

STATE AGRICULTURE DEVELOPMENT COMMITTEE

Regular Meeting

April 25, 2024

Secretary Wengryn called the meeting to order at 9:03 a.m.

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

Secretary Wengryn Chairman
Martin Bullock
Scott Ellis
Roger Kumpel (Alternate Farmer Member for Rich Norz)
Gina Fischetti
Brian Schilling
Judeth Yeany

Members Absent

Pete Johnson
Tiffany Bohlin
Charles Rosen
Julie Krause

Susan Payne, SADC Executive Director
Alexandra Horn, Esq., Deputy Attorney General

Minutes

Approval of SADC Special Meeting Minutes for March 15, 2024.

It was moved by Mr. Ellis and seconded by Mr. Schilling to approve the SADC Special Meeting of March 15, 2024. Mr. Kumpel abstained. The motion was approved.

Report of the Chairman

Secretary Wengryn thanked everyone who has been working on the Soil

Protection Standards (SPS). There has been a lot of conversation taking place at the local level. He reminded everyone there is another 60-day comment period once it has been published in the register.

Report of the Executive Director

Ms. Payne stated that she attended a meeting sponsored by the NJ Conservation Foundation called “Nature for All” and that there were many recommendations affecting farmland preservation, including accelerating and streamlining the pace of farmland and open space acquisition across the state and identify specific goals of preserving an additional 500,000 acres by 2050. NJCF is calling on the Garden State Preservation Trust to play a larger role in that effort. Another recommendation was to create a “green and healthy cities initiative” by allocating more time and resources to improve the quality of life in urban environments.

Ms. Payne gave an update on the Statewide Formula Value. She stated that, in response to a request for proposal for a consultant, 4ward Planning Consulting (FPC) was hired. FPC is partnering with Professor Tom Daniels, a national expert on farmland protection from the University of Pennsylvania. Staff believes that both the planning and marketing experience of the consulting firm, coupled with Professor Daniels’s participation, would make a great team. Ms. Payne stated that staff will have an orientation meeting with the consultants on Monday and then convene with the subcommittee to finalize the workplan.

Public Comment

Ms. Patricia Springwell from Hunterdon County stated that she is standing up for preserved farmland soil. She stated that agricultural businesses should be taking place on unfertile soil and that the fertile soil should be used for production purposes. The soil is there for nutrition, and it should not be covered by ag businesses. Ms. Springwell believes that it’s wrong for the soil to be used incorrectly.

New Business

Note: Mr. Bullock recused himself from this discussion.

A. Right to Farm – OAL Final Decision

Ray Malak v Cooley and Monmouth CADB

Mr. Greg Keller reviewed a draft final decision in the case of Ray Malak v. Cooley and Monmouth CADB. The decision arose out of an SSAMP application granted by the CADB in August 2022 which provides the Cooley Farm, a 16-

acre property substantially constrained by a Category One stream and 300-foot buffers, with relief from a Colts Neck Township zoning ordinance prohibiting certain agricultural structures within 100 feet of the adjoining property line.

The Cooley family purchased the farm in 2017 and run a pig, turkey and occasional duck operation, which requires a pig shelter and turkey coop. The SSAMP was granted by Monmouth County, over the objection of the neighbor, Mr. Ray Malak, due to the constraints caused by the stream and buffer. The CADB found the two structures in dispute were in the only feasible location.

Mr. Malak filed an appeal which was transferred to the OAL. The administrative law judge (ALJ) conducted a site visit of the property and later conducted two full days of hearings.

In mid-March 2024, the ALJ filed an initial decision. Staff has prepared a draft final decision which affirms the finding of the ALJ upholding the SSAMP issued by Monmouth County, subject to a couple modifications. The final decision presented to the committee today reflects that the SSAMP was properly granted by Monmouth County and affirms the decision of the OAL, and staff is recommending the committee adopt the draft final decision.

Mr. Keller stated the administrative law judge appropriately balanced the farmer and neighbor's interests as required by the Right to Farm Act and the den Hollander decision. The two shelters are located within 10 feet of the property line, but were deemed to be appropriately placed and to not adversely affect public health and safety. Mr. Malak did allege that the pig structure, and more specifically the location of pigs near his property line, exacerbated a health condition for both he and his son. Mr. Malak did have the burden of proof in this case and the record is devoid of any medical records which substantiates his allegation.

Mr. Schilling asked for confirmation that the modifications were administrative or procedural. Mr. Keller stated there were no substantive modifications. The final decision discusses and resolves the single enterprise requirement that the owner of the property and the farm business is operated by the same person. The other issue was a minor point regarding the balancing of interest and the weight, if any, to be given to Cooley having obtained an animal waste management plan.

Mr. Ellis asked if the pig structure was not allowed to be in the C1 stream buffer. Mr. Keller stated that the property is constrained pursuant to NJ DEP rules that provide for a 300-foot buffer along all C1 corridors and for that reason the only

location for these two structures would be outside of that buffer area and within the 100-foot set back required by the zoning ordinance.

Mr. Kumpel stated that he's read the decision and understands the visits made to the farm, and the DEP constraints. He stated that he does not see any other possible location for the structures and supports the final decision.

It was moved by Mr. Kumpel and seconded by Mr. Schilling to approve the SADC final decision in the case of Ray Malak v. Cooley and Monmouth CADB. A roll call vote was taken. The motion was unanimously approved.

Old Business

A. Soil Protection Standards – Notice of Proposed Substantial Changes Upon Adoption to Proposed New Rules; N.J.A.C. 2:76-25 and 25A.

Ms. Payne stated that the Soil Protection Standards (SPS) were published last summer, the comment period was extended until late February 2024, and since then the SADC and its subcommittee have endeavored to make recommendations for changes based on the comments received. Last month, the committee reviewed a red-line of a revised rule and requested four additional changes. Ms. Payne stated that the rule revisions presented today reflect those requested by the committee.

The first revision clarifies the definition of the baseline soil disturbance map.

The second revision changes all references of “2023 Nearmap imagery” to “Nearmap Spring 2023 vertical imagery”.

The third revision clarifies the definition of a hoop house. The previous version of the draft rule provided that to be considered a hoop house every piece of the structure could not result in soil disturbance. Now a hoop house, which is constructed of a frame made up of metal, wood or durable plastic covered with polyethylene, polycarbonate, plastic, or fabric material, is in the exemption section.

The fourth revision eliminates the definition of “soil disturbance limit” because the term is addressed in section 25.5.

Ms. Payne reviewed the exemption section and noted that additional language addresses the committee's request to include things such as hay bales and compost piles. Ms. Payne stated that based on committee's direction at the last

meeting, the following language was added: *“Storage of naturally derived materials produced on the premises, or required for use on the premises within a twelve-month period, and which is not otherwise associated with soil alteration, soil surfacing or soil compaction. Naturally derived materials include, but are not limited to, hay bales, lime, silage, compost, wood chips, and manure.”*

Ms. Payne stated the committee asked for a change to the definition of “divided premises”, as the committee was concerned how pending applications for division will be treated when the rule goes into effect. For the purposes of allocating 12% or 4 acres, newly drafted language reads: *“For purposes of this provision, ‘premises’ shall include any portions of an original premises proposed to be divided as set forth in a complete division application received by the Committee on or before October 1, 2024, and which application is subsequently approved by the Committee.”*

Ms. Payne noted that at the last meeting Mr. Bullock asked a question about aggregation and consolidation. The rule currently allows consolidation of properties and aggregation of allocated disturbance for contiguous parcels as long as they are under common ownership. Mr. Bullock stated his question was whether there would be common ownership if two contiguous properties are owned by two different entities but the same individuals control those entities. Ms. Payne stated language was added to the definition which allows someone to submit an application for consolidation and, if approved, common ownership would be required upon effectuation of the aggregation.

Ms. Payne stated there is concern about two pieces of property being managed by different entities but seeking to consolidate the aggregation, and it may be difficult for someone to understand that these two pieces of property are connected by the farmland preservation deed of easement. Newly drafted language reads: *“Allocated soil disturbance authorized pursuant to N.J.A.C. 2:76-25.5(b) may, upon joint approval, if applicable, of the grantee and the Committee, be aggregated on contiguous premises owned by the same grantor, or which will be owned by the same grantor upon effectuation of the aggregation.”*

Ms. Payne stated the last revision is regarding allocation of disturbance after a division of premises. If a farm has 12% or 4 acres allocated to it and applies for a division, the original draft of the rule said that the allocation of disturbance will be done proportionally. Based on the committee’s recommendations, staff eliminated the word “proportionally” and inserted *“such reallocation shall occur in a manner that ensures each divided premises has a sufficient allocated disturbance to be considered agriculturally viable, as determined by the*

Committee. In no case shall the disturbance reallocated to each premises be less than 2 acres.” Ms. Payne noted that this gives landowners guidance to plan accordingly when submitting their division application.

Ms. Payne stated that if the committee is comfortable with the revisions, staff is seeking approval to publish the notice of substantial changes in the Register which will be subject to another 60-day comment period and come back to the committee for a final full adoption.

It was approved by Mr. Ellis and seconded by Mr. Kumpel to approve publishing the re-proposal and notice of substantial changes of the Soil Protection Standards to the register subject to another 60-day comment period. The motion was unanimously approved.

B. Stewardship - Resolution: Review of Activities

NOTE: Ms. Fischetti left the meeting during this presentation and did not vote.

Living Beanstalk, LLC, SADC ID# 11-0014-DE, FY2024R4(1), Block 29, Lot 5, Hopewell Township, Mercer County, 94.32 easement acres.

Mr. Willmott referred the committee to a review of activities for a dumping issue on the property. The tenant farmer operates a recycling business that imported organic waste material. The business was known as OneCompostCan and their plan was to bring in organic waste material to reuse on the farm for various agricultural purposes. There is 20 acres of ag production and pasture, and they had pigs, sheep, goats, and chickens. They had a garbage feeding license through the NJ Department of Agriculture that has since expired. There was a small composting area on the farm for excess material not consumed by the pigs which would be used for soil amendments.

Mr. Willmott stated the owner, Living Beanstalk LLC, and tenant farmer are no longer cooperating with each other to resolve the deed of easement (DOE) violations and the owner is in the process of removing the tenant farmer from the property. Staff visited the property on April 4th to get an assessment as to the progress being made. Mr. Willmott presented pictures to the committee which showed several dumping areas, storage areas and the composting site.

Mr. Willmott noted there is a trailer on the farm being used as a residence by the tenant farmer’s son. This is unapproved ag labor housing and considered an additional DOE violation. Mr. Willmott stated the Department of Environmental

Protection (DEP) also visited the farm and issued a notice of violation for operating a solid waste facility without a permit. The remediation was not complete within DEP's 30-day limit and the department has now moved on to the next level of enforcement.

Mr. Willmott stated that the owner has been cooperative and has advised staff he fully intends to remove tree waste material. The owner is also trying to sell the farm and remove the tenant by June 1st. Staff has prepared a draft resolution which formalizes the DOE violations, specifically dumping of waste material, operating a nonagricultural business, and not having land retained for ag use and production and detrimental activities to the continued ag use of the premises. Staff is recommending having all the waste material removed in 90 days.

Mr. Don Farineau, owner of Living Beanstalk, LLC, stated he dissolved his business interests with the tenant farmer in February and understands the noncompliance issues regarding the dumped landscape waste, the unauthorized ag labor trailer, not having an approved conservation plan, and the non-agricultural business known as OneCompostCan. Mr. Farineau stated these activities and the related noncompliance issues were undertaken by the resident farmer who operated as OneCompostCan, and he has begun to transition the resident farmer and his commercial activities off the farm. Mr. Farineau stated that he initiated a commercial eviction process in March and tentatively secured assistance from a third party to initiate waste remediation and is also negotiating the sale of the farm to a third party.

Mr. Farineau informed the committee of the actions he has taken to address the violations. He sent cease and desist communication to all known landscapers who were bringing tree waste to the property and advised the tree tipping program was to be suspended. Mr. Farineau stated he also met with DEP, SADC, NRCS, and NJDA's animal health division in December to discuss remediation, and has attempted to secure a 12-month remediation plan from the resident farmer but has been unsuccessful. Mr. Farineau has received the ag labor application but has not submitted it since he is attempting to evict the resident farmer. He has received approval from NRCS for a conservation plan and was supplied a list of TSPs to contact.

In February, Mr. Farineau requested and received the necessary requirements for a hog feeding operation from NJDA-Animal Health but was unable to determine if the tenant farmer had an active hog feeding permit. On February 20th, he notified the resident farmer he was terminating their business relationship with the expectation he would cease all operations by the end of March. Mr. Farineau stated the farm was put up for sale in early March and initiated the commercial

eviction process on March 23rd. He has also posted no dumping signs on the primary access point of the property and has installed a camera. Mr. Farineau stated that he recently sent the resident farmer a cease-and-desist letter to stop all commercial activity on the property and return all assets on or before May 1st.

Mr. Willmott stated that the farmer continues to bring in food waste to feed the pigs on the farm. He advised that NJDA-Animal Health stated the hog feeding permit had expired, and that the farmer is not permitted to feed the waste at this time. Mr. Farineau stated that his attorney will be requesting the tenant farmer to provide the required documentation. Mr. Farineau stated that once a contract of sale with the potential buyer has been solidified and remediation has commenced, he will consult with the SADC and DEP to ensure the interests of all parties are protected as part of the transaction. Mr. Farineau asked for any questions from the committee.

Mr. Kumpel stated he is concerned about the compaction of the soil caused by the dumping and machinery associated with it. Mr. Kumpel stated remediation of the soil after all the material has been removed is paramount. Ms. Payne asked who Mr. Farineau was working with for the remediation plan. Mr. Farineau stated he does not have an agreement finalized but hopes to have it soon. Mr. Ellis asked who lived in the house on the property. Mr. Farineau stated that the resident farmer lives in that home.

Ms. Payne asked Mr. Farineau if he could provide details on the tipping program. Mr. Farineau stated the program gave access to a set of landscapers who paid a monthly fee and had the ability to tip. The farmer was then going to sort and process the material, such as wood chips and firewood. Ms. Payne asked who was responsible for the tipping program and who received compensation from that program. Mr. Farineau stated that OneCompostCan receives compensation. Ms. Payne asked Mr. Farineau if he received any compensation from the tipping. Mr. Farineau stated that his compensation is based on a percentage of the income from OneCompostCan. To date, he has collected less than 25% of what was due to him.

Ms. Payne stated the materials must be removed and the property needs to be remediated to address the compaction issues. It is expected that Mr. Farineau will work with NRCS, SADC, or a TSP to develop a farm conservation plan to restore the productivity of the land. Ms. Payne stated Mr. Farineau is trying to market the property and the concern is that someone will inherit these violations. She stated one of the reasons staff is recommending adoption of a resolution today is to have a document that could be recorded so any potential purchaser of the property is legally on notice of these issues.

Ms. Payne asked Mr. Farineau if he expected the new buyer be responsible for the remediation and for obtaining a conservation plan, or will everything be completed before the property is sold. Mr. Farineau stated that it depends on negotiations with a potential buyer. The property has been marketed with the possibility of an escrow to initiate remediation. He is open to options and negotiations.

Ms. Payne directed the committee to look at page 8 of the resolution, item 6 which states: *“The SADC requires that: (a) all waste material including but not limited to tree material, landscape wastes, household and commercial food waste and garbage on the Premises, be removed from the Premises in accordance with all relevant rules and regulations within 90 days of the date of this resolution; (b) no soil movement occur during the removal of waste material; and (c) all areas used for storage of tree and landscape material shall be stabilized and seeded upon removal of the material.”*

Ms. Payne suggested the resolution to be revised to read *“...shall be restored, stabilized and seeded in compliance with a farm conservation plan approved by the SADC upon removal of the material”*. Ms. Yeany stated that there are different levels to restoration and suggested changing *“restored”* to *“restored to agricultural production.”*

Mr. Farineau stated that in response to the notice of violation he received from the DEP, he submitted a plan to restore the property by December 2024 which was consistent with the discussion that took place with DEP in December 2023. Ms. Payne asked if that deadline was contained in the violation notice. Mr. Farineau stated the notice contained the requirement to submit a plan for removal of the debris, which has been done, but he has not received approval from DEP at this time. Mr. Willmott stated he has seen the plan but has not received confirmation of whether the DEP approved the plan. He stated the notice of violation contained a 30-day period to remove the material and was informed DEP was moving to the next stage of enforcement because the material was not removed within that timeframe. Mr. Willmott has asked for an update from DEP and has not heard back yet.

Ms. Payne stated the draft resolution currently states 90 days but that a conflict with another state agency needs to be avoided. Secretary Wengryn noted the removal of this material within 90 days seems unrealistic. Mr. Ellis stated the material is located on approximately 10 acres and the removal process should not take a large amount of time.

Mr. Schilling asked if the potential third-party contractor was able to give a timeline for the removal. Mr. Farineau stated that the estimate is a 3-to-4-month period, but the December date would provide the ability to deal with unexpected situations that may arise from the pending eviction. Mr. Farineau requested that the committee approve the December 2024 date included in the plan pending with the DEP. Mr. Bullock and Mr. Kumpel stated that 90 days does not seem adequate. Ms. Payne stated the resolution can be revised to state “... *90 days or a timeline mutually agreeable between the DEP and SADC*”. The committee was in agreement.

It was moved by Mr. Schilling and seconded by Mr. Kumpel to approve Resolution FY2024R4(1) as amended for Living Beanstalk, LLC. The motion was unanimously approved.

New Business

A. Stewardship

1. Resolution: Agricultural Labor Housing

Mr. Pizzio referred the committee to an application for agricultural labor housing for Down to Earth Farms in Upper Freehold Township, Monmouth County, consisting of approximately 70 acres in nursery production. The farm was preserved in 2012 with no existing single-family residences, residual dwelling site opportunities or ag labor housing. In 2015, the landowner received approval to construct a 2240 sq. foot duplex with the purpose of housing up to eight seasonal ag laborers. The landowner has not constructed the unit and the approval has expired. In February 2024, the landowner applied for construction of the same structure, and staff’s recommendation is to grant approval.

It was moved by Mr. Kumpel and seconded by Mr. Bullock to approve Resolution FY2024R4(2) granting final approval, as presented, subject to any condition of said resolution.

Down to Earth Farms, LLC, SADC ID#13-0053-DE, FY2024R4(2), Block 50, Lot 9.01, Upper Freehold Township, Monmouth County, 76.41 acres.

The motion was unanimously approved. A copy of Resolution FY2024R4(2) is attached to and a part of these minutes.

2. Resolution: Special Occasion Events Application

Secretary Wengryn mentioned this is the first special occasion event (SOE) application before the committee since the act was passed. He noted there is a need for increased communication and education between CADBs and the landowners as to the process for approval for these events. Rutgers has been charged with preparing a report on the program and it is important to present an accurate picture to the legislature of what is taking place. Mr. Schilling stated that county extension agents could use some education on this topic because there is still confusion over what is eligible under Right to Farm and SSAMPs and what would be considered an SOE.

Ms. Payne stated staff will work on developing communications to the ag community. Mr. Roohr stated he and Mr. Kimmel attended the NJ municipal clerk's conference in Atlantic City and made a presentation on SOEs and the municipalities' role.

Mr. Kimmel referred the committee to an application for a special occasion event from Saddle Hill. In 2021 Saddle Hill Holdings, LLC, purchased property in Voorhees Township and has been working to develop a new operation. In 2022, Saddle Hill received an SSAMP from the Camden CADB to establish an equine, winery and on-farm direct marketing operation on the property. In the past couple years, Saddle Hill has constructed a wine processing facility, a tasting room, retail commercial kitchen area, horse equine barn and equipment shed. The SOE law was adopted in 2023 which provides the ag community with additional business opportunities and increase economic viability if the events are done within the conditions of the statute.

Mr. Kimmel stated that the application is proposing to conduct up to 26 events in calendar year 2024 consisting of 13 weddings, 7 lifetime milestone events, and 6 other cultural or social events. Mr. Kimmel stated the applicant submitted additional information prior to the SADC meeting and as a result revisions to the draft resolution are needed.

On page 4 of the resolution, the last whereas date needs to be corrected to state "April 22, 2024" and on page 5, the third whereas needs to be updated to accurately describe the nature of the operation and different uses of the property with acreage amounts. On page 6, the seventh whereas needs to be updated to reflect an estimated \$50,000 worth of agricultural products as well as Schedule D. The last revision needed is located at the top of page 6 to indicate water and electrical services will be provided as follows: tent location number 1 provides a temporary generator and water services with a temporary tank, and temporary tent locations 2 and 3 receive their water and electric resources via connections to nearby existing buildings on the property.

Mr. Kimmel stated that he checked with NRCS, as it was a funding partner when the farm was preserved, and NRCS indicated it did not have concerns or comments. Mr. Kimmel stated staff reviewed the application and it meets all the statutory criteria, including that the farm is in compliance with the DOE, and staff's recommendation is to approve the application for events. Mr. Roohr stated that Ms. Voigt, representing Saddle Hill, is present today if the committee has any questions.

Ms. Voigt stated the owner, Mr. Green, is online if there are questions for him. Ms. Voigt stated the events that were described, as per the form of application, were a guesstimate in the categorization as to how many events in each category would take place. She asked for confirmation that the resolution is going to acknowledge the farm owner's right, or at least not prohibit the right, to have the additionally permitted nonprofit events generating no income, but the SOE law does also allow additional events for nonprofit purposes, which is what the landowner plans to do as well.

Ms. Payne asked how many nonprofit events were contemplated. Ms. Voigt stated that she did not know because it was not called out on the application and she's not aware of a prohibition on the number of events. Ms. Payne stated there is no prohibition, but the information is needed to collect data to report to the legislature.

Mr. Green stated that he does not know how to answer the question because he did not think there would be a restriction if the events had under 100 guests. He stated that stipulation, along with a few other items on the application, were confusing because it did not request information about nonprofit events, did not elaborate on what it means to not take a fee, and whether he is allowed to charge for the purchase of his agricultural products. Ms. Payne stated this section of the statute can be discussed at a later date as her question was based on data collection for the Rutgers report. The SADC and legislature are interested to see how landowners are using the statute and how the nonprofit provision is being utilized. Ms. Payne acknowledged that nonprofit events are not on the application and staff will work with Mr. Green and Ms. Voigt to get a fuller understanding of the parameters around the exemption of non-profit events.

It was moved by Mr. Kumpel and seconded by Mr. Schilling to approve Resolution FY2024R4(3) granting final approval, as presented, subject to any condition of said resolution.

Saddle Hill Cellars, LLC, SADC ID# 04-0001-FS, FY2024R4(3), Voorhees Township, Block 199, Lot 5, Camden County, 69.81 acres.

The motion was unanimously approved. A copy of Resolution FY2024R4(3) is attached to and a part of these minutes.

B. Resolution: Final Approval – County PIG Program

Ms. Roberts referred the committee to a request for final approval for the County PIG program. She reviewed the specifics of the request with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Kumpel and seconded by Mr. Schilling to approve Resolution FY2024R4(4) granting final approval, as presented, subject to any condition of said resolution.

1. Estate of Adam Dersch Miller, SADC ID#08-0231-PG, FY2024R4(4), Block 261, Lot 3, Greenwich Township, Gloucester County, 60.376 gross survey acres.

The motion was unanimously approved. A copy of Resolution FY2024R4(4) is attached to and a part of these minutes.

C. Resolution: Final Approval- Municipal PIG Program

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

It was moved by Mr. Kumpel and seconded by Mr. Schilling to approve Resolution FY2024R4(5) granting final approval, as presented, subject to any condition of said resolution.

1. Sharon R. Caroccio, SADC ID#17-0261-PG, FY2024R4(5), Block 2701, Lot 143, Pittsgrove Township, Salem County, 14.6 gross acres.

The motion was unanimously approved. A copy of Resolution FY2024R4(5) is attached to and a part of these minutes.

D. Resolution: Preliminary Approval- State Acquisition

Mr. Zaback referred the committee to a request for preliminary approval for the State Acquisition program. He reviewed the specifics of the request with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Kumpel and seconded by Mr. Schilling to approve Resolution FY2024R4(6) granting final approval, as presented, subject to any condition of said resolution.

1. William Clark, SADC ID# 10-0092-FS, FY2024R4(6), Block 6, Lot 60, Holland Township, Hunterdon County, 182.49 gross acres.

The motion was unanimously approved. A copy of Resolution FY2024R4(6) is attached to and a part of these minutes.

E. Appraisal Handbook Update

Ms. Czerniecki stated that two years ago staff significantly revamped the Appraisal handbook to make it more user-friendly. She stated the revisions before the committee today entail only two significant changes. The first change is the addition of a section which addresses fee simple transactions since the committee has seen an increase in these types of acquisitions. Specifically, guidance was provided on the inclusion of the value of improvements.

The second change was in relation to the Pinelands area. The revisions to this section consolidate necessary information and remove superfluous information.

Ms. Payne stated that any major changes need to be approved by the committee. She stated that appraisal staff has done a great job of obtaining feedback from the handbook's users and revising it as necessary. The handbook is updated to make it a resource needed by the appraisal community.

Ms. Yeany stated that when Ms. Procida reviewed the manual she had a comment on the definition of tidelands and said that tidelands were defined in the manual as lands flowed, but DEP also defines them as formerly flowed. DEP requested the definition be updated if SADC counsel agrees.

It was moved by Mr. Bullock and seconded by Mr. Kumpel to approve the appraisal handbook update with the addition of adding the words "formerly flowed" when defining the tidelands. The motion was unanimously approved.

Public Comment

Ms. Patricia Springwell, Hunterdon County, stated that she's been coming to the SADC meetings for years and knows a lot of what is going on and is eager to learn more; everyone needs to pay attention to what is going on with preserved farms. Regarding soil protection standards, the SADC has not addressed

changing calculations as to what portions of preserved lands the 12% applies to, and it needs to be calculated on 12% of fertile soil. The restriction of house sizes or driveways to the houses has not been addressed as a part of the disturbance of fertile soil, nor has the requirement to build on the footprint of existing houses. Regarding Quaker Valley Farm, which has covered over 50% and disturbed the land, the landowner will now get an additional 12% allotment, as will anyone else who has disturbed 12% gets an additional 12% allotment for a total of 24%. Ms. Springwell stated that she was told that Quaker Valley was one of the most productive farms in NJ, but the topsoil was destroyed. That is not productive farming but rather a mockery, an exploitation of preserved farmland.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., May 23, 2024

Location: 200 Riverview Plaza
Trenton, NJ

CLOSED SESSION

At 11:15 a.m. Ms. Payne read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss the SADC's certification of value for the acquisition of a development easement in Peapack and Gladstone Borough, Somerset County under the Municipal Planning Incentive Grant Program, the SADC's fee simple and direct easement acquisition of properties in Clinton Township, Hunterdon County and Mansfield Township, Burlington County, respectively; and to discuss any matters under N.J.S.A. 10:4-12(b) that arose during the public portion of the meeting. 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. Bullock to go into closed session. The motion was unanimously approved.

Action as a Result of Closed Session

It was moved by Mr. Kumpel and seconded by Mr. Bullock to approve the certifications of values that were discussed in the closed session. The motion was unanimously approved.

Secretary Wengryn announced that with deep sadness but optimism for the future, Ms. Susan Payne will be retiring as Executive Director effective June 1,

2024. He thanked Ms. Payne for her leadership and stated the SADC team is a reflection of her work and the efforts that she put into managing the agency. Secretary Wengryn stated that Ms. Payne laid out a vision for the agency and executed it, from streamlining acquisitions and the initiatives on alternate appraisal methods, ag viability and next generation farmers. Secretary Wengryn stated he looks forward to Mr. Roohr as acting director as the committee goes through a search process for a new director. The committee will work on the description and outreach in the upcoming months. This will be a process involving the agency and outreach from others and the hope is to get through it in a short time.

Ms. Payne stated that it's been an absolute honor and privilege to serve the ag community and the public as the Executive Director of the SADC. She stated that she has been lucky to have a career that she absolutely loves and is very proud of the work that has been accomplished. It has not always been easy work but it's always been important. So many people have sat in these chairs to make this system work along with the support of the committee, the staff, the community being served, the taxpayers and legislature. There are so many moving pieces that come together to accomplish something that is almost unheard of in terms of the level of success and the level of public support and trust in the program.

Ms. Payne stated that she's extremely proud of the staff and what they do every day. The work that they do to make this program operate smoothly is stellar and there is an amazing team present to carry on the work. Ms. Payne stated there are wonderful things on the horizon with the statewide formula value that will reinvigorate easement acquisition, and the focus on ag viability and next generation farming will help the committee tackle other issues. She stated that the future is bright and she looks forward to hearing what everyone will continue to do. Ms. Payne thanked everyone for the opportunity and the privilege to serve.

ADJOURNMENT

The meeting was adjourned at 12:25 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2024R4(1)

Review of Activities Occurring on Preserved Farm
Living Beanstalk, LLC

April 25, 2024

Subject Property:
Block 29, Lot 5
Hopewell Township, Mercer County
94.32 Easement Acres
SADC ID#11-0014-DE

WHEREAS, Living Beanstalk, LLC, hereinafter "Owner", is the record owner of Block 29, Lot 5, in the Township of Hopewell, Mercer County, by deed dated April 1, 2022, and recorded on April 22, 2022, in the Mercer County Clerk's Office in Deed Book 6482, Page 1866, totaling 94.32 acres, hereinafter referred to as the "Premises" (as shown in **Schedule "A"**); and

WHEREAS, Don Farineau is the principal of Living Beanstalk, LLC; and

WHEREAS, by Deed of Easement (DOE) dated June 21, 2006, and recorded on June 28, 2006, in the Mercer County Clerk's Office in Deed Book 5403, Page 157, Jean A. Mokros conveyed a development easement on the Premises to the State Agriculture Development Committee (SADC) pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq.; and

WHEREAS, the DOE identifies one (1) existing single family residence, no agricultural labor units, no Residual Dwelling Site Opportunities (RDSO), and no exception areas; and

WHEREAS, the Owner leases the farm to a tenant, Rudolph Geurds, hereinafter "Tenant", who operates the farm and resides in the single-family residence with his family; and

WHEREAS, the farm does business under the name "GROUNDSWELL reFarmative" whose mission statement is "...to use regenerative agriculture to restore soil health, create a sustainable farm utilizing the 12 tenants of Permaculture, offer diverse products that provide food security and sustainability while using rotational grazing for our livestock and creating a biodiverse environment. Education will encourage people to adopt a better sustainable way of life by decreasing waste and reducing their carbon footprint"; and

WHEREAS, the Tenant is the owner of Terra Preta, LLC which does business as OneCompostCan, a service that provides residential and commercial collection of food and landscape waste for composting; and

WHEREAS, the Premises had approximately 55 acres of tillable land in agricultural production at the time of preservation; and

WHEREAS, the Tenant's agricultural activities on the farm are rotational grazing of livestock on approximately 20 acres of pasture, including approximately 50 swine, 1 cow, 2 horses, 25-30 small ruminants (sheep and goats), and egg laying chickens; and

WHEREAS, on February 9, 2023, the Tenant obtained a Garbage-Feeding Hog Farm Operator's License through the NJDA Division of Animal Health for the feeding of garbage to swine; and

WHEREAS, the useable portion of the food waste collected by the OneCompostCan business is fed to the swine; and

WHEREAS, according to the Tenant, additional future farming plans included growing vegetables in hoopouses; and

WHEREAS, the remaining approximately 35 tillable acres is used for wood and landscape waste storage, composting, and fallow fields; and

WHEREAS, on June 23, 2023, the SADC conducted its annual monitoring site visit, which reflected the following:

1. The Owner and Tenant were present for the site visit.
2. Staff observed approximately half a dozen pigs, 20 sheep and goats, and dozens of chickens on approximately 20 acres of pasture, and approximately 15 acres of the farm were fallow.
3. Staff observed a large volume of tree material deposited on the Premises covering approximately 7 acres consisting of tree trunks, stumps, branches, and wood chips deposited on the front and rear fields.
4. In the rear field a commercial tree service truck was observed unloading tree material.
5. Staff observed piles of woodchips in the front of the farm near the farmstead.
6. Staff observed a recently excavated small pond in the front of the farm.
7. Staff observed a storage area containing dozens of 64-gallon recycling bins and 5-gallon buckets.

WHEREAS, the Owner and Tenant stated that the tree and vegetative material were imported for agricultural uses, specifically for fuel to heat future greenhouses, production of mulch and biochar, and fence posts on the Premises; and

WHEREAS, staff informed the Tenant that the deposition of tree and vegetative waste material in excess of what was needed to support legitimate agricultural use on the Premises could result in a violation of the DOE, and advised the Tenant not to bring in any more material until the SADC could review the matter; and

WHEREAS, on July 24, 2023, the SADC conducted a site visit with NJDA Division of Agricultural and Natural Resources staff to further investigate the matter; and

WHEREAS, the July 24, 2023, site visit reflected the following:

1. The Tenant was present at this site visit.
2. The tree material observed during the June 23, 2023, site visit remained, and covered an area of approximately 7-acres of previously tillable areas on the front and back fields (as shown on **Schedule "B"**).
3. Staff observed an approximately half-acre area used for composting.
4. Staff observed that the area used for storing and cleaning dozens of recycling bins and buckets identified at the June 23, 2023, site visit, remained unchanged.
5. Staff observed a camper trailer on the Premises.
6. Approximately 20 acres of pasture were used for approximately 50 swine, 25 goats and sheep, and chickens, while the remaining fields were either fallow, used for composting, or used for the storage of tree and landscape waste materials.

WHEREAS, at the July 24, 2023, site visit, the Tenant stated that:

- a. He accepted the tree material for various agricultural uses on the farm such as creating firewood, fence posts, structures, and future biochar production.
- b. He provides recycling cans to homeowners and commercial businesses as part of a subscription service for OneCompostCan to collect organic food waste which is then fed to the farm's swine, and what cannot be used as feed is composted.
- c. Finished compost would be spread on the farm fields to amend the soil.
- d. He had not consulted with the Natural Resources Conservation Service (NRCS) or any other conservation planning professional before depositing the organic waste materials on the Premises.
- e. He constructed the pond to be used for fire suppression purposes associated with the garbage feeding license requirement that the garbage be heat-treated before consumption, as well as for irrigation purposes.

- f. The camper trailer was used for residential purposes by his son who works on the farm;

WHEREAS, at the conclusion of the July 24, 2023, site visit NJDA Ag and Natural Resources staff informed the Tenant that composting food waste imported from residences is not permitted per New Jersey Department of Environmental Protection (NJDEP) regulations; and

WHEREAS, at the conclusion of the July 24, 2023, site visit and by follow up email sent on July 28, 2023, staff informed the Tenant that the tree material did not appear to have an agricultural purpose, was taking land out production, was potentially detrimental to the continued use of the land for agriculture, and could constitute the dumping of waste material, potential violations of paragraphs 2, 3, 6, and 7 of the DOE, and staff advised the Tenant not to bring in any more material until the SADC could review the matter, and asked for information supporting the Tenant's plans for the Premises; and

WHEREAS, in the absence of an approved farm conservation plan, the Owner and Tenant instead prepared and submitted a self-prepared written plan that detailed their overall plans for the farm; and

WHEREAS, on September 20, 2023, the SADC arranged a follow up site visit attended by Ag and Nat staff and two representatives from the NJDEP Bureau of Solid Waste and Enforcement; and

WHEREAS, the September 20, 2023, site visit reflected the following:

1. The Tenant was present at the site visit.
2. The areas covered by tree material identified during the previous site visits remained unchanged.
3. Numerous new piles of landscape waste (Leaves, grass clippings, bamboo) were observed at the front of the farm.
4. The recycling can storage area for OneCompostCan's business identified during the previous site visits remained unchanged.
5. The area devoted to composting identified during the previous site visits remained unchanged.
6. The camper trailer used by the Tenant's son that was identified during the previous site visits remained in place.
7. The same 20 acres of pasture were being used for approximately 50 swine, 25 goats and sheep, and chickens, while the remaining fields were fallow or being used for storage of tree and landscape waste materials.

WHEREAS, at the conclusion of the September 20, 2023, site visit a representative from the NJDEP Bureau of Solid Waste stated that the amount of wood material present exceeded the volume allowable for an exemption pursuant to N.J.A.C. 7:26A-1.4 and that the property appeared to be in violation for operating a solid waste facility without a permit; and

WHEREAS, SADC staff met with the Owner on October 12, 2023, to provide an overview of the compliance issues on the Premises; and

WHEREAS, the Committee reviewed the activities occurring on the farm at its October 26, 2023 meeting, which included the following:

1. Acceptance of tree material, landscape waste, and household food waste for composting purposes.
2. Operation of a commercial non-agricultural use (recycling business).
3. Unapproved agricultural labor housing.
4. Absence of a farm conservation plan.

WHEREAS, the Committee directed the Owner and Tenant to cease importation of the tree and landscape waste materials and for staff to work with the Owner and Tenant to develop a plan to bring the Premises into compliance with the DOE; and

WHEREAS, on December 21, 2023, staff coordinated a meeting with the Owner, Tenant, and staff from Ag and Nat NJDA Division of Animal Health, and the NJDEP Bureau of Solid Waste Compliance and Enforcement, and laid out a plan designed to achieve DOE compliance, which included that the Owner and Tenant do the following:

1. Cease importation of tree and landscape waste material.
2. Reduce the tree material by:
 - a. Processing it into wood for use on the farm;
 - b. Removing of non-suitable wood material; and
 - c. Decreasing the footprint for wood storage.
3. Supply SADC staff with a written statement on the volumes of imported food waste, tree, and landscape wastes, and provide an accounting for food waste fed to animals, wood processed, and materials composted.
4. Meet with NRCS to identify what components of their farm operation can be covered by a conservation plan and to get the process started.
5. Complete and submit to the SADC an Agricultural Labor Housing application for the trailer used for residential purposes.

WHEREAS, by email dated January 8, 2024, NJDEP representative from the Bureau of Solid Waste Compliance and Enforcement confirmed that their office issued Notices of Violation to the Tenant and property Owner for the unpermitted solid waste facility on the Premises and intended to issue an Administrative Order and Notice of Civil Administrative Penalty Assessment; and

WHEREAS, by letter dated March 14, 2024, the NJDA Division of Animal Health , issued a notice that the Tenant's garbage feeding license for the Premises had expired and that the Tenant was not permitted to feed imported garbage to hogs; and

WHEREAS, in March of 2024, staff was informed that the Premises had been listed for sale, which was confirmed by the Owner; and

WHEREAS, on April 4, 2024, SADC staff conducted a site visit of the Premises to ascertain progress made towards achieving compliance and to document current conditions; and

WHEREAS, the April 4, 2024, site visit reflected the following:

1. The Owner and Tenant were present for this site visit.
2. The areas previously covered in tree material identified during the September 20, 2023, site visit remained unchanged and were calculated to cover an area of approximately 10 acres (as shown in **Schedules "A" and "C"**).
3. It appeared that new piles of tree material were located along the central farm lane.
4. A few areas were observed where logs had been stacked.
5. Piles of woodchips were observed throughout the farm.
6. Landscape waste (branches, leaves, bamboo) were observed at the front of the farm.
7. The area previously used for composting observed during the September 20, 2023, site visit remained unchanged (as shown in **Schedule "D"**).
8. The area previously used for OneCompostCan recycling can storage observed during the September 20, 2023, site visit remained unchanged (as shown in **Schedule "E"**).
9. The camper trailer used by the Tenant's son that was identified during the July 24, 2023, site visit remained in place (as shown in **Schedule "F"**).
10. New piles of cardboard boxes and buckets were observed in the compost area.

11. Approximately 20 acres remained in pasture, and the remaining 35 acres of fields remained fallow or used for storing tree and landscape waste materials.

WHEREAS, at the April 4, 2024, site visit, the Owner stated that:

- a. The property is for sale.
- b. The Owner and Tenant are ending their working relationship.
- c. The Tenant is vacating the Premises.
- d. The Owner's plan is to remove the tree material from the Premises, which could include processing it into woodchips or firewood, by December 2024.
- e. Some of the tree material was processed into firewood and sold.
- f. "Money would be set aside in escrow ", although Owner did not explain under what circumstances, how, when and in what amount, to pay for wood removal that has not been completed by the time the property is sold.
- g. The Owner obtained funding to hire an NRCS approved technical service provider (TSP) to prepare a conservation plan.

WHEREAS, at the April 4, 2024, site visit, the Tenant stated that:

- a. The only animals on the farm are approximately 50 swine and an unknown quantity of chickens.
- b. He has been working on processing the tree material into woodchips and firewood.
- c. He had been denied a burn permit to burn the tree material.

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC finds, based on on-site observations and NJDEP determinations, that: (a) the tree and landscape waste material deposited on the farm in the volume present was not deposited on the property in accordance with a farm conservation or equivalent agricultural resource management plan; (b) there is insufficient evidence that the material was brought in for agricultural purposes and therefore is considered prohibited dumping of waste material and a prohibited nonagricultural use on the farm; (c) the areas of dumping have not been retained for agricultural use and production; (d) the use of the premises for these activities is detrimental to the continued use of the Premises for agriculture; and (e) the above-described activities and conditions constitute violations of paragraphs 2, 3, 6, and 7 of the DOE.

3. The SADC finds that, based on on-site observations and NJDA Animal Health and NJDEP determinations, the Premises is operating as a solid waste facility which imports tree, landscape, and food waste materials for processing and composting in violation of paragraphs 1, 2, 3, 6 and 7 of the DOE.
4. The SADC finds that the OneCompostCan recycling business is a commercial non-agricultural use of the Premises in violation of paragraphs 1, 2, and 3 of the DOE.
5. The SADC finds that, based on site observations and representations from the Tenant, that the Tenant's son lives in the trailer, the camper trailer is being used for residential purposes, and the said use is a violation of paragraph 14 of the DOE.
6. The SADC requires that: (a) all waste material including but not limited to tree material, landscape wastes, household and commercial food waste and garbage on the Premises, be removed from the Premises in accordance with all relevant rules and regulations within 90 days of the date of this resolution or a date mutually agreeable to the SADC and the NJDEP; (b) no soil movement shall occur during the removal of waste material; and (c) all areas used for storage of tree and landscape material shall be restored for agricultural production, stabilized and seeded in accordance with a conservation plan approved by the SADC upon removal of the material.
7. The SADC authorizes legal proceedings to be initiated through the Office of the Attorney General, as necessary, to enforce the Deed of Easement.
8. This action 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.

DATE 04/25/2024



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	ABSENT
Roger Kumpel	YES
Charles Rosen	ABSENT
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Judeth Yeany (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

Schedule – A (Premises)

Living Beanstalk Farm Dumping Sites 2023 Imagery



X:\counties\mercero\projects\Living Beanstalk Farm.mxd

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Living Beanstalk Farm
11-0014-DE
Block 29 Lot 5 (92.35 ac)
Dumping Sites Gross Total - 9.83 ac - 10.64%
Hopewell Twp., Mercer County



	Living Beanstalk Farm - 92.35 ac
	Dumping Sites = 9.06 ac
	Recycling Area - 0.31 ac
	Composting Area - 0.46 ac
	County Roads
	Municipal/Local Roads

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

Sources:
NJ Farmland Preservation Program
ESRI 2023 World Imagery

April 12, 2024

Schedule B

Spring 2022 Imagery

Living Beanstalk Farm Dumping Sites 2022 Imagery



X:\counties\mercer\projects\Living Beanstalk Farm.mxd

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Living Beanstalk Farm
 11-0014-DE
 Block 29 Lot 5 (92.35 ac)
 Dumping Sites Gross Total - 9.83 ac - 10.64%
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Sources:
 NJ Farmland Preservation Program
 NearMaps 2022 Digital Imagery

April 12, 2024

Schedule C (Tree Material)





Schedule D (Composting)



Schedule E (Recycling Business)



Schedule F (Trailer)



Schedule G (Pond Excavation)



**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2024R4(2)**

**Construction of Onsite Agricultural Labor Housing
Down to Earth Farms, LLC**

April 25, 2024

Subject Property: Block 50, Lot 9.01
Upper Freehold Township, Monmouth County
76.41 Acres
SADC ID# 13-0053-DE

WHEREAS, Down to Earth Farms, LLC, hereinafter (“Owner”), is the record owner of Block 50, Lot 9.01 in Upper Freehold Township, Monmouth County, by deed dated May 12, 2015, and recorded on May 29, 2015, in the Monmouth County Clerk’s Office in Deed Book 9115, Page 475, totaling 76.41 acres, hereinafter referred to as the “Premises”, as shown on Schedule A; and

WHEREAS, the development easement on the Premises was conveyed to the State Agriculture Development Committee by Wm. Flemer’s Sons, Inc. pursuant to the Agriculture Retention and Development Act (ARDA), N.J.S.A. 4:1C-11 et seq., by Deed of Easement dated August 16, 2012 and recorded on September 11, 2012, in the Monmouth County Clerk’s Office in Deed Book 8970, Page 2032; and

WHEREAS, the farmland preservation Deed of Easement identifies zero existing single-family residences, no Residual Dwelling Site Opportunities, zero units used for agricultural labor purposes and a two-acre non-severable exception area; and

WHEREAS, the principals of Down to Earth Farms, LLC are Walter Bostian and William Merkler; and

WHEREAS, the Owner operates the farm in conjunction with Ocean Wholesale Nursery, LLC, of which Walter Bostian is a principal; and

WHEREAS, the Owner’s farm management unit consisting of the Premises, a 60-acre farm in Jackson Township, and two additional nursery stock farms in Bridgeton (50 acres) and Galloway Township (20 acres); and

WHEREAS, the agricultural operation on the Premises consists of approximately 60 acres in field grown nursery production and 10 acres in hay; and

WHEREAS, paragraph 14 of the Deed of Easement for the Premises states that:

“Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except as follows:

- i. To provide structures for the housing of agricultural labor employed on the Premises, but only with approval of the Grantee and the Committee. If Grantee and the Committee grant approval for the construction of agricultural labor housing, such housing shall not be used*

as a residence for Grantor, Grantor's spouse, Grantor's parents, Grantor's lineal descendants, adopted or natural, Grantor's spouse's parents, Grantor's spouse's lineal descendants, adopted or natural."; and

WHEREAS, by resolution FY2016R8(11), dated August 27, 2015, the Owner received SADC approval to construct a prefabricated home on the Premises consisting of a 2,240 sq./ft. prefabricated duplex-style living unit with four bedrooms and two bathrooms for the purpose of housing up to eight (8) seasonal agricultural laborers; and

WHEREAS, the Owner did not pursue construction of the agricultural labor unit during the effective date of the prior approval; and

WHEREAS, in February of 2024 the Owner resubmitted its application for approval to construct the previously requested 2,240 sq./ft., four-bedroom and two-bathroom prefabricated duplex-style living unit, in the location shown on Schedule A, to house up to eight (8) seasonal agricultural laborers on the Premises from March through December; and

WHEREAS, in accordance with N.J.A.C. 2:76-6.15(a)14i., and the deed of easement, the Owners' application for an agricultural labor unit, as proposed, is subject to Committee approval; and

WHEREAS, representations by the Owner relating to the need for agricultural labor housing are as follows:

- a. The Premises is in active production consisting of approximately 60 acres of nursery stock and 10 acres in hay production.
- b. The Owner and Operator are utilizing the H-2A Visa laborer program which requires the employer to provide transportation and housing for the laborers.
- c. The Owner has represented that onsite labor is necessary to properly produce, maintain, and harvest the nursery stock grown on the farm and to reduce costs incurred from transporting employees to the farm daily.
- d. The Owner has represented that the housing unit will only be used to house laborers employed on the Owner's farm management unit who are directly involved with the day-to-day agricultural production aspects of the farm.
- e. The primary duties of the employees residing in the agricultural labor housing unit will be digging, planting liners, staking, pruning, fertilizing, and spraying trees and shrubs grown on the Premises.

WHEREAS, the existing farm lane will be used to access the agricultural labor unit; and

WHEREAS, the installation of a well, septic system and electric will be required to service the residence; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC has reviewed the Owner's application for approval to construct a 2,240 sq./ft., four-bedroom and two-bathroom prefabricated duplex-style living unit, in the location shown on Schedule A, to house up to eight (8) full-time seasonal agricultural laborers on the Premises from March through December, and finds that utilizing the proposed agricultural labor unit, as described by the Owner, is consistent with agricultural uses on the Premises; and:
 - a) The proposed unit minimizes adverse impacts on the agricultural land due to the size of the structure and location which has predominately been used for storage related to the agricultural operation, as shown on Schedule A.
 - b) Onsite labor housing is necessary due to the labor-intensive agricultural work on the Premises and to minimize travel time and expenses related to the requirements of the H-2A Visa program.
 - c) The production aspects of the operation, consisting of 60 acres of field grown nursery stock and 10 acres of hay production, warrants eight (8), full-time seasonal laborers from March through December.
 - d) The Owners' proposal to construct agricultural labor housing on the Premises for purposes of housing on-site laborers who are regularly engaged in the production aspects of this operation is consistent with the requirements of the Deed of Easement and enhances the economic viability of the owner's agricultural business.
3. Only agricultural laborers employed on the Premises, in production aspects of the operation, and their immediate family, may live in the agricultural labor unit. Agricultural labor housing shall not be used as housing for Down to Earth, LLC's principals or for the principals' spouses, parents, lineal descendants, adopted or natural, spouses' parents, or spouses' lineal descendants, adopted or natural.
4. The agricultural laborers shall be engaged in the day-to-day production activities on the Premises, which at this time includes digging, planting liners, staking, pruning, fertilizing, and spraying trees and shrubs.
5. As a condition of this approval, the Committee reserves the right to annually require the Owner to produce documentation supporting the production aspects of the operation to ensure that there is sufficient production activity occurring on the farm to continue to warrant use of the agricultural labor unit.
6. The Owner's construction and use of any structure for housing agricultural laborers shall comply with all applicable Federal, State, County, and local regulations.

7. This approval is non-transferable.
8. This approval is valid for a period of three years from the date of this resolution, during which the Owner shall initiate the requested action; for the purpose of this provision "initiate" means applying for applicable local, state, or federal approvals necessary to effectuate the approved SADC action; and
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

4/25/2024

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

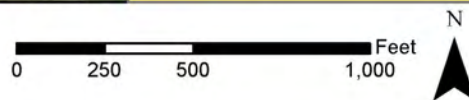
Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	ABSENT
Roger Kumpel	YES
Charles Rosen	ABSENT
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Judeth Yeany (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

Schedule A

Down to Earth Farm 13-0053-DE
BI 50 Lot 9, Upper Freehold Twp. - Monmouth County
New Jersey Farmland Preservation Program



For Planning Purposes Only
Date: 3/11/2024



STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2024R4(3)

Special Occasion Events on Preserved Farmland
Saddlehill Cellars, LLC

April 25, 2024

Subject Property:

Block 199, Lot 5
Voorhees Township, Camden County
69.81 Acres
SADC ID# 04-0001-FS

WHEREAS, Saddlehill Holdings, LLC, hereinafter "Owner", is the record owner of Block 199, Lot 5, in Voorhees Township, Camden County, by deed dated March 2, 2021, and recorded in the Camden County Clerk's Office on March 25, 2021 in Deed Book 11668, Page 1441, totaling 69.81 acres, hereinafter referred to as the "Premises", as shown in **Schedule A**; and

WHEREAS, the State Agriculture Development Committee (SADC) acquired the Premises from Edmund D. Stafford, Randall B. Stafford, III, Alvin W. Stafford, Arthur C. Stafford, Benjamin C. Stafford, David C. Stafford, and Stafford Farm, Inc., by deed dated January 6, 2004, and recorded in the Camden County Clerk's office on January 8, 2004, in Deed Book 7317, Page 1117; and

WHEREAS, the Premises was sold by the SADC through its fee simple public auction process on October 15, 2004; and

WHEREAS, the SADC transferred title to the Premises to Ken Kazahaya on February 15, 2005, by deed recorded in the Camden County Clerk's office on March 4, 2005 in Deed Book 7749, Page 766, with said deed including agricultural deed restrictions for farmland preservation purposes pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq.; and

WHEREAS, the Premises was preserved with federal funding and as a result contains additional federal provisions; and

WHEREAS, Saddlehill Cellars, LLC is the farm operator, hereinafter "Operator", of the Premises; and

WHEREAS William Green is the Manager of Saddlehill Cellars, LLC and Saddlehill Holdings, LLC; and

WHEREAS, the Camden County Agricultural Development Board, by a resolution dated January 4, 2022, approved a Site-Specific Agricultural Management

Practice (SSAMP) for Saddlehill Cellars for equine, winery, and on-farm direct marketing activities and facilities, including the construction of a horse barn (approximately 4,320 square feet), a wine processing and barrel storage facility (approximately 9,600 square feet), and a tasting room facility (approximately 7,000 square feet) that would include a sales area and commercial kitchen; and

WHEREAS, on April 28, 2022, the SADC approved an application from the Owner to construct an approximately 735 sq./ft., one-bedroom apartment, which includes a kitchen, a bathroom, and a living room, on the second floor of the proposed new equine barn, to house one (1) full-time agricultural laborer on the Premises; and

WHEREAS, since the approval of the SSAMP and application to construct agricultural labor housing, the Operator has constructed the horse barn with agricultural labor apartment, wine processing and barrel storage facility, and tasting room facility; and

WHEREAS, P.L. 2023, c.9, effective February 3, 2023, recognizes the positive effects that holding special occasion events (SOEs) can have, and that with proper oversight, SOEs on preserved farmland can have minimal impact on land's viability for farming and provide for new business opportunities for farmers, without displacing agricultural or horticultural production as the first priority use of preserved farmland or disrupting neighborhoods that surround preserved farms; and

WHEREAS, the SOE statute defines an SOE as a wedding, lifetime milestone event, or other cultural or social event conducted, in whole or in part, on preserved farmland on a commercial farm, and states that SOEs shall not include activities eligible for the protections of the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.; recreational uses permitted under the farmland preservation deed of easement; weddings held for the owner, operator, or employee of the commercial farm; and weddings held for certain family members of the commercial farm owner; and

WHEREAS, the SOE statute requires that farm owners and farm operators apply to the farmland preservation easement holder for approval prior to holding SOEs on preserved farmland; and

WHEREAS, a farm operator, with written authorization from the farm owner, may apply to hold SOEs on preserved farmland; and

WHEREAS, the farm must be in compliance with the farmland preservation deed of easement to qualify to hold SOEs; and

WHEREAS, the preserved farmland must be a commercial farm and also produce agricultural or horticultural products worth \$10,000 or more annually to qualify to hold SOEs; and

WHEREAS, the SOE statute defines the area used to hold SOEs as the “occupied area”, meaning any area supporting the activities and infrastructure associated with a special occasion event including, but not limited to: an area for parking, vendors, tables, equipment, infrastructure, or sanitary facilities; an existing building; or a temporary or portable structure; and

WHEREAS, the occupied area associated with an SOE shall be no more than the lesser of 10 acres or 10 percent of the preserved farmland; and

WHEREAS, SOEs shall not interfere with the use of the preserved farmland for agricultural or horticultural production; and

WHEREAS, SOEs shall have minimal effects on the occupied area and shall be designed to protect the agricultural resources of the land and ensure that the land can be readily returned to productive agricultural or horticultural use after an SOE; and

WHEREAS, the SOE statute shall not apply to SOEs, or the parts of SOEs, that are held on exception areas or other locations that are not preserved farmland.

WHEREAS, the SOE statute contains the following requirements regarding holding SOEs on preserved farmland:

1. SOEs that involve the service of alcoholic beverages shall comply with all applicable State and local laws, regulations, resolutions, and ordinances; and
2. All applicable State and local laws, regulations, resolutions, and ordinances including, but not limited to, those concerning food safety, litter, noise, solid waste, traffic, and the protection of public health and safety shall apply to the special occasion event and all activities related thereto; and
3. To comply with local laws, regulations, resolutions, and ordinances, and if the proposed SOE meets certain conditions, the municipality may require that the owner or operator of the farm submit an application to the municipality for approval, however the municipality shall not charge an application fee of more than \$50 and the application shall not require more information than the identification and location where tents and other temporary structures, sanitary facilities, parking, access and egress will be located, where music will be played, the number of expected guests and other information that may be required of a similar event when conducted at a public park or public venue; and

4. No new permanent structures shall be constructed on preserved farmland for the purpose of holding SOEs; and
5. Permanent structures constructed fewer than five years prior to the date of the application shall not be used for holding SOEs; and
6. Improvements to existing structures shall be limited to the minimum required for the protection of health and safety; and
7. The installation and use of tents, canopies, umbrellas, tables, chairs, and other temporary structures on preserved farmland for the purpose of holding SOEs is permitted provided they comply with applicable construction and fire codes and are limited to use from April 1 to November 30; and
8. No public utilities, including gas or sewer lines, shall be extended to preserved farmland for the purpose of holding SOEs, except that electric and water service may be extended to preserved farmland for the purpose of holding special occasion events; and
9. Parking for SOEs shall be provided through the use of existing parking areas on the farm and curtilage surrounding existing buildings to the extent possible, and additional on-site areas required for temporary parking shall comply with the standards in the Agricultural Management Practice (AMP) for On-Farm Direct Marketing Facilities, Activities, and Events, N.J.A.C. 2:76-2A.13; and
10. A farm shall not hold more than one SOE with over 100 guests per calendar day; and
11. A farm may hold 26 SOEs each calendar year, of which only six SOEs may have 250 guests or more in attendance at any time during the event; and
12. SOEs held by or for a nonprofit entity shall not count against the 26 SOEs limit if the event has fewer than 100 guests and the permittee does not charge for, and receives no fees or compensation for, hosting the event, other than for reimbursement of out-of-pocket expenses, provided the maximum reimbursement to the permittee shall not exceed \$1,000; and
13. A retail food establishment, other than a temporary retail food establishment, shall not operate on a farm in support of SOEs, with the exception of a retail food establishment based at the farm; and

WHEREAS, on March 5, 2024, the Operator submitted an "Application to Hold Special Occasion Events on Preserved Farmland" to the SADC; and

WHEREAS, on April 5, 2024 and April 22, 2024, the Operator submitted additional application information, including an updated map of the occupied area

proposed to be used for all SOEs, hereinafter referred to as the “Occupied Area Applicant Map”, as shown in **Schedule B**; and

WHEREAS, the Operator is seeking SADC approval to hold an estimated 13 weddings, 7 lifetime milestone events, and 6 other cultural or social events in calendar year 2024, or an estimated total of 26 SOEs; and

WHEREAS, the Operator attested that there is a commercial farm on the preserved farmland and that the value of agricultural or horticultural crops produced on the preserved farmland is \$10,000 or more annually;

WHEREAS, the Operator stated that the current agricultural or horticultural uses of the preserved farm are hay (15.45 acres), fruit (1.75 acres), grapes (27 acres), flowers (2 acres), horses and ponies (6 acres), bee hives (0.25 acres), potatoes (3 acres), alpacas (0.87 acres), grazing (3.49 acres), vegetables (6 acres), and agricultural facilities (2 acres); and

WHEREAS, the application included copies of the most recently filed Farmland Assessment Forms (FA-1 and Supplemental Gross Sales forms) for the Premises; and

WHEREAS, the application estimated that approximately 3 weddings and 3 other cultural or social events would have 250 guests or more in attendance at any one time; and

WHEREAS, the application stated that only outdoor areas, and no permanent structures, would be used for holding SOEs; and

WHEREAS, the application described the SOEs proposed to be held as the following:

1. Weddings: “Wedding ceremonies and receptions held outside in field/lawn adjacent to tasting room and/or in a temporary tent; some receptions cocktail-type and some sit-down dinners outside where caterer supplies food using a chef’s tent; with portable, temporary bathroom and portable generator for power. We have three (3) different areas that could be used for SOE 1) In the infield of the track; 2) behind the new tasting room; or 3) between the barn and winery”; and
2. Lifetime milestone events: “Private parties and gatherings (for milestones, businesses, etc.) in field/lawn adjacent to tasting room and/or in a temporary tent; some cocktail-type and some sit-down dinners; outside caterer supplies food using a chef’s tent; with portable, temporary bathroom and portable generator for power”; and
3. Other cultural or social events: “Hosting non-for-profit, corporate, or other private group having a cocktail-type or sit-down dinner type event such as a fundraiser or other social events or celebration in field/lawn adjacent to

tasting room and/or in a temporary tent; some cocktail-type and some sit-down dinners; outside caterer supplies food using a chef's tent; with portable temporary bathroom and portable generator for power.”; and

WHEREAS, the application stated that in the racetrack infield area, identified as Temporary Tent Location 1 on the Occupied Area Applicant Map, electricity service would be supplied via a portable temporary generator and water service would be provided via a temporary tank; and

WHEREAS, the application stated that in the areas identified as Temporary Tent Locations 2 and 3 on the Occupied Area Applicant Map, temporary water and electricity service would be provided via connections to the nearby, existing buildings; and

WHEREAS, the application stated that the proposed SOEs would use existing permanent parking areas and temporary overflow parking areas, as indicated on the Occupied Area Applicant Map, and that for the largest other cultural or social events, offsite parking at office buildings on properties adjacent to the Premises would be utilized with shuttle service to the farm; and

WHEREAS, on April 19, 2024, the SADC performed a site inspection of the Premises; and

WHEREAS, the SADC, to measure the acreage of the occupied area depicted on the Occupied Area Applicant Map, created a GIS map with the same approximate outlines, hereinafter referred to as the “Occupied Area SADC Map”, as shown in **Schedule C**; and

WHEREAS, the occupied area is approximately 6.77 acres, or approximately 9.7% of the Premises, as calculated using the Occupied Area SADC Map; and

WHEREAS, the SADC, to review whether the preserved farmland produces agricultural or horticultural products worth \$10,000 or more annually, used the information from the application regarding the farm's current agricultural or horticultural uses and an Agricultural/Horticultural Production Value Estimating Tool For SOE Applications, hereinafter “Estimating Tool”, as shown in **Schedule D**; and

WHEREAS, the Estimating Tool indicates that the value of agricultural or horticultural products produced on the Premises is more than \$50,000 annually;

WHEREAS, the SADC contacted the USDA Natural Resources Conservation Service (NRCS) to see if it had any comments or concerns regarding the SOE application; and

WHEREAS, NRCS indicated it does not have any comments or concerns; and

WHEREAS, the SOE statute states that the easement holder shall approve an SOE application upon a determination that the farm is in compliance with the terms of the farmland preservation deed of easement and a finding that the applicant and proposed SOEs comply with the requirements of the SOE statute and any rules and regulations adopted by the SADC.

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC makes the following relevant findings of fact and conclusions of law regarding the application by the Operator to hold SOEs on the Premises:
 - a. The farm is in compliance with the farmland preservation deed of easement.
 - b. There is a commercial farm on the Premises.
 - c. The preserved farmland produces agricultural or horticultural products worth at least \$10,000 annually.
 - d. The proposed occupied area is no more than the lesser of 10 acres or 10 percent of the preserved farmland.
 - e. The proposed number of SOEs to be held on the farm during the calendar year is not more than 26.
 - f. The proposed number of SOEs that would have 250 guests or more in attendance at any time during the event is not more than 6.
 - g. The Operator has written authorization from the Owner to hold SOEs.
 - h. The farm and proposed SOEs comply with the requirements of the SOE statute.
3. The SADC approves the Operator's application to hold SOEs on the Premises.
4. The Operator shall annually certify to the SADC, in a form and manner prescribed by the SADC, information about the SOEs that were held in the prior calendar year, including, but not be limited to, the date, occasion, and approximate number of attendees of each event.
5. The SADC will transmit a copy of this resolution to the Camden County Agriculture Development Board, Voorhees Township, and the NRCS.
6. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

7. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

4/25/2023
DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	ABSENT
Roger Kumpel	YES
Charles Rosen	ABSENT
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Judeth Yeany (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

Schedule A

Premises

Saddlehill Cellars, LLC (04-0001-FS)



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Saddlehill Cellars, LLC
Block 199 Lot 5 (69.81 ac)
Voorhees Twp., Camden County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJGIT/Near Map 2023 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 geospatial accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

April 10, 2024

Schedule B

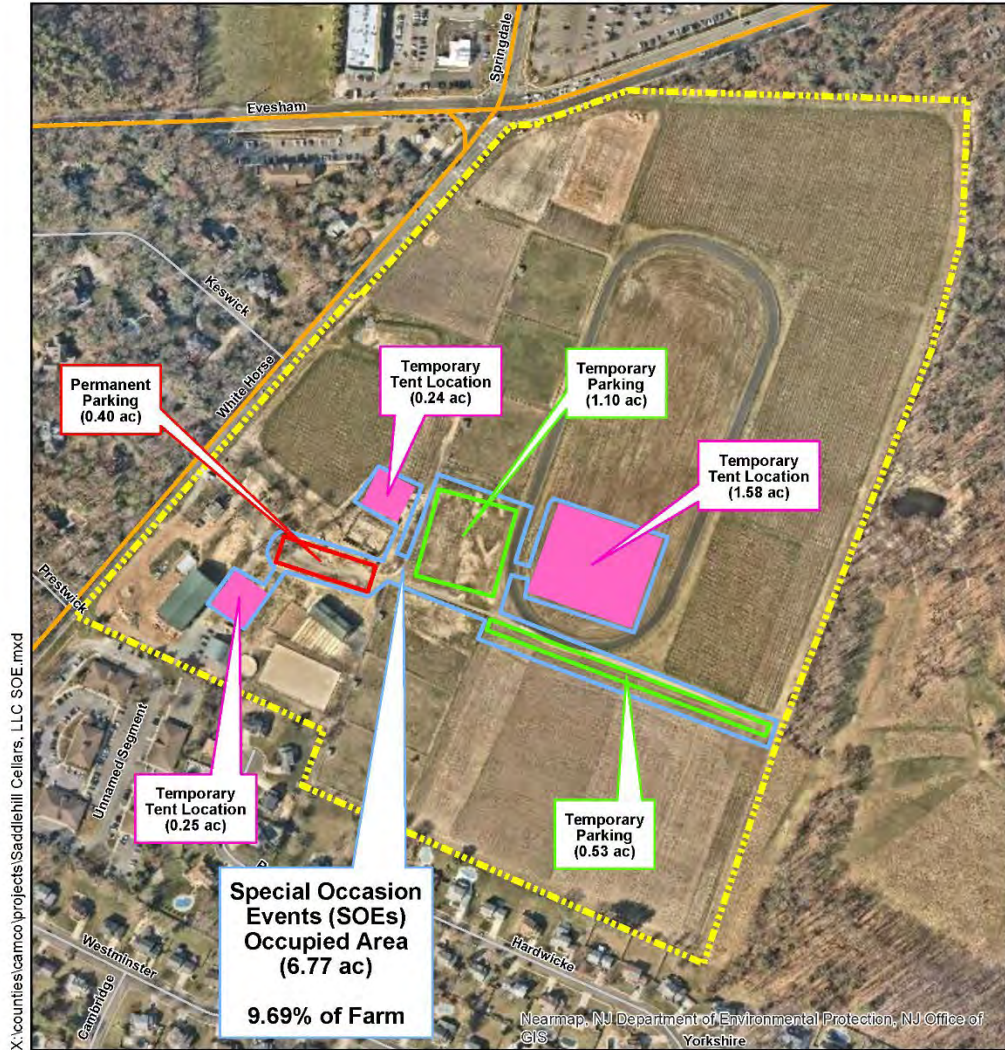
Occupied Area Applicant Map



Schedule C

Occupied Area SADC Map

Special Occasion Events (SOEs) Occupied Area



X:\counties\camco\projects\Saddlehill Cellars, LLC SOE.mxd

Nearmap, NJ Department of Environmental Protection, NJ Office of GIS, Yorkshire

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Saddlehill Cellars, LLC
Block199 Lot 5 (69.81 ac)
SOEs Occupied Area = 6.77 ac
Percentage of farm in SOEs Occupied Area = 9.69%
Voorhees Twp., Camden County



- Saddlehill Cellars, LLC
- Permanent Parking
- Proposed Occupied Area
- Temporary Parking
- Temporary Tent Location
- County Roads
- Municipal/Local Roads

Sources:
NJ Farmland Preservation Program
NJOT Parcel Data
Green Acres Conservation Easement Data
NJOT/Near Map 2023 Digital Aerial Image

May 10, 2024

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.

Schedule D

Agricultural/Horticultural Production Value
Estimating Tool For SOE Applications

Agricultural/Horticultural Production Value Estimating Tool For Special Occasion Event (SOE) Applications			
Applicant Name	Saddlehill Cellars, LLC		
Farm Address	1407 White Horse Road, Voorhees, NJ 08043		
County	Camden		
Municipality	Voorhees		
SADC ID Number	04-0001-FS		
General Category of Production	Estimated Gross Production Value/ Acre	Number of Acres	Total Estimated Gross Production Value
Vegetable	\$1,747	9.0	\$15,724.80
Fruit (other than grapes)	\$6,335	1.8	\$11,086.25
Winery/Grapes	\$0	27.0	\$0.00
Nursery/greenhouse/floriculture	\$10,000	2.0	\$20,000.00
Sod	\$6,000		
Field crops	\$294		
Hay	\$287	15.5	\$4,438.79
Equine	\$190	6.0	\$1,140.00
Livestock	\$190	4.4	\$828.40
Dairy	\$190		
Christmas Trees	\$0		
Woodland	\$0		
TOTALS		65.6	\$53,218.24
<p>Basic Instructions: Fill in the number of acres from the farm's SOE Application. The spreadsheet estimating tool will then provide an estimated value of the farm's annual agricultural or horticultural production.</p>			
<p>*Notes: The SADC is in the process of adding an "Estimated Gross Production Value/Acre" for each "General Category of Production". Any category that does not yet have an estimated value will show up as \$0. Please check back regularly for updated versions of this spreadsheet tool as the remaining estimated values get added.</p>			
<p>*Last Updated 3/23/23</p>			

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2024R4(4)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
GLOUCESTER COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Miller, Adam Dersch - Estate of, et al (“Owners”)
SADC ID#08-0231-PG
Greenwich Township, Gloucester County
N.J.A.C. 2:76-17 et seq.

APRIL 25, 2024

WHEREAS, on November 9, 2021 the application for the sale of a development easement for the subject farm identified as Block 261, Lot 3, Greenwich Township, Gloucester County, totaling approximately 60.376 gross survey acres hereinafter referred to as “the Property” (Schedule A) was deemed complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, the County has met the County Planning Incentive Grant (“PIG”) criteria set forth in N.J.A.C. 2:76-17.6 and 7; and

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

WHEREAS, the Property is a targeted farm pursuant to N.J.A.C. 2:76-17.5(a)1 and is located in the County's Delaware River Project Area; and

WHEREAS, the Property includes two (2) exception areas, one (1), approximately 2.4 acre severable exception area for an existing single family residential unit and one (1) acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 57.250 net survey 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 Executive Director may 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 2.4 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 1 single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the 1 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 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) exceptions,
- 2) Zero (0) housing opportunities
- 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, wheat and soybean production; and

WHEREAS, the Property has a quality score of 60.89 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(d), on May 13, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Chairman Fisher certified the Development Easement value of \$41,000 per acre based on zoning and environmental regulations in place as of the current valuation date December 21, 2021; and

WHEREAS, pursuant to P.L. 2023 c.245 and Policy No. P-56, the Interim Policy for applications pending adoption of the Statewide Farmland Preservation Formula, the SADC shall provide for the extension of deadlines and conditional approvals as requested by the Owner and grant partners; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12(b), the Owner accepted the County's offer of \$41,000 per acre for the purchase of the development easement on the Premises and the County is proceeding under its current contract with the landowner and not waiting for the Statewide Formula; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a), on July 18, 2022, the Greenwich Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on July 21, 2022, the Gloucester 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(a) on March 6, 2024, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$16,400 per acre; and

WHEREAS, if the County decides to purchase the development easement in advance of the SADC grant, the County will request a cost share grant reimbursement from the SADC; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 58.9675 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 58.9678 acres):

Total	Per/acre	
SADC		\$1,450,607.88 (\$24,600/acre)
<u>County</u>		<u>\$ 967,071.92 (\$16,400/acre)</u>
Total Easement Purchase		\$2,417,679.80 (\$41,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(c), the County is requesting \$1,450,607.88 in base grant funding which is available at this time (Schedule B); and

WHEREAS, there is a 1.214 acre area consisting of a water body bordering the property on which the SADC will not cost share, however the County has agreed to cover the full purchase price on this area; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(b), 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(d);

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 58.9678 net easement acres, at a State cost share of \$24,600 per acre, (60% of certified easement value and purchase price), for a total grant of approximately \$1,450,607.88 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 Executive Director may 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.

4/25/2024

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	ABSENT
Roger Kumpel	YES
Charles Rosen	ABSENT
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Judeth Yeany (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles



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Application within the (PA2) Suburban Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Miller, Adam Dersch – Estate of, et al
Block 261 Lots P/O 3 (56.2 ac) ac);
P/O 4-ES (severable exception - 2.4 ac)
& P/O 4-EN (non-severable exception - 1.0 ac)
Gross Total = 59.6 ac
Greenwich Twp., Gloucester County

2,000 1,000 0 2,000 4,000 8,000 Feet

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

	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)
NJOT/IGIS 2020 Digital Aerial Image

November 3, 2021

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Miller, Adam Dersch – Estate of, et al
Block 261 Lots P/O 3 (56.2 ac) ac);
P/O 4-ES (severable exception - 2.4 ac)
& P/O 4-EN (non-severable exception - 1.0 ac)
Gross Total = 59.6 ac
Greenwich Twp., Gloucester County



TIDELANDS DISCLAIMER:
The lines features depicted on this map were derived from the NJDEP's CD 4020 series 1, volume 6, "Tidelands Clearing Study". These lines features are not an official NJDEP determination and should only be used as a general reference. Only NJDEP Bureau of Tidelands Management can perform an official determination of Tidelands/Aquatic Zone.

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

Application within the (PA2) Suburban Area

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

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

Source:
NJ Farmland Preservation Program
NJDEP Tidelands Clearing Line, NJ, Edition 20101214
NJDOT Road Data
NAOIT/OGIS 2020 Digital Aerial Image

November 2, 2021

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Miller, Adam Dersch - Estate of, et al
08-0231-PG
County PIG Program
56 Acres

Block 261	Lot 3	Greenwich Twp.	Gloucester County	
SOILS:		Other	16% * 0 =	.00
		Prime	73% * .15 =	10.95
		Statewide	11% * .1 =	1.10
			SOIL SCORE:	12.05
TILLABLE SOILS:		Cropland Harvested	79% * .15 =	11.85
		Wetlands/Water	17% * 0 =	.00
		Woodlands	4% * 0 =	.00
			TILLABLE SOILS SCORE:	11.85
FARM USE:		Hay	22 acres	
		Wheat-Cash Grain	5 acres	
		Soybeans-Cash Grain	20 acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st one (1) acres for Future SFR
Exception is not to be severed from Premises
Exception is to be limited to zero existing single family residential unit(s) and one future single family residential unit(s)
 - 2nd (2.4) acres for Existing SFR and ancillary buildings
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: 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 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 FY2024R4(5)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
PITTS GROVE TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
Caroccio, Sharon R. ("Owner")
SADC ID#17-0261-PG
Pittsgrove Township, Salem County
N.J.A.C. 2:76-17A.1, et seq.**

APRIL 25, 2024

WHEREAS, on May 22, 2023, the application for the sale of a development easement for the subject farm identified as Block 2701, Lot 143, Pittsgrove Township, Salem County, totaling approximately 14.6 gross acres hereinafter referred to as "the Property" (Schedule A) was deemed complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, the Township has met the Municipal Planning Incentive Grant ("PIG") criteria set forth in N.J.A.C. 2:76-17A.6 and 7; and

WHEREAS, the Green Light Approval and certification of easement value were conditioned upon the SADC's approval of the Township's 2024 Comprehensive Farmland Preservation Plan annual update to include this property as a targeted farm; and

WHEREAS, the SADC anticipates approving the annual update in May 2024 to add the Property as a targeted farm, therefore this final approval and the SADC's cost share grant is conditioned upon approval of the Township's annual update; and

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

WHEREAS, The Property is a targeted farm pursuant to N.J.A.C. 2:76-17A.5(a)1 and is located in the Township's East Project Area; and

WHEREAS, the Property includes one (1), approximately 3 acre non-severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 11.6 net acres to be preserved, hereinafter referred to as "the Premises"; 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 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 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 corn production; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11(d), on July 28, 2023, and in accordance with Resolution #FY2020R4(14), Executive Director Payne and Acting Chairman Atchison certified the Development Easement value of \$6,500 per acre based on zoning and environmental regulations in place as of the current valuation date, July 18, 2023; and

WHEREAS, pursuant to P.L. 2023 c.245 and Policy No. P-56, the Interim Policy for applications pending adoption of the Statewide Farmland Preservation Formula, the SADC shall provide for the extension of deadlines and conditional approvals as requested by the Owner and grant partners; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12(b), the Owner accepted the Township's offer of \$6,500 per acre for the purchase of the development easement on the Premises and the Owner does not want to wait for the adoption of the Statewide Formula; and

WHEREAS, the Owner may opt to wait for the Statewide Formula at any time prior to closing on the farmland preservation deed of easement; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on October 3, 2023, the Pittsgrove Township Committee approved the application for the sale of development easement and a funding commitment of \$1,175 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on September 27, 2023, 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 October 4, 2023, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$1,175 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, 11.95 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 11.95 acres):

	Total	Per/acre
SADC	\$49,592.50	(\$4,150/acre)
Pittsgrove Township	\$14,041.25	(\$1,175/acre)
<u>Salem County</u>	<u>\$14,041.25</u>	<u>(\$1,175/acre)</u>
Total Easement Purchase	\$77,675.00	(\$6,500/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14(c), the Township is requesting \$49,592.50 in base

grant funding which is available at this time (Schedule B); 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. 2:76-17A.15(b), 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.16 and N.J.A.C. 2:76-6.11(d)3, 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, provided the Township's request for reimbursement is submitted within 120 days of the purchase of the development easement;

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 11.95 net easement acres, at a State cost share of \$4,150 per acre, (63.85% of certified easement value and purchase price), for a total grant of approximately \$49,592.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C.
3. This Final Approval and the SADC's cost share grant are conditioned upon the SADC's approval of the Township's 2024 Comprehensive Farmland Preservation Plan annual update to include this property as a targeted farm on May 23, 2024.
4. 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).
5. 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.
6. 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).
7. 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.

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

4/25/2024

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	ABSENT
Roger Kumpel	YES
Charles Rosen	ABSENT
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Judeth Yeany (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

Wetlands



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

Caroccio, Sharon R
Block 2701 Lots P/O 143 (11.6 ac) &
P/O 143-EN (non-severable exception - 3.0 ac)
Gross Total = 14.6 ac
Pittsgrove Twp., Salem County



Sources:
NJ Farmland Preservation Program
NJDOT Parcel data
NJDOT Road Data
NJDOT Near Map 2021 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
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
S - 30' Buffer
W - Water

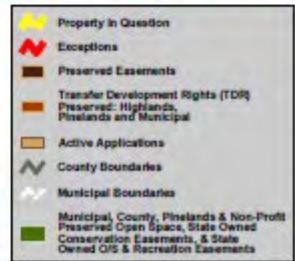
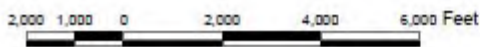
Preserved Farms and Active Applications Within Two Miles



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Carocio, Sharon R
Block 2701 Lots P/O 143 (11.6 ac) &
P/O 143-EN (non-severable exception - 3.0 ac)
Gross Total = 14.6 ac
Pittsgrove Twp., Salem County



Source:
NJ Farmland Preservation Program
NJDEP Conservation/Open Space Easement Data
NJDOT Road Data
NJGIT/Near Map 2021 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 9, 2023

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Caroccio, Sharon R.
17-0261-PG
PIG EP - Municipal 2007 Rule
11.6 Acres

Block 2701	Lot 143	Pittsgrove Twp.	Salem County
SOILS:		Other	8% * 0 = .00
		Prime	92% * .15 = 13.80
			SOIL SCORE: 13.80
TILLABLE SOILS:		Cropland Harvested	90% * .15 = 13.50
		Woodlands	10% * 0 = .00
			TILLABLE SOILS SCORE: 13.50
FARM USE:	Corn-Cash Grain		10 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st three (3) acres for Existing Single Family Residence
Exception is not to be severed from Premises
Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No 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 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 #FY2024R4(6)**

Preliminary Approval of SADC Fee Simple or Easement Purchase

**On the Property of
Clark, William**

APRIL 25, 2024

Subject Property: **Clark, William**
Block 6, Lot 60 – Holland Township, Hunterdon County
SADC ID#: 10-0092-FS

WHEREAS, pursuant to N.J.A.C. 2:76-8.1, an owner of farmland may offer to sell their farmland in fee simple to the State Agriculture Development Committee (“SADC”); and

WHEREAS, on March 25, 2024, the SADC received a fee simple application from William Clark, hereinafter “Owner,” identified as Block 6, Lot 60, Holland Township, Hunterdon County, hereinafter “the Property,” totaling approximately 182.49 gross acres, identified in (Schedule A); and

WHEREAS, the SADC will also offer the landowner an easement value as an alternative to the fee simple purchase; and

WHEREAS, the Property includes two (2) existing dilapidated residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

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

WHEREAS, the application has been evaluated for purchase in fee simple pursuant to N.J.A.C. 2:76-8.5 and the State Acquisition Selection Criteria approved by the SADC on October 2, 2023, which categorizes applications into “Priority”, “Alternate” and “Other” groups; and

WHEREAS, the Property, is within the County Agriculture Development Area (ADA) and has a quality score of 69.05 and contains approximately 182.49 gross acres (Schedule B); and

WHEREAS, the Property meets the SADC’s Hunterdon County minimum criteria for the “Priority” category which requires a quality score of at least 59 combined with at least 47 acres, however, because the landowners are requesting a fee simple acquisition, staff is requesting 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. 2:76-8.5, the Committee can determine to proceed with the application; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.

2. The SADC grants preliminary approval to the Property for a fee simple purchase pursuant to N.J.A.C. 2:76-8.5 and N.J.A.C. 2:76-6.16 because the Property:
 - a. is above average size and quality for Hunterdon County and meets the criteria to be considered a "Priority" farm pursuant to N.J.A.C. 2:76-8.5(c);
 - b. contains approximately 43% Prime soils and 17% Statewide Important soils along with over 122 acres (67%) of tillable land;
 - c. is directly contiguous to other preserved farms and open space;
 - d. is in the Conservation and Environmentally Constrained Subzone of the Highlands Planning Area and the Hakhokake Creek watershed. The Township has opted into the Highlands Regional master plan and this landowner qualified for the Highlands dual appraisal provision;
 - e. is located within the County's Agriculture Development Area and is identified as a targeted farm in both the county and municipal farmland preservation plans;
 - f. the SADC believes that the conversion of the farm to non-agricultural use would likely cause a substantial negative impact on the public investment made in farmland preservation within the project area.

3. The SADC 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 values of the property to the SADC.

4. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

5. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

4/25/2024

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	ABSENT
Roger Kumpel	YES
Charles Rosen	ABSENT
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	ABSENT
Judeth Yeany (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Edward D. Wengryn, Chairperson	YES

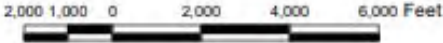
Preserved Farms and Active Applications Within Two Miles

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Clark, William
Block 6 Lot 60 (182.49 ac)
Gross Total = 182.49 ac
Holland Twp., Hunterdon County

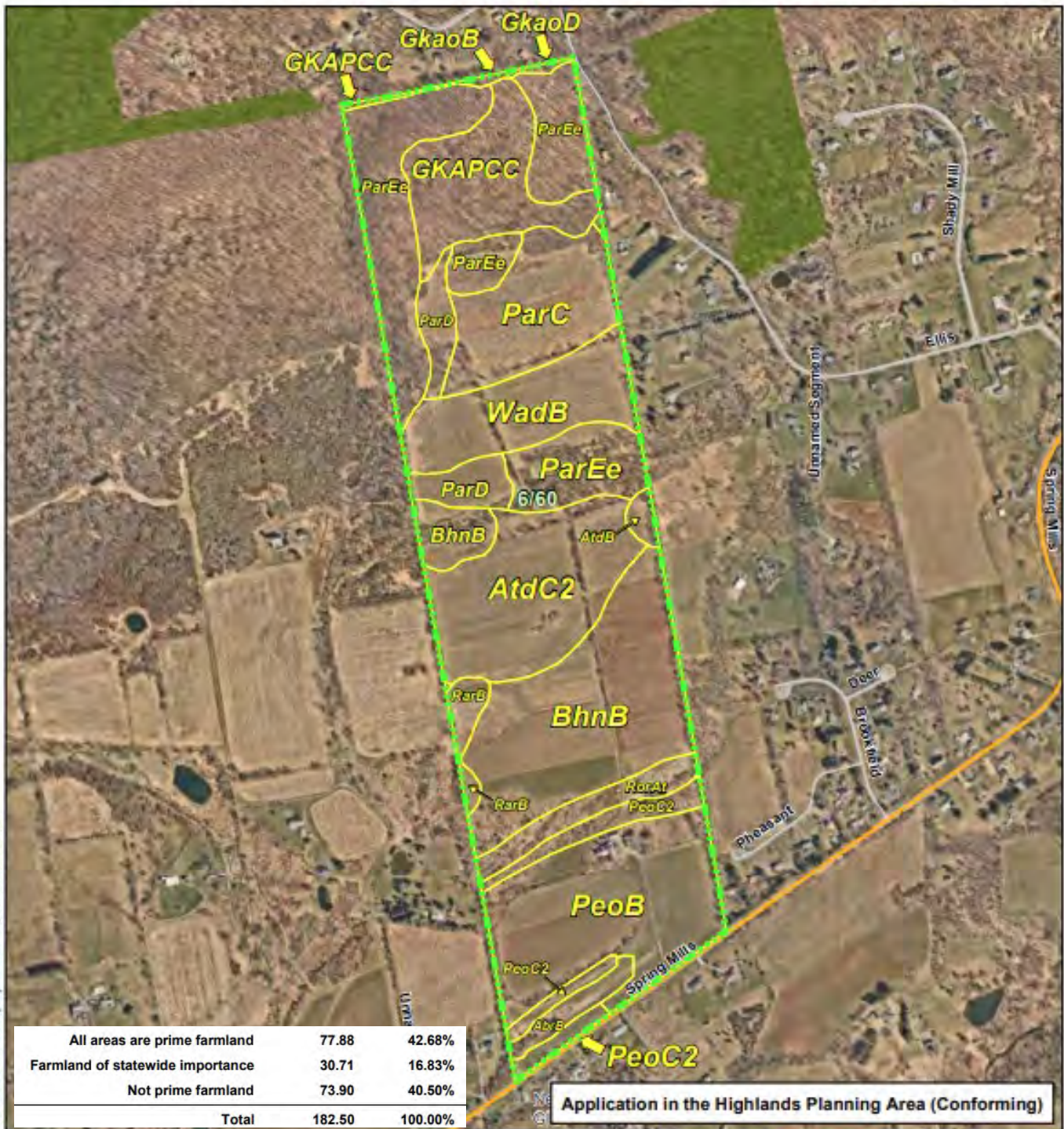


	Property In Question
	Preserved Easements
	Transfer Development Rights (TDR) Preserved: Highlands, Pinelands and Municipal
	Active Applications
	County Boundaries
	Municipal Boundaries
	Municipal, County, Pinelands & Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S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

Sources:
 NJ Farmland Preservation Program
 NJDET Parcel data
 NJDEP Conservation/Open Space Easement Data
 NJ Highlands Council Data
 NJDOT/News Map 2023 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

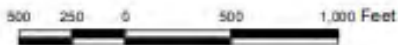
Soils



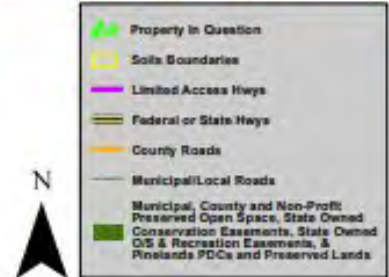
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Clark, William
Block 6 Lot 60 (182.49 ac)
Gross Total = 182.49 ac
Holland Twp., Hunterdon County



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Sources:
NJ Farmland Preservation Program
NJDOT Parcel data
NRCS - SSURGO 2021 Soil Data
NJ Highlands Council Data
NJDEP Conservation/Open Space Data
NJDOT Road Data
NJDOT Near Map 2023 Digital Aerial Image

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

GENERAL INFORMATION

COUNTY OF Hunterdon Holland Twp. 1015

APPLICANT Clark, William

PRIORITIZATION SCORE

SOILS:	Other	40% *	0	=	.00	
	Prime	43% *	.15	=	6.45	
	Statewide	17% *	.1	=	1.70	
						SOIL SCORE: 8.15
TILLABLE SOILS:	Cropland Harvested	67% *	.15	=	10.05	
	Wetlands/Water	7% *	0	=	.00	
	Woodlands	26% *	0	=	.00	
						TILLABLE SOILS SCORE: 10.05
BOUNDARIES AND BUFFERS:	Deed Restricted Farmland (Permanent)	22% *	.2	=	4.40	
	Farmland (Unrestricted)	19% *	.06	=	1.14	
	Residential Development	39% *	0	=	.00	
	Streams and Wetlands	20% *	.18	=	3.60	
						BOUNDARIES AND BUFFERS SCORE: 9.14
CONTIGUOUS PROPERTIES / DENSITY:	Clark	Restricted Farm or Current Application			2	
	Hoffman A	Restricted Farm or Current Application			2	
	Gardner	Restricted Farm or Current Application			2	
	Lane	Restricted Farm or Current Application			2	
	Braun Estate	Restricted Farm or Current Application			2	
						DENSITY SCORE: 10.00
LOCAL COMMITMENT:		100% *	20	=	20.00	
						LOCAL COMMITMENT SCORE: 20.00
SIZE:						SIZE SCORE: 10.00
IMMIMENCE OF CHANGE:	SADC Impact factor =	1.71				
						IMMINENCE OF CHANGE SCORE: 1.71
COUNTY RANKING:						
EXCEPTIONS:						EXCEPTION SCORE: .00
						TOTAL SCORE: 69.05