands Area, as defined and regulated by the Pinelands Protection Act, P.L. 1979, c. 111 (N.J.S.A. 13:18A-1 et seq.), complies with the standards of P.L. 1979, c. 111 and the comprehensive management plan for the Pinelands Area adopted pursuant to P.L. 1979, c. 111; and

WHEREAS, the Owner submitted an "Application for Energy Generation Facilities on Preserved Farmland" pursuant to N.J.A.C 2:76-24.5; and

WHEREAS, the solar energy generation facility will be owned by the Owners; and

WHEREAS, the Owners provided evidence confirming that the solar energy generation facility will provide power to the farm directly through net metering to reduce energy costs on the farm; and

WHEREAS, the energy demand for this ground mounted solar energy facility is from the farm market, produce coolers, greenhouse and barn on the farm; and

WHEREAS, the farm market, coolers and barn are located on a non-severable exception on the farm and the greenhouse is located partially on the exception area and partially on the preserved part of the farm; and

WHEREAS, this infrastructure is used primarily in the production, processing, storage and sale of the output of the Premises; and

WHEREAS, the energy demand for the previous calendar year for the farm market, coolers and barn was approximately 43,228 kWh's as confirmed by the Owner's submission 12 months of utility bills; and

WHEREAS, the Owners' existing ground mounted solar array, which was installed prior to January 16, 2010, produced approximately 28,000 kWh's last year; and

WHEREAS, the rated capacity of the proposed new solar energy generation facility is 14,849 kWh's per year; and

WHEREAS, combined, the new and existing solar energy generating systems will supply approximately 99% of the current energy demand for the market, coolers and barn; and

WHEREAS, the Owner provided evidence that the annual solar energy generation does not exceed 110% of the previous calendar year's energy demand; and

WHEREAS, N.J.A.C. 4:76-24.4 prohibits solar energy facilities from exceeding one acre of impervious cover on the Premises; and

WHEREAS, N.J.A.C. 2:76-24.3. defines impervious cover as any structure or surface that prevents the infiltration of precipitation into the land including, but not limited to, the inverter, pilings, poles, concrete, asphalt, machine-compacted soil,

compacted stone areas, plastic or other impermeable ground cover, and foundations; and

WHEREAS, the proposed ground mounted solar energy facility comprises approximately 4 square feet of impervious cover; and

WHEREAS, N.J.A.C 2:76-24.6 requires that the solar energy facilities, structures, and equipment not interfere significantly with the use of the land for agricultural and horticultural production; and

WHEREAS, the proposed ground mounted solar energy facility will be located in a grass area directly in front of a pre-existing solar array, located approximately 250 feet from the farm market on the Premises as identified on Schedule "A"; and

WHEREAS, N.J.A.C. 2:76-24.6 requires that any solar energy facility with an occupied area larger than one-acre be constructed, installed, operated, and maintained in accordance with a farm conservation plan; and

WHEREAS, N.J.A.C. 2:76-24.6 requires that the occupied area of any solar energy facility located outside of a non-severable exception area primarily servicing nonagricultural or nonresidential uses within the non-severable exception shall not exceed one acre or 1% of the farm, whichever is less; and

WHEREAS, N.J.A.C. 2:76-24.3 defines occupied area as the total contiguous or noncontiguous area(s) supporting the solar facilities and related infrastructure, including all areas of land that are devoted to or support the solar energy facilities; any areas of land no longer available for agricultural or horticultural production due to the presence of the solar energy facilities; nonfarm roadways including access roads; any areas of the farm used for underground piping or wiring to transmit solar energy or heat where the piping or wiring is less than three feet from the surface; the square footage of solar energy facilities mounted on buildings; areas consisting of other related facilities, structures, and equipment, including any other buildings or site amenities, deemed necessary for the production of solar energy on the farm; and the total contiguous or noncontiguous area(s) supporting any wind or biomass energy generation facilities and related infrastructure on the farm; and

WHEREAS, N.J.A.C. 2:76-24.6 requires that solar energy facilities installed prior to the enactment of P.L. 2009, c. 213 on January 16, 2010, shall not be considered part of the occupied area in applications for new solar energy facilities unless the applications involve the expansion of pre-existing facilities; and

WHEREAS, there is an existing ground mounted array on the Premises consisting of two rows of panels which has an occupied area of approximately 6,950 square feet of space just south of the farm market; and

WHEREAS, the existing array generates approximately 28,000 Kwh's annually which represents 65% of the annual need; and

WHEREAS, the proposed ground mounted solar energy facility consists of the area around the panels themselves, including a 20ft perimeter buffer, and the underground trench that connects the panels to the meter on the farm market, which together comprise an occupied area of approximately 5,300 square feet; and

WHEREAS, when combined with the existing array the total occupied area for all the existing and proposed panels would be approximately 12,250 square feet; and

WHEREAS, N.J.A.C. 2:76-24.6 requires ground mounted solar energy facilities be installed with screws, pilings, or similar systems that do not require a footing, concrete, or permanent mounting; and

WHEREAS, the proposed ground mounted solar energy facility will be installed with screw in posts; and

WHEREAS, N.J.A.C. 2:76-24.6 requires site disturbance associated with the solar energy facility, including but not limited to, grading, topsoil, and subsoil removal, excavation, and soil compaction, shall not exceed one acre on the Premises; and

WHEREAS, the proposed ground mounted solar energy facility requires site disturbance of approximately 304 square feet; and

WHEREAS, the Burlington CADB has reviewed the application and on November 9, 2015, submitted comments in support of the project.

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the Owners have complied with all of the provisions of N.J.A.C. 2:76-24.1 et seq. concerning the installation of a photovoltaic solar energy generation facility, structures and equipment on the Premises; and

BE IT FURTHER RESOLVED, that the SADC approves of the construction, installation, operation and maintenance of the photovoltaic energy generation facilities, structures and equipment consisting of approximately 5,300 square feet of occupied area about 250 feet south of the existing farm market and having a

rated capacity of 14,849 kWh's of energy as identified in Schedule "A", and as described further herein; and

BE IT FURTHER RESOLVED, that total electrical energy demand for the farm market and storage barns is 43,228 kWh's annually; and

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

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

12-10-15

DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

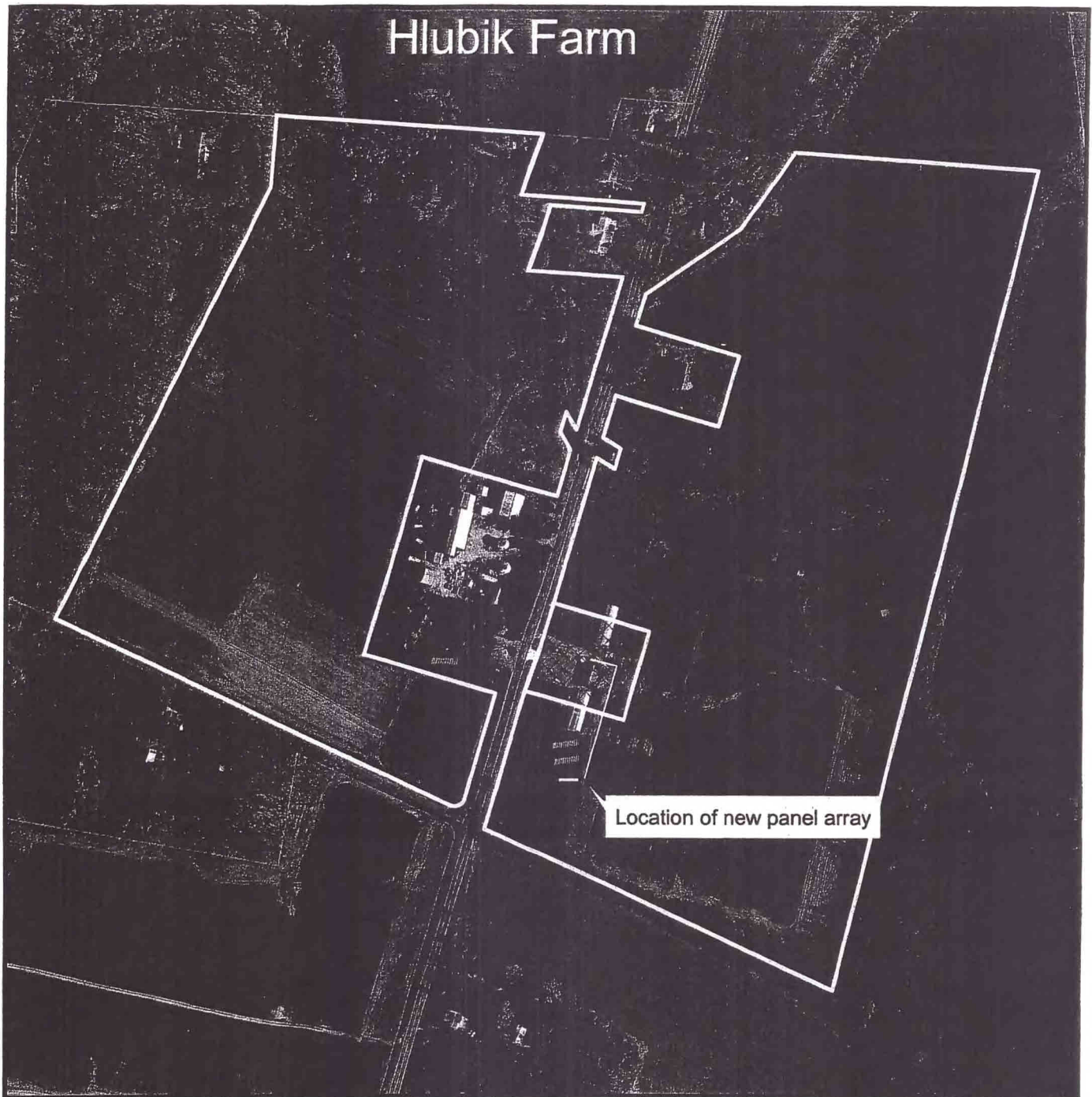
Douglas H. Fisher, Chairman	YES
Alan Danser, Vice Chairmain	ABSENT
Brian Schilling (rep. Executive Dean Goodman)	YES
Pamela Weintraub (rep. DCA Commissioner Richman)	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Jane Brodhecker	YES
Denis C.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

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Schedule "A"

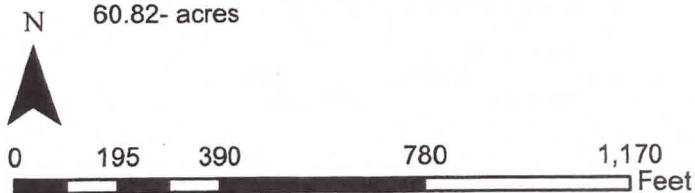
Hlubik Farm

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Hlubik Farm
Block 600, Lot 33
Block 901, Lot 16
Chesterfield Township, Burlington County
60.82- acres



11/24/2015

Farmland Preservation Program

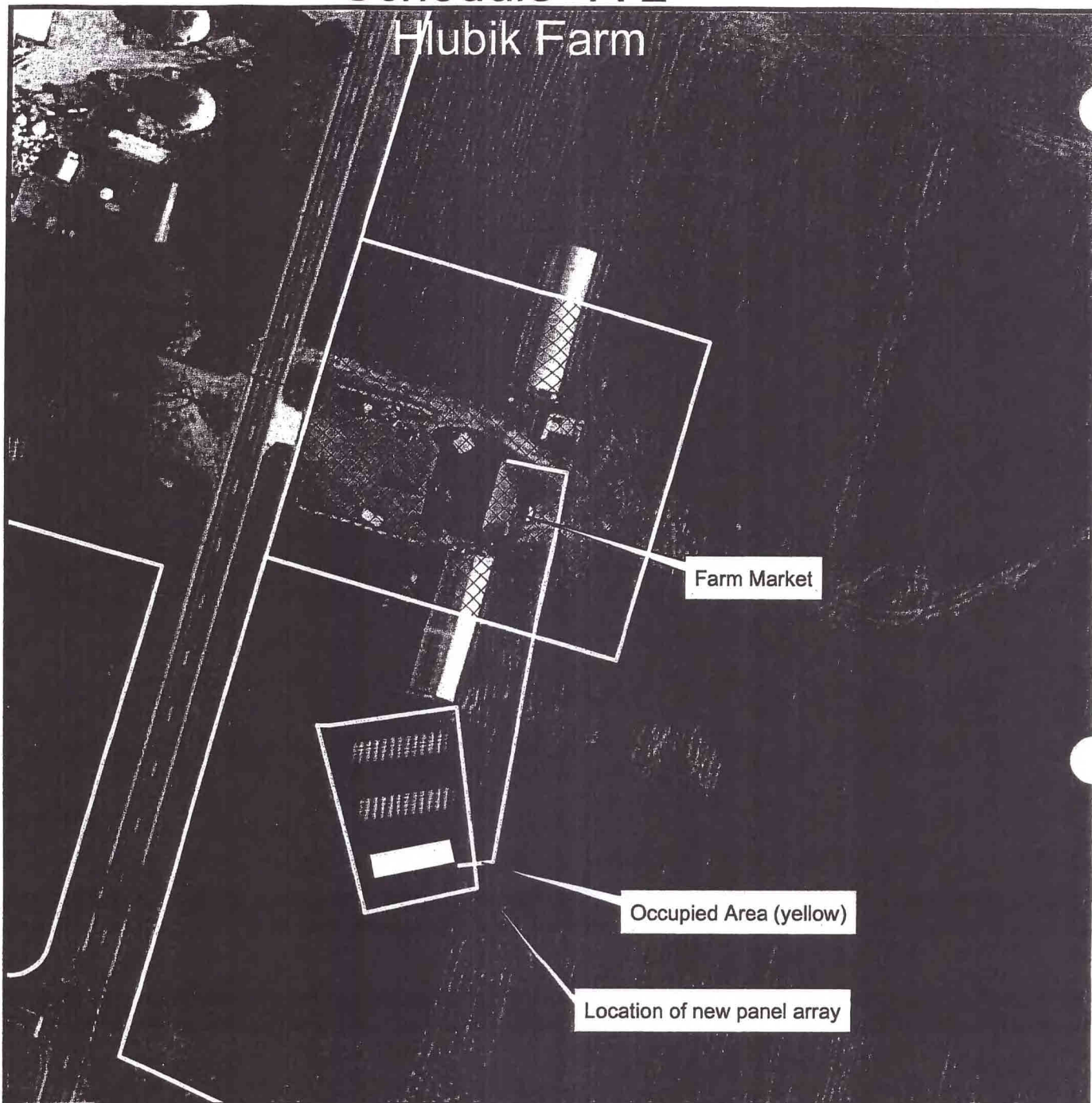
	PRESERVED EASEMENT
	EXCEPTION AREA
	PRESERVED EASEMENT / NR
	EXCEPTION AREA / NR
	FINAL APPROVAL
	PRELIMINARY APPROVAL
	ACTIVE APPLICATION
	8 YEAR PRESERVED
	TARGETED FARM
	INACTIVE APPLICATION
	NO CORRESPONDING DATA

	State Planning Areas
	(PA1) METRO
	(PA2) SUBURBAN
	(PA3) FRINGE
	(PA4) RURAL
	(PA4b) RURAL ENV SENS
	(PA5) ENV SENS
	(PA5b) ENV. SENSITIVE BARRIER IS
	(P10) PINELANDS
	PARK
	MILITARY
	NEW JERSEY MEADOWLANDS
	WATER
	ELLIS ISLAND- NJ
	ELLIS ISLAND- NY
	Base Map
	County Boundaries
	Municipal Boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Pinelands Area
	Green Acres Preserved Easements

Schedule "A-2"

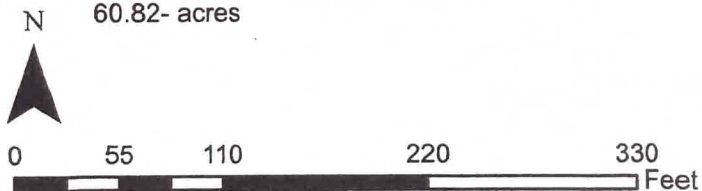
Hlubik Farm

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Hlubik Farm
Block 600, Lot 33
Block 901, Lot 16
Chesterfield Township, Burlington County
60.82- acres



11/30/2015

Farmland Preservation Program

	PRESERVED EASEMENT
	EXCEPTION AREA
	PRESERVED EASEMENT / NR
	EXCEPTION AREA / NR
	FINAL APPROVAL
	PRELIMINARY APPROVAL
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