

**STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC)
REGULAR MEETING**

**REMOTE MEETING DUE TO CORONAVIRUS
EMERGENCY**

October 28, 2021

Chairman Fisher called the meeting to order at 9:03 am.

Ms. Payne read the notice stating that the meeting was being held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.

Roll call indicated the following:

Members Present

Chairman Fisher
Martin Bullock
Scott Ellis (arrived at 9:19 a.m.)
Gina Fischetti
Denis Germano (arrived at 9:19 a.m.)
Pete Johnson
Julie Kraus
Cecile Murphy
Brian Schilling
Richard Norz
Mr. Waltman

Members Absent

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

Minutes

SADC Regular Meeting of September 23, 2021 (Open Session)

It was moved by Mr. Bullock and seconded by Mr. Waltman to approve the Open Session minutes of the SADC regular meeting of September 23, 2021. Mr. Norz, Ms. Murphy, and Mr. Schilling abstained from the vote. Mr. Germano and Mr. Ellis were absent for the vote. A roll call vote was taken. The motion was approved.

Report of the Chairman

Chairman Fisher stated that the agenda is heavy for today so in the interest of time he would like Ms. Payne to give her report which mirrors what he planned to report.

Report of the Executive Director

Ms. Payne noted that the issue of Soil Protection Standards is on today's agenda and all comments regarding that topic will be discussed at that time.

Ms. Payne thanked her assistant, Ms. Jessica Uttal, for organizing the Garden State Preservation Trust (GSPT) meeting last week, which met to approve the appropriation requests for farmland preservation, green acres, and historic preservation. She noted that at the end of June, Mr. Siegel retired as the executive director of the GSPT and the position has not been filled as of yet. She thanked Ms. Uttal for all of her efforts and noted that the meeting would not have happened without SADC staff and particularly Ms. Uttal. Ms. Payne stated that the appropriations requests were approved, the appropriation bills are being drafted by the Office of Legislative Services and the hope is to see legislative action on those items soon.

Ms. Payne stated that Michelle Byers, executive director of the New Jersey Conservation Foundation (NJCF), is retiring. She explained that the NJCF is a statewide organization that has developed support for land conservation, bond funds, GSPT and CBT funds. She stated that Ms. Byers has had an extraordinary career and asked the committee if she could send a letter of congratulations to Ms. Byers. Chairman Fisher stated that he sees no objections to that and asked Ms. Payne to draft a letter to send.

Communications

Ms. Payne stated that staff received a letter yesterday regarding the Backer Farm in Morris County in which a complaint was received regarding a concert that they were having on their property. She noted that staff is following up with Morris County to get more facts and will report back to the committee as they get more information.

Public Comment

Amy Hansen from the NJCF congratulated Michelle Byers on her retirement and thanked Ms. Payne for her kind words towards Ms. Byers.

Old Business

A. Stewardship

Note: Mr. Norz and Mr. Schilling have a standing recusal for this agenda item, and they will not be participating in the discussion.

1. Review of Activities – Princeton Show Jumping, LLC
Block 26001, Lot 1.02, Montgomery Township, Somerset County
SADC ID# 18-0005-DN

Mr. Roohr stated that the purpose of today's discussion of Princeton Show Jumping (PSJ), LLC is to review the various conditions and stipulations that have been made in the previous resolutions and committee actions and square them with the conditions of the farm today. Staff is also asking if and how the committee would like to move forward if PSJ requests shows for the 2022 season at a future SADC meeting.

Mr. Roohr stated that he was going to review the deed of easement (DOE) compliance issues with the committee. He began with the restoration of the field along Burn Hill Road. During the spring of this year the SADC hired Dr. Richard Shaw, a soils expert, to evaluate the site and provide recommendations on how to rehabilitate and restore the soils impacted by the previous use.

Dr. Shaw concluded that an approximately 0.36-acre area of the southern side of this field had a significant amount of its topsoil scraped away and requires the addition of approximately 6-8 inches of topsoil to restore the productivity of the soil. A separate 0.8-acre area of the field was found to be deficient in organic matter, which is proposed to be resolved through the addition of manure-based compost.

PSJ's engineer, Linda Peterson, provided a restoration plan and a sequence of events that staff approved associated with the site work necessary to implement Dr. Shaw's recommendations. Site work to date has included the testing and importation of acceptable topsoil to the site as well as preparation of compost from PSJ horse manure. The time frame called for this to be completed by the end of 2021.

Mr. Roohr reviewed the impervious cover compliance issue with the committee. He stated that a unique feature of this DOE is that it has a 5% impervious cover limit. Staff went out earlier this year to evaluate the farm and had PSJ's engineer provide a site plan drawing that calculated all the impervious cover. Based on that drawing, PSJ is at 4.96% of the 5% impervious cover limit. Mr. Roohr stated that staff recommendation is to continue to require that any new construction be conditioned on formal written approval by the committee.

In relation to the impervious cover issue, Dr. Shaw was asked to evaluate the dirt tent pads to see they count as impervious cover. It was determined that the pads themselves do not and the tents would not count as impervious cover if the committee were to consider them temporary structures not applicable to the impervious cover limit. Mr. Roohr stated that staff has reviewed applicable definitions of "impervious cover" and "temporary structures" in SADC and other related state agency regulations and there is a consensus that a "temporary structure" is one that is standing for 180 days or less. Mr. Roohr stated the committee will need to determine the length of time the tents can be standing before they are considered a permanent structure and counted towards the impervious cover allotment.

NOTE: Mr. Germano and Mr. Ellis announced they had joined the meeting at 9:19 a.m.

Mr. Roohr reviewed the equine production requirements and noted that the use of a preserved farm to host horse shows is contingent upon such shows being necessary to market the agricultural output of the farm. In 2013, the first resolution that SADC adopted

approving the shows stated that “*A minimum of 10 horses or 10% of the horses participating in the shows, whichever is greater, shall be owned by the Owner and bred, raised and/or trained on the Premises*”. In 2019 that statement was modified to also include horses that were trained at a PSJ facility and for which Mr. Philbrick is entitled to a commission upon sale of the trained horse.

The historic interpretation of “training” of horses is defined as receiving income for a regimented training program where the horse receives training on a routine basis at an equine training facility. In discussions leading up to the August 2021 SADC meeting, the PSJ owner, Andrew Philbrick, explained that in addition to horses trained for clients in the more traditional manner at the Hunter Farms locations, he and his staff also provide training services as “consulting trainers” upon request at shows during show days at PSJ. According to the owner he is entitled to a commission on the sale of these horses as well and as such, he believes that participation of those horses trained on shows days should also count for purposes of meeting the 10% participation threshold. He noted that Mr. Philbrick indicates all of these commission agreements are verbal only and no such agreements are in writing. Staff did research and confirmed that verbal agreements are an industry standard, which makes it difficult to verify data.

Recently submitted information suggests that the owner or his staff performed “consultant training” for 704 and 765 horses during shows held at PSJ in 2020 and 2021 respectively. The horse participation data submitted by PSJ confirms the subject farm would only meet the required 10% threshold if the committee accepts that the horses for which PSJ staff may act as “consulting trainers” on show days meets this definition.

On August 27, 2021, PSJ sent a letter to the SADC in which they suggest that an alternative way to measure production could be to assess annual production-based income of the PSJ operation. The letter describes the uniqueness of this sector of the equine industry, how an annual income test would be easier to administer, and PSJ would provide the information needed to ensure that the production and sale of high-quality horses is the driving force behind these shows.

Ms. Payne stated that from a Right to Farm (RTF) perspective, the SADC has defined through regulation what income can count towards production as it relates to equine operations, which is “*income from the sale of a horse that was trained or raised on the commercial farm for at least 120 days prior to the time of sale.*” Ms. Payne explained that as the SADC moves forward to make definitions more specific, it is important understand that there is a definition in the RTF regulations about what counts as production when it comes to training horses.

Mr. Roohr explained that the next set of items to be discussed involve compliance with prior conditions of approval. He began with storm water compliance and stated that as of August 4, 2021, the stormwater basins were deemed fully completed and stabilized and that matter is concluded. As of his visit to the farm yesterday, the basins were fully grassed and stable and appeared to be in functional order.

Mr. Roohr discussed the removal of temporary tents at the PSJ site. The committee's prior resolutions of approval require that the temporary horse tents be removed after each horse show, unless two shows occur on back-to-back weekends. PSJ had advised this requirement has not been achieved primarily due to the inability of the tent rental company to disassemble and reassemble the tents at that frequency. The SADC needs to determine if it wants to retain the prior requirement, change it, or defer the issue to the Somerset CADB as part of the pending RTF matter.

Mr. Roohr discussed the overall site improvements plan and stated that the build-out of the farm has occurred in a much different manner than what was proposed in 2013. The 2013 proposal included the use of four sand show rings that existed at that time as well as future plans for a stable, indoor riding arena and other production facilities, which the committee determined was consistent with the DOE.

Improvements since 2013 have included three additional sand rings and up to eight tents sites and extra parking to accommodate larger shows than what were originally anticipated. The improvements to the site have utilized 4.96% of the 5% impervious cover limit. This effectively means that the farm is built out in its current condition and no new infrastructure, including that needed for equine production purposes, would be permitted. He noted that the total soil disturbance on site exceeds the amount proposed to be permitted in recent SADC discussions regarding Soil Protection Standards. Staff recommends that the committee amend its prior provisions related to site improvements, acknowledge the infrastructure and improvements in existence, and prohibit further structures or improvements without the SADC's advanced, written approval.

Mr. Roohr stated that the 2013 resolution was approved contingent upon the site plan submitted by the owner detailing his plans to build out the barns and infrastructure necessary to breed and raise horses onsite. If the committee entertains approval of horse shows in the future it will need to consider the owner's inability to develop breeding or indoor training facilities on-site in light of the extent of existing improvements.

Chairman Fisher asked that each line item be discussed by the committee in the order in which they were presented, starting with the DOE compliance issue of restoration of the field along Burnt Hill Road. Ms. Payne stated that staff suggests the committee requires the work to be completed before approving additional shows, and her understanding is that the work will be done by November 2021. She stated that she does not want this restoration work lagging into next year and suggested that the committee put its foot down and require that all the restoration work be completed and signed off on before entertaining requests for shows for next year.

Chairman Fisher asked the committee if they had comments and all committee members were in agreement that the work be completed before additional show dates can be considered. Chairman Fisher stated that Mr. Sposaro, attorney for PSJ, was present at the meeting and asked Mr. Sposaro if he understood this condition and he said that he did.

Chairman Fisher asked about the impervious surface issue. Mr. Roohr stated that PSJ is currently under the impervious surface limit on the farm, however, if the tents were up all

year long, they would count as impervious and would put PSJ way over the limit. Mr. Roohr stated that staff is looking for guidance from the committee as to how long the tents would be up during a calendar year to consider them temporary and not count towards the impervious cover limit. He stated that, based on research done on other state agency regulations, 180 days is the optimal number, but it's up to the committee to determine if their comfortable with that number or want to utilize a different standard.

Ms. Payne reiterated that that 180 days comes from both Uniform Commercial Construction (UCC) codes regarding temporary structures and also the Department of Environmental Protection (DEP) definition of impervious cover as it relates to agricultural water use certifications. Those were the most applicable standards that were found and that's why staff recommended the 180 days standard. Chairman Fisher stated that 180 days is the limit as to how long the tents can be erected and still be considered temporary, so after the 180 days they would have to be removed. He asked if the committee has issues with that.

Mr. Germano stated that the approval granted by the SADC required the tents to be down most of the time, and he believes the tents have been up since spring without interruption. He noted that the tents staying up present two issues as to whether they are impervious surface under the DOE, and it is an RTF issue. He stated that he would like to see staff's recommendation be honored regarding the impervious cover question but doesn't want that decision to imply that the tents are allowed to be up for that long and that should be considered in the pending RTF case. Mr. Waltman stated that he agrees with Mr. Germano to follow DEP and the 180 days for the determination of whether the tents are impervious, but this is separate from the issue of whether the tents staying up that long is consistent with the terms of the original approval resolution.

Ms. Fischetti asked what the implication would be if the issue of the tents were addressed by the CADB and determined that it's not protected by RTF. Ms. Payne stated that for purposes of impervious cover in the DOE the SADC would find that tents up for less than 180 days are not considered impervious cover for the purposes of the DOE. Then the matter of the tents being up and disturbing the neighbors goes to the CADB for decision and if either the neighbors or the landowner are not happy with that decision, it can be appealed to the SADC. The SADC would then have the opportunity to decide the matter. She noted that RTF is all about balancing the interests of agriculture with the interest of the general public in the area in which the farm is located and that is the forum for those kinds of discussions.

Chairman Fisher asked the committee if they can agree that PSJ will meet the requirements for the purposes of the DOE regarding the issues of impervious cover as long as the tents up for no more than 180 days. Mr. Waltman clarified that the 180 days were limited to a calendar year. All members of the committee agreed with that.

Chairman Fisher asked Mr. Sposaro to address why the tents need to be up for the full 180 days. Mr. Sposaro stated that the 180-day period is appropriate. In 2013 when the committee mandated that the tents go up and down there were far fewer shows and show days, which made sense at that time. However, as the facility has evolved with the

increased number of show days and shows it became problematic and impractical to put the tents up and bring them down coupled with the lack of cooperation from the tent companies. Mr. Sposaro suggested that the committee has the authority to say that the tents can stay up for a maximum of 180 days, and that is not saying that they will be up that long because there is a hiatus during the seasons when the tents may come down.

Mr. Sposaro stated that the tents are not offensive to anyone as they are set back several hundred feet from any property line and the neighbors so they should be allowed to stay. Chairman Fisher stated that the tents going up and down has implications on all types of events and that's why the committee is sensitive to this issue. Chairman Fisher asked why the tents would not be taken down during the hiatus period. Mr. Sposaro stated that if there was cooperation from the tent companies they would be able to do so, but unfortunately PSJ is hostage to these tent companies.

Chairman Fisher stated that he wasn't sure how the committee will handle the 180 days, but he thinks taking the tents down during the hiatus period would allow PSJ to fair better in this case. Mr. Sposaro stated that PSJ will make every effort to take the tents down during the hiatus period between shows but can't guarantee anything because this is subject to the tent companies. Chairman Fisher stated that there are extenuating circumstances that may occur, however, he suggested that PSJ show proof of every effort to not have the tents up for more than 180 days, especially since the shows are seasonal and take place in the spring and summer. Mr. Sposaro stated that he will provide the committee and staff with paperwork demonstrating every effort to take the tents down during the hiatus of the shows.

Mr. Emad Abou-Sabe, adjacent neighbor farmer to PSJ stated that the tents being up from day one exceeds the 5% impervious cover limit. He stated that it is unacceptable for the tents to be up for 180 days as they are considered impervious cover, regardless of how many days they are up. He stated that Secretary Fisher is relying on the good faith of the applicant to put the tents up and take them down, but the past nine years has shown that the applicant is all about breaking rules and begging for forgiveness later and every one of these repositioned approvals and resolutions has been about forgiving the applicant for the things that they've done. The permanent solution in 2013 was for PSJ to install permanent stables and rings and the tents were supposed to be a temporary solution until the stables and rings could be built and still stay within the 5% limit. He commented that PSJ can't be relied upon to do the right thing and take the tents down when they are supposed to be taken down. Mr. Abou-Sabe noted that the PSJ site looks like a circus in Montgomery and does impact the adjacent neighborhood and for the tents to be up for 6 months is above and beyond any reasonable request.

Mr. Germano stated that the SADC should not be involved in how long the tents should be up as that's a decision that should be made by the CADB. He explained that the SADC is not equipped today to have that kind of hearing and a hearing is what is needed to make an appropriate decision.

Chairman Fisher asked the committee if they had issues with leaving the tents up during the approved show dates. Ms. Payne stated that the committee originally approved having the tents up during the approved show days and could stay up if there were shows taking

place back-to-back. However, the real question is about the dead time between shows and if these tents should come down during that time. Chairman Fisher stated that there is no reason why the tents should not be able to come down if PSJ is paying for the service of getting the tents up.

Chairman Fisher stated that if the tents can't come down during the hiatus period that would become an RTF issue and indicated that the committee and the neighbors don't want the tents up for 180 days. Chairman Fisher stated that staff will come up with a calendar that will allow for space of a week to allow PSJ to take the tents down and asked Mr. Sposaro if he can agree to that. Mr. Sposaro stated that based upon the approved show dates he will be able to determine the dates that the tents can come down. Chairman Fisher stated that we have moved to a resolution on this issue and asked if the committee had any objections to this. The committee had no objections.

Mr. Roohr stated that the next issue was that of equine production and re-iterated that the 2013 and 2019 resolutions state that at least 10% of the horses participating in the shows need to be "Hunter Farms" horses defined as either owned in full or in part by Mr. Philbrick or horses that he trains with a commission agreement in place.

Mr. Roohr stated that there are two issues to discuss. In the traditional sense of training, where a horse is trained on a regular basis by Mr. Philbrick or his staff, those horses constitute less than 10% participating in the shows. Mr. Philbrick allegedly trains quite a few horses on show days under the "consulting training" category and since he gets a commission if those horses are sold, Mr. Philbrick claims that they should be included as a part of the horse production. Staff needs to know if the committee wants to keep the original 10% requirement, adjust it, include the "consultant trained" horses as production, or use a production income amount per year. Ms. Payne stated that a decision does not need to be made today, but that staff needs committee feedback so that it will go in the right direction.

Mr. Bullock stated that training horses on a show day does not seem like enough time to count towards horse production and does not seem significant. Mr. Sposaro stated that show training at a competition is critical for a horse to be successful and determines how they appreciate or depreciate in value. Mr. Germano stated that Mr. Philbrick is providing a service that has nothing to do with production and should not count towards production.

Mr. Sposaro stated that he respectfully disagrees with Mr. Germano and noted that the biggest question is how production is measured. He noted that production means causing a horse to appreciate in value and selling that horse. Mr. Sposaro stated that satisfying a 10% production requirement is problematic and the real metrics should be dollars that are generated. The dollar amount may not make complete sense so perhaps the number of horses that are sold per year should be included as well.

Mr. Sposaro stated that 85% of Mr. Philbrick's income comes from the sale of the horses and not the shows. Ms. Payne asked if the 85% is in comparison to gross income or net income. Chairman Fisher stated that everyone is in business to make net income and the owner is looking for a profit no matter how big the gross income is. Ms. Payne stated staff

is asking for the committee's opinion on considering an alternate method to establish necessary production. Originally the committee required the 10% participation at horse shows and Mr. Philbrick has not complied with that. She noted that staff is trying to find the relation between the sale of the horse and production because if PSJ sells one really expensive horse and has the show facility, there seems to be a disconnect with production.

Ms. Fischetti asked if Ms. Payne can remind her as to where the 10% originated from. Ms. Payne said typically a farm produces a product and then markets it for sale. In relation to farm markets on preserved farms, 50% of what gets sold has to come from their farm management unit. There is a relationship between the market and what the farm is producing. Here, the committee heard arguments from the applicant that he should have a smaller requirement of horses he produced at these shows and accepted it as a reasonable basis to establish the 10% requirement.

Mr. Germano stated that there is a condition of approval that was made, and the applicant admits that he is not and cannot meet this condition and has instead proposed different ways to change the condition so that he can meet it. Mr. Germano suggested staff sit down with the applicant and an expert in the field to come up with new standards that are fact based and sensitive to the industry, that responds to the DOE and the RTF Act. He stated that the expert be hired at the applicants' expense and suggested tabling this question and revisiting it when staff comes up with a recommendation.

Mr. Bullock stated that he agrees with Mr. Germano because what is being done now isn't working. Ms. Fischetti stated that she agreed with Mr. Germano as well.

Chairman Fisher asked if PSJ would be impacted while staff consults with the expert to research a new standard or if PSJ would be allowed request shows for the 2022 calendar year. Mr. Waltman stated that PSJ needs to comply with the standard that is already in place and continue as such until a new standard is adopted and would rather not make a decision on the fly today.

Chairman Fisher stated that this is a very specialized and unique niche in the industry and asked for the committee's feedback. Mr. Johnson stated that a couple meetings ago this was discussed, and the committee was satisfied with the 10% and is not sure why this is a topic again. Ms. Payne said that the official paperwork was not submitted by the applicant until October and the issue seems to be considering consulting training as output versus the actual production of the horses. Chairman Fisher asked the committee if they would like PSJ to get an expert to better define what production means. Mr. Bullock stated that he would like that, and he would be okay giving PSJ a year to get this data together.

Mr. Germano stated he supports the proposal to give them a year's grace while the committee and staff does the necessary research. Ms. Murphy expressed her concern on the process and how it's unfolding as it has been going on for so long due to the applicant's inability to meet the targets. She stated that she understands they are an important part of agriculture but is concerned about the integrity of the committee and making these exceptions for this farm over and over again will have a negative impact on the committee.

Chairman Fisher stated that his understanding is that a calendar will be set up for the dates that the tents are to come up and come down, the issue of equine production is not clear enough and more research needs to be done on industry standards. The suggestion is that a consultant be hired, at the applicant's expense, and a more defined structure be developed that relates to the 10% production requirement. It is also agreed that a one-year hiatus be given to PSJ as that standard is being developed. Mr. Sposaro agreed to pay the cost of hiring the consultant.

Ms. Payne stated that staff understands what direction the committee would like to go in and that it will work with the attorneys on how to document this going forward. Mr. Sposaro stated that he will present a schedule to Ms. Payne and staff and asked if they have the authorization to approve that schedule for next year since the committee does not meet in November as PSJ wants to be able to provide a schedule for the equine community. Chairman Fisher stated that Mr. Sposaro can discuss the approved nine shows and the calendar with the staff and bring any additional show dates that PSJ is requesting before the committee in December.

B. Soil Protection Standards 1:51

Mr. Everett reviewed a memo and exhibits with the committee regarding the SPS. He stated that the SADC's DOE Subcommittee met multiple times since receiving public feedback on the agency's proposed SPS this summer. As a result of the issues raised in the comments and further staff analysis, the subcommittee is recommending substantial changes to the original SPS limits proposed. The changes would simplify the standards by maximizing the use of "bright line" tests to establish compliance rather than using the eleven proposed best management practices (BMPs).

The result is a proposed collapsing of 8 of the 11 drafted BMP standards for the "orange" and "yellow" uses so that all those uses are either "red" (regulated disturbance limit) or "green" (unlimited) categories that are governed by definitions instead of technical standards. There are four former BMPs, Livestock Training, Parking/Storage, Soil Stockpiling and Ground Mounted Solar, that defy treatment by a simplistic definition due to their complexity and would be included in supplementary standards. This approach would also declare equine activities as "common farmsite activities" irrespective of whether they are production or service related, thereby no longer limiting the percentage of service relative to production.

The changes would also increase the minimum percentage of disturbance allocated from 8% to 12% while reducing the minimum acreage allocated from 6 acres to 4 acres. He noted that the changes would also create a waiver provision for additional relief for any farms that are within 50% of the proposed standard at the time of its adoption. The total maximum disturbance with a waiver would be 15% or 6 acres whichever is greater.

Mr. Everett reviewed the compliance metrics and effects of the proposed waiver with the committee and found that a total of 18 farms out of 2,676 farms are non-compliant with the proposed 12%/4-acre limitation without the waiver, including Quaker Valley Farms (QVF). A total of 7 farms out of 2,676 are non-compliant with the proposed 15%/6-acre waiver

applied, including QVF. When applying the waiver, total disturbance utilization for the 41 farms within 50% of their allocation drops from an average of 90% down to 64%. Thus, even for the most highly disturbed farms in the program, future growth is achievable with the proposed limitation and waiver process.

Mr. Germano commented that the waiver provision is limited to people and their families that are already in the program and made improvements before there was a rule. Mr. Everett agreed that was correct. Mr. Norz asked what staff suggests being done with the 7 farms that are out of compliance and over their limits. Ms. Payne stated that this was discussed with the attorney general's office and the committee has the discretion to pursue farms to litigate or not. Ms. Payne stated that for these 7 farms, which could not comply even with the waiver as they are at that limit, staff is not going to recommend action or litigation against these farmers as a result of this rule. Those farms are built out and staff will communicate to make sure that there is no more disturbance on these farms.

Mr. Norz asked what would happen in the future if someone else in the program asks why they are not allowed to be above the limit if other farms were overlooked. Ms. Payne stated all landowners will be put on notice that these rules are being adopted and new applicants into the program will be made aware of the standards during the enrollment process. Staff does not think the small number of farms that cannot currently comply do not pose a threat to the viability of the program. Mr. Norz asked what would happen if in the future a landowner hires an attorney to try to argue this matter. Ms. Payne suggested that the litigation risk of something like this should be discussed in closed session. Her recommendation is not to take any further action against these farms and she suspects that the SADC will support that.

Mr. Everett stated that the concept of the transfer of disturbance rights from one preserved farm to another under the same ownership was possible, however, the subcommittee did not concur with this. Chairman Fisher stated that he didn't understand this concept. Ms. Payne gave an example and explained that if there was a farm management unit with 4 tracks of land next to each other and all the buildings were concentrated on one tract, could the committee entertain the concept of having more disturbance on one tract as opposed to the other tracts. Ms. Payne stated that this concept is not easy, but the result is that something could be recorded against all the properties to increase disturbance on one lot and decrease it on the others. It adds another layer of complexity to something that is already complex. Ms. Payne recommended to proceed with the rules, get them adopted for clarity and if the committee wants to come back to this topic down the road, it can do so.

Chairman Fisher thanked Mr. Everett for a job well done with all the hard work and effort that he put into this endeavor. Ms. Payne stated that if the committee concurs with the changes, staff will commence drafting the full rule proposal. Mr. Germano stated that the subcommittee was unanimous with approving what was presented today. Chairman Fisher thanked the subcommittee for what they did to get to this point as it was quite a task. Ms. Payne thanked the subcommittee for their sacrifice of their personal time and the more than 10 years that they put in to make this all happen. She noted that the subcommittee consists of Mr. Germano, Mr. Ellis, Mr. Waltman and Mr. Johnson.

Mr. Waltman stated that the subcommittee was formed in 2009 and was not what anyone had expected, but there were a lot of good faith conversations. He noted that the committee came up with something that was more understandable, easy to explain, and he thanked the staff for their efforts in implementing this. Chairman Fisher stated that one of the big issues was the 6-acre allotment and reducing it to 4 acres was a big rallying point for many people. Also, the elimination of the yellow category had made things more understandable to the public.

Chairman Fisher asked the committee for input on the transfer waiver. Mr. Germano stated that the number one complaint of the first proposal was that it was too complex and the reason that the subcommittee did not concur with the transfer waiver was because of its complexity. Mr. Schilling agreed that it's a good idea but overly complicated at this point. Chairman Fisher stated that he agrees.

Mr. Bullock stated that this was a long process, but he thinks staff is on the right track. Chairman Fisher revisited the point that Ms. Payne made earlier about not going after the 7 farms that are out of compliance and suggested a better way to address that issue. Ms. Payne stated that she will talk to the attorney general's office about the best way to go about that.

Mr. Norz stated that he understands the concept of the transfer of disturbance rights, but thinks it needs to be looked at further as there are landowners this will be very helpful to. Mr. Norz stated that staff did a tremendous job on these standards, but he is not ready to approve them yet because he still needs time to wrap his head around everything. Ms. Payne stated that the draft will be done and that the committee will have time to review each draft before rules are sent for publication. Chairman Fisher assured Mr. Norz that he will have time to review the standards some more before they are voted on and made into rules. Ms. Payne stated that staff will endeavor to have the first draft of the rule language before the committee by the January 2022 meeting. Mr. Norz stated that he is not in favor of the staff proceeding with the draft rule proposal for the SPS.

Mr. Ellis asked if he's allowed to share this with the farm community. Ms. Payne stated that staff will be sending a memo out and will be posting this presentation and whatever materials are available to our partners and open the dialogue up. Mr. Ellis stated that Mr. Everett and the staff did a great job of providing this information to the committee. Mr. Germano agreed with that. Mr. Bullock asked if he still had to remain recused at the county level. Ms. Payne stated that he has to remain recused on the county level if he wants to proceed on the state level as the SADC has to comply with the ethics rules. Chairman Fisher agreed.

C. Resolution: Amended FY22 Non-Profit Preliminary Approval

Mr. Distaulo stated that on September 23, 2021, the SADC granted approval for the FY2022 Nonprofit Grant Round, including \$43,380 to Monmouth Conservation Foundation (MCF) for supplemental funding for a FY2021 application and \$374,560 to the Land Conservancy of New Jersey for one easement purchase grant. On May 28, 2021, MCF requested a grant from the SADC for \$65,680; due to a clerical error contained in the September 23, 2021,

SADC grant approval resolution, the grant to MCF was incorrectly stated as \$43,380 and lower than the amount MCF requested of \$65,680. The revised cost estimates submitted by the nonprofits and the following grant awards represent a 50% cost share grant, including eligible ancillary costs to the nonprofits totaling \$440,240. Mr. Distaulo asked for approval of a resolution to amend the nonprofit pre-approval from the September 2021 meeting.

It was moved by Mr. Germano and seconded by Mr. Ellis to approve Resolution FY2022R10(1), the amended FY22 Non-Profit Preliminary Approval. A roll call vote was taken. The motion was unanimously approved.

D. Resolution: Amended FY2022 Appropriation Request

Mr. Distaulo stated that the purpose of this request is to amend the recommended FY22 appropriations request adopted at the September 23rd meeting. Adjustments have been made for the Nonprofit program recommendation to increase the funding request by \$22,300, resulting in a decrease to the State Acquisition funding by an identical amount. The total appropriation of \$83,880,601 remains equal to what was adopted at the September meeting. This includes \$83.69 million in Corporate Business Tax (CBT) funds and \$186,600 from the Garden State Preservation Fund (GSPT). Mr. Distaulo asked for approval for a resolution to amend the FY22 appropriation request.

It was moved by Mr. Waltman and seconded by Mr. Germano to approve the amended FY2022 Appropriation request. A roll call vote was taken. The motion was unanimously approved.

New Business

A. Resolutions: Final Approval – County PIG Program

Ms. Mazzella referred the committee to one request for final approval under the County PIG Program. She reviewed the specifics of the request with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve Resolution FY2022R10(2), granting approval to the following applications under the County PIG Program, as presented, subject to any conditions of said resolution.

1. Meghan Walker (Magnolia Creek), SADC ID# 10-0439-PG, FY2022R10(2), Block 42, Lot 1 and 1.01, Franklin Township, Hunterdon County, 31.8 acres.

A roll call vote was taken. Martin Bullock was absent for this vote. The motion was unanimously approved. A copy of Resolution FY2022R10(2), is attached to and a part of these minutes.

B. Resolutions: Final Approval – Municipal PIG Program

Ms. Mazzella referred the committee to two requests for final approval under the Municipal PIG Program. She reviewed the specifics of the request with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Germano and seconded by Mr. Bullock to approve Resolutions FY2022R10(3) and FY2022R10(4), granting approval to the following applications under the Municipal PIG Program, as presented, subject to any conditions of said resolution.

1. Carl and Deanne Rieck, SADC ID#17-0230-PG, FY2022R10(3), Block 64, Lot 6, Alloway Township, Salem County, 51.4 Acres.
2. Dennis Crisanti, SADC ID#17-0227-PG, FY2022R10(4), Block 802, Lot 36, Pittsgrove Township, Salem County, 21.2 Acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2022R10(3) and FY2022R10(4), is attached to and a part of these minutes.

C. Resolutions: Final Approval – Non-Profit Program

Ms. Mazzella referred the committee to one request for final approval under the Non-Profit Program. She reviewed the specifics of the request with the committee and stated that staff recommendation is to grant final approval.

Mr. Norz asked if there was a farm lane used to access the one-acre exception area and expressed concern of the location of exception areas set in the middle of fields. Ms. Payne stated she agrees with his general concern and for this particular case there was topographical reasons for this location.

It was moved by Mr. Germano and seconded by Mr. Waltman to approve Resolution FY2022R10(5) granting approval to the following applications under the Non-Profit PIG Program, as presented, subject to any conditions of said resolution.

1. Melissa and Thomas Giordano, SADC ID# 21-0048-NP, FY2022R10(5), Block 601, Lot 4, Frelinghuysen Township, Warren County, 36.3 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2022R10(5) is attached to and a part of these minutes.

D. Resolutions: Preliminary Approval – Direct Easement Purchase Program

Ms. Mazzella referred the committee to four requests for Direct Easement Purchase Program. She reviewed the specifics of the requests with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Ellis and seconded by Mr. Norz to approve Resolutions FY2022R10(6) through and FY2022R10(9) granting approval to the following applications under the Direct Easement Purchase Program, as presented, subject to any conditions of said resolution.

1. County Blues, LLC, SADC ID# 01-0046-DE, FY2022R10(6), Block 5504, Lots 13, 22, & 23, Hammonton Township, Atlantic County, 62.2 acres.
2. Virginia Patten, SADC ID# 17-0364-DE, FY2022R10(7), Block 11, Lot 5, Pilesgrove Township, Salem County, 77.2 acres.
3. Benjamin Patten, SADC ID# 17-0363-DE, FY2022R10(8), Block 11, Lot 3, Pilesgrove Township, Salem County, 91.8 acres.
4. James and Andrea Farro, SADC ID# 17-0362-DE, FY2022R10(9), Block 30, Lot 24, Alloway Township, Salem County, 54.2 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2022R10(6) through FY2022R10(9) is attached to and a part of these minutes.

Public Comment

There was no public comment.

Chairman Fisher stated that he is obligated to recuse himself from the discussion that will be taking place in closed session and therefore will turn the meeting over to Mr. Germano, Vice Chairman. He thanked the SADC and staff for all of the hard work that they have done and the great job that they demonstrate.

CLOSED SESSION

At 12:16 p.m. Ms. Payne read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss certain matters including the certification of values, any property acquisitions under the farmland preservation program, personnel matters, any pending or anticipated litigation, including the Lebensfreude, LLC case, and any matters falling within the attorney-client privilege. The minutes of such meeting shall remain confidential until the Committee determines that the need for confidentiality no longer exists.

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

ACTION AS A RESULT OF CLOSED SESSION

NOTE: Mr. Schilling and Mr. Johnson left the meeting prior to Open Session

Lebensfreude, LLC v. SADC and Morris CADB

Ms. Payne stated that based on the advice of counsel, SADC is authorizing the Office of the Attorney General to file a motion for reconsideration in the case of Lebensfreude, LLC v. SADC and Morris CADB.

It was moved by Mr. Ellis and seconded by Ms. Murphy to authorize the Office of the Attorney General to file a motion for reconsideration in the case of Lebensfreude, LLC v. SADC and Morris CADB. A roll call vote was taken. Mr. Norz voted against the motion. Mr. Johnson, Ms. Krause and Mr. Schilling were absent from the vote. The motion was approved by the remaining members.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., December 2, 2021

Location: TBA

ADJOURNMENT

The meeting was adjourned at 1:07 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director

State Agriculture Development Committee

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2022R10(1)
AMENDED PRELIMINARY REVIEW AND APPROVAL
NONPROFIT ACQUISITION OF DEVELOPMENT EASEMENT PROJECTS
FY2022 FUNDING ROUND
OCTOBER 28, 2022

WHEREAS, the State Agriculture Development Committee, "SADC" is authorized under the Garden State Preservation Trust Act, P.L. 1999, c.152, to provide a grant to qualified nonprofit organizations for up to 50 percent of the cost of acquisition, including eligible ancillary costs, of development easements or fee simple titles to farmland from willing sellers; and

WHEREAS, on September 23, 2021, the SADC granted approval for the FY2022 Nonprofit Grant Round, including:

- \$43,380 to Monmouth Conservation Foundation (MCF) for supplemental funding for a FY2021 application pursuant to N.J.A.C. 2.76-15.3.
- \$374,560 to the Land Conservancy of New Jersey for 1 easement purchase grant; and

WHEREAS, on May 28, 2021, MCF requested a grant from the SADC for \$65,680; and

WHEREAS, due to a clerical error contained in the September 23, 2021 SADC grant approval resolution, the grant to Monmouth Conservation Foundation was incorrectly stated as \$43,380 and lower than the amount MCF requested of \$65,680; and

WHEREAS, the revised cost estimates submitted by the nonprofits and the following grant awards represent a 50% cost share grant, including eligible ancillary costs to the nonprofits submitting applications as set forth more specifically in Schedule A, totaling \$440,240:

- \$65,680 to Monmouth Conservation Foundation for supplemental funding for a FY2021 application pursuant to N.J.A.C. 2.76-15.3.
- \$374,560 to the Land Conservancy of New Jersey for 1 easement purchase grant

WHEREAS, as per N.J.A.C. 2:76-13.3 the total nonprofit costs submitted is \$1.4M based on estimated easement or fee purchase values and ancillary costs; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants amended preliminary approval of the nonprofit projects and grant amounts identified in Schedule A; and
3. All other provisions of the RESOLUTION FY2022R9(3) shall remain in effect; and
4. This approval is subject to N.J.A.C. 2:76-12, 13, 14, 15, and 16 and all other rules and regulations as established by the SADC; and
5. This preliminary approval is conditioned upon an SADC resolution appropriating

\$440,240 to the FY2022 Nonprofit Round, Legislative appropriation of funds and funding availability as determined by the State Treasurer; and

6. Any funds that are not expended within two years of the date of the grant appropriation are subject to reappropriation and may no longer be available to the nonprofit; and
7. That this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and
8. The SADC's approval is conditioned upon the Governor's review period pursuant to N.J.S.A. 4:1C-4f.

10/28/21
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

Non-Profit Program
FY2022 Preliminary Approval

Schedule A

FY 2022	Organization Name/Farm Name	Quality Score	Acq. Type	County	Municipality	Approx. Net Acres	Estimated per Acre Value	Total Estimated Easement	Estimated Ancillary Costs	Total Estimated Cost	Requested SADC Grant 50% @ 09/2021 meeting	Revised Requested SADC Grant 50%	Cost share partner(s)
	Monmouth Conservation Foundation												
13-0019-NP	Stivala, Michael, Jr., & Eileen Sionas (MCF - FY 21)	53.65 Pts	Easement Purchase	Monmouth	Colts Neck	14.3 w/ 12.8 payable acres	\$48,250	\$617,600	\$25,000	\$642,600	\$43,380	\$65,680	Monmouth, Colts Neck Twp & MCF
							* Grant for shortfall in FY21 grant (\$286,500)						
	The Land Conservancy of New Jersey												
21-0056-NP	Shotwell Family Partnership, LP	54.71 Pts	Easement Purchase	Warren	Blairstown	150.65	\$4,800	\$723,120	\$26,000	\$749,120	\$374,560	\$374,560	Warren County
	Total Applications =	2				164.95				\$1,391,720	\$417,940	\$440,240	

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2022R10(2)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
HUNTERDON COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Walker, Meghan (Magnolia Creek) (“Owner”)
SADC ID# 10-0439-PG
Franklin Township, Hunterdon County
N.J.A.C. 2:76-17 et seq.**

OCTOBER 28, 2021

WHEREAS, on August 31, 2020, it was determined that the application for the sale of a development easement for the subject farm identified as Block 42, Lot 1 and 1.02 , totaling approximately 31.8 gross acres hereinafter referred to as “the Property” (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant (“PIG”) criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

WHEREAS, the targeted Property is located in the County’s West - Hunterdon County Project Area; and

WHEREAS, the Property includes two (2), approximately 1-acre non-severable exception areas, each for existing single family residential units and to afford future flexibility for nonagricultural uses resulting in approximately 29.8 net acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, the two 1-acre non-severable exception areas:

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

WHEREAS, the Premises includes:

- 1) Zero (0) housing opportunities
- 2) Zero (0) Residual Dwelling Site Opportunities (RDSO)
- 3) Zero (0) agricultural labor units
- 4) No pre-existing non-agricultural uses; and

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

WHEREAS, the Property is currently an equine operation with approximately 25.9 acres in equine production as permanent pasture and hay (Schedule B) and approximately 1.4 acres devoted to equine boarding & riding lessons outside the exception area; and

WHEREAS, a specialized "Equine Schedule B" (Schedule B) and the equine map (Schedule C) will be recorded with the Deed of Easement; and

WHEREAS, the Property has a quality score of 69.55 which exceeds 45, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on February 4, 2021, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$7,000 per acre based on zoning and environmental regulations in place as of the current valuation date 12/16/2020; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$7,000 per acre for the purchase of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on April 22, 2021, the Franklin Township Committee approved the application for the sale of development easement and a funding commitment of \$1,300 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 13, 2021, the Hunterdon County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on August 17, 2021, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$1,300 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 30.694 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 30.694 acres):

	Total	Per/acre
SADC	\$135,053.60	(\$4,400/acre)
Township	\$ 39,902.20	(\$1,300/acre)
County	\$ 39,902.20	(\$1,300/acre)
Total Easement Purchase	\$214,858.00	(\$7,000/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$135,053.60 in base grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Premises, comprising approximately 30.694 net easement acres, at a State cost share of \$4,400 per acre, (62.86% of certified easement value and purchase price), for a total grant of approximately \$135,053.60 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
4. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
5. The SADC's cost share grant to the county for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
6. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
7. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.

8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

10/28/21
Date

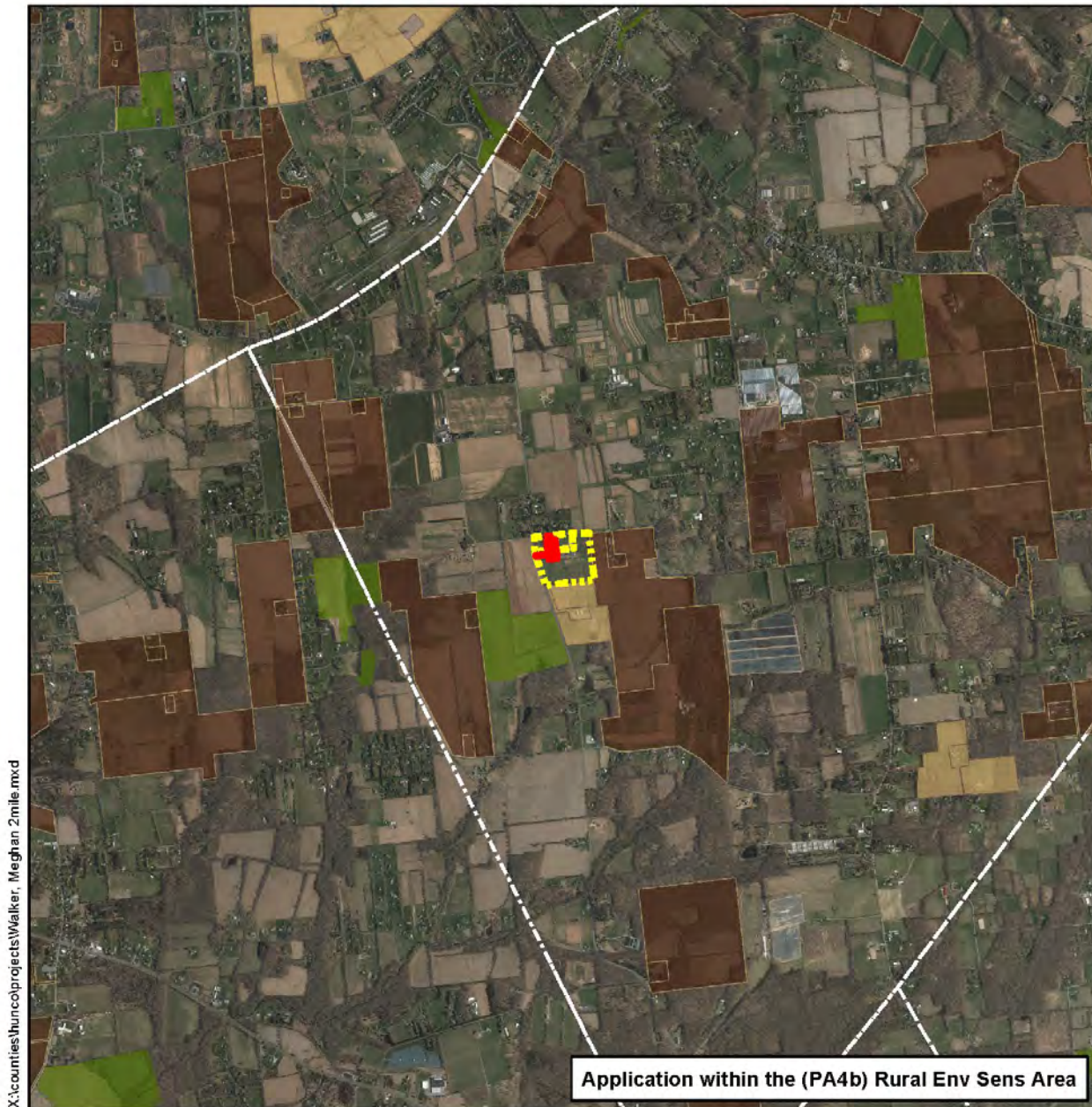


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles

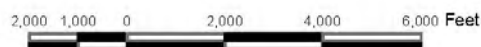


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Application within the (PA4b) Rural Env Sens Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Walker, Meghan
 Block 42 Lots P/O 1 (24.0 ac);
 P/O 1-EN (non-severable exception - 1.0 ac);
 P/O 1.02 (5.8 ac) & P/O 1.02-EN (non-severable exception - 1.0 ac)
 Gross Total = 31.8 ac
 Franklin Twp., Hunterdon County



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

Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 Protected Areas Database of the United States (PAD-US)
 NJ011 0.GIS 2015 Digital Aerial Image

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

August 6, 2020

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Walker, Meghan
 Block 42 Lots P/O 1 (24.0 ac);
 P/O 1-EN (non-severable exception - 1.0 ac);
 P/O 1.02 (5.8 ac) & P/O 1.02-EN (non-severable exception - 1.0 ac)
 Gross Total = 31.8 ac
 Franklin Twp., Hunterdon County



Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 NJDEP Tidelands Claim Line, NJ, Edition 20161214
 NJOT/OGIS 2015 Digital Aerial Image

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

	Property In Question
	EN - (Non-Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads



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

Equine Areas






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

Walker, Meghan
 Block 42 Lots P/O 1 (24.0 ac);
 P/O 1-EN (non-severable exception - 1.0 ac);
 P/O 1.02 (5.8 ac) & P/O 1.02-EN (non-severable exception - 1.0 ac)
 Gross Total = 31.8 ac
 Franklin Twp., Hunterdon County



	Property In Question
	EN - (Non-Severable) Exception
	Equine Service Area - 1.4 ac



Sources:
 NJDOT Road Data
 NJGIT/OGIS 2015 Digital Aerial Image

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

August 10, 2020

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Walker, Meghan
10- 0439-PG
County PIG Program
30 Acres

Block 42	Lot 1.02	Franklin Twp.	Hunterdon County			
Block 42	Lot 1	Franklin Twp.	Hunterdon County			
SOILS:		Prime	55% *	.15	=	8.25
		Statewide	45% *	.1	=	4.50
						SOIL SCORE: 12.75
TILLABLE SOILS:		Cropland Harvested	87% *	.15	=	13.05
		Other	10% *	0	=	.00
		Woodlands	3% *	0	=	.00
						TILLABLE SOILS SCORE: 13.05
FARM USE:						

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st one (1) acres for Around SFR
Exception is not to be severed from Premises
Exception is to be limited to zero existing single family residential unit(s) and zero future single family residential unit(s)
 - 2nd one (1) acres for Future dwelling
Exception is not to be severed from Premises
Exception is to be limited to zero existing single family residential unit(s) and zero future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as ammended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2022R10(3)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
ALLOWAY TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Rieck, Carl & Deanne("Owners")
SADC ID# 17-0230-PG
Alloway Township, Salem County
N.J.A.C. 2:76-17A. et seq.**

OCTOBER 28, 2021

WHEREAS, on June 16, 2020, it was determined that the application for the sale of a development easement for the subject farm identified as Block 64, Lot 6, Alloway Township, Salem County, totaling approximately 51.4 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a) and the Township has met the Municipal Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

WHEREAS, the Owners read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, and Non-Agricultural Uses; and

WHEREAS, the targeted Property is located in the Township's North-Central - Alloway Township, Salem County Project Area; and

WHEREAS, the Property includes no exception areas, resulting in approximately 51.4 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the Property includes:

- 1) Zero (0) exceptions,
- 2) One (1) single family residential unit
- 3) Zero (0) Residual Dwelling Site Opportunity (RDSO)
- 4) Zero (0) agricultural labor units
- 5) No pre-existing non-agricultural uses; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on February 17, 2020, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$6,550 per acre based on zoning and environmental regulations in place as of the current valuation date November 17, 2020; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12, the Owner accepted the Township's offer of \$6,550 per acre for the purchase of the development easement on the Premises; and

WHEREAS, a parcel application was submitted by the New Jersey Conservation Foundation (NJCF) to the FY2020 States Department of Agriculture, Natural Resources Conservation Service ("NRCS"), Agriculture Conservation Easement Program ("ACEP") for an Agricultural Land Easement ("ALE") grant; and

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

WHEREAS, the owner has read and signed the SADC ALE guidance document and agreed to the additional restrictions associated with the ALE Grant, including no future division of the premises and a 6% maximum impervious coverage restriction (approximately 3.084 acres) for the construction of agricultural infrastructure on the Property outside of exception area, which is the maximum allowable for this property through the ALE program at this time; and

WHEREAS, at this time the ALE approved current easement value has not been finalized, therefore, the estimated ALE grant of \$6,700 per acre equating to an ALE grant of \$3,350 (50% of \$6,700) or approximately \$172,190 in total ALE funds will be utilized; and

WHEREAS, should alternate ALE funding or other federal funding become available from other funding years or through other qualified entities such as the SADC, a Non-Profit organization, or County it may be utilized if such funding benefits the easement acquisition and/or the successful use of ALE funding; and

WHEREAS, due to a shortage of available funds, this final approval is conditioned upon ALE funding in an amount sufficient enough to cover the County and Township's cost share and any remaining funds will be used to offset the SADC grant needs; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on June 17, 2021, the Alloway Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase due to the anticipated receipt of the ALE funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on May 26, 2021, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on May 21, 2021, the Board of County Commissioners passed a resolution granting final approval, but is not participating financially in the easement purchase due to the anticipated receipt of ALE funds; and

WHEREAS, the Municipality has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 52.942 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 52.942 acres):

	<u>Total</u>	<u>Per/ Acre</u>
SADC	\$221,032.85	(\$4,175.00/acre)
Alloway Township	\$62,868.63	(\$1,187.50/acre)
<u>Salem County</u>	<u>\$62,868.63</u>	<u>(\$1,187.50/acre)</u>
Total Easement	\$346,770.10	(\$6,550.00/acre)

Whereas, the estimated cost share breakdown if the ALE Grant is finalized and applied:

	<u>Total</u>	<u>ALE \$</u>	<u>New Cost Share</u>	<u>Per/acre</u>
SADC	\$221,032.85	\$ 51,618.44	\$169,414.40	(\$3,200/acre)
Salem County	\$ 62,868.63	\$ 62,868.63	\$ 0	(\$0/acre)
Alloway Township	\$ 62,868.63	\$ 62,868.63	\$ 0	(\$0/acre)
<u>ALE Grant</u>			<u>\$177,355.70</u>	<u>(\$3,350/acre)</u>
TOTAL	\$346,770.10	\$177,355.70	\$346,770.10	(\$6,550/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14 (d) (f), if there are insufficient funds available in a Municipality's base grant, it may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the Municipality is requesting \$169,414.40 in base grant funding which is available at this time (Schedule B); and

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

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Premises, comprising approximately 52.942 net easement acres, at a State cost share of \$3,200 per acre, (48.85% of certified easement value and purchase price), for a total grant of approximately \$169,414.40 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. This approval is conditioned upon receipt of ALE funds sufficient enough to cover the Township and County's cost share or in absence of ALE funding a resolution by the Township and the County Board of County Commissioners to commit the funds needed to cover the Township's and County's cost share.
4. If ALE funding is secured and approved for use by the SADC, said funding will first be used to reduce the county and municipal cost share and then, with the remaining funds (estimated \$51,618.44), reduce the SADC's cost share.
5. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).

6. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
7. The SADC will be providing its grant directly to the County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).
8. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
9. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
10. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
11. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
12. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

___10/28/21___
Date

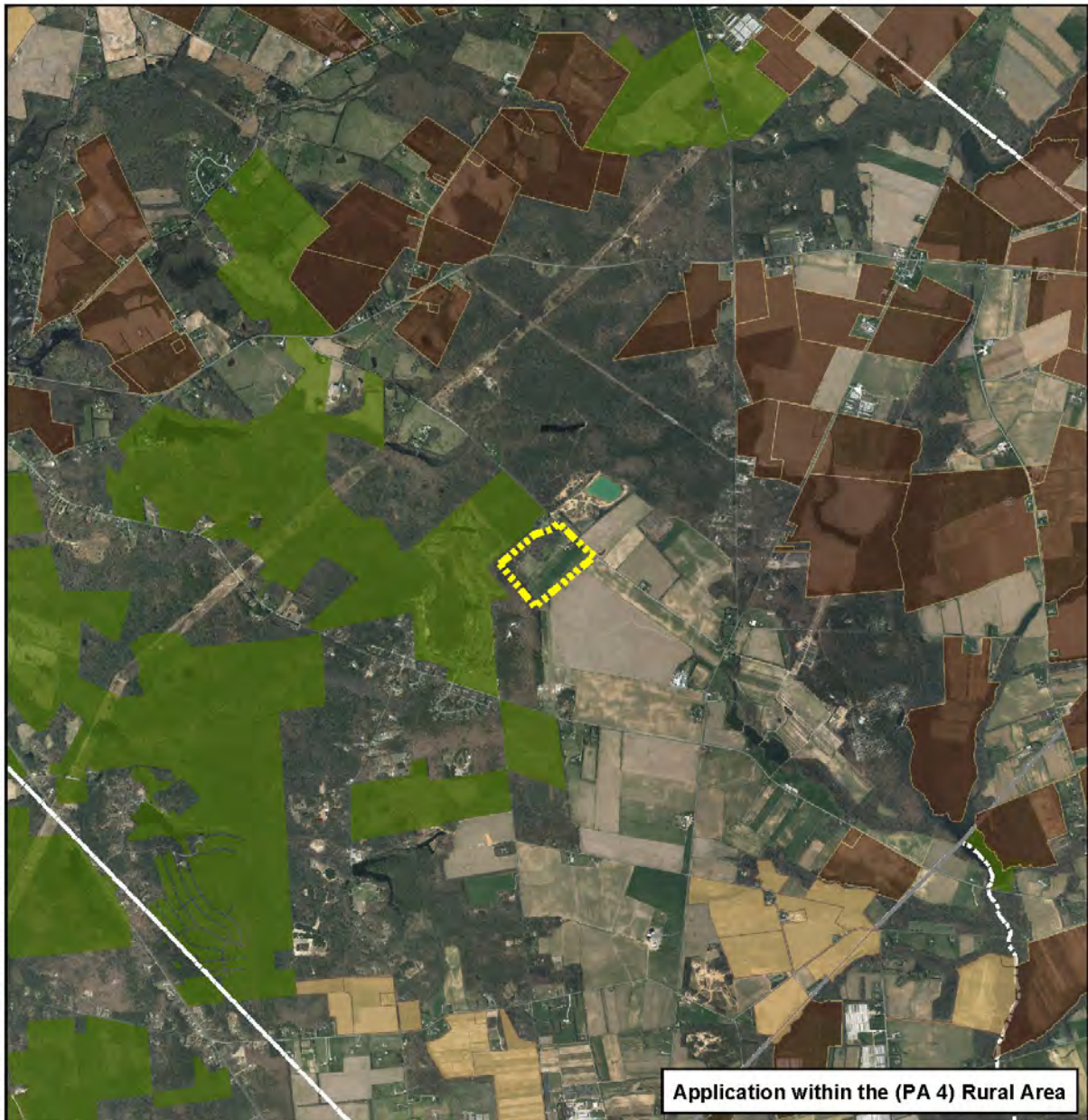


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles

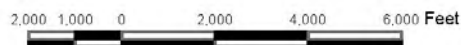


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Application within the (PA 4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Rieck, Carl & Deanne
Block 64 Lot 6 (51.4 ac)
Gross Total = 51.4 ac
Alloway Twp., Salem County



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

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJOT&GIS 2015 Digital Aerial Image

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

May 28, 2020

Wetlands



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Application within the (PA 4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Rieck, Carl & Deanne
Block 64 Lot 6 (51.4 ac)
Gross Total = 51.4 ac
Alloway Twp., Salem County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJDEP Wetlands Data
NJGIT/OGIS 2015 Digital Aerial Image

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

	Property In Question
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements



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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Rieck, Carl E. & Deanne
17- 0230-PG
PIG EP - Municipal 2007 Rule
51 Acres

Block 64	Lot 6	Alloway Twp.	Salem County		
SOILS:		Other	22% * 0	=	.00
		Prime	2% * .15	=	.30
		Statewide	76% * .1	=	7.60
				SOIL SCORE:	7.90
TILLABLE SOILS:		Cropland Harvested	67% * .15	=	10.05
		Wetlands/Water	10.5% * 0	=	.00
		Woodlands	22.5% * 0	=	.00
				TILLABLE SOILS SCORE:	10.05
FARM USE:		Hay	15 acres		
		Soybeans-Cash Grain	21 acres		

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions: No Exceptions Requested
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2022R10(4)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
PITTS GROVE TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Crisanti, Dennis (“Owner”)
SADC ID#17-0227-PG
Pittsgrove Township, Salem County
N.J.A.C. 2:76-17A. et seq.**

OCTOBER 28, 2021

WHEREAS, February 6, 2020, it was determined that the application for the sale of a development easement for the subject farm identified as Block 802, Lot 36, Pittsgrove Township, Salem County, totaling approximately 21.2 gross acres hereinafter referred to as “the Property” (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a) and the Township has met the Municipal Planning Incentive Grant (“PIG”) criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

WHEREAS, the Owner read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, and Non-Agricultural Uses; and

WHEREAS, the targeted Property is located in the Municipality’s North-Pittsgrove Project Area; and

WHEREAS, the Property includes zero (0) exception areas resulting in approximately 21.2 net acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the Premises includes:

- 1) Zero (0) exceptions
- 2) One (1) existing single family residential unit
- 3) Zero (0) agricultural labor units
- 4) No pre-existing non-agricultural uses; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on November 19, 2020, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$5,100 per acre based on zoning and environmental regulations in place as of the current valuation date June 23, 2020; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12, the Owner accepted the Township’s offer of \$5,100 per acre for the purchase of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on July 28, 2021, the Pittsgrove Township Committee approved the application for the sale of development easement and a funding commitment of \$825 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on July 28, 2021, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on August 18, 2021, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$825 per acre to cover the local cost share; and

WHEREAS, the Municipality has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 21.84 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 21.84 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$75,348	(\$3,450/acre)
Pittsgrove Township	\$18,018	(\$825/acre)
<u>Salem County</u>	<u>\$18,018</u>	<u>(\$825/acre)</u>
Total Easement Purchase	\$111,384	(\$5,100/acre)

WHEREAS, pursuant to N.J.A.C. 2:76 17A.14 (d) (f), if there are insufficient funds available in a Municipality's base grant, it may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the Municipality is requesting \$75,348 in base grant which is available at this time (Schedule B); and

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

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Premises, comprising approximately 21.84 net easement acres, at a State cost share of \$3,450 per acre, (67.65% of certified easement value and purchase price), for a total grant of approximately \$75,348 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).

3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
4. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
5. The SADC will be providing its grant directly to the County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).
6. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
7. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
8. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
9. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

10/28/21
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles

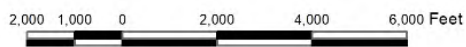


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Application within the (PA4b) Rural Env Sens Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Crisanti, Dennis
Block 802 Lot 36 (21.2 ac)
Gross Total = 21.2 ac
Pittsgrove Twp., Salem County



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



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJGIT/IGIS 2015 Digital Aerial Image

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

January 28, 2020

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Crisanti, Dennis
Block 802 Lot 36 (21.2 ac)
Gross Total = 21.2 ac
Pittsgrove Twp., Salem County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJDEP Wetlands Data
NJOT/OGIS 2015 Digital Aerial Image

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



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

Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 30' Buffer
W - Water

January 28, 2020

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Crisanti, Dennis
17- 0227-PG
PIG EP - Municipal 2007 Rule
21 Acres

Block 802	Lot 36	Pittsgrove Twp.	Salem County		
SOILS:		Other	17% * 0	=	.00
		Prime	83% * .15	=	12.45
				SOIL SCORE:	12.45
TILLABLE SOILS:		Cropland Harvested	50% * .15	=	7.50
		Woodlands	50% * 0	=	.00
				TILLABLE SOILS SCORE:	7.50
FARM USE:		Horse & Other Equine	12 acres		

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions: No Exceptions Requested
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2022R10(5)
FINAL REVIEW AND APPROVAL OF A NONPROFIT GRANT TO
The Land Conservancy of New Jersey - TLCNJ
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Giordano, Melissa & Thomas ("Owners")
FY2021 Nonprofit Round - SADC# 21-0048-NP**

OCTOBER 28, 2021

WHEREAS, on June 4, 2020, the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from TLCNJ for the Giordano, Melissa & Thomas farm identified as Block 601, Lot 4, Frelinghuysen Township, Warren County, totaling approximately 36.3 gross acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is in the Highlands Planning Area; and

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

WHEREAS, the Premises includes one (1) approximately 1-acre nonseverable exception area for one (1) future single family residential unit and one (1) approximately 0.5 acre nonseverable exception area for one (1) future single family residential unit and to afford flexibility for nonagricultural uses, resulting in approximately 34.8 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, both non-severable exception areas:

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

WHEREAS, the portion of the Property outside the exception area includes:

- 1) Zero (0) housing opportunities
- 2) Zero (0) Residual Dwelling Site Opportunities (RDSO)
- 3) Zero (0) agricultural labor units
- 4) No pre-existing non-agricultural uses; and

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

WHEREAS, on September 24, 2020, the SADC granted preliminary approval by Resolution #FY2021R9(3) to TLCNJ's FY2021 Nonprofit application and appropriated \$2,148,775 for the acquisition of development easement on five farms including the Giordano farm; and

WHEREAS, at this time none of the appropriated money has been encumbered; and

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

WHEREAS, the Property has a quality score of 48.16 which is greater than 70% of the County average quality score of 44 as determined by the SADC, at the time the application was submitted; and

WHEREAS, the Owner provided a recorded deed showing that the property was acquired on February 13, 2020; therefore, the property is ineligible for being appraised under, zoning and environmental conditions in place as of 01/01/2004 for farms in the Highlands region pursuant to N.J.S.A. 13:8B, as amended by the "Preserve New Jersey Act," P.L.2015, c.5; and

WHEREAS, pursuant to N.J.A.C. 2:76 15(b) 2., If two appraisals have been obtained on a parcel, and the difference between the two appraisal values is 10% of the higher appraisal value or less, the eligible land cost shall be the average of the appraisal values; and

WHEREAS, on July 23, 2021, the SADC acknowledged the development easement value of the Premises to be \$4,000 per acre based on current zoning and environmental regulations in place as of April 3, 2021; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-15.2, on August 27, 2021 TLCNJ informed the SADC that it will accept the SADC cost share of \$2,000 per acre; and

WHEREAS, the Board of County Commissioners entered into a Farmland Preservation Agreement with TLCNJ on November 10, 2020 and will provide 50% matching funds from Warren County for the development easement acquisition on the Giordano farm and agreed to accept assignment of the development easement from TLCNJ and be responsible for annual monitoring; and

WHEREAS, the cost share breakdown based on 34.8 net acres is as follows:

	Total	Per/acre
SADC	\$69,600	\$2,000
<u>Warren County</u>	<u>\$69,600</u>	<u>\$2,000</u>
Total Easement Purchase	\$139,200	\$4,000

WHEREAS, pursuant to N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3, the SADC shall provide a cost share grant to Nonprofit for up to 50% of the eligible ancillary costs which will be deducted from its FY2021 appropriation and subject to the availability of funds; and

WHEREAS, N.J.A.C. 2:76-16.1(a)3.iii allows for the conveyance of the development easement to the Federal Government, the State, the County, or another qualifying tax exempt organization for farmland preservation purposes; and

WHEREAS, TLCNJ will assign the Deed of Easement to the County immediately after closing on the Deed of Easement; and


NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to TLCNJ for the Property easement acquisition application subject to compliance with N.J.A.C. 2:76-16.
3. The SADC approves the assignment of the Deed of Easement from TLCNJ to Warren County provided the SADC reviews and approves in advance all documentation to accomplish the assignment including, but not limited to, review of survey, title, and assignment document.
4. The SADC shall provide a cost share grant not to exceed \$2,000 per acre (total of approximately \$69,600 based on 34.8 acres) to TLCNJ for the development easement acquisition on the Premises, subject to the availability of funds.
5. The application is subject to the conditions contained in (Schedule B).
6. The SADC authorizes staff to proceed with the preparation of a Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1.
7. The SADC's cost share grant to TLCNJ for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the

property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses

8. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
9. The SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute all documents necessary to provide a grant to TLCNJ for the acquisition of a development easement on the Property.
10. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
11. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
12. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

___10/28/21___
Date

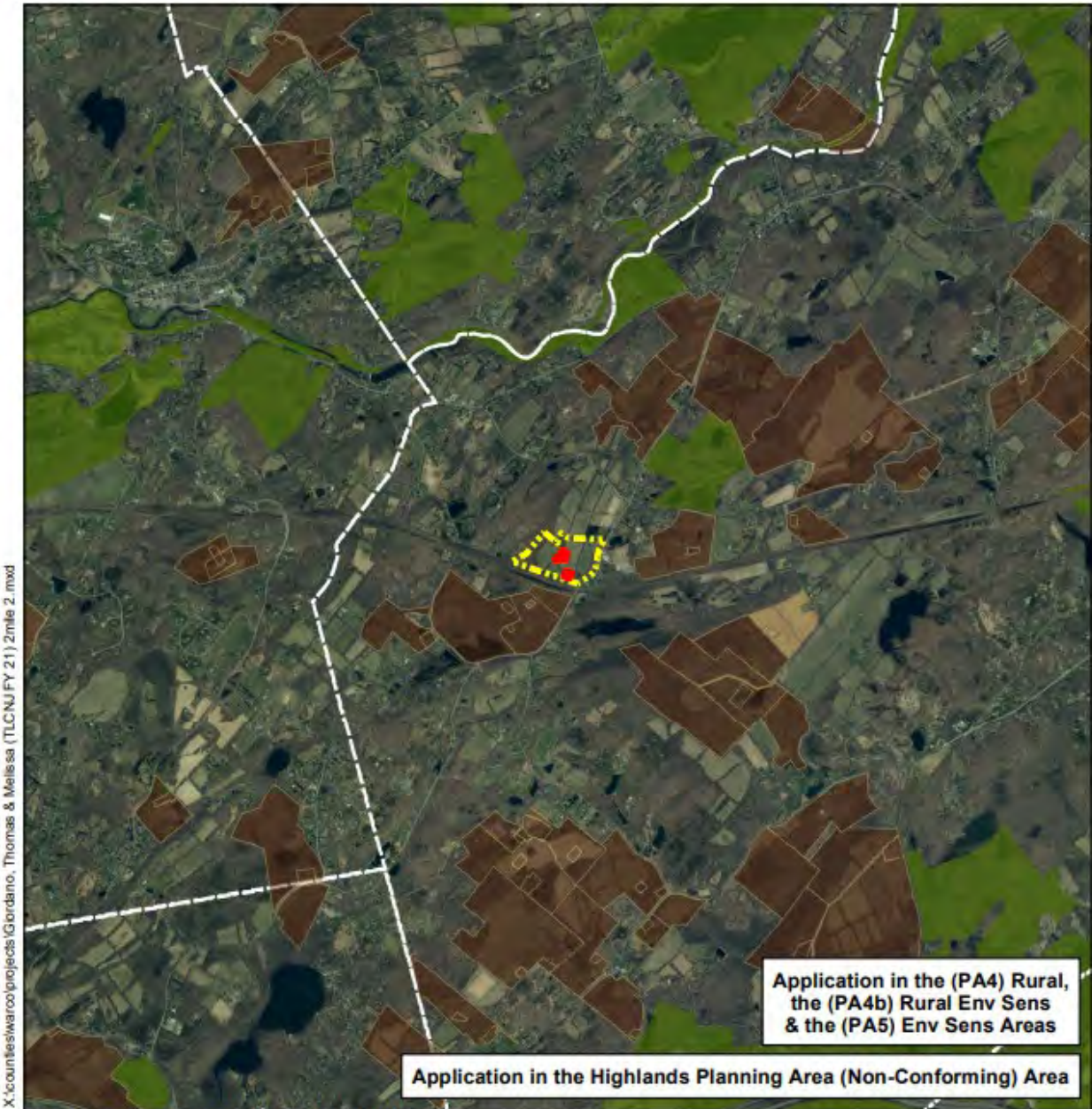


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

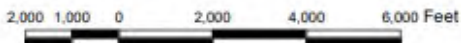
Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Giordano, Thomas & Melissa (TLCNJ FY 21)
Block 601 Lots P/O 4 (34.8 ac); &
P/O 4-EN (non-severable exceptions - 1.0 ac & 0.5 ac)
Gross Total = 36.3 ac
Frelinghuysen Twp., Warren County



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



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJDOT/OGIS 2020 Digital Aerial Image

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

Wetlands

X:\counties\warco\projects\Giordano, Thomas & Melissa (TLCNJ FY 21) \fw 2.mxd



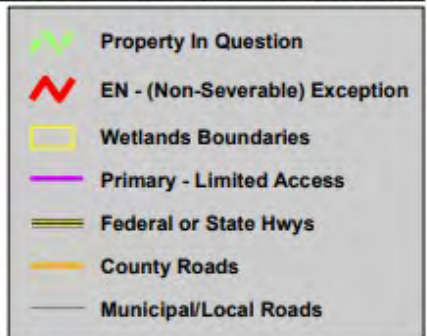
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Giordano, Thomas & Melissa (TLCNJ FY 21)
Block 601 Lots P/O 4 (34.8 ac); &
P/O 4-EN (non-severable exceptions - 1.0 ac & 0.5 ac)
Gross Total = 36.3 ac
Frelinghuysen Twp., Warren County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJIT/OGIS 2020 Digital Aerial Image

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



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

August 16, 2021

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Giordano, Thomas & Melissa (TLCNJ FY 21)
21- 0048-NP
FY 2021 Easement Purchase - Nonprofit
35 Acres

Block 601	Lot 4	Frelinghuysen Twp.	Warren County		
SOILS:		Other	100% * 0	=	.00
				SOIL SCORE:	.00
TILLABLE SOILS:		Cropland Harvested	57% * .15	=	8.55
		Woodlands	43% * 0	=	.00
				TILLABLE SOILS SCORE:	8.55
FARM USE:	Hay		34 acres		

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2022R10(6)

Preliminary Approval of SADC Easement Purchase on an "OTHER" FARM

On the Property of Country Blues, LLC

OCTOBER 28, 2021

Subject Property: **Country Blues, LLC**

Block 5504, Lots 13, 22 & 23 - Town of Hammonton, Atlantic County
SADC ID#: 01-0046-DE

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

WHEREAS, on September 15, 2021, the SADC received a development easement sale application from Country Blues, LLC, hereinafter "Owners," identified as Block 5504, Lots 13, 22 & 23, Town of Hammonton, Atlantic County, hereinafter "the Property," totaling approximately 62.2 gross acres identified in (Schedule A); and

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

WHEREAS, staff estimates that there are 3.0 Pinelands Development Credits ("PDCs") that will be allocated to Block 5504, Lots 13, 22 & 23; and

WHEREAS, as per N.J.A.C. 2:76-19.3, landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31; and

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

WHEREAS, the application has been evaluated for the sale of development easement pursuant to N.J.A.C. 2:76-11.5 and the State Acquisition Selection Criteria approved by the SADC on September 9, 2020, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, has a quality score of 62.73 and contains approximately 62.2 net acres (Schedule B); and

WHEREAS, the Property meets the SADC's Atlantic County minimum criteria for acreage in the "Priority" category which requires at least 48 acres, but because Atlantic County did not submit individual farm applications within the previous three funding cycles, there is no average quality score for Atlantic County, resulting in the need for SADC preliminary approval; and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and pursuant to N.J.A.C. 2:76-11.6(b)i. there are no "priority" ranked applications that have not already been selected for processing at this time; and

NOW THEREFORE BE IT RESOLVED:

1. Because this 62.2-acre farm meets the priority acreage, has approximately 79.98% prime soils, 9.23% local important soils, 10.79% statewide important soils, is adjacent to other permanently preserved farms, and is within the County Agriculture Development Area, the SADC approves selecting the Property for processing as an "Other" farm pursuant to N.J.A.C. 2:76-11.5; and
2. The SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:
 - a. Enter into a 120-day option agreement with the Landowners
 - b. Secure two independent appraisals to estimate the fair market value of the Property
 - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC; and

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



10/28/21____
Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

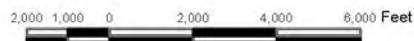
Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Country Blues, LLC
Block 5504 Lots 13 (49.7 ac); 22 (8.7 ac); & 23 (3.8 ac)
Gross Total = 62.2 ac
Hammonton Town, Atlantic County



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

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



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJ0117OGIS 2020 Digital Aerial Image

September 23, 2021

Soils



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

Country Blues, LLC
Block 5504 Lots 13 (49.7 ac); 22 (8.7 ac); & 23 (3.8 ac)
Gross Total = 62.2 ac
Hammonton Town, Atlantic County



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



Sources:
 NRCS - SSURGO 2011 Soil Data
 NJ Pinelands Commission PDC Data
 Green Acres Conservation Easement Data
 Protected Areas Database of the United States (PAD-US)
 NJDOT Road Data
 NJDOT/OGIS 2020 Digital Aerial Image

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

September 23, 2021

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

GENERAL INFORMATION

COUNTY OF Atlantic Hamonton Town 0113
 APPLICANT Country Blues, LLC

PRIORITIZATION SCORE

SOILS:		Local	9% * .05 = .45	
		Prime	80% * .15 = 12.00	
		Statewide	11% * .1 = 1.10	
				SOIL SCORE: 13.55
TILLABLE SOILS:		Cropland Harvested	89% * .15 = 13.35	
		Other	8% * 0 = .00	
		Wetlands/Water	3% * 0 = .00	
				TILLABLE SOILS SCORE: 13.35
BOUNDARIES AND BUFFERS:		Deed Restricted Farmland (Permanent)	17% * .2 = 3.40	
		Farmland (Unrestricted)	31% * .06 = 1.86	
		Residential Development	4% * 0 = .00	
		Streams and Wetlands	30% * .18 = 5.40	
		Woodlands	18% * .06 = 1.08	
				BOUNDARIES AND BUFFERS SCORE: 11.74
CONTIGUOUS PROPERTIES / DENSITY:		Country Blues, LLC	Restricted Farm or Current Application	2
		Bertino 3	Restricted Farm or Current Application	2
		Siligato	Restricted Farm or Current Application	2
		Columbia Properties	Restricted Farm or Current Application	2
		Martinelli 3	Restricted Farm or Current Application	2
				DENSITY SCORE: 10.00
LOCAL COMMITMENT:			100% * 8 = 8.00	
				LOCAL COMMITMENT SCORE: 8.00
SIZE:				SIZE SCORE: 4.84
IMMINENCE OF CHANGE:		SADC Impact factor = 1.25		
				IMMINENCE OF CHANGE SCORE: 1.25
COUNTY RANKING:				
EXCEPTIONS:				EXCEPTION SCORE: .00
TOTAL SCORE:				62.73

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2022R10(7)
Preliminary Approval of SADC Easement Purchase on an "ALTERNATE" FARM
On the Property of Patten, Virginia

OCTOBER 28, 2021

Subject Property: **Patten, Virginia**
Block 11, Lot 5 - Pilesgrove Township, Salem County
SADC ID#:17-0364-DE

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

WHEREAS, on September 9, 2021, the SADC received a development easement sale application from Virginia Patten, hereinafter "Owner," identified as Block 11, Lot 5, Pilesgrove Township, Salem County, hereinafter "the Property," totaling approximately 77.2 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes one (1), approximately 2-acre severable exception area for and limited to one future single family residential unit and to afford future flexibility of uses resulting in approximately 75.2 net acres to be preserved; and

WHEREAS, the 2-acre severable exception area:

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

WHEREAS, the Premises outside the exception area includes:

- 1) Zero (0) housing opportunities
- 2) Zero (0) agricultural labor units
- 3) No pre-existing non-agricultural uses; and

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

WHEREAS, the application has been evaluated for the sale of development easement pursuant to N.J.A.C. 2:76-11.5 and the State Acquisition Selection Criteria approved by the SADC on September 9, 2020, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, has a quality score of 69.44 and contains approximately 75.2 net acres (Schedule B); and

WHEREAS, the Property does not meet the SADC's Salem County minimum criteria for the "Priority" category which requires a quality score of at least 62 combined with at

least 94 acres, however it is higher than the minimum quality score of 48 and 69 acres needed for an "Alternate" farm designation, therefore, this farm is categorized as an "Alternate" farm, requiring SADC preliminary approval; and


WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and pursuant to N.J.A.C. 2:76-11.6(b)i. there are no "priority" ranked applications that have not already been selected for processing at this time; and

NOW THEREFORE BE IT RESOLVED:

1. Because this 75.2-acre farm has a quality score of 69.44, which is above minimum ranking criteria for a "Priority" farm in Salem County, has approximately 70% Prime soils and 30% Unique Important soils, and is within the County Agriculture Development Area and Project Area, the SADC approves selecting the Property for processing as an "Alternate" farm, pursuant to N.J.A.C. 2:76-11.5; and
2. The SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:
 - a. Enter into a 120 day option agreement with the Landowner
 - b. Secure two independent appraisals to estimate the fair market value of the Property
 - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC

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

__10/28/21_____
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles

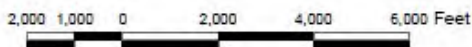


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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Patten, Virginia
Block 11 Lots P/O 5 (75.2 ac);
P/O 5-ES (severable exception - 2.0 ac)
Gross Total = 77.2 acres
Pilesgrove Twp., Salem County



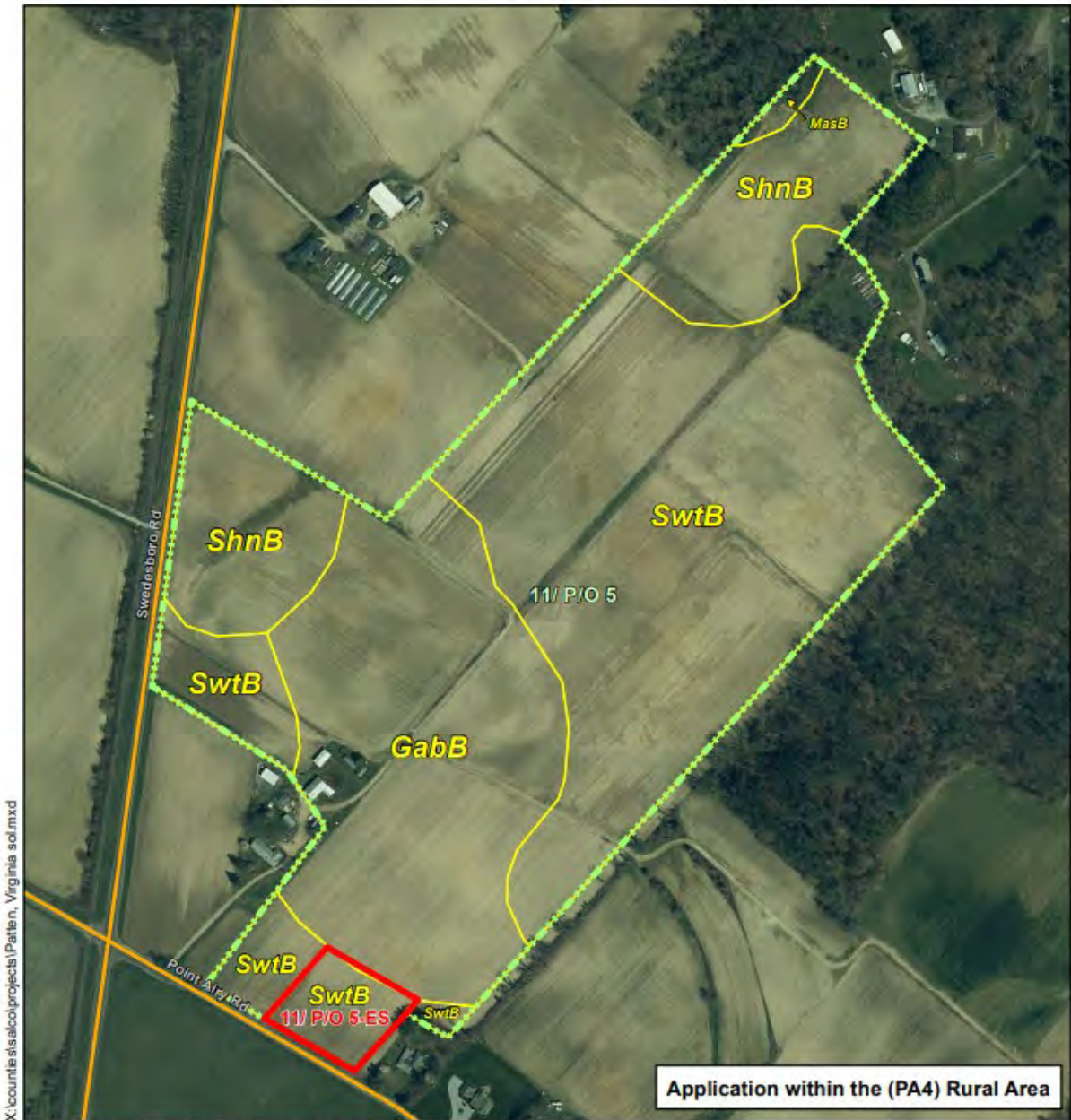
- Property In Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR)
- Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, &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

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

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJGIT/OGIS 2020 Digital Aerial Image

September 28, 2021

Soils



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Patten, Virginia
Block 11 Lots P/O 5 (75.2 ac);
P/O 5-ES (severable exception - 2.0 ac)
Gross Total = 77.2 acres
Pilesgrove Twp., Salem County



Application within the (PA4) Rural Area

- Property In Question
- ES - (Severable) Exception
- Soils Boundaries
- Primary - Limited Access
- Federal or State Hwys
- County Roads
- Municipal/Local Roads



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Sources:
NRCS - SSURGO 2021 Soil Data
Protected Areas Database of the United States (PAD-US)
NJDOT Road Data
NJOT/IGIS 2020 Digital Aerial Image
September 28, 2021

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

GENERAL INFORMATION

COUNTY OF Salem Pilesgrove Twp. 1709
 APPLICANT Patten, Virginia

PRIORITIZATION SCORE

SOILS:	Prime	71%	*	.15	=	10.65
	Unique zero	29%	*	0	=	.00
SOIL SCORE:						10.65

TILLABLE SOILS:	Cropland Harvested	97%	*	.15	=	14.55
	Woodlands	3%	*	0	=	.00
TILLABLE SOILS SCORE:						14.55

BOUNDARIES AND BUFFERS:	Deed Restricted Farmland (Permanent)	9%	*	.2	=	1.80
	Farmland (Unrestricted)	28%	*	.06	=	1.68
	Streams and Wetlands	18%	*	.18	=	3.24
	Residential Development	13%	*	0	=	.00
	Woodlands	5%	*	.06	=	.30
	EP Applications	27%	*	.13	=	3.51
BOUNDARIES AND BUFFERS SCORE:						10.53

CONTIGUOUS PROPERTIES / DENSITY:	Patten, Virginia	Restricted Farm or Current Application		2		
	Patten Benjamin	Restricted Farm or Current Application		2		
	Sorbello	Restricted Farm or Current Application		2		
	Licciardello	Restricted Farm or Current Application		2		
	Clovervale	Restricted Farm or Current Application		2		
DENSITY SCORE:						10.00

LOCAL COMMITMENT:		100%	*	20	=	20.00
LOCAL COMMITMENT SCORE:						20.00

SIZE:						SIZE SCORE:	2.98
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IMMINENCE OF CHANGE:	SADC Impact factor = 1.73					IMMINENCE OF CHANGE SCORE:	1.73
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COUNTY RANKING:						EXCEPTION SCORE:	-1.00
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TOTAL SCORE: 69.44

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2022R10(8)
Preliminary Approval of SADC Easement Purchase on an "ALTERNATE" FARM
On the Property of Patten, Benjamin P.

OCTOBER 28, 2021

Subject Property: Patten, Benjamin P.
Block 11, Lot 3 - Pilesgrove Township, Salem County
SADC ID# 17-0363-DE

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

WHEREAS, on September 9, 2021, the SADC received a development easement sale application from Benjamin P. Patten, hereinafter "Owner," identified as Block 11, Lot 3, Pilesgrove Township, Salem County, hereinafter "the Property," totaling approximately 91.8 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes one (1), approximately 3-acre non-severable exception area for one existing single-family residential unit, a seasonal agricultural labor dormitory for 11 people, and to afford future flexibility of uses resulting in approximately 88.8 net acres to be preserved; and

WHEREAS, the 3-acre non-severable exception area:

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

WHEREAS, the Premises outside the exception area includes:

- 1) Zero (0) housing opportunities
- 2) Zero (0) agricultural labor units
- 3) No pre-existing non-agricultural uses; and

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

WHEREAS, the application has been evaluated for the sale of development easement pursuant to N.J.A.C. 2:76-11.5 and the State Acquisition Selection Criteria approved by the SADC on September 9, 2020, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, has a quality score of 68.06 and contains approximately 88.8 net acres (Schedule B); and

WHEREAS, the Property does not meet the SADC's Salem County minimum criteria for the "Priority" category which requires a quality score of at least 62 combined with at

least 94 acres, however, it is higher than the minimum quality score of 48 and 69 acres needed for an "Alternate" farm designation, therefore, this farm is categorized as an "Alternate" farm, requiring SADC preliminary approval; and


WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and pursuant to N.J.A.C. 2:76-11.6(b)i. there are no "priority" ranked applications that have not already been selected for processing at this time; and

NOW THEREFORE BE IT RESOLVED:

1. Because this 88.8-acre farm has a quality score of 68.06, which is above minimum ranking criteria for a "Priority" farm in Salem County, has approximately 84% Prime soils, and is within the County Agriculture Development Area and Project Area, the SADC approves selecting the Property for processing as an "Alternate" farm, pursuant to N.J.A.C. 2:76-11.5; and
2. The SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:
 - a. Enter into a 120-day option agreement with the Landowner
 - b. Secure two independent appraisals to estimate the fair market value of the Property
 - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC

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

____10/28/21_____
Date

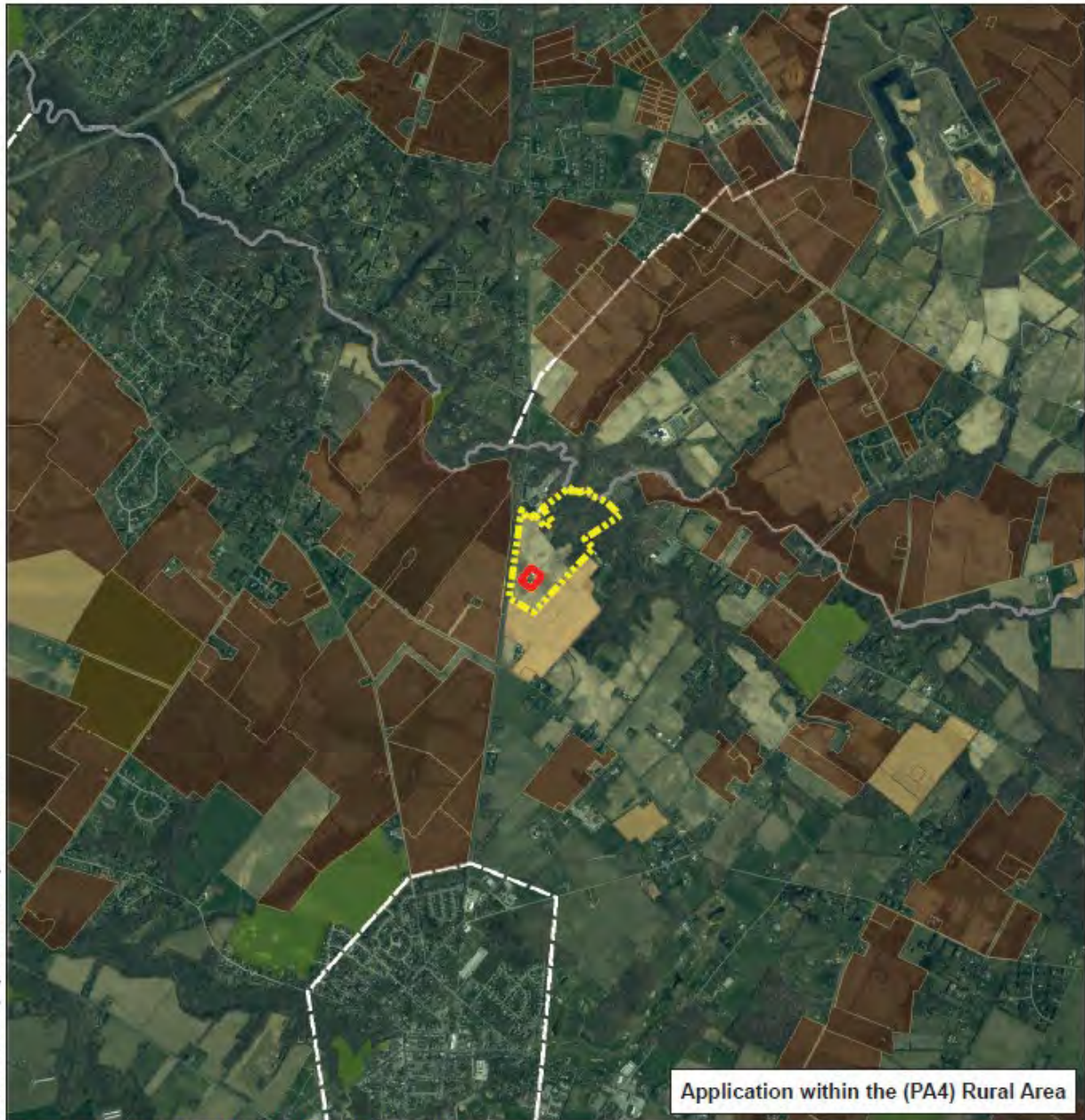


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles

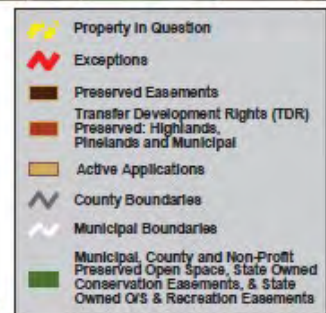
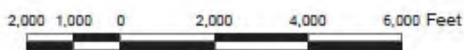


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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Patten, Benjamin P.
Block 11 Lots P/O 3 (88.8 ac);
P/O 3-EN (non-severable exception - 3.0 ac)
Gross Total = 91.8 acres
Pilesgrove Twp., Salem County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJOIT/OGIS 2020 Digital Aerial Image

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

September 29, 2021

Soils



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

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Block 11 Lots P/O 3 (88.8 ac);
P/O 3-EN (non-severable exception - 3.0 ac)
Gross Total = 91.8 acres
Pilesgrove Twp., Salem County



	Property In Question
	EN - (Non-Severable) Exception
	Soils Boundaries
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads



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Sources:
NRCS - SSURGO 2021 Soil Data
NJDOT Road Data
NACTIOGIS 2020 Digital Aerial Image

September 29, 2021

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

GENERAL INFORMATION

COUNTY OF Salem Pilesgrove Twp. 1709
 APPLICANT Patten, Benjamin P.

PRIORITIZATION SCORE

SOILS:	Other	15%	*	0	=	.00
	Prime	84%	*	.15	=	12.60
	Unique zero	1%	*	0	=	.00

SOIL SCORE: 12.60

TILLABLE SOILS:	Cropland Harvested	53%	*	.15	=	7.95
	Wetlands/Water	17%	*	0	=	.00
	Woodlands	30%	*	0	=	.00

TILLABLE SOILS SCORE: 7.95

BOUNDARIES AND BUFFERS:	Commercial	18%	*	0	=	.00
	Deed Restricted Farmland (Permanent)	21%	*	.2	=	4.20
	EP Applications	25%	*	.13	=	3.25
	Residential Development	2%	*	0	=	.00
	Streams and Wetlands	23%	*	.18	=	4.14
	Woodlands	11%	*	.06	=	.66

BOUNDARIES AND BUFFERS SCORE: 12.25

CONTIGUOUS PROPERTIES / DENSITY:	Patten, B	Restricted Farm or Current Application	2
	Sorbello	Restricted Farm or Current Application	2
	Kelly/Tighe 5	Restricted Farm or Current Application	2
	Licciardello	Restricted Farm or Current Application	2
	Leone	Restricted Farm or Current Application	2

DENSITY SCORE: 10.00

LOCAL COMMITMENT:	100%	*	20	=	20.00
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LOCAL COMMITMENT SCORE: 20.00

SIZE:						SIZE SCORE: 3.53
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IMMIMENCE OF CHANGE: SADC Impact factor = 1.73

IMMINENCE OF CHANGE SCORE: 1.73

COUNTY RANKING:

EXCEPTIONS:						EXCEPTION SCORE: .00
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TOTAL SCORE: 68.06

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2022R10(9)

Preliminary Approval of SADC Easement Purchase on an "OTHER" FARM

On the Property of Farro, James & Andrea

OCTOBER 28, 2021

Subject Property: **Farro, James & Andrea**
Block 30, Lot 24
Alloway Township, Salem County
SADC ID#:17-0362-DE

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

WHEREAS, on July 21, 2021, the SADC received a development easement sale application from Landowner, hereinafter "Owner," identified as Block 30, Lot 24, Alloway Township, Salem County, hereinafter "the Property," totaling approximately 54.2 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes one (1), approximately 2.5-acre non-severable exception area for and limited to one future single family residential unit and to afford future flexibility of uses resulting in approximately 51.7 net acres to be preserved; and

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

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

WHEREAS, the application has been evaluated for the sale of development easement pursuant to N.J.A.C. 2:76-11.5 and the State Acquisition Selection Criteria approved by the SADC on September 9, 2020, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, has a quality score of 60.56 and contains approximately 51.7 net acres (Schedule B); and

WHEREAS, the Property at 54.2 acres does not meet the SADC's Salem County minimum ranking criteria for acreage in the "Priority" (94 acres) or "Alternate" (69 acres) categories; and


WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and pursuant to N.J.A.C. 2:76-11.6(b)i. there are no "priority" ranked applications that have not already been selected for processing at this time; and

NOW THEREFORE BE IT RESOLVED:

1. Because this 54.2-acre farm has a minimum quality score of 60.56, which is above the minimum ranking criteria for an "Alternate" farm in Salem County, has approximately 69% Prime soils, is within the County Agriculture Development Area and is contiguous with larger blocks of preserved farmland, the SADC approves selecting the Property for processing as an "Other" farm, pursuant to N.J.A.C. 2:76-11.5; and
2. The SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:
 - a. Enter into a 120-day option agreement with the Landowner
 - b. Secure two independent appraisals to estimate the fair market value of the Property
 - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC

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

__10/28/21_____
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles

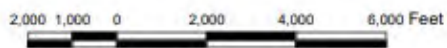


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Application within the (PA 4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Farro, James & Andrea
Block 30 Lots P/O 24 (51.7 ac);
P/O 24-EN (non-severable exception - 2.5 ac)
Gross Total = 54.2 acres
Alloway Twp., Salem County



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



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJGIT/IGIS 2020 Digital Aerial Image

NOTE:
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Soils



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Application within the (PA 4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

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Gross Total = 54.2 acres
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- Property In Question
- EN - (Non-Severable) Exception
- Soils Boundaries
- Primary - Limited Access
- Federal or State Hwys
- County Roads
- Municipal/Local Roads
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements

Sources:
 NRCS - SSURGO 2011 Soil Data
 Green Acres Conservation Easement Data
 Protected Areas Database of the United States (PAD-US)
 NJDOT Road Data
 NJCI/OGIS 2020 Digital Aerial Image

August 13, 2021

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

GENERAL INFORMATION

COUNTY OF Salem Alloway Twp. 1701
APPLICANT Farro, James & Andrea

PRIORITIZATION SCORE

SOILS:	Other	23% *	0	=	.00
	Prime	69% *	.15	=	10.35
	Statewide	8% *	.1	=	.80
					SOIL SCORE: 11.15
TILLABLE SOILS:	Cropland Harvested	58% *	.15	=	8.70
	Wetlands/Water	10% *	0	=	.00
	Woodlands	32% *	0	=	.00
					TILLABLE SOILS SCORE: 8.70
BOUNDARIES AND BUFFERS:	Deed Restricted Farmland (Permanent)	19% *	.2	=	3.80
	Farmland (Unrestricted)	3% *	.06	=	.18
	Residential Development	37% *	0	=	.00
	Streams and Wetlands	9% *	.18	=	1.62
	Woodlands	32% *	.06	=	1.92
					BOUNDARIES AND BUFFERS SCORE: 7.52
CONTIGUOUS PROPERTIES / DENSITY:	Farro	Restricted Farm or Current Application			2
	Sloat	Restricted Farm or Current Application			2
	McAlonan	Restricted Farm or Current Application			2
	Yanus	Restricted Farm or Current Application			2
	Vasallo	Restricted Farm or Current Application			2
					DENSITY SCORE: 10.00
LOCAL COMMITMENT:		100% *	19	=	19.00
					LOCAL COMMITMENT SCORE: 19.00
SIZE:					SIZE SCORE: 2.06
IMMINENCE OF CHANGE:	SADC Impact factor = 2.13				
					IMMINENCE OF CHANGE SCORE: 2.13
COUNTY RANKING:					
EXCEPTIONS:					EXCEPTION SCORE: .00
					TOTAL SCORE: 60.56