

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**  
**Department of Agriculture**  
**Market and Warren Streets**  
**1<sup>st</sup> Floor Auditorium**  
**Trenton, NJ 08625**

**REGULAR MEETING**

**November 5, 2009**

Chairman Fisher called the meeting to order at 9:10 a.m. In compliance with the "Open Public Meetings Notice", the following statement was read:

"Pursuant to N.J.S.A. 10:4-6 et seq., adequate public notice of this meeting has been provided by giving written notice of the time, date, location and, to the extent known, the agenda. At least 48 hours in advance, this notice has been posted on the public announcement board, third floor, Health/Agriculture building, John Fitch Plaza, Trenton, NJ, mailed and/or faxed to the Newark Star Ledger, the Times of Trenton, the Camden Courier Post, and filed with the Office of the Secretary of State."

Roll call indicated the following:

**Members Present**

Douglas H. Fisher, Chairperson (Left meeting at 11:42 a.m., returned at 1:59 p.m.)  
Cecile Murphy (rep. DEP Acting Commissioner Mauriello)  
Ralph Siegel (rep. State Treasurer Rousseau)  
Donna Rendeiro (rep. DCA Acting Commissioner Richman) (Left meeting at 12:41 p.m.)  
Brian Schilling (rep. Executive. Dean Goodman)  
Jane R. Brodhecker (Chaired meeting from 11:42 a.m. to 1:59 p.m.)  
Torrey Reade  
Stephen P. Dey

**Members Absent**

Alan Danser  
Denis C. Germano, Esquire  
James Waltman

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

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**Others present as recorded on the attendance sheet:** Robert J. Baumley, Heidi Winzinger, Brian D. Smith, Charles Roohr, Paul Burns, Edgar Madsen, Edward Ireland, Bryan Lofberg, Dan Knox, Timothy Brill, Steve Bruder, David Kimmel, Cassandra McCloud, Patricia Riccitello and Sandy Giambrone, SADC staff, Daniel Pace, Mercer County Agriculture Development Board, Harriet Honigfeld and Amanda Brockwell, Monmouth County Agriculture Development Board, Barbara Ernst, Cape May County Agriculture Development Board, Robert Resker, Warren County Agriculture Development Board, Matt Pisarski and Robert Brewer, Cumberland County Agriculture Development Board, Amy Hansen, Alix Bacon and Ingrid Vandegaer, New Jersey Conservation Foundation, Nicki Goger, New Jersey Farm Bureau, Frank Minch, NJ Department of Agriculture, Division of Agriculture and Natural Resources, Dave Clapp, NJ Department of Agriculture, Division of Agriculture and Natural Resources, Dave Lamm, United States Department of Agriculture, Natural Resources Conservation Service, Dan Kennedy and Brian Wilson, Burlington County Agriculture Development Board, Bill Millette, Hunterdon County Agriculture Development Board, G. Robbi., East Amwell Township, Hunterdon County, Howard and Nola Willis and Ian Willis, Landowners, Hopewell Township, Cumberland County, Michael Gruccio, Esquire, Attorney Mr. and Mrs. Willis).

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### Minutes

A. SADC Regular Meeting of September 24, 2009 (Open Session)

Ms. Murphy stated that in the discussion pertaining to storm water management on preserved farms, reference was made to a conversation with Sandra Glick of the NJ DEP (page 29). Ms. Murphy indicated that the last name should read “B”lick (Blick) not “G”lick and asked that it be corrected in the minutes.

It was moved by Ms. Reade and seconded by Ms. Murphy to approve the open session minutes of the SADC regular meeting of September 24, 2009, with the above noted correction. The motion was unanimously approved.

B. SADC Regular Meeting of September 24, 2009 (Closed Session)

It was moved by Ms. Reade and seconded by Ms. Murphy to approve the closed session minutes of September 24, 2009. The motion was unanimously approved.

### **REPORT OF THE CHAIRPERSON**

Chairman Fisher congratulated everyone on the passage of the Public Question for the continuation of funding for the farmland preservation program, the open space and historic preservation programs.

### **REPORT OF THE EXECUTIVE DIRECTOR**

Ms. Craft discussed the following with the Committee:

- Public Question

Ms. Craft thanked everyone involved in getting the word out on the public question on the ballot. In particular, she mentioned the New Jersey Conservation Foundation (NJCF) and the entire Keep It Green campaign, along with the New Jersey Farm Bureau for representing the agricultural interests throughout the entire process. She stated that Secretary Fisher's op-ed's received great exposure throughout the State, which had an impact.

Ms. Craft referred the Committee to a spreadsheet that was provided by the NJCF following the referendum that showed where the public question failed, where it passed, and what are the trends in public support over time, for the Committee's information. She stated that consistently some of the most urban counties continue to be some of the most arduous supporters of the bond referendum. She stated that what the information said to her was that it reinforces that we cannot take public support for granted. She stated that it refocuses her on making sure the program's integrity is the highest that it can be and reinforcing the various partnerships that make this program possible.

- Funding Availability

Ms. Craft stated that the public question is the public's authorization for the State to issue debt. There is now a new incoming administration, and the SADC's first issue of discussion will be the importance of making funds available as soon as possible so that commitments can be made to our funding partners. However, until such time that the SADC can get direction from the Christie administration, we cannot speculate on an outcome.

- Salem County Farmland Preservation Event

Ms. Craft stated that staff attended a farmland preservation event in Salem County for its 200<sup>th</sup> preserved farm. Secretary Fisher was there and it was a milestone for Salem County. She stated that Hope Gruzlovic of the SADC attended an event in

Gloucester County, celebrating the preservation of 15,000 acres preserve, which was both county farmland preservation and open space preservation efforts.

Mr. Schilling stated that to his knowledge this is the first time that we did not carry Middlesex County in the public question vote since 1961. He stated that he lives in Middlesex County and in his town it was the campaign issue and in his area there have been years of farmland preservation money so the appreciation of what the program accomplishes was there but the sentiment was that we cannot afford to take on more debt. It took a lot of work to get to the realization that incurring debt now saves a lot of money down the road. He stated that if the sentiment with the two or three towns that he was speaking with in Middlesex County is any indication, there is a lack of appreciation for the long-term and intermediate-term fiscal benefits in passing this bond. He stated that towards the end of the voting night, Middlesex County did vote in favor of the bond question but it was somewhat disappointing. Ms. Craft stated that it was good to see Middlesex County come back into the positive area because it did support the 2007 question. Ms. Craft stated that it was a concern for her to see the public question not pass in the Highlands, where it seems to her that landowners there have been profoundly affected.

Chairman Fisher stated that there is a lot to read in this document. There is consideration about what people think about debt in general. There are other areas where like in the Highlands it's its own special consideration on what these funds are going to be able to do and not do. He appreciated seeing the statistics that were provided by the NJCF and stated that as we move through this we should remind ourselves that this information is telling us. He stated that sometimes the message is not that they don't believe in the program, or they don't want open space or farms, it's just a philosophical issue about debt.

Mr. Siegel stated that the voter turnout on the referendum seemed to be very low. There were almost a million voters that voted on the Governor's race but did not vote on the ballot referendum. He stated that this year the ballot question was at the bottom of the screen and you actually had to look for it, and that simple repositioning of the ballot question could have had some impact, however, it still is a large drop off of voters not voting on the ballot question.

Mr. Baumley addressed the Committee regarding the mandatory annual Ethics training, reminding them that if they have not done so yet, to please take the training on-line. He state that the deadline is tomorrow, November 6<sup>th</sup>. Notice of completion of this training will need to be provided to the Governor's Authorities Unit.

## **COMMUNICATIONS**

Ms. Craft encouraged the Committee to take home the various articles provided in the meeting binders.

## **PUBLIC COMMENT**

The following members of the public addressed the Committee:

Nicki Goger from the New Jersey Farm Bureau stated that in attending some of the agricultural meetings in the Highlands, one of their issues is that they think the funds at this point will not go to them because of the expiration of the dual appraisal method.

**Note: Chairman Fisher indicated that he would be leaving the meeting for a short period of time around noontime to attend a meeting at the Governor's Office. Since the Vice Chairperson, Alan Danser, is absent from this meeting, Chairman Fisher indicated that a new Vice Chairperson would need to be nominated for this meeting only, to preside over the meeting when he leaves. He nominated Jane Brodhecker as Acting Vice Chair.**

It was moved by Mr. Schilling and seconded by Ms. Rendeiro to name Jane Brodhecker as Acting Vice Chairperson for the November 5<sup>th</sup> SADC meeting. The motion was unanimously approved.

## **OLD BUSINESS**

### **A. Request for a Division of the Premises**

1. Willis Farm, Hopewell Township, Cumberland County

Mr. Roohr referred the Committee to a memorandum dated October 30<sup>th</sup> regarding a request for a division of the premises by Howard and Nola Willis, owners of an approximately 212 acre farm in Hopewell Township, Cumberland County. The owners propose to transfer the 133-acre Hope Grange Road farm to their son, Ian, who is in the process of renovating the farmhouse and farmstead area and plans to reside on the farm with his wife when the renovation work is completed. The request was heard by the Committee at its May 28, 2009 meeting at which time staff recommendation was to deny the request on the basis that the division was not for an agricultural purpose. There was a lack of evidence that the subdivision would have a positive agricultural impact. The Committee tabled the request and directed staff to continue discussions with the Willis family to get more details on what Ian Willis' involvement with the farming aspects of the

property would be should he acquire the 133 acre parcel and to provide any other information related to the agricultural purpose standard.

In September, SADC staff received a woodlot management plan for the approximately 75 acres of woods on the Hope Grange Road farm with an explanation from the Willis' attorney that Ian would be actively managing the forest on the property. Originally Mr. and Mrs. Willis sought to divide the farm with the intent of transferring the Hope Grange Road property to their son at some point in the future as part of an overall estate plan. Since the May SADC meeting, the Willis family has prepared and signed a deed that transfers the property to Ian immediately, conditioned upon approval of the division of the premises by the SADC. The Cumberland CADB has supplied a supplement resolution of support for this division.

While it is acknowledged that forest management can be an important component of an agricultural operation, the forest management plan proposed for this farm calls for an initial timber stand improvement cutting, to remove inferior species, which would then be followed up with a timber harvest, which is recommended to occur in about five years. The timber harvest should be followed by 15-20 years of annual maintenance in the form of thinning and culling before the next harvest. Mr. Roohr provided the Committee with breakdown provided by the Willis' attorney regarding the value of that timber. It is done in two scenarios, one if the Willis' were to hire a contractor to harvest the wood and the other is if they did it themselves. In the best case scenario there would be approximately 100 cords of firewood that would be part of this initial timber improvement cutting that would result in approximately \$16,500.00 or \$165.00 per cord. There would be about five years of the thinning and maintenance, which would result in fifteen to twenty-five cords of firewood, which would be approximately \$4,000.00 per year and then with 40,000 to 60,000 board feed of timber, that would be the actual cutting in five years. That would result in approximately \$22,000.00 to \$33,000.00 every 15-20 years. This information was prepared by the same forester who prepared the wood lot management plan. If you total that up it would be \$4,000.00 per year for 15 years is \$60,000.00, \$33,000.00 for the timber cut so \$93,000.00 over a 15-year period is approximately \$6,200.00 per year if you look at it since timber is not harvested every year, it is broken up over a 15-year period.

Mr. Roohr stated that the parcels have always been operated as independent farm operations. The property on Barrett's Run road was purchased over 40 years ago and the property on Hope Grange Road was inherited from Mr. Willis' family in the 90's. The properties have been leased to two separate local farmers since the Willis' retired from farming approximately 10 years ago. One farm is subject to a sixteen year lease and is a peach orchard operation and the other is under a year to year lease as a vegetable operation.

The Committee must determine if the additional information submitted by the Willis family and the CADB satisfies its expectations for evaluating the agricultural purpose standard. Should the Committee accept the applicant's proposal that management of the forest, as described, satisfies the agricultural purpose test for a division of the premises staff believes that such a finding would set a substantially lower standard for review of subdivision requests, and as such could have a far reaching precedential impact.

Ms. Reade stated that she remembered Mr. Siegel's comments from the May meeting where he indicated that in some instances estate planning is furthering the agricultural purpose solution. She stated that she felt that if the Willis' came to the Committee before they leased the farms and stated that he wanted to divide the farms so he could lease to a peach farmer and a vegetable farmer, the Committee may have been more inclined to view the agricultural purpose validity in that case rather than when it has already been managed separately for many years. The other concern she has is that Mr. Brill testified in May that combining the two farms did not promote the application in any way and in Mr. Roohr's recent memo reveals that the application was treated more favorable as a result of the two farms being combined. However, she stated that you have two separate farms with two different soil types and there is a lot of development between them. She felt that it compromises the future of the farms if you keep them together. She stated that recognizing that they are in fact already being divided is important. The agricultural purpose division has already occurred. Mr. Schilling stated that for a considerable period of time these properties have been managed separately with one being irrigated so an investment has been made so that these properties serve two different agricultural processes.

Chairman Fisher asked if Mr. Roohr had mentioned earlier that the wood lot management plan had increased the viability from an agricultural purpose? There are two productive farms, one a peach farm and one a vegetable farm and there was no woodland management. He asks the question because he doesn't think that anyone would disagree that from an estate point of view what they are trying to do as a family makes sense. The question is the land itself. Mr. Roohr stated that it is correct that there was not a woodland management plan and now there is and it is a resource that probably was not considered or used in the past. Now they have shown a mechanism to use it and how they would achieve some value and profitability out of it. When the SADC received it, it was an interesting take on an additional use of the farm. The SADC does not get woodlot management plans very often as a way of meeting the agricultural purpose or viability test. The dollar values provided, while they do amount to some profit, are not the same as if they were going to utilize the open tillable land so that the value of that woodlot management plan is something and is in addition to what the farm already produces but it he didn't think that anyone would consider it as the sole source of income coming from it. Mr. Siegel stated that the woodlot management does add to the viability of the parcel. Chairman Fisher agreed.

Mr. Roohr stated that in viability terms, adding the woodlot component to it adds to the viability, there is no question of that but the viability factor was not the concern back in May, it was the agricultural purpose. What the woodlot management plan has to do is meet the Committee's expectations that you are going to divide a preserved piece of property and the person who is going to get it is going to be doing the activities that this woodlot management plan sets out to do, which is basically managing the forest. Does that meet the expectation for someone's agricultural purpose? It is enough of an agricultural purpose?

Dr. Dey stated that he agrees with Ms. Reade's comments regarding the farms and that they have already met the agricultural purpose by what they are currently doing on the farms.

Mr. Roohr stated that the owners and their attorney have been informed of the staff's position and are present at today's meeting. Mr. Guccio addressed the Committee on behalf of the Willis family in support of the division request. He stated that one of the issues was related to the actual and real connection of Ian Willis to the Hope Grange Road farm. When the application was presented in May, Ian only had a speculative interest or a potential interest in the property. He then made reference to a court case that was decided in Morris County that was of interest to him due to the commentary offered by the Court when the decision was rendered whereby the Judge did touch upon "speculation". In that context this is how the Judge addressed that issue – "if the trust and the estate, the applicant for the division of the premises in that matter comes forward and say we have contracted with Mrs. Ryan (hypothetically) to do this, here is the contract...she is going to have a vineyard here, she is going to live her, this is going to be her family farm and this is the amount of acres it is going to be, which far exceed the average acreage in New Jersey, the decision would be an agricultural purpose....." this is a den oval review. Mr. Guccio stated that to him it gives somewhat of a blueprint in terms of how an applicant should proceed in terms of presenting to the Committee some type of evidence that there is a measurable, real and tangible connection of Ian Willis to Parcel B, Hope Grange Road farm. The technique applied to establish that connection was not to have Mr. and Mrs. Willis execute a will so that adds to some speculation. He stated that a proper estate planning technique, and the one utilized by Mr. and Mrs. Willis, is to provide for an immediate transfer of the property to Ian. The deed to convey the property to Ian has not been recorded and the transaction has not been finalized. He stated that they recognize that the division of premises needs to be approved by the Committee in order for that part of the estate planning process to go forward. But the critical point being offered is that in the context of estate planning, which there is some perception on the part of the Committee or some members of the Committee, that estate planning under proper circumstances in a particular case



may advance the agricultural purpose of a proposed division of the premises. He stated that in this particular case there is every indication that the transaction involving the placement of ownership of Parcel B in the name of Ian Willis is not speculative but real and can be completed upon the Committee's approval of the division of the premises request.

Mr. Guccio stated that there is a very significant, untapped agricultural resource, which is on that property, the forested area of the premises. The forested area, in terms of acreage, exceeds the actual tillable area. Ian Willis is willing to exercise stewardship over this untapped resource. He stated that one issue he has been thinking about for some time is agricultural purpose in the sense of whether that means a subjective intent of the applicant with regard to a division or whether it relates more to the intended result of a division. The subjective intent on the part of Mr. and Mrs. Willis, who preserved the farmland, is multifold. It is to provide for proper estate planning to assure that the principal assets of their lives stay within the family. If we focus only on estate planning as an agricultural purpose, let's not lose sight of the other issue raised, what is the intended result of this particular division. It is to place ownership of the Hope Grange Road farm with Ian Willis, a son of the parties who effectively preserved the farmland and the intended result of that is to enhance and to diversify agricultural activity on that particular property. He hopes that this is sufficient to warrant a favorable vote by the Committee approving the division request.

Mr. Siegel asked if the property is being acquired by the son and is he paying for the property? Mr. Guccio stated that the deed indicated \$1.00. He stated that there was some indication by SADC staff that the financial details of the transfer need not be disclosed. Mr. Siegel stated that his question concerns tax liability and estate planning, which is a point being brought up by the applicant, concerns control of tax liability so it is appropriate for the Committee to ask questions regarding tax liability. Mr. Guccio stated that his involvement with the Willis family is as counsel regarding the division of premises application. Issues regarding estate planning and matters associated with the tax consequences flowing from the estate plan are issues being addressed by other counsel. Mr. Siegel stated that this is one of the things that Piedmont wrestled with at its conference recently regarding applicants who are citing estate planning. If we ever get a case where estate planning is the major premise, the precedent we need to set is that applicant needs to understand that they are piercing the veil of financial confidentiality. If they expect the Committee to make a decision based on estate planning, they need to explain the planning of the estate and why the transaction now is a benefit versus at the time of death or inheritance. He stated that was the reason he asked if the landowners are still citing estate planning as they did in May. Mr. Guccio stated that he doesn't see how that particular issue goes to agricultural viability of the divided premises. Mr. Siegel stated that

possibly he is not making himself clear. He stated that in the claim of agricultural purpose for this approval, is estate planning still a part or has it been dropped? Is estate planning still being used as a claim for agricultural purpose? Mr. Guccio stated that estate planning is being used because the deed transferring ownership of Hope Grange Road farm from Mr. and Mrs. Willis to their son Ian as part of the that process.

Mr. Guccio stated that the thrust of his remarks to the Committee today is to address what he understood to be the concerns of the Committee articulated by the SADC staff and the Committee at the May meeting. He felt that the Committee has been provided enough information at today's meeting to recognize the two-fold test that it undertakes in the evaluation of agricultural viability of the resultant parcels and whether there is an agricultural purpose being served. He thanked the Committee for their time.

Matt Pisarski from the Cumberland County Agriculture Development Board stated that he wanted to clarify the Board's position as it relates to estate planning as mentioned in its resolution. He stated that the Willis' are a long-time community supporter for farming in lower Hopewell Township. They are recognized and have been for many years as strong farmers in the area. If there is an opportunity to help them to retain their farm in their family the Cumberland CADB wants to try and accomplish that. There has been a lot of discussion about keeping farms in the farming community and making them affordable for farmers. He stated that a division of the premises in this case continue that for the Willis family so that they remain in the farming community. He stated that the Board viewed the estate planning as a method form them to retain ownership of the property. Mr. Siegel asked how the Board was able to do that? Mr. Pisarski stated that otherwise both parcels with individual houses on them would have to be acquired by either a single son or single member of the family, which the County's understanding, without going into financial details, is not a viable option. He stated that in order for the son to retain participation in the farm he can acquire the Hope Grange parcel and his parents can stay in the place they are living in now on the other parcel, which is doable. Mr. Siegel commented that the concerns of the Board was that if the division is denied it is an estate that puts the farm at risk and therefore approving the division would reduce the risk. Mr. Pisarski stated that was correct.

Ms. Craft commented that regarding the reference made by Mr. Guccio regarding the decision in Morris County, that was a superior level court in Morris County and the SADC was not party to that. It was not appealed to the Appellate Division, so that is case law in Morris County only. The SADC is in no way bound by the conclusions or observations made by that Judge. She stated that her concern is that it sounds like "keeping the farm in the family" is being used as a

sufficient agricultural purpose. She stated that she thinks the program idea was keeping the farm in the farming family. She stated that none of the members in this family are farming the ground. She suggested that before the Committee acts, it should look at the case more hypothetically and assume that it's a doctor that owns the property and he wants to divide it and leave one piece to his child who is an attorney and then the justification they are using is woodlot management. She stated that if this is a subdivision that the Committee can approve, then it should be approved. But if it isn't, she urges the Committee to separate the personalities and history associated with the property from the precedent factor.

Mr. Siegel stated that he had no problem with what the County determined because the SADC has given no guidance on what role estate planning can play in satisfying the agricultural purpose test, but he would be more comfortable in this case with a disclosure of what the tax liability is expected and what it is now and what they have avoided. Ms. Murphy stated that unless the Committee all agrees that the woodlot management is an agricultural purpose then the person who it's being transferred to not going to be engaging in agriculture. If the family is not farming, how is that an agricultural purpose? Ms. Reade stated that Mr. Siegel's concern deals with the viability of the farm if it winds up having inheritance tax liability on it. She stated regarding Ms. Craft's comments regarding the agricultural purpose of the farm if you separate the personalities of the people. She stated that was discussed somewhat at the May meeting. She stated that she has a concern that historic properties could be pulled down in the name of agricultural viability. She stated that if you don't put this really nice 19<sup>th</sup> century farmstead into the hands of a family member and you go directly to the tenant vegetable farmer you'll lose a really important part of the landscape, which is a component of what the SADC is supposed to do. If you look at it from a strictly pragmatic view as a vegetable farmer, he doesn't need the structures that are on that farmstead that Ian Willis is restoring.

Ms. Murphy stated that in the staff memo talks about that management of the forest, if we accept that as satisfying the agricultural purpose test staff believes that such a finding would set a substantially lower standard for review of subdivision requests and as such could have a far reaching precedential impact. She stated she would like to have a discussion regarding that because that seems to be the most promising agricultural purpose for this subdivision. If that would actually set a much lower standard, the Committee should evaluate that, the woodlot management as an agricultural purpose and whether or not that is substantial enough and whether or not it would set a lower standard.

Mr. Roohr stated that if the request came in and it was Ian going to buy this farm and his only agricultural purpose is to manage this woodlot, because this is not a multi-million dollar woodlot, staff would look at it and say it is not a great deal of

involvement in the farm; it is something but it is not as if he is going to take over the vegetable operation and manage a 100-acre farm. The woodlot would be a less intensive agricultural production component than would be used in the tillable acres. If that was the only thing, staff would have concerns with that. He stated that there are a variety of things but that is what was submitted as this is Ian's involvement primarily with the actual farm. In the past, people have come in with plans, and the Committee has had them supply business plans, such as you are going to have how many horses, and how much production is associated, how many hours per day does it require you to be involved with the horses to run the operation, and so on. He stated that staff has asked what the dollar value was and if it is going to be a net loss and it doesn't add up, but even though the acreage is a lot to manage the entire forest, the intensity of the involvement in the agricultural operation is minimal compared to other requests that the SADC has received.

It was moved by Dr. Dey and seconded by Mr. Siegel to approve the request by Howard and Nola Willis to divide the premises as discussed and that SADC staff would formalize the necessary resolution and present it to the Committee at its December 5<sup>th</sup> meeting.

Dr. Dey stated that the Resolution for this request needs to be that the SADC makes sure that this forestry management program is carried out. Mr. Siegel asked if the resolution is conditional on the transfer of the property. Chairman Fisher indicated that they did not want to make a transfer until they found out what the Committee's position would be and then they would make the transfer if it was approved. Ms. Craft stated that the Committee can condition any approval on transferring the property to the son as discussed. She stated that staff would want that stipulated in the resolution. Ms. Murphy commented that Dr. Dey's motion is based on the acceptance of the woodlot management being the agricultural purpose of the subdivision. Mr. Siegel stated that he is seconding the motion because he is accepting the Cumberland CADB's determination that there is an estate planning problem and the landowners are trying to cure it. That is not part of the motion however.

A roll call vote was taken as follows:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy	YES
Donna Rendeiro	YES
Ralph Siegel	YES
Brian Schilling	YES
Jane R. Brodhecker	YES
Alan A. Danser	ABSENT

James Waltman	ABSENT
Denis C. Germano	ABSENT
Torrey Reade	YES
Stephen P. Dey	YES

The motion was unanimously approved.

Ms. Craft stated that staff will prepare a full resolution for the Committee to memorialize at the December meeting.

Mr. Siegel stated that he believes that what the Cumberland CADB did was essentially using gut instinct and the reputation of the landowner because it had nothing else to go on. He does not want any other CADB or the SADC to do that ever again and he would like staff to develop a memorandum, which he does think requires regulations or rules and send it to the counties that if someone is going to request a division and they are going to cite estate planning, the SADC wants to know the financial details, what is the tax liability today, what are they paying today and what is the estate liability they believe they are avoiding. If the two numbers are the same, you will know that is not a legitimate basis. He stated that this may not be the case in Cumberland but throughout New Jersey this crisis is going to begin to grow as the land increases in value underneath these cash poor farmers. He stated that for the December meeting there should be a memorandum for the Committee's consideration that states that if you are going to come to the Committee or if you are going to come to the CADB's and cite estate planning, explain it. Chairman Fisher stated that we should educate ourselves prior to sending out a memorandum on this issue so that the agricultural community has a greater understanding.

### NEW BUSINESS

#### **A. Resolution for Approval: FY 2010 PIG Program**

1. Final Approval of the County Planning Incentive Grant Program Comprehensive Plan and Project Area Summaries for Sussex County

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

Mr. Bruder referred the Committee to Resolution FY2010R11(1) for a request for final approval of Sussex County's Planning Incentive Grant Program Comprehensive Plan and Project Area Summaries. He reviewed the specifics of the resolution with the Committee and stated that staff recommendation is to grant

final approval.

It was moved by Ms. Reade and seconded by Dr. Dey to approve Resolution FY2010R11(1) granting final approval of Sussex County's Planning Incentive Grant Program Comprehensive Plan and Project Area Summaries as presented and discussed, subject to any conditions of said resolution. The motion was approved. (Ms. Brodhecker recused herself from the vote. Mr. Siegel was not present for the vote.) (A copy of Resolution FY2010R11(1) is attached to and is a part of these minutes.)

**B. Resolution for Approval: FY2010 Planning Incentive Grant Program**

1. Final Approval of the Municipal Planning Incentive Grant Program for Hillsborough Township, Somerset County

**This agenda item was submitted to the Governor's Office via excerpted minutes on November 9, 2009.**

**Note: Ms. Brodhecker returned to the meeting at this point.**

SADC staff referred the Committee to Resolution FY2010R11(2) for a request for final approval of the FY 2009 Municipal Planning Incentive Grant Program Comprehensive Farmland Preservation Plans for Hillsborough Township, Somerset County. The specifics of the request were discussed with the Committee. Staff recommendation is to grant approval.

It was moved by Dr. Dey and seconded by Ms. Brodhecker to approve Resolution FY2010R11(2) granting final approval to the FY 2009 Municipal Planning Incentive Grant Program Comprehensive Farmland Preservation Plans for the Township of Hillsborough, Somerset County, as presented and discussed, subject to any conditions of said resolution. The motion was approved. (Mr. Siegel was not present for this vote.) (A copy of Resolution FY2010R11(2) is attached to and is a part of these minutes.)

**C. Renewals, Terminations and Withdrawals of Eight Year Programs**

Ms. Winzinger referred the Committee to the Eight Year Program Summary for FY 2010, showing no renewals of eight year programs and no withdrawals of eight year programs. She stated that there were five (5) terminations of eight year programs/municipally approved eight year programs, one of which has been permanently preserved as follows:

1. Ralph Pappas  
SADC # 0111-11F-01/01-0033-8F  
Township of Galloway, Atlantic County, 19.1 Acres

- Soil and water conservation cost share funds remaining at time of termination:  
\$5,470.00 (\$5,970.00 expended)
2. John F. Tompkins and Theresa M. Tompkins  
SADC #0435-05F-01/04-0003-8F  
Township of Waterford, Camden County, 77.9 Acres  
Soil and water conservation cost share funds remaining at time of termination:  
\$35,580.00 (zero (\$0.00) expended)
  3. Edward J. Cuneo  
SADC #0436-11F-01/04-0004-8F  
Township of Winslow, Camden County, 13.7 Acres  
Soil and water conservation cost share funds remaining at time of termination:  
\$5,365.50 (\$2,863.50 expended)
  4. William A. Kohn Family Trust  
SADC #1322-02M-01/13-0002-8M  
Township of Middletown, Monmouth County, 5.5 Acres  
Soil and water conservation cost share funds remaining at time of termination:  
\$3,300.00 (zero (\$0.00) expended)
  5. William H. and Leah McCormack \*  
SADC #1322-02M-01/13-0002-8M  
Township of Middletown, Monmouth County, 31.31 acres  
Soil and water conservation cost share funds remaining at time of termination:  
\$18,706.00 (zero (\$0.00) expended)

\* This property was permanently preserved on December 12, 2008.

Ms. Winzinger stated that this was for the Committee's information only and that no action is required. Ms. Reade commented that now that there is going to be funding in the Garden State Preservation Trust (GSPT), does that mean there will be interest income that can be used for conservation projects in the future? Ms. Craft responded that it does not. The interest earnings that were currently applied are associated with bonds that were sold, for which soil and water conservation was a specific authorized use.

#### **D. Soil and Water Conservation Cost Share Grant Requests**

Mr. Lofberg stated that last year the SADC received \$700,000.00 from the Division of Agriculture and Natural Resources from excess funds that it had as a result of cancelled conservation practices contracts. He stated that \$350,000.00 of that was transferred in FY 2009 with the plan to transfer the remaining \$350,000.00 this fiscal year. The money that was transferred in fiscal year 2009 has all been obligated or spent. The remaining

amount for this fiscal year has not been completely transferred and it still at the Office of Management and Budget waiting to go to the Office of Legislative Services who will issue the final approval for that. In addition to that, in the last appropriation bill, the SADC had re-appropriated approximately \$243,000.00 in interest earnings from the bond funds. He stated that to date the SADC has not expended any of that amount. He stated that staff has gone back and looked at previous money that was appropriated in those bond funds from interest earnings and removed projects that never happened or came in for less than what they had. Therefore, the funding amount keeps changing. He stated that many times landowners come in for less that what they were approved for. He stated that the projects for consideration today will use approximately \$43,000.00 from the interest earnings that have been appropriated. The rest will be funded from previously money placed in those bond funds. If the Committee approves the requests before it today there will be approximately \$201,000.00 available in the bond funds and \$350,000.00 once the OLS has approved the remaining money the SADC received from the Division of Agriculture and Natural Resources

Mr. Lofberg referred the Committee to the Soil and Water Conservation Project Cost Share Grants – Projects for Funding Summary showing eight (8) requests for soil and water conservation cost share grant funding under Priority # 1(7 requests) and Priority # 2 (1 request). He stated that staff recommendation is to approve the requests as presented and discussed.

**Note: Ms. Reade recused herself from any discussion/action pertaining to the Cumberland County and Salem County requests to avoid the appearance of a conflict of interest. She stated that she is the supervisor for the Cumberland/Salem Soil Conservation Districts.**

It was moved by Dr. Dey and seconded by Ms. Rendeiro to approve the following Resolutions granting approval to a soil and water conservation cost share grant for the following landowners as presented and discussed, subject to the availability of funds, and subject to any other conditions of said resolutions:

**PRIORITY # 1**

**BURLINGTON COUNTY**

1. Mary E. Scott (Resolution FY2010R11(3))  
SADC #03-0035-PN  
Southampton Township, Burlington County, 136.022 Acres  
Cost Share Grant Amount: \$4,350.00 (Obligation # 3)

Note: Mr. Lofberg stated that part of this project request involves spoil spreading on 3 acres of land. That process involves digging up soil and spreading it out. Ms. Craft



stated that regarding the projects that involve the spoil (soil) spreading, which the SADC is very sensitive to when it comes to any type of soil disturbance, staff confirmed that the landowners are cleaning up the ditches and it is top soil that they have and it it's a very thin spreading of the material on the farms and is in no way compromising the agricultural value of the soil.

2. E.C. Jennings Associates (Resolution FY2010R11(4))  
SADC #03-0011-DE  
Medford Township, Burlington County, 102.335 Acers  
Cost Share Grant Amount: \$40,233.50 (Obligation # 1)

Note: Mr. Lofberg stated that part of this project involves soil spreading, which is what they dig up and spread out. He stated that the landowner will be cleaning out approximately 8,845 feet of soil and then spreading it out over 40.6 acres. Ms. Craft stated that staff confirmed that the landowners are cleaning up the ditches and it is top soil that they have and it it's a very thin spreading of the material on the farms and is in no way compromising the agricultural value of the soil.

3. Edward Huff (Resolution FY2010R11(6))  
SADC # 10-0033-EP  
Bethlehem Township, Hunterdon County, 119.194 Acres  
Cost Share Grant Amount: \$27,215.00 (Obligation # 1)
4. Steven R. Gambino and Audrey T. Gambino (Resolution FY2010R11(9))  
SADC # 21-0005-DE  
Pohatcong Township, Warren County, 100.003 Acres  
Cost Share Grant Amount: \$7,200.00 (Obligation # 2)

## **PRIORITY # 2**

### **ATLANTIC COUNTY**

1. Daniel and Margaret Czarniak (Resolution FY2010R11(10))  
SADC #01-0043-8F  
Town of Hammonton, Atlantic County, 20.400 Acres  
Cost Share Grant Amount: \$12,240.00 (Obligation # 1)

The motion was unanimously approved. (A copy of Resolution FY2010R11(3), FY2010R11(4), FY2010R11(6), FY2010R11(9) and FY2010R11(10) is attached to and is a part of these minutes.)

It was moved by Ms. Brodhecker and seconded by Dr. Dey to approve the following Resolutions granting approval to a soil and water conservation cost share grant for the

following landowners as presented and discussed, subject to the availability of funds, and subject to any other conditions of said resolutions:

**PRIORITY # 1**

**CUMBERLAND COUNTY**

1. Bonham Farms, LLC (Resolution FY2010R11(5))  
SADC #06-0005-PG  
Hopewell Township, Cumberland County, 106.818 Acres  
Cost Share Grant Amount: \$25,681.80 (Obligation # 2)

**SALEM COUNTY**

1. Joseph Catalano, Jr. (Resolution FY2010R11(7))  
SADC #17-0096-EP  
Mannington Township, Salem County, 145.111 Acres  
Cost Share Grant Amount: \$3,750.00 (Obligation # 2)
2. Donald and Louise Garrison (Resolution FY2010R11(8))  
SADC #17-0002  
Pittsgrove Township, Salem County, 143.65 Acres and  
SADC #06-0003-EP  
Upper Deerfield Township, Salem County, 59.43 Acres  
Cost Share Grant Amount: \$33,395.00 (Obligation # 1)

The motion was approved. (Ms. Reade recused herself from the vote.) (A copy of Resolution FY2010R11(5), FY2010R11(7), and FY2010R11(8) is attached to and is a part of these minutes.)

**E. Farm Stewardship**

1. Presentations on Farm Conservation Plans and Storm Water Management Facilities on Preserved Farms

Ms. Craft stated that at the last meeting the Committee had a lengthy discussion about storm water management on farms and got an appreciation first hand of what the new DEP rules are requiring from farmers when they go to construct buildings. There was a lot of discussion regarding farm conservation plans to what extent they can and cannot serve a role in managing storm water on farms. The Committee had requested more information regarding that to get a better understanding of issues before the SADC tries to deal with how this issue may impact preserved farms moving forward. To that end, the SADC reached out to the Division of Agriculture and Natural Resources from the Department of Agriculture. Frank Minch from that division is present and he is our

conduit to DEP and the NRCS on issues relating to water. Mr. Minch has invited Dave Clapp from the NJ Department of Agriculture, Division of Agriculture and Natural Resources and Dave Lamm from the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) who are present at today's meeting. Mr. Clapp will discuss farm conservation plans and Mr. Lamm will address storm water specifically and storm water issues to farmers.

Mr. Clap provided a presentation regarding what a conservation plan was, what it involved and the benefits of a conservation plan.

Mr. Lamm discussed runoff management and the storm water rules. He stated that the storm water rules are triggered if there is more than a quarter acre of new impervious cover or more than one acre of disturbance, meaning land clearing, or soil disturbing activity, other than normal plowing, the storm water management rule may apply. There are some other requirements as well. There also has to be another state permit required for that operation, where the operation has to be subject to SADC or the CADB review, or it has to be something under the purview of the municipality and not protected by right to farm. For any agricultural structure or practice, something that we have a conservation practice for, the NRCS will look at implementing a storm water management rule for that practice. When you get into other structures, like a riding arena and the home, generally the NRCS is not assisting on that. A town can require a landowner to meet the storm water regulations. Ms. Craft questioned if a farmer was building a structure to house pesticides under cover, which created runoff, would the work of the NRCS with the landowner deal with how to handle the storm water as a result of that building? Mr. Lamm stated that if it were more than one quarter acre in size, the NRCS would address it but generally those structures are not that big. Ms. Craft asked about a greenhouse. Mr. Lamm responded that for greenhouses, generally the NRCS is not getting involved with creating conservation plans for greenhouses. If a municipality is saying that you must address storm water management in putting up the greenhouses, the NRCS would assist with that. If the municipality is not requiring it in the planning, one of our conservationists would say that they should look at the increased runoff because putting all this area under greenhouses, do you want to do that, yes or no..... the NRCS might not address it. He stated that generally with a large greenhouse operation the NRCS is putting in tail water recovery facilities because they irrigate their runoff out of the greenhouses, we're collecting that runoff and putting in basins for those purposes, although they are often not designed for a storm water management purpose but rather an irrigation water conservation purpose. The storm water rules cover water support areas, one being erosion control, the runoff quantity, the increase in runoff has to be addressed and ground water infiltration. The storm water rules require that the current amount of infiltration taking place be preserved or maintained in the future.

Mr. Lamm stated that the NRCS plan would routinely be looking at erosion control and water quality. The water quantity aspect and the water infiltration they will deal with if

the landowner wants or if the town is requiring that the landowner look at those areas.

Ms. Craft commented that if a landowner is building a large barn or equipment shed and it was triggering the quarter acre impervious cover limit and they are coming to the NRCS for a conservation plan, does that plan address how to comply with the storm water management regulation by virtue of the outcome of the plan? Mr. Lamm stated that if that quarter acre facility was done through one of the NRCS practices, like the agri-chemical handling facility, then yes. If it is a barn, the NRCS does not have a standard for barns and they do not get involved with barns, then no. Ms. Craft stated that the difficulty then would be that the NRCS for the most part does not deal with the impact of structures. Mr. Clapp stated that the distinction to make is if the structure has a practice or if the structure has a positive impact on one of the SWAPA (soil, water, air, plants and animals) resources and NRCS is designing that structure. Ms. Craft stated that if you are building a shed for animals then that would be part of a manure management facility and the NRCS would address it but if it is a barn to park equipment in the NRCS would not address it. Mr. Lamm responded that was correct.

Ms. Craft stated that a question that came up at the last meeting was that the storm water facilities were designed so that they had a gentle slope. Once you created this storm water facility can that land continue to be used for a variety of agricultural purposes? Mr. Lamm stated that it would not be used as productively. Farmers do not routinely modify their farms to create basins to grow crops in unless they are doing possibly cranberries. It would not be a practice to install a basin and then expect that ground to be as productive. It would limit the use for various agricultural purposes.

Ms. Murphy commented that it was her understanding that the NRCS does a storm water management plan when it involves a practice that is funded by the NRCS. In those cases is the NRCS looking at the same things that the storm water management rules look at? Mr. Clapp stated that the NRCS needs to maintain compliance with those regulations. To that end, whatever the regulations says.....as a planner he looks at the entire picture but he has people that he can rely on to make sure that everything is in compliance. Ms. Murphy stated that the runoff management systems reviewed this with some of the storm water people at the NJ DEP and they were saying that some of the components are somewhat different from what the storm water management agricultural management practices (AMPs) are. Mr. Lamm stated that some of the intents are the same but how they are configured for a farm could be different. He stated that often they are working with a quarter acre of impervious cover on a one hundred acre farm and engineers and site development it's sort of the other way around and your left with a quarter acre of grass and one hundred acres of impervious cover. So the practices that they are used to seeing are much more intensive than might be required in a farm setting.

Ms. Craft stated that this is the area of activity that she sees for the future of the program. She stated that the Department has been trying to deal with that issue where if a farmer is

doing something that is in a practice covered by the NRCS, great but for much of New Jersey agriculture, when someone goes to build a building and it is not covered, they are on their own and they turn to the township engineer who says that you have to do it like this because that is what WaWa had to do. There is this disconnect that we are talking about with impervious cover that is surrounded by a vast amount of undisturbed open land. The Department is trying to work with the NJ DEP to see if we cannot come to an agreement to acknowledge that there are other ways to deal with storm water and farms besides creating another WaWa application and putting in retention basins.

Ms. Craft stated that what she wants to recommend for the Committee is that we formally engage with the Department to engage with the NJ DEP to try to get this issue cleared up and to develop standards or practices and she is not sure whether it would be come an AMP under the SADC's rules or whether it becomes a regulation for the Department but it seems to her that the SADC will be repeatedly be confronted with this issue by landowners who say that their engineers have sent them to it to see if they can do it. There needs to be clarity for the agricultural community. Ms. Craft asked the Committee if it would be comfortable to have staff being directed to formally engage with the Department and the NJ DEP on these issues? Mr. Siegel stated that he wasn't sure, under the storm water management rules, that he understands what the Committee's role would be. Ms. Craft stated that it is possible that the storm water management rules could be amended to allow storm water to be handled in a different manner when the disturbance is occurring on a farm. Ms. Murphy stated that there may also be other things that can be looked at like steering them towards practices that are more compatible with preserved farms and, dealing with the need to communicate with landowners about how they need to engineer and plan and if they are going to have a three acre exception and then put a two and one half acre house on it. She stated that this is something that the CADBs should be encouraged to speak to the applicants about.

**Note: Chairman Fisher left the meeting at this time. Acting Chairperson Brodhecker presided over the meeting.**

**F. Proposed New Rules**

1. N.J.A.C. 2:76-8.12 (Resale of Properties Owned in Fee by the State Agriculture Development Committee)
2. N.J.A.C. 2:76-8.18 (Lease of Properties Owned in Fee by the State Agriculture Development Committee)

Mr. Baumley referred the Committee to the proposed new rules, N.J.A.C. 2:76-8.12 and N.J.A.C. 2:76-8.18 dealing with the resale of properties owned in fee simple by the SADC and the leasing of properties owned in fee simple by the SADC. He stated that the history of these two regulations goes back to the situation where the Committee has purchased farms in fee simple title, then putting those farms back on the market again and based on appraisals you accept a value and then you sell them through an auction.

Sometimes the properties are sold and sometimes they are not. He stated that staff contacted the Office of the Attorney General for guidance and they advised that unless you adopt a regulation there is really no way for the Committee to accept a value that is less than the appraised value that was established. These rules will put forth some due-diligence in a process can recognize, in some cases, where it is deemed appropriate that the SADC may accept a value that is less than that minimum bid that was established. He stated that for example if you establish a \$500,000.00 minimum bid, you then go to auction and you open the bid at that amount and if there are no takers, the auction is done. However, if you have other approaches where you may or may not express that minimum bid amount and say it comes out to someone to agreeing to pay \$495,000.00 and the minimum bid was \$500,000.00 there is no way of relieving that situation unless you look at something like these proposed regulations.

Mr. Baumley reviewed the specifics with the Committee. Ms. Craft thanked the Committee for its discussion and comments on this subject. She stated that after further discussion with staff, she suggested that the Committee may want to add a provision in the rules so that the same consideration be applied in cases where we have to approve a nonprofit sale that does not reach the minimum or certified values. You may want to have the same consideration process that addresses how long did they advertise it, how many bidders were there, etc. for the Committee to be able to authorize that sale for an amount that is less than the certified value. She stated that staff would like to circulate the proposed rules informally for comment to get feedback and then come back to the Committee with a proposed rule.

**Note: Ms. Rendeiro also left the meeting at this time.**

**G. Request for Amended Final Approval – Former Rule Planning Incentive Grant Program**

**1. Greene Farm, Frelinghuysen Township, Warren County**

**This agenda item was submitted to the Governor's Office via excerpted minutes on November 9, 2009.**

SADC staff referred the Committee to Resolution FY2010R11(11) for a request for amended final approval of the Edward and Darlene Greene farm, known as Block 701, Lot 3.02, Frelinghuysen Township, Warren County, totaling approximately 32.504 acres. Staff reviewed the specifics with the Committee and stated that staff recommendation is to grant amended final approval. Staff anticipates closing on this farm by the end of this year to achieve year end goals.

It was moved by Mr. Siegel and seconded by Ms. Reade to approve Resolution FY2010R11(11) granting amended final approval of the Edward and Darlene Greene farm, Block 701, Lot 3.02, Frelinghuysen Township, Warren County.

approximately 33.902 acres, at a State cost share of \$3,040.00 per acre for an estimated total of \$103,062.08 (69.09% of the May 28, 2009 amended certified market value and 52.42% of the purchase price and estimated total cost), as presented and discussed, subject to any conditions of said resolution. The motion was approved. (Chairman Fisher and Ms. Rendeiro were absent for this vote.) (A copy of Resolution FY2010R11(11) is attached to and is a part of these minutes.)

#### **H. Request for Final Approval – New Rule Planning Incentive Grant Program**

**The following two agenda items were submitted to the Governor's Office via excerpted minutes on November 9, 2009.**

##### 1. Baldachino Farm, Manalapan Township, Monmouth County

SADC staff referred the Committee to Resolution FY2010R11(12) for a request for final approval of the Gerald Baldachino farm, located in Manalapan Township, Monmouth County, known as Block 67, Lot 9.06 p/o, totaling approximately 68 net acres. Staff is anticipating closing on this farm by the end of this year and that the SADC is anticipating utilizing Federal Farm and Ranch Lands Protection funds for this property, which requires its use within a relatively short term. If not utilized by that date, the funds will be lost. The landowner has agreed to the additional restrictions involved with the use of federal funds, including an impervious coverage restriction of five (5) percent, equal to approximately 3.35 acres of land available for agricultural buildings on land being preserved outside of the exception area, should funding be secured. The county has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore 70.04 acres will be utilized to calculate the SADC grant to be secured for this property; however 68 acres will be utilized as the estimate for cost share calculations. If the SADC is successful in obtaining FRPP funds it will utilize \$915,200.00 in FRPP funds and the remaining amount of \$178,000.00 from the competitive grant fund (total \$1,092,629.00) to provide this grant. In order to not unduly encumber competitive grant funds, if FRPP funds are going to be available for this closing, it is requested that the SADC place a ninety (90) day encumbrance on the competitive grant funds in order to ensure sufficient funds are available to effectuate the closing in the absence of FRPP funds. After the ninety (90) day time period, a determination may be made to release the encumbrance on competitive grant funds because of the availability of the FRPP funds. Staff recommendation is to grant final approval.

It was moved by Dr. Dey and seconded by Mr. Siegel to approve Resolution FY2010R11(12) granting final approval to the Gerald Baldachino farm, Block 67, Lot 9.06 p/o, approximately 70.04 acres, at a State cost share of \$15,600.00 per

acre (60% of the certified market value and 55.03% of the purchase price) for a total grant of approximately \$1,092,624.00, as presented and discussed, subject to any conditions of said resolution. Due to the anticipated Federal Farm and Ranch Lands Protection (FRPP) funding approval, the competitive grant funds for this property shall stay encumbered for 90 days from the November 5, 2009 SADC meeting date and at such time the County may request an extension on the encumbrance of the competitive funds or release of the competitive funds equal to the amount of the FRPP grant, for its return to the overall competitive grant fund. The motion was approved. (Chairman Fisher and Ms. Rendeiro were absent for this vote.) (A copy of Resolution FY2010R11(12) is attached to and is a part of these minutes.)

2. Schuster Farm, Greenwich Township, Warren County

SADC staff referred the Committee to Resolution FY2010R11(13) for a request for final approval of the Robert and Geraldine Schuster farm, located in Greenwich Township, Warren County, known as Block 44, Lot 5, totaling approximately 55 acres. Staff reviewed the specifics with the Committee. The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore 56.856 acres will be utilized to calculate the grant need. Staff anticipates closing on this farm by the end of this year to achieve year end goals. Staff recommendation is to grant final approval.

It was moved by Dr. Dey and seconded by Mr. Siegel to approval Resolution FY2010R11(13) granting final approval to the Robert and Geraldine Schuster farm, Block 44, Lot 5, Greenwich Township, Warren County, approximately 56.856 acres, at a State cost share of \$4,000.00 per acre (64.52% of the certified market value and 64.52% of the purchase price) for a total grant of approximately \$227,424.00, as presented and discussed, subject to any conditions of said resolution. The motion was approved. (Chairman Fisher and Ms. Rendeiro were absent for this vote.) (A copy of Resolution FY2010R11(13) is attached to and is a part of these minutes.)

**I. Request for Final Approval – Municipal Planning Incentive Grant Program**

**The following six agenda items were submitted to the Governor's Office via excerpted minutes on November 9, 2009.**

SADC staff stated that there are six municipal planning incentive grant program applicants requesting final approval. Staff is anticipating closing on all of the farms by the end of this year. The SADC is anticipating utilizing Federal Farm and Ranch Lands Protection Program (FRPP) funds on four of the farms (Van



Nuys I, Van Nuys II, Van Nuys III and the Felix Farm), which requires its use within a relatively short term. If not utilized by that date, the funds will be lost. The specifics of each farm were reviewed with the Committee. Staff recommendation is to grant final approval to the following farms as presented and discussed.

It was moved by Mr. Siegel and seconded by Ms. Reade to approval Resolutions FY2010R11(14) through FY2010R11(19) granting final approval to the following landowners, as presented and discussed, subject to any conditions of said resolution.

1. Michael Sherman (Resolution FY2010R11(14))  
Block 70, Lots 3.05, 4.01, 5 and 6, Manalapan Township, Monmouth County, 58 Gross Acres (approximately 55 acres net of conservation easement area). State cost share grant is equal to the entire Township's Planning Incentive Grant appropriation, which is \$750,000.00 (53.88% of the certified market value, 50.71% of the purchase price). The SADC may exclude from payment the area encumbered by the drainage and conservation easement, consisting of approximately 3.07 acres, since the drainage and conservation easement potentially limits the use of that area for agricultural purposes.

Note: The Sherman property has an existing drainage and conservation easement on a portion of the property which is estimated to be approximately 3.07 acres.

2. Peter and Teresa Peck (Resolution FY2010R11(15))  
Block 61, Lot 13, Knowlton Township, Warren County, 37.643 Acres. State cost share of \$2,500.00 per acre for an estimated total of \$94,107.50 (71.43% of the certified market value and 64.10% of the purchase price).
3. Ina Van Nuys (Farm # 1) (Resolution FY2010R11(16))  
Block 201, Lot 8, Hillsborough Township, Somerset County, 65.73 Acres. State cost share of \$11,700.00 per acre for an estimated total of \$769,041.00 (60% of the certified market value and 55.71% of the purchase price and estimated total cost.) The SADC will reduce its cost share grant by utilizing \$384,250.50 from the total grant of \$640,867.50 approved by the FY 2009 Federal Farm and Ranch Lands Protection Program and the landowner has agreed to the additional restrictions involved with the FRPP grant, including a six (6) percent maximum impervious coverage restriction of approximately 3.94 acres available for agricultural

buildings on the land being preserved outside of the exception areas.

Staff Discussion: The SADC was approved for Federal Farm and Ranch Lands Protection funds for this property (\$640,867.50), which requires its use within a relatively short term. If not utilized by that date, the funds will be lost. The landowner has agreed to the additional restrictions involved with the use of federal funds, including an impervious coverage restriction of a maximum of six (6) percent, equal to approximately 3.94 acres of land available for agricultural buildings on land being preserved outside of the exception area. The FRPP funding will be used to supplement a shortfall of funds available from the SADC, Township and County. The SADC intends to use approximately 60% of the FRPP grant (estimated at \$384,520.00) to cover the shortfall in PIG grant funds for the SADC cost share, which will allow the SADC to provide a full 60% cost share on this farm in the amount of \$769,041.00. The remainder of the FRPP grant, (\$256,347.00), will be split between the Township and County to supplement the local cost shares.

4. Ina Van Nuys (Farm # 2) (Resolution FY2010R11(17))  
Block 202, Lot 7, Hillsborough Township, Somerset County, 49.52  
Acres. State cost share of \$11,700.00 per acre for an estimated  
total of \$574,384.00 (60% of the certified market value and  
58.50% of the purchase price and estimated total cost.) The SADC  
will reduce its cost share grant by utilizing \$412,709.70 from the  
total grant of \$479,895.00 approved by the FY 2009 Federal Farm  
and Ranch Lands Protection Program and the landowner has  
agreed to the additional restrictions involved with the FRPP grant,  
including a six (6) percent maximum impervious coverage  
restriction of approximately 2.97 acres available for agricultural  
buildings on the land being preserved outside of the exception  
areas.

Staff Discussion: The SADC was approved for Federal Farm and Ranch Lands Protection funds for this property (\$479,895.00), which requires its use within a relatively short term. If not utilized by that date, the funds will be lost. The landowner has agreed to the additional restrictions involved with the use of federal funds, including an impervious coverage restriction of a maximum of six (6) percent, equal to approximately 2.97 acres of land available for agricultural buildings on land being preserved outside of the exception area. The FRPP funding will be used to supplement a shortfall of funds available from the SADC, Township and County. The SADC intends to use approximately 86% of the FRPP grant (estimated at \$412,709.70.00) to cover the shortfall in PIG grant funds for the SADC cost share, which will allow the SADC to provide a full 60%

cost share on this farm in the amount of \$579,384.00. The remainder of the FRPP grant, (\$67,185.30), will be split between the Township and County to supplement the local cost shares.

5. Ina Van Nuys (Farm # 3) (Resolution FY2010R11(18))  
Block 202, Lot 11, Hillsborough Township, Somerset County, 47.693 Acres. State cost share of \$16,674.00 per acre for an estimated total of \$795,233.08 (51.31% of the certified market value and 60% of the purchase price and estimated total cost.) The SADC will reduce its cost share grant by utilizing \$596,427.88 from the total grant of \$619,994.90 approved by the FY 2009 Federal Farm and Ranch Lands Protection Program and the landowner has agreed to the additional restrictions involved with the FRPP grant, including a six (6) percent maximum impervious coverage restriction of approximately 2.86 acres available for agricultural buildings on the land being preserved outside of the exception areas.

Staff Discussion: The SADC was approved for Federal Farm and Ranch Lands Protection funds for this property (\$619,994.90), which requires its use within a relatively short term. If not utilized by that date, the funds will be lost. The landowner has agreed to the additional restrictions involved with the use of federal funds, including an impervious coverage restriction of a maximum of six (6) percent, equal to approximately 2.86 acres of land available for agricultural buildings on land being preserved outside of the exception area. The FRPP funding will be used to supplement a shortfall of funds available from the SADC, Township and County. The SADC intends to use approximately 96.20% of the FRPP grant (estimated at \$596,427.88) to cover the shortfall in PIG grant funds for the SADC cost share (equal to 60% of the contracted purchase price and certified easement value). The remainder of the FRPP grant, (\$23,567.02), will be split between the Township and County to supplement the local cost shares.

6. Anna, Mary and Philip Felix (Resolution FY2010R11(19))  
Block 14, Lot 23, Kingwood Township, Hunterdon County, 175 Acres. State cost share of \$5,400.00 per acre for an estimated total of \$945,000.00 (60% of the certified market value and estimated total cost.) The SADC will utilize a minimum of 60% or \$399,000.00 of the total grant of \$655,000.00 approved by the FY 2008 Federal Farm and Ranch Lands Protection Program. The Township will inform the SADC regarding the remaining FRPP grant funds available for this project (approximately \$136,000.00), which may be distributed to further reduce the Township and/or County cost share. However, if it is determined that this funding is

not to be distributed to reduce the Township and/or County cost shares, it will be utilized to further reduce the SADC Planning Incentive Grant. Also, when a resolution is reached regarding the remaining FRPP funding, the cost share estimates will be solidified and documented by amending this final approval. The landowners have agreed to the additional restrictions involved with the use of FRPP funds, including a three (3) percent maximum impervious coverage restriction, which equates to approximately 5.13 acres available for agricultural infrastructure outside the exception area. **The Committee grants final approval conditioned upon the SADC's final approval of Kingwood Township's Planning Incentive Grant Comprehensive Farmland Preservation Plan and the satisfaction of any conditions contained therein.**

Staff Discussion: The SADC was approved for Federal Farm and Ranch Lands Protection funds for this property (\$665,000.00, based on the estimated 175 acres), which requires its use within a relatively short term. If not utilized by that date, the funds will be lost. The landowner has agreed to the additional restrictions involved with the use of federal funds, including an impervious coverage restriction of a maximum of three (3) percent, equal to approximately 5.13 acres of land available for agricultural buildings on land being preserved outside of the exception area. SADC Policy does not normally permit final approval of funding for an individual application prior to final approval of the PIG plan; however due to the FRPP expenditure deadline, the County and Township must move immediately to commence survey and title work. The SADC intends to use approximately 60% of the FRPP grant (estimated \$399,000.00) to cover the anticipated shortfall in SADC cost share funding and reduce the overall expenditure of PIG grant funds from Kingwood Township's PIG grant. The Hunterdon CADB secured a commitment of funding for \$250,000.00 for the easement purchase for the required local match, to which an estimated \$65,000.00 FRPP grant will be applied to complete its cost share on the easement purchase price for this property. Staff recommendation is to grant final approval conditioned upon the SADC's final approval of Kingwood Township's Planning Incentive Grant Comprehensive Farmland Preservation Plan and the satisfaction of any conditions contained therein.

The motion was approved. (Chairman Fisher and Ms. Rendeiro were absent for this vote.) (A copy of Resolutions FY2010R11(14) through FY2010R11(19) is attached to and is a part of these minutes.)

**J. Requests for Final Approval – Nonprofit Grant Program**

**The following four agenda items were submitted to the Governor's Office via**

**excerpted minutes on November 9, 2009.**

SADC staff stated that there are several requests for final approval under the Nonprofit Grant Program as follows. The specifics of the each request were discussed with the Committee and staff recommendation is to grant final approval to the applicants.

It was moved by Dr. Dey and seconded by Ms. Murphy to approval Resolutions FY2010R11(20) through FY2010R11(23) granting final approval to the following landowners, as presented and discussed, subject to any conditions of said resolutions.

1. New Jersey Conservation Foundation/Truskowski # 1, Franklin Township, Warren County (Resolution FY2010R11(20)) Block 58, Lot 26, Franklin Township, Warren County, 115 Acres Cost Share Grant not to exceed \$2,010.00 per acre (total of approximately \$231,150.00, based on 115 acres); The SADC shall provide a cost share grant to The Land Conservancy of New Jersey for up to fifty (50) percent of the eligible ancillary costs, which will be deducted from its appropriation and subject to availability of funds; The SADC approves the use of New Jersey Conservation Foundation Federal Farm and Ranch Lands Protection Program funds for this landowner, which will include an impervious coverage limitation of two (2) percent, which translates to approximately 2.3 acres outside the exception area and other restrictions required under the FRPP program; The applicant shall secure an unrestricted fifty (50) foot access easement through the adjacent Lot 28 (Truskowski # 2) prior to closing as a condition of final approval. At today's meeting, New Jersey Conservation staff requested the ability to assign the deed of easement to Warren County on the Truskowski # 1 property for no additional consideration. SADC staff is agreeable to this request. The Committee requested that Resolution FY2010R11(20) be amended to reflect this request.

Staff Discussion: The property was approved for the New Jersey Conservation Foundation's use of Federal Farm and Ranch Lands Protection funds, which requires its use within a relatively short term. If not utilized by that date, the funds will be lost. The landowner has agreed to the additional restrictions involved with the use of federal funds, including an impervious coverage restriction of two (2) percent, equal to approximately 2.3 acres of land available for agricultural buildings on land being preserved outside of the exception area. Final approval is conditioned upon the applicant securing an unrestricted fifty foot

access easement through the adjacent Lot 28 (Truskowski # 2 parcel) prior to closing.

2. New Jersey Conservation Foundation/Truskowski # 2, Franklin Township, Warren County (Resolution FY2010R11(21)) Block 58, Lot 2, Franklin Township, Warren County, 29 Acres Cost Share Grant not to exceed \$2,430.00 per acre (total of approximately \$70,470.00, based on 29 acres); The SADC shall provide a cost share grant to The Land Conservancy of New Jersey for up to fifty (50) percent of the eligible ancillary costs, which will be deducted from its appropriation and subject to availability of funds; The SADC approves the use of New Jersey Conservation Foundation Federal Farm and Ranch Land Protection Program funds for this landowner, which will include an impervious coverage limitation of two (2) percent, which translates to approximately 0.6 acre, outside the exception area and other restrictions required under the FRPP program; The applicant shall record an unrestricted fifty (50) foot access easement through the property to secure legal access to the adjacent Lot 26 (Truskowski # 1) prior to closing as a condition of final approval. At today's meeting, New Jersey Conservation staff requested the ability to assign the deed of easement to Warren County on the Truskowski # 2 property for no additional consideration. SADC staff is agreeable to this request. The Committee requested that Resolution FY2010R11(21) be amended to reflect this request.

Staff Discussion: The property was approved for the New Jersey Conservation Foundation's use of Federal Farm and Ranch Lands Protection funds, which requires its use within a relatively short term. If not utilized by that date, the funds will be lost. The landowner has agreed to the additional restrictions involved with the use of federal funds, including an impervious coverage restriction of two (2) percent, equal to approximately a 0.6 acre of land available for agricultural buildings on land being preserved outside of the exception area.

3. The Land Conservancy of New Jersey/Polowy Farm (Resolution FY2010R11(22)) Block 1401, Lot 19, Frelinghuysen Township, Warren County, 139.869 Acres. Cost Share Grant not to exceed \$3,050.00 per acre (total of approximately \$426,600.00, based on 139.869 acres); The SADC shall provide a cost share grant to The Land Conservancy of New Jersey for up to fifty (50) percent of the eligible ancillary costs, which will be deducted from its appropriation and subject to availability of funds; The SADC grant is subject to the assignment

of the Deed of Easement from the Land Conservancy of New Jersey to the Warren County Agriculture Development Board for no additional consideration.

4. The Land Conservancy of New Jersey/Woodcock Farm (Resolution FY2010R11(23)) Block 602, Lot 3, Frelinghuysen Township, Warren County, 27.382 Acres. Cost Share Grant not to exceed \$4,250.00 per acre (total of approximately \$116,373.00, based on 27.382 acres); The SADC shall provide a cost share grant to The Land Conservancy of New Jersey for up to fifty (50) percent of the eligible ancillary costs, which will be deducted from its appropriation and subject to availability of funds. The SADC grant is subject to the assignment of the Deed of Easement from the Land Conservancy of New Jersey to the Warren County Agriculture Development Board at no additional consideration.

The motion was approved. (Chairman Fisher and Ms. Rendeiro were absent for this vote.) (A copy of Resolution FY2010R11(20) through FY2010R11(23) is attached to and is a part of these minutes.)

**K. Request for Amended Preliminary Approval - Nonprofit Grant Program**

1. New Jersey Conservation Foundation/D'Angelo-Palapoli Farm, Kingwood Township, Hunterdon County (2008 Round)

Mr. Knox referred the Committee to Resolution FY2010R11(24) for a request for preliminary approval for the New Jersey Conservation Foundation (NJCF)/Palapoli farm, known as Block 12, Lot 31 p/o, located in Kingwood Township, Hunterdon County, comprising 45 acres. He stated that originally the application was for 253 acres and the Committee had granted preliminary approval to the application on April 26, 2007 and appropriated \$1,500,000.00 for the project. The original application included Block 14, Lots 28.02 and 30. Subsequent to the submission, Hunterdon County, Kingwood Township, Green Acres and the NJCF entered into negotiations to acquire Block 14, Lots 28.02 and 30 for open space purposes, not farmland preservation. He stated that the owner also owned an adjacent 47.8 acre parcel, Block 12, Lot 31 that was not part of the original application. The NJCF has requested to amend its original submission to the SADC to replace the 253 acre Block 14, Lots 28.02 and 30 with the 47.8 acre Block 12, Lot 31 (p/o). He stated that Green Acres is purchasing part of Lot 31 consisting of approximately 22.4 acres for open space and public access in fee. The NJCF also intends to utilize federal grant funds for its matching grant for this property. He stated that staff recommendation is to grant preliminary approval to the amended application as presented and discussed

It was moved by Mr. Siegel and seconded by Dr. Dey to approve Resolution FY2010R11(24) granting amended preliminary approval to the New Jersey Conservation Foundation/D'Angelo-Palapoli Farm, known as Block 12, Lot 31 (p/o), Kingwood Township, Hunterdon County, 45 Acres, as presented and discussed, subject to any conditions of said Resolution. The motion was approved. (Chairman Fisher and Ms. Rendeiro were absent for this vote.) (A copy of Resolution FY2010R9(24) is attached to and is a part of these minutes.)

2. New Jersey Conservation Foundation/Hart Farm, Franklin Township, Warren County

Mr. Knox referred the Committee to Resolution FY2010R11(25) for a request for preliminary approval for the New Jersey Conservation Foundation (NJCF)/Hart Farm, known as Block 34, Lot 9 and Block 41, Lots 3, 5, and 13, in Franklin Township, Warren County, comprising 380 acres. He reviewed the specifics with the Committee and stated that staff recommendation is to grant preliminary approval.

It was moved by Mr. Siegel and seconded by Dr. Dey to approve resolution FY2010R11(25) granting preliminary approval to the New Jersey Conservation Foudnation/Hart Farm, Block 34, Lot 9 and Block 41, Lots 3, 5, and 13, Franklin Township, Warren County, 380 Acres, as presented and discussed, conditioned upon the access lane to a cemetery located in the interior of Block 41, Lot 3 becoming a severable exception, and subject to any other conditions of said Resolution. The motion was approved. (Chairman Fisher and Ms. Rendeiro were absent for this vote.) (A copy of Resolution FY2010R11(25) is attached to and is a part of these minutes.)

#### **L. Fee Simple Program – Authorization for Resale of Fee Simple Farms**

**Note: Chairman Fisher returned and presided over the meeting at this time.**

Mr. Knox referred the Committee to resolutions for the resale of real property for eight (8) fee simple properties. He reviewed the specifics of each property with the Committee. He stated that for the four farms that do not have existing houses, they will be auctioned first without an RDSO and if we are not successful in selling those properties, immediately at the same auction they will be offered with an RDSO. The prices will be different with the RDSO than without. Staff recommendation is to auction the properties as presented and discussed, subject to the criteria established for resale in each resolution and subject to any conditions of said resolutions.

It was moved by Dr. Dey and seconded by Ms. Reade to approve Resolution FY2010R11(26) through FY2010R11(33) granting authorization for the resale of the following fee simple properties, subject to the criteria set forth in each resolution for resale and subject to any other conditions of said Resolutions:



1. Sturgis Farm  
Block 28, Lot 3.01  
South Harrison Township, Gloucester County, 126 Acres
2. Eagle Valley Farm  
Block 601.01, Lot 23  
Mansfield Township, Warren County, 77 Acres
3. Schroeder Farm  
Block 303, Lots 8, 36, 37, 38; Block 802, Lot 1  
Pittsgrove Township, Salem County, 80 Acres
4. Erb Farm  
Block 1103, Lot 6, Chesterfield Township  
Block 604, Lot 9; Block 605, Lot 2; Block 607, Lots 2 and 3, North Hanover  
Township  
Block 2304.01, Lot 8, Springfield Township  
Burlington County, 134 Total Acres
5. Sassi Farm  
Block 231, Lot 4  
Carney's Point Township, Salem County, 82 Acres
6. Holcombe Farm  
Block 8, Lot 28.03  
West Amwell Township, Hunterdon County, 73 Acres
7. Case Farm  
Block 7.01, Lot 8.02  
West Amwell Township, Hunterdon County, 87 Acres
8. Segreaves Farm  
Block 9, Lot 9  
Alexandria Township, Hunterdon County, 136 Acres

The motion was approved. (Ms. Rendeiro was absent for this vote.) (A copy of Resolution FY2010R11(26) through Resolution FY2010R11(33) is attached to and is a part of these minutes.)

**M. Easement Donations**

1. William and Agatha Pyznar, Mendham Borough, Morris County

Ms. Winzinger referred the Committee to the Easement Donation Request/Preliminary

Review summary dated November 5<sup>th</sup>. She stated that this involves the William and Agatha Pyznar farm in Morris County and they are asking the SADC to certify an easement value for this property. The landowners would like to donate the easement and it is not eligible to come into any of the SADC programs because it does not meet the minimum standards. She stated that what Morris County is asking is for the SADC to accept the two appraisals that Morris County will pay for and they would like the SADC to provide an appraisal review and certification of value. Morris County will hold and monitor the easement. After the certification of value it would not be an SADC obligation at that point. Mr. Siegel felt that they should hire their own appraiser and then send it in. Dr. Dey agreed with Mr. Siegel. Ms. Winzinger stated that the County feels uncomfortable and would like the SADC to be involved in their number. Mr. Siegel stated that he would have to consult with the Division of Taxation on this issue. Ms. Murphy asked if staff was sure that was not a condition of say a building permit or subdivision. Ms. Reade stated she was trying to understand why the quality on the farm was so low and it looks to her as if it is vertical with high slopes and gravelly loam. She stated that it looks as if there is no development threat on it and that is why it ranks so low. Ms. Craft stated that if the county was asking for the SADC to accept this into the program for it to monitor and enforce, she felt that the recommendation would be not to do so. She stated that the county is seeking the SADC's assistance in determining what a reasonable fair market value attributed to the property is. She stated that the Committee can either say yes we will do this as a courtesy to assist the county in accepting a donation or we can say no and have nothing to do with it since it is not coming into our program. She stated that staff brought this to the Committee in the spirit of trying to help the county process a donation. Mr. Siegel asked what the appraisal was for? Ms. Craft stated that they are for the purpose of acknowledging a donation. Mr. Siegel stated that he felt that this comes very close to the State's explicit prohibition on providing tax advice to private sectors. Ms. Murphy stated that the SADC reviews and certifies values for donations and bargain sales; this is just one step beyond that in terms of them donating the entire parcel. Mr. Siegel commented that with this there is no purpose. Even if you were taking a massive bargain where there is still some acquisition and the dollar is a million, there is still some acquisition. This is advisory and we are providing tax advice to someone who is looking for a donated value. Mr. Siegel stated that nonprofit groups are accepting donations of easements all the time and they do not come to the SADC to certify values. He stated that there is an aura of legitimacy to a State certification, which is all the more reason not to provide it. He stated that he felt also that the Division of Taxation would explicitly say the SADC would have to vote no on that request.

Chairman Fisher asked if there was a motion to approve this request? There was no motion to approve the request; therefore the request failed.

**N. Review/Approval of Substantive Minutes of a portion of the November 5<sup>th</sup> SADC meeting (Open Session only).**

**The substantive minutes were submitted to the Governor's Office on November 9, 2009.**

Ms. Craft referred the Committee to the draft copy of the substantive minutes for a portion of today's meeting that deals with the approval of the Hillsborough Township, Somerset County Comprehensive Farmland Preservation Plans, along with the requests for final approval for the FGY 2009 County and Municipal Planning Incentive Grant Program applications and the Nonprofit Grant Program applications. She stated that the Committee granted final approval for the following items earlier in the meeting and that staff would like to submit them to the Governor's Office for review/approval of the substantive minutes due to the fact that the items listed are very time sensitive given the fact that the SADC anticipates closing on these properties by the end of this year to achieve year end goals. Also, there are some instances where Federal Farm and Ranch Lands Protection funds are being utilized, which require its use within a relatively short term. If those funds are not utilized by the deadline date, they will be lost. She stated that staff recommendation is to approve the substantive minutes as presented and discussed and to send them to the Governor's Authorities Unit for review and approval.

It was moved by Ms. Reade and seconded by Dr. Dey to approve the draft substantive minutes of a portion of the November 5<sup>th</sup> regular meeting of the SADC and to authorize SADC staff to submit them to the Governor's Authorities Unit for review and approval. The motion was approved. (Ms. Rendeiro was absent for this vote.)

**TIME AND PLACE OF NEXT MEETING**

SADC Regular Meeting: Thursday, December 10, 2009, beginning at 9:00 a.m.

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

**Note: Meeting is scheduled for the second Thursday in December due to the holiday season.**

**CLOSED SESSION**

At 2:09 p.m. Ms. Reade moved the following resolution to go into Closed Session. The motion was seconded by Ms. Murphy and unanimously approved.

“Be it resolved, in order to protect the public interest in matters involving minutes, real estate, attorney-client matters and personnel, pursuant to N.J.S.A. 10:4-12, the NJ State Agriculture Development Committee declares the next one hour to be private to discuss these matters. The minutes will be available one year from the date of this meeting.”

**Action as a Result of Closed Session**

A. Real Estate Matters – Certification of Values

**County Planning Incentive Grant Program**

**Note: Ms. Brodhecker recused herself from any discussion/action pertaining to the Peck Farm to avoid the appearance of a conflict of interest. Ms. Brodhecker is the Chairperson of the Sussex County Agriculture Development Board.**

It was moved by Mr. Siegel and seconded by Dr. Dey to certify the development easement values for the following landowners as presented and discussed in closed session:

1. Harold and Sally Peck  
Block 14, Lots 10.01 and 10.03  
Lafayette Township, Sussex County, 35 Acres

The motion was approved. (Ms. Brodhecker recused herself from this vote.) (A copy of the certification report is attached to and is a part of the closed session minutes.)

It was moved by Ms. Brodhecker and seconded by Dr. Dey to certify the development easement values for the following landowners as presented and discussed in closed session:

1. Burlington County/Thompson Farm (Fenwick Manor)  
Block 846, Lots 2.01 and 6  
Block 848, Lots 32.01 and 32.02  
Pemberton Township, Burlington County, 91 Acres  
**Certification is contingent upon a satisfactory Pinelands Commission Letter of Interpretation allocating a total of 3.25 PDCs (13) rights available to be severed.**
2. Frank A. Fox  
Block 404, Lot 32  
Upper Deerfield Township, Cumberland County  
59 Acres
3. Robert S. DiGregorio  
Block 3, Lots 17 and 19  
Mannington Township, Salem County  
77 Acres
4. Sickler Brothers Estate

Block 32, Lot 2; Block 34, Lots 2, and 4  
Block 35, Lots 1.01 and 1.03  
Block 36, Lots 1 and 3  
Block 68, Lot 5  
Block 92, Lot 5  
Alloway, Upper Pittsgrove and Piles Grove Township, Salem  
County  
137 Acres

5. Thomas Newton  
Block 16, Lots 5 and 10.01  
Block 18, Lot 6.02  
Greenwich Township, Cumberland County  
45 Acres

6. Newton B. Shimp, III  
Block 7, Lot 6  
Block 8, Lots 1 and 2  
Block 9, Lot 3  
Stow Creek Township, Cumberland County  
105 Acres

The motion was unanimously approved. (A copy of each certification report is attached to and is a part of the closed session minutes.)

### **Municipal Planning Incentive Grant Program**

It was moved by Mr. Siegel and seconded by Dr. Dey to certify the development easement values for the following landowners as presented and discussed in closed session:

1. Holland Brook Realty, LLC  
Block 53, Lot 5.02  
Readington Township, Hunterdon County  
24 Acres
2. Christopher Statile/Fox River LLP/Changewater Stables  
Block 23, Lot 8  
Greenwich Township, Warren County  
66 Acres
3. Armand T. Christopher, Jr., (Amended Certification of Value)  
Block 58, Lot 9

Delaware Township, Hunterdon County  
57 Acres

The motion was unanimously approved. (A copy of each certification report is attached to and is a part of the closed session minutes.)

**Direct Easement Purchase Program**

It was moved by Mr. Siegel and seconded by Dr. Dey to certify the development easement value for the following landowners as presented and discussed in closed session:

1. Gary and Shirley Hitchner (Hitchner Farm III)  
Block 88, Lots 1 and 2  
Block 65, Lots 1 and 26  
Pilesgrove Township, Salem County  
275 Acres
2. Gary and Shirley Hitchner (Hitchner Farm IV)  
Block 88, Lot 3  
Pilesgrove Township, Salem County  
131 Acres

The motion was unanimously approved. (A copy of each certification report is attached to and is a part of the closed session minutes.)

**Nonprofit Grant Program**

It was moved by Ms. Brodhecker and seconded by Mr. Siegel to certify the development easement values for the following landowner as presented and discussed in closed session:

1. New Jersey Conservation Foundation/Palapoli  
(D' Angelo Construction/Palapoli)  
Block 12, Lot p/o 31  
Kingwood Township, Hunterdon County  
45 Acres

The motion was unanimously approved. (A copy of the certification report is attached to and is a part of the closed session minutes.)

- B. Attorney/Client Matters
  1. Proposed Final Decision, Russell F. Bohlin v. Brickyard, LLC (OAL

Case)

Ms. Craft stated that as a result of a county agriculture development board conclusion regarding a nuisance complaint being appealed to the SADC, the SADC forwarded that appeal to the Office of Administrative Law for a hearing, which was conducted and the Judge issued an opinion dismissing the matter because the appellant did not file the appeal in time, despite having received that direction in writing from the Monmouth CADB administrator. The proposed final decision affirms the Judge's opinion.

It was moved by Mr. Siegel and seconded by Dr. Dey to accept the Final Decision in the matter of Russell F. Bohlin vs. Brickyard, LLC as presented and discussed in closed session. The motion was unanimously approved. (A copy of the Final Decision is attached to and is a part of these minutes.)

#### **ADJOURNMENT**

There being no further business, it was moved by Mr. Siegel and seconded by Mr. Schilling and unanimously approved to adjourn the meeting at 4:10 p.m.

Respectfully Submitted,

Susan E. Craft, Executive Director  
State Agriculture Development Committee

Attachments