

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**Department of Agriculture**

**Market and Warren Streets, 1<sup>st</sup> Floor Auditorium**

**Trenton, NJ 08625**

**REGULAR MEETING**

**March 22, 2018**

Chairman Fisher called the meeting to order at 9:08 a.m. The flag salute was conducted.

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**

Chairman Douglas H. Fisher

Scott Ellis (arrived at 9:18 a.m.)

Pete Johnson

Ralph Siegel (rep. Acting Treasurer Elizabeth Maher Muoio)

Cecile Murphy (rep. Acting NJDEP Commissioner Catherine R. McCabe)

Brian Schilling (rep. Executive Dean Goodman)

James Waltman

**Members Absent**

Alan Danser

Thomas Stanuikynas

Jane Brodhecker

Denis Germano, Esq.

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Susan E. Payne, Executive Director, State Agriculture Development Committee (SADC)  
Jason Stypinski, Esq., Deputy Attorney General

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**Others present as recorded on the attendance sheet:** Dan Pace, Mercer County Agriculture Development Board (CADB); Melanie Mason, Hunterdon County CADB; and Ashley Kerr, New Jersey Farm Bureau.

### **Minutes**

A. SADC Regular Meeting of February 22, 2018 (Open and Closed Sessions)

It was moved by Mr. Siegel and seconded by Mr. Waltman to approve the Open Session and Closed Session minutes of the SADC regular meeting of February 22, 2018. The motion was approved. Ms. Murphy abstained and Mr. Ellis was not present for the vote.

### **Report of the Chairman**

Chairman Fisher stated that the National Agriculture Statistics Service recently issued a report on the number of organic farms in New Jersey. While the report indicates that organic farms decreased by 40 percent, that is not the case as they did not obtain the sampling that they did the year before. He checked with N.J. Department of Agriculture organic staff who indicated that the Department certifies 89 organic farms, so the numbers are not down.

The pilot program that allowed special occasion events on preserved farmland expired March 1, though there are bills circulating that would extend the program.

On a humorous note, a press release distributed this week to highlight National Agriculture Week was printed with a picture of a diseased tomato, which prompted several county agricultural agents to contact him offering their assistance.

### **Report of the Executive Director**

Ms. Payne stated that SADC staff is making a concerted push to reach out to all municipal and county partners. The Acquisition Program is finally fully staffed with four regional coordinators: Dan Knox, Stefanie Miller, Katie Mazzella and Amy Mandelbaum. This has allowed Cindy Roberts to move into the Project Outreach Coordinator position. The coordinators are going to every town that is a Planning Incentive Grant (PIG) applicant to make sure that they understand how the program works and to learn how SADC staff can communicate with them more effectively. This will help in staff's preparation for the



SADC's FY19 appropriation request. There have been six meetings already, which were very informative.

Ms. Payne stated that the role of the agricultural advisory committee at the municipal level was discussed at the State Agriculture Convention in February. There is a desire in the agricultural community to have the agriculture advisory committees play as robust a role at the local level as possible. The resolution adopted at the convention recommended that the SADC increase its guidance and education efforts as it relates to the role of these committees, which staff is doing as part of its municipal outreach. The 47 municipalities that have a Municipal Planning Incentive grant with the SADC are statutorily required to have an agricultural advisory committee. For other towns, the agricultural advisory committee can be a very effective player to help the planning board and township governing body understand the impacts on agriculture whatever actions are taken. Staff will develop a guidance document explaining what an agricultural advisory committee is and what it can do. Burlington County previously did some work with American Farmland Trust and developed a model agricultural advisory committee ordinance. Staff will try to elevate this issue to help municipalities that want to do more to support agriculture to use the agricultural advisory committees more efficiently.

Ms. Payne noted that the Northeast Organic Farming Association (NOFA) had its annual meeting and invited the SADC to attend. Ms. Payne attended – along with Tom Beaver, Director of Markets for the Department of Agriculture – to provide an update on current SADC activities.

### **Communications**

Ms. Payne noted that Committee members were emailed a copy of the report prepared by the Ocean County Agriculture Development Board (CADB) regarding the winery pilot program.

### **Public Comment**

There was no public comment.

### **New Business**

#### **A. Right to Farm**

1. Application for Emergent Relief, Summit City Farms (Glassboro Borough, Gloucester County); Arguments of Counsel

Ms. Payne stated that at Secretary Fisher's request the Summit City Farms case would be discussed earlier in the agenda since both the legal counsel for Summit City Farms and Glassboro Borough were present as well as the court reporter. Ms. Payne asked Mr. Stypinski to provide any opening statements or comments to the Committee to help clarify the case. Mr. Stypinski stated that this is a de novo hearing and the parties are getting an opportunity to re-make their argument as if the prior hearing never occurred. Once the Committee goes into Executive Session the Committee may ask questions of its counsel.

William Horner stated that he is the legal counsel representing Dr. Lewis DeEugenio who owns Summit City Farms. They are seeking emergent relief. Mr. Horner stated that procedural rules allow for the SADC to grant emergency relief that takes effect during the time period of an administrative appeal. Dr. DeEugenio has received an approval from the Gloucester County Agriculture Development Board (CADB), and the Borough of Glassboro has appealed that decision. The matter is currently pending a de novo hearing with the Office of Administrative Law (OAL). There has been briefing on some matters but there is no trial date yet and the matter has been on appeal for more than a year. Administrative procedure rules allow for interim relief where the SADC can protect his client from actions by Glassboro while the appeal is taking place until a decision is made.

Mr. Horner stated that the case involves on-street parking. University Boulevard fronts the farm and historically has been used for on-street farm-related parking. Glassboro recently imposed a no-parking requirement with no exceptions for agriculture-related parking and it has had an impact on his client's farming activities. Dr. DeEugenio went to the Gloucester County Agriculture Development Board (CADB) to dispute Glassboro's prohibition and Glassboro appealed. Glassboro has made it clear through two letters that it plans to disregard the CADB's decision and enforce its parking ban against his client. He stated that Glassboro feels that because there has been an appeal to the Office of Administrative Law judge that somehow puts Dr. DeEugenio's CADB approval on hold and that the approval does not protect Dr. DeEugenio during the appeal period. Mr. Horner stated that he disagrees with that and at the same time there is a threat of punishment by Glassboro of a potential \$500 dollar fine and imprisonment. He is requesting that the SADC affirm that the CADB's approval will be in effect and should remain in effect until the appeal is over.

Mr. Horner reviewed the history of Summit City Farms, the configuration of buildings and operations, and parking. He stated that on-street parking is used by vehicles that visit the farm and need to access a loading dock; customers who have large vehicles; and sprayers, wagons, tractors and pickup trucks that transport materials to and from fields that are farther away from the headquarters. He stated that neighbors never complained

about the parking, nor were there complaints about traffic on the street or complaints from the Borough of Glassboro. Signs were installed stating no parking during certain time periods with warnings about fines and jail time. Dr. DeEugenio wanted relief from this and approached the CADB, which deliberated and found that not only is it necessary for Dr. DeEugenio to have farm-related on-street parking there, but that there does not seem to be any parking that would be problematic for Glassboro and there is no threat to public safety given the relief Dr. DeEugenio requested. Mr. Horner stated that Glassboro did not attend that meeting, but wrote a letter in advance of the CADB meeting asserting that the CADB does not have jurisdiction over on-street parking and if it does approve on-street parking, Glassboro will not recognize that decision. Relief was granted and Dr. DeEugenio notified Glassboro that based on that approval he would be doing on-street parking. Glassboro replied that it would continue to enforce the parking ordinance on all municipal streets including University Boulevard for all vehicles, farm-related or otherwise.

Mr. Horner stated that Glassboro has indicated that the SADC in making its decision must use a series of factors that pertain to injunctive relief in the New Jersey court system pursuant to the case *Crowe v. DeGioia*. He does not believe that case is applicable here, but feels that his client meets the *Crowe v. DeGioia* standard. He described the four prongs of that standard – irreparable harm; a settled legal right; no disputed material facts; and the weighing of relative hardships of granting the emergency relief – and why he believes his client meets them.

Chairman Fisher asked Mr. Horner to restate in a few sentences what he is seeking. Mr. Horner replied that he is seeking a judgment from the SADC stating that the relief Dr. DeEugenio was granted from the Gloucester CADB remains in effect pending the appeal, and that Dr. DeEugenio may purchase and install no-parking exception signs so people know that they are allowed to park on the street when they have farm business. This parking is only for customers and others who are involved in the core or traditional farming activities of Dr. DeEugenio's farm.

Mr. Horner asked Dr. DeEugenio for background on the farm's activities and how the no-parking ordinance affects him. Cosmas P. Diamantis, attorney for Glassboro, objected to witness testimony. Mr. Stypinski noted that Glassboro was advised by the SADC's counsel that the parties may be calling witnesses, so Dr. DeEugenio will be allowed to testify. The SADC will note Glassboro's objection and decide whether to consider it at a later date.

Dr. Eugenio stated that over the years his operation has expanded to 550 acres scattered around an approximately 4-mile radius of the home farm. He stated that on-street parking is necessary because this farm is the nerve center for a large operation. His farm has 40 to

50 pieces of equipment. Ms. Payne noted that Mr. Horner had referred to customers and asked him to clarify that. She stated that the SADC's understanding is that customers for the winery and the farm market are parking onsite. Mr. Horner stated that on-street parking is only for the parking activities of the employees and contractors visiting the farm. He stated that a customer could include someone who wants to buy a load of tomatoes or peaches. Dr. DeEugenio stated that the farm has two full-time employees who occasionally park on the street. He stated that none of the farm's equipment is ever left on the street overnight. Regarding who is considered a customer, Mr. Ellis asked if Mr. Horner and his client were basically talking about wholesale customers vs. retail customers. Dr. DeEugenio stated yes.

Ms. Payne noted that the CADB's decision directed Glassboro to amend its signs, and that Mr. Horner is requesting that the Committee authorize his client to put up signs. She asked him to explain how the SADC has the authority to require that at this point in the proceedings. Mr. Horner stated that Glassboro has been ordered to put up the signs, but has not done so yet and it appears that they have no intention of doing that. Since Glassboro probably will not put up the signs and Dr. DeEugenio is willing to put them up, Dr. DeEugenio would like authorization that he can do it as emergency relief.

Chairman Fisher asked Mr. Diamantis if he had anything to add. Mr. Diamantis stated that he would like to cross examine Dr. DeEugenio and then present his oral argument on the motion for emergency relief. He requested a 10-minute recess, which Chairman Fisher granted. In the meantime, the Committee would proceed with the subsequent agenda items. Mr. Siegel asked what is properly within the scope of Closed Session. Mr. Stypinski stated that if the members have any legal questions for him, e.g., what standards should be applied, the Committee may go into Closed Session. Any deliberations on the merits of the action should be done in Open Session.

#### **B. Eight Year Farmland Preservation Program – Enrollments, Renewals, Terminations, Withdrawals**

##### **1. Renewal**

- a. Charles Rowe (formerly Rowe, Peter and Charles), SADC # 14-0003-8M, Mendham Borough, Morris County

##### **2. Termination**

- a. Detrick, Frederick M. Jr. and Virginia C., SADC #03-0019-8F Pemberton Twp., Burlington County

David Kimmel noted that county agriculture development boards (CADBs) copy the SADC on Eight-Year Program renewals and terminations. The SADC was notified that

the Rowe Farm is being renewed for another eight-year term. The Detrick Farm was a termination. SADC staff confirmed with CADB staff that the owners are aware that they can re-enroll if they would like, which they may do based on the availability of soil and water conservation grant funding. Ms. Payne stated that it is not a permanently preserved farm, but it is preserved based on the Eight-Year Program, which is what is renewing. Since the announcement of the availability of soil and water cost-share funds there has been a lot of activity. The Natural Resources Conservation Service (NRCS) has 30 or more applications that have been submitted for projects. If all applicants applied for the maximum of what they are eligible for that would be more than \$2 million in projects. Ms. Murphy asked how much is available and Ms. Payne stated that she did not have that answer now as staff is looking at some old bond funds, but that staff could report on that for next month's meeting. Mr. Schilling asked if there is a cap on how many times a farm can renew under the Eight-Year Program. Ms. Payne stated that there is no cap.

#### **C. Resolution of Final Approval: County Planning Incentive Grant Program (PIG)**

Cindy Roberts and Katie Mazzella referred the Committee to five requests for final approval under the County Planning Incentive Grant Program. They reviewed the specifics of the applications with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Waltman to approve Resolution FY2018R3(1) granting final approval to the following application under the County Planning Grant Program, as presented and discussed, subject to any conditions of said resolution:

1. Mercer County (Chowdhury), SADC ID #11-0180-PG (Resolution FY2018R3(1) Block 2739, Lot 91, Hamilton Township, Mercer County, 31.8 Gross Acres

The motion was approved. Mr. Ellis recused from the vote. (Mr. Ellis is a member of the Mercer CADB.) This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. A copy of Resolution FY2018R3(1) is attached to and a part of these minutes.

It was moved by Mr. Siegel and seconded by Mr. Waltman to approve Resolutions FY2018R3(2) through FY2018R3(5) granting final approval to the following applications under the County Planning Grant Program, as presented and discussed, subject to any conditions of said resolutions:

2. Karen Contreras (Granny's Gone Country Farm), SADC ID #15-0024-PG (Resolution FY2018R3(2))  
Block 79, Lot 12.01, Plumsted Township, Ocean County, 9.4 Gross Acres
3. A&A Likanchuk Enterprises, SADC ID #06-0189-PG, (Resolution FY2018R3(3))  
Block 71, Lot 16, Hopewell Township, Cumberland County, approximately 45 Net Acres
4. Robert Mehaffey, SADC ID #06-0193-PG, (Resolution FY2018R3(4))  
Block 403, Lots 2 and 3, Upper Deerfield Township, Cumberland County, approximately 117 Gross Acres
5. Garry and Diane Homan, SADC ID #06-0188-PG, (Resolution FY2018R3(5)),  
Block 28, Lot 7, Stow Creek Township, Cumberland County, approximately 47 Gross Acres

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. Copies of Resolution FY2018R3(2) through FY2018R3(5) are attached to and are a part of these minutes.

**D. Resolution of Final Approval: Municipal Planning Incentive Grant (PIG) Program**

**E. Resolution of Final Approval: Direct Easement Purchase Program**

Ms. Mazzella and Ms. Roberts referred the Committee to one request for final approval under the Municipal Planning Incentive Grant Program and one request for final approval under the Direct Easement Purchase Program. They reviewed the specifics of the applications with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Schilling and seconded by Ms. Murphy to approve Resolution FY2018R3(6) and Resolution FY2018R3(7) granting final approval to the following applications under the Municipal Planning Incentive Grant Program and Direct Easement Purchase Program, as presented and discussed, subject to any conditions of said resolutions:

Municipal Planning Incentive Grant Program

1. David B. and Nancy J. Ackley (Lot 4.03), SADC ID #06-0170-PG (Resolution FY2018R3(6))  
Block 404, Lot 4.03, Upper Deerfield, Cumberland County, approximately 24 Gross Acres

Direct Easement Purchase Program

1. Douglas and Susan Tack, SADC ID #10-0228-DE (Resolution FY2018R3(7))  
Block 56, Lot 13, Lebanon Township, Hunterdon County, approximately 31.5 Net Acres

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. Copies of Resolution FY2018R3(6) and FY2018R3(7) are attached to and are a part of these minutes.

**F. Stewardship**

1. Review of Activities  
Pesce Farm, Marlboro Township, Monmouth County

Ms. Payne stated that this item has been removed from the agenda. The property owner engaged counsel and requested more time. Staff may be able to resolve the issues with the landowner but if not, this matter will be on the agenda for the SADC meeting in April.

2. Resolution of Approval: Renewable Energy Facilities  
Smedshammer Farm, Upper Freehold Township, Monmouth County

Mr. Roohr reviewed a request by the owner of the Smedshammer Farm in Upper Freehold Township to install solar energy facilities on the preserved farm. The preserved farm was purchased in 2014 by Trond Smedshammer, a nationally renowned equine trainer and harness racer. Mr. Smedshammer has a farm in Pennsylvania where he keeps his horses now. He has been renovating the preserved farm to make it ready to move over his own livestock and residence. Because Mr. Smedshammer does not currently live on the farm full-time, the power company estimated his use to be 48,000-kilowatt once he lives on the farm year-round and has a barn full of horses. Solar energy facilities on a preserved farm may generate up to 110 percent of the farm's previous calendar year's energy demand, or alternatively occupy up to one percent of the farm. Mr. Roohr stated that the solar panels, buffer and trench will amount to about 10,000 square feet, which is one-tenth of one percent of the preserved farm. Mr. Roohr stated that Mr. Smedshammer's request meets all the regulatory criteria for installation of a solar energy



system, the Monmouth CADB supports the project and staff recommendation is to approve the request.

It was moved by Ms. Murphy and seconded by Mr. Ellis to approve Resolution FY2018R3(8) for the construction, installation, operation and maintenance of photovoltaic energy generation facilities, structures and equipment with a rated capacity of 48,767 kWh's of energy on the Smedshammer Farm as described, and subject to any conditions, in said Resolution. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. A copy of Resolution FY2018R3(8) is attached to and is a part of these minutes.

**G. Right to Farm (continued)**

1. Application for Emergent Relief, Summit City Farms (Glassboro Borough, Gloucester County); Arguments of Counsel

Chairman Fisher stated that the de novo hearing for Summit City Farm would continue at this point. Mr. Diamantis wanted to make the Committee aware that the ordinance provides that any cars or vehicles making local deliveries or used for any temporary construction purposes are permitted to park on the street, and that parking restrictions do not apply on holiday weekends (i.e., Friday Saturday and Sunday), so the parking restrictions are really in effect Monday to Thursday. He noted that the ordinance also allows for emergency or temporary permits or one-day exceptions to be requested. He asked Dr. DeEugenio if he had requested an exception or permit before filing his request with the CADB. Dr. DeEugenio stated that he had spoken to the police chief informally, but did not pursue it. Mr. Horner stated that the ordinance is set up in a residential context, and to him local deliveries are to a residence. He stated that the reason for the Right to Farm Act is so that someone who is going to be delivering lime to the farm does not have to go to the Borough and get a special permit.

Mr. Diamantis stated that there are certain places on the farm where vehicles can pull in to park and asked what the issue was with utilizing those available open spaces for farm-related vehicles. Dr. DeEugenio stated that those spaces are not practical at busy times because they clog the corridors and thruways for other commerce. Chairman Fisher stated that all the information heard today is still going to end up in another court to be heard. Mr. Stypinski stated that it will be decided by the Office of Administrative Law (OAL). The issue of whether the site-specific agricultural management practice (SSAMP) was properly granted must be decided by an Administrative Law judge; then the decision can be appealed to the SADC. The SADC should not be rendering a decision on the merits of the OAL case here today.



Mr. Diamantis stated that Glassboro does recognize that farmers in New Jersey have rights, but Glassboro has its own set of duties and responsibilities to its residents. One of those duties is to promulgate ordinances to ensure public safety, and they enforce those ordinances. Glassboro is opposing this emergency relief application due to its belief that the Right to Farm Act cannot be extended beyond the farm management unit to offsite parking. He stated that Summit City Farms has requested from the Committee an emergency application ordering that Glassboro not enforce its ordinances on this particular street against the farm and their delivery trucks. He stated that is injunctive in nature. He stated that they could have filed an application for a declaratory order that the CADB decision is in effect pending the conclusion of the appeal. He stated that is a key distinction because if they file an application for a declaratory order that becomes a final binding agency decision, whereas the emergency relief application is for temporary relief. He stated that *Crowe v. DeGioia* applies to all court orders for injunctive relief. While the SADC is a State agency, it is being asked to use its quasi-judicial function in rendering a decision in this matter. Therefore, he asserted that the request must comply with the *Crowe v. DeGioia* standard. He proceeded to discuss each of the four factors in this standard and why he believes the farm does not meet them.

Chairman Fisher stated that in terms of damages, he understands the harm to the farmer, but wanted to know the harm to the Borough. Mr. Diamantis stated that he does not agree with the harm that has been alleged by Dr. DeEugenio, but that the harm Glassboro would suffer is the inability to enforce its adopted ordinances. That may cause disruption and affect the safety of Glassboro.

Mr. Diamantis summarized his argument by stating that there has been no testimony or evidence submitted to the SADC by clear and convincing standard that shows the inability to park vehicles on the street would somehow cause harm to Summit City Farms. Chairman Fisher invited the board to ask questions. Ms. Murphy requested more details on why the inability to use on-street parking for delivery and farm vehicles would cause irreparable harm. Mr. Horner stated that the street is a critical part of the farming activities at that home base. Because of the configuration and close proximity within the farmstead, there are times when vehicles and equipment remain on the street for a while. If there is a tractor-trailer truck that is backed into the one loading dock and another one shows up, they will need to use the on-street parking. The irreparable harm is every day that goes by where parking that should be allowed is prohibited with a threat of punishment, and that day cannot be regained. That is the loss. There is an operational impact that goes from day to day. Regarding the argument that the Right to Farm Act is limited to the farm management unit, Mr. Horner stated that in his opinion it does allow preemption over laws that deal with all farm activities. Chairman Fisher asked about the dimensions of the road in question. Mr. Horner replied that it is 75 feet wide and 1,300 feet long. Mr. Schilling had a

question for Mr. Stypinski regarding which set of criteria the Committee should use – Crowe v. DeGioia or the irreparable harm single standard. Secretary Fisher requested a motion for the Committee to go into Closed Session to discuss legal questions.

At 11:19 a.m., Ms. Payne read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into Executive Session to discuss matters falling within the attorney-client privilege; the certification of values for property acquisition under the Farmland Preservation Program; personnel matters; contract negotiations for the acquisition of a development easement on the Van Doren farm in East Amwell Township, Hunterdon County; any pending or anticipated litigation, and/or any matters falling within the attorney-client privilege, including the Glassboro v. SADC case and the PennEast pipeline condemnation cases, pursuant to N.J.S.A. 10:4-12b.(7). The minutes of such meeting shall remain confidential until the Committee determines that the need for confidentiality no longer exists.

It was moved by Mr. Schilling and seconded by Mr. Ellis to approve the resolution to go into Closed Session. The motion was approved.

#### **ACTION AS A RESULT OF CLOSED SESSION #1:**

##### **A. Attorney/Client Matters**

1. Right to Farm – Application for Emergent Relief, Summit City Farm (Glassboro Borough, Gloucester County)

It was moved by Mr. Siegel and seconded by Mr. Johnson to grant Summit City Farms' request for emergent relief from Glassboro's parking ordinance until the Office of Administrative Law (OAL) decision is rendered, on the basis that it would harm the farm operation.

Discussion: Ms. Payne stated that the Committee needs to be clear on the standards for emergent relief. One is under the Administrative Procedures Act, and Ms. Payne asked Mr. Stypinski to read that act. Mr. Stypinski stated that the Administrative Procedures Act 1:1-12.6(a) says, "*Where authorized by law and where irreparable harm will result without an expedited decision granting or prohibiting some action or relief connected with a contested case, emergency relief pending a final decision on the whole contested case may be ordered upon the application of a party.*" Ms. Payne stated that the

other standard that Glassboro is arguing is the higher standard, which is *Crowe v. DeGioia*. Mr. Siegel stated that he wanted to make it clear that his motion addresses only the Uniform Procedure Act rules. Ms. Payne stated that under that standard, based on what Mr. Stypinski discussed, the Committee must come to a determination that irreparable harm would occur in the absence of emergency relief. Disruption of the existing operation is among the points identified on the record and in documents. Her understanding is that the farm has been operating for a very long time and Glassboro's ordinance will disrupt how the operation has been conducted with respect to how the street is used. Secondly, Glassboro apparently indicated its intent, and certainly has the ability, to ticket parked vehicles, and the ordinance goes so far as to threaten incarceration. Staff views that as a substantial threat to the operation and that is what staff is thinking in terms of irreparable harm. Mr. Siegel stated his objective in making the motion is that the farmer has represented that his business will be impaired and that impairment cannot be remedied after the fact. He will have business loss, it will impair his operation and that is the basis for his motion. Mr. Schilling stated that what he heard in testimony is that there will be operational efficiencies impacted, e.g., movement of supplies, output. In agriculture there is a timing and staging of activities that if disrupted could result in a detrimental impact on a farm.

Ms. Payne recommended that the Committee amend the motion to be clear that the emergency relief granted does not apply to the CADB's decision with respect to directing Glassboro to amend the parking signs, nor does it endorse the landowner's request during testimony today to allow him to amend the signs.

Mr. Siegel amended his motion and moved to grant Summit City Farms' request for emergent relief from Glassboro's parking ordinance until the Office of Administrative Law (OAL) decision is rendered, on the basis that it would harm the farm operation. Such relief does not apply to the Gloucester CADB's decision with respect to directing Glassboro to amend its parking signs or the landowner's request to allow him to amend the parking signs. The amended motion was seconded by Mr. Johnson and approved. Mr. Waltman was opposed.

Chairman Fisher stated that he finds it hard to believe that an understanding could not be reached while this going through the OAL process without involving ticketing. He hopes that Glassboro will weigh this and allow the farmer to operate in accordance with this decision to grant emergent relief.

### **Public Comment**

There was no public comment.

## **TIME AND PLACE OF NEXT MEETING**

**SADC Regular Meeting:** Friday, April 27, 2018, 9 a.m.

**Location:** Health/Agriculture Building, First Floor Auditorium.

At 12:44 p.m., Ms. Payne read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into Executive Session to discuss matters falling within the attorney-client privilege; the certification of values for property acquisitions under the Farmland Preservation Program; personnel matters; contract negotiations for the acquisition of a development easement on the Van Doren farm in East Amwell Township, Hunterdon County; any pending or anticipated litigation, and/or any matters falling within the attorney-client privilege, including the PennEast pipeline condemnation case, pursuant to N.J.S.A. 10:4-12b.(7). The minutes of such meeting shall remain confidential until the Committee determines that the need for confidentiality no longer exists.

It was moved by Mr. Ellis and seconded by Ms. Murphy to approve the resolution to go into Closed Session. The motion was unanimously approved.

## **ACTION AS A RESULT OF CLOSED SESSION**

### **A. Real Estate Matters - Certification of Values**

#### **1. County Planning Incentive Grant Program**

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

- a. Thomas and Michelle Grochowicz (Bethlehem), SADC ID #10-0413-PG  
Block 47, Lots 4 and 4.16, Bethlehem Township, Hunterdon County, 89.4 Net Acres
- b. Donald, Douglas, Dorothy and Marie Williams, SADC ID #14-0129-PG  
Block 5002, Lot 10, Mount Olive Township, Morris County, 38.82 Net Acres
- c. Susan Anne Boss-Corson, SADC ID #06-0197-PG  
Block 71, Lots 21, 21.01 and 21.02, Hopewell Twp., Cumberland County, 24.5

March 22, 2018

Acres

2. Municipal Planning Incentive Grant Program

- a. William and Susan Goeckeler, SADC ID #10-0405-PG

Block 30, Lot 6, Kingwood Township, Hunterdon County, 47.1 Net Acres

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4F. (Copies of the Certification of Value Reports are attached to and are a part of the Closed Session minutes.)

**B. Attorney/Client Matters**

1. Right to Farm – Application for Emergent Relief, Summit City Farms (Glassboro Borough, Gloucester County); Arguments of Counsel

Ms. Payne stated that staff will prepare a resolution in the Summit City Farms case reflecting today's decision for memorialization at the next meeting.

**ADJOURNMENT**

Chairman Fisher adjourned the meeting at 1:45 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION FY2018R3(1)**

**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**

**MERCER COUNTY**

**for the**

**PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of**

**Mercer County (Chowdhury) ("Owner")**

**Hamilton Township, Mercer County**

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

**SADC ID#11-0180-PG**

**March 22, 2018**

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Mercer 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, Mercer County received SADC approval of its FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on May 3, 2017 the SADC received an application for the sale of a development easement from Mercer County for the subject farm identified as Block 2739, Lot 91, Hamilton Township, Mercer County, totaling approximately 31.8 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is in Mercer County's Hamilton Project Area; and

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

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

WHEREAS, Mercer County entered into an Agreement of Sale dated April 11, 2017 to acquire fee simple title to the Property; and

WHEREAS, the County as contract purchaser 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 80.26 which exceeds 48, which is 70% of the County's average quality score as determined by the SADC on July 28, 2016; and



WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on May 12, 2017 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 January 25, 2018 the SADC certified a development easement value of \$10,200 per acre (\$15,500 before value - \$5,300 after value = \$10,200 easement) based on zoning and environmental regulations in place as of October 1, 2016; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the landowner (County) accepted the certified value of \$10,200 per acre for the development easement for the property; and

WHEREAS, on October 24, 2017 the County of Mercer acquired the Mercer County/Chowdhury property in fee for \$552,500 (\$17,000 per acre, which is higher than the certified before value of \$15,500 per acre but not higher than the highest appraised before value of \$17,000 per acre); and

WHEREAS, N.J.A.C. 2:76-6.23(b) provides that when a government entity has acquired fee simple title to a property, and has not yet resold the property with deed restrictions at the time the Committee provides its cost share grant, the Committee shall base the amount of its grant on either the development easement value determined pursuant to N.J.A.C. 2:76-10 and certified by the Committee (\$10,200) or the purchase price of the property paid by the County minus the SADC certified "after value" of the restricted property, (\$17,000 - \$5,300 = \$11,700), whichever is less; and

WHEREAS, in accordance with N.J.A.C. 2:76-6.23(b)(1) the grant agreement between the County and the Committee shall provide if the County sells the restricted Premises for more than the SADC certified after value of \$5,300 per acre the County shall reimburse the Committee any funds previously paid by the Committee for the development easement on a pro rata basis up to the amount of the SADC cost share grant; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on April 11, 2017 the Board of Chosen Freeholders of the County of Mercer passed a resolution granting approval for the acquisition of the Chowdhury Farm and execution of any other documents which are found to be necessary including those associated with cost-share funding by the State Agriculture Development Committee; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on November 21, 2017 the Hamilton Township Council 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 February 5, 2018 the Mercer County Agriculture Development Board passed a resolution requesting SADC final approval for a development easement cost share grant application for the Property; and

WHEREAS, on February 6, 2018 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 estimated cost share breakdown is as follows (based on approximately 31.8 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$194,616	(\$6,120/acre)
<u>County</u>	<u>\$129,744</u>	<u>(\$4,080/acre)</u>
Total Easement Purchase	\$324,360	(\$10,200/acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Mercer County Agriculture Development Board is requesting \$194,616 in FY13 base grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Mercer County for the purchase of a development easement on the Property, comprising approximately 31.8 net easement acres, at a State cost share of \$6,120 per acre, (60% of certified easement value), for a total grant not to exceed \$194,616 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 zero (0) exceptions, zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

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

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C; 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 accordance with N.J.A.C. 2:76-6.23(b)(1) the grant agreement between the County and the Committee shall provide if the County sells the restricted Premises for more than the SADC certified after value of \$5,300 per acre the County shall reimburse the Committee any funds previously paid by the Committee for the development easement on a pro rata basis up to the amount of the SADC cost share grant; and

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

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

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

3/22/2018  
Date

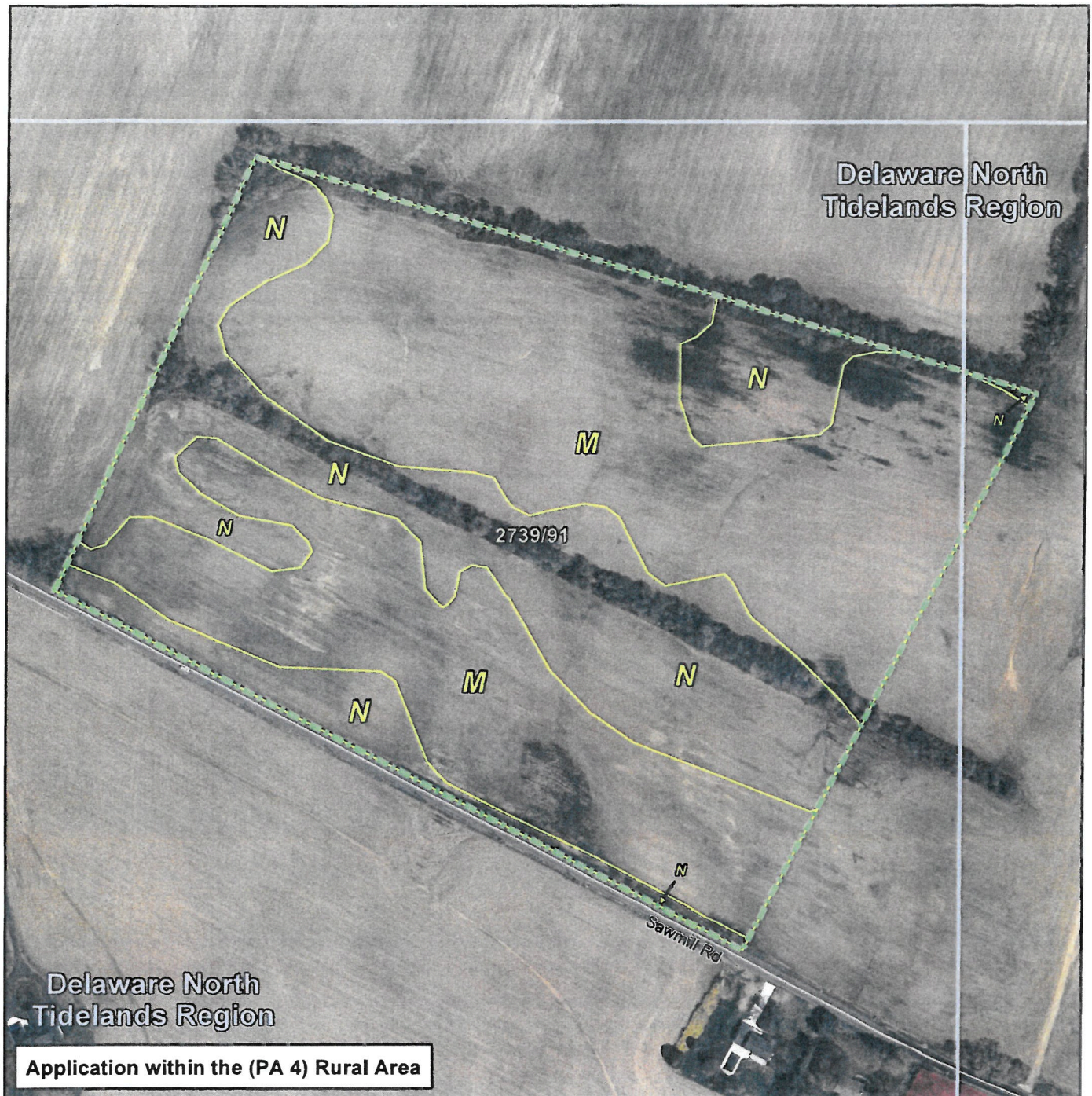
  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	ABSENT
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	ABSENT
Scott Ellis	RECUSED
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES



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### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mercer County (Chowdhury)  
Block 2739 Lot 91 (31.8 ac)  
Gross Total = 31.8 ac  
Hamilton Twp., Mercer County

250 125 0 250 500 Feet

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJDEP Wetlands Data

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

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



- Property In Question
- EN - (Non-Severable) Exception
- ES - (Severable) Exception
- Wetlands Boundaries
- Primary - Limited Access
- Federal or State Hwys
- County Roads
- Municipal/Local Roads
- Tidelands Boundary
- Municipal, County and Non-Profit Preserved Open Space

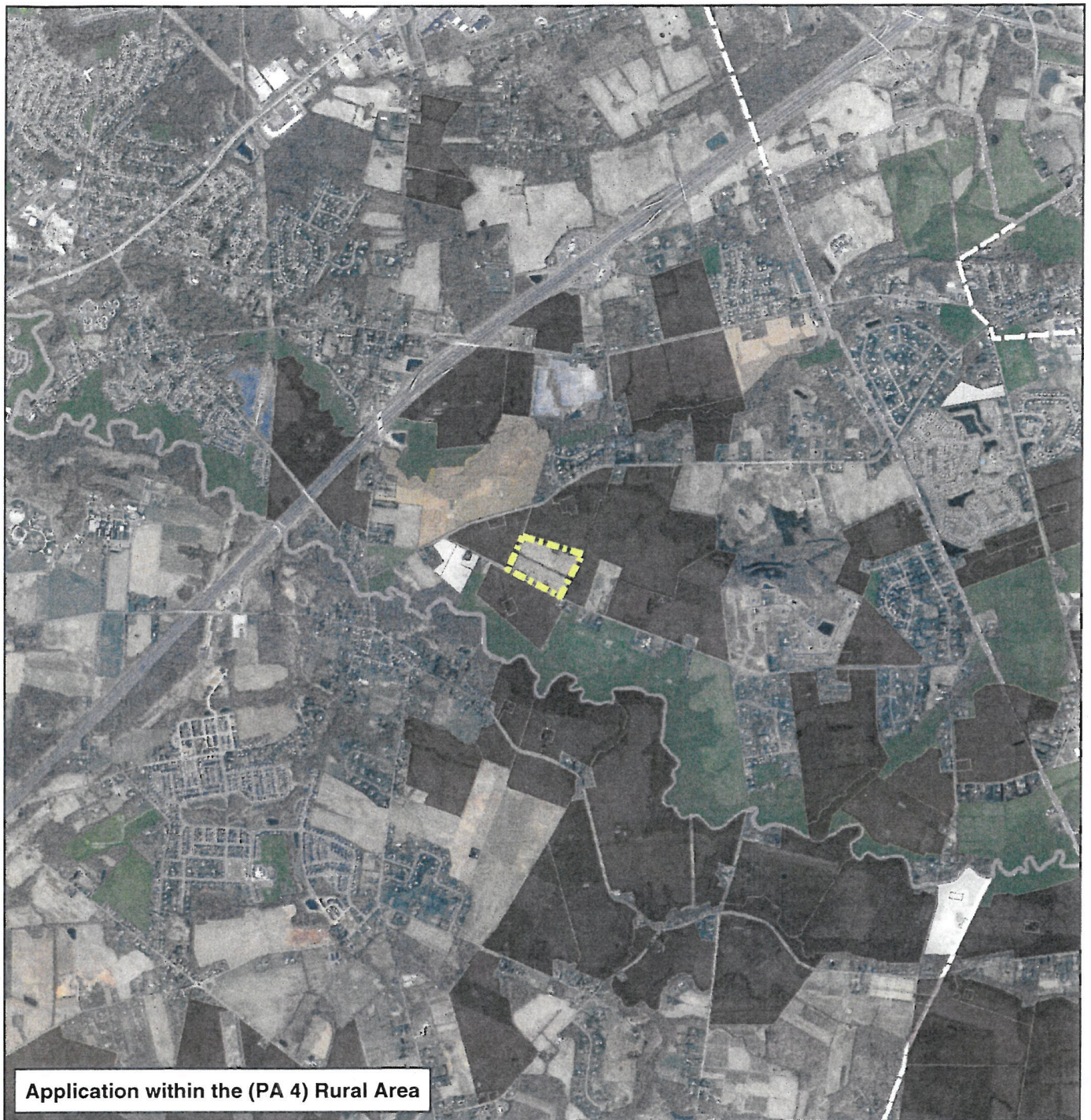
**Wetlands Legend:**  
F - Freshwater Wetlands  
L - Linear Wetlands  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
N - Non-Wetlands  
B - 300' Buffer  
W - Water

May 9, 2017



# Preserved Farms and Active Applications Within Two Miles

X:\counties\merco\projects\Mercer\_County\_Chowdhury\_2mile.mxd

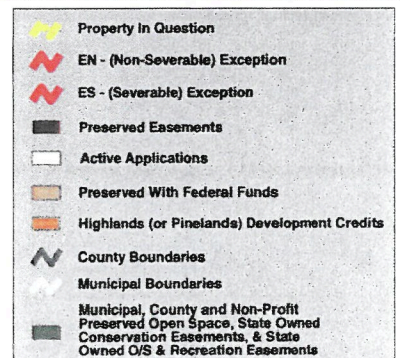


**Application within the (PA 4) Rural Area**

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mercer County (Chowdhury)  
Block 2739 Lot 91 (31.8 ac)  
Gross Total = 31.8 ac  
Hamilton Twp., Mercer 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 2015 Digital Aerial Image

May 9, 2017



# SADC County Pig Financial Status Schedule B

## Mercer County

SADC ID#	Farm	Municipality	Acres	SADC		Federal Grant		Base Grant			
								Fiscal Year 11			1,500,000.00
								Fiscal Year 13			1,000,000.00
								Fiscal Year 17			1,000,000.00
				Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance
11-0171-PG	Moore, Allan	Hamilton	48.023	547,462.20	328,477.32			345,214.80	328,477.32	328,477.32	3,500,000.00
11-0174-PG	Skeba, Stanley	E. Windsor	18.570	152,274.00	92,850.00			92,850.00	92,850.60	92,850.60	3,171,522.68
11-0173-PG	Hamill, Samuel M. Jr.	Lawrence	33.534	301,806.00	181,083.60			181,083.60	181,083.60	181,083.60	3,078,672.08
11-0175-PG	Mercer Co.\PRL	Hamilton	147.616	1,837,014.69	1,102,208.82			1,138,228.32	1,102,208.82	1,102,208.82	2,897,588.48
11-0177-PG	Gaskill, Rockhold, Laughlin, and Smith	Hamilton	15.328	156,345.60	93,807.36			100,857.60	93,807.36	93,807.36	1,795,379.66
11-0178-PG	Mercer Co.\McNulty Estate	Hopewell	27.567	441,072.00	264,643.20			276,864.00	264,643.20	264,643.20	1,701,572.30
11-0180-PG	Mercer Co.\Chowdhury	Hamilton	31.800	324,360.00	194,616.00			194,616.00			1,436,929.10
											1,242,313.10
Closed	6		290.638	3,435,974.49	2,063,070.30	-	-				
Encumbered	1		31.800	324,360.00	194,616.00	-	-				
								Encumber/Expended FY09	-	-	-
								Encumber/Expended FY11	-	1,500,000.00	-
								Encumber/Expended FY13	194,616.00	563,070.90	242,313.10
								Encumber/Expended FY17	-	-	1,000,000.00
								Total			1,242,313.10

Schedule C

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Mercer County (Chowdhury)  
11- 0180-PG  
County PIG Program  
32 Acres

Block 2739	Lot 91	Hamilton Twp.	Mercer County
<b>SOILS:</b>		Prime	15% * .15 = 2.25
		Statewide	85% * .1 = 8.50
			<b>SOIL SCORE: 10.75</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	96% * .15 = 14.40
		Woodlands	4% * 0 = .00
			<b>TILLABLE SOILS SCORE: 14.40</b>
<b>FARM USE:</b>	Soybeans-Cash Grain		31 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use:
  - b. Exceptions: No Exceptions Requested
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 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 FY2018R3(2)**

**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**

**OCEAN COUNTY**

**for the**

**PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of**

**Contreras, Karen (Granny's Gone Country) ("Owner")  
Plumsted Township, Ocean County**

**N.J.A.C. 2:76-17 et seq.  
SADC ID#15-0024-PG**

**March 22, 2018**

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Ocean 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, Ocean County received SADC approval of its FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on February 6, 2017 the SADC received an application for the sale of a development easement from Ocean County for the subject farm identified as Block 79, Lot 12.01, Plumsted Township, Ocean County, totaling approximately 9.4 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Ocean County's Plumsted Farm Belt Project Area and in the Pinelands Rural Development Area; and

WHEREAS, the Property has zero (0) exceptions, one (1) existing single family residential unit, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

WHEREAS, at the time of application the Property was in sweet corn 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 57.65 which exceeds 41, which is 70% of the County's average quality score as determined by the SADC July 28, 2016; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on March 31, 2017, 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 August 24, 2017 the SADC certified a development easement value of \$16,500 per acre based on zoning and environmental regulations in place as of the current valuation date June 20, 2017; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$16,500 per acre for the development easement for the Property; and

WHEREAS, on February 14, 2018 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on February 7, 2018 the Plumsted 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 December 13, 2017 the Ocean County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on January 17, 2018, the Board of Chosen Freeholders of the County of Ocean passed a resolution granting final approval and a commitment of funding for \$16,500 per acre to cover the local cost share; and

WHEREAS, the estimated cost share breakdown is as follows (based on approximately 9.4 acres); and

	<u>Total</u>	<u>Per/acre</u>
SADC	\$ 93,060	(\$ 9,900/acre)
<u>County</u>	<u>\$ 62,040</u>	<u>(\$ 6,600/acre)</u>
Total Easement Purchase	\$155,100	(\$16,500/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Ocean County Agriculture Development Board is requesting \$93,060 in FY09 base grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Ocean County for the purchase of a development easement on the Property, comprising approximately 9.4 net easement acres, at a State cost share of \$9,900 per acre, (60% of certified easement value and purchase price), for a total grant of approximately \$93,060 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 zero (0) exceptions, one (1) existing single family residential unit, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and



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

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C; 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 this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

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

3/22/2018  
Date

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

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	ABSENT
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	ABSENT
Scott Ellis	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES



X:\counties\oceco\projects\Contreras\_Karen\_(Granny's\_Gone\_Country\_Farm)\_fww.mxd



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

Contreras, Karen (Granny's Gone Country Farm)  
 Block 79 Lot 12.01 (9.4 ac)  
 Gross Total = 9.4 ac  
 Plumsted Twp., Ocean County

150 75 0 150 300 Feet

**Sources:**  
 NJ Farmland Preservation Program  
 Green Acres Conservation Easement Data  
 NJDEP Wetlands Data  
 NJ Pinelands Commission PDC Data  
 NJOIT/OGIS 2015 Digital Aerial Image

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

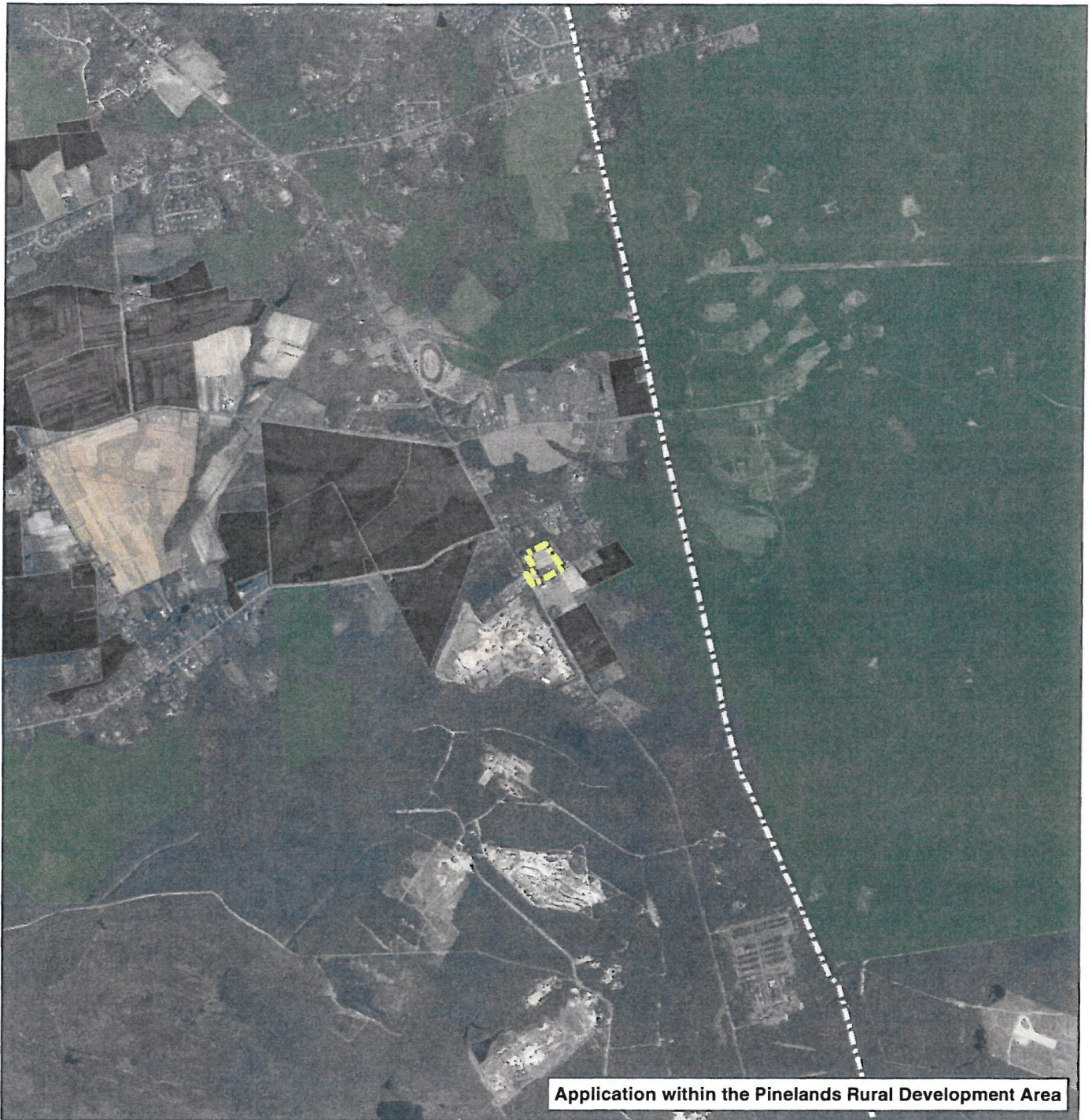


**Wetlands Legend:**  
 F - Freshwater Wetlands  
 L - Linear Wetlands  
 M - Wetlands Modified for Agriculture  
 T - Tidal Wetlands  
 N - Non-Wetlands  
 B - 300' Buffer  
 W - Water



# Preserved Farms and Active Applications Within Two Miles

X:\counties\oceco\projects\Contreras\_Karen\_(Granny's\_Gone\_Country\_Farm)\_2mile.mxd



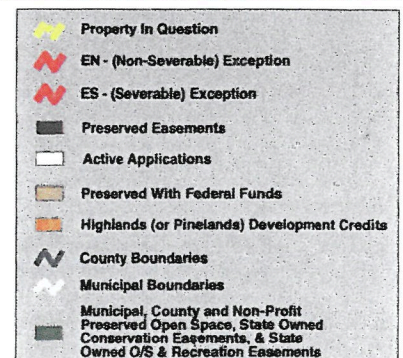
Application within the Pinelands Rural Development Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Contreras, Karen (Granny's Gone Country Farm)  
Block 79 Lot 12.01 (9.4 ac)  
Gross Total = 9.4 ac  
Plumsted Twp., Ocean 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 2015 Digital Aerial Image

February 21, 2017



SADC County Financial Status  
Schedule B

Ocean County

SADC ID#	Farm	Municipality	Acres	SADC		Federal Grant		Base Grant			
				Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance
15-0024-PG	Contreras, Karen	Plumsted	9.4000	155,100.00	93,060.00			93,060.00			2,202,398.00
											2,109,338.00
Closed											
Encumbered	1		9.40	155,100.00	93,060.00						
								Encumber/Expended FY09	93,060.00	-	609,338.00
								Encumber/Expended FY11	-	-	1,500,000.00
								Encumber/Expended FY13	-	-	-
								Encumber/Expended FY17	-	-	-
								Total			2,109,338.00

Schedule C

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Contreras, Karen (Granny's Gone Country)

15- 0024-PG

County PIG Program

9 Acres

Block 79	Lot 12.01	Plumsted Twp.	Ocean County
<b>SOILS:</b>		Prime	46% * .15 = 6.90
		Statewide	54% * .1 = 5.40
			<b>SOIL SCORE: 12.30</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	81% * .15 = 12.15
		Other	19% * 0 = .00
			<b>TILLABLE SOILS SCORE: 12.15</b>
<b>FARM USE:</b>		Vegetable & Melons	2 acres
		Corn-Cash Grain	6 acres
		Poultry & Eggs	acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use:
  - b. Exceptions: No Exceptions Requested
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
Standard Single Family
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 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 FY2018R3(3)**

**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**

**CUMBERLAND COUNTY**

**for the**

**PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of**

**A&A Likanchuk Enterprises ("Owner")  
Hopewell Township, Cumberland County**

**N.J.A.C. 2:76-17 et seq.  
SADC ID# 06-0189-PG**

**March 22, 2018**

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 FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on January 25, 2017, the SADC received an application for the sale of a development easement from Cumberland County for the subject farm identified as Block 71, Lot 16, Hopewell Township, Cumberland County, totaling approximately 52 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Cumberland County's Shiloh-Hopewell Central Project Area; and

WHEREAS, the Property includes one (1), approximately 3 acre non-severable exception area for and limited to one existing single family residential unit and to afford future flexibility of uses and one (1), approximately 3 acre non-severable exception area limited to zero (0) residential opportunities for a future non-agricultural use, resulting in approximately 45 net acres to be preserved; and

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

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

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

WHEREAS, the Property has a quality score of 60.04 which exceeds 44, which is 70% of the County's average quality score as determined by the SADC July 28, 2016; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on March 9<sup>th</sup>, 2017, 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 22, 2017, 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 June 1, 2016; 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 February 5, 2018, 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 12, 2017, the Hopewell 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 11, 2017, the Cumberland County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on August 22, 2017, 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 to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 46.35 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 46.35 acres); and

	<u>Total</u>	<u>Per/acre</u>
SADC	\$149,247	(\$3,220/acre)
Cumberland County	\$ 68,598	(\$1,480/acre)
Total Easement Purchase	\$217,845	(\$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 \$149,247 in FY17 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 subject to available funds and 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 46.35 net easement acres, at a State cost share of \$3,220 per acre, (68.51% of certified easement value and purchase price), for a total grant of approximately \$149,247 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 one (1), approximately 3 acre non-severable exception area for and limited to one single family residential unit and to afford future flexibility of uses and one (1), approximately 3 acre non-severable exception area limited to zero (0) residential opportunities for a future non-agricultural use; and

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

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

BE IT FURTHER RESOLVED, that if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and

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

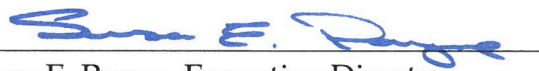


BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

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

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

3/22/2018  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

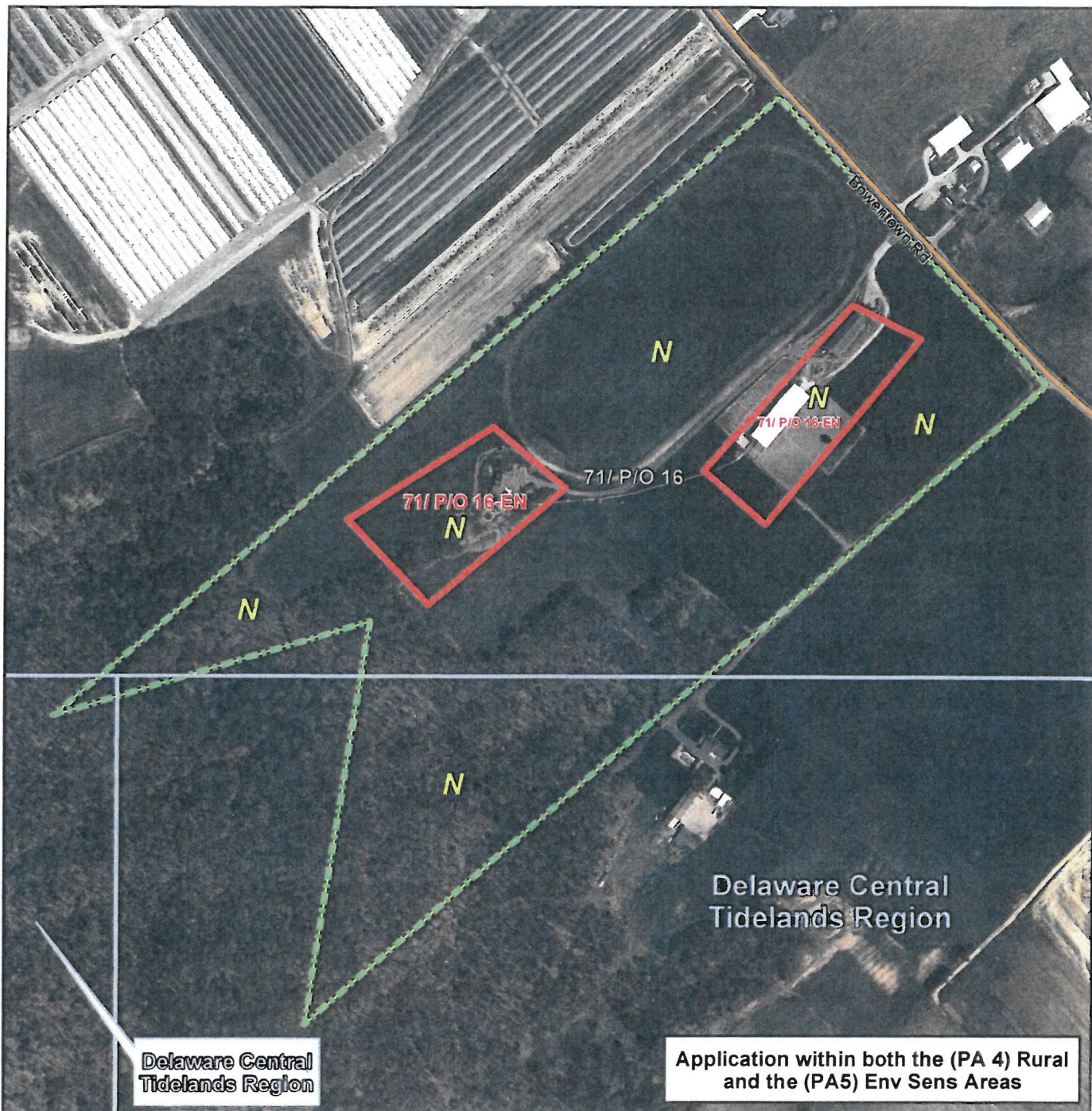
Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	ABSENT
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	ABSENT
Scott Ellis	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES



# Wetlands

Schedule A

X:\counties\cumco\projects\Likanchuk\_John\_(A&A\_Likanchuk\_Enterprises)\_fww.mxd



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

A & A Likanchuk Enterprises  
Block 71 Lots P/O 16 (46.8 ac);  
& P/O 16-EN (non-severable exceptions - 3.0 & 3.0 ac)  
Gross Total = 52.8 ac  
Hopewell 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.

**Sources:**  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJDEP Wetlands Data  
NJDOT/OGIS 2015 Digital Aerial Image

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



	Property In Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads
	Tidelands Boundary
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned O/S & 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

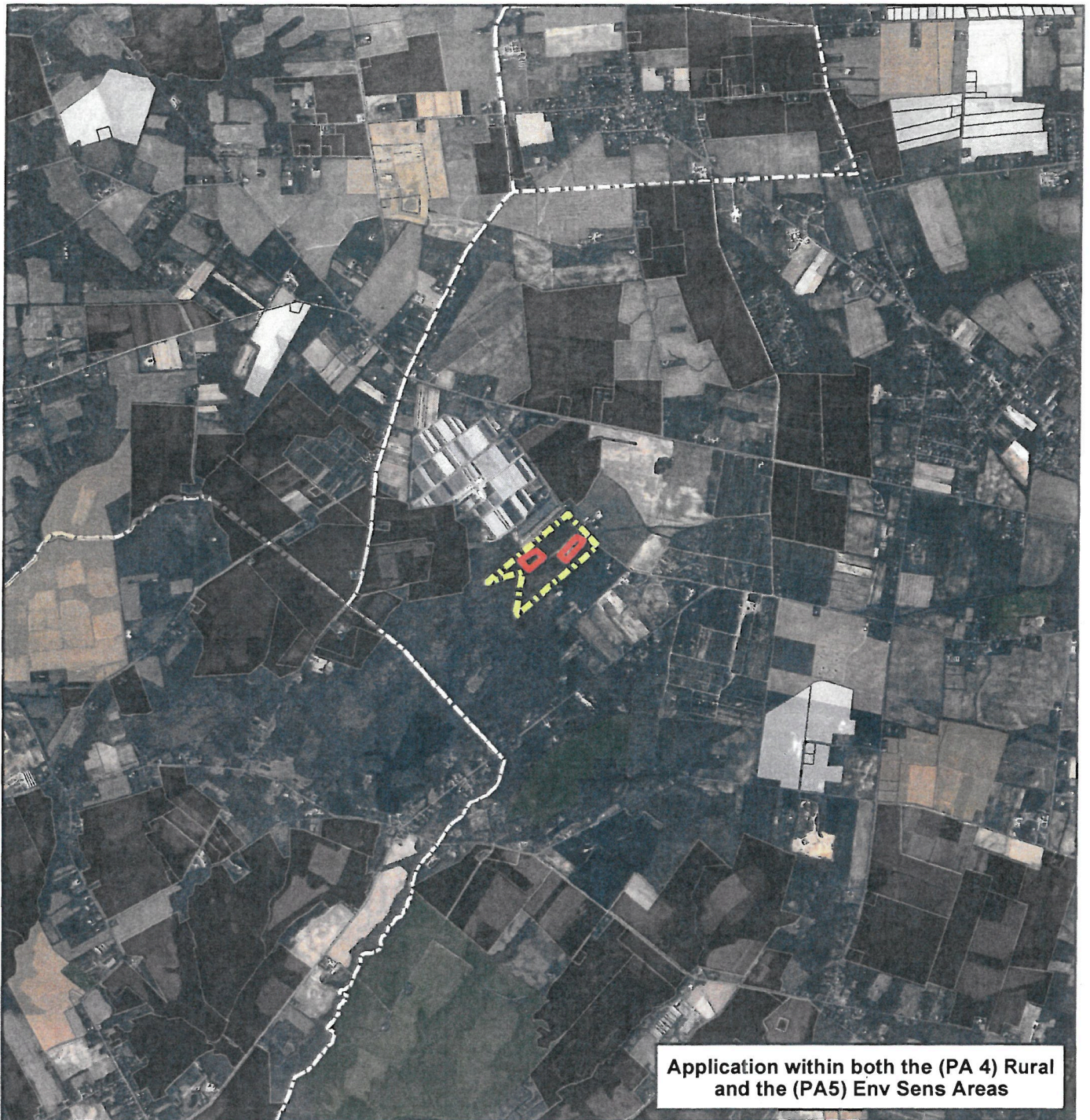
February 7, 2017



Sheet 15

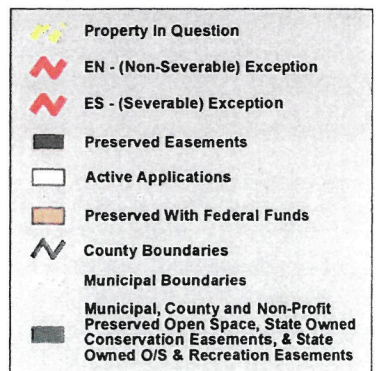
# Preserved Farms and Active Applications Within Two Miles

X:\counties\cumco\projects\Likanchuk\_John\_(A&A\_Likanchuk\_Enterprises)\_2mile.mxd



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Likanchuk, John (A and A Likanchuk Enterprises)  
Block 71 Lots P/O 16 (46.8 ac);  
& P/O 16-EN (non-severable exceptions - 3.0 & 3.0 ac)  
Gross Total = 52.8 ac  
Hopewell Twp., Cumberland County



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

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJOIT/OGIS 2015 Digital Aerial Image

February 7, 2017



SADC County Financial Status  
Schedule B

Cumberland County

SADC ID#	Farm	Municipality	Acres	Base Grant				Competitive Funds					
				Fiscal Year 11				Maximum Grant			Fund Balance		
				Fiscal Year 13				Fiscal Year 11			0.00		
				Fiscal Year 17				Fiscal Year 13			290,416.91		
Encumbered	PV	Expended	Balance	Encumbered	PV	Expended	Balance	FY11 Balance	FY13 Balance	FY17 Balance			
06-0145-PG	Sorantino 1	Fairfield	31.6790				3,500,000.00	122,570.00	107,708.60			1,678,127.37	
06-0147-PG	Casper #2	U. Deerfield	23.3940					78,115.20	73,925.04	73,925.04		1,604,202.33	
06-0160-PG	Uhland	Stow Creek	28.6000	27,585.20	27,585.20	27,585.20	1,000,000.00	71,912.80	62,639.20	62,639.20		1,541,563.13	
06-0157-PG	Hubschmidt #2	Upper Deerfield	64.3840					22297+54:584.4	211,123.76	211,123.76		1,330,439.37	
06-0153-PG	Garrison	Upper Deerfield	64.5330					211,652.00	203,917.96	203,917.96		1,126,521.41	
06-0156-PG	McCracken	Hopewell	44.0080					144,261.80	131,143.84	131,143.84		995,377.57	
06-0158-PG	Riley	Lawrence	38.2930					121,025.00	95,732.50	95,732.50		899,645.07	
06-0154-PG	Coleman #2	Deerfield	23.0010					80,443.00	80,443.00	80,443.00		819,202.07	
06-0159-PG	Casper, Mary Ann	Downe	32.9430					84,975.00	82,357.50	82,357.50		736,844.57	
06-0161-PG	Hubschmidt #1	Upper Deerfield	13.4810					65,611.00	61,338.55	61,338.55		675,506.02	
06-0134-PG	Watson #1	Hopewell	51.0440					168,569.80	168,569.80	168,569.80		506,936.22	
06-0143-PG	Mason	Upper Deerfield	30.8310					114,074.70	114,041.03	114,041.03		392,895.19	
06-0152-PG	Coleman #1	Deerfield	12.0000					43,569.00				349,326.19	
06-0150-PG	Willis	Hopewell	75.2170					200,640.88	200,640.88	200,640.88		148,685.31	
06-0174-PG	Russell, Velan M. (Ray, William Henry)	Upper Deerfield	8.9000					31,930.00	27,590.00	27,590.00		121,095.31	
06-0172-PG	Shoemaker, Joseph C. & Betty P. #1	Hopewell	27.9980					112,482.86	112,482.86	112,482.86		8,612.45	
06-0171-PG	Shoemaker, Joseph C. & Betty P. #2	Hopewell	57.2610	203,253.25	203,253.25	203,253.25	796,746.75	8,612.45	8,612.45	8,612.45		-	
06-0164-PG	App, Bonnie L. #1	Hopewell	37.0800	170,568.00			626,178.75						
06-0167-PG	App, Bonnie L. et al. #2	Hopewell	122.5700	496,408.50			129,770.25						
06-0173-PG	Coleman & Charlton (Fleetwood)	Stow Creek	36.8220	129,770.25	129,770.25	129,770.25	-	18,749.75	15,676.65	15,676.65		4,984,323.35	
06-0176-PG	Ale, Kenneth & Carol (Lot 2)	Hopewell	12.8330					71,430.50	46,840.45	46,840.45		4,937,482.90	
06-0181-PG	Baitinger, Frank P., III	Hopewell	71.0700					287,833.50				4,649,649.40	
06-0182-PG	Baitinger, Shirley	Hopewell	40.1700					142,101.38				4,507,548.02	
06-0177-PG	Ale, Kenneth & Carol (Lot 7.02)	Hopewell	22.6600					88,374.00				4,419,174.02	
06-0149-PG	Casper, Todd & Margret (Lot 9.05)	Upper Deerfield	33.9900					111,487.20				4,307,686.82	
06-0187-PG	Eachus, T. Glenn, Ella M., Travis & Rebekah	Upper Deerfield	52.8000					183,890.00				4,123,796.82	
06-0188-PG	Homan, Garry & Diane	Stow Creek	48.4100					161,689.40				3,962,107.42	
06-0189-PG	A&A Likanchuk Enterprises (Likanchuk, John)	Hopewell	46.3500					149,247.00				3,812,860.42	
06-0193-PG	Mehaffey, Robert	Upper Deerfield	120.5100					337,428.00				3,475,432.42	
Closed	63		3,303.0200										
Encumbered	12		639.2890										
				-	-	1,500,000.00	-	-	-	3,000,000.00	-	-	
				-	-	1,000,000.00	-	43,569.00	107,708.60	4,848,722.40	-	-	
				666,976.50	129,770.25	203,253.25	-	1,462,050.48	-	62,517.10	-	3,475,432.42	
							0.00				-	-	
												3,475,432.42	

Schedule C

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

A & A Likanchuk Enterprises  
06- 0189-PG  
County PIG Program  
47 Acres

Block 71	Lot 16	Hopewell Twp.	Cumberland County
<b>SOILS:</b>		Other	10% * 0 = .00
		Prime	71% * .15 = 10.65
		Statewide	19% * .1 = 1.90
			<b>SOIL SCORE: 12.55</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	65% * .15 = 9.75
		Woodlands	35% * 0 = .00
			<b>TILLABLE SOILS SCORE: 9.75</b>
<b>FARM USE:</b>	Hay		38 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use:
  - b. Exceptions:
    - 1st three (3) acres for Existing residence  
Exception is not to be severed from Premises  
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
    - 2nd three (3) acres for barn  
Exception is not to be severed from Premises  
Exception is to be limited to  
No future residential opportunities
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 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 FY2018R3(4)**

**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**

**CUMBERLAND COUNTY**

**for the**

**PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of**

**Mehaffey, Robert ("Owner")**

**Upper Deerfield Township, Cumberland County**

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

**SADC ID#06-0193-PG**

**March 22, 2018**

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 FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on April 24, 2017, the SADC received an application for the sale of a development easement from Cumberland County for the subject farm identified as Block 403, Lots 2 & 3, Upper Deerfield Township, Cumberland County, totaling approximately 117 gross acres hereinafter referred to as "the Property" (Schedule A); and

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

WHEREAS, the Property has zero (0) exceptions, one (1) existing single family residence, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

WHEREAS, at the time of application the Property was a nursery operation; 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 65.46 which exceeds 44, which is 70% of the County's average quality score as determined by the SADC July 28, 2016; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on May 22, 2017, 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 22, 2017, the SADC certified a development easement value of \$4,000 per acre based on zoning and environmental regulations in place as of the current valuation date March 1, 2017; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$4,000 per acre for the development easement for the Property; and

WHEREAS, on February 8, 2018, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on September 7, 2017, 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 8, 2017, the Cumberland CADB passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on August 22, 2017, the Board of Chosen Freeholders of the County of Cumberland passed a resolution granting final approval and a commitment of funding for \$1,200 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 120.51 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 120.51 acres); and

	<u>Total</u>	<u>Per/acre</u>
SADC	\$337,428	(\$2,800/acre)
Cumberland County	\$144,612	(\$1,200/acre)
Total Easement Purchase	\$482,040	(\$4,000/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 \$337,428 in FY17 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 subject to available funds and 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 120.51 net easement acres, at a State cost share of \$2,800 per acre, (70% of certified easement value and purchase price), for a total grant of approximately \$337,428 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 zero (0) exceptions, one (1) existing single family residence, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

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

BE IT FURTHER RESOLVED, that if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C; 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 this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and



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

3/22/2018  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

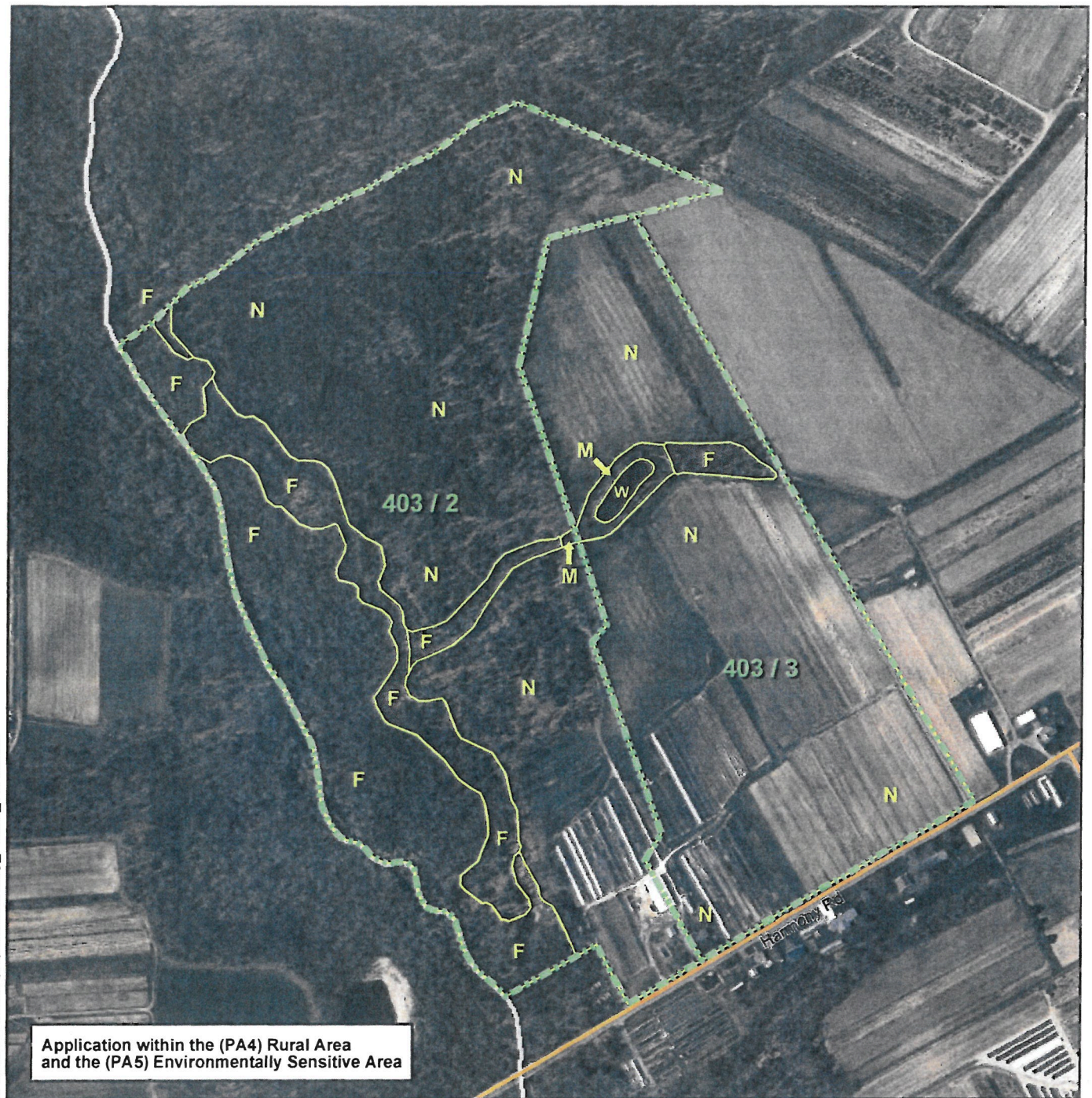
VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	ABSENT
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	ABSENT
Scott Ellis	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES



# Wetlands

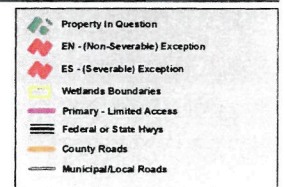
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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Meahaffey, Robert  
Block 403 Lot 2 (69.62 ac) & Lot 3 (41.47 ac)  
Gross total 111.09 ac  
Upper Deerfield Twp., Cumberland County

500 250 0 500 1,000 Feet



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

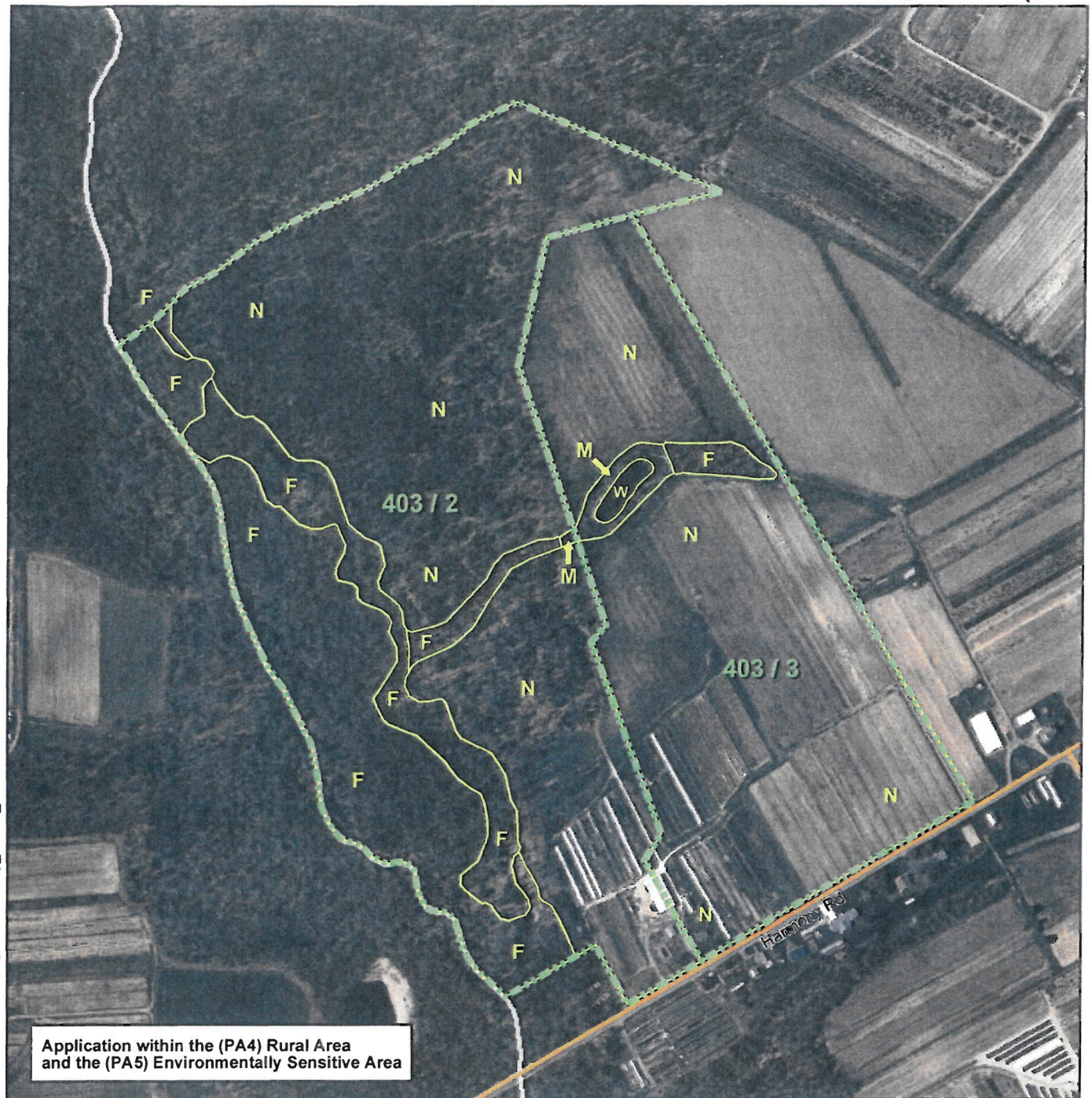
**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and 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:**  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJDEP Wetlands Data  
NJ Pinelands Commission PDC Data  
NJ Highlands Council Data  
NJOT/IGIS 2012 Digital Aerial Image

Date: 5/16/2017

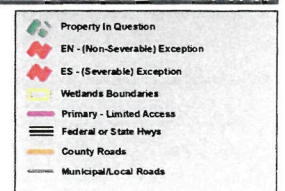


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**FARMLAND PRESERVATION PROGRAM**  
**NJ State Agriculture Development Committee**

Mehaffey, Robert  
 Block 403 Lot 2 (69.62 ac) & Lot 3 (41.47 ac)  
 Gross total 111.09 ac  
 Upper Deerfield Twp., Cumberland County



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

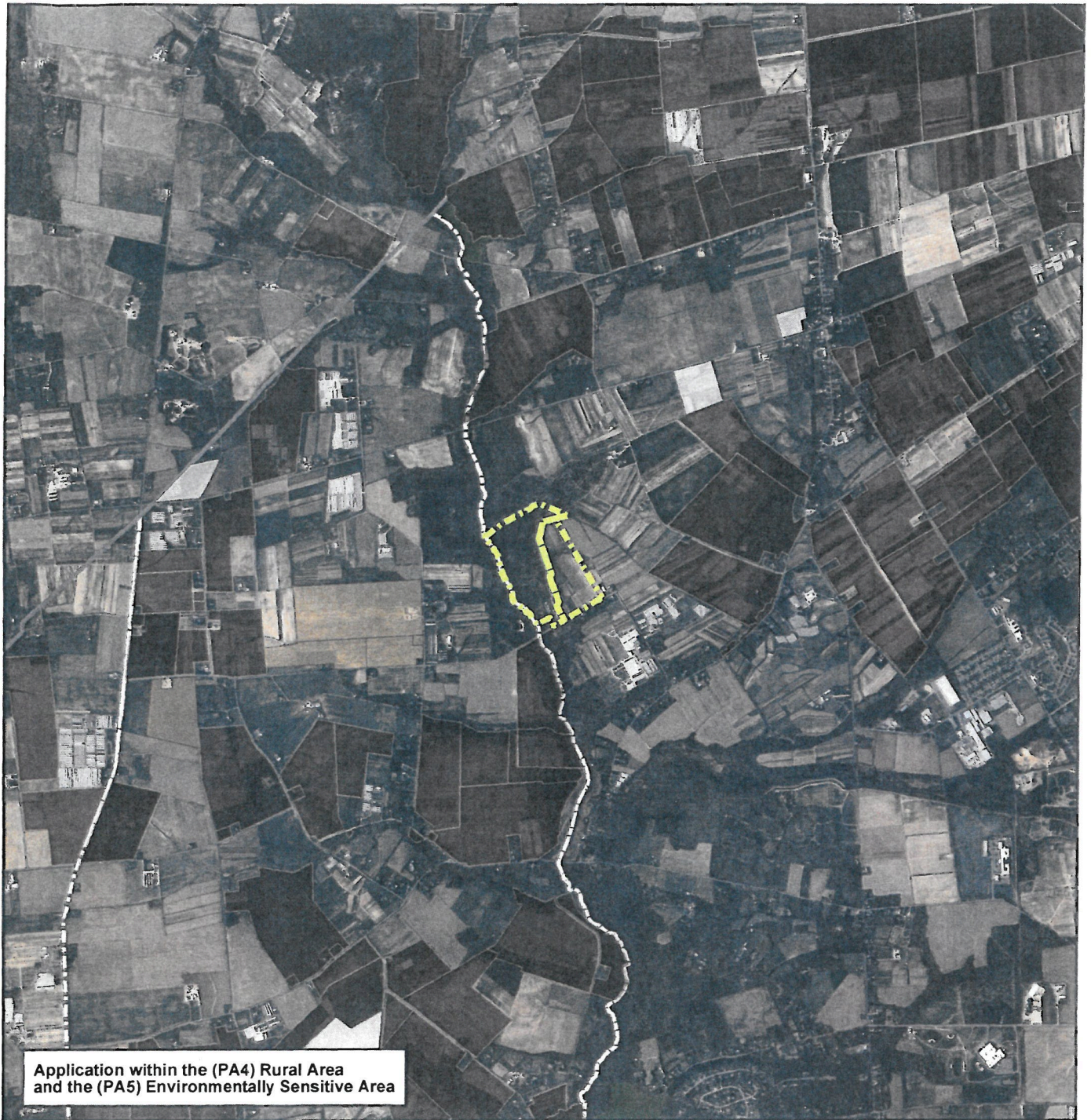
**Sources:**  
 NJ Farmland Preservation Program  
 Green Acres Conservation Easement Data  
 NJDEP Wetlands Data  
 NJ Pinelands Commission PDC Data  
 NJ Highlands Council Data  
 NJOITOGIS 2012 Digital Aerial Image

Date: 5/16/2017



# Preserved Farms and Active Applications Within Two Miles

X:\counties\cumco\projects\Mehaffey\_Robert\_2Mile.mxd

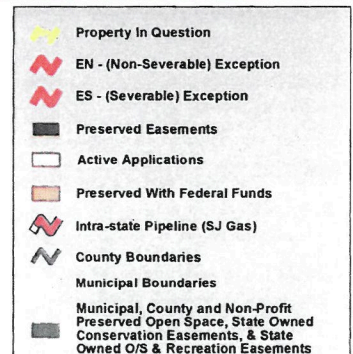


Application within the (PA4) Rural Area  
and the (PA5) Environmentally Sensitive Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mehaffey, Robert  
Block 403 Lot 2 (69.62 ac) & Lot 3 (41.47 ac)  
Gross total 111.09 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

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NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJGIT/OGIS 2015 Digital Aerial Image

Date: 5/16/2017



# SADC County Pig Financial Status Schedule B

## Cumberland County

SADC ID#	Farm	Municipality	Acres	Base Grant				Competitive Funds					
				Fiscal Year 11				Maximum Grant			Fund Balance		
				Fiscal Year 13				Fiscal Year 13			290,416.91		
				Fiscal Year 17				Fiscal Year 17			11,509,152.73		
				Encumbered	PV	Expended	Balance	Encumbered	PV	Expended	FY11 Balance	FY13 Balance	FY17 Balance
							3,500,000.00						
06-0145-PG	Sorantino 1	Fairfield	31.6790					122,570.00	107,708.60			1,678,127.37	
06-0147-PG	Casper #2	U. Deerfield	23.3940					78,115.20	73,925.04	73,925.04		1,604,202.33	
06-0160-PG	Uhland	Stow Creek	28.6000	27,585.20	27,585.20	27,585.20	1,000,000.00	71,912.80	62,639.20	62,639.20		1,541,563.13	
06-0157-PG	Hubschmidt #2	Upper Deerfield	64.3840					22297+54:584.4	211,123.76	211,123.76		1,330,439.37	
06-0153-PG	Garrison	Upper Deerfield	64.5330					211,652.00	203,917.96	203,917.96		1,126,521.41	
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				-	-	1,500,000.00	-	-	-	3,000,000.00	-	-	-
				-	-	1,000,000.00	-	43,569.00	107,708.60	4,848,722.40	-	-	-
				666,976.50	129,770.25	203,253.25	-	1,462,050.48	-	62,517.10	-	-	3,475,432.42
							0.00				-	-	3,475,432.42

Schedule

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Mehaffey, Robert  
06- 0193-PG  
County PIG Program  
111 Acres

Block 403	Lot 2	Upper Deerfield Twp.	Cumberland County
Block 403	Lot 3	Upper Deerfield Twp.	Cumberland County

<b>SOILS:</b>	Prime	85% *	.15	=	12.75
	Unique .125	15% *	.125	=	1.88
					<b>SOIL SCORE: 14.63</b>

<b>TILLABLE SOILS:</b>	Cropland Harvested	49% *	.15	=	7.35
	Other	2% *	0	=	.00
	Woodlands	49% *	0	=	.00
					<b>TILLABLE SOILS SCORE: 7.35</b>

<b>FARM USE:</b>	Horticulture Specialties	46 acres
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In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use:
  - b. Exceptions: No Exceptions Requested
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
Standard Single Family
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 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 FY2018R3(5)**

**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**

**CUMBERLAND COUNTY**

**for the**

**PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of**

**Homan, Garry and Diane ("Owners")**

**Stow Creek Township, Cumberland County**

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

**SADC ID#06-0188-PG**

**March 22, 2018**

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 FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on November 9, 2016, the SADC received an application for the sale of a development easement from Cumberland County for the subject farm identified as Block 28, Lot 7, Stow Creek Township, Cumberland County, totaling approximately 47 gross acres hereinafter referred to as "the Property" (Schedule A); and

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

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

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

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

WHEREAS, the Property has a quality score of 63.19 which exceeds 44, which is 70% of the County's average quality score as determined by the SADC July 23, 2015; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on January 19, 2017, 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 February 23, 2017, the SADC certified a development easement value of \$4,900 per acre based on zoning and environmental regulations in place as of the current valuation date June 1, 2016; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$4,900 per acre for the development easement for the Property; and

WHEREAS, on January 18, 2018, 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 May 9, 2017, 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 April 11, 2017, the Cumberland CADB passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on April 25, 2017, the Board of Chosen Freeholders of the County of Cumberland passed a resolution granting final approval and a commitment of funding for \$1,560 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 48.41 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 48.41 acres); and

	<u>Total</u>	<u>Per/acre</u>
SADC	\$161,689.40	(\$3,340/acre)
Cumberland County	\$ 75,519.60	(\$1,560/acre)
Total Easement Purchase	\$237,209.00	(\$4,900/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 \$161,689.40 in FY17 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 subject to available funds and 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 48.41 net easement acres, at a State cost share of \$3,340 per acre, (68.16% of certified easement value and purchase price), for a total grant of approximately \$161,689.40 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 zero (0) exceptions, zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

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

BE IT FURTHER RESOLVED, that if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and

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

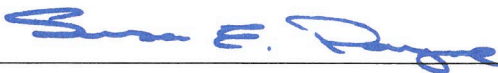
BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

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

3/22/2018  
Date

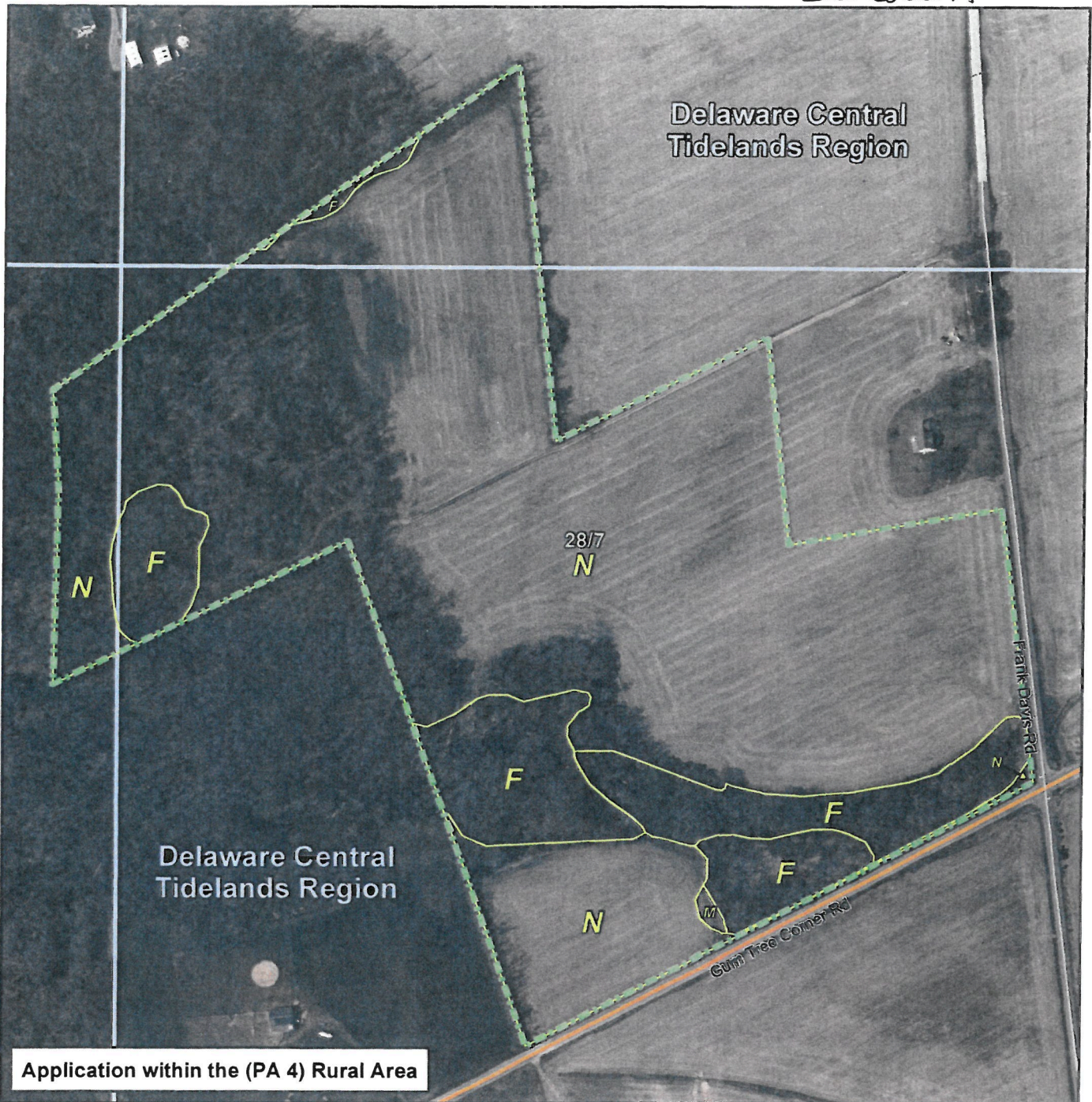
  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	ABSENT
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	ABSENT
Scott Ellis	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES



X:\counties\cumco\projects\Homan\_Garry\_and\_Diane\_fw.mxd



Application within the (PA 4) Rural Area

### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

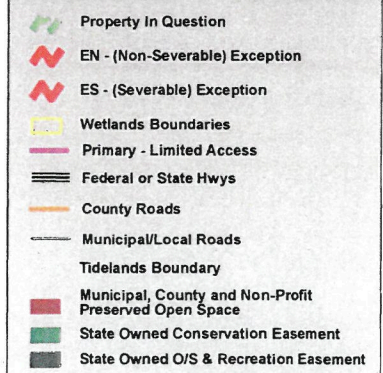
Homan, Garry and Diane  
Block 28 Lot 7 (47.3 ac)  
Gross Total = 47.3 ac  
Stow Creek Twp., Cumberland County

250 125 0 250 500 Feet

**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.

**Sources:**  
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NJDEP Wetlands Data  
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December 29, 2016



# Preserved Farms and Active Applications Within Two Miles

X:\counties\cumco\projects\Homan\_Garry\_and\_Diane\_2mile.mxd

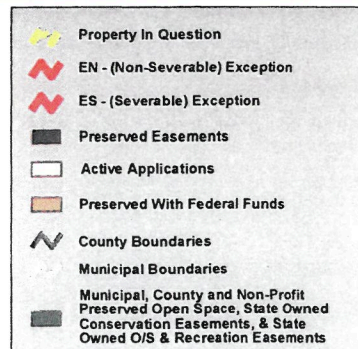


Application within the (PA 4) Rural Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Homan, Garry and Diane  
Block 28 Lot 7 (47.3 ac)  
Gross Total = 47.3 ac  
Stow Creek Twp., Cumberland County

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



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December 29, 2016



SADC County Pig Financial Status  
Schedule B

Cumberland County

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				-	-	-	-	-	-	-	-	-	-
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				-	-	1,000,000.00	-	43,569.00	107,708.60	4,848,722.40	-	-	-
				666,976.50	129,770.25	203,253.25	-	1,462,050.48	-	62,517.10	-	-	3,475,432.42
							0.00				-	-	-

Crew

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Homan, Garry & Diane  
06- 0188-PG  
County PIG Program  
47 Acres

Block 28	Lot 7	Stow Creek Twp.	Cumberland County
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SOILS:	Other	14% *	0	=	.00	
	Prime	37% *	.15	=	5.55	
	Statewide	49% *	.1	=	4.90	
					<b>SOIL SCORE:</b>	<b>10.45</b>

TILLABLE SOILS:	Cropland Harvested	60% *	.15	=	9.00	
	Wetlands	16% *	0	=	.00	
	Woodlands	24% *	0	=	.00	
					<b>TILLABLE SOILS SCORE:</b>	<b>9.00</b>

FARM USE:	Soybeans-Cash Grain	27 acres
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In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use:
  - b. Exceptions: No Exceptions Requested
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 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 FY2018R3(6)**

**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**

**UPPER DEERFIELD TOWNSHIP  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of  
Ackley, David B. & Nancy J. (Lot 4.03) ("Owners")  
Upper Deerfield Township, Cumberland County**

**N.J.A.C. 2:76-17A. et seq.  
SADC ID# 06-0170-PG**

**March 22, 2018**

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Upper Deerfield Township received SADC approval of its FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on August 8, 2016, the SADC received an application for the sale of a development easement from Upper Deerfield Township for the subject farm identified as Block 404, Lot 4.03, Upper Deerfield Township, Cumberland County, totaling approximately 24 gross acres hereinafter referred to as "the Property" (Schedule A); and

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

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

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on August 25, 2016, it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 26, 2017, the SADC certified a development easement value of \$5,500 per acre based on zoning and environmental regulations in place as of the current valuation date September 1, 2016; and



WHEREAS, the Owner accepted the Township's offer of \$5,500 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on April 6, 2017, 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 March 14, 2017, the Cumberland County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on March 28, 2017, the Board of Chosen Freeholders of the County of Cumberland passed a resolution granting final approval and a commitment of funding for \$1,850 per acre to cover the local cost share; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 24 net easement acres):

	<u>Total</u>	
SADC	\$ 87,600	(\$3,650 per acre)
<u>Cumberland County</u>	<u>\$ 44,400</u>	<u>(\$1,850 per acre)</u>
Total Easement Purchase	\$132,000	(\$5,500 per acre)

WHEREAS, Upper Deerfield Township is requesting \$3,650.00 per acre or approximately \$87,600 and sufficient funds are available (Schedule B); and

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

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Upper Deerfield Township for the purchase of a development easement on the Property, comprising approximately 24 easement acres, at a State cost share of \$3,650 per acre, (66.36% of certified easement value and purchase price), for a total grant of approximately \$87,600 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

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

BE IT FURTHER RESOLVED, should additional funds be needed and grant funding be available the grant may be adjusted to utilize unencumbered grant funds; and

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


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

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

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

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

3/22/2018  
Date

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

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	ABSENT
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	ABSENT
Scott Ellis	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES



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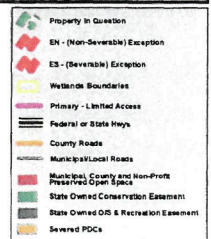


# FARMLAND PRESERVATION PROGRAM

## NJ State Agriculture Development Committee

David and Nancy Ackley  
 Block 404 Lot 4.03 (24.0 ac)  
 Gross Total = 24.0 ac  
 Upper Deerfield Twp., Cumberland County

200 100 0 200 400 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

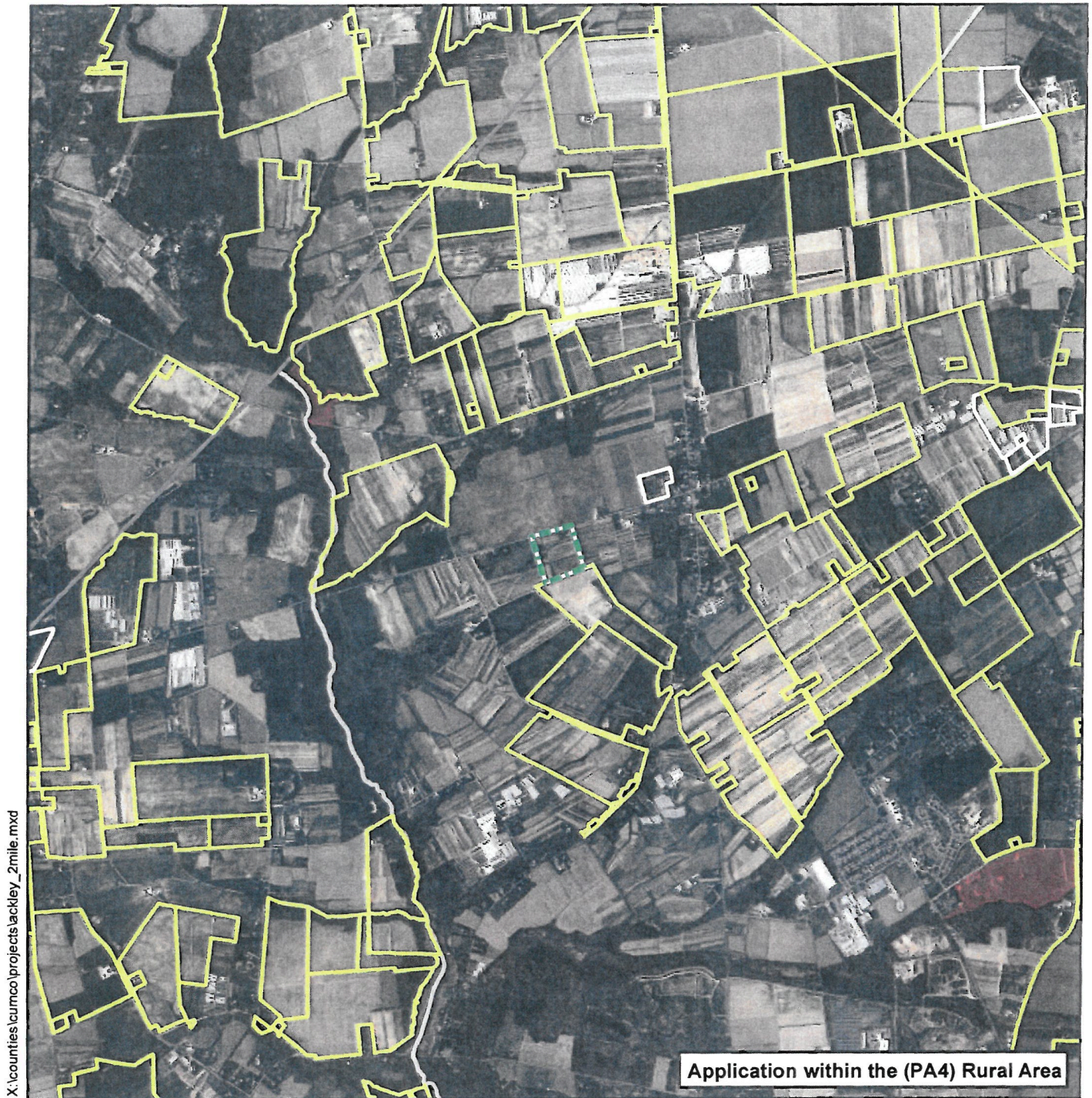
**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and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

September 10, 2014



# Preserved Farms and Active Applications Within Two Miles



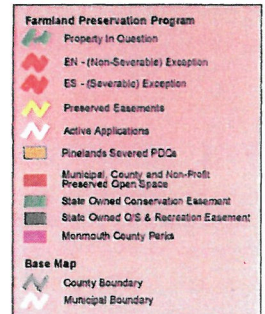
## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

David and Nancy Ackley  
Block 404 Lot 4.03 (24.0 ac)  
Gross Total = 24.0 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  
NJ Pinelands Commission PDC Data  
NJOT/IGIS 2012 Digital Aerial Image

September 10, 2014



# SADC Municipal Pig Financial Status Schedule B

Upper Deerfield, Cumberland County

SADC ID#	Farm	Acres	SADC		Federal Grant		Grant			
							Fiscal Year 09			
			Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance
										1,750,000.00
06-0122-PG	Garton #2, Jeffrey & Deborah	33.7660	253,245.00	157,011.90			157,011.90	157,011.90	157,011.90	1,592,988.10
06-0123-PG	Grace Fox	23.0870	166,226.40	103,891.50		60,026.20	43,865.30	43,865.30	43,865.30	1,549,122.80
06-0125-PG	Clarks Branch (Rio)	54.5810	325,044.00	211,278.60			211,278.60	211,278.60	211,278.60	1,337,844.20
06-0121-PG	Fox, Frank A.	59.0270	301,037.70	203,643.15			203,643.15	203,643.15	203,643.15	1,134,201.05
06-0124-PG	Overstreet & Chiari	81.5040	643,881.60	395,294.40	183,132.56		395,294.40	395,294.40	395,294.40	738,906.65
06-0148-PG	Casper (3), (Casper Nurseries, LLC)	14.7110	73,075.00	49,691.00			51,000.00	49,691.00	49,691.00	689,215.65
06-0170-PG	Ackley, David & Nancy	24.0000	132,000.00	87,600.00			87,600.00			601,615.65
Closed	6	266.6760	1,762,509.700	1,120,810.550	183,132.560	60,026.200				
Encumbered	1	24.0000	132,000.000	87,600.000	-	-				
							Encumber/Expended FY09	-	-	-
							Encumber/Expended FY11	-	750,000.00	-
							Encumber/Expended FY13	87,600.00	310,784.35	101,615.65
							Encumber/Expended FY17	-	-	500,000.00
							Total			601,615.65

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Ackley, David B. & Nancy J. (Lot 4.03)

06- 0170-PG

PIG EP - Municipal 2007 Rule

24 Acres

Block 404                      Lot 4.03                      Upper Deerfield Twp.    Cumberland County

**SOILS:**

Prime	68% *	.15	=	10.20
Statewide	32% *	.1	=	3.20

**SOIL SCORE:    13.40**

**TILLABLE SOILS:**

Cropland Harvested	100% *	.15	=	15.00
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**TILLABLE SOILS SCORE:    15.00**

**FARM USE:**

Ornament Nursery Products

24 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use:
  - b. Exceptions: No Exceptions Requested
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
No 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 #FY2018R3(7)**

**Final Review and Approval  
SADC Easement Purchase**

**On the Property of  
Tack, Douglas & Susan ("Owners")**

**MARCH 22, 2018**

Subject Property: **Tack, Douglas & Susan ("Owners")**  
Block 56, Lot 13  
Lebanon Township, Hunterdon County  
SADC ID#: 10-0228-DE  
Approximately 31.5 Net Easement Acres

WHEREAS, on June 27, 2014, the State Agriculture Development Committee ("SADC") received a development easement sale application from Tack, Douglas & Susan, hereinafter "Owners," identified as Block 56, Lot 13, Lebanon Township, Hunterdon County, hereinafter "the Property," totaling approximately 32.5 Gross Acres, identified in (Schedule A); and

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

WHEREAS, the Property includes one (1), approximate 1-acre non-severable exception area for flexibility of use but restricted to zero (0) single family residential units, resulting in approximately 31.5 net acres to be preserved; and

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

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

WHEREAS, staff finds that the Property, has a quality score of 50.31 and 31.5 net acres; and

WHEREAS, the Property does not meet the SADC's Hunterdon County minimum ranking criteria for the "Priority" category which requires a quality score of at least 60 combined with at least 49 acres, nor does it meet the County minimum ranking criteria for an "Alternate" farm category which requires a quality score of 47 and 36 acres, therefore, this farm is categorized as an "Other" farm, requiring SADC preliminary approval; and

WHEREAS, on October 26, 2017, the SADC granted Preliminary Approval to this Application (Schedule B); and

WHEREAS, on March 23, 2006 the SADC adopted the FY 2006 Highlands Preservation Appropriation Expenditure Policy - Amended, which approves the use of Highlands Funds to support additional applications in all farmland preservation programs where demand for funding has outstripped otherwise approved SADC funding ("Highlands Funds")

WHEREAS, at this time there is sufficient Highlands Funding available for this farm; and

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

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

WHEREAS, on February 22, 2018 the SADC certified the development easement value of the Property at \$8,000 per acre based on January 1, 2004 zoning and environmental conditions and \$500 per acre based on current zoning and environmental conditions as of December 2017; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$8,000 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval for its acquisition of the development easement at a value of \$8,000 per acre for a total of approximately \$252,000, subject to the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximate 1-acre non-severable exception area for flexibility of use but restricted to zero (0) single family residential units; and

WHEREAS, the Property has one (1) single family residential unit, zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the area outside of the exception areas; and

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

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

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher,



Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement; and

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

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

\_\_\_\_ 3/22/2018 \_\_\_\_\_  
Date



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

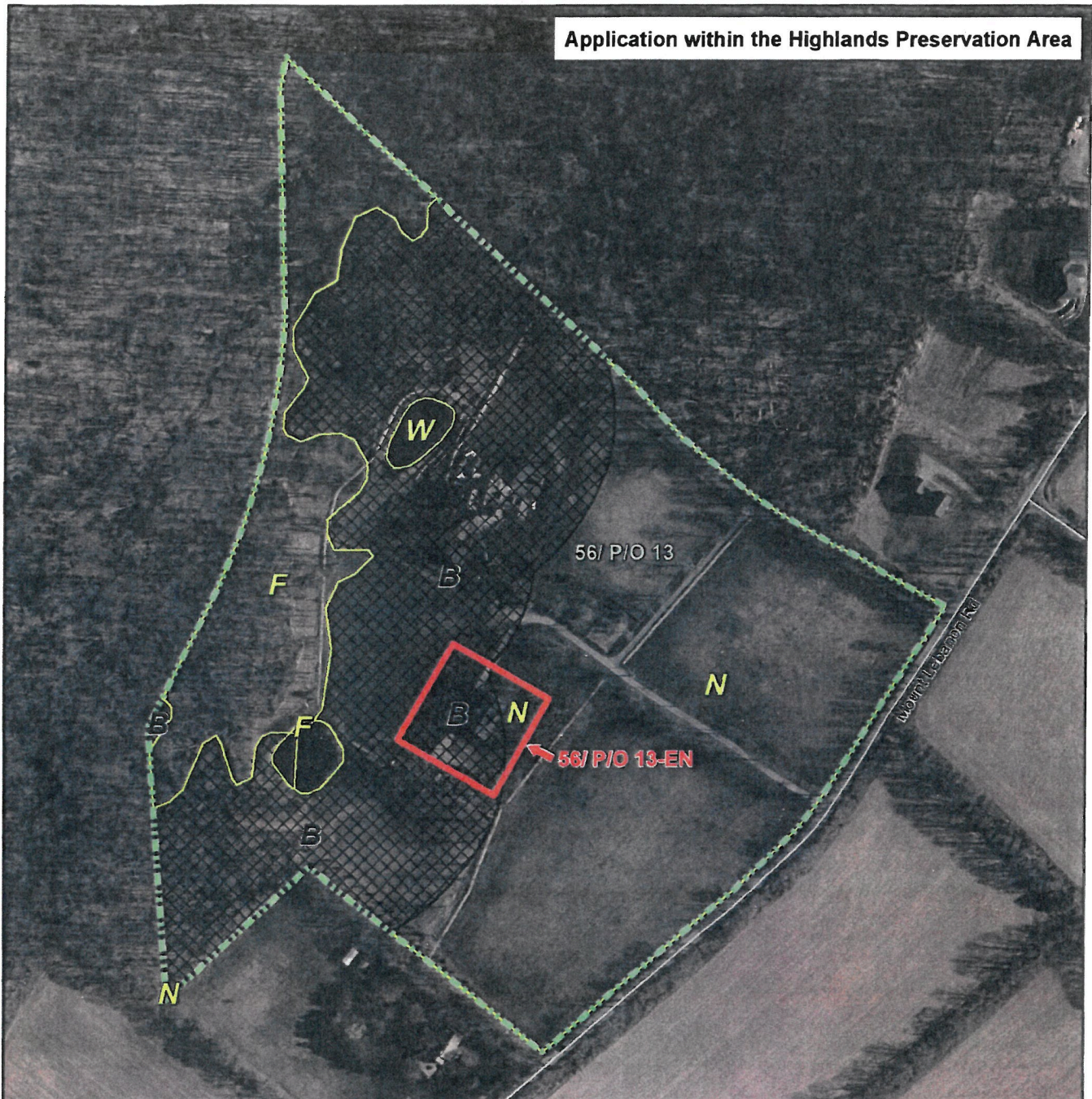
**VOTE WAS RECORDED AS FOLLOWS:**

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	ABSENT
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	ABSENT
Scott Ellis	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES



## Wetlands

Application within the Highlands Preservation Area



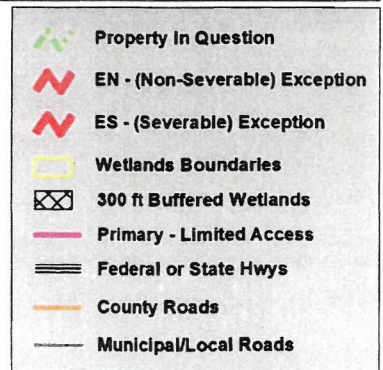
### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Tack, Douglas and Susan  
Block 56 Lots P/O 13 (31.5 ac)  
& P/O 13-EN (non-severable exception - 1.0 ac)  
Gross Total = 32.5 ac  
Lebanon Twp., Hunterdon County

250 125 0 250 500 Feet

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJDEP Wetlands Data  
NJ Highlands Council Data  
NJOT/OGIS 2015 Digital Aerial Image

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



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

October 11, 2017



# Preserved Farms and Active Applications Within Two Miles

Application within the Highlands Preservation Area

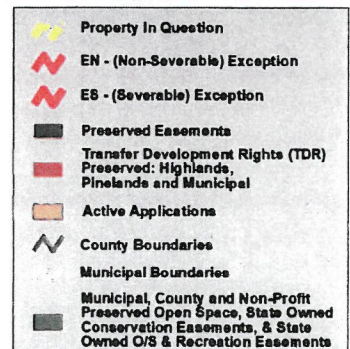
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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Tack, Douglas and Susan  
Block 56 Lots P/O 13 (31.5 ac)  
& P/O 13-EN (non-severable exception - 1.0 ac)  
Gross Total = 32.5 ac  
Lebanon Twp., Hunterdon 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 2015 Digital Aerial Image

October 11, 2017



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2018R10(11)

SADC EASEMENT ACQUISITION  
PRELIMINARY APPROVAL  
of an "OTHER" FARM  
IN THE HIGHLANDS PRESERVATION AREA

OCTOBER 26, 2017

Subject Farm: Tack, Douglas and Susan  
Block 56, Lot 13  
Lebanon Township, Hunterdon County  
SADC ID# 10-0228-DE  
Approximately 30 net easement acres

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

WHEREAS, on June 27, 2104 the SADC received an SADC easement acquisition application from Douglas and Susan Tack for Property identified Block 56, Lot 13 and 13.02, Lebanon Township, Hunterdon County, totaling approximately 105.20 net acres as shown on (Schedule A); and

WHEREAS, subsequently Lot 13.02 was approved for preservation through the Highlands Transfer of Development Rights (TDR) program and was removed from this application; and

WHEREAS, the current application for Block 56, Lot 13 is approximately 30 net acres as shown on (Schedule B); and

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 27, 2017 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, staff finds that the Property, has a quality score of 50.31 and 30 net acres (Schedule C); and

WHEREAS, the Property does not meet the SADC's Hunterdon County minimum ranking criteria for the "Priority" category which requires a quality score of at least 60 combined with at least 49 acres, nor does it meet the County minimum ranking criteria for an "Alternate" farm category which requires a quality score of 47 and 36 acres, therefore, this farm is categorized as an "Other" farm, requiring SADC preliminary approval; and

WHEREAS, the Property is a targeted farm in the Hunterdon County farmland preservation plan, however, it is not included in the Hunterdon County Agricultural Development Area (ADA) at this time; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.5, the SADC may pursue a Direct Easement application without the property being located within the County ADA; and

WHEREAS, Hunterdon County staff have informed SADC staff that this Property will be included in the county's next comprehensive ADA update; and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20; and

WHEREAS, the Property is located within the New Jersey State Plan-designated Environmentally Sensitive Area (PA5) and within the Highlands Agriculture Priority and Resource Areas as well as partially in the Highlands Preservation Area's "Conservation Zone" and partially in the "Protection Zone" (Schedule D); and

WHEREAS, the landowner provided a deed that shows the property has been in the family since 1999, therefore, the property appears to be eligible, and must be appraised, along with current zoning, under 01/01/04 zoning and environmental conditions pursuant to the enactment of P.L.2015, c.5, which extends the dual-appraisal provision only to farms in the Highlands region.; and

WHEREAS, the Property has one 1-acre exception area for flexibility of use but zero (0) single family residences; and

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

WHEREAS, the majority of the farm's acreage is currently in hay production; and

WHEREAS, on March 23, 2006 the SADC adopted the FY 2006 Highlands Preservation Appropriation Expenditure Policy - Amended, which approves the use of Highlands funds to support additional applications in all farmland preservation programs where demand for funding has outstripped otherwise approved SADC funding. The Property is a candidate for this funding source; and



WHEREAS, at this time there is approximately \$1.3 million available from the \$30 million originally designated as Highlands funding; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.6 there are no "Priority" or "Alternate" Ranked applications ready for selection at this time in the Highlands Preservation Area which have not already been accepted for processing and have funding earmarked; and

NOW THEREFORE BE IT RESOLVED that the SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:

1. Enter into a 120 day option agreement.
2. Secure two independent appraisals to estimate the fair market value of the Property.
3. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC.

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.

10/20/17  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

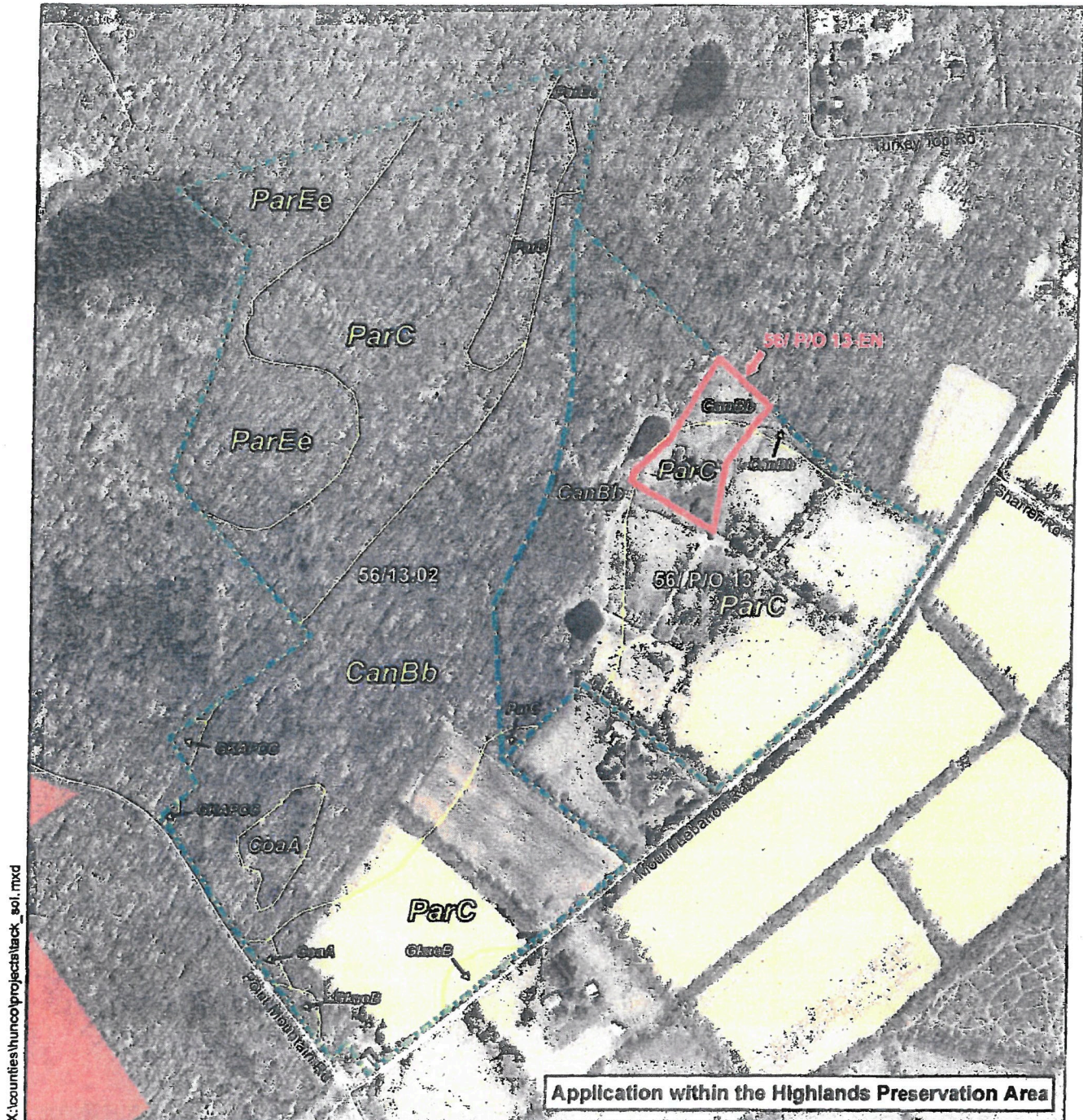
VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Thomas Stanuikynas (rep. DCA Commissioner Richman)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	YES
W. Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES



# Soils

Schedule A



Application within the Highlands Preservation Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Douglas and Susan Tack  
Block 56 Lots 13.02 (72.7 ac); P/O 13 (30.0 ac)  
& P/O 13-EN (non-severable exception - 2.5 ac)  
Gross Total = 105.2 ac  
Lebanon Twp., Hunterdon County

500 250 0 500 1,000 Feet

- Property in Question
- EN - (Non-Severable) Exception
- EN - (Severable) Exception
- Setback Boundary
- Primary or Limited Access
- Federal or State Highways
- County Roads
- Municipal/Local Roads
- Municipal, County and Non-Profit Preserved Open Space
- State Owned Conservation Easement
- State Owned US & Recreation Easement



**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 2013 Soil Data  
NJDOT Road Data  
Green Acres Conservation Easement Data  
NJDOT/GIS 2012 Digital Aerial Image

July 29, 2014

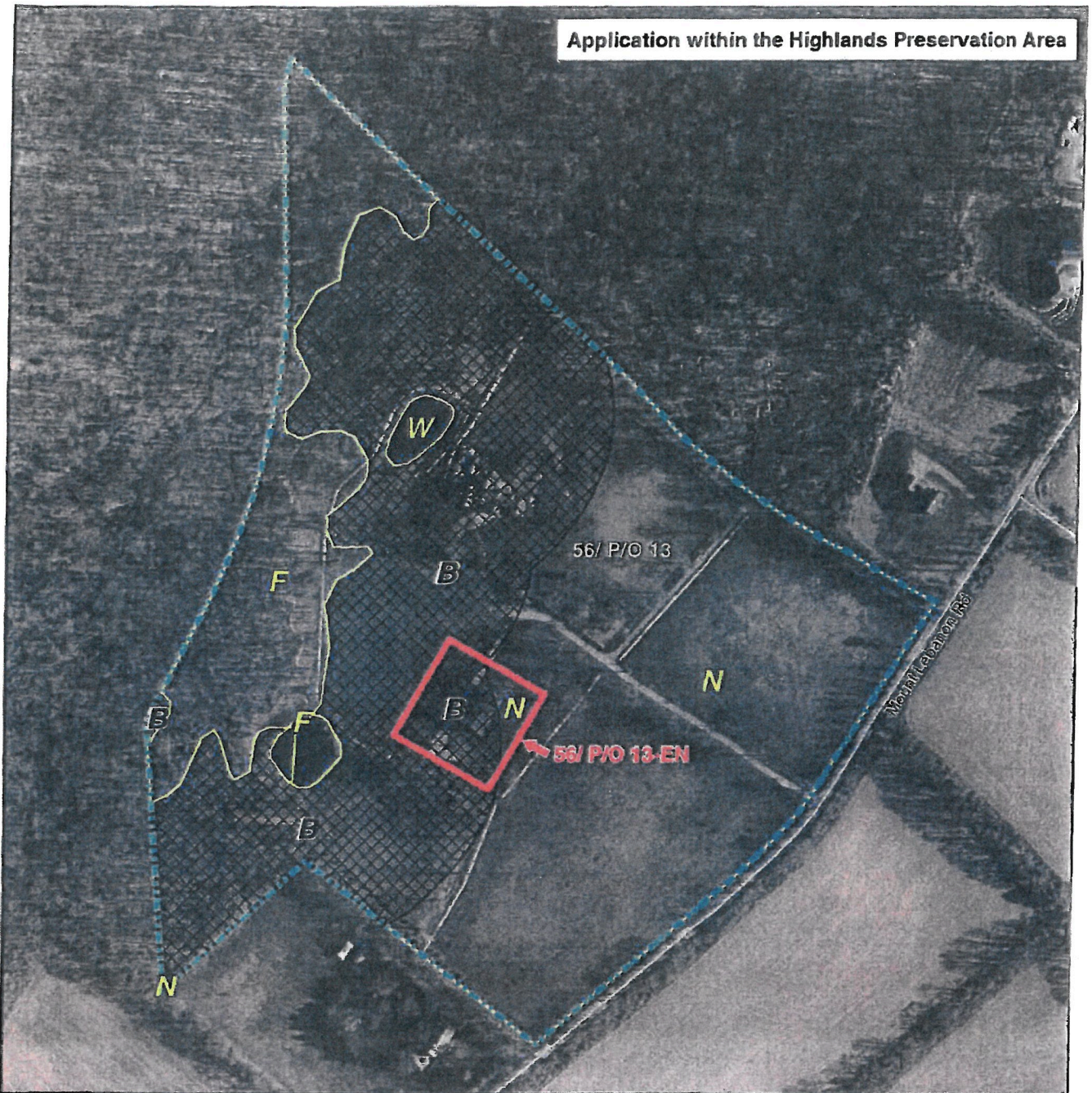


# Wetlands

Schedule B

Application within the Highlands Preservation Area

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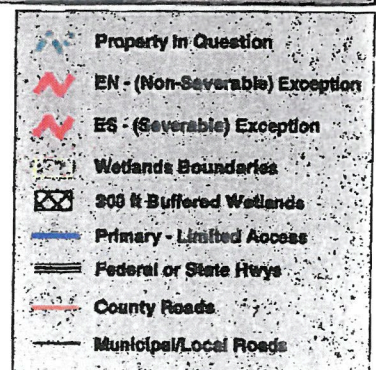
## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Tack, Douglas and Susan  
Block 56 Lots P/O 13 (31.5 ac)  
& P/O 13-EN (non-severable exception - 1.0 ac)  
Gross Total = 32.5 ac  
Lebanon Twp., Hunterdon County

250 125 0 250 500 Feet

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJDEP Wetlands Data  
NJ Highlands Council Data  
NJOT/OGIS 2015 Digital Aerial Image

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



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

October 11, 2017



## Preserved Farms and Active Applications Within Two Miles



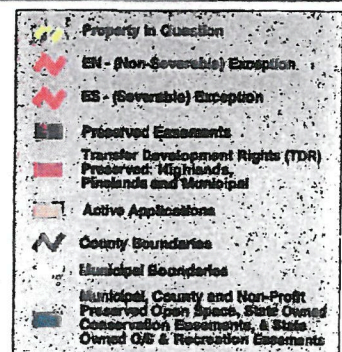
X:\counties\hunc\projects\Tack\_Douglas\_and\_Susan\_2mile.mxd

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

Tack, Douglas and Susan  
 Block 56 Lots P/O 13 (31.5 ac)  
 & P/O 13-EN (non-severable exception - 1.0 ac)  
 Gross Total = 32.5 ac  
 Lebanon Twp., Hunterdon 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 2016 Digital Aerial Image

October 11, 2017



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

**GENERAL INFORMATION**

COUNTY OF Hunterdon Lebanon Twp. 1019

APPLICANT Tack, Douglas &amp; Susan

**PRIORITIZATION SCORE**

<b>SOILS:</b>	Other	100% *	0	=	.00
					<b>SOIL SCORE:</b>
					.00

<b>TILLABLE SOILS:</b>	Cropland Harvested	51% *	.15	=	7.65
	Other	2% *	0	=	.00
	Wetlands	16% *	0	=	.00
	Woodlands	31% *	0	=	.00
					<b>TILLABLE SOILS SCORE:</b>
					7.65

<b>BOUNDARIES AND BUFFERS:</b>	Farmland (Unrestricted)	20% *	.06	=	1.20
	Residential Development	19% *	0	=	.00
	Streams and Wetlands	41% *	.18	=	7.38
	Woodlands	12% *	.06	=	.72
	Parks (limited use)	6% *	.14	=	.84
	Commercial	2% *	0	=	.00
					<b>BOUNDARIES AND BUFFERS SCORE:</b>
					10.14

<b>CONTIGUOUS PROPERTIES / DENSITY:</b>	Tack	Restricted Farm or Current Application			2
	Weeks	Restricted Farm or Current Application			2
	Stonegate Farms	Restricted Farm or Current Application			2
	Tullo	Restricted Farm or Current Application			2

**DENSITY SCORE:** 8.00

<b>LOCAL COMMITMENT:</b>		100% *	20	=	20.00
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**LOCAL COMMITMENT SCORE:** 20.00

<b>SIZE:</b>					<b>SIZE SCORE:</b>
					2.58

IMMIMENCE OF CHANGE: SADC Impact factor = 1.94

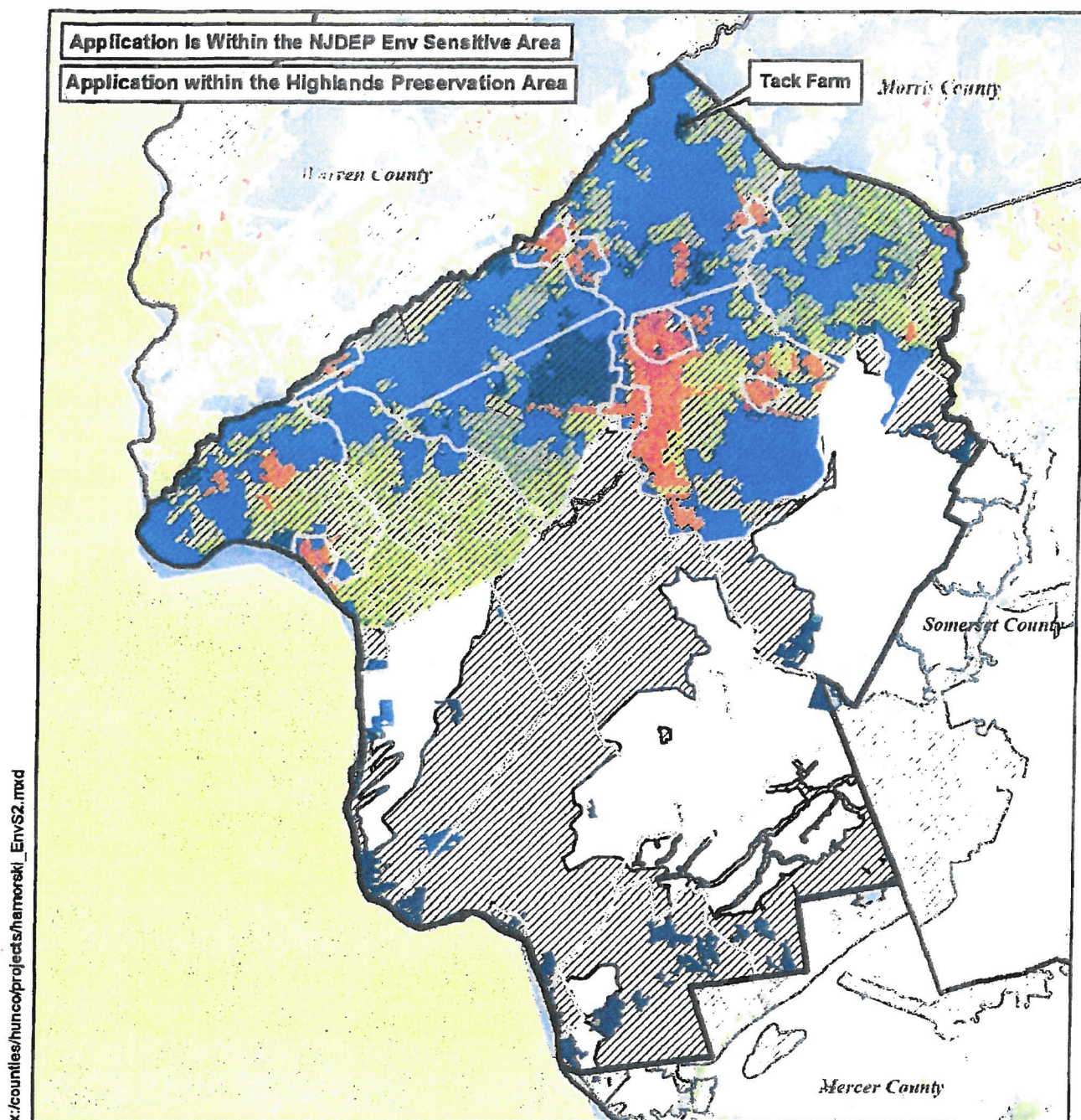
**IMMINENCE OF CHANGE SCORE:** 1.94

COUNTY RANKING:

<b>EXCEPTIONS:</b>					<b>EXCEPTION SCORE:</b>
					.00

**TOTAL SCORE:** 50.31

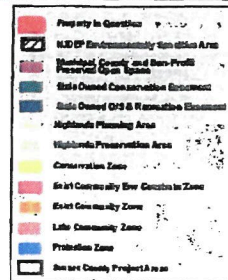
## Tack Farm



**FARM LAND PRESERVATION PROGRAM**  
**NJ State Agriculture Development Committee**

Douglas and Susan Tack  
 Block 56 Lot13 (30.0 ac)  
 & P/O 13-EN (non-severable exception - 2.5 ac)  
 Gross Total = 32.5 ac  
 Lebanon Twp., Hunterdon County

25,000 12,500 0 25,000 50,000 Feet



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Sources:  
 Green Acres Conservation Easement Data  
 NJDEP Environmentally Sensitive Areas  
 (pursuant to the Permit/Extension Act of 2008)  
 NJDEP Highlands Data

June 14, 2013



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Tack, Douglas & Susan  
Easement Purchase - SADC  
32 Acres

Block 56	Lot 13	Lebanon Twp.	Hunterdon County
SOILS:		Other	100% * 0 = .00
			SOIL SCORE: .00
TILLABLE SOILS:	Cropland Harvested	51% * .15	= 7.65
	Other	2% * 0	= .00
	Wetlands	16% * 0	= .00
	Woodlands	31% * 0	= .00
		TILLABLE SOILS SCORE:	7.65
FARM USE:	Corn-Cash Grain	10 acres	
	Hay	20 acres	

**This final approval is subject to the following:**

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st one (1) acres for Flexibility of use
    - Exception is not to be severable from Premises
    - Right to Farm language is to be included in Deed of Easement
    - Restricted to zero (0) single family residential opportunities
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:
    - Standard Single Family
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION #FY2018R3(8)**

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

**Smedshammer Farm**

**Subject Property: Smedshammer Farm  
Block 14, Lot 4  
Upper Freehold Township, Monmouth County  
234.21-Acres**

**March 22, 2018**

WHEREAS, Trond Smedshammer, hereinafter "Owner", is the record owner of Block 14, Lot 4, in the Township of Upper Freehold, by Deed dated April 2, 2014, and recorded in the Monmouth County Clerk's Office in Deed Book 9062, Page 7601, totaling approximately 234.21 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the County on November 21, 1989, by the former owners, Richard Wright and Elizabeth Meirs, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, as a Deed of Easement recorded in Deed Book 4973, Page 867; and

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

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

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

1. The facilities will not interfere significantly, as set forth in N.J.A.C. 2:76-24.6, with the use of the land for agricultural or horticultural production;
2. The facilities are owned by the landowner, or will be owned by the landowner upon the conclusion of the term of an agreement with the installer or operator of the solar energy generation facilities, structures, or equipment by which the landowner uses the income or credits realized from the solar energy generation to purchase the facilities, structures, or equipment;



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

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

WHEREAS, the solar energy generation facility will be owned by the Owner upon installation; and

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

WHEREAS, the energy demand for this ground mounted solar energy facility is from the house and barns on the Premises; and

WHEREAS, the energy demand for the previous calendar year for the Premises was approximately 16,895 kWh's as confirmed by the Owner's submission 12 months of utility bills; and

WHEREAS, the rated capacity of the proposed new solar energy generation facility is 48,767 kWh's per year; and

WHEREAS, since acquiring the property the Owner has been making improvements to the property to move his equine operation to this location but lives elsewhere; and

WHEREAS, the solar facility was designed to accommodate the estimated electrical usage of the house and barns once the property is occupied year-round; and

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

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

WHEREAS, the proposed ground mounted solar energy facility comprises approximately 5 square feet of impervious cover related to the posts that will support the solar panels; and

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

WHEREAS, the proposed ground mounted solar energy facility will be located on the west side of the existing house and farmyard complex on the field edge as identified on Schedule "A"; and

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

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



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

WHEREAS, the proposed ground mounted solar energy facility consists of the area of the panels (2,000 sq./ft.), a 20ft buffer area around the panels, along with a trench (300 ft) connecting it to the meter, which collectively will have an occupied area of approximately 10,450 sq./ft. or 0.1% of the preserved Premise; and

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

WHEREAS, the proposed ground mounted solar energy facility requires site disturbance of approximately 305 square feet; and

WHEREAS, the Monmouth CADB has reviewed the application and on March 8, 2018, submitted comments in support of the project.

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

BE IT FURTHER RESOLVED, that the SADC approves of the construction, installation, operation and maintenance of the photovoltaic energy generation facilities, structures and equipment consisting of approximately 10,450 square feet of occupied area west of the existing house and farmyard complex having a rated capacity of 48,767 kWh's of energy as identified in Schedule "A", and as described further herein; and

BE IT FURTHER RESOLVED, that total electrical energy demand for the house and barns is 16,895 kWh's annually; and

BE IT FURTHER RESOLVED, that the occupied area of the system is less than 1% of the land area of the farm (0.1%); and

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

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

\_3/22/2018\_  
DATE



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

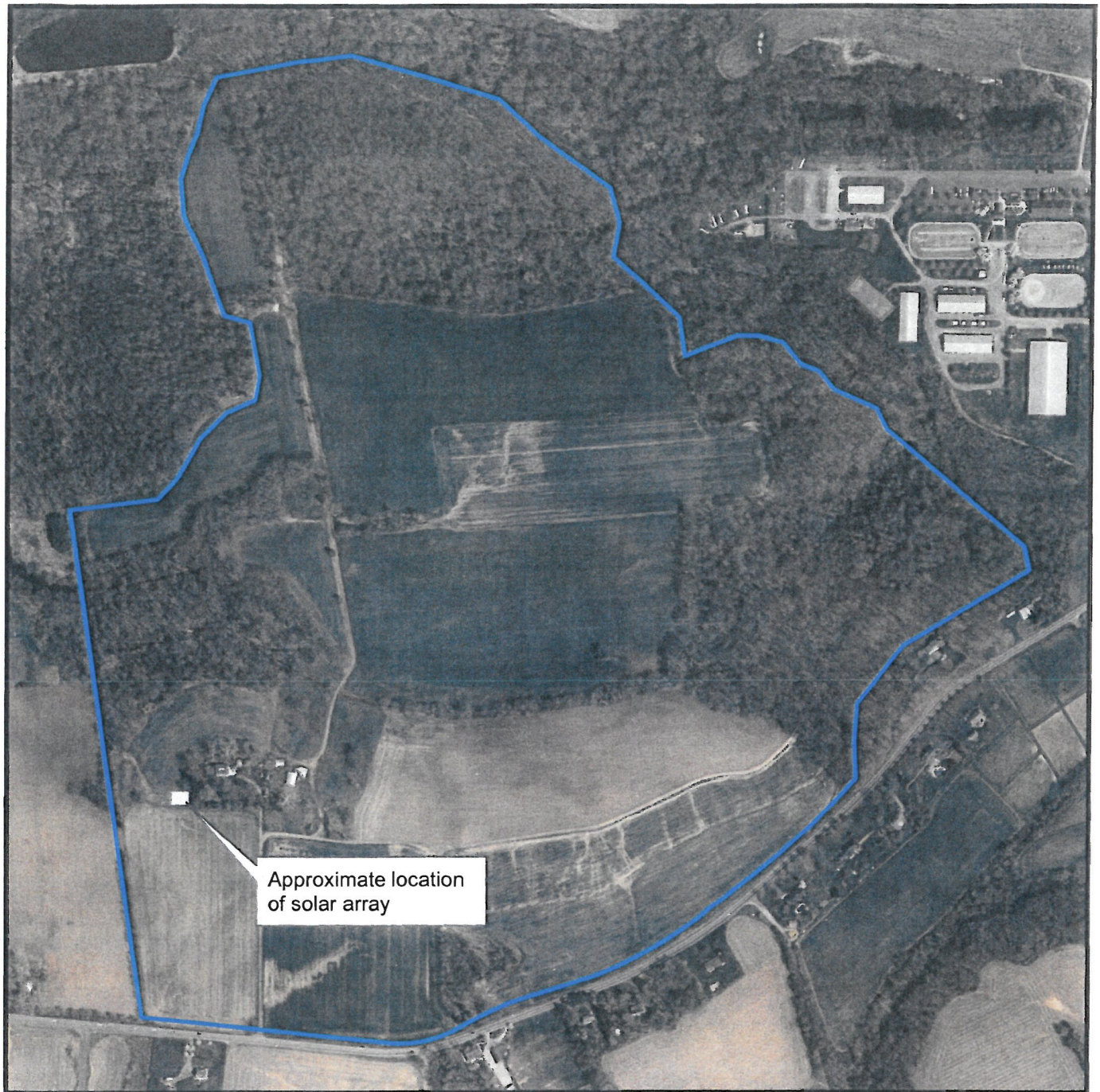
Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Thomas Stanuikynas (rep. DCA Commissioner Oliver)	ABSENT
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	ABSENT
Alan Danser, Vice Chairman	ABSENT
Scott Ellis	YES
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

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# Smedshammer Farm

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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Smedshammer Farm  
Block 14, Lot 4  
Upper Freehold Township, Monmouth County  
234.21 Acres



0 345 690 1,380 2,070 Feet

3/9/2018

### Farmland Preservation Program

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

### State Planning Areas

	(PA1) METRO
	(PA2) SUBURBAN
	(PA3) FRINGE
	(PA4) RURAL
	(PA4b) RURAL ENV SENS
	(PA5) ENV SENS
	(PA5b) ENV SENSITIVE BARRIER IS
	(P10) PINELANDS
	PARK
	MILITARY
	NEW JERSEY MEADOWLANDS
	WATER
	ELLIS ISLAND- NJ
	ELLIS ISLAND- NY

### Base Map

	County Boundaries
	Municipal Boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Pinelands Area

Green Acres Preserved Easements