

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

February 26, 2015

Chairman Fisher called the meeting to order at 9:09 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

Members Present

Douglas H. Fisher, Chairman (Left at 9:40 a.m. and returned at 10:41 a.m.)
Monique M. Purcell, Acting Chairperson (Arrived at 9:40 a.m. and left at 10:41 a.m.)
James Requa (rep. DCA Commissioner Constable)
Brian Schilling (rep. Executive Dean Goodman)
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)
Renee Jones (rep. DEP Commissioner Martin)
Denis C. Germano, Esq.
James Waltman
Jane Brodhecker (attended via telephone conferencing)
Torrey Reade (attended via telephone conferencing)

Members Absent

Alan Danser, Vice Chairman
Peter Johnson

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

Others present as recorded on the attendance sheet: Brian Smith, Timothy Brill, Steve Bruder, Heidi Winzinger, Paul Burns, Dan Knox, Hope Gruzlovic, Jeffrey Everett, David Kimmel, Charles Roohr, David Clapp, Sandy Giambrone and Patricia Riccitello, SADC staff; Michael Collins, Esq., Governor's

Authorities Unit (via telephone conferencing); Tom Beaver, New Jersey Farm Bureau; Donna Rue, Lori Rue and Ann Van Hise, Rue Brothers Farm, Monmouth County; Brian Wilson, Burlington County Agriculture Development Board; Henry Riewerts, landowner, Warren County; Casey Jansen, Holland Greenhouses, Middlesex County; Brigitte Sherman and Katelynn Wintz, Cape May County Agriculture Development Board; and Susan Blew and Charity Stasyshyn, landowners, Hunterdon County.

Minutes

A. SADC Regular Meeting of January 22, 2015 (Open and Closed Sessions)

It was moved by Mr. Requa and seconded by Ms. Reade to approve the Open Session and Closed Session minutes of the SADC regular meeting of January 22, 2015. The motion was unanimously approved.

REPORT OF THE CHAIRPERSON

Chairman Fisher made the following comments:

- Soil Disturbance

Chairman Fisher stated that he wanted the Committee to understand the interest that the farming community has taken in the floated issue regarding soil disturbance. He heard from every sector of the agricultural community about their concerns. Right now, as we are holding this meeting, State Board of Agriculture members are assembled to form a subcommittee to look at the issue, based on a resolution that was passed at the State Agricultural Convention in Atlantic City. That resolution has been provided today in the Committee's meeting binders. They will be reaching out to a number of people in the agricultural community, as well as members from the SADC and from Rutgers, along with a number of constituencies in order to get as broad-based a committee as possible to address all of the issues that have resulted from the soil disturbance proposal that has been floated. Many things are being discussed, such as pushing a pile of topsoil in an area on a farm and having it sit there for 40 years. Is that still the same topsoil 40 years later or has it deteriorated? He has had farmers and other landowners discuss with him structures and compaction, and whether structures when they are taken down, can that area with soil pushed back on it be as productive as it was 20, 30 or 50 years ago? He is not here now to talk about conclusions, he is just

saying that there are soil scientists who say certain things and there are other assumptions we are making. He realizes it was a six-year subcommittee report but he knows since he has been around that this is the biggest thing he has seen in terms of the agricultural interests in this state having concern about their future in terms of what they do on their preserved lands. Agriculture is changing, everyone knows that. No one can predict what will happen 50 years from now but at the same time soil and its health and its viability in perpetuity are also extremely important. That is the biggest issue that is being talked about in every sector right now.

- Fiscal Year 2016 Budget

Chairman Fisher stated that yesterday the Governor introduced the budget and everyone has been provided in their meeting binder the Corporation Business Tax (CBT) redirection chart, or the Corporation Business Tax 4 percent dedication for Fiscal year 2016 and what the ultimate numbers will look like as they play out based on projected revenues. Chairman Fisher stated that he is sure there will be a lot of discussion regarding that. The SADC would receive \$16.9 million. \$27.9 million would go for preservation and acquisition of lands for recreation and conservation purposes, to be administered by the Department of Environmental Protection; \$1.4 million in loans and grant for historic preservation, to be administered by the Department of Community Affairs; \$20 million for stewardship of State parks; and \$13.9 million for capital improvements to State parks. The Legislature will have its turn in reviewing the budget.

- FFA Event

Chairman Fisher stated that he will leave the meeting briefly at 10 a.m. to attend an FFA event and will return after that.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne made the following comments:

- New SADC Chief of Fiscal Operations

Ms. Payne introduced Daniel Patrick O'Connell to the Committee. Mr. O'Connell has joined the SADC as its new Chief of Fiscal Operations. Mr. Lofberg retired from that position last year and then the person who was hired to replace Mr.

Lofberg left a short time after being hired so we were again searching for someone to handle that position. Mr. Lofberg came back on a temporary basis to assist the SADC in bridging the gap in the meantime. Mr. O'Connell started a couple of weeks ago. His most recent position was with the U.S. Department of the Treasury as the advisor to the Mongolian Administrator of Finance, assisting them in creating a domestic bond market. Prior to that he owned his own company, Evergreen Conservation Finance, where he was advisor to several farmland preservation programs in New Jersey. Ms. Payne stated that when she was with Burlington County she worked with Mr. O'Connell on installment purchase agreements, he has worked with other counties and he was an advisor to the Garden State Preservation Trust as well. We are delighted to have him on board. As Secretary Fisher just related and as a segue into the CBT funding, there is going to be pressure no matter whether there is \$16 million or whether it is a different number that we wind up getting. It isn't as much as we used to get under the GSPT so we are going to have to be as creative as we can moving forward to make this money work and to leverage it. So to have someone with Mr. O'Connell's skills at the helm with us is going to be very helpful.

- CBT Funding

Ms. Payne stated that the Legislature had introduced several bills to divide the funding associated with the question that passed in the fall. Clearly by the Governor and administration addressing this through the budgetary process, they obviously have a different perspective on how that dedication should occur. The two-page chart that has been provided to the Committee really does help understand what the breakdown was. Four percent of the Corporation Business Tax (CBT) was constitutionally dedicated by voters for certain purposes. So that first chart in the binders shows how that 4 percent dedication is broken down. 71 percent of it goes to acquisition, development and stewardship of lands, so that is the SADC, Green Acres and Historic Preservation and stewardship of State-owned lands or State parks. This is now a budgetary proposal and the Legislature engages in the process.

- Soil Disturbance

As Secretary Fisher indicated earlier, staff provided a copy of the State Board of Agriculture's resolution from the annual convention pretty much opposing the proposal in its entirety. The last "be it further resolved" clause directs that the Secretary of Agriculture and the State Board of Agriculture set up a sub-

committee, containing representation from SADC and agricultural interests, to reexamine and discuss this issue. That is where the issue of soil disturbance is now. She is working to develop and identify people who can help represent the SADC's side of the table. For example, we are not soil scientists so that would be a person or entity that she thinks needs to be brought to the table. Certainly the legal aspects of this and the implications of it need to be brought to the table so we are trying to assemble the right kind of people on our side to make sure all the facts are on the table as the discussions move forward. Staff will let the Committee know how that is developing. She has also provided the Committee all the correspondence she has received on the matter and staff will continue to do that. The Committee will see in the binders correspondence from the Cumberland County Board of Agriculture in opposition to the proposed draft rule, the Monmouth County Board of Agriculture's letter in opposition, and the N.J. Farm Bureau's newsletter, which was provided at the last SADC meeting. This is a critical issue and we want to get it right so we look forward to working with the State Board of Agriculture and representatives from the agricultural community to do that.

- Right to Farm Webinar

Ms. Payne stated that this year staff reached out to all the counties to solicit input on what kind of Right to Farm training we should be doing. Staff is assembling all the responses to lay out what we want to do this year. On March 4th we will be conducting a Right to Farm Webinar through the League of Municipalities and we are hoping to get to the municipal attorneys, both the township attorneys and the planning and zoning board attorneys, to help them better understand how Right to Farm actually works. Staff continues to be open to suggestions from the public on who needs to hear and learn more about Right to Farm.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. Ms. Payne wanted to say thank you to Burlington County – they sent in a nice letter recognizing Dan Knox's contributions. The State Acquisition Program is making some strategic acquisitions in Burlington County and it is helping filling in the holes of Burlington County's very tight and dense farmland preservation maps. We are more than happy to partner with them to continue to do that.

Ms. Payne stated that the second note in the binders is a letter from the Monmouth CADB asking to talk about equine uses. Equine is such a big issue in Monmouth. As you know, over the years we have tried to grapple with the issue of equine production uses on preserved farms versus ancillary and equine entertainment based uses. There are legal distinctions of why we have handled matters the way we have. That meeting is set up for this coming Monday.

Ms. Payne stated that the pipeline issues are getting bigger. There was a hearing last night on the Penn East pipeline in Ewing Township, Mercer County with more than 500 people in attendance. This is a hot issue and staff will continue to keep the Committee apprised. The best way to do that is to read the press on all the issues surrounding this.

PUBLIC COMMENT

None

NEW BUSINESS

A. Resolution for Certification

1. Agricultural Development Area Map Amendments
 - a. Gloucester County

Mr. Bruder referred the Committee to Resolution FY2015R2(1) for a request to amend the Gloucester County Agriculture Development Board's Agricultural Development Area (ADA) map to add 1,315 acres and remove 269 acres from the County's ADA for a net increase of 1,045 acres. The revised ADA will include 86.06 percent of the total farmland-assessed acreage in Gloucester County, still below the statutory limitation of no more than 90 percent of the agricultural land mass of the County. Mr. Bruder reviewed the specifics of the request with the Committee and stated staff recommendation is to approve the ADA amendments as presented and discussed.

Ms. Payne stated that the only thing she would add is that we have run into the issue in Gloucester County several times where a property may have zoning or mixed use and sewer service but then there is no sewer service capacity available and none is planned. We have had to reject applications on that basis before because there is no way to appraise it. So we have indicated to the County that there is this disconnect in some of these places and we put them on notice that we are adding it to the ADA and we are very supportive of them pursuing that but they have to understand that the land needs to be

zoned for something that is possible to be built or we cannot accept or process it. The County has indicated that they totally understand that and they want to have communications with the towns. They really have to reconcile their zoning with what infrastructure is going to be available and what is not.

It was moved by Mr. Germano and seconded by Ms. Reade to approve Resolution FY2015R2(1) certifying the Gloucester County Agriculture Development Board's approval of the amended Agricultural Development Area map, pursuant to N.J.A.C. 2:76-1.7, adding a total of approximately 1,315 acres and removing 269 acres, as shown on the attached Schedules A through I, subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2015R2(1) is attached to and is a part of these minutes.)

B. Stewardship

Note: Chairman Fisher left the meeting at this point. Acting Chairperson Monique Purcell presided over the meeting.

1. Division of the Premises Requests
 - a. Greenfield/Clucas, Washington Township, Morris County

Mr. Roohr referred the Committee to Resolution FY2015R2(2) for a request by Clucas Long Valley Farm, LLC, owner of Block 33, Lot 51 and Block 34, Lot 50 in Washington Township, Morris County, comprising approximately 76.46 acres. 16 Hands Farm, LLC is the record owner of Block 34, Lot 1.01 in Washington Township, Morris County, totaling approximately 42.63 acres. 16 Hands Farm, LLC and the Clucas Farm are adjacent. The owners of both parcels propose to adjust the existing lot lines to better configure their properties in a way that makes each farm more efficient for production activities. Mr. Roohr stated that the Clucas farm is 80 acres, 76 of which are preserved. It has two exception areas – one is a small exception area that literally cuts through the farm. There has been a Long Valley bypass on the books for a while but it has not come to fruition. When the farm was preserved they took this sliver of land as a severable exception so that they would be able to complete the bypass but it never happened. Along with that, if it ever happens, there is a 2.75-acre exception for a replacement house but the use of those 2.75 acres is only available if the bypass comes through. So they are there but they only become enacted if the bypass ever happens. Mr. Roohr stated that the access to the farm is on one road but if the bypass comes through they would have to make some sort of arrangement to allow them to get back to the rest of the farm. It would be inconvenient to have to drive your combine over a bypass. The proposal involves the

Clucas farm getting an additional crop field with frontage along Fairmont Road that allows increased accessibility to its production fields, in exchange for pasture fields to which they have limited access at the rear of their property through a woodlot. 16 Hands Farm, LLC is a horse operation and Ms. Greenfield owns that property. Ms. Greenfield would gain new pasture ground that is adjacent to her current farmstead complex, in exchange for a field that is less conducive to her operation because of its distance from the barns and its proximity to the road. By resolution dated December 11, 2014, the Morris CADB approved the request to divide the premises.

Mr. Roohr stated that 16 Hands Farm, LLC has no exceptions areas and no single-family residences. It does have an agricultural labor unit and none of that would change with this proposal. The Clucas farm, as explained earlier, has the two exception areas and it also has an existing single-family house, which would be disrupted if the bypass ever does come through. None of that changes with any of the proposal so there are no allocations of RDSOs or anything like that. Staff's one concern was that 16 Hands Farm, LLC is going to end up with 20 acres of tillable acres. That isn't all quite prime land; approximately 15 acres would be prime. That isn't the smallest farm the SADC ever divided as far as tillable goes but staff would certainly like to see a few more tillable acres if we are going to call that a viable stand-alone operation. But in this case the approximately 20 acres of tillable acres is what that farm came in with when it was preserved, so in our opinion it isn't doing any detriment to the application and it does result in a better configuration for both of the agricultural production operations so it results in an overall net benefit in staff's opinion. Therefore, staff's recommendation is to approve the request.

Mr. Roohr stated that there is one minor item that he didn't take into consideration until he spoke with the County a couple of days ago, after the draft resolution was prepared. The County approved this at their December meeting but then we had some discussions with them and we were wondering about the configuration. The County held off memorializing their approval until they heard from us that we were good with it, so the County is planning to memorialize their approval at their March meeting. Mr. Roohr stated that he would add that this resolution would be contingent on the County's final memorializing of their approval. Mr. Germano commented that staff needs some amendment to the draft resolution. Mr. Roohr stated yes, that is correct – just a sentence in the resolution that this approval would be contingent upon the County's memorializing it. The County has approved it but they just didn't go through the process of finalizing it.

Ms. Jones asked if the overgrown area was looked at in terms of wetlands. Mr. Roohr stated that David Clapp of the SADC staff looked at it just yesterday and there is a pond

on the edge of that area so there is definitely some water there. The owner is confident that the area can be put back into production. It was a pasture at one time and they are actually clearing right on the other side of the pond now and getting rid of the nursery stock. The question is going to be whether that area is considered abandoned or not. The day he was there, there were several inches of snow and you could look flat across it. So it looked perfect the day he was there. From the aerials you can see it has some overgrowth. The question will be to the landowner, how do we consider that? Our cover letter to them always states that our approval does not supersede any State, local or federal rules so it will be up to the landowner to process an application with the Department of Environmental Protection to make sure that is good.

Ms. Purcell asked for a motion to approve the draft resolution as amended – that the Committee’s approval is contingent upon the County memorializing its approval of the division of the premises request.

It was moved by Mr. Siegel and seconded by Ms. Reade to approve Resolution FY2015R2(2) granting approval to a request by Clucas Long Valley Farm, LLC, owners of Block 33, Lot 51 and Block 34, Lot 50, Washington Township, Morris County, comprising 76.46 acres, and 16 Hands Farm, LLC, owners of Block 34, Lot 1.01, comprising 42.63 acres, to divide the Premises as follows:

Parcel “A” – Block 33, Lot 51; Block 34, p/o Lot 50 and p/o Lot 1.01 (71.6+/- acres) and would include an existing single-family residence and one cottage, several agricultural outbuildings, and a 1.28-acre exception area, which is specifically for the future realignment of the Long Valley bypass, and a 2.75-acre nonseverable exception for a future home, which must remain vacant unless and until the bypass is constructed.

Parcel “B” – Block 34, p/o Lot 50 and p/o Lot 1.01 (54.2 +/- acres) and would include an approximately 2-acre field, which has become overgrown over time, where 16 Hands Farm LLC has indicated its intent to renovate the area to extend existing paddocks. 16 Hands Farm LLC has provided a letter of intent stating that it plans to have this approximately 2-acre area cleared and prepped for pasture by June 30, 2015. The resulting Parcel “B” would include an existing agricultural labor residence and several agricultural outbuildings. Staff recommendation is to approve the request with the conditions as outlined in the Resolution.

As a condition of this approval the property owners shall complete the renovation of the partially overgrown approximately 2-acre field on Parcel “B” by June 30, 2015, thereby making it available for agriculture. This approval is subject to the conditions set forth in

this resolution and is not transferrable to other purchasers. 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 Morris County 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. This approval is also contingent upon the Morris County Agriculture Development Committee memorializing its approval of the division of the premises at its March 2015 meeting. The motion was unanimously approved as amended. (A copy of Resolution FY2015R2(2) is attached to and is a part of these minutes.)

b. A&R Farms, Quinton Township, Salem County

Mr. Roohr referred the Committee to Resolution FY2015R2(3) for a request by A&R Farms, LLC, owners of Block 3, Lots 36 and 37; Block 10, Lots 10 and 13, Quinton Township, Salem County, totaling approximately 107.06 acres, to divide the property into two parcels, as shown on Schedule "B" of said Resolution. A&R Farms, LLC is a partnership between local farmers Wayde Allen and Richard Ridgway, which was established for the purpose of purchasing the property. The purpose of the division is to split the farm in half in order to transfer Parcel "A" to Mr. Ridgway and Parcel "B" to Mr. Allen as individuals. The owners propose to split the property to expand their existing individual operations. The resulting Parcel "A" would result in a 52.6 acre property and it will not have its own frontage for access under this configuration. Parcel "A" is adjacent to and will be merged with Mr. Allen's adjacent 365-acre preserved farm, known as Block 3, Lots 34, 43, 45, 55 and Block 17, Lots 6, 6.02, 7, and 8, in Quinton Township, which will allow for access. Parcel "B" would result in 54.78 acres. The RDSO associated with the Premises will be assigned to Parcel "B." The Deed of Easement references no existing residences and no agricultural labor residences, one residual dwelling site opportunity and a 0.23-acre nonseverable exception around an existing cell tower and a 3.4-acre severable exception around an existing meat packing plant. The meat packing plant has been severed at this point.

Staff recommendation is to approve the request with the conditions as outlined in the Resolution.

It was moved by Ms. Reade and seconded by Ms. Brodhecker to approve Resolution FY2015R2(3) finding 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. As a condition of approval, Parcel "A" shall be merged with Wayde Allen's adjacent preserved farm consisting of Block 3, Lots 34, 43, 45 and 55, and Block 17, Lots 6, 6.02, 7 and 8, in Quinton Township, so that these parcels may not be sold separately from Parcel "A." This approval is subject to the conditions set forth in the Resolution and is not transferrable to another purchaser. As a condition of this approval, the Owner shall provide copies of the draft deed of sale to the SADC for review and approval prior to the sale, showing both the allocation of the RDSO to Parcel "B" and the permanent association of Parcel "A" to Block 3, Lots 34, 43, 45 and 55 and Block 17, Lots 6, 6.02, 7 and 8, in Quinton Township. 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 Salem County Clerk's Office. 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. 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 FY2015R2(3) is attached to and is a part of these minutes.)

2. Construction of Residence
 - a. Blew Farm, Franklin Township, Hunterdon County

Mr. Roohr referred the Committee to Resolution FY2015R2(4) for a request by Susan Blew, Owner of Oak Grove Plantation, Block 42, Lot 4, in Franklin Township, Hunterdon County, comprising 159.12 acres, to construct a single-family residence on the property for her daughter, Charity Stasyshyn and her family. The farm was preserved in 1985 by the County and is one of the first farms preserved in New Jersey. Mr. Roohr stated that this is a unique deed; it is one of six in the state that he knows of. That deed has language in it in paragraph 12 that allows for the construction of a residence for a family whose primary source of income is from agriculture. It isn't an RDSO, it isn't a single-family unit, it is not an agricultural labor unit. It is this unique language that allows that if your income is primarily from farming you could build a house. This operation is about as diverse as they come. It has an orchard, vegetables, grain, livestock, value-added and a small greenhouse. It is a family operation consisting of Mrs. Blew and her adult children. Mrs. Charity Stasyshyn is a full-time employee of the farm whose primary responsibilities include management of the greenhouse, as well as involvement in the vegetable production activities. Her entire income comes from the farm. The question that staff had with this is that she is married and her husband has an off-farm job.

Through an extensive review of the tax years 2011 through 2013 and confirming that data with the accounting firms for both Mr. and Mrs. Stasyshyn, staff reviewed both of their annual incomes and if you look at it on a three-year basis, Mr. Stasyshyn is self-employed as a subcontractor so he has income. His gross income annually does exceed his wife's income but his net income is slightly lower. Ms. Payne stated that Mr. Stasyshyn owns a company and that company's gross income was higher but his personal income from what we can see is what Mr. Roohr is referring to as his net income. She wanted to be clear with the Committee that he owns a company but we are not counting the company's gross income as household income. We are just counting the net income that flows to him personally so we have to grapple with those questions in this case and that is what we are recommending.

Mr. Roohr stated that using the net income to the household, the primary source of income would be from Mrs. Stasyshyn and that is the higher number so in using those numbers they would qualify to utilize this house. There is going to be a provision going forward that compliance with the income requirement be maintained in order to continue to be eligible for the house. That is listed in the draft resolution and it will be part of the annual monitoring information collected.

Mrs. Blue has indicated that the farm couldn't be operated at its current production levels without the participation of her daughter. The owner has proposed to build an approximately 3,500 square foot, two-story residential unit to be located in the northwest section of the Premises, as shown in Schedule "A." The proposed location along the wood line on the northwest section of the farm results in a minimal amount of land being taken out of production to accommodate the residence. The proposed residential unit will be accessed from an existing farm lane coming from Oak Grove Road. In June 2013, the SADC approved a similar house construction request for the owner's son Eric Blew, and that construction is under way. In June 2013, the Committee formally rescinded its 2006 approval of a residence for Charity Stasyshyn, the construction of which had not been acted upon at that time. Staff recommendation is to approve the request as discussed and subject to the conditions listed in the resolution.

It was moved by Mr. Requa and seconded by Ms. Jones to approve Resolution FY2015R2(4) granting a request by Susan Blew, Owner of Oak Grove Plantation, Block 42, Lot 4, in Franklin Township, Hunterdon County, comprising 159.12 acres to construct a single-family residence on the property for her daughter, Charity Stasyshyn and her family. In order to continue to reside in the new single-family residence, the primary source of income for the residents of this household shall be from agricultural production activities. An affidavit from the Owner and Charity and Jeffrey Stasyshyn

acknowledging an understanding and compliance with the Deed of Easement for this property, in particular paragraph 12, shall be prepared and filed with the Hunterdon CADB and the SADC. The SADC and the Hunterdon CADB shall coordinate annual monitoring of the premises to assure continued compliance with the Deed of Easement, including future income requirement documentation related to the new residence. Compliance documentation shall be submitted annually to the SADC along with annual monitoring forms. The Committee approves the construction of a single-family residence, consisting of approximately 3,500 square feet, in the location shown in Schedule "A." This approval is non-transferrable to any other party. 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 FY2015R2(4) is attached to and is a part of these minutes.)

Ms. Payne stated that Secretary Fisher had to step out of the meeting to attend an FFA event and he would like to be present if possible for consideration of the next scheduled agenda item regarding a request for reconsideration of an SADC Final Decision related to a driveway realignment in Greenwich Township, Warren County. So staff would like to move on to the next Open Session items in the hopes that he returns in time.

C. Resolutions for Final Approval – County Planning Incentive Grant Program

Ms. Roberts referred the Committee to seven applications for final approval under the County Planning Incentive Grant Program. Ms. Roberts reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval to those applications.

It was moved by Mr. Siegel and seconded by Ms. Reade to approve Resolution FY2015R2(6) through FY2015R2(12) granting final approval to the following applications under the County Planning Incentive Grant Program as presented and discussed, subject to any conditions of said Resolutions:

1. DuBois Properties, LLC, SADC # 17-0134-PG (Resolution FY2015R2(6)) Block 1401, Lot 8.01, Pittsgrove Township, Salem County, 30 Net Acres State cost share of \$4,850 per acre (61.39 percent of the purchase price) for a total grant need of \$149,865.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes zero housing opportunities, zero agricultural labor units, and no pre-existing nonagricultural uses on the area to be preserved.

Discussion: The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 30.90 acres will be utilized to calculate the grant need.

2. Steven R. Brown and Timothy G. Brown, SADC # 17-0126-PC (Resolution FY2015R2(7))
Block 56, Lots 12 and 17, Upper Pittsgrove Township, Salem County, 58 Net Acres
State cost share of \$3,575 per acre (66.82 percent of the purchase price) for a total grant need of \$213,570.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property has zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses on the area to be preserved.

Discussion: The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 59.74 acres will be utilized to calculate the grant need.

3. Nancy McPherson (a/k/a Nancy Phillips), SADC #05-0016-PG (Resolution FY2015R2(8))
Block 752.01, Lot 10.01, Lower Township, Cape May County, 19.299 Acres
State cost share of \$18,780 per acre (60 percent of the certified market value and 53.68 percent of the purchase price) for a total grant need of \$373,308.28 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one 2.9-acre severable exception area limited to one single-family residence. The property includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses. **As the certification was, this final approval is conditioned upon a 50-foot access being available to County Route 626, for direct access to the subject farm outside the severable exception, to be confirmed with a survey prior to closing.**

Discussion: The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 19.878 acres will be utilized to calculate the grant need. In July 2014, the SADC certified a development easement value and the certification was based upon a 50-foot access being available to the County road and that is why the configuration of the severable exception is the way it is. That will be

confirmed with the survey prior to closing.

4. Curtis and Elizabeth Corson, SADC # 05-0015-PG (Resolution FY2015R2(9))
Block 559, Lots 22.01, 23, 25, 26, Upper Township, Cape May County, 30 Acres
State cost share of \$12,900 per acre (60 percent of the certified market value and 53.75 percent of the purchase price) for a total grant need of \$398,610.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one single-family residence with a mother-in-law apartment, zero agricultural labor units, and no pre-existing nonagricultural uses.

Discussion: The property includes a small equine operation with production activities, including breeding and training approximately 6 horses for sale. The equine operation does not include any equine service activities occurring on the farm, such as boarding horses or lessons. The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 30.90 acres will be utilized to calculate the grant need.

5. Terrance J. Uhland, Karen L. Uhland and Travis J. Uhland, SADC #06-0160-PG (Resolution FY2015R2(10))
Block 23, Lot 11, Stow Creek Township, Cumberland County, 30 Net Acres
State cost share of \$3,220 per acre (68.51 percent of the purchase price) for a total grant need of \$99,498 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property has one 1.5-acre severable exception area limited to one single-family residence, zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses outside of the exception area.

Discussion: The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 30.9 acres will be utilized to calculate the grant need.

6. John Sorantino # 2, SADC # 06-0146-PG (Resolution FY2015R2(11))
Block 43, Lot 38, Fairfield Township, Cumberland County, 35 Acres
State cost share of \$3,550 per acre (66.98 percent of the purchase price) for a total grant need of \$127,977.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property zero housing

opportunities, zero agricultural labor units, and no pre-existing nonagricultural uses on the area to be preserved.

Discussion: The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 36.05 acres will be utilized to calculate the grant need.

7. Martha E. Hubschmidt et al # 2, SADC #06-0157-PG (Resolution FY2015R2(12))
Block 2201, Lots 10 and 11, Upper Deerfield Township, Cumberland County, 66 Net Acres
State cost share of \$3,280 per acre (68.33 percent of the purchase price) for a total grant need of \$222,974.40 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property has one 2-acre nonseverable exception area limited to one single-family residence, zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses outside of the exception area.

Discussion: The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 67.98 acres will be utilized to calculate the grant need.

The motion was unanimously approved. (A copy of Resolution FY2015R2(6) through FY2015R2(12) is attached to and is a part of these minutes.)

**D. Request for Reconsideration of SADC Final Decision
Driveway Easement Realignment – New Village Farms, Greenwich
Township, Warren County**

Acting Chair Purcell stated that since Secretary Fisher is not back yet, she will leave it up to Mr. Riewerts as to whether he wants to table this discussion further until after Closed Session, when we come back to Open Session, to give Secretary Fisher additional time to return to the meeting. If Mr. Riewerts doesn't feel strongly either way we can go ahead and have the discussion on his agenda item now. She asked Mr. Riewerts if he had a preference. Mr. Riewerts stated that he would like the Committee to go ahead and do its work. He would, however, like the opportunity to make a few comments.

Ms. Payne stated that in December of last year the Committee passed a resolution to deny a proposal to realign an existing driveway on a preserved farm, the Santini farm, in

Warren County. At that meeting, one of the pieces of evidence that the SADC used and relied upon was a letter from the USDA, NRCS, because that agency also helped to fund this acquisition so their approval was required. The NRCS issued a letter dated November 17th, indicating that it did not approve of the alignment preferred by Mr. Riewerts and his wife, Dr. Tribble. The Committee passed a resolution, which is in the meeting packets for the Committee's review. There is a proposed resolution for today and then behind that is the December 11th resolution.

Ms. Payne stated that staff had failed to provide the NRCS letter to Mr. Riewerts and Dr. Tribble in a timely fashion, which was an oversight on staff's part. The SADC subsequently agreed to toll the decision. Mr. Riewerts had written an email to the Attorney General's Office asking for reconsideration of the SADC's decision and in email correspondence staff agreed to reconsider it because Mr. Riewerts and Dr. Tribble had not been provided the NRCS letter in a timely fashion. We subsequently, through more email, advised them that because we had approved the reconsideration request, the timing on the original resolution stopped – it was tolled – so it was sitting in space not moving forward on any kind of an appeal clock.

Ms. Payne stated that since that time there has been lots of correspondence between the SADC office and Mr. Riewerts and his wife. Once they received the copy of the NRCS letter, they wrote a very long letter to the NRCS questioning lots of the conclusions and information contained in the NRCS letter. There has been no reply from the NRCS in response to that correspondence. Staff sent an email on January 16th granting reconsideration and requesting additional information be provided by the landowner by February 16th and we reiterated that in an email on January 26th. We have still not received an answer from the landowner as to whether they were going to submit additional information for reconsideration by the 16th or not, or whether they needed additional time to submit additional information. In a letter dated January 27, the Mr. Riewerts and his wife sent staff a letter saying they were surprised, they didn't think that the SADC answered their email and that they were willing to work with SADC staff to see if they could find common ground and an agreed-upon solution – basically an alternative – to work together on an alternative solution.

Ms. Payne stated that on January 30th staff sent a letter to Mr. Riewerts and Dr. Tribble saying that the reconsideration question was still on the table and that the Committee has to decide formally whether to reconsider the matter. We had tolled it, waiting to see if more information was going to come in that was going to change our decision. We reiterated our request to know whether additional time was needed for them to submit information that would affect our December resolution.

Subsequently to that Mr. Riewerts and Dr. Tribble sent us a letter, basically indicating they were pleased that we had agreed not to take further action on the matter, which is not what we had agreed to, and saying that they would like to work with us. Ms. Payne stated that on February 19th she sent a letter indicating that the matter would be placed on the agenda. At this point in time, staff feels that we have given the landowner an opportunity to submit information, there has been a lot of correspondence but there has been nothing else concrete – no additional engineering plans or anything of that sort. Mr. Riewerts and his wife have requested a three-month extension to work together with the landowner to see if there are alternatives that might be agreeable to the SADC. Ms. Payne stated that she believes where we are is that the issues that the SADC relied upon in its December denial still stand, and the things that were the basis of the Committee's denial have not been changed. What she is recommending the Committee do is deny the reconsideration request of that one proposed alignment because that is what we disapproved in December, so that can run its course. We have committed and said to Mr. Riewerts and his wife that as long as there is full participation of the landowner, Mr. Santini, in discussing any alternatives for the future, we would be glad to entertain and review those alternatives to see if they comply with the Deed of Easement. We have indicated that we will not entertain continued conversations with Mr. Riewerts and Dr. Tribble absent the participation of the landowner because that is who we really have to deal with here, the landowner. Ms. Payne stated that is a synopsis of the issue. If the Committee has further questions, all of the correspondence is in the meeting books and Mr. Smith and Mr. Riewerts are here.

Mr. Smith stated that this resolution for denial is without prejudice to a future realignment of the roadway, provided the preserved farmland owner coordinates with the neighbors in a way that is consistent with the Deed of Easement so that it would be satisfactory to the SADC, so it is not like a realignment can never happen; it may, provided conditions are met. It is really a without prejudice kind of denial and it only applies to the resolution that was passed on December 11th, because those issues have been worked on exhaustively by stewardship staff as well as the federal government – the NRCS, which agreed with the December 11th conclusions of the SADC.

Mr. Riewerts stated that he thinks that they understand the purpose of the resolution that has been put before the Committee today and that there still may be the possibility of the driveway or the realignment. He wanted to take some time to indicate that we are really all on the same page but in a different language. He thought the process that they have tried to work through for the past couple of years was really the culprit here. A couple of times they submitted engineering reports through the SADC, got no feedback until there

was an SADC meeting and then it was voted down. Many land use boards have pre-hearing conferences with an applicant so that the town officials and the applicant can both understand the other's thinking and position and it makes the formal hearing process go a lot smoother. The SADC itself, as he heard earlier, is going through a collaborative process regarding a soil disturbance proposal. DEP has a conference process that emitters or potential emitters can work through and certainly the public utility commission has a similar process. So that is what they had hoped they were working toward but he isn't certain that they are. He wanted to read an excerpt from a letter he wrote in August 2013 to Mr. Everett of the SADC. "Dear Mr. Everett – thank you for contacting me last week and reviewing my request to the SADC to allow the driveway easement through Block 5 of my property, which is at Lot 24, Block 44, to be realigned so as to improve the agricultural production conditions of Lot 24, which is my farm, also 55 acres – the same size as the preserved farm through which their driveway runs, and Lot 5, and to eliminate the hazardous driving and access conditions created by the existing driveway alignment." Mr. Riewerts stated that hasn't changed and they are trying to do that today. He read the letter further as follows: "For about a year I have been corresponding with the SADC, Susan Payne and Charles Roohr, regarding this issue, but the progress has been limited. I would welcome the opportunity to review this issue with you and others to properly arrive at a solution satisfactory to all concerned." Mr. Riewerts stated that they haven't changed that at all. They just cannot speak the same language he guesses. How can we do that, is there a process that allows that to happen, because they think they have a capable engineer who can assist them but they are not going to engage him until they know the program. They know the objectives – they have always said that they recognized them two years ago. He wanted to know how they can do that.

Ms. Payne stated that she has indicated in her letter that if you and the property owner agree to discuss more alternatives, staff would be glad to do that. Mr. Riewerts stated but you said you would review them and that was what was happening in the past. They send things to the SADC to review them, then they come to a meeting and they are denied. Ms. Payne stated that what she wants to say to Mr. Riewerts is that the SADC has, in her opinion, participated in good faith. Her office has sent staff out to the site, the SADC has had the NRCS to the table and staff voiced their concerns about alternative #1 throughout this process and went so far as to design conceptual alternative #2 that staff found would be agreeable and we even suggested alternative #3. Your position has been consistently nothing but alternative #1 would suffice. So the Committee had to answer the question of would it or would it not agree to that alignment and based on its December resolution the answer is no. So if we can move on and sit with you and the property owner and talk about alternatives, we are willing to do that. But she feels that part of the breakdown in this process was the insistence on your side, to be frank, that you wanted alternative #1

and that was it. She thinks that the mud may be on both of our shoes.

Mr. Riewerts stated that, to stand up for his side, they don't get a response from the SADC until a meeting, no one calls up and says Mr. Riewerts, this is no good or look at it this way instead of that way. None of that takes place and the only time there is a discussion it is a one-sided discussion in this meeting room at a monthly meeting. Mr. Riewerts stated that their engineer has shown that alternative #1, which is frankly what they prefer and they don't make any bones about that, has less of an impact on the agricultural production of that easement field than the others do. They cited that in their letter to Ms. Bartok. Ms. Payne stated she understands their position. Mr. Riewerts stated had they been able to sit down and discuss those he didn't think they would be before the Committee today. Ms. Payne stated that staff will do their best from this point forward to be as collaborative as they can but you have to realize that the landowner has to be the central participant in that. This is his farm, it is a preserved farm and that would have helped this process. Mr. Riewerts stated that in general he prefers the same route that they do. He asked how we do this now? He asked in 2013 that they would like to meet and cooperate with you folks. Ms. Payne stated that the answer is that you should speak with Mr. Santini and if the two of you are of consensus that you want to engage us in discussing alternatives then give us a call and staff will come to Warren County to discuss alternatives and that is where the process will go from there. Mr. Riewerts stated the outcome of those discussions will come to the Board or here for review. Ms. Payne stated both, staff reviews everything. Mr. Riewerts asked if they would have a chance to be informed of staff's review before a meeting here. Ms. Payne stated yes, you will. He asked if they would have a chance to ask questions or work out problems before a meeting here. Ms. Payne stated that she cannot say that is a forever proposition. She thinks what staff tries to do is when there is an issue on our plate, we try to work with the landowner to try to resolve it. But when things get to a point where we cannot come to a meeting of the minds, then the Committee must take action. Mr. Riewerts stated that in their frustration in trying to send some pictures through email they were not able to get them to the SADC so they sent them to Mr. Stypinski's email. Mr. Riewerts questioned when the 45-day notice period starts. Mr. Stypinski stated that if you are going to appeal the SADC's denial of the reconsideration, it would start after the Governor's veto period expires for this meeting. Ms. Payne stated that is when the clock starts.

Ms. Purcell stated that there is a resolution that is basically denying the request for reconsideration from the December 11th meeting.

Ms. Payne stated that the motion would be to approve the resolution denying the request for reconsideration of the SADC's December action.

It was moved by Mr. Germano and seconded by Ms. Reade to approve Resolution FY2015R2(5) denying a request by New Village Farms, LLC for reconsideration of action taken at the December 11, 2014 SADC meeting pertaining to Resolution FY2015R12(2). The motion was unanimously approved. (A copy of Resolution FY2015R2(5) is attached to and is a part of these minutes.)

PUBLIC COMMENT

None

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, March 26, 2015, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 10:28 a.m. Mr. Siegel moved the following resolution to go into Closed Session. The motion was seconded by Mr. Requa 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.”

The Committee took a five-minute break before going into Closed Session.

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters - Certification of Values

County Planning Incentive Grant Program

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

1. Previtera Farms/Nedda Previtera Cashore, SADC #08-0175-PG

Block 703, Lot 2, Logan Township, Gloucester County, 103 Acres

2. Amwell Chase Inc., SADC # 10-0350-PG (**Amended**)
Block 5, Lots 24, 24.01, West Amwell Township, Hunterdon County, 188 Acres
3. Estate of David R. Aresty, SADC # 14-0116-PG
Block 7, Lot 14.01, Chester Township, Morris County
Block 105, Lot 1, Mendham Township, Morris County
59 Total Acres (irregular in shape)

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

Mr. Schilling recused himself from any discussion/action pertaining to the following agenda item (Protinick Farm) to avoid the appearance of a conflict of interest. Mr. Schilling serves on a Cranbury Township land use board (Planning Board).

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

1. M. & A. Protinick, SADC # 12-0022-PG
Block 25, Lot 1, Cranbury Township, Middlesex County, 60.10 Acres

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

Municipal Planning Incentive Grant Program

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

1. Lambert Farm, LLC, SADC # 10-0355-PG
Block 3, Lot 16, West Amwell Township, Hunterdon County, 54 Acres
2. Bluebird Farm/Nick Villa, SADC # 18-0204-PG
Block 26, Lot 16.02 and 16.08, Peapack Gladstone Township, Somerset County,
26 Acres

The motion was unanimously approved. (Copies of the Certification of Value Reports are

attached to and are a part of these minutes.)

Direct Easement Purchase Program

Mr. Germano stated he would make a motion that the Committee certify the development easement value as discussed in Closed Session.

It was moved by Mr. Germano and seconded by Ms. Reade to certify the development easement value as presented and discussed in Closed Session for the following applicant:

1. Ken and Beverly Lustgarten (former Claw, LLC), SADC # 03-0029-DE
Block 201, Lot 24, North Hanover Township, Burlington County, 168 Gross/166 Net Acres

The motion was unanimously approved. (A copy of the Certification of Value Report is attached to and is a part of the Closed Session minutes.)

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

1. Ryan and Kimberly Kocsis, SADC # 10-0229-DE
Block 6, Lots 18, 23.01, Kingwood Township, Hunterdon County, 146 Acres
2. Estate of John J. Milo, SADC # 10-0224-DE
Block 44, Lot 20, 20.02, Bethlehem Township, Hunterdon County, 119.5 Acres
3. Coombs Properties, LLC (Downer), SADC # 17-0275-DE
Block 51, Lot 1, Upper Pittsgrove Township, Salem County, 114 Acres
4. Theodore and Penelope Fox, SADC # 17-0278-DE
Block 43, Lot 1, Pilesgrove Township, Salem County, 132 Acres
5. Patti L. Davis and Robina M. Coleman, SADC # 17-0281-DE
Block 47, Lot 18; Block 53, Lots 27, 33; Mannington Township, Salem County, 169 Gross/142.2 Net Acres. **The certification of value is contingent upon a legally recorded access easement between Block 53, Lot 27 and Block 53, Lot 33 being obtained prior to final approval by the SADC.**

The motion was unanimously approved. (Copies of the Certification of Value Reports are

attached to and are a part of the Closed Session minutes.)

B. Attorney/Client Matters

a. Holland Greenhouses, Upper Freehold Township, Monmouth County

Ms. Payne stated that this involves a greenhouse project proposed by Casey Jansen, owner of Holland Greenhouses, and the Rue farm in Upper Freehold Township, Monmouth County. The SADC had previously entertained an application or request for approval for an approximately 15-acre greenhouse proposal with accompanying hard disturbance, such as parking areas, stormwater basins and the like for Parcel A, as shown on the map to the Committee. It is the parcel that is north of I-195. The Committee's original analysis of that site and its assessment of the impacts to the proposed development were based on the USDA, NRCS's conservation maps for the property. Based on the SADC's analysis, staff thought that the cut and fill required to do the project would have a detrimental impact on the soils of the site because it would have essentially removed the horizons of the soil over large areas of the farm. That was the basis for the original denial of approval.

Ms. Payne stated that at that meeting the landowners disclosed that the property had previously been mined prior to preservation in conjunction with the construction of I-195, which bifurcates the property now. As a follow up to that, there was discussion with the landowners about the soils on that site, with the concept being if the soil quality of that property is vastly different in reality than what we thought it was based on soils maps, that may have a bearing on the Committee's analysis. In furtherance of that discussion, staff talked with the landowners and Mr. Jansen and wanted to know whether they were going to supply any kind of soils analysis done by a private company to provide that information. They elected not to do so. Staff offered to see if the USDA, NRCS would be willing to come out to do the analysis, which they did. The NRCS's results of its analysis are contained in the Committee's binder and she asked SADC staffer David Clapp to go over that analysis with the Committee and the essential conclusions of that.

Mr. Clapp reviewed the information provided by the NRCS with the Committee. The NRCS went out and looked at two sites, both in the same soil map unit, which was the Sassafras B slope that prior to construction of I-195 was one contiguous soil map unit. In theory, the soil properties on either side would have been the same. What the analysis determined is that the areas below I-195 at the soil test pit shown on mapping at the meeting, the soil mapping was correct. The mapping in the soil survey was representative of what was on site and therefore, it was a safe assumption that we could use the information in the soil survey to look at the soil properties below I-195. Above I-195

where we conducted the second soil test pit, NRCS determined that the soils had been disturbed. There was a layer of topsoil, which is the A Horizon, and then immediately below the approximately 10-inch thick A Horizon was a C Horizon, which is a layer of parent material. Parent materials are soils that haven't gone through the pedological process to become a functioning soil. They are unweathered and undisturbed from when they were deposited, in this case by man after mining activities occurred on site.

Mr. Clapp reviewed photos of the soils with the Committee and public. One photo showed the Sassafras sandy loam from south of I-195 where there was root structure throughout the B Horizon, which was absent in the other soil. There was a layer of topsoil and the soil was in the structure that you would expect to see for a natural Sassafras soil. There was structure throughout the horizons down to the C-Horizon at a depth of 43 inches. The soil on the right is the Sassafras that was disturbed that is now considered a udorthent and what that showed was there was about 10 inches of topsoil underlain by a C-Horizon that was a massive structure. There was no soil structure per se. Roots and plant growth were occurring only in the topsoil. What the NRCS had suggested was that the active biological and pedological zone for that site was contained in the top 10 inches of the soil and that the area below was just the parent material.

Ms. Payne stated that based on that analysis and staff's understanding of it, staff forwarded that report to Dr. William Palkovics who is the soils science expert the SADC has used on two cases in the past. Staff's question to him is, could the Holland Greenhouse project proposal as originally proposed and as reflected in the grading plan that was provided, if that were to occur on this disturbed site, would that have a detrimental impact on the soil resources that are there? Basically the concept is the original soil profile is gone, this is no longer a Sassafras soil; it is 10 inches of topsoil over top of something that is not considered an agricultural soil. The theory is you could likely cut and fill that subsoil without having a substantial impact on agricultural activity because there is not a lot of agricultural activity there to start with for the subsoil. Staff received a draft report of Dr. Palkovics' analysis yesterday and what staff can say is that preliminarily his assessment is that you could do substantial cuts and fills on that site without substantially interfering with the agricultural productivity of that soil. For that reason, it seems to be that conducting the project on that site has a high probability of success. If the landowners are interested in pursuing that, if Mr. Jansen is interested in pursuing that, staff would work with them to develop a resolution for the next SADC meeting, subject to the receipt of the final report from our expert and whatever conditions he would set forth, basically making sure that whatever fill is done, is done in the best way possible to conserve whatever resources are on the site. That is the first concept that was discussed with the landowners.

Ms. Payne explained the second concept staff discussed with the landowners. As the Committee knows, the Rues and Mr. Jansen had received subdivision approval on the original disturbed site and since that time it has been rescinded and they received subdivision approval on Parcel B, which is approximately an 80-acre site south of I-195. Mr. Jansen is analyzing and proposing to build essentially the same operation on that site. It is still prime soils per analysis from NRCS. What we don't know is what cut and fills would be required to conduct that project there. But staff did basic analysis based on topography maps available to us that shows some cut and fill will be required still and we wouldn't know the end result until we see engineering plans. The Committee was not in a position to approve that project proposed as is so the next concept discussed was whether the landowners would be interested in trying to consolidate some overall tolerance of disturbance on the site that is subject to the subdivision approval. Ms. Payne stated that her assessment is that we think that concept has merit but in the absence of regulations that lay that process out and create what those conditions are, staff thinks that would be a longer process to try to work with the landowners to work out what conditions would be needed to make that workable. There are some substantial legal concerns about taking that approach. That is a summary from her perspective on what was discussed.

Mr. Waltman asked Mr. Clapp if parcel A has zero agricultural value at this point. Mr. Clapp responded no, there is value there. Mr. Waltman asked if there has been some agricultural activity taking place on that property. Mr. Clapp stated there were soybeans planted there in 2014. Mr. Waltman asked would construction of impervious surfaces, concrete, on that property, would you expect that would diminish the agricultural value of those soils? Mr. Clapp stated on the areas where concrete was placed, yes. Mr. Waltman wanted to ask a few questions of the landowners, the Rues. Mr. Waltman asked the Rues if this body were to agree that his original proposal on that piece north of the Interstate were acceptable, would you, as a condition moving forward, be willing to agree to refrain and not pursue the activities that might disturb soils, such as putting down concrete structures or greenhouse structures, on the balance of the property? The question is you came to us and Mr. Jansen was interested in building some structures on the first piece, then you came back and said maybe we'll try Plan B. He is asking if we went back to Plan A, would you be satisfied with that amount of greenhouse activity on the overall property and would you be willing, as a condition of approval, to agree not to have this kind of development on the balance of the property, the piece of the property that you would continue to own? Ms. Rue stated no. Ms. Rue stated they would be uncomfortable about answering that type of question. Chairman Fisher stated that he would encourage Ms. Rue to not answer that question on the spot. Mr. Waltman stated that he is just trying to figure out if that is of interest to the landowners or not.

Ms. Payne stated that to clarify, the only information that staff has provided to the Committee is that the concept of clustering disturbance, staff will need to discuss that on the Plan B parcel. That has not been part of the discussion to date on Parcel A. That being said, a Committee member was just trying to assess your interest. Ms. Rue stated that they thought Plan A was off the table because they were told no to that because of the disturbance. Because they have an estate that they own with their family, they looked at the other option and that is where Plan B came from. These soils tests were done after Plan A came off the table and they happened because they said they were looking to do a soils test on Plan B and they said if they were going to do them here we should do them in the back so you can see what that looks like also. So the timeline of that is a little bit off. In the process, Plan A is currently in another plan. Mr. Germano asked if there was any chance of going back. Ms. Rue stated she didn't think she could answer that at this point in time. She is not sure in this setting that it is fair to ask them. As they sat here all these months, she thinks she has to be very careful about every decision they make because it affects every other farmer in this state.

Mr. Germano stated that there are very unique features to this case. This big of an area for most farms hasn't been mined. This is a very unique piece of ground as a result of that so there is an opportunity for the board to view this case or Parcel A without regard to its effect on the rest of the state. Ms. Rue stated that she thinks they know that but she doesn't feel that they can answer these questions at this time. Chairman Fisher stated that the question was asked and the property owners have said they are not sure they can answer at this time because it impacts the total context of what they are doing in terms of the plans they are making for the estate and it is owned by a number of family members as a corporation. This Committee, right now, has looked at the first proposal and understood the special circumstances of Parcel A and saw that because it has been mined, it has been proven that it has been mined and they are considering this parcel. He asked if it would be a proposal or is it not a proposal any longer. Ms. Rue stated that they were told that if they went with Plan B then Plan A would come off the table. Chairman Fisher asked if Plan A would have any viability so the Committee can act on something, based on what it knows now. Ms. Rue stated that they cannot make that decision today. Ms. Rue stated that they are in discussions with another possibility for Plan A, not with Mr. Jansen. Chairman Fisher stated that the Committee wants to say something about this particular proposal. If it makes a motion, which won't bind anyone, and now that they have a new understanding.... Mr. Stypinski stated that we cannot bind them to do anything as far as contractual discussions go. Chairman Fisher asked if there was a motion.

Mr. Germano stated he would be happy to make a motion that based on the soil science indicating there is really no biological activity going on underneath the topsoil, that there are no roots penetrating, nothing is really happening below that A-Horizon, and based on the fact that there is no Horizon B, that what is under the 10-inch layer of topsoil is parent material, which means there is no known soil structure – that being the case, if the topsoil is being removed and properly banked, there will be no detriment to soil conservation if the cuts and fills proposed in the original proposal is carried out. With the condition that topsoil be removed and banked and properly preserved, that the original plan be approved. Ms. Reade seconded the motion.

Mr. Waltman stated that he would oppose the motion, although he would be willing to have a conversation that if we looked at the property in its totality as it stands today, he thinks it would be a fair condition and agreement if they were still interested in pursuing the original plan, if in exchange for that we are willing to agree to not have additional development on the balance of the property. Mr. Schilling stated that his personal view is that he is willing to support the development proposal of the greenhouses on Parcel A without further conditions, with respect to Mr. Waltman, because of the science that we have learned through the borings and the information that came in after the first subdivision request about the fact that the property had been mined and through science and the NRCS involvement we have a better understanding of what the soil actually looks like. He believes that is what is in Mr. Germano's motion and he supports that.

Mr. Siegel stated that we are asking staff to write a resolution that approves the original proposal. He asked if staff would come back with that resolution for the Committee to vote on or is this the approval? Ms. Payne stated that the landowners have indicated that they want an approval that they can rely on so she would recommend that be in the form of a resolution, which we could do at our next meeting. That is up to the Committee. Mr. Siegel stated he is confused about whether we are approving or directing staff to bring back a resolution so we can see the written words.

Mr. Germano stated that he offered the motion as an approval that would be effective today and memorialized next month. He stated that his recollection is there are engineered plans for this project and he doesn't remember if those plans included banking and preserving the topsoil. If they don't, he wants to add that that becomes part of the plans but his motion is to essentially approve the plans that were originally presented and previously denied for this particular parcel, just the one thing being that they have to bank and preserve the topsoil. If it isn't in the original plans it would have to be added.

Ms. Rue asked if there was anything else that staff needs in terms of these plans to make this decision or do you feel like you have everything you need that would make this approvable? Ms. Payne said that staff has a draft report from the soil scientist that is positive on this conclusion but it is not final yet. Mr. Waltman would like to see a written resolution at the next meeting with the final report from the soil scientist. Mr. Germano stated that he would like to have it approved today.

A roll call vote was taken as follows:

Douglas Fisher, Chairperson	Yes
Renee Jones (rep. DEP Commissioner Martin)	Oppose
James Requa (rep. DCA Commissioner Constable)	Yes
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	Abstain
Brian Schilling (rep. Executive Dean Goodman)	Yes
Jane R. Brodhecker	Yes
Alan A. Danser, Vice Chair	Absent
James Waltman	Oppose
Peter Johnson	Absent
Denis C. Germano	Yes
Torrey Reade	Yes

The motion passed: 6 Yes votes; 2 oppose votes; one abstain vote; 2 absent

Chairman Fisher stated that there are two parts to this; there is this Parcel B. Ms. Payne stated that the concept explored here was, based on the information before us now, which does not include a grading plan, we think that doing this project on Parcel B would create a similar amount of disturbance as on Parcel A and that was not likely a positive direction for this property to go. The concept discussed with the landowner was whether they would be interested in consolidating an overall disturbance capacity of the site onto Parcel B, thereby having a reduced further potential for disturbance on the remainder of the farm. That has been discussed as a concept and as she related earlier, that is a very new, a very different idea, which does create risk for the agency to pick a new policy to apply. She thinks there is interest in it but we are not able to tell everyone today that yes, that is a direction we could absolutely go in because it has lots of implications, legal and otherwise. She asked if that is a correct assessment of where the Committee is on this idea. She felt it was innovative, it has potential but it also has downsides and the Committee has not had the chance to explore what the downsides may be so as to make a fully informed decision. She stated that we are not capable today of saying yes, we are totally in and supporting a concept of clustering on that site. The Committee would have

to spend more time on that idea before it could give the landowners something to rely on. A clustering concept would be that you as a landowner and Mr. Jansen as the potential developer of the property would voluntarily agree that a majority or some large portion of the overall disturbance that would occur on the entirety of the premises, that means all 338 acres, that much of that may be consolidated on just the tract that Mr. Jansen is proposing to buy and that the result of that would be, on the Rues' part, a voluntary limitation on disturbance on the remainder of the farm. Where exactly those numbers would come out would require many more conversations with you and would require Mr. Jansen to really understand how many acres of disturbance he needs to do his site. That is how we are defining clustering.

Chairman Fisher stated that this is a subdivided parcel now. Ms. Payne stated it has been given subdivision approval. Mr. Germano stated that if they avail themselves of the opportunity to go ahead with Plan A that the applicant might come back and abandon the subdivision approval that it has and reinstate the original subdivision approval. Ms. Payne stated that if that was the direction that the landowners want to take we would accomplish that in that same resolution that we pass next month. Ms. Rue asked when does this next conversation about clustering happen with this group, do they wait 20 months down the road again or does this happen now? Ms. Payne stated that depends in part on what the landowners' decision is. Staff has appreciated and paid attention to the fact that time is money for Mr. Jansen and the Rues and he is under a very tight timeframe to make a decision. The goal today was to try to give you what decisions are available so you can make a business decision. If you choose to not pursue the project on Parcel A then we will continue this conversation and she doesn't know how long it will take and where it will end up, to be honest. It does pose some risks to the agency. Ms. Rue stated that even though the soil disturbance regulations are not official, they are still held by what was being recommended. Ms. Payne stated no, we are not holding you to the draft soil disturbance regulations. Ms. Rue stated isn't that why you are saying no to Parcel B? Ms. Payne stated no, the reason we said no to Parcel A originally was because we thought that level of disturbance was a violation of the Deed of Easement. If you take that same project and put it on Parcel B in the same soils, the assumption, our conclusion would be the same there too. We are trying to find any conditions that could help us bridge to an approval. That would take some time to work on and there would be no guarantee that it would be possible. We had a discussion last week with Ms. Rue and Mr. Jansen and the direction from both was that they wanted both of these concepts considered by the Committee and that is what we have done.

Mr. Jansen asked on Parcel B, on the 15-acre project that he wants to pursue, having in mind the 10 percent regulation that this all started with, if he was under the 10 percent

disturbance within the parcel he wants to do would that be an issue, even though the 10 percent is hypothetical? Mr. Germano stated it is not a rule and what we are governed by right now is the language in the Deed of Easement that says you cannot do anything that is detrimental to soil conservation. What the science tells us is that your project on the northern side of that highway would not be detrimental to soil conservation because of what the soil is.

Mr. Jansen stated that we now have fact that the farm can be disturbed, remediated and healthy crops grown, farm A being proof. What we don't have fact on is going on to Parcel B, is it destruction? You don't have facts to say that this is soil disturbance or destruction. Mr. Waltman stated that the Committee isn't saying there is a fact that the soil can be remediated. In fact the Committee is saying the exact opposite, which is that the property that we were calling Parcel A has been so degraded that the structures that are being proposed would be acceptable because the soil or the loss of soil is less than it would have been had the soil been healthy. We are not accepting the premise that the soil was remediated or can be remediated on Parcel A. In fact the Committee just voted the exact opposite. Mr. Germano stated it may be producing but it certainly is not what the soils maps said it was and he doesn't believe that anyone is in the position to establish that it is producing what it was before it was disturbed.

Ms. Honigfeld stated that she realizes the Committee is in a tough position because the deed has this phrase that you have to not detract from the conservation of the soil but then as the alternative the deed very clearly allows for buildings and structures that allow for agricultural use and production. You have to keep that in mind to also allow for that. The reason that the landowners thought the more southern site would be a win-win situation is because it is flat. The cut and fill to her is very modest. It is almost a zero percent slope. You cannot get much flatter. Mr. Jansen's project will be topsoiling and growth materials. In her mind, the only thing being taken out of production is more of those border areas. If you were to add that on the larger 80 acre site it is modest. Frankly, they didn't have to ask and they could have just built but it is only because they are trying to do due diligence. She encourages the Committee not to get too nervous about this because that isn't concrete floor greenhouses.

Chairman Fisher stated that no one wants to make any type of motion for "B." Ms. Reade stated that there is no information for Parcel "B."

Ms. VanHise asked what type of guidance the Committee is giving to the Rues, where do they go from here to come to a conclusion? Chairman Fisher stated that there is still a proposal that is being considered, this Plan B. Ms. VanHise stated yes. Mr. Germano

stated one plan has been approved. Ms. VanHise stated that she is talking about Plan B because they have moved on when the Committee denied Plan A. Mr. Germano stated that now that Plan A has been approved, maybe they will move on again. Chairman Fisher stated that if you are asking, all he can say is to come in with a plan for Plan B and the Committee will decide yes or no. Ms. VanHise felt that wasn't helping them in terms of Plan B at all. Mr. Germano stated it isn't because there is no help for Plan B. We didn't have any plans that the Committee could have acted on. Ms. Payne stated that you don't want to spend the money doing detailed topography maps without having an idea of whether you can get an approval.

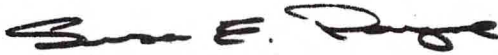
PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, it was moved by Mr. Siegel and seconded by Ms. Reade and unanimously approved to adjourn the meeting at 2:10 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

STATE AGRICULTURE DEVELOPMENT COMMITTEE

CERTIFICATION OF
THE AMENDED AGRICULTURAL DEVELOPMENT AREA MAP

GLOUCESTER COUNTY

RESOLUTION FY2015R2(1)

February 26, 2015

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

WHEREAS, pursuant to N.J.S.A. 4:1C-18, the Gloucester County Agriculture Development Board (GCADB) adopted, after a public hearing, ADA criteria and a map identifying areas where agriculture shall be the preferred, but not necessarily exclusive use of land, documenting that the area:

1. Encompasses productive agricultural lands which are currently in production or have a strong potential for future production and in which agriculture is a permitted use under the current municipal zoning ordinance or in which agriculture is permitted as a nonconforming use;
2. Is reasonably free of suburban and conflicting commercial development;
3. Comprises not greater than 90% of the agricultural land mass of the county;
4. Incorporates any other characteristics deemed appropriate by the Board; and

WHEREAS, pursuant to N.J.A.C. 2:76-1.4, the GCADB incorporated the following other criteria into the County ADA criteria as a component of the 2008 County Comprehensive Farmland Preservation Plan associated with the County's Planning Incentive Grant application:

1. Land is currently in agricultural production, has strong potential for agricultural production, or is farm assessed through a woodland management plan;
2. Agriculture is the preferred, but not the exclusive use;
3. Agriculture is a use permitted by current municipal zoning ordinance or is allowed as a non-conforming use; and

WHEREAS, for the 2008 Gloucester County Comprehensive Farmland Preservation Plan the GCADB and the County Office of Land Preservation utilized the following methodology to develop the updated ADA:

1. Staff reviewed the criteria for creating an ADA as set forth in the state's enabling statutes;
2. All farmland assessed properties and existing farmland were reviewed and mapped;
3. The County's 1997 farmland priority analysis was reviewed;
4. The State Development and Redevelopment Plan Planning Areas were reviewed with particular attention on Planning Areas 1 (Metropolitan), 2 (Suburban) and 3 (Fringe);
5. Sewer service areas were reviewed and mapped;
6. New Jersey Pinelands Land Capability Map (Management Areas) was reviewed and mapped with particular attention on the Agricultural Production Area;
7. Municipal zoning was reviewed; and
8. Areas located within Planning Areas 1 and 2 and sewer service areas were generally excluded except where farmland is concentrated, the primary land use, and contains existing preserved farms or farms with pending applications for preservation; and

WHEREAS, the GCADB included within the ADA the following lands:

1. All preserved farmland in the County;
2. All farmland in the municipal eight-year program within the County;
3. All farmland in the state eight-year program within the County;
4. All 2008 and 2009 pending farmland preservation applications within the County; and
5. Farmland included within the Woolwich and Franklin Township Municipal Planning Incentive Grant (PIG) project areas; and

WHEREAS, the GCADB excluded the following from the County ADA:

1. All farmland assessed properties that are currently under development;
2. All farmland located in Planning Area 1; and
3. The three (3) Receiving Areas identified in Woolwich Township's Transfer of Development Rights (TDR) Plan; and

WHEREAS, the GCADB divided the ADA into three (3) regions with each region subdivided into distinct Project Areas as follows:

1. The Primary ADA region encompassed five Project Areas based upon watersheds:
 - a. Delaware River Project Area including Logan Township and the western portion of Greenwich Township;
 - b. Repaupo-Mantua Creek Project Area including East Greenwich, West Deptford and Mantua Townships;
 - c. Oldmans Creek Project Area including Woolwich Township but excluding the Township's TDR receiving areas;
 - d. Raccoon Creek Project Area including Harrison and South Harrison Townships; and
 - e. Still Run Project Area including Elk Township and a small portion of Glassboro and Clayton Boroughs, and the northern section of Franklin Township.
2. The Secondary ADA was based upon the Agricultural Production Area as identified by the Pinelands Commission in the New Jersey Pinelands Land Capability Map, including preserved farms and the Franklin Township Municipal PIG Project Areas as follows:
 - a. Pinelands South Project Area included parts of Franklin and Monroe Townships including three (3) of Franklin Township's Municipal PIG Project Areas; and
 - b. Pinelands North Project Area incorporated a concentration of farmland in the central part of Monroe Township and a portion of neighboring Franklin Township, entirely within the Pinelands; and
3. The Tertiary ADA region included four (4) small, distinct ADA regions within the eastern portion of the County primarily around preserved farms, pending applications and farms enrolled in eight-year preservation programs, including:
 - a. Washington North Project Area included four (4) farms south of County Route 635 in Washington Township;
 - b. Chapel Heights Project Area along Duffield Run in Washington Township;
 - c. Pitman Downer Project Area immediately north of the Glassboro Wildlife Management Area in Monroe Township; and
 - d. New Brooklyn Project Area north of the Pinelands in Monroe Township; and

WHEREAS, beginning in 2012, the Gloucester County Office of Land Preservation and the GCADB proposed a series of additions to the existing ADA to include farmland whose owners had expressed interest in preserving their land and their respective municipalities supported the preservation of those farms; and

WHEREAS, the Gloucester County Office of Land Preservation and the GCADB used this ADA amendment as part of a County Comprehensive Farmland Preservation Plan update delivered in draft to the SADC on December 18, 2014 in conjunction with the County's annual Planning Incentive Grant Program application; and

WHEREAS, for those farms located in Planning Areas 1 and 2, the Gloucester County Office of Land Preservation and the GCADB studied the benefits to the local economy and the community if the farms were included in the ADA and ultimately preserved; and

WHEREAS, the GCADB conducted a series of public hearing to review, discuss and refine the following proposed amendments to the County ADA on February 14, 2013, January 16, 2014, September 18, 2014 and December 4, 2014, including a parcel-based and a farm-unit review in order to incorporate only those farms which furthered the agricultural productivity and integrity of the County preservation efforts and maximized limited public funds for farmland preservation as summarized in the attached Schedule A; and

1. The Repaupo-Mantua Creek Project Area was expanded to include the DeHart, Hamel and Marple Farms as the last remaining farms in West Deptford Township, providing access to fresh produce for area residents, despite a location in Planning Area 1 and the County sewer service area as shown in the attached Schedule B; and
2. The Still Run Project Area was amended to include the Doyle Farm as a highly productive nursery in Clayton Borough that extends the adjacent Elk Township agricultural area, despite a location in a sewer service area and Planning Area 2 as shown in the attached Schedule C; and
3. The Still Run Project Area was also expanded to include 630 additional acres of farmland assessed land in Franklin Township and Clayton Borough, including the Silvergate-Doyle, Grochowski and Napoli Farms as highly-productive farms in a Residential-Agriculture Zone (2.5 acre minimum lots), sewer service area and Planning Areas 2 and 5, adjacent to the County's Scotland Run Park and the Glassboro Wildlife Management Area as illustrated in the attached Schedule D; and
4. The Pinelands North Project Area was amended to add 108 acres of farmland assessed land including the Senor Farm in Monroe Township in a sewer service area and Planning Area 5, adjacent to the expanding Gloucester County Veterans Memorial Cemetery and other preserved open space, as shown in the attached Schedule E; and
5. The Tuckahoe Road expansion of the Pinelands North Project Area added eight (8) farms totaling 140 acres of farmland assessed land in Franklin Township with Residential Agriculture Zoning and a location in the Rural / Environmentally

Sensitive Planning Area (4B) as shown in Schedule F; and

6. The Pinelands South Project Area in Monroe Township was amended to incorporate an additional 102 farmland assessed acres including the highly-productive Gallagher, Marple and Thompson Farms in the Pinelands Rural Development Management Area as shown in Schedule G; and
7. The Pinelands South Project Area was also expanded to include an additional 215 acres of farmland assessed land along the Harding Highway (US 40) and Main Road (County Route 555) in Franklin Township and Newfield Borough in the Rural / Environmentally Sensitive Planning Area (4B) as illustrated in the attached Schedule H; and
8. The Repaupo Mantua Creek Project Area in West Deptford and East Greenwich Townships was amended to remove 269 acres of formerly farmland assessed land that is part of an expanding industrial park as shown in Schedule I; and

WHEREAS, many of the above mentioned farms highlighted in the ADA amendments have owners that have applied for or expressed interest in the farmland preservation program and all appear to exceed the minimum SADC eligibility standards for tillable acreage and soil productivity; and

WHEREAS, the GCADB received support for the ADA amendments from the Township and Borough Governing Bodies; and

WHEREAS, while the ADA amendments will add 1,315 acres and remove 269 acres from the County's ADA for a net increase of 1,045 acres, the revised ADA will include 86.06% of the total farmland assessed acreage in Gloucester County (63,671 acres), still below the statutory limitation of no more than 90% of the agricultural land mass of the County; and

WHEREAS, the GCADB has requested the SADC's certification of the Amended ADA map by resolutions dated January 15, 2015; and

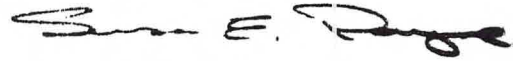
WHEREAS, the SADC reviewed the GCADB submissions and has determined that the analysis of factors and resultant criteria is reasonable and consistent with the statute and SADC regulations, pursuant to N.J.A.C. 2:76-1.6.

NOW THEREFORE BE IT RESOLVED that the SADC certifies the GCADB approval of the amended ADA map, pursuant to N.J.A.C. 2:76-1.7 adding a total of approximately 1,315 acres and removing 269 acres as shown on the attached Schedules A through I; and

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

2/26/15

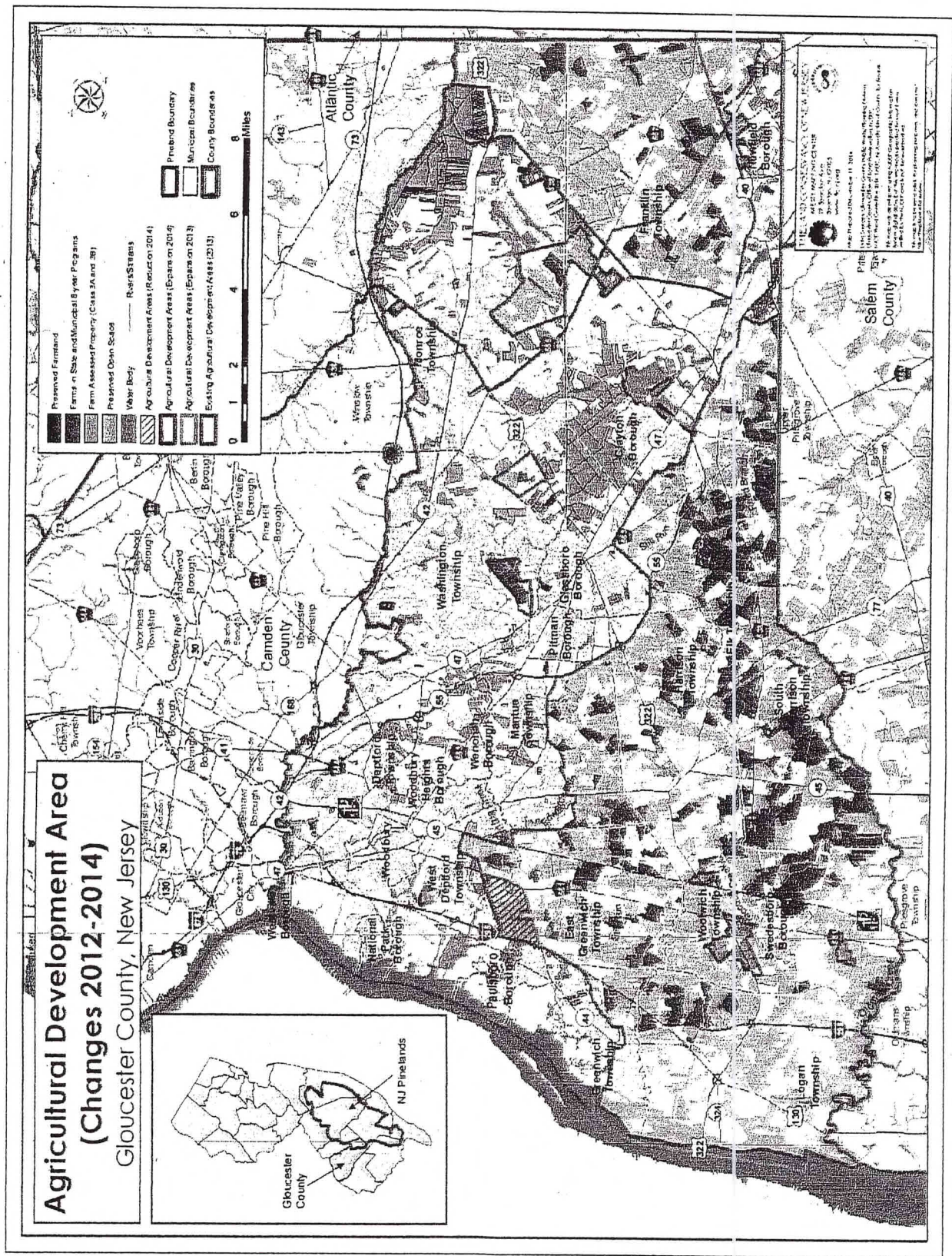
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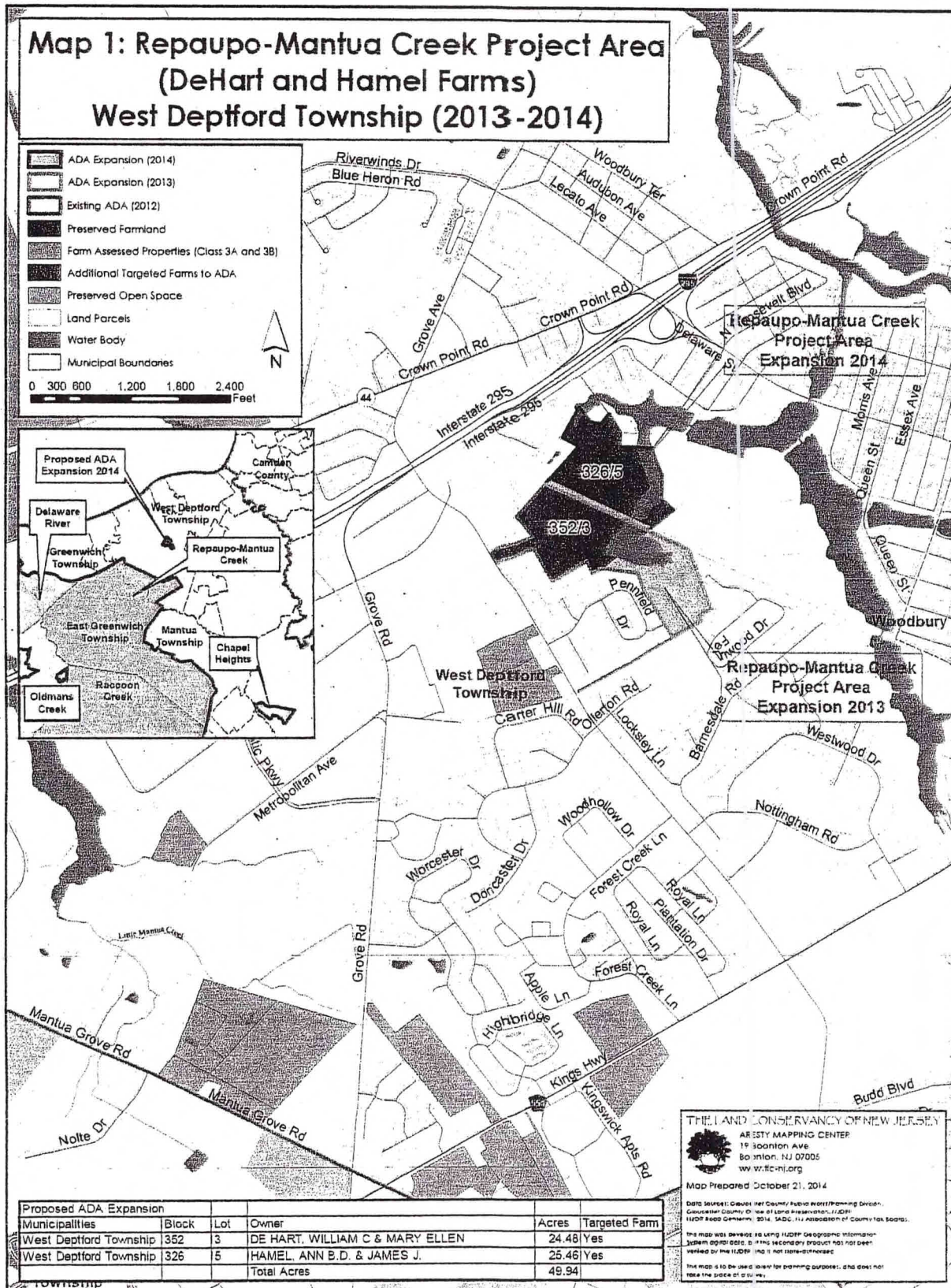
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

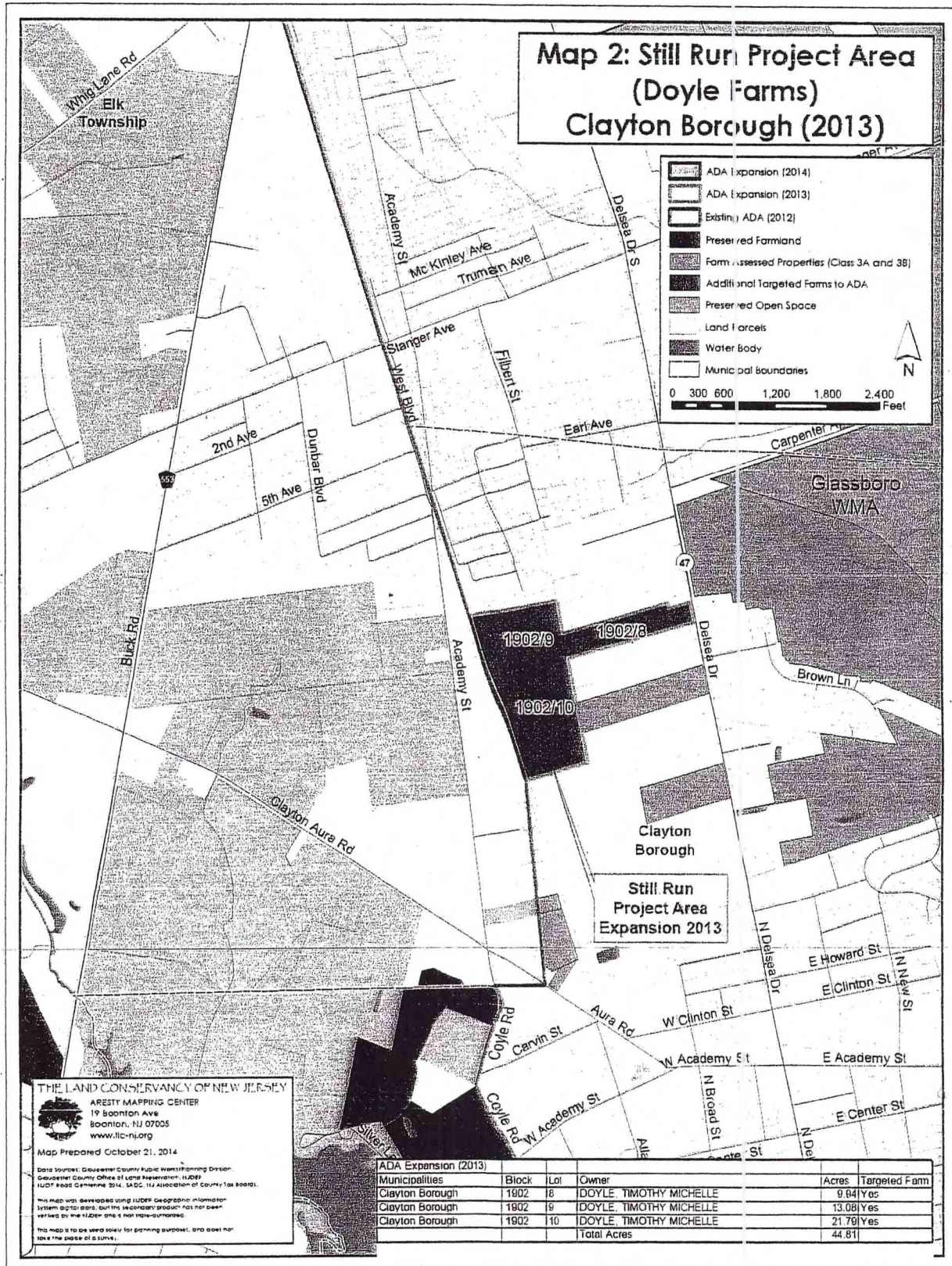
Douglas H. Fisher, Chairman	YES
James Requa (rep. DCA Commissioner Constable)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	ABSENT
Torrey Reade	YES
James Waltman	YES

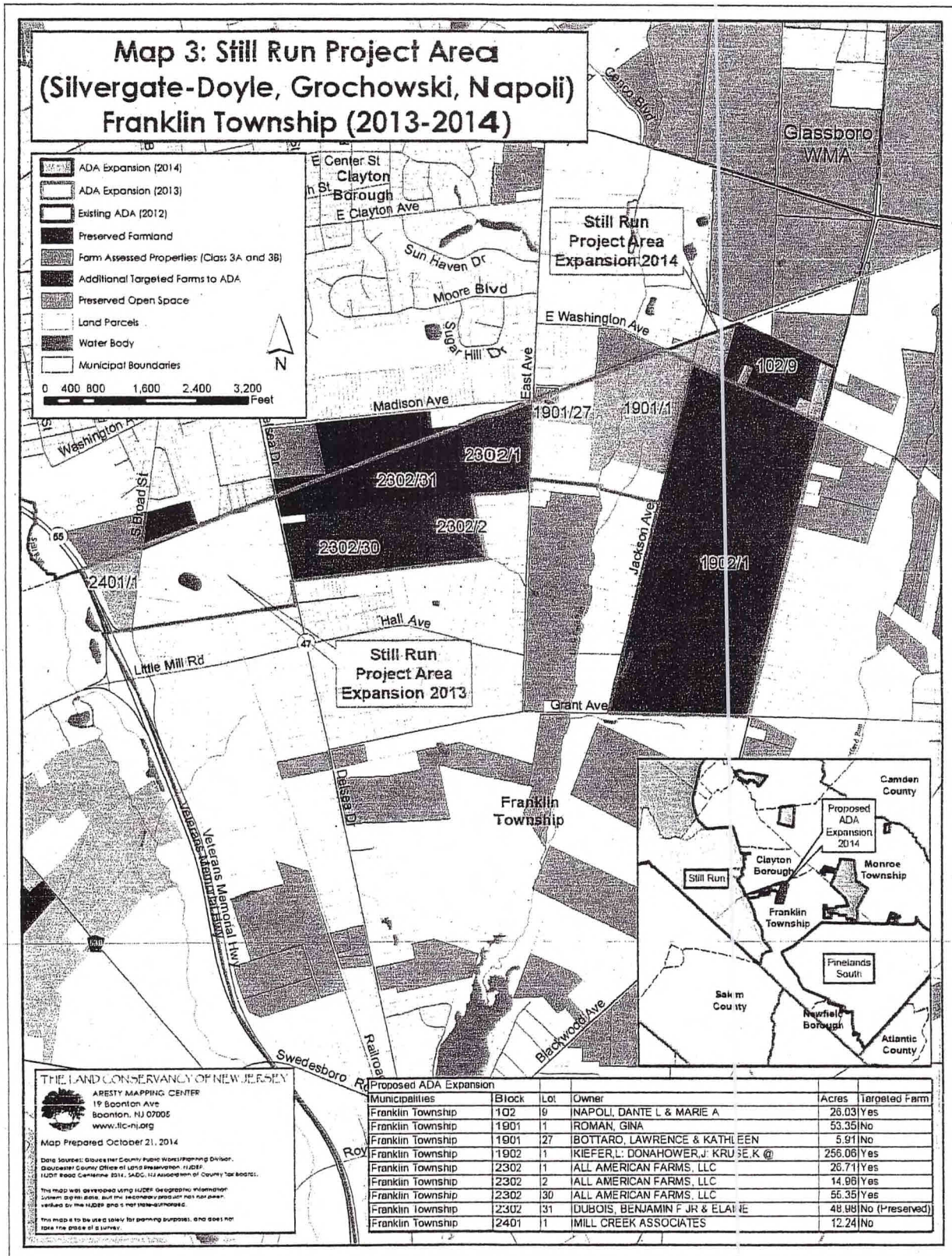


Schedule B

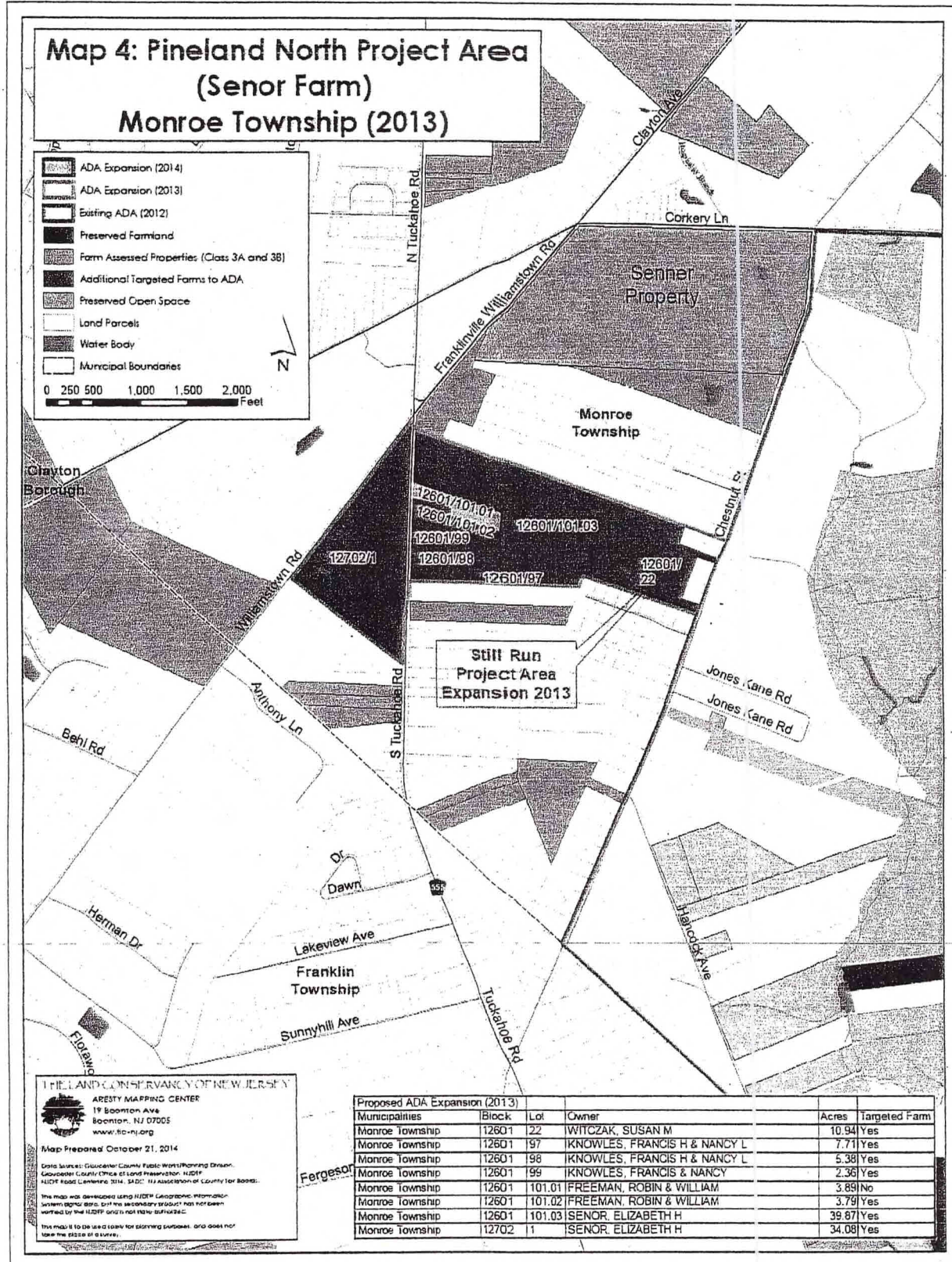


Schedule C

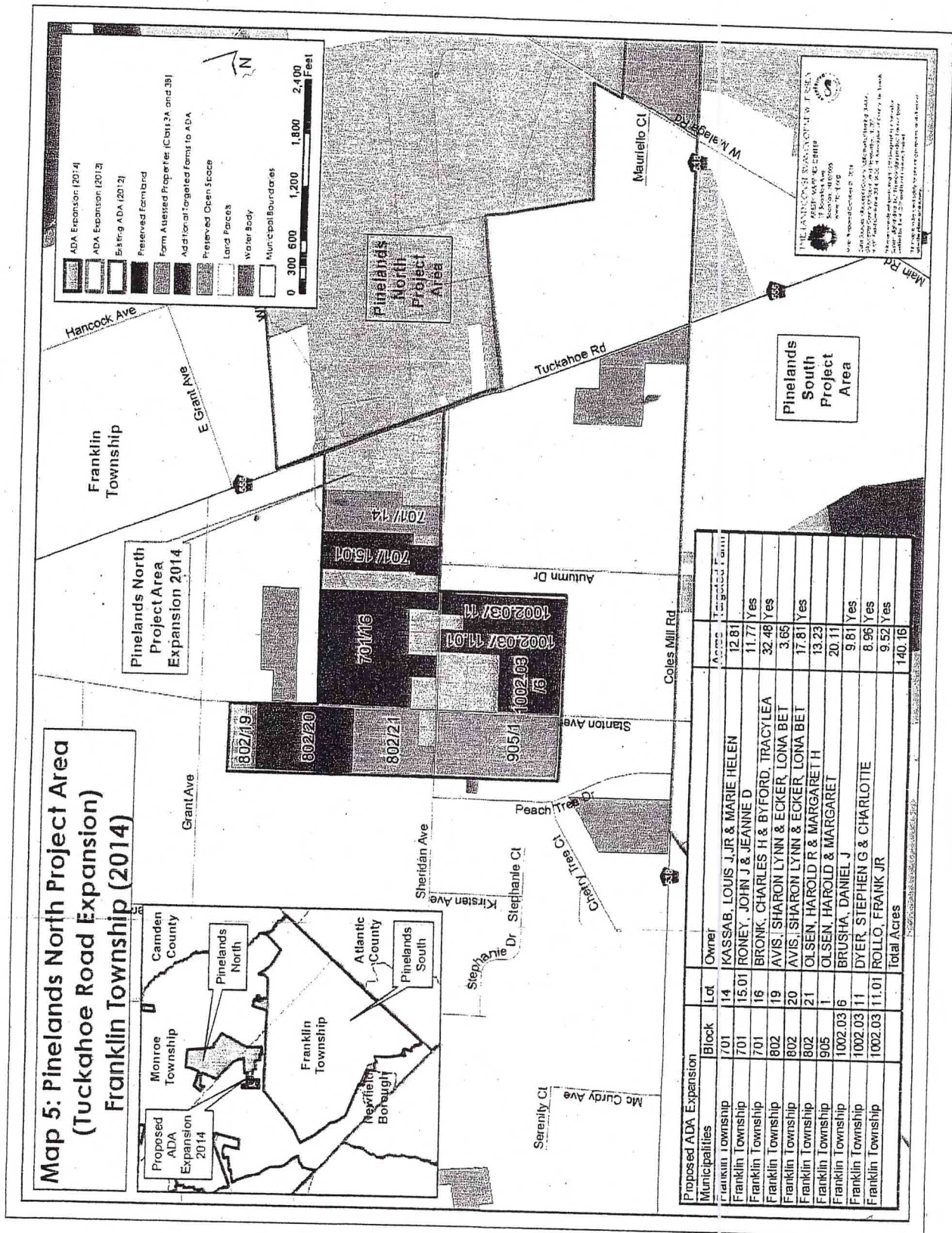


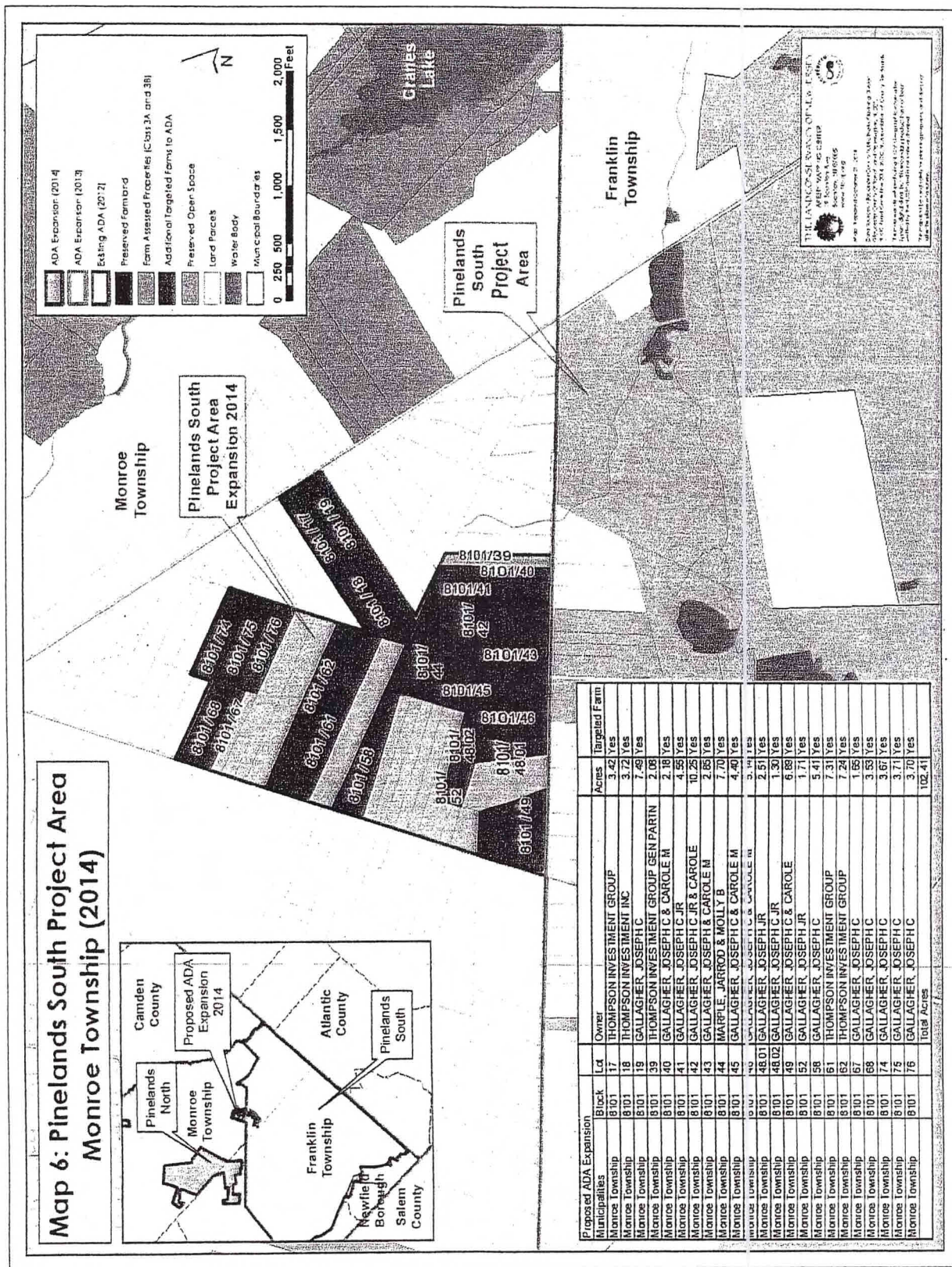


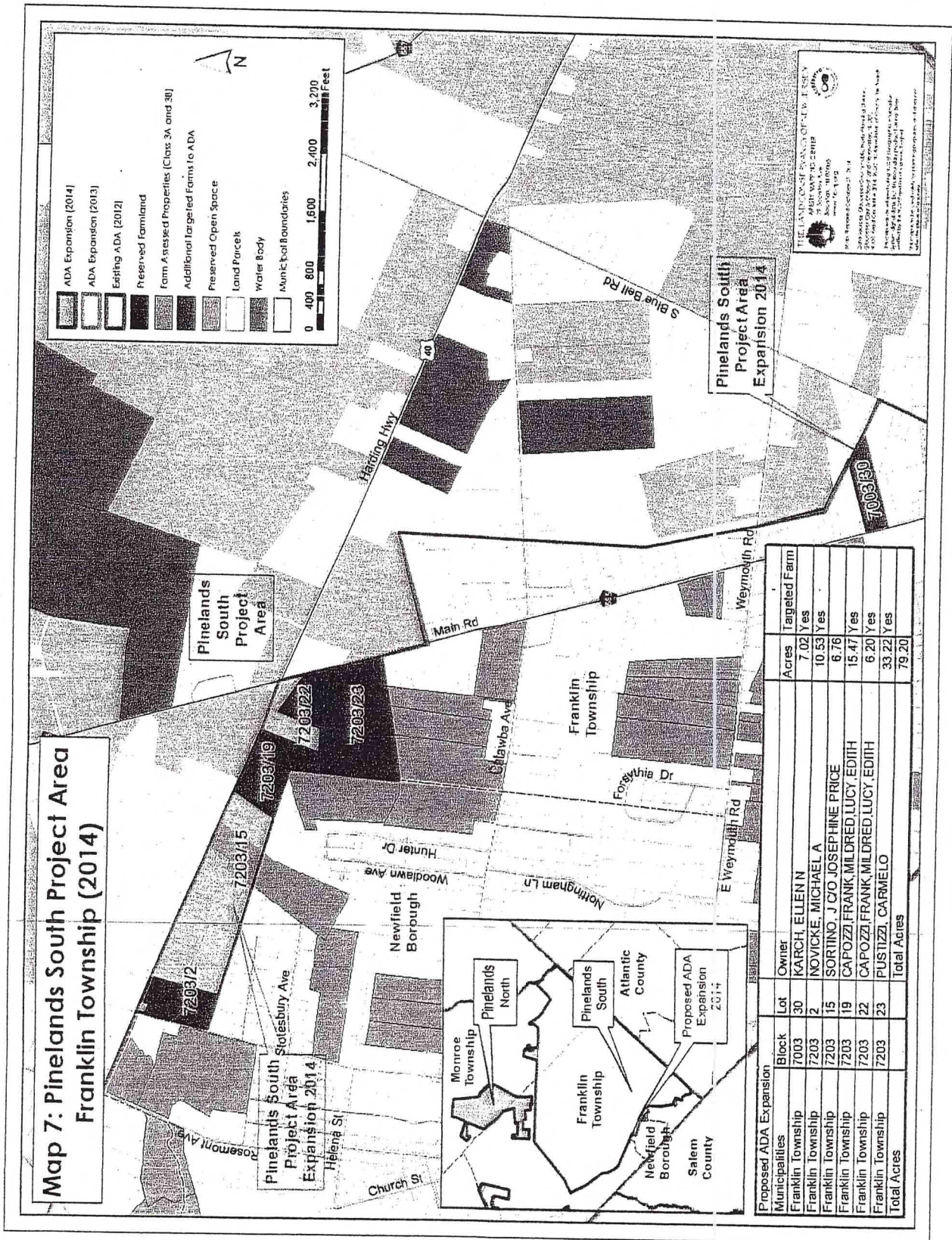
Schedule E



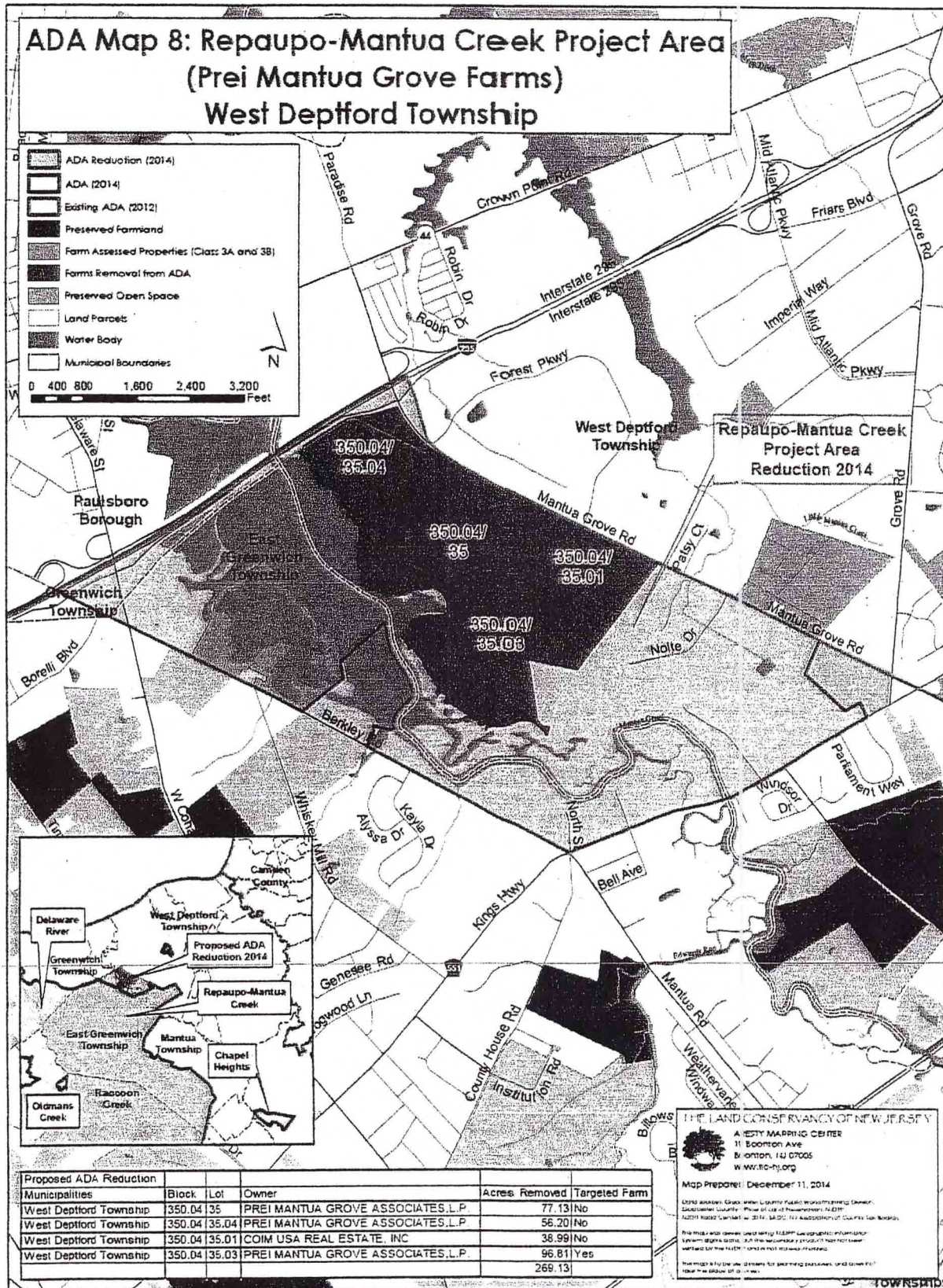
Schedule F







Schedule I



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R2(2)

Request for Division of Premises
Clucas Long Valley Farm LLC
16 Hands Farm LLC
February 26, 2015

Subject Properties:

Clucas Long Valley Farm LLC
Block 33, Lot 51
Block 34, Lot 50
Washington Township, Morris County

16 Hands Farm LLC
Block 34, Lot 1.01
Washington Township, Morris County

WHEREAS, Clucas Long Valley Farm LLC, is the record owner of Block 33 Lot 51 and Block 34, Lot 50 in Washington Township, Morris County, hereinafter referred to as the "Clucas Farm", by deed dated August 12, 2014 and recorded in the Morris County Clerk's Office in Deed Book 22579, Page 19800; and

WHEREAS, the Clucas Farm totals approximately 80.5 acres, as shown in Schedule "A"; and

WHEREAS, a development easement on the Clucas Farm was conveyed to the Morris County Board of Chosen Freeholders pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. by Deed of Easement dated December 21, 1998, and recorded in the Morris County Clerk's Office in Deed Book 3075, Page 109; and

WHEREAS, the Deed of Easement references one existing single family residence, one existing cottage, no agricultural labor residences, no residual dwelling site opportunities (RDSO) and two exception areas (1.28 acres for a future realignment of the Long Valley Bypass & 2.75 acre for a future residence if the Bypass is constructed); and

WHEREAS, the Clucas Farm is currently used for field crops and nursery production; and

WHEREAS, 16 Hands Farm LLC, is the record owner of Block 34, Lot 1.01 in Washington Township, Morris County, hereinafter referred to as the "16 Hands Farm", by deed dated June 4, 2004 and recorded in the Morris County Clerk's Office in Deed Book 6082, Page 238; and

WHEREAS, 16 Hands Farm totals approximately 42.63 acres, as shown in Schedule "A"; and

WHEREAS, a development easement on 16 Hands Farm was conveyed to the Morris County Board of Chosen Freeholders pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. by Deed of Easement dated April 25, 2002 and recorded in the Morris County Clerk's Office in Deed Book 5609, Page 145; and

WHEREAS, the Deed of Easement references no existing residences, one agricultural labor residence, no residual dwelling site opportunities (RDSO) and no exception areas; and

WHEREAS, 16 Hands Farm is currently used as an equine operation; and

WHEREAS, the Clucas Farm and 16 Hands Farm are adjacent to one another; and

WHEREAS, the owners of both parcels propose to adjust the existing lot lines to better configure their properties in a way that makes each farm more efficient for production activities, as shown in Schedule "B"; and

WHEREAS, the Clucas Farm would gain an additional crop field with frontage along Fairmont Road which allows increased accessibility to its production fields in exchange for pasture fields to which they have limited access at the rear of their property through a woodlot; and

WHEREAS, 16 Hands Farm would gain new pasture ground which is adjacent to their current farmstead complex in exchange for a field which is less conducive to their operation because of its distance from the barns and its proximity to the road; and

WHEREAS, paragraph 13 of the Deed of Easement for the Clucas Farm and paragraph 15 of the Deed of Easement for 16 Hands Farm state 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 Grantee and 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, by resolution dated December 11, 2014, the Morris CADB, hereinafter "CADB", approved the request to divide the Premises into two (2) parcels as follows:
 Parcel A - Block 33, Lot 51, Block 34, p/o Lot 50 & p/o Lot 1.01 (71.6 +/- acres)
 Parcel B - Block 34, p/o Lot 50 and p/o Lot 1.01 (54.2 +/- acres)

WHEREAS, in support of its determination, the CADB found that the division of Premises was for an agricultural purpose as it will allow for a more efficient and intensive use of each parcel for both of the farm operations; and

WHEREAS, in support of its determination, the CADB found that the division of Premises resulted in agriculturally viable parcels, with resulting parcels containing significant quantities of quality soils; and

WHEREAS, the resulting Parcel-A would result in a 68.9+/- acre property that is approximately 85% (59 acres) tillable with 99% (68 acres) prime soils, and;

WHEREAS, the resulting Parcel-A would include an existing single family residence and one cottage, several agricultural outbuildings, and a 1.28-acre exception area which is specifically for the future realignment of the Long Valley Bypass and a 2.75 acre non-severable exception for a future home which must remain vacant unless and until the bypass is constructed; and

WHEREAS, the primary outputs of Parcel-A have historically been nursery and field crops; and

WHEREAS, the resulting Parcel-B would result in an 54.2+/- acre property that is approximately 37% (20-acres) tillable with 27% (14.6 acres) prime soils and 30% (16.2 acres) soils of Statewide Importance; and

WHEREAS, Parcel-B includes an approximately 2-acre field which has become overgrown over time, where 16 Hands Farm has indicated its intent to renovate the area to extend her existing paddocks; and

WHEREAS, 16 Hands Farm has provided a letter of intent stating that it plans to have this approximately 2-acre area cleared and prepped for pasture by June 30, 2015; and

WHEREAS, the resulting Parcel-B would include an existing agricultural labor residence and several agricultural outbuildings; and

WHEREAS, the primary outputs of the Parcel-B have historically been equine, pasture, grain and hay; 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) -Parcel A, at 68.9 acres, has 59 tillable acres with approximately 68 acres of prime soil;
- 2) Parcel-B, at 54.2 acres, has 20 tillable acres (approximately the same amount of tillable acres that exists in the original configuration) with approximately 14.6 acres of prime soils and 16 acres of soils of statewide importance; and

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 purposes of creating more efficient field configurations of both farms which will allow for more intensive production on both properties; and

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the division is for an agricultural purpose and will result in an agriculturally viable Parcel-A capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from its agricultural output; and

BE IT FURTHER RESOLVED, that the SADC finds that the configuration of Parcel-B, results in an overall increase in total acreage with approximately the same amount of tillable acreage as the original Premises; and

BE IT FURTHER RESOLVED, that as a condition of this approval the property owners shall complete the renovation of the partially overgrown approximately 2-acre field on Parcel-B by June 30, 2015, thereby making it available for agriculture; and

BE IT FURTHER RESOLVED, that as a condition of this approval the Owners shall provide a copy of the revised survey and metes and bounds descriptions for both newly configured parcels to the CADB and the SADC prior to the transfer of the lots; and

BE IT FURTHER RESOLVED, that this approval is conditioned upon the Morris CADB memorializing its December 2014, approval; and

BE IT FURTHER RESOLVED, that this approval is subject to the conditions set forth in this resolution and is not transferrable to other purchasers; 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 Morris County 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.

2/26/15

Date

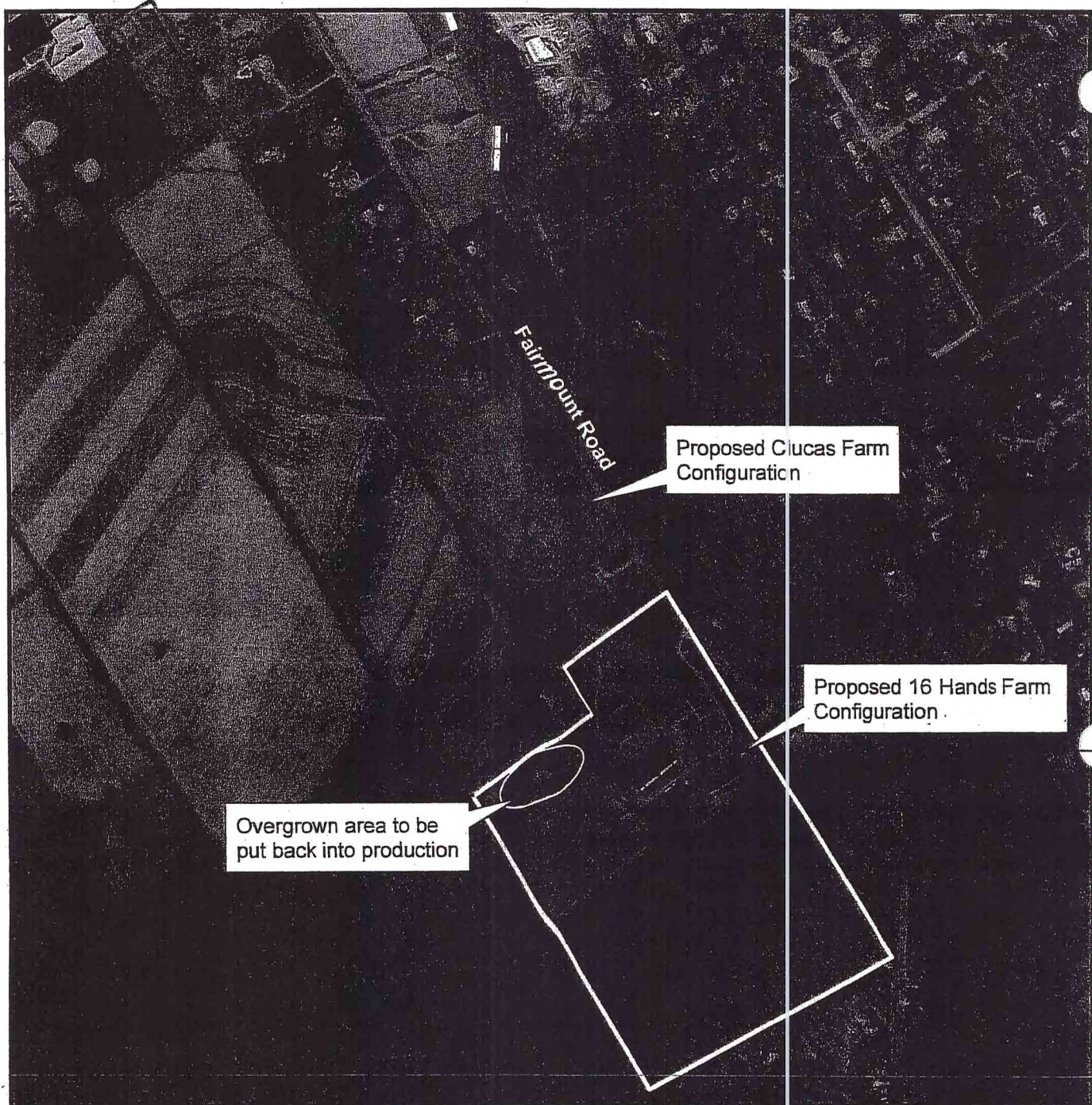


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique M. Purcell, Acting Chairperson	YES
Douglas H. Fisher, Chairman	ABSENT FOR VOTE
James Requa (rep. DCA Commissioner Constable)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	ABSENT
Torrey Reade	YES
James Waltman	YES

Schedule "B"



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Clucas Farm
Block 33, Lot 51
Block 34, Lot 50
Washington Township, Morris County
76.4- Acres

16 Hands Farm
Block 34, Lot 1.01
Washington Township, Morris County
42.6-Acres



2/18/2015

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
	(PA4a) RURAL/ENV SENS
	(PA5) ENV SENS
	(PA5a) 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 FY2015R2(3)

Request for Division of Premises

A & R Farms LLC

February 26, 2015

Subject Property:

A & R Farms, LLC

Block 3, Lots 36 & 37

Block 10, Lots 10 & 13

Quinton Township, Salem County

WHEREAS, A & R Farms LLC, hereinafter "Owner" is the record owner of Block 3, Lots 36 & 37, and Block 10, Lots 10 & 13 in Quinton Township, Salem County, hereinafter referred to as the "Premises", by deed dated April 25, 2014 and recorded in the Salem County Clerk's Office in Deed Book 3762, Page 581; and

WHEREAS, the Premises totals approximately 107.06 acres, as shown in Schedule "A"; and

WHEREAS, a development easement on the Premises was conveyed to the State Agriculture Development Committee, by the former owner, Josephine Bonacurso, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. by Deed of Easement dated April 20, 2011, and recorded in the Salem County Clerk's Office in Deed Book 3326, Page 441; and

WHEREAS, the Deed of Easement references no existing residences, no agricultural labor residences, one (1) residual dwelling site opportunities (RDSC), a 0.23-acre non-severable exception around an existing cell tower and a 3.4-acre severable exception around an existing meat packing plant; and

WHEREAS, on January 5, 2015, the SADC received an application from the Owner to divide the Premises into two parcels as shown in Schedule "B"; and

WHEREAS, A & R Farms, LLC is a partnership between local farmers Wayde Allen and Richard Ridgway, which was established for the purpose of purchasing the Premises; and

WHEREAS, the purpose of the division is to split the farm in half in order to transfer the Parcel-A to Richard Ridgway and Parcel-B to Wayde Allen as individuals; and

WHEREAS, the Owners are long-time farmers operating their own separate mixed grain farm operations on adjacent and nearby land; and

WHEREAS, the Owners propose to split the Premises to expand their existing individual operations; 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 52.6-acre property that is approximately 77% (40.5 acres) tillable with 100% (52.6 acres) soils of Statewide Importance; and

WHEREAS, Parcel-A will not have its own frontage for access under this configuration; and

WHEREAS, Parcel-A is adjacent to, and will be merged with, Wayde Allen's adjacent 365-acre preserved farm, Block 3, Lots 34, 43, 45 & 55, and Block 17, Lots 6, 6.02, 7 & 8, in Quinton Township which will allow for access; and

WHEREAS, the resulting Parcel-B would result in a 54.78 acre property that is approximately 100% (54.78 acres) tillable with 86% (46.95 acres) prime soils and 14% (7.8 acres) soils of Statewide Importance; and

WHEREAS, RDSO associated with the Premises will be assigned to Parcel-B; and

WHEREAS, the primary outputs of the two parcels have historically been 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 53 acres, has 41 tillable acres with approximately 53 acres of soils of statewide importance;

-Parcel B, at 55 acres, has 55 tillable acres with approximately 47 acres of prime soils and 8 acres 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 purposes of expanding the individual operations of two existing agricultural operations;

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 Parcel-A shall be merged with Wayne Allen's adjacent preserved farm consisting of Block 3, Lots 34, 43, 45 & 55, and Block 17, Lots 6, 6.02, 7 & 8, in Quinton Township, and so that these parcels may not be sold separately from Parcel-A; 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 SADC for review and approval prior to the sale, showing both the allocation of the RDSO to parcel-B and the permanent association of Parcel-A to Block 3, Lots 34, 43, 45 & 55, and Block 17, Lots 6, 6.02, 7 & 8, in Quinton Township; 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 Salem 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; 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.

2/26/15
Date

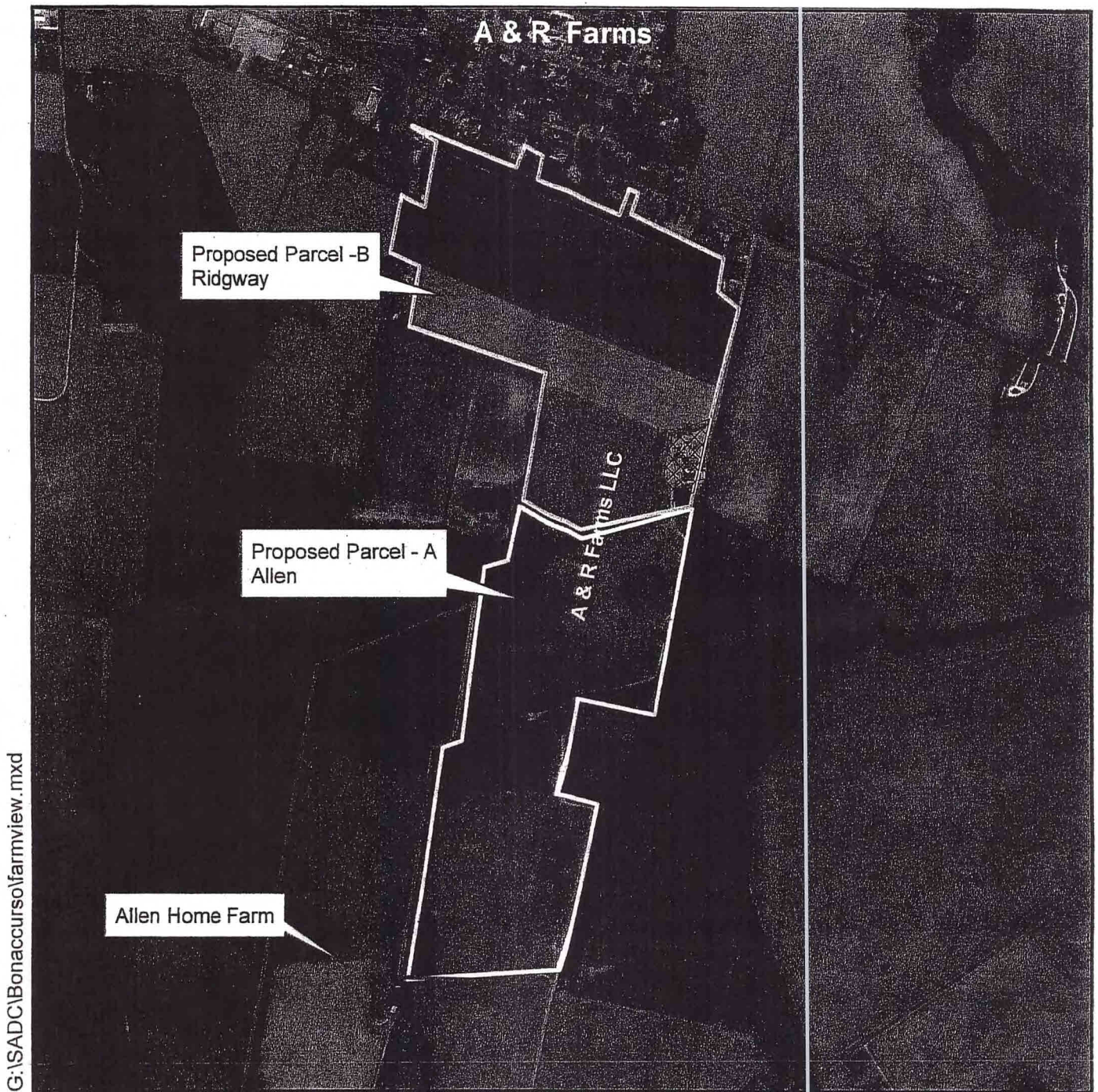


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Douglas H. Fisher, Chairman	ABSENT FOR VOTE
James Requa (rep. DCA Commissioner Constable)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	ABSENT
Torrey Reade	YES
James Waltman	YES

Schedule "B"



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

A & R Farms
Block 3, Lots 36 & 37
Block 10, Lots 10 & 13
Quinton Township, Salem County
107- Acres



0 460 920 1,840 2,760 Feet

2/18/2015

Farmland Preservation Program

	PRESERVED EASEMENT
	EXCEPTION A/E/A
	PRESERVED EASEMENT / NR
	EXCEPTION A/E/A / NR
	FINAL APPROVAL
	PRELIMINARY APPROVAL
	ACTIVE APPLICATION
	8 YEAR PRESERVED
	TARGETED FAIRM
	INACTIVE APPLICATION
	NO CORRESPONDING DATA

State Planning Areas	
	(PA1) METRO
	(PA2) SUBURBAN
	(PA3) FRINGE
	(PA4) RURAL
	(PA4a) RURAL ENV SENS
	(PA5) ENV SENS
	(PA5a) ENV SENSITIVE BARRIER IS
	(PA6) PINELANDS
	PARK
	MILITARY
	NEW JERSEY MEADOWLANDS
	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 #FY2015R2(4)

Request to Construct a Single Family Residence

Susan Blew
Oak Grove Plantation
February 26, 2015

Subject Property:
T & S Blew Farm
Block 42, Lot 4
Franklin Township, Hunterdon County

WHEREAS, Susan Blew, ("Owner") is the current record owner of Block 42, Lot 4, in the Township of Franklin, County of Hunterdon, totaling 159.12 acres, hereinafter referred to as "Premises", see attached Schedule "A", commonly known as Oak Grove Plantation; and

WHEREAS, the development easement on the Premises was conveyed to Hunterdon County on December 19, 1985, pursuant to the Agriculture and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, c. 32 as recorded in the office of the Hunterdon County Clerk, in Deed Book 949, Page 338; and

WHEREAS, at the time the easement was conveyed there was one existing single family residential building and no residential units used for agricultural labor purposes; and

WHEREAS, the Owner lives in the existing single family residence; and

WHEREAS, paragraph 12 of the Deed of Easement allows for the construction of a residential unit that will serve as a farm house for a household which will derive its primary source of income from agricultural production; and

WHEREAS, the Blew's operate a diverse agricultural operation from this farm that includes, vegetable, orchard, greenhouse, grain for flour, livestock and hay production; and

WHEREAS, the Owner is requesting the ability to construct a single family residence on the Premises pursuant to paragraph 12 of the Deed of Easement for her daughter, Charity Stasyshyn, and her family; and

WHEREAS, Charity Stasyshyn is a full-time employee of the farm whose primary responsibilities include management of the greenhouse, as well as involvement in the vegetable production activities; and

WHEREAS, the Owner has indicated that the farm could not be operated at its current production levels without the participation of her daughter; and

WHEREAS, SADC staff reviewed income related documents, including filed Federal tax returns, for both Charity Stasyshyn and her husband, Jeffrey Stasyshyn; and

WHEREAS, an evaluation of submitted tax returns for the most recent three tax years 2011-2013, reflects Charity Stasyshyn's net income as an employee of the farm at \$10,400/per year in each of those years; and

WHEREAS, an evaluation of submitted tax returns for the most recent three tax years 2011-2013, reflects Jeffrey Stasyshyn's income as a self-employed contractor with gross income averaging \$22,023/year and net income after business expenses averaging \$9,621/year; and

WHEREAS, using average net income as the basis of the calculation, the primary source of household income is from Charity Stasyshyn's employment on the Premises; and

WHEREAS, the Owner has proposed to build an approximately 3,500 square foot, two-story residential unit to be located in the northwest section of the Premises, as shown in schedule "A"; and

WHEREAS, the proposed location along the wood line on the northwest section of the farm, results in a minimal amount of land being taken out of production to accommodate the residence; and

WHEREAS, the proposed residential unit will be accessed from an existing farm lane coming from Oak Grove Road; and

WHEREAS, the Hunterdon CADB approved the Owner's request at its September 11, 2014, meeting; and

WHEREAS, at its June 27, 2013, meeting the SADC approved a similar house construction request for the Owner's son, Eric Blew, which construction is underway; and

WHEREAS, at is June 27, 2013, meeting the Committee formally rescinded its 2006 approval of a residence for Charity Stasyshyn, the construction of had not been acted upon up to that time; and

NOW THEREFORE BE IT RESOLVED, that the Committee, pursuant to the restrictions as contained in the Deed of Easement, finds that the construction of a single family residence on the Premises for Charity Stasyshyn and her family will have a positive impact on the continued agricultural operations of this farm; and

BE IT FURTHER RESOLVED, that to continue to reside in the new single family residence, the primary source of income for the residents of this household shall be from agricultural production activities; and

BE IT FURTHER RESOLVED, that an affidavit from the Owner and Charity and Jeffrey Stasyshyn acknowledging an understanding and compliance with the Deed of Easement for this property, in particular paragraph 12, shall be prepared and filed with the Hunterdon CADB and SADC; and

BE IT FURTHER RESOLVED, that the SADC and the Hunterdon County Agriculture Development Board shall coordinate annual monitoring of the premises to assure continued compliance with the deed of easement, including future income requirement documentation related to the new residence; and

BE IT FURTHER RESOLVED, that compliance documentation shall be submitted annually to the SADC along with annual monitoring forms; and

BE IT FURTHER RESOLVED, that the Committee approves the construction of a single family residence, consisting of approximately 3,500 square feet, in the location shown in Schedule "A"; and

BE IT FURTHER RESOLVED, that this approval is non-transferable to any other party; 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.

2/26/15
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Douglas H. Fisher, Chairman	ABSENT FOR VOTE
James Requa (rep. DCA Commissioner Constable)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	ABSENT
Torrey Reade	YES
James Waltman	YES

Schedule "A"

Blew Farm

G:\SADC\Blew\Blew 1.mxd

Proposed New House Location

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Blew Farm
Block 42, Lot 4
Franklin Township, Hunterdon County
160-Acres



0 345 690 1,380 2,070 Feet

2/23/2015

Farmland Preservation Program

	PRESERVED EASEMENT
	EXCEPTION / REA
	PRESERVED EASEMENT / NR
	EXCEPTION / REA / NR
	FINAL APPR VAL
	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
	(PA4a) RURAL ENV. SENS
	(PA5) ENV. SENS
	(PA5a) 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 FY2015R2(6)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

SALEM COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Dubois Properties, LLC ("Owners")
Henry DuBois Jr.
Pittsgrove Township, Salem County

N.J.A.C. 2:76-17 et seq.
SADC ID# 17-0134-PG

February 26, 2015

WHEREAS, on December 15, 2007 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Salem County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Salem County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on June 19, 2014 the SADC received an application for the sale of a development easement from Salem County for the subject farm identified as Block 1401, Lot 8.01, Pittsgrove Township, Salem County, totaling approximately 30 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Salem County's Project Area #1; and

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

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

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

WHEREAS, the Property has a quality score of 75.07 which exceeds 46, which is 70% of the County's average quality score as determined by the SADC July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on July 28, 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. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on December 11, 2014 the SADC certified a development easement value of \$7,900 per acre based on zoning and environmental regulations in place as of the current valuation date 10/7/14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$7,900 per acre for the development easement for the Property; and

WHEREAS, on December 16, 2014 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on December 29, 2014 the Pittsgrove Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on January 28, 2015 the Salem CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on February 4, 2015 the Board of Chosen Freeholders of the County of Salem passed a resolution granting final approval and a commitment of funding for \$3,050 per acre per acre to cover the entire local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 30.90 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 30.90 acres); and

SADC	\$149,865.00	(\$4,850/acre)
Salem County	\$ 94,245.00	(\$3,050/acre)
Total Easement Purchase	\$244,110.00	(\$7,900/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Salem County Agriculture Development Board is requesting \$149,865.00 from its base grant appropriated for Salem County and sufficient funds are available(Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Salem County for the purchase of a development easement on the Property, comprising approximately 30.90 acres, at a State cost share of \$4,850 per acre, (61.39% of purchase price), for a total grant need of \$149,865.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

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

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises 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 of the premises as identified in Policy P-3-B Supplement; and

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

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

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

2/26/15

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Douglas H. Fisher, Chairman	ABSENT FOR VOTE
James Requa (rep. DCA Commissioner Constable)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	ABSENT
Torrey Reade	YES
James Waltman	YES

Schedule A

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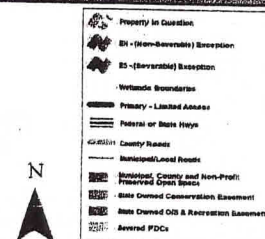


Application within the (PA4b) Rural Env Sens Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Henry Dubois, Jr/Dubois Properties, LLC
Block 1401 Lot 8.01 (30.4 ac)
Gross Total = 30.4 ac
Pittsgrove Twp., Salem County

250 125 0 250 500 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

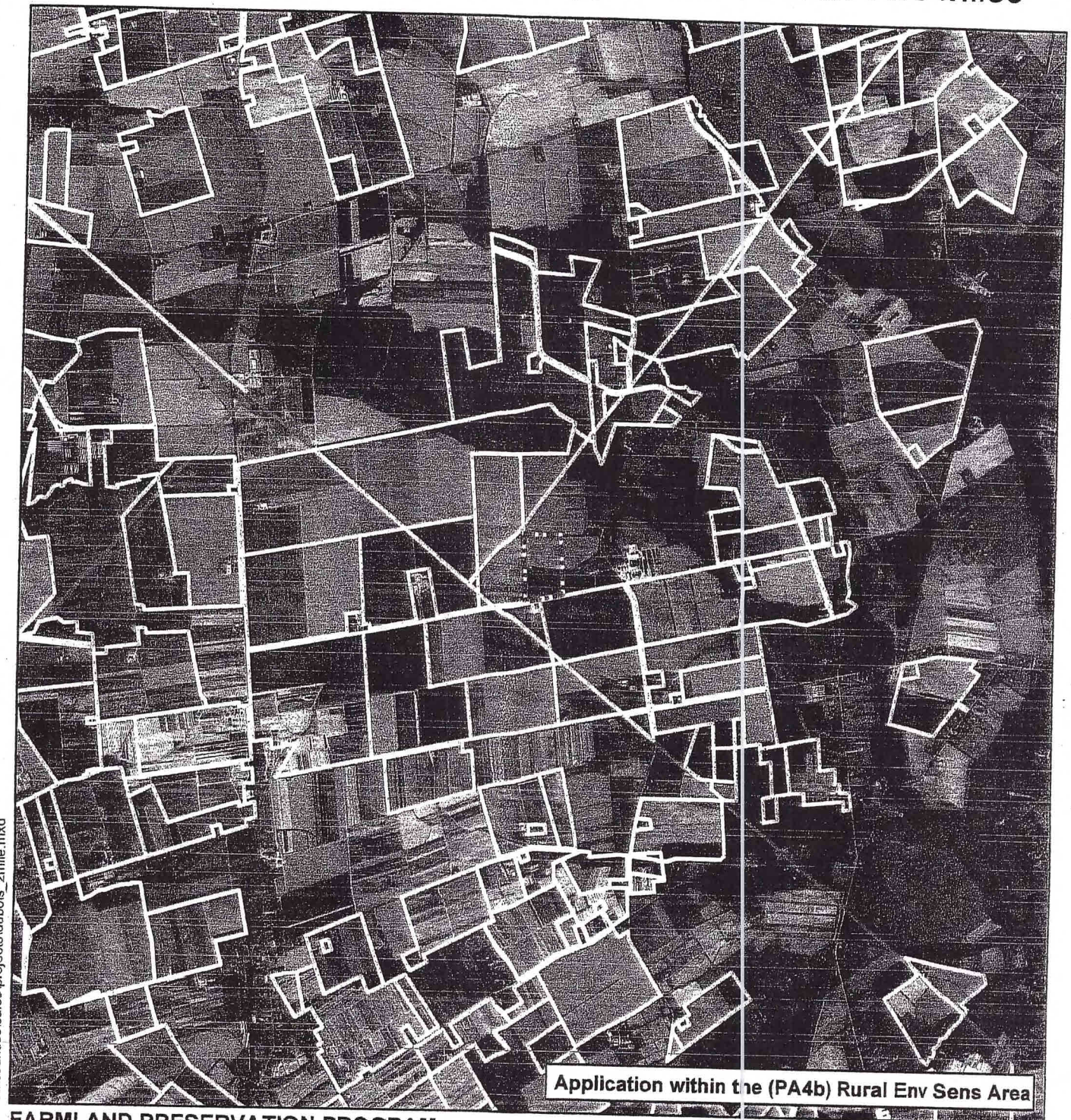
DISCLAIMER. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision 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
NJDOT Road Data
NJOTIT/GIS 2012 Digital Aerial Image

July 1, 2014

Preserved Farms and Active Applications Within Two Miles

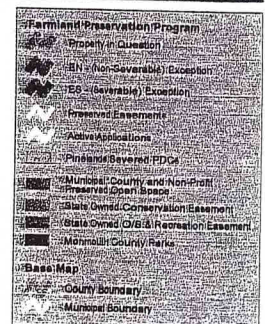
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Henry Dubois, Jr/Dubois Properties, LLC
Block 1401 Lot 8.01 (30.4 ac)
Gross Total = 30.4 ac
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

July 1, 2014

Schedule B

FY2011/FY2013 funding

New Jersey Farmland Preservation Program Preservation Program County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

Salem County

Farm	Municipality	App Acres	Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	Cost Share	Encumbered at Final	Voucher	Expend	Balance	COMPETITIVE GRANT		STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (Subject to available funds statewide)
													FY11 Balance	FY13 Balance		
SADC																
	Pittsgrove	316.000	325.48	5,100.00	5,100.00	3,450.00	1,659,948.00	1,122,906.00	505,568.02			1,494,433.98				
	Alloway	53.000	54.590	7,100.00	7,100.00	4,450.00	364,352.12	228,361.54	242,925.50	228,361.54	228,361.54	1,266,072.44				
	Mannington	38.000	39.140	5,700.00	5,700.00	3,750.00	217,426.50	143,043.75	146,775.00	143,043.75	143,043.75	1,123,028.69				
	Mannington	29.000	29.87	5,300.00	5,300.00	3,550.00	152,062.30	101,853.05	106,038.50	101,853.05	101,853.05	1,021,175.64				
	Mannington	145.000	149.350	5,050.00	5,050.00	3,425.00	755,217.30	512,880.05	511,523.75	257,924.76	257,924.76	763,250.88				
	Pittsgrove	30.000	30.900	7,900.00	7,900.00	4,850.00	244,110.00	149,865.00	149,865.00			500,000.00				
	Upper Pittsgrove	58.000	59.740	5,350.00	5,350.00	3,575.00	319,609.00	213,570.50	113,385.88			399,815.38				
										Encumbered	Expend	Balance	Encumbered	Expend	Balance	
										768,816.90	731,183.10	0.00	0.00	0.00	3,000,000.00	5,000,000.00
										100,184.62	0.00	399,815.38	0.00	0.00		
										869,001.52	731,183.10	399,815.38	0.00	0.00		
ncumbered/Expended FY11																
ncumbered/Expended FY13																
total	8	754.00	730.27				3,713,725.22	2,472,479.89								
program Out																

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Dubois Properties, LLC (H.DuBois, Jr.)
17- 0134-PG
County PIG Program
30 Acres

Block 1401	Lot 8.01	Pittsgrove Twp.	Salem County
SOILS:		Other	1% * 0 = .00
		Prime	91% * .15 = 13.65
		Statewide	8% * .1 = .80
			SOIL SCORE: 14.45
TILLABLE SOILS:		Cropland Harvested	100% * .15 = 15.00
			TILLABLE SOILS SCORE: 15.00
FARM USE:		Hay	30 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: 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
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 FY2015R2(7)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
SALEM COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Steven R. Brown and Timothy G. Brown ("Owners")
Upper Pittsgrove Township, Salem County

N.J.A.C. 2:76-17 et seq.
SADC ID# 17-0126-PG

February 26, 2015

WHEREAS, on December 15, 2007 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Salem County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Salem County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on August 16, 2013 the SADC received an application for the sale of a development easement from Salem County for the subject farm identified as Block 56, Lots 12 and 17, Upper Pittsgrove Township, Salem County, totaling approximately 58 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Salem County's Project Area #1; and

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

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

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

WHEREAS, the Property has a quality score of 68.25 which exceeds 46, which is 70% of the County's average quality score as determined by the SADC September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on October 25, 2013 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on December 11, 2014 the SADC certified a development easement value of \$5,350 per acre based on zoning and environmental regulations in place as of the current valuation date 10/3/14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,350 per acre for the development easement for the Property; and

WHEREAS, on December 16, 2014 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on December 29, 2014 the Upper Pittsgrove Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on January 28, 2015 the Salem CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on February 4, 2015 the Board of Chosen Freeholders of the County of Salem passed a resolution granting final approval and a commitment of funding for \$1,775 per acre per acre to cover the entire local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 59.74 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 59.74 acres); and

SADC	\$213,570.50	(\$3,575/acre)
Salem County	\$106,038.50	(\$1,775/acre)
Total Easement Purchase	\$319,609.00	(\$5,350/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Salem County Agriculture Development Board is requesting \$213,570.50 from its base grant appropriated for Salem County and sufficient funds are available (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Salem County for the purchase of a development easement on the Property, comprising approximately 59.74 acres, at a State cost share of \$3,575 per acre, (66.82% of purchase price), for a total grant need of \$213,570.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

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

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises 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 of the premises as identified in Policy P-3-B Supplement; and

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

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

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

2/26/15

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Douglas H. Fisher, Chairman	ABSENT FOR VOTE
James Requa (rep. DCA Commissioner Constable)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	ABSENT
Torrey Reade	YES
James Waltman	YES



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Steven and Timothy Brown
Block 56 Lots 12 (23.1 ac) & 17 (34.9 ac)
Gross Total = 58.0 ac
Upper Pittsgrove Twp., Salem County



DISCLAIMER. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximations developed primarily for mapping purposes. The geospatial accuracy and precision of the GIS data contained in this file are not intended to be, relied upon in matters requiring delineation and location of the ground physical controls as would be obtained by an actual ground survey conducted by a licensed surveyor.

Application within both the (PA4) Rural and the (PA4b) Rural Env Sens Area

- | | |
|---|--------------------------------------|
|  | EH - (Non-Severable) Exception |
|  | ES - (Severable) Exception |
|  | Wildlands Boundaries |
|  | Primary - Limited Access |
|  | Federal or State Hwy's |
|  | County Roads |
|  | Municipal/Local Roads |
|  | National, County and Non-Profit |
|  | State and Open Space |
|  | State Owned Conservation Easement |
|  | State Owned US & Recreation Easement |

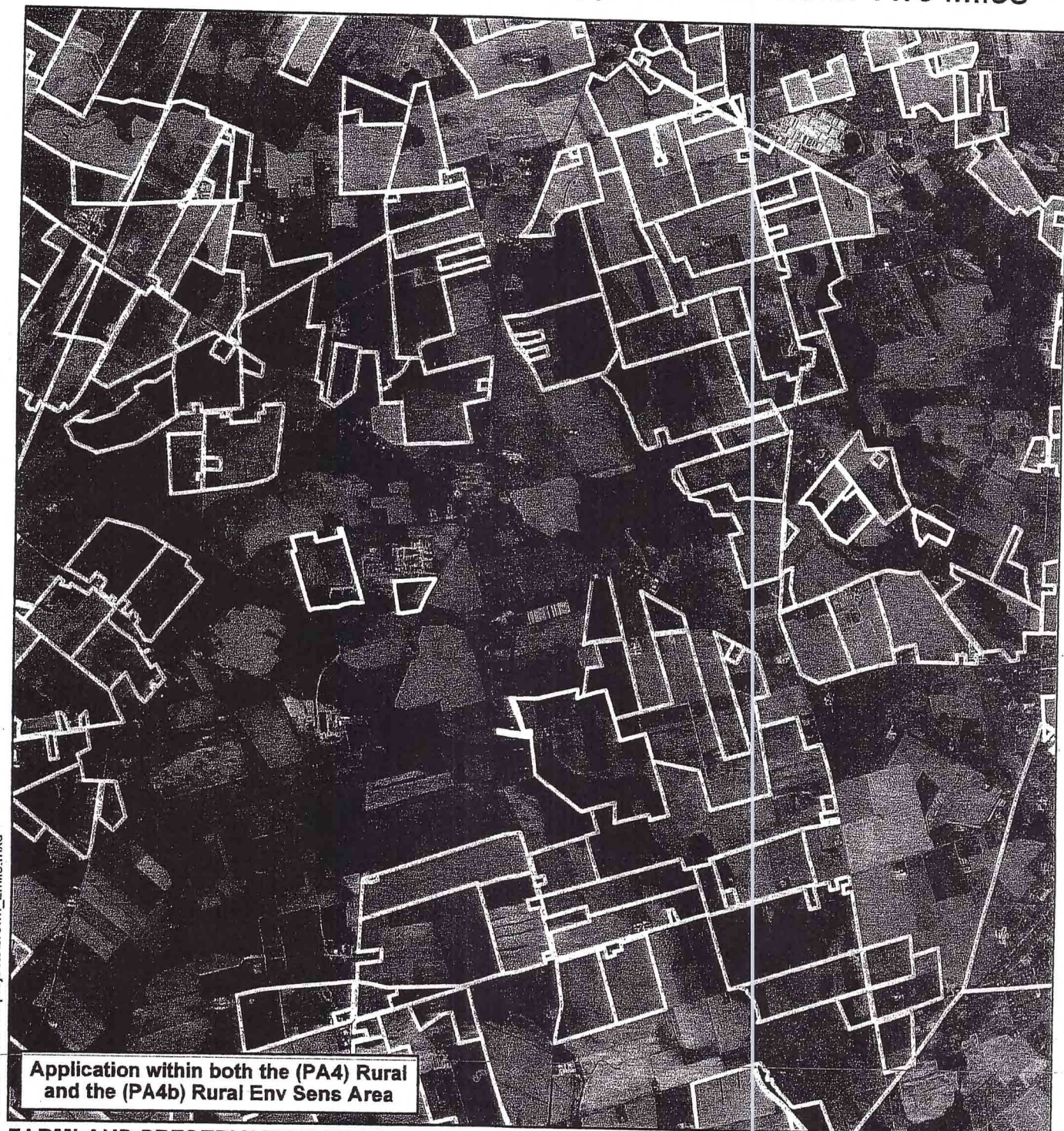
Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

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

September 4, 2013

Preserved Farms and Active Applications Within Two Miles

X:\counties\calco\projects\brown_2mile.mxd



**Application within both the (PA4) Rural
and the (PA4b) Rural Env Sens Area**

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Steven and Timothy Brown
Block 56 Lots 12 (23.1 ac) & 17 (34.9 ac)
Gross Total = 58.0 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
NJOTIGIS 2012 Digital Aerial Image

September 4, 2013

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Brown Farm
17- 0127-PG
County PIG Program
58 Acres

Block 56 Lot 12 Upper Pittsgrove Twp. Salem County
Block 56 Lot 17 Upper Pittsgrove Twp. Salem County

SOILS:	Other	2% * 0	=	.00
	Prime	58% * .15	=	8.70
	Statewide	40% * .1	=	4.00
				SOIL SCORE: 12.70

TILLABLE SOILS:	Cropland Harvested	94% * .15	=	14.10
	Wetlands	2% * 0	=	.00
	Woodlands	4% * 0	=	.00
				TILLABLE SOILS SCORE: 14.10

FARM USE:	Soybeans-Cash Grain	54 acres
	Hay	5 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: 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
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 FY2015R2(8)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

CAPE MAY COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Nancy McPherson (a/k/a Nancy Phillips ("Owner"))

Lower Township, Cape May County

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

SADC ID# 05-0016-PG

February 26, 2015

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cape May County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Cape May County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on July 25, 2013, the SADC received an application for the sale of a development easement from Cape May County for the subject farm identified as Block 752.01, Lot 10.01, Lower Township, Cape May County, totaling approximately 19.299 acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Cape May County's Lower Township Project Area; and

WHEREAS, the Property has (1) one, 2.9-acre severable exception area limited to one single family residence; and

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

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

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

WHEREAS, the Property has a quality score of 66.06 which exceeds 41, which is 70% of the County's average quality score as determined by the SADC September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on August 15, 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. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on July 24, 2014, the SADC certified a development easement value of \$31,300 per acre based on zoning and environmental regulations in place as of June 2014; and

WHEREAS, the certification was based upon 50 foot access being available to County Route 626, for direct access to the subject farm outside the severable exception, to be confirmed with a survey prior to closing; , and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12(a)1 the County may negotiate a per acre easement purchase price in excess of the certified value but not greater than the highest appraised value of \$37,600; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$35,000 per acre for the development easement for the Property, which is less than the highest appraised value as certified by the SADC; and

WHEREAS, on October 14, 2014 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 19.878 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 19.878 acres); and

	<u>Cost Share</u>	
SADC	\$373,308.84	(\$18,780/acre; 60% of CMV)
Cape May County	\$322,421.16	(\$16,220/acre 46.34% of purchase price and 51.82% of CMV)
Total Easement Purchase	\$695,730.00	(\$35,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Cape May County Agriculture Development Board approved the application on January 29, 2015, the Cape May County Board of Chosen Freeholders approved the required local match and additional funding to cover the purchase price (\$16,220/acre) on January 27, 2015 and Lower Township approved the application on July 7, 2014 with no funding commitment; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.4, the County is requesting \$373,308.84 from the FY09 base grant appropriated for Cape May County and sufficient funds are available to provide and encumber the requested amount, (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Cape May County for the purchase of a development easement on the Property, comprising approximately 19.878 acres, at a State cost share of \$18,780 per acre, (60% of CMV and 53.68% of the purchase price), for a total grant need of \$373,308.28 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that the Property includes (1) one, 2.9-acre severable exception area limited to (1) one single family residence; and the Property includes zero (0) housing opportunities, zero (0) agricultural labor units, no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, the certification was and this final approval is conditioned upon 50 foot access being available to County Route 626, for direct access to the subject farm outside the severable exception, to be confirmed with a survey prior to closing; , and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises 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 of the premises as identified in Policy P-3-B Supplement and;

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

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

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

2/26/15

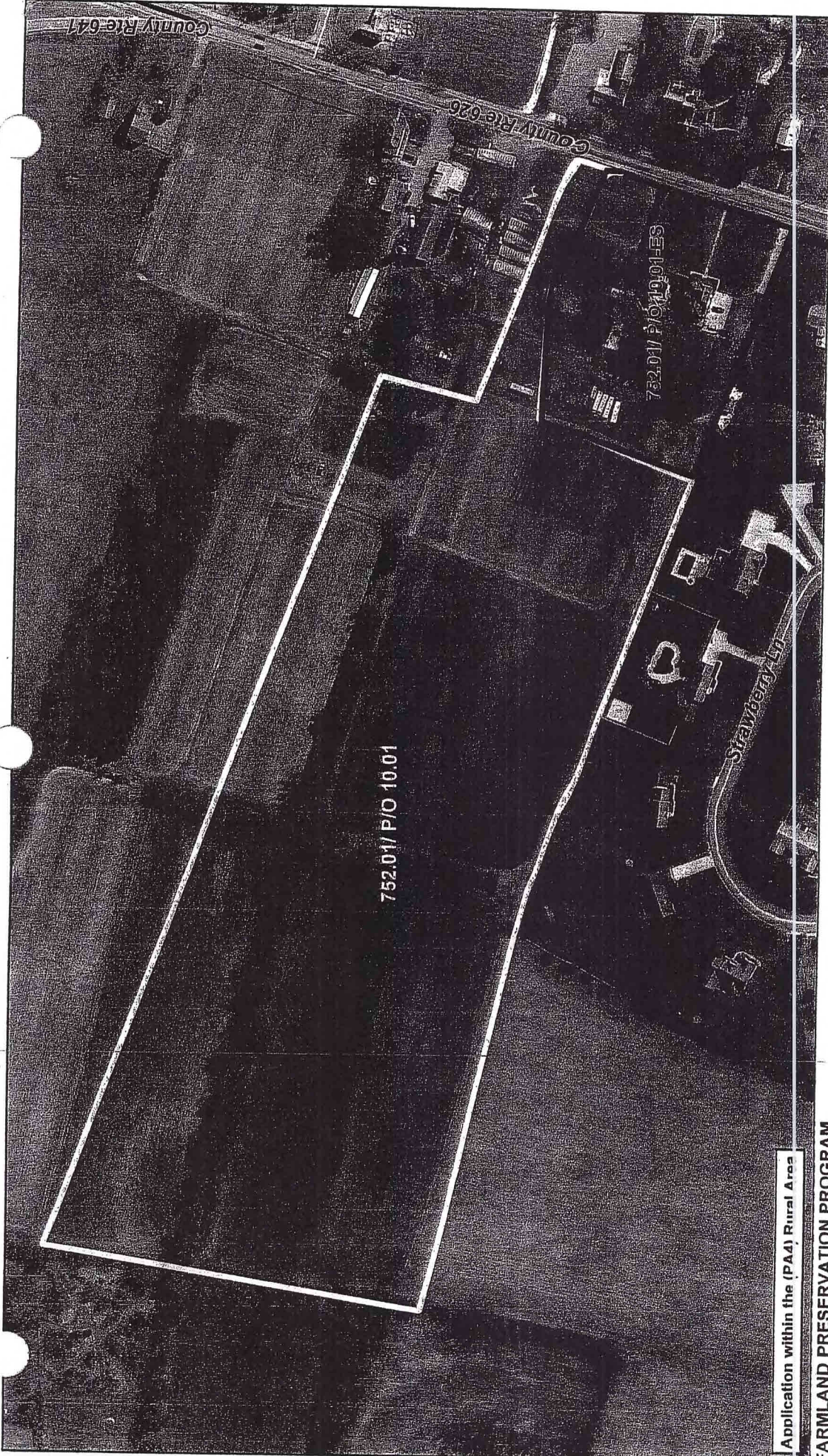
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique M. Purcell, Acting Chairperson	YES
Douglas H. Fisher, Chairman	ABSENT FOR VOTE
James Requa (rep. DCA Commissioner Constable)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	ABSENT
Torrey Reade	YES
James Waltman	YES



Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Nancy McPherson
Block 752.01 Lots P/O 10.01 (17.9 ac) & P/O 10.01-ES (severable exception - 2.9 ac)
Gross Total = 20.8 ac
Lower Twp., Cape May 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 for planning purposes only. The geospatial accuracy and precision of the GIS data contained in this file and map shall not be warranted. The data was derived from aerial photography and ground control points. The horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a Licensed Professional Land Surveyor.

Preserved Farms and Active Applications Within Two Miles

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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Nancy McPherson
Block 752.01 Lots P/O 10.01 (17.9 ac)
& P/O 10.01-ES (severable exception - 2.9 ac)
Gross Total = 20.8 ac
Lower Twp., Cape May County

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

NOTE:

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



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

October 3, 2013

New Jersey Farmland Preservation Program
 County Planning Incentive Program
 Ant - N.J.A.C. 2:76-17 et seq.

enclosure D

Farm	Municipality	App Acres	Plus 3 Percent Acres	SADG Certified Per Acre	Negotiated & Approved Per Acre	SADG Grant Per Acre	Easement Consideration	SADG		Encumbered at Final	Encumbered PV	Base Grant		Balance subject to availability & approval
								Cost Basis	Cost Share			Expend	Balance	
Cape May/Pascali	Lower	20,978	21,607	81,500.00	88,588.00	47,000.00	1,858,399.06	1,709,707.00	985,966.00	985,966.00	985,966.00	985,966.00	1,014,034.00	242,115.16
	Lower	19,299	19,878	31,300.00	35,000.00	18,780.00	695,730.00	622,181.40	373,308.84	373,308.84			640,725.16	
	Upper	30,000	30,900	21,500.00	24,000.00	12,900.00	741,600.00	664,350.00	398,610.00	398,610.00			242,115.16	
Pending														
Cape May/Siles	Middle	88,000												
	Bixby, M & Gutermut	7,000		8,000.00			704,000.00							
	Robbins Estate	32,000												
Castagna Estate	Middle													
	Upper	22,000												
Total Encumbered														
Closed/Expended	2	49,299	50,778				1,437,330.00	1,266,531.40	771,918.84	771,918.84		985,966.00	0.00	
	1	20,978	21,607				1,858,399.06	1,709,707.00	985,966.00			985,966.00	0.00	242,115.16
Total														
Reprogram Out														

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

McPherson Farm
05- 0016-PG
County PIG Program
19 Acres

Block 752.01	Lot 10.01	Lower Twp .	Cape May County
SOILS:	Prime	100% * .15	= 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:	Cropland Harvested	91% * .15	= 13.65
	Woodlands	9% * 0	= .00
			TILLABLE SOILS SCORE: 13.65
FARM USE:	Field Crop Except Cash Grain	16 acres	rye and straw

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (2.9) acres for Future transfer of ownership to family member
 - Exception is severable
 - Right to Farm language is to be included in Deed of Future Lot
 - Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:

The certification was based upon 50 foot access being available to County Route 626, for direct access to the subject farm outside the severable exception to be confirmed with a survey prior to closing.
 - 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 FY2015R2(9)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
CAPE MAY COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Curtis and Elizabeth Corson ("Owner")
Upper Township, Cape May County

N.J.A.C. 2:76-17 et seq.
SADC ID# 05-0015-PG

February 26, 2015

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cape May County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Cape May County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on November 18, 2013, the SADC received an application for the sale of a development easement from Cape May County for the subject farm identified as Block 559, Lots 22.01, 23, 25, 26, Upper Township, Cape May County, totaling approximately 30 acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Cape May County's Upper Township Project Area; and

WHEREAS, the Property includes one (1) single family residence with mother-in-law apartment, zero (0) agricultural labor units, no pre-existing non-agricultural uses; and

WHEREAS, at the time of application the Property was in hay, corn, beach plums, lima beans and melon production; and

WHEREAS, the Property also includes a small equine operation with production activities including breeding and training approximately 6 horses for sale; and

WHEREAS, the equine operation does not include any equine service activities occurring on the farm, such as boarding horses or lessons; and

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

WHEREAS, the Property has a quality score of 47.38 which exceeds 34, which is 70% of the County's average quality score as determined by the SADC September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on March 17, 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. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on November 13, 2014, the SADC certified a development easement value of \$21,500 per acre based on zoning and environmental regulations in place as of June 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12(a)1 the County may negotiate a per acre easement purchase price in excess of the certified value but not greater than the highest appraised value of \$24,500; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$24,000 per acre for the development easement for the Property, which is less than the highest appraised value as certified by the SADC; and

WHEREAS, on December 5, 2014 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 30.90 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 30.90 acres); and

	<u>Cost Share</u>	
SADC	\$398,610.00	(\$12,900/acre, 60% of CMV)
Cape May County	\$342,990.00	(\$11,100/acre, 46.25% of purchase price and 51.63% of CMV)
Total Easement Purchase	\$741,600.00	(\$24,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Cape May County Agriculture Development Board approved the application on January 29, 2015, the Cape May County Board of Chosen Freeholders approved the required local match and additional funding needed to cover the purchase price (\$11,100/acre) on January 27, 2015 and Upper Township approved the application on July 14, 2014 with no funding commitment; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.4, the County is requesting \$398,610.00 from the FY09 base grant appropriated for Cape May County and sufficient funds are available to provide and encumber the requested amount (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Cape May County for the purchase of a development easement on the Property, comprising approximately 30.90 acres, at a State cost share of \$12,900 per acre, (60% of CMV and 53.75% of purchase price), for a total grant need of \$398,610.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that the Property includes one (1) single family residence with mother-in-law apartment, zero (0) agricultural labor units, no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and


BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises 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 of the premises as identified in Policy P-3-B Supplement and;

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

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

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

2/26/15
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique M. Purcell, Acting Chairperson,	YES
Douglas H. Fisher, Chairman	ABSENT FOR VOTE
James Requa (rep. DCA Commissioner Constable)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	ABSENT
Torrey Reade	YES
James Waltman	YES

Schedule A



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Curtis and Elizabeth Corson
Block 559 Lots 22.01 (6.9 ac); 23 (10.8 ac); 25 (6.3 ac) & 26 (6.3 ac)
Gross Total = 30.3 ac
Upper Twp., Cape May County

TIDELANDS DISCLAIMER:
The linear features depicted on this map were derived from the NJDEP's CD ROM series 1, volume 4, "Tidelands Claims Map". 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.

November 22, 2013

Preserved Farms and Active Applications Within Two Miles

X:\counties\capco\projects\corson_2mile.mxd



Application within the Pinelands Regional Growth Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Curtis and Elizabeth Corson
Block 559 Lots 22.01 (6.9 ac); 23 (10.8 ac); 25 (6.3 ac) & 26 (6.3 ac)
Gross Total = 30.3 ac
Upper Twp., Cape May County

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

NOTE:

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



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

November 22, 2013

County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

Farm	Municipality	App Acres	Plus 3 Percent Acres	SADC		SADC Grant Per Acre	Easement Consideration	SADC		2,000,000			Balance subject to availability & approval
				Per Acre	Certified Per Acre			Cost Basis	Cost Share	Encumbered at Final	PV Encumbered	Expend	Balance
Cape May/Pascali	Lower	20.978	21.607		81,500.00	88,588.00	1,858,399.06	1,709,707.00	985,966.00	985,966.00	985,966.00	985,966.00	1,014,034.00
McPherson	Lower	19.299	19.878		31,300.00	35,000.00	695,730.00	622,181.40	373,308.84	373,308.84			640,725.16
Corson	Upper	30.000	30.900		21,500.00	24,000.00	741,600.00	664,350.00	398,610.00	398,610.00			242,115.16
Pending													
Cape May/Stiles	Middle	88.000			8,000.00		704,000.00						
Bixby, M & Guilermul	Upper	7.000											
Robbins Estate	Middle	32.000											
Castagna Estate	Upper	22.000											
Total Encumbered	2	49.299	50.778				1,437,330.00	1,286,531.40	771,918.84	771,918.84		985,966.00	0.00
Closed/Expended	1	20.978	21.60734				1,858,399.06	1,709,707.00	985,966.00			985,966.00	0.00
Total													
Reprogram Out													

Schedule B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Corson Farm
05- 0015-PG
County PIG Program
30 Acres

Block 559	Lot 22.01	Upper Twp.	Cape May County
Block 559	Lot 23	Upper Twp.	Cape May County
Block 559	Lot 25	Upper Twp.	Cape May County
Block 559	Lot 26	Upper Twp.	Cape May County

SOILS:	Other	6% *	0	=	.00
	Prime	5% *	.15	=	.75
	Statewide	89% *	.1	=	8.90

SOIL SCORE: 9.65

TILLABLE SOILS:	Cropland Harvested	79% *	.15	=	11.85
	Other	15% *	0	=	.00
	Wetlands	6% *	0	=	.00

TILLABLE SOILS SCORE: 11.85

FARM USE:	Hay	6 acres	
	Horse & Other Equine	2 acres	6 horses
	Corn-Cash Grain	4 acres	
	Christmas Trees	3 acres	
	Fruit & Tree Nut NEC	4 acres	beach plums
	Vegetable & Melons	1 acres	lima beans & melons

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: No Exceptions Requested
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Single Family with Apartment - mother in law unit
 - 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 FY2015R2(10)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

Cumberland COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Terrance J. Uhland, Karen L. Uhland and Travis J. Uhland ("Owner(s)")
Stow Creek Township, Cumberland County

N.J.A.C. 2:76-17 et seq.
SADC ID# 06-0160-PG

February 26, 2015

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cumberland County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Cumberland County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on March 24, 2014 the SADC received an application for the sale of a development easement from Cumberland County for the subject farm identified as Block 23, Lot 11, Stow Creek Township, Cumberland County, totaling approximately 30 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Cumberland County's Stow Creek Project Area; and

WHEREAS, the Property has (1) one, 1.5-acre severable exception area for and limited to one single family residence; and

WHEREAS, the Property includes zero (0) residential opportunities, zero (0) agricultural labor units, no pre-existing non-agricultural uses on the area to preserved outside of any exception areas; and

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

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

WHEREAS, the Property has a quality score of 55.12 which exceeds 43, which is 70% of the County's average quality score as determined by the SADC July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on May 16, 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. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on June 26, 2014 the SADC certified a development easement value of \$4,700 per acre based on zoning and environmental regulations in place as of the current valuation date 1/1/14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$4,700 per acre for the development easement for the Property; and

WHEREAS, on December 10, 2014 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on August 12, 2014 the Stow Creek Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 9, 2014 the Cumberland CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 23, 2014, the Board of Chosen Freeholders of the County of Cumberland passed a resolution granting final approval and a commitment of funding for \$1,480 per acre per acre to cover the entire local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 30.9 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 30.90 acres); and

SADC	\$ 99,498	(\$3,220/acre)
<u>Cumberland County</u>	<u>\$ 45,732</u>	<u>(\$1,480/acre)</u>
Total Easement Purchase	\$145,230	(\$4,700/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Cumberland County Agriculture Development Board is requesting \$27,585.40 from its FY13 base grant appropriated for Cumberland County and an additional \$71,912.60 in FY13 competitive grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Cumberland County for the purchase of a development easement on the Property, comprising approximately 30.9 acres, at a State cost share of \$3,220 per acre, (68.51% of purchase price), for a total grant need of \$99,498 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has one (1) 1.5-acre severable exception area limited to one single family residence; (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses outside of the exception area; and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted, so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises 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 of the premises as identified in Policy P-3-B Supplement; and


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

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

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

2/26/15

Date



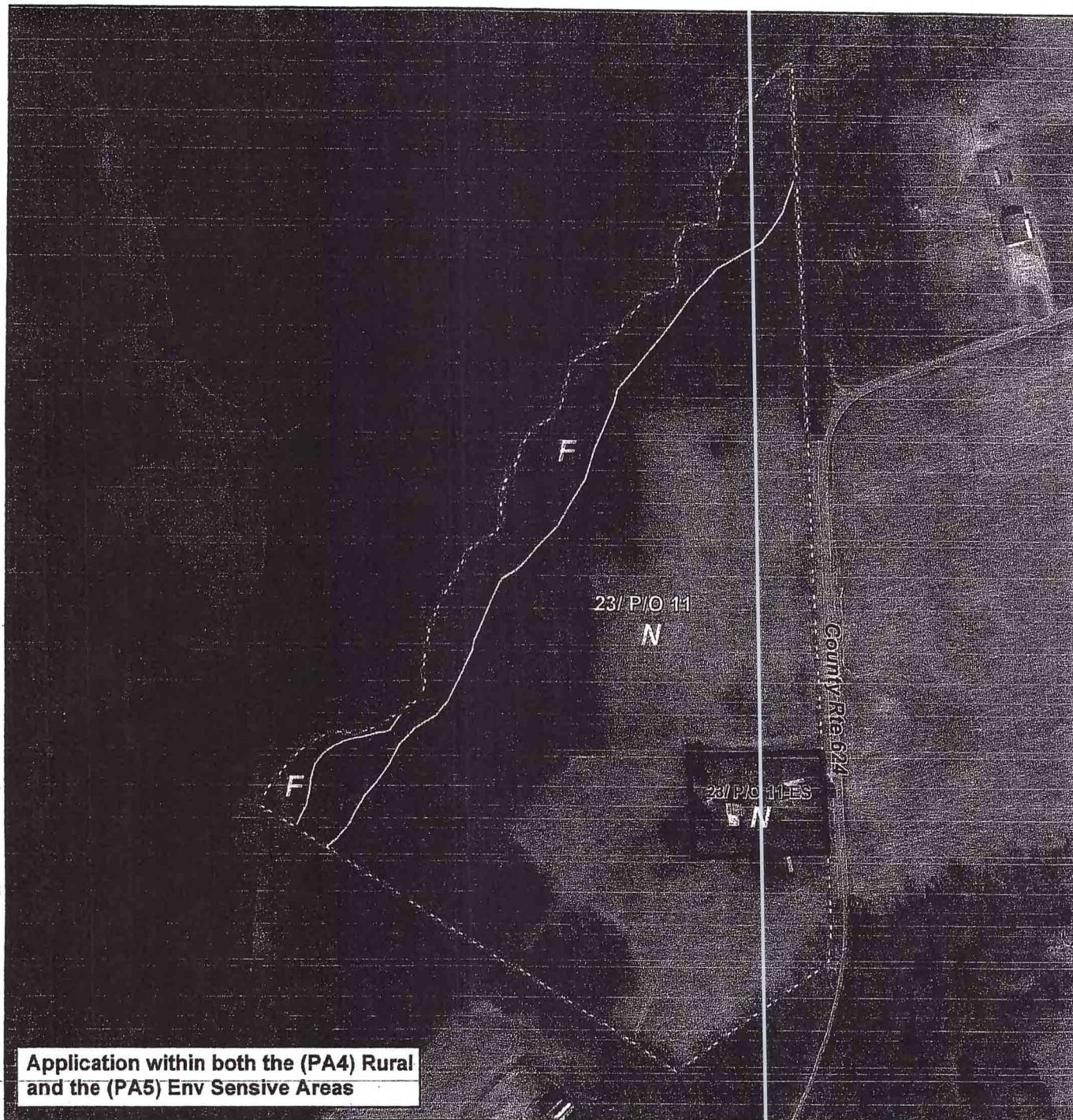
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique M. Purcell, Acting Chairperson	YES
Douglas H. Fisher, Chairman	ABSENT FOR VOTE
James Requa (rep. DCA Commissioner Constable)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	ABSENT
Torrey Reade	YES
James Waltman	YES

Schedule A

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Application within both the (PA4) Rural
and the (PA5) Env Sensitive Areas

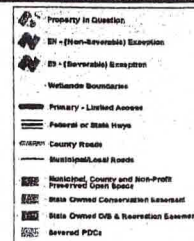
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Karen and Travis Uhland/J. Terrance/Uhland Farm
Block 23 Lots P/O 11 (29.5 ac)
& P/O 11-ES (severable exception - 1.5 ac)
Gross Total = 31.0 ac
Stow Creek Twp., Cumberland 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 geospatial accuracy and precision of the GIS data contained in this file and
map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground
horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed
Professional Land Surveyor



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

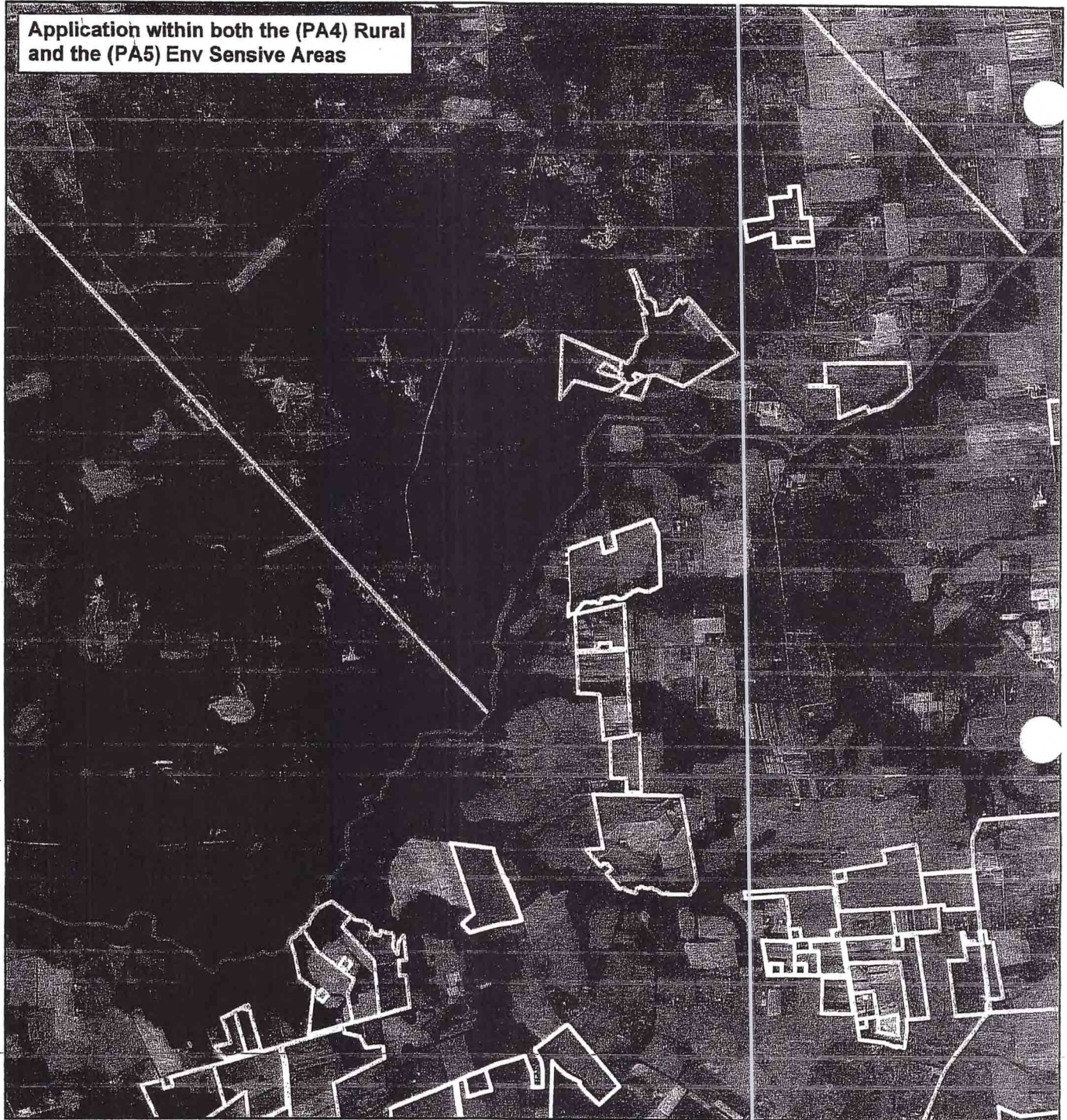
Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2012 Digital Aerial Image

April 7, 2014

Preserved Farms and Active Applications Within Two Miles

Application within both the (PA4) Rural and the (PA5) Env Sensitive Areas

X:\counties\cumco\projects\uhland_2mile.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Karen and Travis Uhland/J. Terrance/Uhland Farm
Block 23 Lots P/O 11 (29.5 ac)
& P/O 11-ES (severable exception - 1.5 ac)
Gross Total = 31.0 ac
Stow Creek Twp., Cumberland 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
NJOTIS 2012 Digital Aerial Image

April 7, 2014

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Terrance J., Karen & Travis J. Uhland
06- 0160-PG
County PIG Program
30 Acres

Block 23	Lot 11	Stow Creek Twp.	Cumberland County
SOILS:		Statewide	70% * .1 = 7.00
		Unique zero	30% * 0 = .00
			SOIL SCORE: 7.00
TILLABLE SOILS:		Cropland Harvested	51% * .15 = 7.65
		Wetlands	17% * 0 = .00
		Woodlands	32% * 0 = .00
			TILLABLE SOILS SCORE: 7.65
FARM USE:	Soybeans-Cash Grain	14 acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (1.5) acres for Existing residence
 - Exception is severable
 - Right to Farm language is to be included in Deed of Future Lot
 - Exception is to be limited to one existing single family residential unit(s)
 - 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 FY2015R2(11)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

Cumberland COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

John Sorantino (#2) ("Owner")

Fairfield Township, Cumberland County

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

SADC ID# 06-0146-PG

February 26, 2015

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cumberland County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Cumberland County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on June 14, 2013 the SADC received an application for the sale of a development easement from Cumberland County for the subject farm identified as Block 43, Lot 38, Fairfield Township, Cumberland County, totaling approximately 35 acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Cumberland County's Fairfield-Lawrence Project Area; and

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

WHEREAS, at the time of application the Property was in cover crops and tomato production; and

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

WHEREAS, the Property has a quality score of 68.7 which exceeds 41, which is 70% of the County's average quality score as determined by the SADC September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on August 19, 2013 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 26, 2013 the SADC certified a development easement value of \$5,300 per acre based on zoning and environmental regulations in place as of the current valuation date 5/1/13; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,300 per acre for the development easement for the Property; and

WHEREAS, on December 10, 2014 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on August 19, 2014 the Fairfield Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 9, 2014 the Cumberland CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on October 28, 2014, the Cumberland County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$1,750 per acre per acre to cover the entire local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 36.05 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 36.05 acres); and

SADC	\$127,977.50	(\$3,550/acre)
Cumberland County	\$ 63,087.50	(\$1,750/acre)
Total Easement Purchase	\$191,065.00	(\$5,300/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Cumberland County Agriculture Development Board is requesting \$127,977.50 in FY13 competitive grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Cumberland County for the purchase of a development easement on the Property, comprising approximately 36.05 acres, at a State cost share of \$3,550 per acre, (66.98% of purchase price), for a total grant need of \$127,977.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

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

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises 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 of the premises as identified in Policy P-3-B Supplement; and

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

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

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

2/26/15

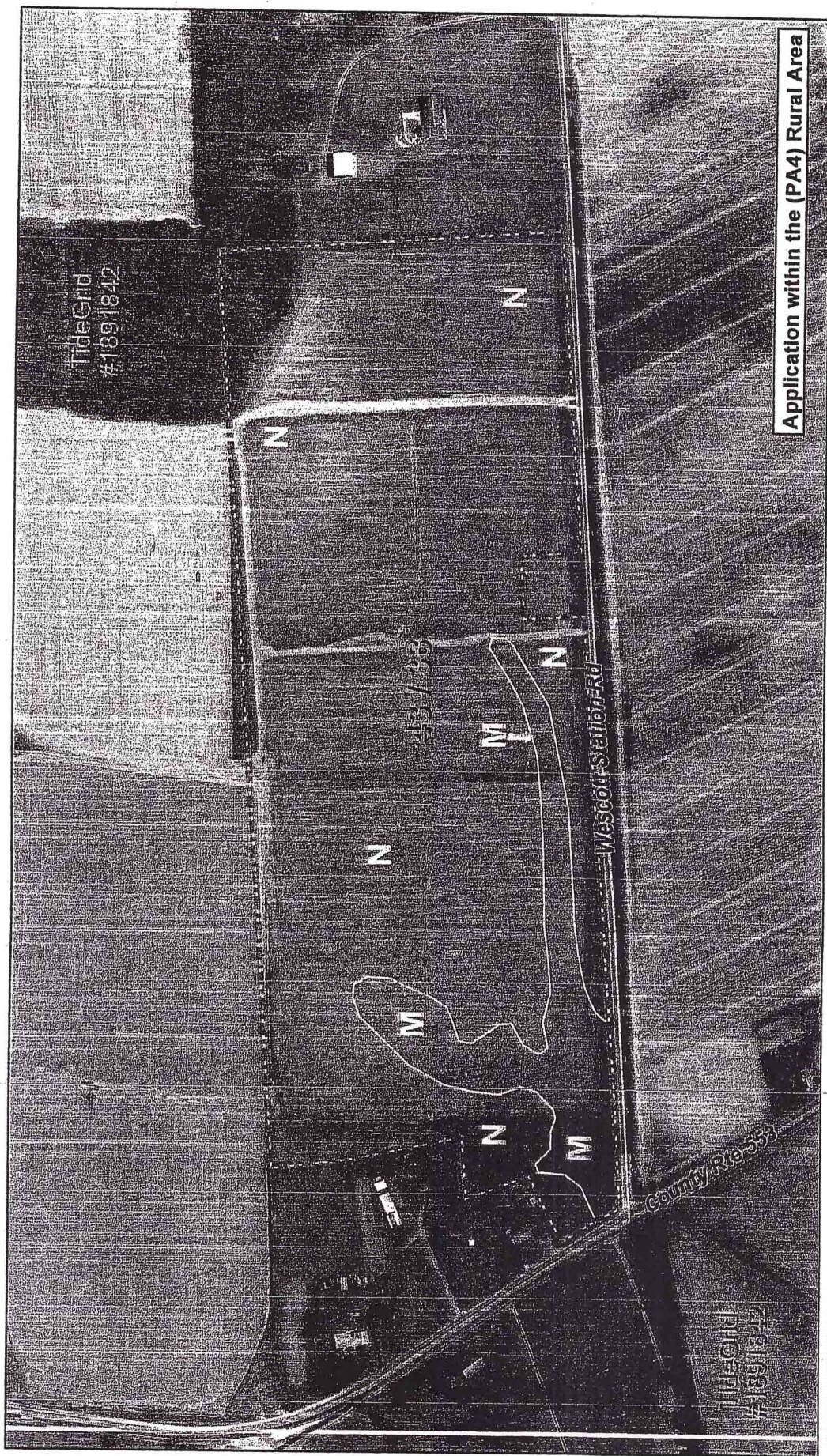
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique M. Purcell, Acting Chairperson	YES
Douglas H. Fisher, Chairman	ABSENT FOR VOTE
James Requa (rep. DCA Commissioner Constable)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	ABSENT
Torrey Reade	YES
James Waltman	YES



Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM
N.J. State Agriculture Development Committee
 Sorantino, John
 Block 43 Lot 38 (35.65 ac)
 Gross Total - 35.65 ac
 Fairfield Twp. Cumberland County



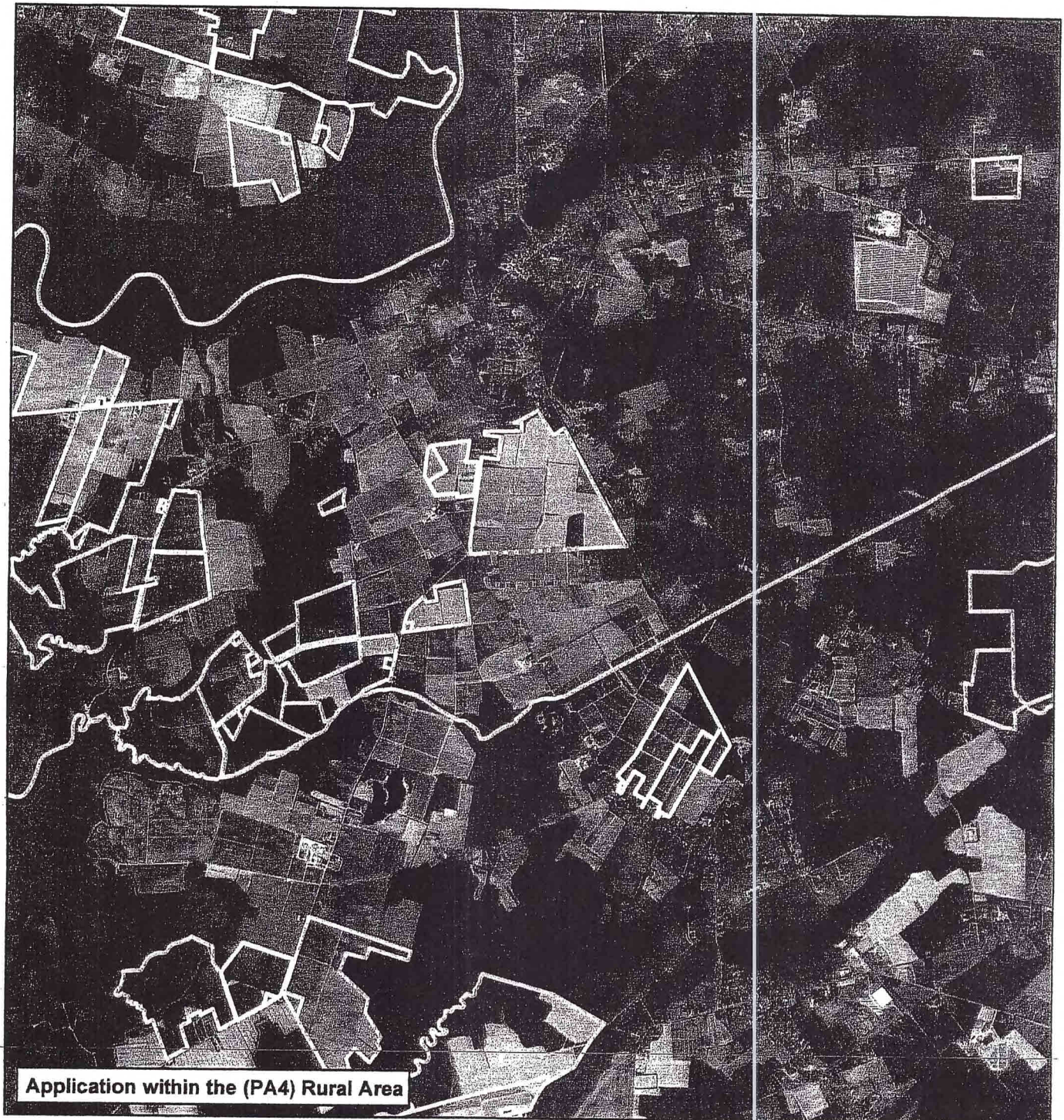
TIDEGRIDS DISCLAIMER: The data on this map were derived from the NDEP's CD ROM series 1 volume 4, "TideGrids: Change Maps". These linear features are not an official NDEP determination and should only be used as a general reference. Only NDEP, Bureau of Wetlands Management can perform an official determination 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 for planning purposes. The geospatial accuracy and precision of the GIS data contained in this file and any other data derived from this file are not guaranteed. No warranty is made for the use of this data for any purpose other than that for which it was intended. No liability is assumed for any errors or omissions, or for any consequences arising from the use of the data. The user assumes all responsibility for the use of the data and for any consequences arising from the use of the data.

Wetlands Legend:
 N - Natural Wetlands
 L - Linear Wetlands
 M - Wetlands Modified for Agriculture
 W - Water
 N - No Data
 W - Water
Source:
 NDEP Freshwater Wetlands Data
 Green Acres Conservation Easement Data
 NJOT/OGIS 2011 Aerial Image
 Date: 7/12/2013

Preserved Farms and Active Applications Within Two Miles

x:/counties/cumco/projects/Sorantino2_2mile.mxd



Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Sorantino, John
Block 43 Lot 38 (35.65 ac)
Gross Total – 35.65 ac
Fairfield Twp. Cumberland County

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



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

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

Date 7/12/2013

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

John Sorantino (II)
06- 0146-PG
County PIG Program
36 Acres

Block 43	Lot 38	Fairfield Twp.	Cumberland County
SOILS:		Prime	95% * .15 = 14.25
		Statewide	5% * .1 = .50
			SOIL SCORE: 14.75
TILLABLE SOILS:		Cropland Harvested	97% * .15 = 14.55
		Woodlands	3% * 0 = .00
			TILLABLE SOILS SCORE: 14.55
FARM USE:		Agricultural Production Crops	25 acres
		Vegetable & Melons	10 acres
			cover crop tomatoes

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: 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
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 FY2015R2(12)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

Cumberland COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Martha E. Hubschmidt et al (#2) ("Owners")
Upper Deerfield Township, Cumberland County

N.J.A.C. 2:76-17 et seq.
SADC ID# 06-0157-PG

February 26, 2015

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cumberland County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Cumberland County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on February 10, 2014 the SADC received an application for the sale of a development easement from Cumberland County for the subject farm identified as Block 2201, Lots 10 and 11, Upper Deerfield Township, Cumberland County, totaling approximately 66 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Cumberland County's Deerfield-Upper Deerfield North Project Area; and

WHEREAS, the Property has (1) one, 2-acre non-severable exception area limited to one single family residence; and

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

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

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

WHEREAS, the Property has a quality score of 62.74 which exceeds 43, which is 70% of the County's average quality score as determined by the SADC July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on March 17, 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. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on April 25, 2014 the SADC certified a development easement value of \$4,800 per acre based on zoning and environmental regulations in place as of the current valuation date 10/1/13; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$4,800 per acre for the development easement for the Property; and

WHEREAS, on December 10, 2014 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on September 4, 2014 the Upper Deerfield Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on August 12, 2014 the Cumberland CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 23, 2014, the Board of Chosen Freeholders of the County of Cumberland passed a resolution granting final approval and a commitment of funding for \$1,520 per acre to cover the entire local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 67.98 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 67.98 acres); and

SADC	\$222,974.40	(\$3,280/acre)
<u>Cumberland County</u>	<u>\$103,329.60</u>	<u>(\$1,520/acre)</u>
Total Easement Purchase	\$326,304.00	(\$4,800/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Cumberland County Agriculture Development Board is requesting \$222,974.40 in FY13 competitive grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Cumberland County for the purchase of a development easement on the Property, comprising approximately 67.98 acres, at a State cost share of \$3,280 per acre, (68.33% of purchase price), for a total grant need of \$222,974.40 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has one (1) 2-acre non-severable exception area limited to one single family residence; (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses outside of the exception area; and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises 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 of the premises as identified in Policy P-3-B Supplement; and

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

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

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

2/26/15

Date

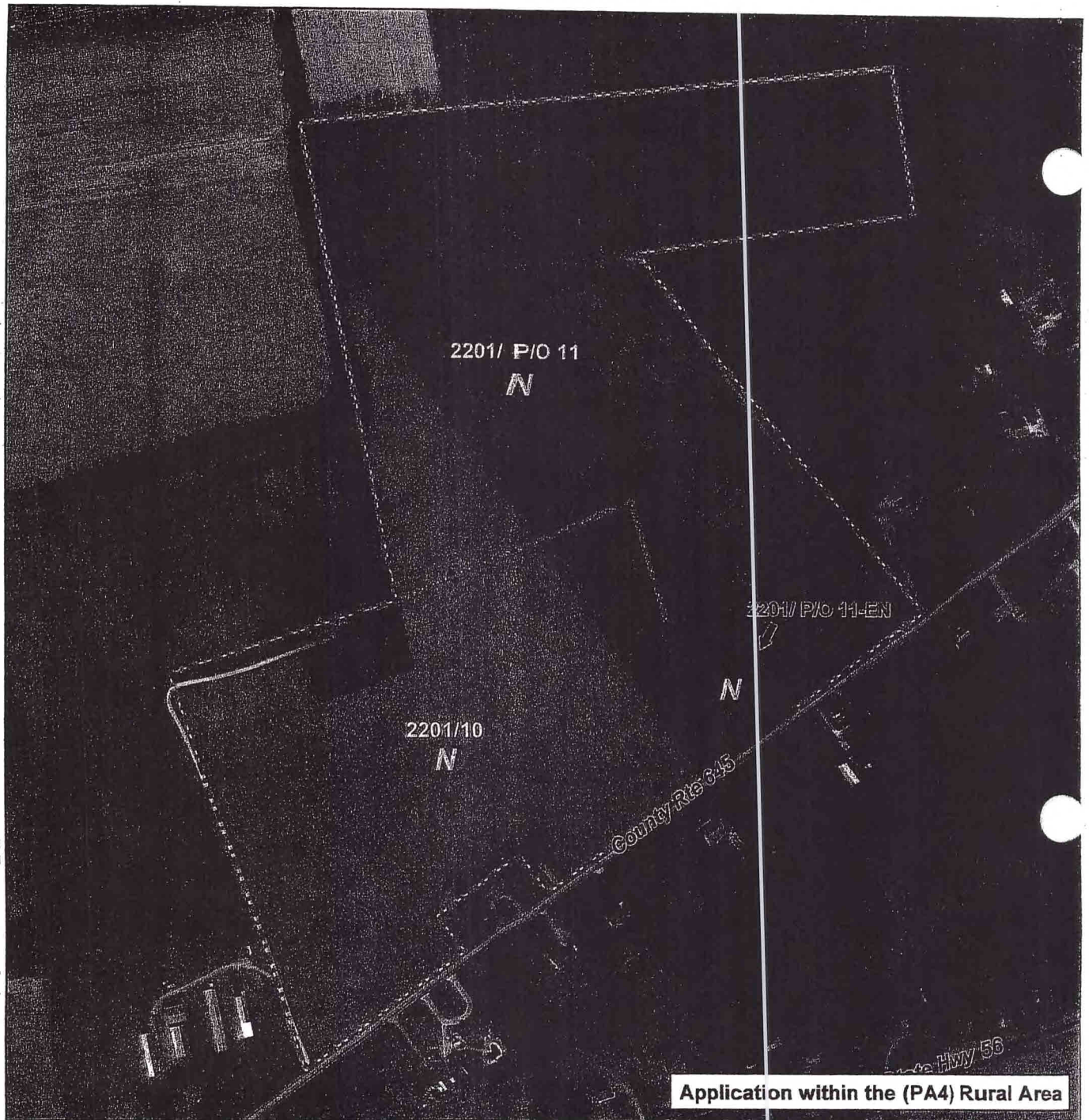


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique M. Purcell, Acting Chairperson	YES
Douglas H. Fisher, Chairman	ABSENT FOR VOTE
James Requa (rep. DCA Commissioner Constable)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	YES
Peter Johnson	ABSENT
Torrey Reade	YES
James Waltman	YES

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FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Martha Hubschmidt, et al
Block 2201 Lots 10 (28.0 ac); P/O 11 (39.4 ac)
& P/O 11-EN (non-severable exception - 2.0 ac)
Gross Total = 69.4 ac
Upper Deerfield Twp., Cumberland 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

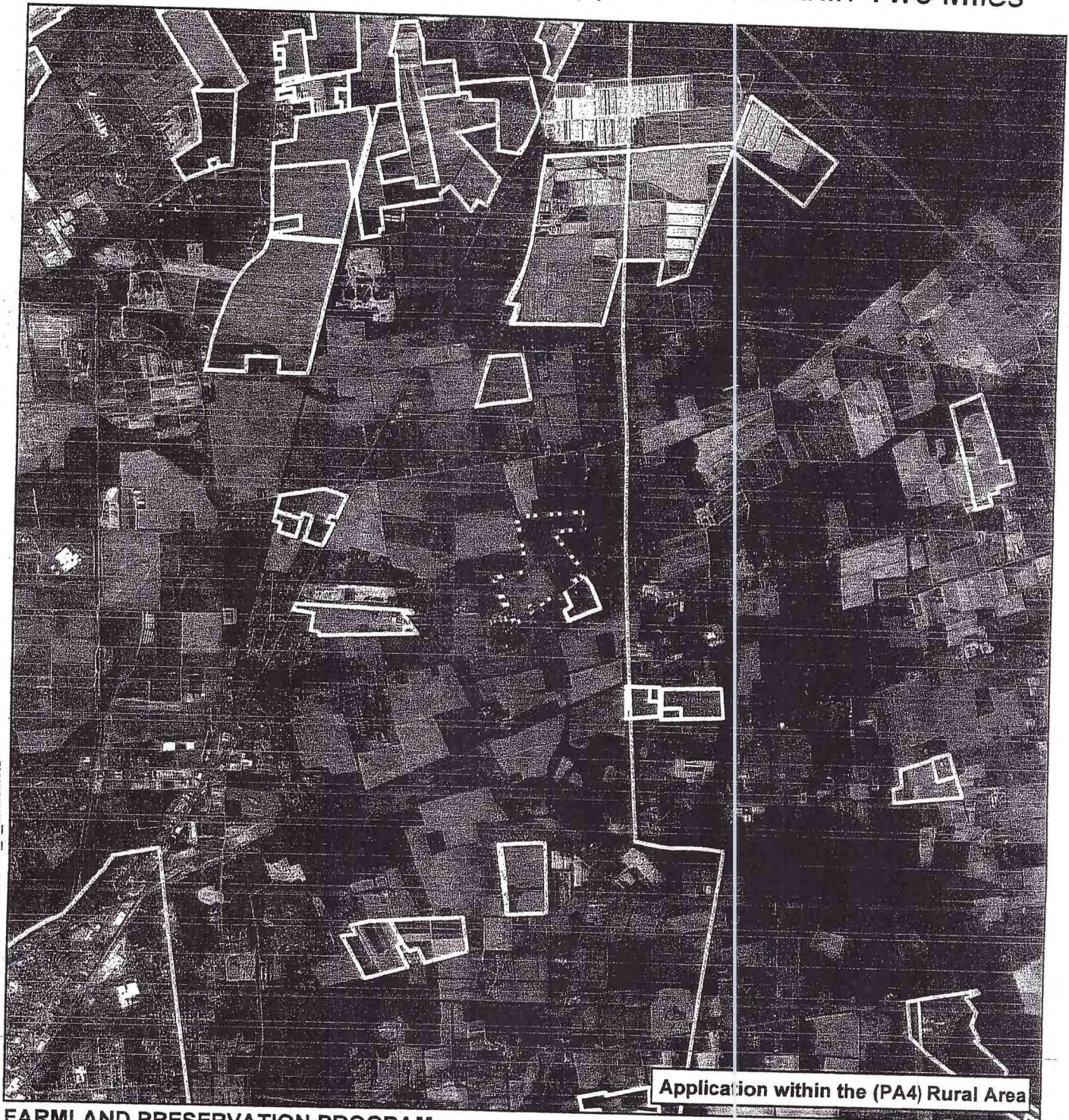


Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

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

Preserved Farms and Active Applications Within Two Miles

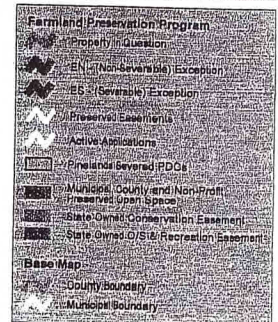
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Martha Hubschmidt, et al
Block 2201 Lots 10 (28.0 ac); P/O 11 (39.4 ac)
& P/O 11-EN (non-severable exception - 2.0 ac)
Gross Total = 69.4 ac
Upper Deerfield Twp., Cumberland County

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



NOTE:

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

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

February 28, 2014

Schedule B

Cumberland County

New Jersey Farmland Preservation Program
Preservation Program
County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

FY2011/FY2

Farm	Municipality	App Acres	Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	SADC			Balance FY11			FY11 Balance	FY11 Balance subject to availability	FY13 Balance	FY13 Balance subject to availability	
								Encumbered at Final	Voucher	Expend	Balance	Encumbered at Final	Voucher					Expend
Porter	Stow Creek	43	44,290	5,300.00	5,300.00	3,550.00	230,995.20	154,723.20	157,229.50	154,723.20							5,000,000	
Sorantino 1	Fairfield	35	36,050	5,000.00	5,000.00	3,400.00	180,250.00	122,570.00										
Casper #2	U. Deerfield	24	24,720	4,600.00	4,600.00	3,160.00	113,712.00	78,115.20										
Ulland	Stow Creek	30	30,900	4,700.00	4,700.00	3,220.00	145,230.00	99,498.00	27,585.40	0.00								
Sorantino 2	Fairfield	35	36,050	5,300.00	5,300.00	3,550.00	191,065.00	127,977.50										
Hubschmidt #2	Upper Deerfield	66	67,980	4,800.00	4,800.00	3,280.00	326,304.00	222,974.40										
										Encumbered	Expend	Balance	Encumbered	Expend	Balance			
Encumbered/Expended FY11										0.00	1,500,000.00	0.00		3,000,000.00	0.00		1,232,572.82	
Encumbered/Expended FY13										518,296.00	481,704.00	0.00	1,731,053.88	2,036,373.30				
Total										518,296.00	1,981,704.00	0.00	1,731,053.88	5,036,373.30	0.00			
Reprogram Out																		

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Hubschmidt #2
06- 0157-PG
County PIG Program
68 Acres

Block 2201	Lot 10	Upper Deerfield Twp.	Cumberland County
Block 2201	Lot 11	Upper Deerfield Twp.	Cumberland County

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

TILLABLE SOILS:	Cropland Harvested	74% *	.15	=	11.10	
	Woodlands	26% *	0	=	.00	
						TILLABLE SOILS SCORE: 11.10

FARM USE:	Corn-Cash Grain	25 acres
	Soybeans-Cash Grain	25 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st two (2) acres for Future residence
 - Exception is not to be severed from Premises
 - Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No 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 FY2015R2(5)

Denial of Reconsideration of Resolution FY2015R12(2)

New Village Farms, LLC

February 26, 2015

WHEREAS, at its December 11, 2014 meeting, the State Agriculture Development Committee (SADC) adopted Resolution FY2015R12(2), an executed copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, with regard to a proposed realignment of a 15-foot wide right-of-way on preserved farm property owned by New Village Farms, LLC (hereinafter "Owner"), Block 44, Lot 5, Greenwich Township, Warren County, that services the farm and an adjacent non-preserved property owned by Henry Riewerts and Diane Tribble (hereinafter "Riewerts"), Block 44, Lot 24, Greenwich Township, Warren County; and

WHEREAS, on January 7, 2015, Riewerts requested that the SADC reconsider its December 11, 2014 resolution (Exhibit "B"); and

WHEREAS, on January 16, 2015, the SADC advised Riewerts in writing that, due to lack of timely receipt by Riewerts of a November 17, 2014 letter from the United States Department of Agriculture, Natural Resources Conservation Service ("USDA-NRCS") regarding the proposed realignment of the right-of-way, the SADC agreed to accept any new information Riewerts wished to submit, provided same was submitted no later than February 16, 2015; that upon completion of its review of the new information, the SADC would decide whether to reconsider Resolution FY2015R12(2) (Exhibit "C"); and

WHEREAS, the SADC reiterated its offer to accept any new information from Riewerts in correspondence dated January 26 and 30, 2015 (Exhibits "D" and "E", respectively); and

WHEREAS, although Riewerts transmitted to the SADC letters of January 15, 23, 27 and February 11, 2015 objecting to Resolution FY2015R12(2) (Exhibits "F", "G", "H" and "I", respectively), and appeared at the SADC's January 22, 2015 meeting, no new information was submitted by Riewerts on or before February 16, 2015 warranting reconsideration of the said Resolution; and

WHEREAS, in the February 11, 2015 letter, Riewerts requested a 3-month extension of time to provide new information in order to allow for further investigation of alternative driveway alignments; and

WHEREAS, by letter dated February 19, 2015, the SADC advised Riewerts that any such alternative alignments would be reviewed independently of, and without prejudice to, any prior SADC action on the matter (Exhibit "J"),

NOW, THEREFORE, BE IT RESOLVED that the SADC has determined it has received no new information warranting reconsideration of Resolution FY2015R12(2); and

BE IT FURTHER RESOLVED, that the SADC's decision not to reconsider the aforesaid resolution is without prejudice to the Owner formulating a proposed future alternate driveway realignment plan consistent with the deed of easement on the preserved farm; and

BE IT FURTHER RESOLVED, that a copy of the signed resolution will be forwarded to the NRCS, Warren County Agriculture Development Board, the Greenwich Township municipal offices, the Owner, and Riewerts; and

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

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

2/26/15
DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

Monique Purcell, Acting Chairperson	YES
Douglas H. Fisher, Chairperson	ABSENT FOR THE VOTE
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	ABSENT
Denis C. Germano	YES
Torrey Reade	YES

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R12(2)

Relocation of Access Right-of-Way

New Village Farms, LLC

December 11, 2014

WHEREAS, New Village Farms, LLC (hereinafter "Owner") is the current record owner of Block 44, Lot 5, as identified in the Township of Greenwich, County of Warren, by deed recorded in the Warren County Clerk's Office on April 15, 2011 in Deed Book 2367, Page 156, totaling 54.88 acres (hereinafter "Premises"), as shown on Schedule "A"; and

WHEREAS, the development easement (hereinafter "Deed of Easement") on the Premises was conveyed by predecessors in title, Robert Schuster and Geraldine Schuster, to the Warren County Board of Chosen Freeholders and the United States of America, acting by and through the United States Department of Agriculture, Natural Resources Conservation Service on behalf of the Commodity Credit Corporation (hereinafter "NRCS") by deed recorded in the Warren County Clerk's Office on July 23, 2010 in Deed Book 2327, Page 128, pursuant to the Agriculture and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, c. 32; and

WHEREAS, the title insurance commitment for the Deed of Easement on the Premises identified a title exception for a 15-foot wide access right-of-way (hereinafter "R.O.W.") recorded in the Warren County Clerk's Office on April 23, 1951 in Deed Book 351, Page 139, that services an adjacent non-preserved property currently owned by Henry Riewerts and Diane Tribble (hereinafter "Neighbors") and identified as Block 44, Lot 24; and

WHEREAS, the recorded R.O.W. lacks a metes and bounds description but instead states, "There is conveyed to second party a right of way over an existing roadway leading from the Bloomsbury-Warren Glen Road through the property of first party to the property hereinabove conveyed consisting of approximately fifteen feet in width." The "existing roadway" is discernable in an aerial photograph from circa 1930, as shown in Schedule "B", and is in the same location as it exists today; and

WHEREAS, SADC received a request from the Neighbors by letters dated June 27, 2012 and January 10, 2013 proposing to relocate the R.O.W. to the west of its existing location, opining that "the configuration of narrow road, two sharp turns, and a narrow (railroad) underpass causes vehicles larger than 20-22 feet in length to be unable to enter Lot 24" which "include many delivery trucks, garbage trucks and most fire and other safety vehicles...thus resulting in a safety problem"; and

WHEREAS, SADC staff, in letters dated October 26, 2012 and February 15, 2013, responded to the Owner and the Neighbors, respectively, stating that the proposal to relocate the R.O.W. to the west of its existing location would not be permitted by the Deed of Easement; and

WHEREAS, in a memo dated June 17, 2014, upon review of the Engineering Report, staff advised the Committee of its opinion that "Alternate 1" would have negative impacts on the use of the Premises for agricultural production purposes, soil conservation, drainage and erosion and should not be approved, (see attached staff memo as Schedule "E"); and

WHEREAS, staff also advised the Committee that the proposal by Neighbors did not include any information on how the existing roadway would be put back into production if "Alternate 1" was approved; and

WHEREAS, in order to address both erosion and drainage concerns existing on the Premises as well as the Neighbors concern about the 90 degree into the railroad underpass staff offered "Alternate 2", as shown in Schedule "C"; and

WHEREAS, "Alternate 2" continues the use of the existing driveway for a majority of its length but begins the turn toward the railroad underpass at an earlier point therefore softening the 90 degree turn to create a more straight on approach; and

WHEREAS, under the "Alternate 2" proposal the newly created small triangular shaped parcel at the bottom of the slope between the driveway and the railroad embankment would be used to address agricultural runoff and erosion concerns through installation of NRCS approved conservation practices; and

WHEREAS, at the June 25, 2014, meeting the Committee voted to affirm the staff recommendations against "Alternate 1" and in favor of "Alternate 2", expressly relaying its concern for what would become of the existing roadway area if "Alternate 1" were approved; and

WHEREAS, subsequent to that meeting the Neighbors have supplied additional comments and a supplement to the North Star Design engineering report, (hereinafter "Supplemental Report"), and have requested new consideration by the Committee for "Alternate 1"; and

WHEREAS, the Supplemental Report provided by North Star Design provides greater detail about the design features of "Alternate 1", but does not provide additional information about "Alternate 2" or restoration plans for the existing driveway; and

WHEREAS, this proposal is being evaluated by the SADC for its compliance with the Deed of Easement and associated regulations promulgated at N.J.A.C. 2:76-6.15; and

WHEREAS, paragraph number 1 of the Deed of Easement states that "Any development of the Premises for nonagricultural purposes is expressly prohibited"; and

WHEREAS, paragraph number 2 of the Deed of Easement states that "The Premises shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, and all other rules promulgated by the State Agriculture Development Committee, (hereinafter "Committee"). Agricultural use shall mean the use of the premises for common farmsite activities including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management,

2. The proposal would be detrimental to drainage, flood control, erosion control, and soil conservation as a result of steeper slopes and the potential for more runoff and erosion; and
3. The proposal, as described in the Engineering Report and Supplement, would be detrimental to the continued agricultural use of the Premises by taking more prime farmland out of production than the existing R.O.W. per its location relative to Washington silt loam (WafB), 3 to 8 percent slopes, a prime farmland mapped by NRCS as part of the National Cooperative Soil Survey as shown on Schedule "D." Further, by installing a permanent vegetative cover in the area of the existing R.O.W. per the Engineering Report's recommendation, additional land will be removed from crop production and will split the farm into three parts rather than two, will reduce the size of the fields, increase field edge and attendant crop loss to wildlife; and
4. The Supplemental Report's design information for "Alternate 1" calls for a rip-rap outlet structure at the bottom of the farm field as well as grass strips and swales along substantial portions of the new road which when added to the paved roadway would require easements of 45 feet in width where the current roadway totals 15 feet in width, thereby removing additional farmland from production; and
5. Conveyance of an additional easement greater than the existing 15 foot wide easement constitutes granting non-agricultural development rights to the Neighbors, which would be a violation of the Deed of Easement; and
6. As described in the November 17, 2014, letter from the NRCS, who is a party to the Deed of Easement, the "Alternate 1" proposal is in conflict with Deed of Easement restrictions inherent to farms preserved with funding through their Farm and Ranch Lands Protection Program (FRPP), and therefore the request is denied by that agency; and

BE IT FURTHER RESOLVED, that the SADC denies the request to relocate the existing R.O.W. in accordance with "Alternate 1" in the Engineering Report for the reasons set forth above; and

BE IT FURTHER RESOLVED; the SADC finds that the proposed R.O.W. relocation shown as "Alternate 2" on the original Engineering Report -- partially realigning the R.O.W. to eliminate the 90-degree turn on the Premises -- is consistent with the terms of the Deed of Easement and associated regulations promulgated at N.J.A.C. 2:76-6.15 for the foregoing reasons:

1. The proposal constitutes an agricultural use and serves agricultural and conservation purposes by addressing existing drainage, erosion control, and soil conservation concerns associated with the existing R.O.W. Specifically, drainage and erosion control concerns from the existing driveway could be addressed in the triangle of land located between the old alignment and the new alignment through the installation of various NRCS conservation practices such as filter strips; and
2. The proposal reduces impervious cover from the existing driveway alignment by approximately 38 square feet and does not impact any prime farmland; and
3. The proposal is not in conflict Deed of Easement restrictions inherent to farms preserved with funding from NRCS through FRPP as confirmed by the NRCS on November 17, 2014. Further, the proposal enhances or improves the conservation values of the Premises.

Exhibit "A"

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R12(2)

Relocation of Access Right-of-Way

New Village Farms, LLC

December 11, 2014

WHEREAS, New Village Farms, LLC (hereinafter "Owner") is the current record owner of Block 44, Lot 5, as identified in the Township of Greenwich, County of Warren, by deed recorded in the Warren County Clerk's Office on April 15, 2011 in Deed Book 2367, Page 156, totaling 54.88 acres (hereinafter "Premises"), as shown on Schedule "A"; and

WHEREAS, the development easement (hereinafter "Deed of Easement") on the Premises was conveyed by predecessors in title, Robert Schuster and Geraldine Schuster, to the Warren County Board of Chosen Freeholders and the United States of America, acting by and through the United States Department of Agriculture, Natural Resources Conservation Service on behalf of the Commodity Credit Corporation (hereinafter "NRCS") by deed recorded in the Warren County Clerk's Office on July 23, 2010 in Deed Book 2327, Page 128, pursuant to the Agriculture and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, c. 32; and

WHEREAS, the title insurance commitment for the Deed of Easement on the Premises identified a title exception for a 15-foot wide access right-of-way (hereinafter "R.O.W.") recorded in the Warren County Clerk's Office on April 23, 1951 in Deed Book 351, Page 139, that services an adjacent non-preserved property currently owned by Henry Riewerts and Diane Tribble (hereinafter "Neighbors") and identified as Block 44, Lot 24; and

WHEREAS, the recorded R.O.W. lacks a metes and bounds description but instead states, "There is conveyed to second party a right of way over an existing roadway leading from the Bloomsbury-Warren Glen Road through the property of first party to the property hereinabove conveyed consisting of approximately fifteen feet in width." The "existing roadway" is discernable in an aerial photograph from circa 1930, as shown in Schedule "B", and is in the same location as it exists today; and

WHEREAS, SADC received a request from the Neighbors by letters dated June 27, 2012 and January 10, 2013 proposing to relocate the R.O.W. to the west of its existing location, opining that "the configuration of narrow road, two sharp turns, and a narrow (railroad) underpass causes vehicles larger than 20-22 feet in length to be unable to enter Lot 24" which "include many delivery trucks, garbage trucks and most fire and other safety vehicles...thus resulting in a safety problem"; and

WHEREAS, SADC staff, in letters dated October 26, 2012 and February 15, 2013, responded to the Owner and the Neighbors, respectively, stating that the proposal to relocate the R.O.W. to the west of its existing location would not be permitted by the Deed of Easement.; and

WHEREAS, the Neighbors, by letter dated August 27, 2013, requested SADC reconsider its opinion that the R.O.W. relocation proposal is prohibited by the Deed of Easement. Subsequently, staff met onsite with the Neighbors and their engineer to discuss their proposal and to contemplate two other R.O.W. realignment alternatives, which culminated in an engineering report (hereinafter "Engineering Report") prepared for the Neighbors by North Star Design, LLC, dated December 20, 2013; and

WHEREAS, the Neighbors and the Owner were informed that any formal R.O.W. relocation request must be made in writing to the SADC by the Owner, and a letter dated February 25, 2014, from the Owner was received in which the Owner cites "environmental and safety benefits" in proposing to relocate the R.O.W. to the west as "Alternate 1" as delineated in the Engineering Report and shown on Schedule "C", which is the same location as proposed by the Neighbors. More specifically, the Owner states in his letter that "with today's larger equipment it makes things harder to see and navigate around turns," referring to the two 90-degree turns on either side of a railroad underpass the existing R.O.W. makes from its origin at Warren Glen Road to its terminus at the Neighbors residences. The Owner continues by stating, "moving the driveway west would alleviate the concern of operator safety" since the relocated R.O.W. is proposed to follow a straight path through the Owner's property and railroad underpass to the Neighbor's property; and

WHEREAS, in subsequent conversations the Owner explained that due to overall width and height constraints large farm equipment would have a difficult time making it through the railroad underpass, which would instead have to reach the Neighbor's property via a private at-grade railroad crossing located just east of the railroad underpass that the Owner has legal access to utilize; and

WHEREAS, the Engineering Report envisions a new, nearly straight driveway from Warren Glen Road through the center of the preserved farm to the railroad underpass, however it does not contemplate the straightening of the 90-degree turn located on the Neighbor's property on the opposite side of the railroad underpass;

WHEREAS, the Engineering Report references the need to stabilize the area of the existing R.O.W. using the *Standards for Soil Erosion and Sediment Control in New Jersey* if "Alternate 1", as shown in Schedule "C", is approved by the SADC, suggesting this area will remain in a permanent vegetated condition once the asphalt is removed rather than being reverted to cropland; and

WHEREAS, the Engineering Report acknowledges that the existing R.O.W. is located within a natural low area of the Premises between two drainage areas such that stormwater travels down the existing R.O.W.; and

WHEREAS, "Alternate 1" is located outside of the designated building envelope (Farm Building Area) established by the NRCS-FRPP deed language, as shown on Schedule "A"; and

WHEREAS, in a memo dated June 17, 2014, upon review of the Engineering Report, staff advised the Committee of its opinion that "Alternate 1" would have negative impacts on the use of the Premises for agricultural production purposes, soil conservation, drainage and erosion and should not be approved, (see attached staff memo as Schedule "E"); and

WHEREAS, staff also advised the Committee that the proposal by Neighbors did not include any information on how the existing roadway would be put back into production if "Alternate 1" was approved; and

WHEREAS, in order to address both erosion and drainage concerns existing on the Premises as well as the Neighbors concern about the 90 degree into the railroad underpass staff offered "Alternate 2", as shown in Schedule "C"; and

WHEREAS, "Alternate 2" continues the use of the existing driveway for a majority of its length but begins the turn toward the railroad underpass at an earlier point therefore softening the 90 degree turn to create a more straight on approach; and

WHEREAS, under the "Alternate 2" proposal the newly created small triangular shaped parcel at the bottom of the slope between the driveway and the railroad embankment would be used to address agricultural runoff and erosion concerns through installation of NRCS approved conservation practices; and

WHEREAS, at the June 25, 2014, meeting the Committee voted to affirm the staff recommendations against "Alternate 1" and in favor of "Alternate 2", expressly relaying its concern for what would become of the existing roadway area if "Alternate 1" were approved; and

WHEREAS, subsequent to that meeting the Neighbors have supplied additional comments and a supplement to the North Star Design engineering report, (hereinafter "Supplemental Report"), and have requested new consideration by the Committee for "Alternate 1"; and

WHEREAS, the Supplemental Report provided by North Star Design provides greater detail about the design features of "Alternate 1", but does not provide additional information about "Alternate 2" or restoration plans for the existing driveway; and

WHEREAS, this proposal is being evaluated by the SADC for its compliance with the Deed of Easement and associated regulations promulgated at N.J.A.C. 2:76-6.15; and

WHEREAS, paragraph number 1 of the Deed of Easement states that "Any development of the Premises for nonagricultural purposes is expressly prohibited"; and

WHEREAS, paragraph number 2 of the Deed of Easement states that "The Premises shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, and all other rules promulgated by the State Agriculture Development Committee, (hereinafter "Committee"). Agricultural use shall mean the use of the premises for common farmsite activities including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management,

fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing"; and

WHEREAS, paragraph number 9 of the Deed of Easement states that "No activity shall be permitted on the Premises which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor shall any other activity be permitted which would be detrimental to the continued agricultural use of the Premises"; and

WHEREAS, paragraph number 13 of the Deed of Easement states that "Nothing in this Deed of Easement shall be deemed to restrict the right of Grantor to maintain all roads and trails existing upon the Premises as of the date of this Deed of Easement. Grantor shall be permitted to construct, improve or reconstruct unpaved roadways necessary to service crops, bogs, agricultural buildings, or reservoirs as may be necessary"; and

WHEREAS, paragraph number 15(c)(i) of the Deed of Easements states that "All such buildings and structures shall be located within the designated building envelope (Farm Building Area) as described in the Farm Conservation Plan referred to in paragraph 9. Changes in the location or extent of the Farm Building Area, or buildings and structures to be located outside of the Farm Building Area, except as provided for under Paragraph 15(a)ii above, must be approved in advance by the United States"; and

WHEREAS, paragraph number 15(c)(ii) of the Deed of Easement states that "At the time of acquisition of this development easement, there exists 0.59 percent of impervious surface on the Premises as identified on the survey plat prepared by Cherry, Weber & Associates, dated June 24, 2010. Any improvements to existing residential buildings, agricultural labor housing, agricultural buildings or any new residential buildings, agricultural labor housing or agricultural buildings or other improvements resulting in an increase in impervious surface as defined below shall not, in combination with existing improvements cause the total impervious surface coverage to exceed a maximum of four percent (4%) of the Premises as authorized by the United States Department of Agriculture's Natural Resources Conservation Service. Any impervious surface in excess of four percent (4%) is expressly prohibited"; and

WHEREAS, on November 17, 2014, the NRCS, as party to the easement, provided written comments related to "Alternate 1" and "Alternate 2", attached Schedule "F"; and

WHEREAS, the NRCS approves of the concept to relocate the existing R.O.W. in "Alternative 2" in the Engineering Report because this proposal is consistent with the purpose and goals of FRPP, the proposal enhances or improves the conservation values of the Deed of Easement;

NOW THEREFORE BE IT RESOLVED, the SADC finds that the proposed R.O.W relocation shown as "Alternate 1" on Schedule "A" is not consistent with the terms of the Deed of Easement and associated regulations promulgated at N.J.A.C. 2:76-6.15 for the following reasons:

1. The proposal does not constitute an agricultural use or serve an agricultural purpose but is instead constitutes development of the Premises for the non agricultural purpose of improved access to an adjacent residential property; and

2. The proposal would be detrimental to drainage, flood control, erosion control, and soil conservation as a result of steeper slopes and the potential for more runoff and erosion; and
3. The proposal, as described in the Engineering Report and Supplement, would be detrimental to the continued agricultural use of the Premises by taking more prime farmland out of production than the existing R.O.W. per its location relative to Washington silt loam (WafB), 3 to 8 percent slopes, a prime farmland mapped by NRCS as part of the National Cooperative Soil Survey as shown on Schedule "D." Further, by installing a permanent vegetative cover in the area of the existing R.O.W. per the Engineering Report's recommendation, additional land will be removed from crop production and will split the farm into three parts rather than two, will reduce the size of the fields, increase field edge and attendant crop loss to wildlife; and
4. The Supplemental Report's design information for "Alternate 1" calls for a rip-rap outlet structure at the bottom of the farm field as well as grass strips and swales along substantial portions of the new road which when added to the paved roadway would require easements of 45 feet in width where the current roadway totals 15 feet in width, thereby removing additional farmland from production; and
5. Conveyance of an additional easement greater than the existing 15 foot wide easement constitutes granting non-agricultural development rights to the Neighbors, which would be a violation of the Deed of Easement; and
6. As described in the November 17, 2014, letter from the NRCS, who is a party to the Deed of Easement, the "Alternate 1" proposal is in conflict with Deed of Easement restrictions inherent to farms preserved with funding through their Farm and Ranch Lands Protection Program (FRPP), and therefore the request is denied by that agency; and

BE IT FURTHER RESOLVED, that the SADC denies the request to relocate the existing R.O.W. in accordance with "Alternate 1" in the Engineering Report for the reasons set forth above; and

BE IT FURTHER RESOLVED, the SADC finds that the proposed R.O.W. relocation shown as "Alternate 2" on the original Engineering Report -- partially realigning the R.O.W. to eliminate the 90-degree turn on the Premises -- is consistent with the terms of the Deed of Easement and associated regulations promulgated at N.J.A.C. 2:76-6.15 for the foregoing reasons:

1. The proposal constitutes an agricultural use and serves agricultural and conservation purposes by addressing existing drainage, erosion control, and soil conservation concerns associated with the existing R.O.W. Specifically, drainage and erosion control concerns from the existing driveway could be addressed in the triangle of land located between the old alignment and the new alignment through the installation of various NRCS conservation practices such as filter strips; and
2. The proposal reduces impervious cover from the existing driveway alignment by approximately 38 square feet and does not impact any prime farmland; and
3. The proposal is not in conflict Deed of Easement restrictions inherent to farms preserved with funding from NRCS through FRPP as confirmed by the NRCS on November 17, 2014. Further, the proposal enhances or improves the conservation values of the Premises.

BE IT FURTHER RESOLVED, that the SADC approves the concept to realign the existing R.O.W. in accordance with "Alternate 2" in the Engineering Report because this proposal is consistent with the terms of the Deed of Easement and associated regulations promulgated at N.J.A.C. 2:76-6.15, the proposal would constitute an agricultural use and serve agricultural and conservation purposes by addressing existing drainage, erosion control, and soil conservation concerns associated with the existing R.O.W; and

BE IT FURTHER RESOLVED, that formal approval of "Alternate 2" shall be considered upon submission and review of the engineering work necessary to implement that design; and

BE IT FURTHER RESOLVED, that a copy of the signed resolution will be forwarded to the NRCS, Warren County Agriculture Development Board, the Greenwich Township municipal offices, the Owner, and the Neighbors; and

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

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

12-11-14

DATE



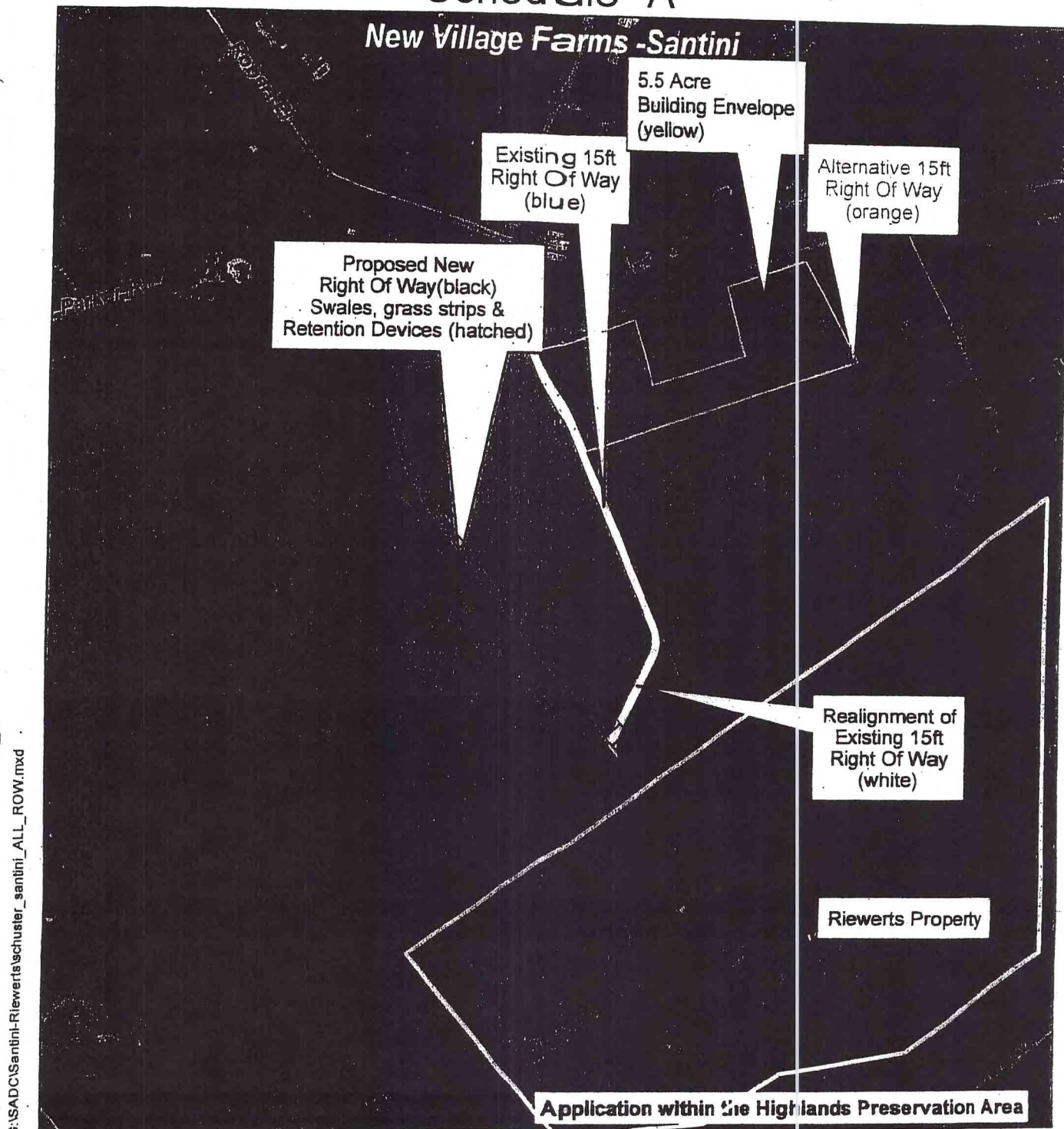
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
Thomas Stanuikynas (rep. DCA Commissioner Constable)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Alan Danser, Vice Chairman	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES
Jane Brodhecker	YES
Torrey Reade	YES

Schedule "A"

New Village Farms -Santini



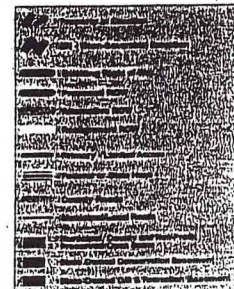
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

New Village Farms-Santini
Block 44 Lots P/O 5 (53.88 ac)
P/O 5-EN (non-severable exception - 1.0 ac)
Gross Total = 54.88 ac
Greenwich Twp., Warren 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.



Sources:
NRCS - SSURGO 2012 Soil Data
Green Acres Conservation Easement Data
NJOT/OGIS 2012 Digital Aerial Image

June 23, 2014

Schedule "B"



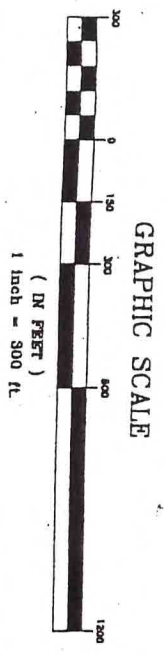
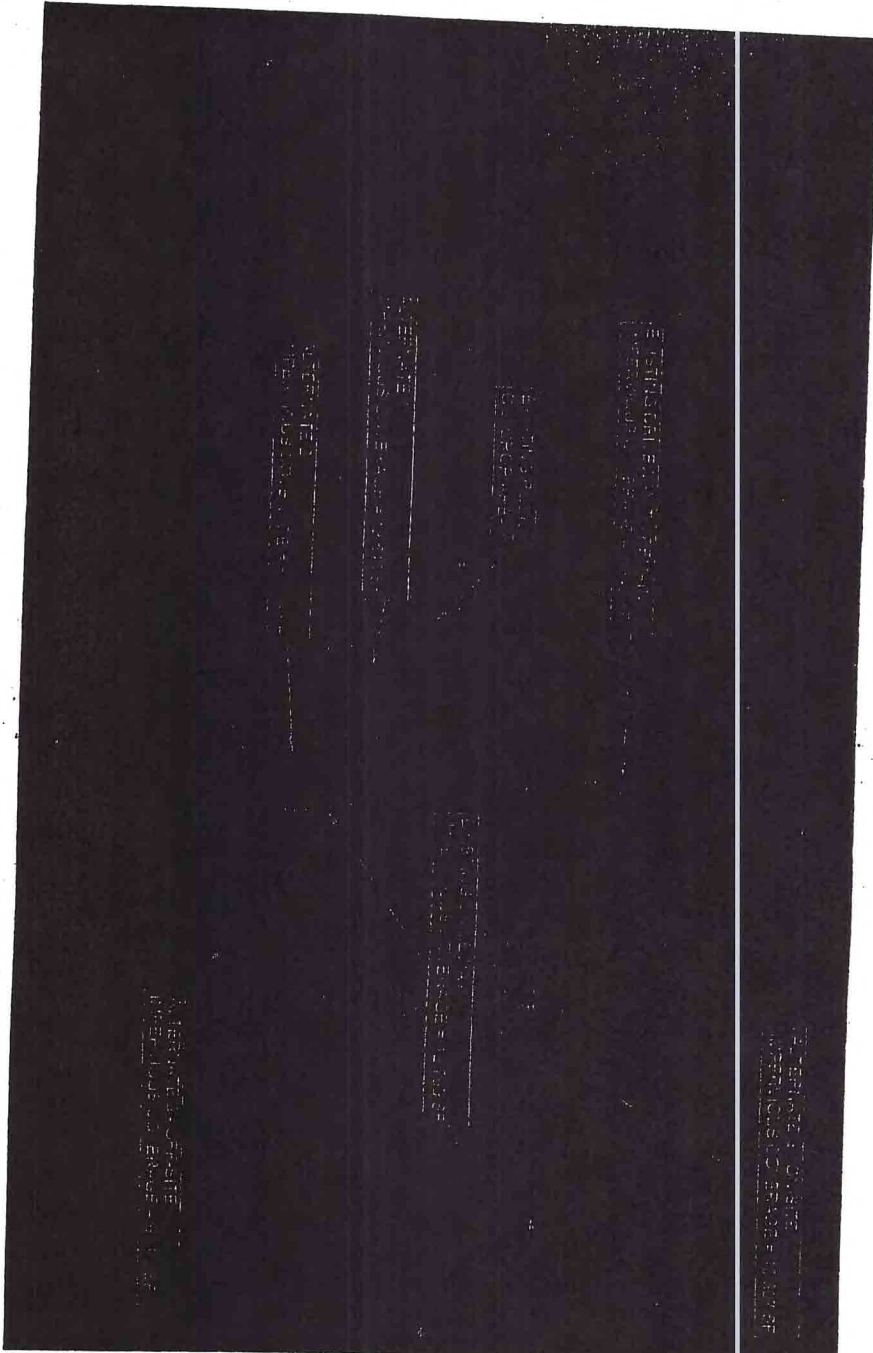
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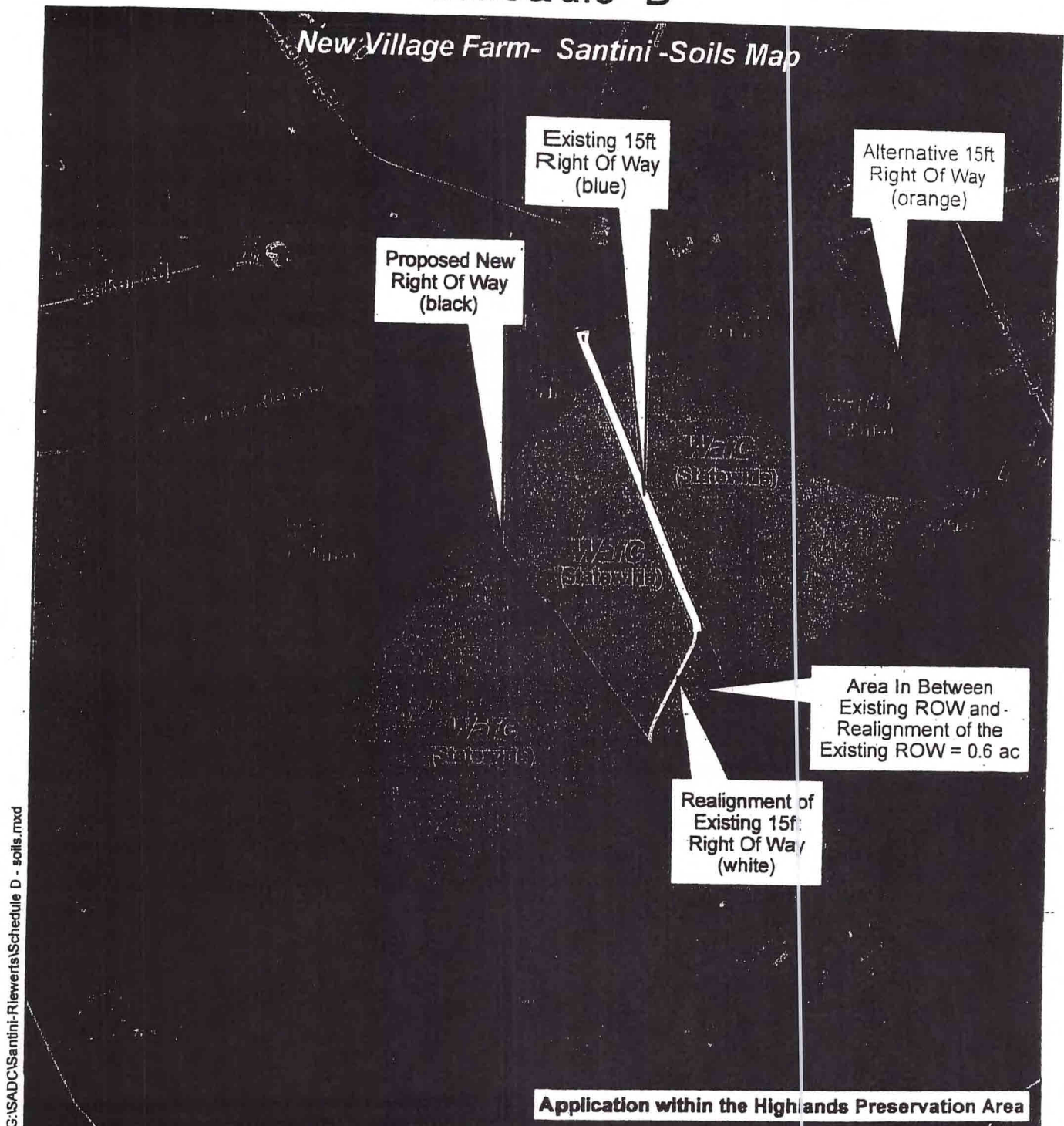
Schedule "C"



 NorthStarDesign LLC <small>A DIV. OF NORTHSTAR DESIGN GROUP, INC.</small>		W.C. VIOLA, Jr. <small>Principal</small>	OVERALL MAP FIGURE 20 1	
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Schedule "D"

New Village Farm- Santini -Soils Map



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

New Village Farms-Santini
Block 44 Lots P/O 5 (53.88 ac)
P/O 5-EN (non-severable exception - 1.0 ac)
Gross Total = 54.88 ac
Greenwich Twp., Warren 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



Sources:
NRCS - S8URGO 2012 Soil Data
Green Acres Conservation Easement Data
NJOIT/OGIS 2012 Digital Aerial Image

July 15, 2014

Memo

To: SADC Members
From: Jeffrey C. Everett, Chief of Agricultural Resources, SADC
CC:
Date: 6/17/2014
Re: New Village Farms, LLC - Right-of-Way Relocation Request
Greenwich Township, Warren County
Block 44, Lot 5 (54.88 acres)

Staff is in receipt of a request from Robert Santini, owner of the subject preserved farm, and the landowners of the adjacent property (Block 44, Lot 24), Henry Riewerts and Diane Tribble, to relocate an existing access right-of-way (R.O.W.) that runs across the preserved farm to the Riewerts/Tribble property located to the southeast. The existing 15-foot R.O.W. predates the recording of the deed of agricultural preservation easement held by the Warren County Board of Chosen Freeholders, SADC, and the U.S. Department of Agriculture-Natural Resources Conservation Service (Farm and Ranch Lands Protection Program) and appears as an exception to the title insurance commitment. The R.O.W. was first recorded in 1951 and the deed of agricultural preservation easement was recorded in 2010. The 1951 R.O.W. language lacks a metes and bounds description, stating that "there is conveyed to second party (predecessor in title to Riewerts/Tribble) a right of way over an existing roadway leading from the Bloomsbury-Warren Glen Road through the property of first part (predecessor in title to New Village Farms, LLC) through the property of first part to the property hereinabove conveyed consisting of approximately fifteen feet in width." An aerial photograph dating from circa 1930, twenty-one years before the R.O.W. deed was first recorded, shows the driveway to be in roughly the same location as it exists today (**Attachment 1**).

Mr. Santini cites "environmental and safety benefits" in moving the existing driveway to the west, away from the existing R.O.W. location (**please see R.O.W. Relocation Alternate 1 shown on Attachment 2**). Specifically, Mr. Santini states that "with today's larger equipment it makes things harder to see and navigate around turns," referring to the two 90-degree turns on either side of a railroad underpass the existing R.O.W. makes from its origin at Warren Glen Road to its terminus at the Riewerts/Tribble residences (**Attachment 3**). He continues by stating, "moving the driveway west would alleviate the concern of operator safety." Mr. Riewerts echoes these safety concerns by opining that "the configuration of narrow road, two sharp turns, and a narrow underpass causes vehicles larger than 20-22 feet in length to be unable to enter Lot 24" which "include many delivery trucks, garbage trucks and most fire and other safety vehicles...thus resulting in a safety problem."

In addition to purported safety concerns, both Mr. Santini and Mr. Riewerts state that there are agronomic and conservation considerations that are associated with this R.O.W. relocation. Specifically, Mr. Santini states that "moving the driveway from the lowest part of the field would result in less soil erosion and better drainage." Meanwhile, Mr. Riewerts states that "changing the location of the (access) easement would reduce or eliminate the erosion and runoff issues because the pavement would no longer be at the fields' low point and conduct the water and sediment off the field to Lot 24."

Staff has evaluated this proposal for its compliance with associated regulations promulgated at N.J.A.C. 2:76-6.15 and the deed of easement that encumbers this property, the pertinent sections of which are enumerated below and organized by theme for convenience:

Agricultural and Nonagricultural Uses

1. Any development of the Premises for nonagricultural purposes is expressly prohibited.

2. The Premises shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, and all other rules promulgated by the State Agriculture Development Committee, (hereinafter Committee). Agricultural use shall mean the use of the premises for common farmsite activities including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

14. Nothing in this Deed of Easement shall be deemed to restrict the right of Grantor to maintain all roads and trails existing upon the Premises as of the date of this Deed of Easement. Grantor shall be permitted to construct, improve or reconstruct any roadway necessary to service crops, bogs, agricultural buildings, or reservoirs as may be necessary.

Mr. Santini stated in his letter that large farm equipment would have a difficult time making it through the railroad underpass, and a subsequent conversation with him revealed that he uses a private at-grade railroad crossing (that he has access rights to) just east of the railroad underpass to move his combine and other large farm equipment to farm the Riewerts/Tribble property (Lot 24) which he rents for crop production, using the railroad underpass only for his disc, roller, and planter (Attachment 4). Further, in the engineering study commissioned by Mr. Riewerts, there is no schematic that shows the straightening of the 90-degree turn located on the Riewerts property. The R.O.W. services only two residences on the Riewerts property and its location has been fixed for at least 84 years. Thus, it is staff's opinion that the R.O.W. relocation request represented by Alternate 1 emanates primarily from a nonagricultural purpose – convenience of travelers to and from the Riewerts/Tribble property – rather than an agricultural purpose, which is a prerequisite under the deed of agricultural preservation easement.

Soil and Water Conservation

7. No activity shall be permitted on the Premises which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor shall any other activity be permitted which would be detrimental to the continued agricultural use of the Premises.

15(c)(ii). At the time of acquisition of this development easement, there exists 0.59 percent of impervious surface on the Premises as identified on the survey plat prepared by Cherry, Weber & Associates, dated June 24, 2010. Any improvements to existing residential buildings, agricultural labor housing, agricultural buildings or any new residential buildings, agricultural labor housing or agricultural buildings or other improvements resulting in an increase in impervious surface as defined below shall not, in combination with existing improvements cause the total impervious surface coverage to exceed a maximum of four percent (4%) of the Premises as authorized by the United States Department of Agriculture's Natural Resources Conservation Service. Any impervious surface in excess of four percent (4%) is expressly prohibited.

15(c)(iii). Impervious surface, for purposes of this Deed of Easement, is defined as permanent, non-seasonal rooftops, concrete and asphalt surfaces including residential buildings, agricultural buildings (with and without flooring), and paved areas located on the Premises. Conservation practices listed in the United States Department of Agriculture's Natural Resources Conservation Service Field Office Technical Guide are not considered impervious surface.

Review of the various R.O.W. relocation alternatives by SADC staff, staff from Agricultural and Natural Resources Division (AGNR) of the New Jersey Department of Agriculture, and NRCS staff all result in an opinion that the relocation alternative preferred by Mr. Santini and Mr. Riewerts (Alternate 1) would be detrimental to drainage, erosion control, soil conservation, and continued agricultural uses of the Premises. Dan Mull, District Conservationist for the Hackettstown Service Center, stated that "this area has steeper slopes and potential for more runoff and erosion using this alternative" (Attachments 5 and 6). Alternate 1 will take more prime farmland out of production than the existing driveway per its proposed location relative to Washington silt loam (WafB), 3 to 8 percent slopes, a prime farmland mapped by NRCS as part of the National Cooperative Soil Survey (Attachment 7). Although the existing driveway is proposed to be converted to cropland under Alternate 1, the potential for success appears unlikely due to the characteristics of this area of the property – it is a low-lying area of concentrated water flow, most likely rendering it unstable for cropland (Attachment 8). In fact, the engineering report prepared for Mr. Riewerts suggests the site will be stabilized using the Standards for Soil Erosion and Sediment Control, which, to staff's understanding, will require the area to remain in a permanent vegetated condition and remove additional land from active crop production. Further, installing a grass area and the new driveway will split the farm into three parts rather than two. This will reduce the size of the fields, increase field edge and attendant crop loss to wildlife. The new field orientation will encourage farming up and down the slope, which may increase erosion and the amount of sediment flowing off site to the Riewerts property.

There are in fact drainage, erosion control, and soil conservation concerns on the preserved farm associated with the existing R.O.W. that need to be addressed. Thus, staff is of the opinion that R.O.W. Relocation Alternate 2 (shown on Attachment 2), first proposed by AGNR staff, would help remedy these issues and have an ancillary benefit of alleviating safety concerns raised by Messrs. Santini and Riewerts. Alternate 2 utilizes the existing driveway for approximately 764 feet before angling towards the southwest and approaching the railroad underpass head-on instead of at a 90-degree angle. This alternative reduces impervious cover from the existing driveway alignment by approximately 38 square feet, and does not impact any prime farmland. Drainage and erosion control concerns from the existing driveway could be addressed in the triangle of land located between the old alignment and the new alignment through the installation of various NRCS conservation practices such as filter strips. Thus, staff is of the opinion that partially relocating the R.O.W. per Alternate 2 constitutes an agricultural use and accomplishes agricultural and conservation purposes in accordance with the deed of agricultural preservation easement.

Conditions of Approval and Conclusions

Should the Committee approve Alternate 2, staff recommends conditioning the approval on the preparation and implementation of a farm conservation plan for the Santini farm that addresses the aforementioned resource concerns. Further, it is recommended that this conditional approval require a final engineering plan that addresses the elimination of the 90-degree turn on the adjacent Riewerts property so that the safety issues raised are holistically addressed. While Alternate 2 partially relocates the R.O.W. from its original location to another portion of the property that is also encumbered by the agricultural preservation easement, we believe this is a reasonable solution to the issue given 1) the lack of a specific metes and bounds description in the original R.O.W.; 2) the need to properly address the erosion issues existing on the farm that are directly related to the current configuration of the road, and 3) the landowner's right to "maintain all roads" existing on the property when the farm was preserved.

A third alternative, denoted as Alternate 3 on Attachment 2, was not discussed at length by staff and applicant, although this alternative hugs the property line and makes use of the aforementioned private at-grade railroad crossing that Mr. Santini has rights to, ostensibly addressing both agricultural use and safety issues. However, this alternative was not received favorably by Mr. Riewerts per various phone conversations.

In summary, staff is of the opinion that Alternate 1, the alternative favored by Messrs. Santini and Riewerts, lacks consistency with the deed of agricultural preservation easement whereas Alternate 2 can be accommodated – an opinion that is collaborated by NRCS, who along with SADC, holds an interest in this deed of agricultural preservation easement.

S:\Planning Incentive Grant -2007 rules County\Warren\Schuster\Post Closing -Stewardship\Committee Meeting\New Village Farms Memo.sep comments.docx

November 17, 2014

Jeff Everett
SADC-Chief of Agricultural Resources
NJ Department of Agriculture
PO Box 330
Trenton, NJ 08625-0330

Dear Mr. Everett:

This letter will re-affirm NRCS findings from March 2014 concerning the proposed Santini/Riewerts driveway alterations. The Santini property was permanently preserved in 2010 with Federal FRPP funds and is located in Warren County, Greenwich Township, Block 44, Lot 5. The Riewerts are requesting a driveway re-location outside of the existing driveway easement.

These were the most recent alternatives offered by the Riewert's engineer:

- Alternative 1: re-locate driveway to the west of the existing driveway through a large crop field and expand the driveway easement from 15' to 20-35' wide plus install stormwater management system.
- Alternative 2: Continue to use existing driveway but re-route a short piece at the bottom, cutting off a small piece of the cropland at the bottom of the large crop field.
- Alternative 3: Re-locate the driveway to the east side of the parcel along the edge of the small crop field.

NRCS is endorsing Alternative #2 based on the following conservation objectives:

Alternative 1 driveway is located on a steeper slope than the existing lane and the new lane would go straight through the crop field and may act as a conduit for water and sediment to flow directly to the underpass/railroad crossing that serves as the accessway to Mr. Riewert's property. This alternative would facilitate farming up and down the slope, resulting in an increased amount of soil erosion during normal farming activities. Alternative 1 would increase the amount of impervious cover on the parcel. The addendum does not mention restoring the existing driveway back into cropland. A restoration plan for the abandonment of the existing driveway would need to be approved by NRCS and SADC prior to construction. The restoration plan would describe how the former driveway would be brought back into crop production in order to stay within the limits of the approved impervious cover percentages for the parcel. Eliminating the existing driveway will not eliminate the need to stabilize it. The area in and around the existing driveway will continue to act as a conduit for water and sediment from the surrounding landscape and will need to be stabilized to prevent erosion.

In addition to the above, the deed of easement states that "*Nothing in this Deed of Easement shall be deemed to restrict the right of Grantor, to maintain all roads and trails existing upon the Premises as of the date of this Deed of Easement. Grantor shall be permitted to construct, improve or reconstruct unpaved roadways necessary to service crops, bogs, agricultural buildings, or reservoirs as may be necessary.*" We are assuming that the new roadway would be paved which is not allowable according

to the terms of the deed. NRCS can allow modifications to conservation easements only if the planned alterations are not detrimental to drainage, flooding, soil erosion, water conservation or soil conservation. Site visits by NJDA, SADC and NRCS staff note that installing the driveway per Alternative 1 would be detrimental to soil and water conservation and drainage as well as the continued agricultural use of the property. It will also result in increased flood storage on the Farmland Preserved cropland. Alternative 1 is detrimental to drainage, flood control, water conservation or soil conservation which is detrimental to the continued agricultural use on this parcel.

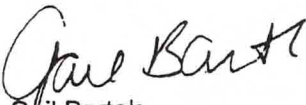
Alternative 2 will keep the amount of impervious cover change to a minimum while ensuring the health and safety of the people using the lane. The odd area created by re-aligning the end of the lane could be dedicated as a filter strip or to collecting and storing some of the runoff and then direct the water to a safe outlet, thereby reducing concerns of safety and flood hazard.

Alternative 3 was not discussed at length during the site visit and therefore was not addressed in this letter.

In conclusion, NRCS is recommending the use of Alternative 2 as the driveway alteration that will have the least detrimental effect on this farm. Selection of this alternative will result in the least amount of water runoff, flooding, and soil erosion. Of all of the alternatives presented to us, it will have the least amount of impact on the agricultural use of the property and is most consistent with the purpose of the Deed of Easement. Alternative 1 is not acceptable to NRCS due to the fact that, as stated above, it will have a detrimental effect on the natural resources of the parcel. Alternative 2 is a minor change compared to Alternative 1 and is the least intrusive. Minor changes to the existing road are acceptable for reasons of safety and health and farmability. Major changes such as building and paving a new access road with the caveat that they must put the old road back into ag production is unacceptable to NRCS.

If you have any questions concerning this matter, please contact me at 732-537-6042.

Sincerely,



Gail Bartok
NJ NRCS Assistant State Conservationist- Programs

From: henry riewerts [<mailto:hriewerts@msn.com>]
Sent: Wednesday, January 07, 2015 5:47 PM
To: Payne, Susan
Cc: sendoherty@njleg.org
Subject: RE: Riewerts/Tribble Driveway Relocation

Dear Susan:

In a phone call earlier today, we were advised by the Attorney General's appointee to the SADC (Mr. Jay Stypinski) that we should officially request reconsideration of our issue at the SADC. This letter serves as that request.

Our grounds are as follows: 1) we were not provided with the pathway for altering conservation easements or the criteria for success prior to either of the 2 votes (this information has been withheld for >30 months); 2) there were considerable factual errors presented by the SADC staff that specifically prejudiced the outcome (we pointed out several of these in the meeting; 3) Following the June SADC meeting, we were told by Secretary Fischer and you that we could return to address the issue of soil compaction and erosion, but instead returned to find that the real agenda and supporting background materials had been withheld from us.

We were able to obtain the letter from Ms. Bartok after the meeting and, while there are a number of errors that we can address, we believe that she clearly laid out an approved pathway and criteria for altering a conservation easement. While we continue to believe strongly that your organization does not have the authority to impose these criteria on us as we never entered an agreement with you, we nonetheless firmly believe the true facts show that our proposed changes fit the stated criteria and that, in a friendly and productive interaction, they would be found to be acceptable.

We look forward to hearing back from you in a timely manner regarding this official request recommended by your agent

Diane and Henry Riewerts

Exhibit "C"

Smith, Brian

From: Payne, Susan
Sent: Friday, January 16, 2015 5:18 PM
To: hriewerts@msn.com
Cc: Tovar, Mary; 'stypijas@dol.lps.state.nj.us' (stypijas@dol.lps.state.nj.us); Smith, Brian; Everett, Jeffrey; Roohr, Charles; Clapp, David; Vincent.Funelas@nj.gov; sendoherty@njleg.org
Subject: Request for Reconsideration to SADC
Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Riewerts and Ms. Tribble –

We have received your request for reconsideration of the SADC's recent final decision to deny the request to relocate the driveway on the Santini farm as proposed. We recognize you did not receive a copy of the NRCS letter dated November 17, 2014 in a timely fashion, and as such we will accept any new information you would like to submit on the matter for SADC review. Upon completion of its review of any such information submitted, the SADC will decide whether to reconsider the matter.

We request that any additional information be submitted by February 16, 2015. If you require additional time, please let us know.

Please contact me if you have any further questions.

Sincerely,

Susan E. Payne, Executive Director
NJ State Agriculture Development Committee
NJ State Transfer of Development Rights Bank Board

Email: susan.payne@ag.state.nj.us
Web: www.nj.gov/agriculture/sadc
Phone: 609-292-7988
Fax: 609-633-2004

NJ Department of Agriculture
PO Box 330
Trenton, NJ 08625-0330

From: susan.payne@ag.state.nj.us

To: hrIEWerts@msn.com

CC: douglas.fisher@ag.state.nj.us; stypijas@dol.lps.state.nj.us; Brian.Smith@ag.state.nj.us;
vincent.funelas@nj.gov; jeffrey.everett@ag.state.nj.us; sendoherty@njleg.org

Subject: FW: 45-Day Start Date

Date: Mon, 26 Jan 2015 18:28:12 +0000

Dear Mr. Riewerts and Ms. Tribble -

I am writing to respond to your email below. The state offices are shutting down due to a snow storm and will be closed tomorrow, but I did not want to delay in responding to you until later this week. I am not able to confer with the Office of the Attorney General on the questions you pose below, but I can offer the following:

On January 16, 2015 I sent you an email indicating the SADC will consider your request for reconsideration of the matter. That email suggested you submit to the SADC by February 16, 2015 whatever additional information you would like considered by the agency. It also indicated that if you require additional time, to please let us know.

Because we have invited you to submit additional information on the matter in support of your request for reconsideration, the SADC considers the 45-day appeal period tolled, or "stopped". Upon our review of all final submissions you provide, the SADC will formally approve or deny your request for a reconsideration of the matter at a future SADC meeting. Once that action is taken, and the Governor's review period of minutes of that meeting has expired, the 45-day appeal period will commence.

To date, I have not received a response to my January 16th email. Please notify us if you will provide any additional information to the SADC by February 16, or whether you request additional time.

Finally, with regard to your OPRA request, please be assured you will be supplied on information as required under the law.

I hope this clarifies the issue for you. Please contact me if you require further assistance.

Susan E. Payne, Executive Director
NJ State Agriculture Development Committee
NJ State Transfer of Development Rights Bank Board

Email: susan.payne@ag.state.nj.us
Web: www.nj.gov/agriculture/sadc
Phone: 609-292-7988
Fax: 609-633-2004

NJ Department of Agriculture
PO Box 330
Trenton, NJ 08625-0330

From: henry riewerts [<mailto:hriewerts@msn.com>]
Sent: Friday, January 23, 2015 5:32 PM
To: vincent.funelas@nj.gov; jason.stypinski@dol.lps.state.nj.us; sendoherty@njleg.org; Smith, Brian
Subject: 45-Day Start Date

Dear All:

I have asked repeatedly for information regarding the 45-day clock start date for filing our court case against the SADC. The last I spoke with Mr Funelas, I was informed that there was still time to address this issue. However, today I heard from Sen. Doherty's staff that the clock had already started. If I understood Mr. Stypinski correctly, this means that the Governor has approved the minutes of the meeting. Please be advised that we have not received official notification of any kind.

Therefore, to be sure I am clear, I would like a very specific and accurate response to the following questions:

Regarding the Riewerts/Tribble issue before the SADC, on what day did/does the 45-day clock start? Has the Governor's Office approved the minutes?

Mr. Stypinski, Mr. Funelas, and Mr. Smith, please consider this as an official OPRA request to receive a copy of the specific document recognized by the courts as our notice of a final decision.

Mr. Funelas, if Governor Christie approved the minutes, please advise when and where his next town meeting or other public appearance will take place.

Thank you
Diane Tribble



Exhibit E

State of New Jersey

CHRIS CHRISTIE
Governor

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

KIM GUADAGNO
Lt. Governor

DOUGLAS H. FISHER
Secretary

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

Douglas H. Fisher
Chairman

*Celebrating 30 Years of Preserving Farmland
and
Protecting the Right to Farm
January 30, 2015*

VIA EMAIL and REGULAR MAIL

Mr. Henry Riewerts
Ms. Diane Tribble
704 Warren Glen Road
Bloomsbury, NJ 08804

Re: Driveway Realignment
Block 44, Lot 5
Greenwich Township, Warren County
SADC ID # 27-0477-PG

Dear Mr. Riewerts and Ms. Tribble:

Thank you for your letter of January 27, 2015.

The decision whether to approve or deny your January 7, 2015 request for reconsideration is still pending before the State Agriculture Development Committee (SADC). As I stated in my January 16, 2015 email to you, the SADC decision is on-hold pending the receipt of any additional information you wish to provide, with a submission deadline of February 16, 2015 or within such additional time as you may request. Your appearance before and statement to the Committee during the public comment period of a meeting does not constitute any action on the part of the Committee. Except for emergent matters, the SADC takes formal action only when a matter is listed as such in the public portion of the meeting agenda. Therefore, the question as to whether to reconsider the matter, or not, is yet to be acted upon by the Committee.

Mr. Henry Riewerts
Ms. Diane Tribble
Page Two
January 30, 2015

The offer to hold the matter open pending receipt of additional information remains in effect, but the SADC has not received any confirmation from you that the February 16, 2015 due date is acceptable or that you require additional time. Accordingly, please provide written confirmation that, in support of your request for reconsideration: (a) you intend to rely on documents and reports you previously provided to the SADC; (b) you will be providing additional information to the SADC on or before February 16, 2015; or (c) you require additional time beyond February 16, 2015 to provide further information and, if so, how much further time is requested.

You also inquired whether the 45-day period within which to appeal final SADC action was affected by the January 22, 2015 meeting. You can continue to rely on the representations made in my January 26, 2015 email, including my statement that the 45-day appeal period has been tolled until the SADC approves or denies your request for reconsideration.

Finally, in response to your offer to work with SADC staff, we are amenable to a cooperative effort provided you and the preserved farm landowner, Mr. Santini, can first reach a mutually-agreeable alternative written plan regarding the farm lane that is consistent with the deed of easement, and provide that plan to staff for review.

If you have any questions, please contact me at (609) 984-2504.

Sincerely,



Susan E. Payne
Executive Director

cc: Douglas H. Fisher, Chairman, SADC
Mr. Robert Santini
Corey Tierney, Warren CADB
Dan Mull, District Conservationist, Warren NRCS
Jeffery Everett, SADC Chief of Agricultural Resources
Jason Stypinski, Esq., DAG
Brian Smith, Esq., SADC Chief of Legal Affairs

January 15, 2014

Dear Ms. Bartok:

Thank you for the opportunity to meet with you to discuss our driveway situation and your letter, dated November 17, 2014, to Mr. Jeffrey Everett of the SADC regarding our driveway right-of-way, which runs through an SADC-preserved farm. The NRCS contributed a portion of the funds for purchasing the agricultural easement (a sum of \$53,000, 16% of the purchase price) and, on this basis, you are providing the SDAC with written support of their restrictions on our right-of-way. As you indicated to us, the SADC assisted you with the content of the letter. We noted significant factual errors, misrepresentations, mischaracterizations, and baseless assumptions in your letter that are similar to those we have encountered when dealing with the SADC. We are sorry that they put you in such a position. However, ***when you placed the force of the Federal Government behind this issue, you had an obligation to understand the situation and at least be accurate.***

Please note that we have simply and reasonably proposed to make a 1-to-1 driveway relocation (to correct serious deficiencies and problems) with improvements supported by extensive engineering reports paid for at our expense. The new driveway (hereafter referred to as Alternative 1) would take up no more space than the current driveway and would incorporate the latest engineering techniques for reducing soil erosion and run-off (currently a significant issue) all at our costs. Proposed measures for removing the existing driveway and returning the underlying property to productive farmland have been identified and are supported by information from your organization; these would also be executed at our expense. The owner of the property through which our driveway easement runs supports our proposal and has stated that he feels it would IMPROVE his ability to farm.

We discuss below 11 significant factual errors, misrepresentations, mischaracterizations, and baseless assumptions and the resulting false conclusions contained in your letter.

1) While the SADC has consistently identified the driveway easement as Mr. Santini's easement (i.e., belonging to Greenwich Township, Block 44, Lot 5), and you have reiterated this point in your letter, it is solely the right-of-way of Greenwich Township, Block 44, Lot 24 (our lot) and, by our deed, we are solely responsible for its upkeep. The agricultural easement indicates that the grantee is "subject to a right-of-way for access to Block 44, Lot 24" as described in our deed. Our deed does not lock the location of the right-of-way, but the SADC and NRCS have inappropriately claimed full control of the location. The SADC has found it convenient to consistently promote confusion regarding the holder of the right-of-way so as to be able to call upon the restrictions to the GRANTOR within the contract to support their position.

If the agricultural easement intended to give the governance of the Lot 24 right-of-way to the grantee (as you and the SADC are maintaining), the agricultural easement deed should state same (which it does not), and the agreement to preserve Lot 5 should never have been entered into without giving us, the owners of Lot 24, proper notice, the opportunity for challenge, and compensation. We consider the unrelenting position of the SADC and the NRCS to block our ability to improve the driveway as we see fit to be outside of the contract into which they entered and to represent a form of 'eminent domain' without due process.

2) You also suggest in your letter that our engineer offered several driveway alternatives for consideration. Indeed, that is not true by any scope of the imagination. In fact, we proposed a specific driveway location and configuration that meets our needs and those of the owner of Lot 5. Representatives from the SADC and NRCS proposed the others and we were asked to evaluate our proposal alongside these other "alternatives" in order to document that

our proposed location was not inferior. In essence, we had our engineer address your suggestions at our expense. As discussed below, his report did NOT demonstrate any inferiority of our proposed driveway to the SADC/NRCS-proposed alternatives, to the extent this could be evaluated given the lack of any details around your proposals.

3) ***There are significant errors in your description of Alternative 1, our proposed driveway location as outlined below.***

a) ***The first is the implication that this would represent a relocation of our driveway from a non-cropfield to a cropfield.***

Rather, we would simply be relocating the driveway from one area of the cropfield to another area of the cropfield. Moreover, the new driveway would cover an area with a rock patch that is currently unfarmable. As such, ***Alternative 1 would REDUCE/IMPROVE the amount of cropfield affected.***

b) ***You indicate that we wish to expand the driveway easement from 15' to 20-35' and falsely state that our changes "would increase the amount of impervious coverage on the parcel."***

Please find the true facts below:

*The current driveway has a grass-strip for soil control imposed by your own organization and thereby is much wider than 15'.

The current existence of this grass strip and the square footage it takes up was not recognized in your letter. Our NJ-licensed engineer has calculated that the existing easement takes up 19,687 sq ft (12,799 sq ft of which is impervious coverage), the current grass strip takes up 21,515 sq ft (and it is not adequate) for a total area of 41,202 sq ft.

****The driveway and grass strip for Alternative 1 would take up 35,955 sq ft., which is LOWER than the current driveway and would therefore be an IMPROVEMENT. The amount of impervious coverage also would be LOWER than the current***

driveway at 12,545 sq ft, also representing an IMPROVEMENT. Moreover, as suggested above, this driveway would run directly over an unfarmable rock patch which comprises approximately 3859 sq ft, and this would represent another IMPROVEMENT.

4) Alternative 2: This SADC/NRCS-proposed alternative would modify the lower portion of our driveway and add a water collecting structure. There are no engineering reports to support this proposal -- it is not stated where the turn would be, what would be the size of the water collecting structure, who would be responsible for working out the engineering details nor who would pay for the cost of constructing and maintaining the water collecting structure on Mr. Santini's property.

At our expense, our engineer has tried to estimate the aforementioned elements of Alternative 2 and, on that basis, has calculated that **impervious coverage would be 12,761 sq ft, which is HIGHER not LOWER than that of Alternative 1. You have recommended this alternative but your recommendation is not based on true facts nor any engineering analysis.** I don't understand how the SADC and NRCS can cram down an alternative based solely on casual opinion (indeed, you indicated to us that you have never visited the site), which is in conflict with that of a NJ-certified engineer who has carefully evaluated the situation. Moreover, independent of these issues, the farmer has indicated that he would be opposed because this configuration would create more difficulties in farm vehicle navigation and thus impair his ability to farm in that area.

5) Alternative 3. The final alternative (#3) suggested by the NRCS/SADC would wrap the driveway around the outside of the field. Although you have not provided any details about this driveway, it would clearly be much longer and more convoluted than the current driveway or our proposed Alternative 1. **Our engineer estimated that impervious coverage on Alternative 3 would be 21,579 sq ft, an area that is almost twice that of our proposed alternative and the**

existing driveway. If the desire was to reduce impervious coverage, your colleagues really missed the boat on this one.

6) You also state that you recommend Alternative 2 because our proposed lane “may act as a conduit for water and sediment to flow directly to the underpass.” In fact, ***you have presented no engineering information to support this statement, which is no more than a baseless assumption, and have completely ignored the report of our NJ-licensed engineer, who has proposed the execution of state-of-the-art measures for addressing soil and water run off.*** Moreover, you have completely ignored the fact that this problem is occurring on the current driveway. We have contacted your organization on numerous occasions about the run-off problem on the current driveway, which has been well-documented with photographs, and your organization has turned a blind eye.

7) ***Your letter states that we have not addressed means for restoring the existing driveway back to cropland in order to stay within the limits of impervious coverage, but this is false.*** Indeed, we provided this information (including an NRCS report) to the SADC (Secretary Fischer and Ms. Payne) in July of 2014, and submitted documents to the SADC committee in early November, prior to the date of your letter. This information has thus far been ignored.

8) As has been done by the SADC, you have quoted language from the agricultural easement deed about the obligations of the “Grantor” and included a passage about unpaved roads. First and foremost, ***WE ARE NOT THE ‘GRANTORS.’*** As indicated above, ***we did not enter into any contract with the SADC or NRCS and thus are not bound by such contract.*** Nonetheless, we do not see any language in your passage that our proposed driveway modification would violate. In fact, the passage you have stated does NOT even mention ***PAVED*** roads, and thus ***your comment that paved roads are therefore not allowed is inconsistent with the legal language you quoted.*** As noted above, with a 1-to-1 relocation, the amount of impervious coverage and total square footage used would be LOWER

than it is now and LOWER than the impervious coverage limits allowed on the property as stated elsewhere in the deed.

9) ***You state that our proposed modifications would be detrimental to soil and water conservation without a single bit of evidence.*** Our NJ-certified engineer has concluded otherwise, and you have not provided any evidence that refutes his conclusions. If his report is incorrect, shouldn't his NJ license be revoked?

10) As a criticism of our alternative, you state that Alternative 1 would promote "increased flood storage" on the preserved farmland. Are you actually suggesting that it is more appropriate to direct the SADC/NRCS flood waters to our property, which is also a farm, and flood our cropland instead? We disagree vehemently with this point.

11) Finally, ***you stated that the SADC/NRCS cram down alternative would improve the "health and safety" of the people using the driveway, but this is false.*** The blind turns would only modestly be impacted, especially during crop season, and the significant safety issues at the top of the driveway (documented elsewhere) would remain. Moreover, this driveway would continue to act as a conduit for soil and water run-off from the preserved farm and road, as has been documented in photographs previously provided to both you and the SADC.

In closing, we have pointed out multiple errors, comprising blatant falsehoods, misrepresentations, mischaracterizations, and baseless assumptions, in your letter. These were improperly used by the SADC to deny our request. ***We believe you have an obligation to formally recognize these errors. Further, since your letter was used inappropriately by the SADC to deny our proposal, we hereby demand its retraction on the basis of these errors.*** We did not enter into the agricultural easement contract in question, but believe that the easement does not limit our ability to move our right-of-way. We have further documented that our proposed driveway will reduce (improve) the amount of cropland affected and the amount of

impervious coverage, will fall within impervious coverage limits, and will improve soil and water run-off conditions, and that the proper measures have been identified to return the area under the current driveway to productive farmland. ***Therefore, we assert that our proposed driveway location is not in conflict with the agricultural easement deed and satisfies all of the criteria you have stated for modifying an agricultural easement.***

Sincerely,

Dr. Diane Tribble and Mr. Henry Riewerts

Owners of Greenwich Township, Block 44, Lot 24

Exhibit G

Henry Riewerts
PO Box 154
Asbury, New Jersey 08802

January 23, 2015

Mr. Douglas H. Fisher
Secretary of Agriculture
NJ Dept. of Agriculture
PO Box 330
Trenton, New Jersey 08625

Re: Minutes of the SADC December 11, 2014 Meeting
Riewerts/Tribble Driveway Realignment
Greenwich Twp., Warren County, NJ

Dear Secretary Fisher:

After thinking about the January 22, 2015 SADC meeting, we are requesting again that at least the minutes of the December 11, 2014 meeting pertaining to our issue, driveway realignment be held aside.

There are two primary reasons for this request in addition to those presented by Diane at the January meeting.

- 1- At the January 22, 2015 meeting Ms. Payne acknowledged that the NRCS/Bartok Letter, the basis of the SADC Staff recommendation to the SADC members, due to an oversight, was not provided to us before the meeting. We have numerous times requested that the SADC Staff provide us in advance of a meeting copies of relevant reports, studies, etc. we have diligently complied with the SADC Staff's request for advance copies of information we may be presenting. The NRCS/Bartok letter is dated November 17, 2014, three weeks in advance of the December meeting.
- 2- In earlier correspondence we have pointed out numerous errors and incomplete information in the NRCS/Bartok letter. Since the letter was used as the basis of the Staff's recommendation to the Committee members, the members voted on information that is not accurate and/or incomplete.

To knowingly allow information that has not been completely reviewed and is deficient or incorrect to be forwarded to the Governor's Office for approval does not serve the citizens of New Jersey well. New Jersey's leaders, elected and appointed, must do their very best.

Sincerely

Henry Riewerts and Diane Tribble

January 27, 2015

Dear Ms. Payne:

This letter acknowledges your emails dated January 16, 2015 and January 26, 2015 regarding our matter previously before the SADC.

Thank you for the response to our question regarding the start date of the 45-day clock for filing a Notice of Appeal with the Appellate Court. However, we wonder whether the timing may have changed further as a result of the decision rendered at the SADC meeting on January 22, 2015 (as discussed below).

We are surprised that you feel we have not answered your email of January 16, 2015. Indeed, we attended the January 22, 2015 SADC meeting and provided Public Comment, during which we acknowledged and responded to your offer to consider new information. In the meeting, we specifically noted that you did not simultaneously offer to set aside or retract the previous SADC decision. We stated that, unless the decision were retracted to allow reconsideration, we felt it would be more appropriate to remain focused on preparing our Notice of Appeal documents. At that point, **Secretary Fischer responded that there had not been any motion from the SADC voting members to overturn the December 11, 2014 vote, and thus that it would stand.**

The January 22, 2015 decision that the December 11, 2014 vote would stand was communicated by Secretary Fischer:

- * **AFTER** our extensive public comments (the text of which has been provided to the Governor's Office);
- * **AFTER** you acknowledged to the committee that we had not been provided the November 17, 2014 letter from Ms. Gail Bartok prior to the December 11 vote that relied on the content of that letter; and
- * **AFTER** our January 16, 2015 letter (previously distributed to you and other SADC staff) in which we pointed out 11 errors in Ms. Bartok's letter.

Therefore, the SADC has already decided that the vote will not be overturned and reaffirmed the negative outcome despite our new

information. If evidence that their vote had been based on false and/or incomplete information wasn't considered sufficiently compelling to the SADC to justify overturning the vote, we don't know what evidence would. Moreover, we believe this demonstrates that the committee is highly prejudiced against us and that further attempts to participate in the standard process will be futile. While our intention is not to be confrontational in this letter, ***we have to question whether the offer to consider new information is disingenuous*** since a negative decision has already been rendered based on the new information and the committee's leanings are clear.

We have now attended 3 SADC meetings during which our issue was addressed. We have been extremely disappointed in the non-democratic nature of the process, which does not allow for free exchange of information, does not guarantee that information provided to the staff will be provided to the voting members of the committee, and does not guarantee that all information used by the committee has been provided to the citizens being impacted. Moreover, the SADC is comprised of voting members who are neither independent nor impartial. As one example, Mr. Siegel represents the Garden State Preservation Trust on the SADC, and you are an Ex-Officio Member of a committee for Garden State Preservation Trust. As such, how can citizens stand a fair chance of effecting a vote that is opposed by the SADC staff, especially when the SADC staff makes a recommendation prior to even letting the impacted citizens speak?

That said, ***we would be willing to work with you and your staff off-the-record to see if we can find common ground and avoid a court challenge.*** It seems to us ridiculous to spend more time (now over 32 months) trying to gain approval to address potentially life-threatening safety issues and damaging conditions on our driveway. There was another near-miss collision yesterday involving Mr. Riewerts and an electrical contractor who had come to work on our property, and we NEED to make changes ASAP. We would be willing to travel to Trenton at your convenience to meet with you and your staff to see if we might be able to arrive at an agreed-upon solution which could then be presented to the committee jointly. If you feel this may be possible, please let us know.

Sincerely,

Diane Tribble and Henry Riewerts

February 11, 2014

Dear Ms. Payne:

This letter acknowledges and responds to your correspondence of January 30, 2015 related to our right-of-way, which runs through Mr. Santini's SADC-preserved farm.

We are pleased that you have agreed to our proposal to try to reach a solution through a cooperative effort with the SADC staff prior to any further consideration by the SADC committee. We feel that an iterative process would be the optimal approach. In order to allow sufficient time for such a process to run its course, we are hereby requesting a 3-month extension of the period during which we can submit new information to the SADC for reconsideration.

We understand that you have been in phone contact with Mr. Santini. While we have not had a chance to discuss whether our right-of-way was a topic of conversation, we are hopeful that any such discussions with Mr. Santini or others with a stake in this matter are aimed at reaching an amicable solution that appropriately recognizes our rights and safety concerns. Our goal is to bring this matter to a successful close as soon as possible, and we imagine that you, your staff and the committee might have the same goal.

As a first step in this process, we will submit our understanding of the parameters that would satisfy your request for a written summary of a plan that "is consistent with the deed of easement." After agreeing to a set of criteria, we will proceed with our interactions with Mr. Santini and our engineer as needed to finalize a plan.

Sincerely,
Diane Tribble and Henry Riewerts



FILE COPY

#5255

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey
STATE AGRICULTURE DEVELOPMENT COMMITTEE
HEALTH/AGRICULTURE BUILDING
PO Box 330
TRENTON NJ 08625-0330

DOUGLAS H. FISHER
Secretary

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

February 19, 2015

Douglas H. Fisher
Chairman

VIA EMAIL and REGULAR MAIL

Mr. Henry Riewerts
Ms. Diane Tribble
P.O. Box 154
Asbury, NJ 08802

Re: Driveway Realignment
Block 44, Lot 5, Greenwich Township, Warren County
SADC ID # 27-0477-PG

Dear Mr. Riewerts and Ms. Tribble:

Thank you for your letter of February 11, 2015.

In my January 30, 2015 letter, I advised that the State Agriculture Development Committee (SADC) would determine whether or not to reconsider its December 11, 2014 resolution disapproving the driveway relocation designated as "Alternate 1". You were asked to provide any further information pertaining to that resolution no later than February 16, 2015.

While you have not supplied additional information, you have requested a 3-month extension of the tolling of the decision, presumably to allow time for further investigation of alternative alignments. Any such alternative plan developed will be reviewed by the SADC independently of, and without prejudice to, any prior SADC action on the matter. Based on the foregoing, we are placing the request for reconsideration on the agenda for the SADC's upcoming meeting to be held February 26, 2015.

In addition, the SADC has not agreed to the proposal referred to in your February 11, 2015 letter. As expressed in my letter of January 30, the SADC's consideration of any proposed future alternate driveway realignment plan must be based on a written agreement between you and Mr. Santini, the preserved farm landowner, and must be consistent with the deed of easement.

Mr. Henry Riewerts
Ms. Diane Tribble
February 19, 2015
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Please be advised that the SADC staff will not participate in further discussions of this matter without the full and direct involvement of the preserved farm landowner, Mr. Santini.

If you have any questions, please contact me at (609) 984-2504.

Sincerely,



Susan E. Payne
Executive Director

cc: Douglas H. Fisher, Chairman, SADC
Mr. Robert Santini
Corey Tierney, Warren CADB
Dan Mull, District Conservationist, Warren NRCS
Jeffery Everett, SADC Chief of Agricultural Resources
Jason T. Stypinski, Esq., DAG
Brian D. Smith, Esq., SADC Chief of Legal Affairs