

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

January 22, 2015

Chairman Fisher called the meeting to order at 9:05 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

Members Present

Douglas H. Fisher, Chairman
James Requa (rep. DCA Commissioner Constable)
Brian Schilling (rep. Executive Dean Goodman)
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)
Cecile Murphy (rep. DEP Commissioner Martin)
Denis C. Germano, Esq.
Peter Johnson
James Waltman
Jane Brodhecker (attended via telephone conferencing)
Torrey Reade (attended via telephone conferencing)

Members Absent

Alan Danser, Vice Chairman

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

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

Tom Beaver, New Jersey Farm Bureau; Donna Rue and Ann VanHise, Rue Brothers Farm, Monmouth County; Brian Wilson, Burlington County Agriculture Development Board; Henry Riewerts and Diane Tribble, landowners, Warren County; Amy Hansen, New Jersey Conservation Foundation; Casey Jansen, Holland Greenhouses, Middlesex County; Brigitte Sherman and Katelynn Wintz, Cape May County Agriculture Development Board; Frank Pinto, Spinelli and Pinto Consulting; Bill Kibler, Raritan Headwaters Association, Hunterdon County; and John Cifelli, Garden State Wine Growers Association.

Minutes

- A. SADC Regular Meeting of December 11, 2014 (Open and Closed Sessions)

It was moved by Mr. Siegel and seconded by Mr. Schilling to approve the Open Session and Closed Session minutes of the SADC regular meeting of December 11, 2014. The motion was approved. (Ms. Murphy abstained from the vote.)

REPORT OF THE CHAIRPERSON

Chairman Fisher made the following comments:

- New Jersey Farm Bureau Comments – Soil Disturbance

Chairman Fisher stated that all the members received the letter from New Jersey Farm Bureau regarding the draft soil disturbance rules. The State Agricultural Convention will be held in February and the draft rules will be discussed at that time. The SADC has not done anything with the draft rules as yet other than to say there is a proposal that is to be considered. He asked everyone to take note of that.

- Mr. Johnson's New Venture

Chairman Fisher stated that he had the pleasure of being interviewed for a TV story regarding SADC Farmer Member Peter Johnson's new venture of restoring an incredibly wonderful operation. He congratulated Mr. Johnson on the news coverage.

- New Jersey Agriculture Magazine

Chairman Fisher provided the members with a copy of New Jersey Agriculture magazine. It is the second year that the magazine has been published, at no taxpayer expense. He invited the members to take a look at the magazine.

- Farm to School Calendar

Chairman Fisher stated that the Farm to School calendar is paid for by the Federal government. It highlights for all the food service people who provide school lunch each day the New Jersey crops that become available during the different seasons. Chairman Fisher stated that the Department has been pushing for that and also pushing for the Farm to School gardens along with other things that all tie back to the land.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne made the following comments:

- CADB Outreach Meetings – Special Occasion Events

Ms. Payne stated that staff has had two outreach meetings with the CADBs regarding the special occasion events bill. Staff has been following up with the counties to see how the SADC can best participate in the outreach effort with landowners, and make sure that municipalities understand the bill as well. That process is underway.

- Right to Farm

Ms. Payne stated that staff is trying to increase knowledge and understanding on the ground regarding the Right to Farm Act. Staff has sent an email to all the CADBs asking for their suggestions regarding Right to Farm outreach, including who the audience should be, e.g., township attorneys, local land use board members, zoning officials, farmers, CADBs. Staff is soliciting feedback on this issue to build that into our 2015 outreach efforts. Also, the New Jersey League of Municipality has approached the SADC to do a webinar on the basics of Right to Farm. The webinar is scheduled for February 10th and is aimed at helping members of municipal governing bodies and their attorneys to better understand Right to Farm.

Mr. Johnson stated that there was discussion at his last CADB meeting about the direct marketing AMP regarding the role of the CADB if an applicant should

come to it for a site plan approval. Reading into the AMP there seems to be some guidance in there that that is a possibility. Mr. Johnson stated that the CADB is trying to figure out what its role is should that happen. Ms. Payne stated that she hasn't received that inquiry yet and that possibly the County has been in conversation with staff and she hasn't seen it yet. She stated that the SADC would be happy to help the County. What the AMP says is, in the SADC's mind, the CADBs are capable of holding jurisdiction over all aspects of site plan that they have the qualifications to hold. It is not crystal clear so we put in as much guidance as we could in the AMP and the SADC will help staff on a case-by-case basis.

- Mr. Johnson's New Venture

Ms. Payne noted that Mr. Johnson took the initiative to develop a video about the new preserved farm in Springfield Township that he purchased and how it came to be. He developed this great video and he asked her to participate so she went to his farm and was interviewed for the video. Ms. Payne stated that the video was the springboard to the news people getting involved. The TV news story was important to the County and the State because it also spotlighted the 30th anniversary this year of the first acquisitions under the Farmland Preservation Program, which were in Burlington County. Mr. Johnson contacted the press and then the TV station became very involved in it and wound up running a great story, and that pulled the Secretary in. It really worked out very nicely.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. Ms. Payne stated that the correspondence from New Jersey Farm Bureau that was mentioned earlier is in the members' binders under the Communications section.

PUBLIC COMMENT

Diane Tribble stated that she and her husband Henry Riewerts are owners of Greenwich Township Block 44, Lot 24, which is adjacent to Block 44, Lot 5, an SADC preserved farm. Their driveway right of way runs through that farm as everyone knows from their prior appearances at two different Committee meetings.

Ms. Tribble stated that they have opened a file at the Governor's Office in the Office of

Constituent Affairs and this paper she has will go to their file after this is over. She would like to read it to the Committee and as much as she doesn't have to read she won't but she would like to read it so that she is sure everyone here will know what is in the letter. Ms. Tribble read the contents of the letter, stating the following:

They became entangled with the SADC starting in 2012 after they approached Greenwich Township to obtain a permit to alter their driveway. They have significant safety and water runoff issues and their neighbor Mr. Santini, who owns the SADC preserved farm, has some issues with their driveway as well in terms of navigating his farm vehicles so he was in favor of it. The Township informed them that in fact they could not modify their driveway – that they would be able to under normal circumstances with an agreement between them and Mr. Santini – but that their deed was encumbered by the SADC preservation easement and that they could not alter their driveway without first receiving a supporting letter from the SADC. This was very surprising to them because they had not been given notice of any encumbrance and the deed they purchased did not preclude any of the changes they proposed. However, they assumed that while this was an inconvenience to them, it was just a formality. Little did they know that 32 months later they would have no letter and they believe that the SADC has claimed full authority over their right of way, pushing them into the courts for relief.

They believe that the actions of the SADC represent a form of eminent domain and thus that the SADC has seriously overstepped its authority in this matter. She is not an attorney, she will admit that, but from what she has read, while the State possesses the power to appropriate property for a public use through eminent domain, the SADC does not. Someone can tell her if she is wrong on this but the Garden State Preservation Trust Act holds that the SADC may only acquire farmland rights from willing sellers and does not possess the power to institute condemnation proceedings. They were not willing sellers by any stretch of the imagination. The easement contract went into effect without their knowledge and there was no compensation. They repeatedly asked for the legal foundation upon which the SADC could usurp their deeded rights and force them to abide by a contract that they didn't even enter into. They now know why there was never a response. Even if the SADC did possess the power of eminent domain they would undoubtedly be bound by the Fifth and Fourteen Amendments of the U.S. Constitution, which preclude the states from depriving any person of property arbitrarily without due process of the law or just compensation. Proper takings demand some form of the following steps:

1. Initial attempts to negotiate the purchase for a fair value – they were never approached.

2. If the owner does not wish to sell the government must file a court action and serve notice of the hearing – as far as they know no court action was filed and no notice was given to them.
3. The government must demonstrate it engaged in good faith negotiations to purchase the property, that the taking was for a public use and that the property owner was given the opportunity to challenge – absolutely nothing has been done in good faith here and they were not given the opportunity to challenge.
4. If the government petition is successful the fair market value of the property must be established – no value has been assigned as far as they know, nor have they been offered compensation. Indeed she has asked this very Committee whether it intended to compensate them and was told in essence “of course not.”

A private right of way easement is considered land. What she understands and has read is that a private right of way easement is the equivalent of land, and its destruction and modification by the government is considered a partial taking that requires the same due process and just compensation. Compensation must include not only the value of the portion taken but also any diminished value of the remaining portion. Ms. Payne and her staff know full well the importance of their driveway to their property's potential for either development or preservation, and they have heard comments that have been made, while they are hearsay, they have heard comments, so Ms. Payne is well aware that their property's value has been diminished significantly by the SADC's actions. Moreover, any potential buyers of their property would be troubled by the current driveway problems and the fact that they would now be subject to SADC intervention in perpetuity. Like their neighbor Mr. Santini, they own a 56-acre farm in an area designated as a high priority for preservation. They have the absolute perfect comp and it is right beside them and is the same acreage. While they remain unwilling sellers, they would expect no less compensation than that received by their neighbor for selling his preservation rights plus an additional amount for the right of way, which has been permanently encumbered, as well as the appropriate interest, and she puts that in quotation marks, since this compensation was not provided contemporaneously. It is ironic that under New Jersey law, if they are forced to go to the courts the process for obtaining just compensation from the SADC would be inverse condemnation, but condemnation is not something the SADC is allowed to do. Not only has the SADC overstepped its authority and violated their rights, it has not honored its own agricultural easement deed, which states that the easement is subject to their right of way, as specified in their deed. Moreover, their right of way is not listed as an exception, and if they understand what they read in the contract,

it is therefore modifiable. Nothing in their proposal violates any of the road-related limitations or impervious coverage limits.

Finally, their New Jersey certified engineer has documented plans for incorporating state-of-the-art measures for dealing with soil and water runoff, which is currently a significant problem that has not been addressed by the SADC or NRCS, despite multiple requests on their part. The benefits of their proposed measures have not been refuted in any quantifiable manner. To say it may do this or that is not a legitimate response to a full report from a New Jersey certified engineer. Finally, if all of the government over-reach and the failure to abide by the SADC's own contract is not enough, it appears that the SADC and NRCS may have colluded to produce a letter signed by Ms. Gail Bartok of the NRCS substantially misrepresenting their proposal and their request, as well as the current and future property conditions and provided that letter as the foundation for the SADC to reject their proposal in December. Despite their request for documents in advance of the SADC meeting, they were not provided this letter until two days later. They believe it was intentionally withheld so that they couldn't respond to it prior to the vote. The letter was dated November 17th and the meeting took place on December 11th and they were not provided with a copy of the letter. They pointed out, and they know why it was not provided, because they pointed out what they believe were 11 errors in Ms. Bartok's letter comprising blatant falsehoods, misrepresentations, mischaracterizations and baseless assumptions leading to false conclusions. In fact, there is almost nothing factually correct in the letter. She assumes the quotations from the contract are correct but they don't find much else that is correct. Unfortunately, Ms. Bartok was the one thrown under the bus by her SADC colleagues, forced to take credit for these errors. She indicated to them that the SADC staff – they met with her by the way – and she indicated to them that the SADC staff had a hand in the content and they have heard many of these arguments before on this floor. Unless the Committee members were aware of the inaccuracies, they have been deceived as well. If they were aware of the inaccuracies, then they are complicit in the collusion. They are providing a copy of their response to Ms. Bartok (Mr. Riewerts handed out a copy of the response letter to the Committee) so that the Committee can examine their claims of errors in more detail at its leisure. Please note, however, that the false statements include those about the size of their proposed driveway relative to the existing driveway and relative to the other alternatives put forth by the SADC and the NRCS. The failure to recognize the current conditions, including a sizable grass strip that runs alongside the current driveway, as well as the fact that despite this grass strip there remain substantial runoff problems that they have documented photographically and provided to both the SADC and the NRCS. In addition, Ms. Bartok ignored their plans for returning the existing driveway into productive farmland that were previously provided to the SADC staff. Further, to their

knowledge, none of the casual, very casual engineering comments by Ms. Bartok are supported by any study or reports and they better not be because they have asked for these reports and they have not been given to them. So if they do exist then it is a violation of their rights under OPRA. These falsehoods and misrepresentations completely reverse the conclusions that would have to be drawn from the basis of the true facts and the setting free of animosity and this has not been a setting free of animosity. They have demanded that Ms. Bartok formally recognize these errors and retract her letter and they hereby request that the December 11th SADC vote be retracted because it was based on substantially false and incomplete information. They have also, as she mentioned earlier, contacted the Governor's Office regarding the minutes of the SADC meeting, which if approved would memorialize this improper and falsely supported negative outcome. In conclusion, they believe that the SADC's actions regarding their driveway right of way significantly overstepped their authority under the Garden State Preservation Trust Act, violate their rights under the Fifth and Fourteenth Amendments of the U.S. Constitution, contradict the SADC's own agricultural easement deed and that the process that they have been subjected to these past 32 months has been characterized by unethical behavior and misconduct on the part of government employees involved in this matter. Please note that despite all of this, if the vote is set aside, as they have always been willing to do, they would be happy to work with the SADC in a productive manner to see that their modifications are executed optimally, providing a win-win situation and thereby avoiding what promises to be a very contentious legal battle and public relations situation. Thank you for the opportunity to comment.

Chairman Fisher asked if there was anyone else from the public wanting to address the Committee. Amy Hansen from the New Jersey Conservation Foundation and an owner of a preserved farm stated that she is here to push back on the SADC's draft soil disturbance standards as they are very concerned that we need stricter than 10 percent limits on building on preserved farms. The program is a public program, paid for with taxpayer dollars, and it is critical that the SADC uphold the public trust and integrity of the program by protecting soils and other natural resources as required in the deed of easement. They have seen all the time and money that the SADC has been pouring into preserved farmland cases where folks want to build tons of greenhouses, or they were not allowed and went ahead anyway, or disturbing soil in other ways. We just cannot let this happen. The problem she sees is if someone wants to put 15 acres of greenhouses on a preserved farm then they shouldn't target a preserved farm. Instead, go with a farm that has not been preserved. They fully supported the denial of Holland Greenhouses on the Rue farm by the SADC previously. She was very concerned to hear that under the new standards that Holland Greenhouses – they are proposing 5 and then possibly 15 acres of greenhouses as well as other soil disturbances on a preserved farm – and that would be

allowed. They are just extremely concerned and they request that the SADC impose a strict 5 percent building limit on all preserved farms regardless of size. This public program does need to have some limits. Her husband is a farmer who fully supports these limits as well.

Bill Kibler from the Raritan Headwaters Association stated that for those not familiar with his organization, three years ago the Raritan Headwaters Association and the South Branch Water Association merged and are now the Raritan Headwaters Association. His watershed covers most of Hunterdon, Morris and Somerset counties. As the Committee knows, agriculture is a critical part of what goes on in their watershed. He wanted to address briefly the soil disturbance standards that the SADC is getting ready to propose. First he would like to applaud the efforts by the SADC on this. He knows the efforts that it has been dealing with since Garden State Growers – that is the last time he appeared before this Committee. The Watershed Association is very concerned about that link between soils and soil quality and water quality. Obviously soil and water quality and agricultural viability are all inextricably linked. For him, the water quality issue is very critical and without healthy soils we don't have healthy water, it is just that simple. His watershed has about 370,000 residents. Eighty percent of them rely on ground water but there are 1.5 million people outside of the watershed who rely on Spruce Run and Round Valley Reservoirs, which are in his watershed, for drinking water. So that link between the quality of agricultural soils in his watershed and the drinking water for well over 1.5 million people is absolutely vital. He would like to suggest to the SADC, and he realizes that this has not been released for public comment yet, but he wanted to try to get ahead of it, they are very concerned that the 10 percent limitation is significantly too high for soil disturbance. They know from studies done by Rutgers and other research universities that at 10 percent impervious cover, and he realizes that soil disturbance covers more than just impervious cover, but at 10 percent impervious cover they see significant impairment to local streams. Ten percent is all it takes. So the limitations that the SADC proposes would not guarantee but certainly allow for the impairment of local streams, which is a huge concern. Those local streams, those headwater streams, are the vital link in ensuring water quality because if we start out polluting the headwater streams we don't have an opportunity to get it clean later on. If the Committee is not aware, the plumbing for Spruce Run and Round Valley Reservoirs is the South Branch of the Raritan River. There is no hard plumbing. There is hard plumbing to get water up to Round Valley Reservoir but the outtakes for the water companies are downstream of the reservoirs so the North Branch and the South Branch are the plumbing, so that the water quality issues are critically important. There is no point in that water supply system where the water gets pulled out and you don't have to worry about the water being polluted anymore; it simply doesn't happen.

Mr. Kibler stated that we are obviously not talking about unpreserved farms here but preserved farms so these are very important properties. As a watershed association, they have always supported the agricultural industry, as well as preserving farms but when we are spending public money to preserve these farms, the public then has an interest in how the properties are managed long-term for the public good, and that includes the soils. The only other thing he wanted to add was that he noticed, if he understood the notice correctly, that the SADC had exempted solar installations from the soil disturbance standards. He would caution that not all solar installations are the same. There is no single industry standard for construction of solar arrays. Some construction of solar arrays may not result in soil disturbance and some will. It depends on individual construction practices. He would not automatically exempt the installation of solar arrays on preserved farms from these regulations. Make the developer come and make the case with the SADC. Do a little research or he would be happy to do it for the SADC.

Mr. Siegel asked if Mr. Kibler is suggesting that soil disturbance standards might be regionally adjusted and perhaps they should be different in different regions. Mr. Kibler stated that he has not been asked that question before but he would not want to go out on a limb and try to speak for South Jersey because the reality of it is that he doesn't pretend to understand the watershed down there. He does know northern New Jersey, that is his area of expertise, and he will say for the 470 square miles of his watershed, 10 percent is much too high. He felt a 5 percent limitation would be much more in line with what they know scientifically to be feasible in terms of what won't impact or what will have less of an impact on water quality. Mr. Siegel stated that when you are talking about these water quality standards, you are talking about impervious coverage and its interaction with runoff. Mr. Kibler stated that the studies they have seen are particular to impervious cover and before the Committee comes back and takes public comment, he will make sure he does his homework and come back and talk about some of the other things but looking through the soil disturbance proposal it would include impervious cover so you potentially have that. Mr. Siegel stated that soil disturbance might also include landscaping use and the ability of the surface to absorb water isn't really affected. Mr. Kibler stated that he would go back and do the research. That wasn't how he understood the way the Committee defines soil disturbance and he wasn't present for the presentation. As he understood the definition of soil disturbance in the proposed regulation, it is specifically looking at soil practices that would be a real concern to him in terms of their impact on water quality. Whether they directly result in impervious coverage the way that Garden State Growers did or it is some other disturbance to the soil where it doesn't function the way it normally would, either one would be a concern.

Mr. Riewerts stated that he would like to leave copies of his response to Ms. Bartok's letter for the Committee in case anyone is interested in reading it. Ms. Payne asked Ms. Tribble if a copy of the testimony she made today is provided. Ms. Tribble stated no, she is sending it to the Governor's Office but she would provide the SADC with a copy.

Ms. Rue asked if the SADC could put the link for Mr. Johnson's video on the website so that anyone from the public who is interested could watch it. Ms. Payne responded she would do that.

Ms. Payne stated that before moving on to new business, staff did receive a request from Mr. Riewerts and Ms. Tribble requesting reconsideration of the SADC's December resolution with respect to relocating the driveway. We acknowledge the fact that they had not been provided the NRCS letter in a timely fashion. That was just a staff error on our part. We have provided an email back to them that says the following:

"We've received your request for reconsideration of the SADC's recent final decision to deny the request to relocate the driveway on the Santini farm as proposed. We recognize that you did not receive a copy of the NRCS letter dated November 17th in a timely fashion and as such we will accept any new information you would like to submit on the matter for SADC review. Upon completion of its review of any such information submitted the SADC will decide whether to reconsider the matter. We would request that any additional information be submitted by February 16, 2015. If you require additional time please let us know." Ms. Payne stated that is where we are. That was staff's reply to the parties on last Friday in response to their January 7th request for reconsideration. Administratively that is how we are handling the matter at the moment. Chairman Fisher reopened public comment so that Ms. Tribble could make additional comments. Ms. Tribble stated that they did receive the letter on Friday and what was notable to them about it is that it did not say that the vote was going to be set aside. As they understand it, if the Governor approves the minutes, which should take place within the next 10 days, then we start a 45-day clock for them to file a court action. They really don't want to be lulled into complacency without a promise that the SADC will set aside the vote and that we are starting anew with the new information they provided from their response to Ms. Bartok's letter because they could miss the 45 day clock thinking that the SADC is going to open the matter. She thinks they are done at this point unless the vote is set aside because they would really need to focus their attention on the filings that are coming up in short order. Chairman Fisher stated that he knows of no motion by any Committee member to set aside the decision of the last meeting. Ms. Tribble stated that is fine and they are where they are.

NEW BUSINESS

A. Eight Year Farmland Preservation Program – Renewals and Terminations

Ms. Payne referred the Committee to the Eight Year Farmland Preservation Program Summary Sheet showing the following renewals and terminations:

RENEWALS

1. Michele C. Collins, SADC # 0805-20M-01/08-0016-8M
Franklin Township, Gloucester County, 8.54 Acres
Soil and Water Conservation Cost Share Eligibility (subject to available funding):
\$5,124.00
2. Alex E. Clemick, Jr., SADC # 0805-21M-01/08-0017-8M
Franklin Township, Gloucester County, 34 Acres
Soil and Water Conservation Cost Share Eligibility (subject to available funding):
\$20,400.00

Note: This property is permanently preserved through the County only. It is not enrolled in any of the SADC's permanent preservation programs and it was preserved without SADC cost share funds. The only way for the landowner to access soil and water conservation cost share grants is to also enroll in the eight-year farmland preservation program.

3. Columbia Fruit Farm, SADC # 0113-84F-01/01-0018-8F
Town of Hammonton, Atlantic County, 17.63 Acres
Soil and Water Conservation Cost Share Eligibility (subject to available funding):
\$1,763.00
4. Thomas Nivison, SADC # 1507-01F-01/15-0001-8F
Toms River Township, Ocean County, 7.3 Acres
Soil and Water Conservation Cost Share Eligibility (subject to available funding):
\$4,378.80

Note: This property is permanently preserved through the County only. It is not enrolled in any of the SADC's permanent preservation programs and it was preserved without SADC cost share funds. The only way for the landowner to access soil and water conservation cost share grants is to also enroll in the eight-year farmland preservation

program.

TERMINATIONS

1. Louis and Elizabeth Condo, SADC # 0113-86F-01/01-0020-8F
Town of Hammonton, Atlantic County, 116.57 Acres
Soil and Water Conservation Cost Share Eligibility: \$41,657.00
Funds Expended: \$29,084.99

Ms. Payne indicated that no Committee action was needed and this was for informational purposes only.

B. Stewardship

1. Residual Dwelling Site Opportunity – Comment Only
 - a. Lyness Farm, Alexandria Township, Hunterdon County

Mr. Roohr referred the Committee to his Memorandum dated January 14th regarding a request to exercise a residual dwelling site opportunity (RDSO) by Gerald and Nancy Lyness, owners of Block 13, Lot 8.04 in Alexandria Township, Hunterdon County. The owners propose to construct the RDSO to provide onsite housing for their son, Daniel Lyness, who is the full-time operator of the dairy operation on the farm. The proposed house has a 30 x 80 footprint, would be located near the existing farmstead complex and would utilize the existing farm lane for access. It would be a single-story residence comprising an approximately 2,400 square foot house.

Mr. Roohr stated that the property was preserved in 2003 and comprises 106 acres with no existing residences onsite. Staff finds that the proposed RDSO home is for someone actively engaged in the agricultural production aspects of the operation, the amount and type of production occurring supports the request and its location is not detrimental to the continued agricultural use of the property. Mr. Roohr stated that because this request was received after the December SADC meeting and has a regulatory deadline before the January meeting, staff prepared a letter to the CADB outlining its favorable comments on this request prior to the January 19th deadline. The memorandum provided to the Committee today was to advise the Committee of staff's action in this matter.

It was moved by Mr. Johnson and seconded by Mr. Germano to approve the request by Gerald and Nancy Lyness, owners of Block 13, Lot 8.04, Alexandria Township, Hunterdon County, 106 Acres, to exercise a residual dwelling site opportunity on said

property as presented and discussed. The motion was unanimously approved. (A copy of the Memorandum dated January 14, 2015 is attached to and is a part of these minutes.)

C. Resolution for Final Approval – Municipal Planning Incentive Grant Program

Mr. Knox referred the Committee to two applications for final approval under the Municipal Planning Incentive Grant Program. Mr. Knox reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Schilling and seconded by Mr. Requa to approve Resolution FY2015R1(1) and Resolution FY2015R1(2) granting final approval to the following applications under the Municipal Planning Incentive Grant Program as presented and discussed, subject to any conditions of said Resolutions:

1. Diane McSwain, SADC # 08-0158-PG (Resolution FY2015R1(1))
Block 5702, Lot 83, Franklin Township, Gloucester County, 20 548 Net Surveyed Easement Acres
State cost share of \$3,220 per acre (68.51 percent of the certified market value), for an estimated total grant need of \$66,164.56, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C." The Property includes a 0.39-acre nonseverable exception for future flexibility with no residential opportunities, one existing single-family residence, zero agricultural labor housing and no pre-existing nonagricultural uses on the area to be preserved outside of the exception area.

Mr. Johnson stated that this is a big track with a lot of roads and buildings. How does this fit in our draft soil disturbance regulations? Mr. Everett stated that staff did look at this and even if that track was considered disturbed the farm would still be in compliance because properties less than 25 acres can have a greater proportion of disturbance under the draft rules. If that track was not disturbed then he would have a lot more room but even with it included he would still be compliant with the draft. Chairman Fisher stated that even if it hadn't fit it wouldn't be an issue right now. You cannot penalize someone on a rule that doesn't exist. They have to go by what is existing at the time. He cannot imagine that we would turn them down based on a proposal that has not happened yet. Mr. Johnson asked what the percentage of disturbance is on this farm. Mr. Everett stated that counting the track it was 1.6 acres of disturbance and he would have another acre left to go.

Mr. Johnson stated that this is a dirt track but what they do prior to putting that top on is what we are counting. He doesn't know what is under that dirt, do you? Mr. Knox stated that the landowner advised that it was just dirt and that they did not put any base down or anything. Mr. Johnson asked if he believed that and did you dig? Mr. Knox stated that he did not dig. Mr. Johnson stated that he doesn't know anyone who builds a horse track like that – they make those things dead level so they have to put something down and that means soil disturbance. Mr. Everett stated that he didn't say it didn't count as soil disturbance; what he said was let's assume it does count as disturbance, he would still have another acre of disturbance left to go.

2. Russo Homes, LLC, SADC # 08-0179-PG (Resolution FY2015R1(2))
Block 14, Lot 12, Woolwich Township, Gloucester County, 58 668 Net
Surveyed Easement Acres
State cost share of \$4,844.84 per acre (21 percent) for a total grant need of \$284,236.72, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C." The Township has been informed of the fact that there is no opportunity for future reimbursement of the shortfall of funds. The property includes one 1.5-acre severable exception limited to one single-family residence, zero single-family residences, zero agricultural labor units and no pre-existing nonagricultural uses outside of the exception area.

Discussion: To date \$1,750,000 of FY09-FY13 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Plan. Woolwich Township has expended \$1,465,763.28 of its SADC grant funds to date leaving a cumulative balance of \$284,236.72. Based on the agreed per-acre price of \$23,000, the SADC's cost share would have been \$13,800 per acre for a total of \$809,618.40. The Township's available balance is \$284,236.72 resulting in a shortfall of \$525,381.68, which both the County and Township have agreed to share.

The motion was unanimously approved. (Copies of Resolution FY2015R1(1) and Resolution FY2015R1(2) are attached to and are a part of these minutes.)

D. Resolution for Final Approval – County Planning Incentive Grant Program

Mr. Knox referred the Committee to one application for final approval under the County Planning Incentive Grant Program. Mr. Knox reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Germano and seconded by Mr. Requa to approve Resolution FY2015R1(3) granting final approval to the following application under the County Planning Incentive Grant Program as presented and discussed, subject to any conditions of said Resolution:

1. Estate of Mary Kinney, SADC # 21-0566-PG (Resolution FY2015R1(3))
Block 6, Lot 1, Knowlton Township
Block 508, Lot 7, Blairstown Township
Warren County, 35.059 Net Acres
State cost share of \$3,700 per acre (66.07 percent of the purchase price), for a total grant need of \$133,607 (\$41,903.17 from FY2013 base grant funds and \$91,703.83 from FY2013 competitive grant funds), pursuant to N.J.A.C.2:76-6.11 and the conditions contained in Schedule "C." The property has a 1.5-acre nonseverable exception area for, and is limited to, one single-family residence; zero single-family residences; zero agricultural labor units, and no pre-existing nonagricultural uses on the area to be preserved outside of the exception area.

Discussion: The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 36.11 acres will be utilized to calculate the grant need.

The motion was unanimously approved. (A copy of Resolution FY2015R1(3) is attached to and is a part of these minutes.)

E. Resolutions for Final Approval – State Acquisition Program

Chairman Fisher left the meeting at this point in time.

Ms. Winzinger referred the Committee to three applications for final approval under the State Acquisition Program. Ms. Winzinger reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Schilling to approve Resolutions FY2015R1(4) through Resolution FY2015R1(6) granting final approval to the following applications under the State Acquisition Program as presented and discussed, subject to any conditions of said Resolutions:

1. Ed Stella, Jr., SADC # 17-0256-DE (Resolution FY2015R1(4))

Block 60, Lots 7, 12, 14, 15, 16.01, 17 (Stella Farm # 2)
Upper Pittsgrove Township, Salem County, 264 Net Easement Acres
Acquisition of the development easement at a value of \$6,970 per acre for a total of approximately \$1,840,080, subject to the conditions contained in Schedule "B." The property has been allocated one residual dwelling site opportunity and includes one single-family residence, one single-family agricultural labor residence, and no pre-existing nonagricultural uses on the area to be preserved. In order to be able to continue to utilize the existing farm lane to provide access between the compost production and storage area (Block 60, Lot 11 and Block 60, Lot 16) after the time of preservation, it is recommended that the landowner record an access easement providing for such access and use prior to the recording of the Farmland Preservation Program deed of easement. The landowner's recording of an access easement as described above shall not be a prerequisite to the Farmland Preservation Program closing, but failure to record such easement will eliminate the right of the owner, or successors in title thereto, to utilize the farm lane for such purpose after the entry of the subject property into the Farmland Preservation Program (Schedule "A"). The landowner shall cause to be recorded a 50 foot wide access easement over a small portion of Lot 16, to provide access from Lot 16.01 to Lot 17 for agricultural purposes, which shall be approved by the Committee and recorded by the landowner prior to the Farmland Preservation Program closing.

Discussion: At this time access between Block 60, Lots 16.01 and 17 is accomplished by passing over a small portion of Lot 16, which is not included in the area to be preserved. Therefore, it will be necessary for the landowner to record prior to closing a 50 foot wide access easement over a small portion of Lot 16 to provide access from Lot 16.01 to Lot 17 for agricultural purposes. Currently the landowner conducts a composting operation on Block 60, Lot 11 and stores finished composted materials on adjacent land that he owns, Block 60, Lot 16 (neither lot being included in the application for farmland preservation), and utilizes an existing dirt farm lane located on Block 60, Lots 7, 14 and 16.01 (which are included in the application for farmland preservation) to connect the compost production area to the compost storage area (Schedule A). In order to be able to continue to utilize the existing farm lane to provide access between the compost production and storage areas (Block 60, Lot 11 and Block 60, Lot 16) after the time of preservation, it is recommended that the landowner record an access easement providing for such access prior to the recording of the Farmland Preservation Program deed of easement.

2. Gladys A. Lillya, Donna L. Madara, Martin Lillya and Bonnie Dunn,
SADC # 17-0249-DE (Resolution FY2015R1(5))
Block 2, Lot 1; Block 25, Lot 8, Mannington Township, Salem County, 118 Net Easement Acres
Acquisition of the development easement at a value of \$5,100 per acre for a total of approximately \$601,800, subject to the conditions contained in Schedule "B." The property includes a one-acre nonseverable exception area limited to one single-family residence; zero single-family residences; zero agricultural labor units, and no pre-existing nonagricultural uses on the area outside of the exception area.
3. Conni J. Lape, Christine L. Rollo and Joseph G. Casper, Jr., SADC #17-0274-DE (Resolution FY2015R1(6))
Block 16, Lot 6; Block 40, Lot 10, Mannington Township
Block 7, Lot 3; Block 9, Lot 1, Alloway Township
Salem County, 98 Net Easement Acres
Acquisition of the development easement at a value of \$5,300 per acre for a total of approximately \$519,400, subject to the conditions contained in Schedule "B." The property has zero housing opportunities, zero exception areas, zero agricultural labor units and no pre-existing nonagricultural uses.

The motion was approved. (Chairman Fisher was absent for the vote.) (Copies of Resolutions FY2015R1(4) through Resolution FY2015R1(6) are attached to and are a part of these minutes.)

F. Request to Transfer Easements – Ridge and Valley Conservancy to Warren County – Dunne Farm, Motyka Farm, Black Farm and Kreger Farm

Mr. Knox referred the Committee to his Memorandum dated January 15, 2015 and Resolution FY2015R1(7) for a request by the Ridge and Valley Conservancy to assign four deeds of easement to Warren County for four farms. Mr. Knox stated that the Ridge and Valley Conservancy acquired development easements on the following farms:

1. Motyka Farm,
Block 1100, Lot 2300, Hope Township, Warren County
2. Kreger Farm, Block 1004, Lot 3, Hardwick Township, Warren County
Block 1301, Lot 22.01, Blairstown Township, Warren County
3. Dunne Farm, Block 69, Lot 22, White Township, Warren County

4. Black Farm, Block 101, Lots 10.08 and 10.22, Blairstown Township, Warren County

The properties were preserved between April 2003 and February 2007. The SADC provided nonprofit cost-share grant funds. The deeds of easement and project agreements allow the nonprofit to assign a deed of easement to the Federal government, the State, a local unit of government, or another qualifying tax-exempt nonprofit organization for farmland preservation purposes. The Ridge and Valley Conservancy would like to assign the deeds of easement to Warren County, and the Warren County Agriculture Development Board is in support of the assignment. The Warren County Board of Chosen Freeholders passed a resolution accepting the assignment. Staff recommendation is to approve the assignment with the condition that all assignment documentation must be reviewed and approved by the SADC.

It was moved by Mr. Germano and seconded by Mr. Siegel to approve Resolution FY2015R1(7) granting approval to the assignment of the above listed four farms' deeds of easement from the Ridge and Valley Conservancy to the Warren County Board of Chosen Freeholders, as presented and discussed subject to the condition that all documents required to complete the assignments shall be subject to review and approval by the SADC. The motion was approved. (Secretary Fisher was absent for the vote.) (Copies of Resolution FY2015R1(7) and the Memorandum from SADC Staff Daniel Knox dated January 15, 2015, are attached to and are a part of these minutes.)

G. Nonprofit Grant Program FY2016 Round Approval

Mr. Knox stated that staff is seeking Committee approval to proceed with publishing the FY2016 Nonprofit Notice of Availability of Grant Funds and Application Deadline in the *New Jersey Register*. Copies of the Memorandum and Notice of Availability of Grant Funds and Application Deadline document have been provided to the Committee for its review in advance of today's meeting.

Mr. Knox stated that in anticipation of future funding availability, the SADC seeks to determine nonprofit interest and funding requests for farmland preservation projects. The Notice of Availability of Grant Funds and Application Deadline would be published in the February 17th edition of the *New Jersey Register*. Nonprofits would then have 90 days, or until May 18th, to submit applications for 50 percent cost-share funding. Staff would then review the submissions and make a recommendation to the Committee at a subsequent meeting depending on what type of funding is available.

Ms. Payne stated that the referendum passed in November 2014 provides funds to all the conservation programs. What we don't know yet is what the actual allocations will be among those programs. Also, we don't know what the timing will be regarding submitting appropriation bills and actually getting funding approved for projects. This notice is in preparation so that we can be ready to go. This isn't just a feeler; this will be an actual application deadline so the nonprofits will definitely need to submit their applications to the SADC by this deadline if they want to be considered for funding whenever our next round of funding is.

It was moved by Mr. Siegel and seconded by Mr. Germano to grant authorization for SADC staff to proceed with publishing the FY2016 Nonprofit Notice of Availability of Grant Funds and Application Deadline in the February 17th edition of the New Jersey Register, as presented and discussed. The motion was approved. (Chairman Fisher was absent for the vote.) (Copies of the Memorandum from Mr. Knox dated January 8, 2015 and the FY2016 Notice of Availability of Grant Funds and Application Deadline are attached to and are a part of these minutes.)

PUBLIC COMMENT

None

TIME AND PLACE OF NEXT MEETING

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

Chairman Fisher returned to the meeting at this point in time.

CLOSED SESSION

At 10:20 a.m. Mr. Schilling moved the following resolution to go into Closed Session. The motion was seconded by Mr. Requa and unanimously approved.

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

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters - Certification of Values

County Planning Incentive Grant Program

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

Mr. Johnson recused himself from any discussion/action pertaining to the following farms to avoid the appearance of a conflict of interest. Mr. Johnson is a member of the Burlington County Agriculture Development Board.

1. Grace Abrams, SADC # 03-0403-PG
Block 1002, Lot 6, Tabernacle Township, Burlington County, 72 Acres
2. Abrams Homestead Farms, LLC, SADC # 03-0402-PG
Block 17, Lot 6, Shamong Township, Burlington County, 79 Acres
3. 22 Century Investments, LLC, SADC # 03-0401-PG
Block 701, Lot 7.04, Springfield Township, Burlington County, 69 Acres
4. Paul and Kathleen Wells, SADC # 03-0398-PG
Block 19.01, Lot 8.03, Shamong Township, Burlington County, 52 Acres
5. John and Tina Gatley, SADC # 03-400-PG
Block 19.01, Lot 8.01, Shamong Township, Burlington County, 47 Acres
6. Larry and Betty Roohr, SADC # 03-0399-PG
Block 701, Lot 6, Southampton Township, Burlington County, 58 Acres

The motion was approved. (Mr. Johnson recused himself from the vote.) (Copies of the Certification of Value Reports are attached to and are a part of the Closed Session minutes.)

Ms. Payne stated that for the record the Committee has decided to pull the Previtera Farm certification of value, subject to further information related to the environmental status of the property.

It was moved by Mr. Germano and seconded by Mr. Siegel to table the Certification of Values for the following applicant, as discussed in Closed Session:

7. Previtera Farms/Nedda Previtera Cashore, SADC # 08-0175-PG
Block 703, Lot 2, Logan Township, Gloucester County, 103 Acres

The motion was unanimously approved.

Remainder of Certification of Values

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

8. Herbert and Rowena Eckert, SADC # 17-0124-PG
Block 28, Lots 20, 24, 24.02; Block 29, Lots 2, 2.02
Elsinboro Township, Salem County, 44.43 Acres (Appraisal Order Checklist)
9. Susan Harris, SADC # 17-0133-PG
Block 3, Lot 46, Quinton Township, Salem County, 49 Acres
10. John M. Barton, # 2, SADC # 21-0564-PG
Block 13, Lot 9, Liberty Township
Block 102, Lot 3, Mansfield Township
Warren County, 67.51 Acres (Appraisal Order Checklist)
11. John M. and Cheryl Barton, # 3, SADC # 21-0565-PG
Block 13, Lots 6, 6.02, Liberty Township
Block 102, Lot 4.01, Mansfield Township
Warren County, 26.55 Acres (Appraisal Order Checklist)
12. Burke and Dinsmore (Lot 51.01), SADC # 21-0560-PG
Block 9, Lot 51.01, Harmony Township, Warren County, 80 Acres
Certification is subject to a further discussion regarding access along the State parklands.
13. Burke and Dinsmore (Lot 51.02), SADC # 21-0561-PG
Block 9, Lot 51.02, Harmony Township, Warren County, 17 Acres

14. Perie Thomas Thompson, SADC # 21-0559-PG
Block 67, Lot 16, White Township, Warren County, 35 Acres
15. Skip Smith # 2, SADC # 21-0562-PG
Block 18, Lot 26, Franklin Township, Warren County, 22 Acres

Municipal Planning Incentive Grant Program

1. Robert Kupelian, SADC # 17-0139-PG
Block 2003, Lot 22, Pittsgrove Township, Salem County, 35 Acres

Direct Easement Purchase Program

1. Brock Farm, SADC # 06-0067-DE
Block 501, Lots 7, 7.01, 9.02, Upper Deerfield Township, Cumberland County,
100 Acres
2. Dirt Capital Partners, LLC, SADC # 10-0227-DE
Block 41, Lot 17, Franklin Township
Block 4, Lot 3, Kingwood Township
Hunterdon County, 76 Acres (Appraisal Order Checklist)

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

B. Attorney/Client Matters

None

PUBLIC COMMENT

SADC Member Peter Johnson stated that he cannot speak for Ms. Brodhecker or Ms. Reade but he will speak for himself and possibly Mr. Danser who is not here today about the soil disturbance policy. He knows it is not a policy yet and that it is in the works. The rules are being written right now and he thinks it would be not proper for him to not say something because the agricultural community generally views this Committee as one that doesn't listen to agriculture. That is why he is here. His cell phone has been ringing hard since our last meeting regarding the proposed rule, from State Board members to farmers to Farm Bureau members, etc. It's to the point that he is neglecting his business

about this issue. Public testimony today was from, and maybe it is unfair to say, just from the environmental lobby in the public comment portion. He didn't want the Committee to leave this meeting thinking that is the only opinion that has been going around. There is a letter in the meeting packet from the New Jersey Farm Bureau. He suggested that everyone take the letter home and read it to get the Farm Bureau's spin on how they feel about how this Committee is doing. He received Mr. Danser's permission to share with the Committee that he also wrote a letter to Ms. Payne giving his position on the soil disturbance rule. The farming community is on fire about this and it will probably become apparent at the farmers convention in Atlantic City. Mr. Johnson stated that he didn't want the other Committee members to leave this room thinking that the testimony we heard today was the only testimony that was out there. He knows that there will be a lot of debate and there has been a lot of work put into this rule. Mr. Johnson thanked Mr. Everett for reaching out to him to get his feeling on the draft rule. Ms. Payne stated that staff reached out to all the members to see if they had more questions. She stated that at this point staff is opinion collecting. We are not pulling any wool here and we know the agricultural community is very concerned; we anticipated that and we understand that.

Mr. Johnson stated that as a member of this Committee he is representing all of agriculture, that is why he is here. The bodies of agriculture that form the governing bodies of agriculture in his county anyway, are also strongly opposed to this for a host of reasons.

Chairman Fisher stated that it is a body of work that took years to get to and you have to start from somewhere. The extremes go all the way from "don't do it all because we don't want this" to "well, I would like to know what the rules are so I can figure out how I can proceed in my operation." It is out there, there is a lot of trepidation but on the other hand it could ultimately be put in place in the middle of two extremes, or it may not happen at all or you may decide that we have to do something. That is where we are at. Everyone can be opposed to something but they don't even know what the final product may or may not be with a 60-day public comment period, and the board could still not decide. We are hearing a lot of comments all the way around. That is what this Committee is charged to listen to.

Mr. Siegel asked if we were going to hear from Rutgers before the agricultural convention regarding the 10 percent in the draft rule. Mr. Schilling stated that there isn't a Rutgers opinion but there are a lot of opinions. Rutgers will not be presenting an opinion. Mr. Siegel asked as a representative of Rutgers, what is your opinion? Mr. Schilling stated that he is concerned fundamentally about science. Some of the folks in the counties, the agents in the counties, have been calling him asking if the disturbance,

however it is classified, is leading to irreparable harm to the soils or is it the same as basically, one discussion was corn. If you ever go in a corn maze, they have had some of their staff doing compaction probes under the corn. That is a whole lot more compacted than it is in the lands where people run around, yet that land is farmed year after year based on normal tillage measures. Candidly, he is not going to represent the interests or an opinion of Rutgers but a lot of people have asked about science. They really are not concerned about the 10 percent because frankly they didn't have the benefit about the lengthy presentation we had here and all the numbers. The number out there is there are 16 or 17 noncompliant farms with the current proposal and some people have asked logistic questions – would you grandfather those farms? One issue, which he personally raised here and he sees both sides, is this essentially a new restriction being put forward that would retroactively affect farms or is it trying to clarify a provision in the deed of easement that pertains to you can't damage soil and water resources on the farm? He would say the biggest issue that he heard is the science – the agricultural productivity in soil science. Mr. Schilling stated that to be clear Rutgers isn't going to give a position.

Mr. Siegel stated that he understands Mr. Johnson's points but he would expand his language slightly. The agricultural community is not affected by it. The community of preserved farmland owners are affected by this. It is landowners who have received \$850 million from the taxpayers – the largest State/municipal investment in American history on the preservation of farms. They are the people being affected by this. So that context is important. He stated that he hasn't been to the State Board of Agriculture convention in a long time but he remembers that the context often gets forgotten. They have to remember that the taxpayers have a stake in what is going on on these properties. The easement says the soil resource is why we paid for it. We are on a continuing judgment here as to what damages to soil resources are. He thinks the policy is good or he would not have voted to let it go forward but his ears are open. He only just got the Farm Bureau letter now so he has to read it but having read it here, this proposal – the Farm Bureau's objections are not about the soil disturbance in his opinion. The Farm Bureau in this document says the SADC cannot regulate preserved farms, that is what this boils down to – you can't regulate what they do.

Mr. Siegel stated that he can tell you that Treasury firmly believes the SADC must regulate the taxpayer investment on preserved farm. The judgment call as to what is right or wrong is up to this Committee. But the fundamental point that sometimes is escaping is the SADC has a legal responsibility as well as an ethical one to regulate what occurs on preserved farms that is not regulated on open agriculture. If the farmers don't like that they shouldn't have taken the money or they shouldn't have bought a preserved farm at 30 cents on the dollar, whatever benefit they gained. The vast majority of farmers

understand this and they don't object. Nobody is building these kinds of things or doing as much – they are aberrations and we saw that in our own research. There are a couple of dozen of landowners out of thousands who are in the neighborhood of reaching these threshold limits. To us that becomes a negligible level. The letter from Farm Bureau is really upsetting to him. The more he reads it the more upset he gets and he thinks the same reaction would occur in Treasury because this letter suggests that the SADC can't even do this. If the State Board of Agriculture were to adopt this type of attitude and the Farm Bureau is influential with them, he would caution everyone to tell the State Board of Agriculture before it passes a resolution that this Farm Bureau message goes way too far.

Mr. Schilling stated that this isn't something that affects just preserved farmland owners. The Agriculture Retention and Development Act (ARDA) came out of concern for retaining and developing the industry. There are people who might look at farmland preservation as an avenue to meet whatever family objectives and to transition the farm to get an influx of capital to help modernize and if for whatever reason there is a policy signal in Trenton that discourages them from applying, then they are an affected party. He would just argue that point. Also, the issue here that you said you shouldn't have preserved the farm or shouldn't have bought a preserved farm at a discounted price, it is one of those things that yes, let the buyer beware. We have seen instances where auctioneers have tried to auction a preserved farm by promoting things that we do not permit. However, having said that it is one of those things where you and I shake hands over a car deal and he walks away thinking he is getting a car with tires and you say no, I'm giving you the car without the tires. You have to have a common understanding of the deal. The biggest problem here, and he thinks it is also the strength of the program, is that we have this ability to interpret not only ARDA but Right to Farm, which were passed concurrently and which he thinks speaks to the motivation that this was an industry retention effort. He looks at the spirit of the 1970s and 1980s that led to the development of these two programs. It is one of those things that he has heard often that preserving land is about the soils but on the other hand he also thinks it is part of a broader issue. The genesis of it came out of concern about the fate of the industry. He thinks this is very complex and frankly hardly anyone is talking about the actual percentage. There is an acknowledgment about there being some noncompliance issues if it were to go into effect today but what would we do with them, would they be grandfathered? But fundamentally it has been about the science and the perception of we shook hands on this but we might not have had a common understanding actually. Are you changing the rules of the game?

Mr. Schilling stated that our goal is to save more farmland. He has said all along that if

you look at how much the average size farm is, decade by decade it is going down. We are going to have to work harder and harder to get the next 200,000 acres and that is going to be predicated on people willing to go into the program. We are sitting here looking at legislative intent and the meaning of specific words. This is a tough job.

Mr. Siegel stated that he would like to send staff down to Atlantic City with this thought – that legislation is not yet written on how to spend the referendum money. There is a significant lobby, a significant amount of pressure on these legislators to exclude farmland preservation from the funding formula period – eliminate it. He doesn't believe the sponsors are there and he knows that one of the more important people has promised him that it isn't an issue but some type of hostile resolution on the SADC's prerogatives to protect the taxpayers' investments and preserved farms could be badly timed. If he wasn't worried about it he wouldn't have mentioned it. There isn't a bill but there is testimony from lobbyists who have a different point of view about funding this program.

Mr. Johnson stated that to counter Mr. Siegel's point about it is just the preserved farms that care about this, Mr. Jansen is a perfect example of where that is not true. The future of the Farmland Preservation Program is jeopardized by this as far as who may be willing to get in. As the owner of two preserved farms, if this had come along prior to that he doesn't know if he would have been so willing. It is because of the percentage being too low and the problem with these 17 operations who we really haven't talked about too much that are already in excess of the 10 percent. What happens to them? Your argument is grandfathering, but what happens when they want to build a port-a-potty after that and they are already in excess? Are we changing the deal after the fact? As the owner of two preserved farms he feels yes, that the deal is significantly being changed and what is it going to do to the program in the future. The general public paid for development rights, they didn't pay for ground. Mr. Siegel stated that they paid for the easement. Mr. Johnson stated that if you read the deed of easement it says, at least what he was told when he preserved, is that they were buying his development rights, we're not buying your ground, it is still private property and you can sell it to whomever you choose. The farming community feels that this Committee spends way too much time on the taxpayers' input into this program and not nearly enough time on what it takes for agriculture to remain viable in the future. He is just telling you what is out there. People are shouting in his ear and they want him to come and shout into the Committee's ears.

Mr. Waltman stated that he hopes this board is not spooked by the loudest voices on either side at this point. A lot of work was done on this and he is tired of hearing from the same people in the same context that if you want to regulate me then pay for it and in the next breath they are saying forget that you paid for it, it is my God-given right to do as I

see fit to farm it. That is what he feels like we are hearing now. Yes, we paid for development rights but very explicitly we paid to preserve soil and very explicitly the rule was that you can't harm drainage, i.e., water. Governments are created to interpret the rules over time as circumstances change. That is what we are doing here. It isn't just an issue for people who own preserved farms, it isn't just an issue for people who farm. How many people live in this State, eight million? This is a public investment. We have to be broadminded here. If the public felt or feels that their money is going into preserving something and there are no restrictions on it, which is what the Farm Bureau is arguing, you can't regulate it, then it's a bad investment. That is an easy call. Mr. Requa stated that it is a public investment and it is a massive amount of public investment dollars and the taxpayers deserve to find or at least see a return on investment. If we continue to get in the way of that kind of entrepreneurial spirit, that is going to be an unfair or an inequitable investment on the part of taxpayers if they're not going to see something in terms of products and things being produced on the farm, so there has to be a balance. We have to get both sides of the argument. Mr. Waltman stated that there are a lot of things that happened today that could undermine the use of these preserved farms, these investments, 10, 20 and 30 years down the road. That is the strongest argument for a policy because we are trying to preserve the opportunity to have productive agriculture down the road and if you let people do things that undermine the next generation's agricultural activity then we have lost some of these practices, particularly the hard impervious surfaces do that.

Mr. Germano stated that he is concerned that the farmer members of the Committee are telling us that if we don't come up with something that the agricultural community accepts, that it will affect future enrollments. But Mr. Waltman makes a point in that all the taxpayers in this state have to keep voting yes when there are bond issues and they have to feel that they are getting something for their money. Former Secretary of Agriculture Charles Kuperus stated something to him that he never forgot. He said that happens whenever you govern. He doesn't agree with the notion that we are changing the deal and he definitely doesn't agree with the notion that we don't have the right to do this. That easement says that the owner of that farm can't do anything that is detrimental to soil and water conservation. Since it is this Committee's function to, we call it stewardship, he feels we are completely within our rights and we may even be obligated. As the courts would say, what is the standard? So we have to do this, we are entitled to do this and he doesn't know how to do this without making everybody mad and think that we are doing something wrong.

Ms. Payne stated that she feels we will get there, we did what we needed to do, we did a lot of homework, we did a lot of thinking and we created something for people to shoot

at. All she can say back to the agricultural community is that she would like to hear from them one on one, not whispering down the lane, and we will reach out and talk and really understand that we need feedback. We want this to be a rule that works for the agricultural community and protects the public interest. She doesn't think that these two things are mutually exclusive. We cannot walk into court again and say we didn't see this coming. That is no longer a defense. So legally we have to do something she thinks.

ADJOURNMENT

There being no further business, it was moved by Mr. Siegel and seconded by Mr. Germano and unanimously approved to adjourn the meeting at 12:15 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Susan E. Payne".

Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

S:\MINUTES\2015\REG Jan 22 2015.doc

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R1(1)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

FRANKLIN TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Diane McSwain ("Owner")
Franklin Township, Gloucester County

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

SADC ID# 08-0158-PG

January 22, 2015

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted approval to Franklin Township's Farmland Preservation FY15 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on November 2, 2012, the SADC received an individual application for the sale of a development easement for the McSwain Farm, identified as Block 5702, Lot 83, Franklin Township, Gloucester County, totaling 20.548 net surveyed easement acres, hereinafter referred to as the "Property" (Schedule A); and

WHEREAS, the Property is located in the Township's Central Project Area; and

WHEREAS, the Property includes a 0.390-acre non-severable exception for future flexibility with no residential opportunities; and

WHEREAS, the Property has one (1) existing single family residence, zero (0) agricultural labor housing and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area; and

WHEREAS, the Property is currently an equine operation with approximately 13.6 acres in production as pasture; and

WHEREAS, the Property also includes other production activities including breeding and training approximately 11 horses for sale; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on January 23, 2013 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 26, 2013 the SADC certified a development easement value of \$4,700 per acre based on zoning and environmental regulations in place as of May 2013; and

WHEREAS, the Township has contracted with the landowner for the certified value of \$4,700 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on October 28, 2014 the Franklin Township Committee approved the preservation of the farm and is contributing \$740 per acre (15.74%); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on December 4, 2014 the Gloucester CADB passed a resolution granting final approval to the acquisition of the development easement on the Property; and

WHEREAS, on December 17, 2014, the Gloucester County Board of Chosen Freeholders approved a resolution to acquire the development easement on the Property with a contribution of \$740 per acre (15.74%); and

WHEREAS, to date \$1,750,000 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Plan; and

WHEREAS, to date Franklin Township has expended \$1,354,377.99 of its SADC grant funds, leaving a cumulative unencumbered balance of \$395,622.01 (Schedule B); and

WHEREAS, Franklin Township has two other projects pending against this balance; and

WHEREAS, the cost share breakdown is approximately as follows (based on 20.548 surveyed acres):

	<u>Total</u>	
SADC	\$66,164.56	(\$3,220/acre; 68.51%)
Franklin Township	\$15,205.52	(\$ 740/acre; 15.74%)
Gloucester County	\$15,205.52	(\$ 740/acre; 15.74%)
Total Easement Purchase	\$96,575.60	(\$4,700/acre)

WHEREAS, the Township is requesting \$66,164.56 from the available municipal PIG funding, resulting in a balance of \$329,457.45; and

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

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

WHEREAS, the municipality is not eligible for 50% of the eligible ancillary costs for the purchase of a development easement because the costs were incurred by the county and not the municipality;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Franklin Township for the purchase of a development easement on the Property by Gloucester County, comprising 20.548 surveyed acres, at a State cost share of \$3,220/acre, (68.51% of certified market value), for an estimated total grant need of \$66,164.56 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes a 0.39-acre non-severable exception for future flexibility with no residential opportunities; one (1) existing single family residences, zero (0) agricultural labor housing and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area; and

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

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

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

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

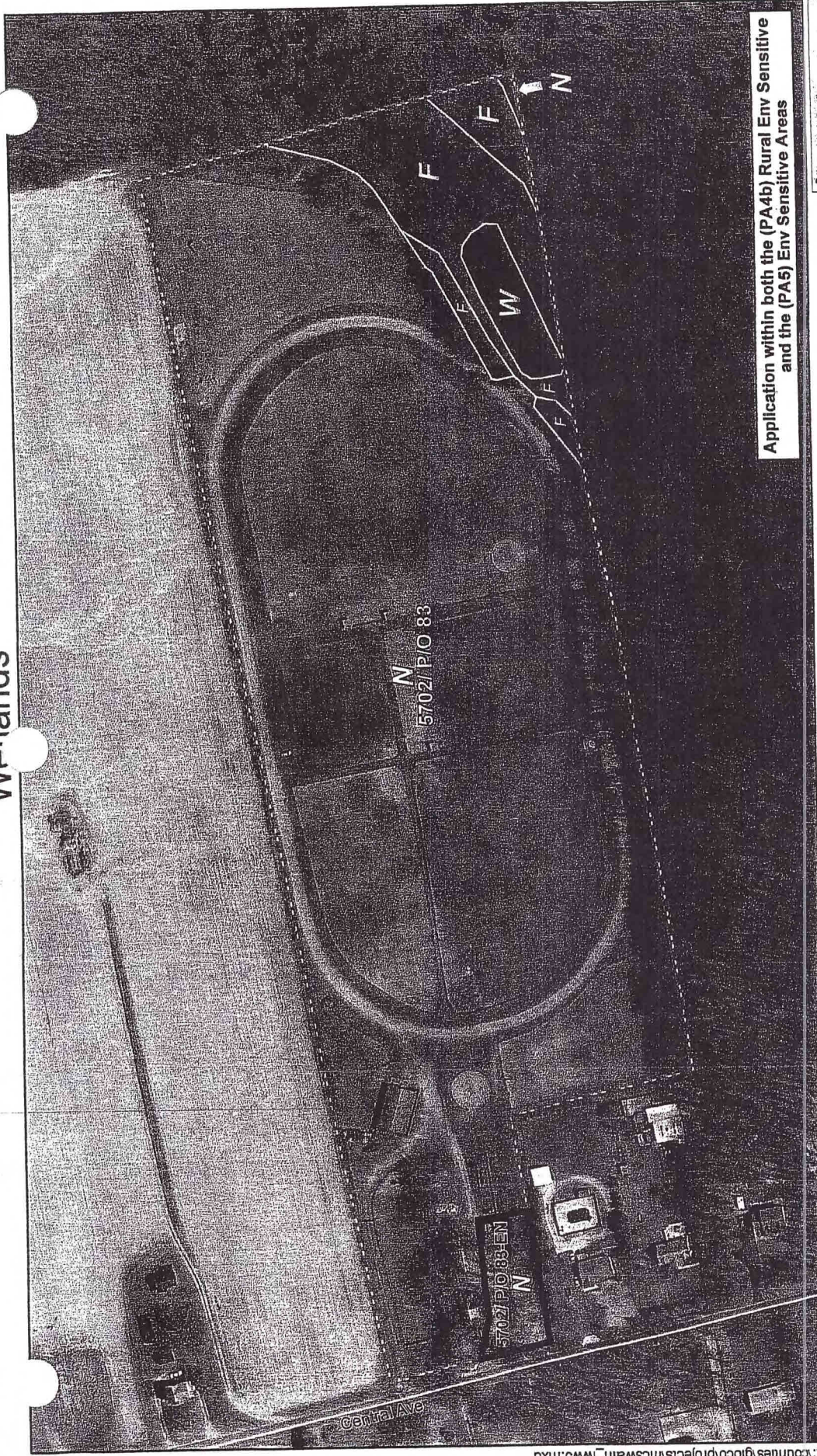
1/22/15
Date

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

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands



EAPMI AND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Diane McSwain
Block 5702 Lots P/O 83 (20.3 ac) & P/O 83-EN (non-severable exception - 0.4 ac)
Gross Total = 20.8 ac
Franklin Twp., Gloucester County



- Property In Question**
- BL - (Non-Severable) Exception
 - ES - (Severable) Exception
 - Wetlands Boundaries
 - Primary / Limited Access
 - Federal or State Hwy
 - County Roads
 - Municipal/Local Roads
 - Private / Non-Profit
 - Preserved Open Space
 - State Owned Conservation Easement
 - State Owned OIS & Recreation Easement
 - Severed FDCs

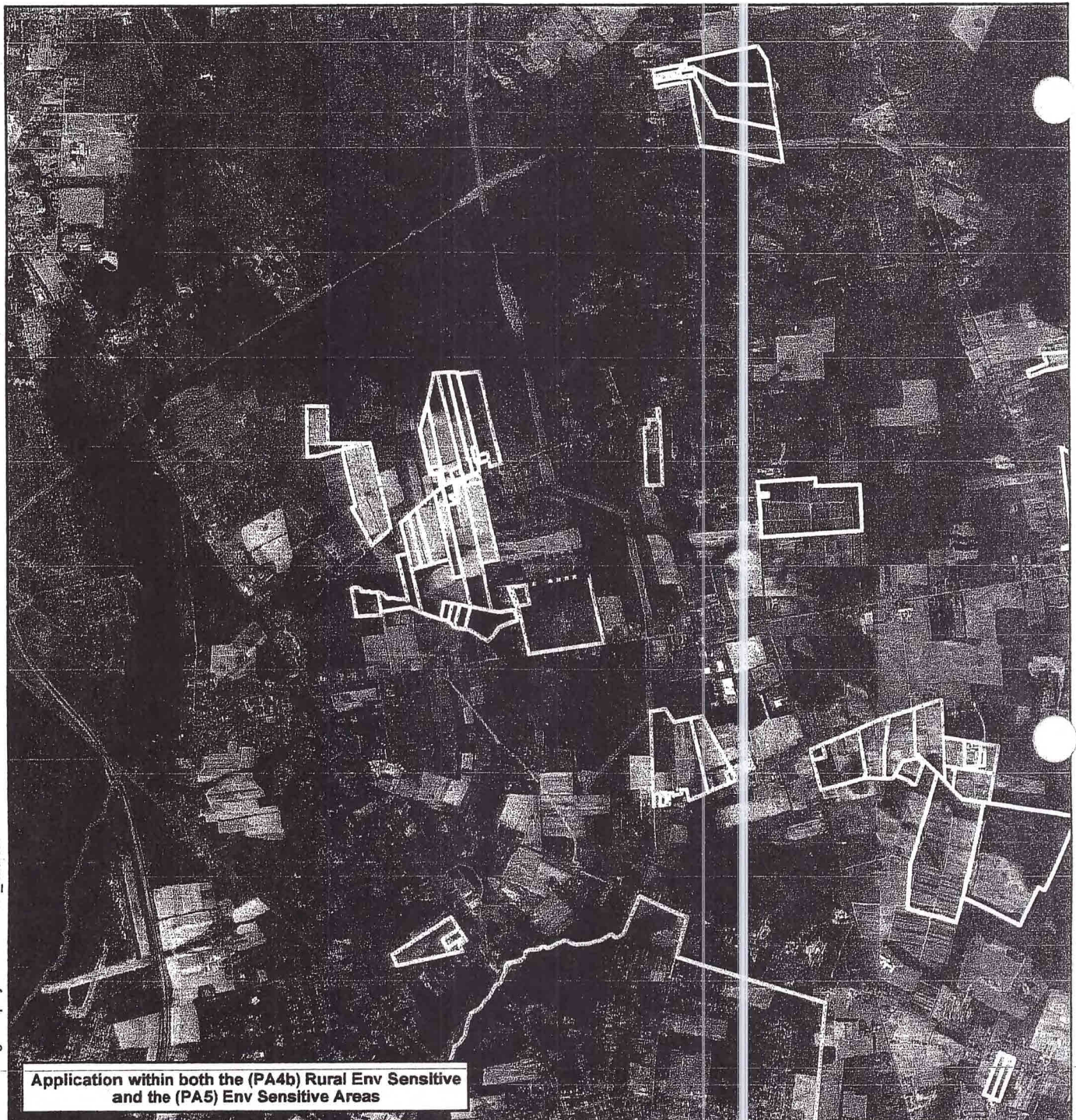
Wetlands Legend:
 F - Freshwater Wetlands
 W - Water
 M - Marsh
 S - Swamp
 T - Tidal Wetlands
 B - 300' Buffer
 W - Water

Sources:
 NDEP Freshwater Wetlands Data
 NDEP Tidal Wetlands Data
 NDEP Marsh Data
 NDEP Swamp Data
 NDEP 2012 Digital Aerial Image
 December 1, 2014

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 map are based on the GIS data contained in this file and are not 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.

Preserved Farms and Active Applications Within Two Miles

x:\counties\gloucester\projects\mcswain2_2mile.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Diane McSwain
Block 5702 Lots P/O 83 (20.3 ac) & P/O 83-EN (non-severable exception - 0.5 ac)
Gross Total = 20.8 ac
Franklin Twp., Gloucester County

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

NOTE:

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



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
DVRPC 2010 Digital Aerial Image
NJOT/OGIS 2007/20008 Digital Aerial Image

September 18, 2012

Schedule B

Municipal Planning Incentive Grant Franklin Township, Gloucester County

Farm	SADC ID#	Acres	Pay Acres	SADC BEA	SADC Curt	SADC FEA	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Grants Per Acre	Easement Contingent	Cost Basis	Cost Share	Encumbered	733 (GSP)	Extended	Balance
Genna	08-0121-PG	48.740	49.398	03/30/10	05/27/10	11/04/10	7,000.00	7,000.00	4,400.00	62.86%	345,786.00	345,786.00	217,351.20		171,989.26	1,578,010.74	
Gallagher	08-0122-PG	46.000	42.817	01/22/10	09/23/10	02/07/11	7,000.00	7,000.00	4,400.00	62.86%	299,719.00	299,719.00	188,394.80		152,186.51	1,425,824.23	
Tweed South	08-0124-PG	65.800	63.741	02/18/10	09/23/10	02/07/11	6,000.00	6,000.00	3,900.00	65.00%	382,446.00	382,446.00	248,589.90		191,223.00	1,234,601.23	
Tweed North	08-0123-PG	60.200	56.701	02/18/10	09/23/10	02/07/11	6,000.00	6,000.00	4,200.00	63.64%	374,226.60	374,226.60	238,144.20		187,113.30	1,047,487.93	
Antelamy Estate (Genna, Gallagher, Tweed North, Tweed South)	08-0135-PG	25.180		11/16/11	04/27/12	03/28/13	5,000.00	5,000.00	3,400.00	68.00%	125,900.00	125,900.00	85,612.00		21,158.52	1,026,329.41	
Stiles	08-0136-PG	50.382		11/02/11	05/24/12	03/28/13	4,850.00	4,850.00	3,310.00	68.25%	244,352.70	244,352.70	166,764.42		85,612.00	940,717.41	
Bellone	08-0137-PG	38.315		11/17/11	05/24/12	03/28/13	1,410.00	2,699.00	1,989.30	73.71%	103,412.19	103,412.19	76,220.03		166,764.42	773,952.99	
Lenzi (used formula value)	08-0138-PG	9.582	9.582	11/03/11	04/27/12	09/26/13	7,500.00	7,500.00	4,650.00	62.00%	71,865.00	71,865.00	44,556.30		76,220.03	697,732.96	
Kargman II (lot 1/12)	08-0140-PG	7.283	7.283	11/03/11	04/27/12	09/26/13	9,000.00	9,000.00	5,400.00	60.00%	65,547.00	65,547.00	39,328.20		44,556.30	653,176.66	
Kargman IV (lot 18)	08-0134-PG	27.941	27.941	11/03/11	04/27/12	04/25/14	5,100.00	5,100.00	3,450.00	67.65%	142,499.10	142,499.10	96,396.45		39,328.20	613,848.46	
Kargman I (lot 8)	08-0139-PG	26.200	26.200	11/03/11	04/27/12	04/25/14	7,500.00	7,500.00	4,650.00	62.00%	196,500.00	196,500.00	121,830.00		18.90	517,452.01	
Kargman III (lot 14)	08-0139-PG	20.548	20.548	01/23/13	09/26/13	12/11/14	4,700.00	4,700.00	3,220.00	68.51%	96,575.60	96,575.60	66,164.56		0.00	395,622.01	
McSwain	08-0158-PG															329,457.45	

JCH 8/20/08

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

McSwain Farm
08- 0158-PG
PIG EP - Municipal 2007 Rule
21 Acres

Block 5702	Lot 83	Franklin Twp.	Gloucester County
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SOILS:	Other	10% *	=	.00
	Prime	90% *	=	13.50
			SOIL SCORE:	13.50

TILLABLE SOILS:	Cropland Pastured	79% *	=	11.85
	Other	5% *	=	.00
	Wetlands	9% *	=	.00
	Woodlands	7% *	=	.00
			TILLABLE SOILS SCORE:	11.85

FARM USE:	Horse & Other Equine	14 acres
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In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (.39) acres for around an existing structure
Exception is not to be severed from Premises
Exception is to be limited to zero existing
single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R1(2)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

WOOLWICH TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Russo Homes, LLC ("Owner")
Woolwich Township, Gloucester County

N.J.A.C. 2:76-17A. et seq.
SADC ID# 08-0179-PG

January 22, 2015

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of Woolwich Township's 2014 PIG plan annual update on May 23, 2014 ; and

WHEREAS, on December 27, 2013, the SADC received an individual application for the sale of a development easement from Woolwich Township for the Russo Homes, LLC Farm identified as Block 14, Lot 12, Woolwich Township, Gloucester County, totaling 58.668 net surveyed easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property includes one 1.5-acre severable exception limited to one single family residence; and

WHEREAS, the Property has zero (0) single family residences, zero (0) agricultural labor units and no pre-existing non-agricultural uses outside of the exception area; and

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

WHEREAS, the owner has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, Division of the Premises for farms with Non-Contiguous Parcels and Non-agricultural uses; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on March 28, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on June 26, 2014 the SADC certified a development easement value of \$23,000 per acre based on the current zoning and environmental regulations in place as of March 1, 2014; and

WHEREAS, the Township has contracted with the landowner for the certified value of \$23,000 per acre; and

WHEREAS, to date \$1,750,000 of FY09 - FY13 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Plan; and

WHEREAS, to date Woolwich Township has expended \$1,465,763.28 of its SADC grant funds leaving a cumulative balance of \$284,236.72 (Schedule B); and

WHEREAS, based on the agreed per acre price of \$23,000 the SADC's cost share would have been \$13,800 per acre for a total of \$809,618.40; and

WHEREAS, the Township's available balance is \$284,236.72 resulting in a shortfall of \$525,381.68, which both the County and Township have agreed to share; and

WHEREAS, Woolwich Township has no other projects currently pending against this balance; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on November 17, 2014 the Woolwich Township Committee approved the application and a funding commitment of \$532,677.10 or \$9,077.58 per acre; and

WHEREAS, the Gloucester County Agriculture Development Board approved the application on December 4, 2014 and secured a commitment of funding for \$532,677.10 from the Gloucester County Board of Chosen Freeholders for the required local match on December 17, 2014; and

WHEREAS, the cost share breakdown is approximately as follows (based on 58.668 net surveyed easement acres):

	<u>Cost Share</u>
SADC	\$284,236.72 (\$4,844.84 per acre; 21%)
Gloucester County	\$532,563.64 (\$9,077.58 per acre; 39.5%)
Woolwich Twp.	\$532,563.64 (\$9,077.58 per acre; 39.5%)
Total Easement Purchase	\$1,349,364.00 (\$23,000 per acre)

WHEREAS, the Township is requesting the remaining \$284,236.72 from the available municipal PIG funding, resulting in a zero balance; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC would normally provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement to be deducted from its PIG appropriation however, in this situation there is no money available for ancillary assistance;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Woolwich Township for the purchase of a development easement on the Property, comprising 58.668 net surveyed easement acres, at a State cost share of \$4,844.84 per acre (21%), for a total grant need of \$284,236.72 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that the Township has been informed of the fact that there is no opportunity for future reimbursement of the shortfall of funds; and

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

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

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

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

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

1/22/15
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands



X:\counties\gloucester\projects\russo_fw\fw.mxd

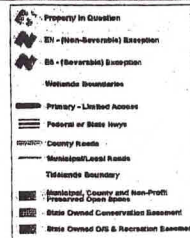
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Russo Homes, LLC/Vierek Farm
Block 14 Lots P/O 12 (55.0 ac)
& P/O 12-ES (severable exception - 1.5 ac)
Gross Total = 56.5 ac
Woolwich Twp., Gloucester County

500 250 0 500 1,000 Feet

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

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



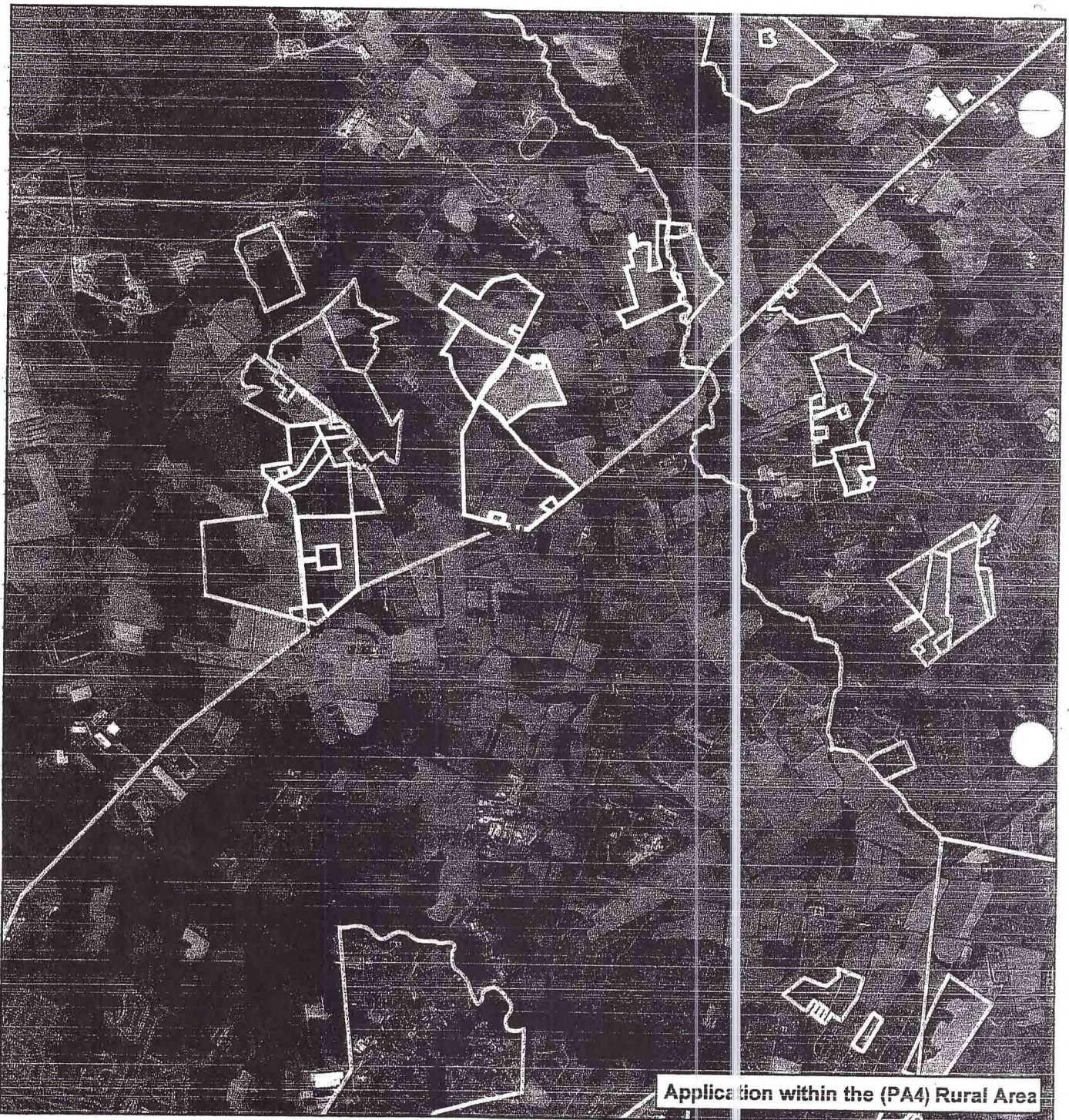
Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

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

February 4, 2014

Preserved Farms and Active Applications Within Two Miles

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Russo Homes, LLC/Vierek Farm
Block 14 Lots P/O 12 (55.0 ac)
& P/O 12-ES (severable exception - 1.5 ac)
Gross Total = 56.5 ac
Woolwich Twp., Gloucester County

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



NOTE:

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

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

February 4, 2014

Schedule R

Municipal Planning Incentive Grant
Woolwich Township, Gloucester County

Farm	SADC ID#	Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	SADC		Encumbered	09 - 579 & 11 & 13 585		Balance
							Cost Basis	Cost Share		PV	Expended	
Eastlack	08-0096-PG	47.540	15,500.00	15,500.00	9,300.00	736,870.00	724,005.00	434,403.00			434,403.00	1,750,000.00
VanderGracht	08-0149-PG	16.537	15,400.00	15,400.00	9,240.00	254,669.80	254,669.80	152,801.88	173,712.00	152,801.88	152,801.88	1,315,597.00
DeLuca Lot Investors	08-0178-PG	81.369	18,000.00	18,000.00	10,800.00	1,464,642.00	1,464,264.00	878,558.40	878,785.20	878,558.40	878,558.40	1,162,795.12
Russo Homes, LLC	08-0179-PG	58.668	23,000.00	23,000.00	4,844.84	1,349,364.00	1,349,364.00	284,236.72	284,236.72			284,236.72
												0.00
Total Pending	1	140.037						1,162,795.12				
Total Encumbered									284,236.72			
Closed/Expended	1	64.077								1,465,763.28		
Total												0.00
Reprogram Out												

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Russo Homes, LLC
08- 0179-PG
PIG EP - Municipal 2007 Rule
59 Acres

Block 14	Lot 12	Woolwich Twp.	Gloucester County
SOILS:		Other	5% * 0 = .00
		Prime	86% * .15 = 12.90
		Statewide	7% * .1 = .70
		Unique zero	2% * 0 = .00
		SOIL SCORE: 13.60	
TILLABLE SOILS:		Cropland Harvested	91% * .15 = 13.65
		Wetlands	6% * 0 = .00
		Woodlands	3% * 0 = .00
		TILLABLE SOILS SCORE: 13.65	
FARM USE:		Soybeans-Cash Grain	40 acres
		Vegetable & Melons	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: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (1.5) acres for Future housing
 - Exception is severable
 - Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 - No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R2(3)

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

On the Property of
Estate of Mary Kinney ("Owner")
Blairstown Township, Warren County

N.J.A.C. 2:76-17 et seq.
SADC ID# 21-0566-PG

January 22, 2015

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

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

WHEREAS, on April 23, 2014 the SADC received an application for the sale of a development easement from Warren County for the subject farm identified as Block 6, Lot 1, Knowlton Township, Warren County; Block 508, Lot 7, Blairstown Township, Warren County, totaling approximately 35.059 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Warren County's North Project Area; and

WHEREAS, the Property has a 1.5-acre non-severable exception area for and limited to one future single family residence; and

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

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

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

WHEREAS, the Property has a quality score of 64.40 which exceeds 41 which is 70% of the County's average quality score as determined by the SADC July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on June 23, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on November 13, 2014 the SADC certified a development easement value of \$5,600 per acre based on zoning and environmental regulations in place as of the current valuation date of 8/27/2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,600 per acre for the development easement for the Property; and

WHEREAS, currently the County has \$41,903.17 of FY13 base grant funding available, and is eligible for up to \$3,705,675.62 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, Blairstown Township approved the application for the sale of a development easement on December 10, 2014, but is not participating financially in the easement purchase; Knowlton Township approved the application for the sale of a development easement on December 8, 2014, and is also not participating financially in the easement purchase; the Warren County Agriculture Development Board approved the application on December 18, 2014 and the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and a commitment of funding for \$1,900 per acre per acre on January 14, 2015; and

WHEREAS, on November 21, 2014, Warren County prioritized its farms and submitted its application to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 36.11 acres will be utilized to calculate the grant need; and

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

WHEREAS, the Warren County Agriculture Development Board is requesting \$41,903.17 from its FY13 base grant and \$91,703.83 from its FY13 competitive grant funding, leaving an eligible competitive balance of approximately \$3,613,971.79 (Schedule B); and

WHEREAS, the estimated cost share breakdown is as follows (based on 36.11 acres); and

	<u>Cost Share</u>	
SADC	\$133,607	(\$3,700/ acre; 66.07% of CMV and purchase price)
Warren County	\$ 68,609	(\$1,900/ acre)
Total Easement Purchase	\$202,216	(\$5,600/ acre)

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Warren County for the purchase of a development easement on the Property, comprising approximately 36.11 acres, at a State cost share of \$3,700 per acre, (66.07% of purchase price), for a total grant need of \$133,607 (\$41,903.17 from FY13 base grant and \$91,703.83 from FY13 competitive grant) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

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

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

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

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

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

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

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

1/22/15

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

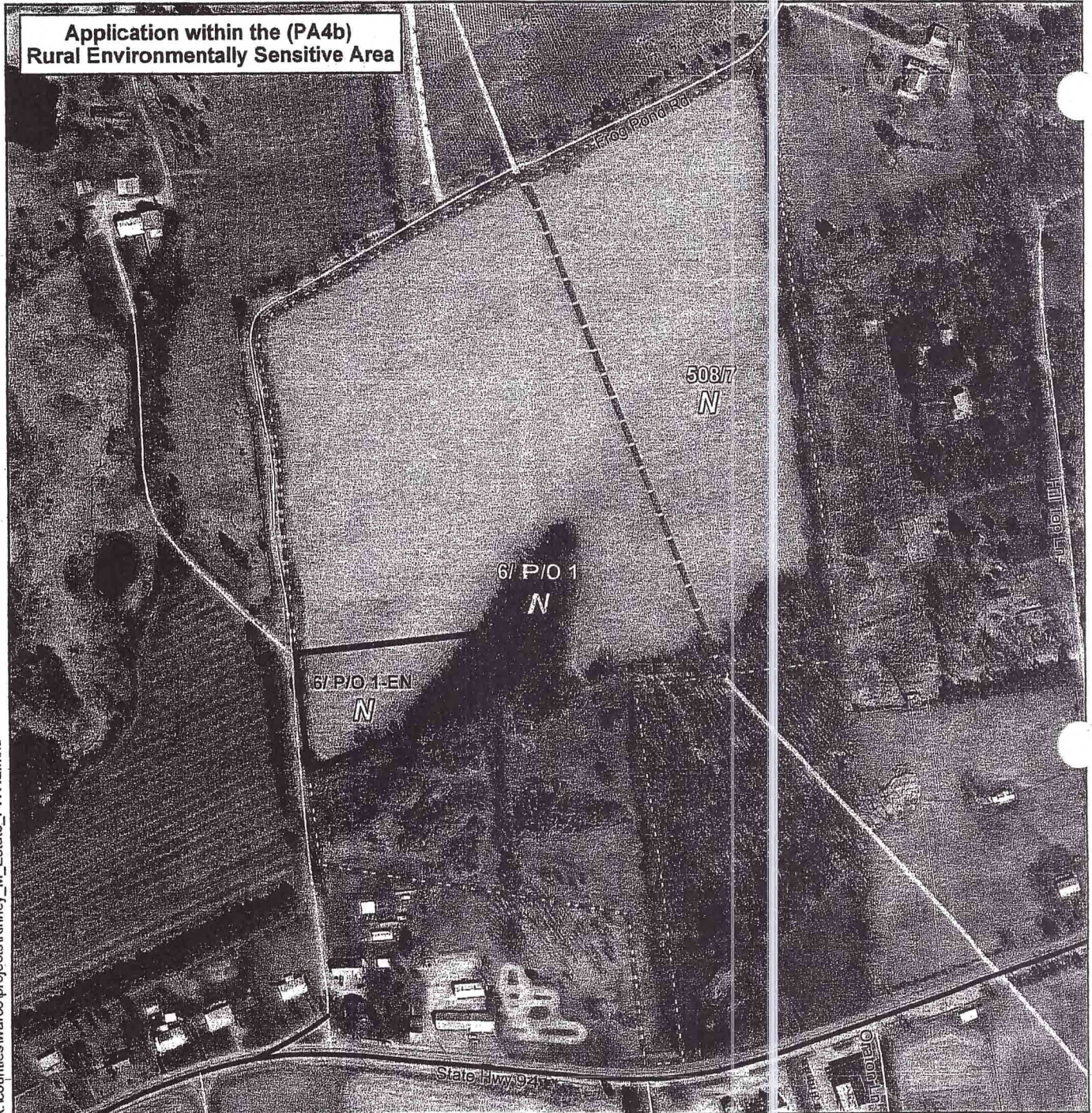
Douglas H. Fisher, Chairman	YES
James Requa (rep. DCA Commissioner Constable)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Alan Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	YES
Peter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

Wetlands

Schedule N

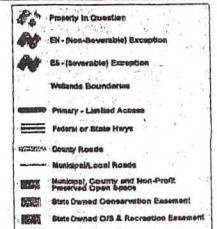
Application within the (PA4b)
Rural Environmentally Sensitive Area

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kinney, Mary - Estate
Block 508 Lot 7 (11.4 ac) Blairstown Twp.
Block 6 P/O Lot 1 (23.0 ac) &
P/O Lot 1-EN (non-severable exception - 1.5 ac) Knowlton Twp.
Gross Total = 36.0 ac
Warren County



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

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOTISGIS 2012 Digital Aerial Image

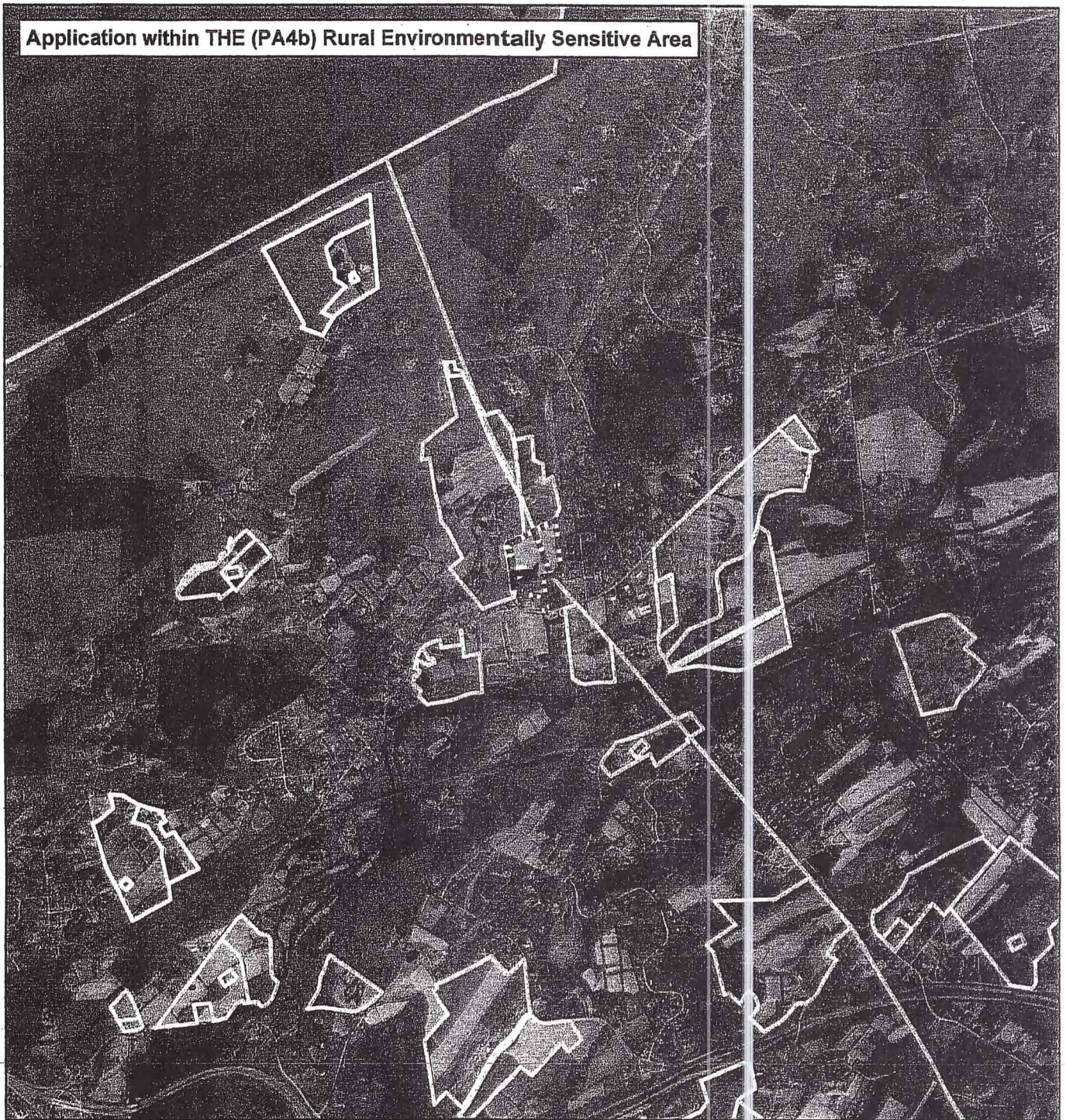
DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision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

June 18, 2014

Preserved Farms and Active Applications Within Two Miles

Application within THE (PA4b) Rural Environmentally Sensitive Area

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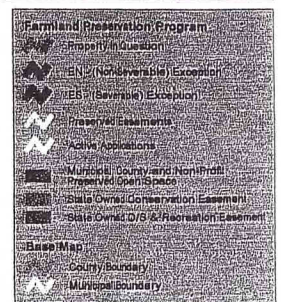
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kinney, Mary - Estate
Block 508 Lot 7 (11.4 ac) Blairstown Twp.
Block 6 P/O Lot 1 (23.0 ac) &
P/O Lot 1-EN (non-severable exception – 1.5 ac) Knowlton Twp.
Gross Total = 36.0 ac
Warren County

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



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOTTOGIS 2012 Digital Aerial Image

June 19, 2014

Schedule B

	Farm	Municipality	App Acres	Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	SADC Consideration	Cost Basis	Cost Share	SADC			BASE GRANT			COMPETITIVE GRANT		STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (Subject to available funds statewide)	
											Encumbered at Final	Voucher	Balance	Encumbered at Final	Voucher	Balance	FY11	FY13			
																					Expend
															1,500,000			FY11	0	3,000,000	5,000,000
															1,000,000			FY13	10,679,707		
															2,500,000						

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Estate of Mary Kinney
21- 0566-PG
County PIG Program
35 Acres

Block 508	Lot 7	Blairstown Twp.	Warren County		
Block 6	Lot 1	Knowlton Twp.	Warren County		
SOILS:		Other	42% *	0	= .00
		Prime	40% *	.15	= 6.00
		Statewide	18% *	.1	= 1.80
					SOIL SCORE: 7.80
TILLABLE SOILS:		Cropland Harvested	68% *	.15	= 10.20
		Woodlands	32% *	0	= .00
					TILLABLE SOILS SCORE: 10.20
FARM USE:		Corn-Cash Grain		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.
4. Execution of a Grant Agreement between the County and the State Agriculture Development Committee in compliance with N.J.A.C. 2:76-6.18.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (1.5) acres for Single family home.
Exception is not to be severed from Premises
Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2015R1(4)

Final Approval and Authorization to Execute Closing Documents
Authorization to Contract for Professional Services
SADC Easement Purchase

On the Property of
Ed Stella, Jr. ("Owner")

January 22, 2015

Subject Property: Ed Stella, Jr. ("Owner")
Block 60, Lots 7, 12, 14, 15, 16.01 & 17 (Stella Farm #2)
Upper Pittsgrove Township, Salem County
SADC ID# 17-0256-DE
Approximately 264 net easement acres

WHEREAS, on February 4, 2013, the State Agriculture Development Committee ("SADC") received a development easement sale application from Ed Stella, Jr., hereinafter "Owner," identified as Block 60, Lots 7, 12, 14, 15, 16.01 & 17, Upper Pittsgrove Township, Salem County, hereinafter "Property," totaling approximately 264 easement acres, identified in (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 27, 2012, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 95 and minimum quality score of 59) because it is 264 acres and has a quality score of 71.64; and

WHEREAS, the Property has been allocated one (1) Residual Dwelling Site Opportunity (RDSO), one (1) single family residence, one (1) single family agricultural labor residence, and no pre-existing non-agricultural uses on the area to be preserved; and

WHEREAS, currently access between Block 60, Lots 16.01 and 17 is accomplished by passing over a small portion of Lot 16, which is not included in the area to be preserved, therefore it will be necessary for the landowner to record a 50'-wide access easement over a small portion of Lot 16, to provide access from Lot 16.01 to Lot 17 for agricultural purposes, prior to closing; and

WHEREAS, currently the landowner conducts a composting operation on Block 60, Lot 11 and stores finished composted materials on adjacent land that he owns, Block 60, Lot 16 (neither lot being included in the application for farmland preservation) and utilizes an existing dirt farm lane located on Block 60, Lots 7, 14 and 16.01 (which are included in the application for

farmland preservation) to connect the compost-production area to the compost storage area (Schedule A); and

WHEREAS in order to be able to continue to utilize the existing farm lane to provide access between the compost production and storage areas (Block 60, Lot 11 and Block 60, Lot 16) after the time of preservation, it is recommended that the landowner record an access easement providing for same prior to the recording of the Farmland Preservation Program deed of easement; and

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

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

WHEREAS, on October 3, 2014, the SADC certified the development easement value of the Property at \$6,970 per acre based on current zoning and environmental conditions as of June 2014; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property for \$6,970 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to the Property, for its acquisition of the development easement at a value of \$6,970 per acre for a total of approximately \$1,840,080 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the Property has been allocated one (1) Residual Dwelling Site Opportunity (RDSO), one (1) single family residence, one (1) single family agricultural labor residence, and no pre-existing non-agricultural uses on the area to be preserved; and

BE IT FURTHER RESOLVED, in order to be able to continue to utilize the existing farm lane to provide access between the compost production and storage areas (Block 60, Lot 11 and Block 60, Lot 16) after the time of preservation, it is recommended that the landowner record an access easement over the existing dirt road, located on Block 60, Lots 7, 14 and 16.01, providing for such access and use prior to the recording of the Farmland Preservation Program deed of easement; and

BE IT FURTHER RESOLVED, that the landowner's recording of an access easement over the existing dirt road, located on Block 60, Lots 7, 14 and 16.01, as described above shall not be a prerequisite to the Farmland Preservation Program closing, but failure to record such easement will eliminate the right of the owner, or successors in title thereto, to utilize the farm lane for such purpose after the entry of the Subject Property into the Farmland

Preservation Program (Schedule A); and

BE IT FURTHER RESOLVED, the landowner shall cause to be recorded a 50'-wide access easement over a small portion of Lot 16, to provide access from Lot 16.01 to Lot 17 for agricultural purposes, which shall be approved by the Committee and recorded by the landowner prior to the Farmland Preservation Program closing; and

BE IT FURTHER RESOLVED, that the SADC's purchase price shall be based on the final surveyed acreage of the Property adjusted for proposed road rights of way, other rights of way or easements as determined by the SADC, tidelands claim and streams or water bodies on the boundaries of the Property as identified in Policy P-3-B Supplement; and

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

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search; and

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

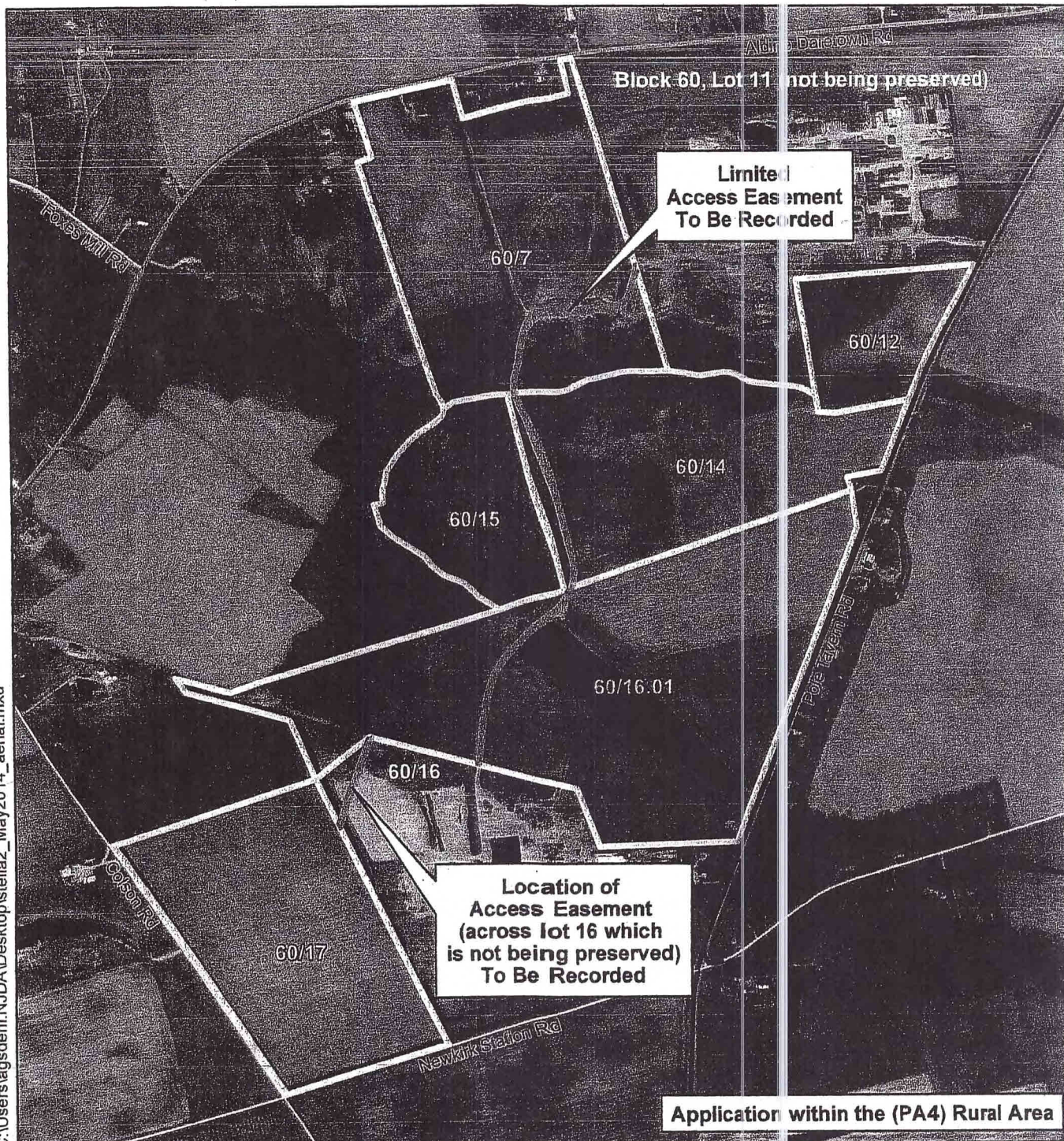
1/22/15
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

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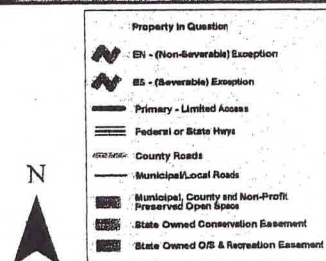


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Edward Stella, Jr. (# 2)
Block 60 Lots 7 (54.8 ac); 12 (14.4 ac); 14 (43.7 ac); 15 (20.0 ac);
16.01 (86.6 ac) & 17 (45.3 ac)
Gross Total = 264.9 ac
Upper Pittsgrove Twp., Salem County



DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are 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:
Green Acres Conservation Easement Data
NJOT/OGIS 2012 Digital Aerial Image

October 8, 2014

Preserved Farms and Active Applications Within Two Miles

X:\counties\salco\projects\stella2_May2014_2mile.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Edward Stella, Jr. (# 2)
Block 60 Lots 7 (54.8 ac); 12 (14.4 ac); 14 (43.7 ac); 15 (20.0 ac);
16.01 (86.6 ac) & 17 (45.3 ac)
Gross Total = 264.9 ac
Upper Pittsgrove Twp., Salem County

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



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

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

May 19, 2014

Schedule D

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Stella Farm #2
State Acquisition
Easement Purchase - SADC
265 Acres

Block 60	Lot 7	Upper Pittsgrove Twp. Salem County
Block 60	Lot 12	Upper Pittsgrove Twp. Salem County
Block 60	Lot 14	Upper Pittsgrove Twp. Salem County
Block 60	Lot 15	Upper Pittsgrove Twp. Salem County
Block 60	Lot 16.01	Upper Pittsgrove Twp. Salem County
Block 60	Lot 17	Upper Pittsgrove Twp. Salem County

SOILS:	Other	12% *	0	=	.00	
	Prime	82% *	.25	=	12.30	
	Statewide	6% *	.3	=	.60	
					SOIL SCORE:	12.90

TILLABLE SOILS:	Cropland Harvested	77% *	.25	=	11.55	
	Other	11% *	0	=	.00	
	Woodlands	12% *	0	=	.00	
					TILLABLE SOILS SCORE:	11.55

FARM USE:	Corn-Cash Grain	156 acres
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This final approval is subject to the following:

1. Available funding.
2. The allocation of 1 Residual Dwelling Site Opportunity (ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Requested
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. The landowner may record an access easement in order to be able to continue to utilize the existing farm lane located on Block 60, Lots 7, 14 and 16.01 (which are included in the application for farmland preservation) to provide access between the compost production area on Block 60, Lot 11 and storage areas on Block 60, Lot 16 (both lots not being preserved) prior to the recording of the Farmland Preservation Program deed of easement.
 2. The landowner shall record a 50'-wide access easement over a small portion of Lot 16, to provide access from Lot 16.01 to Lot 17 for agricultural purposes prior to closing.
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises:
Standard Single Family - used for ag labor
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2015R1(5)

Final Approval and Authorization to Execute Closing Documents
Authorization to Contract for Professional Services
SADC Easement Purchase

On the Property of
Gladys A. Lillya, Donna L. Madara, Martin Lillya and Bonnie Dunn ("Owners")

January 22, 2015

Subject Property: Gladys A. Lillya, Donna L. Madara, Martin Lillya
and Bonnie Dunn ("Owners")
Block 2, Lot 1; Block 25, Lot 8
Mannington Township
Salem County
SADC ID#: 17-0249-DE
Approximately 118 Net Easement Acres

WHEREAS, on October 23, 2012, the State Agriculture Development Committee ("SADC") received a development easement sale application from Gladys A. Lillya, Donna L. Madara, Martin Lillya and Bonnie Dunn, hereinafter "Owners," identified as Block 2, Lot 1; Block 25, Lot 8, Mannington Township, Salem County, hereinafter "Property," totaling approximately 118 net easement acres, identified in (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 27, 2012, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 95 and minimum quality score of 59) because it is 118 acres and has a quality score of 64.55; and

WHEREAS, the Property includes a 1-acre non-severable exception area limited to one single family residence; and

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

WHEREAS, at the time of application, the Property was devoted to asparagus, corn, wheat and rye production; and

WHEREAS, the Owner has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, Division of the Premises for Non-Contiguous Parcels and Non-

agricultural uses; and

WHEREAS, on November 13, 2014, the SADC certified the development easement value of the Property at \$5,100 per acre based on current zoning and environmental conditions as of September 2014; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property for \$5,100 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for its acquisition of the development easement at a value of \$5,100 per acre for a total of approximately \$601,800 subject to the conditions contained in (Schedule B); and

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

BE IT FURTHER RESOLVED, that the SADC's purchase price shall be based on the final surveyed acreage of the Property adjusted for proposed road rights of way, other rights of way or easements as determined by the SADC, tidelands claim and streams or water bodies on the boundaries of the Property as identified in Policy P-3-B Supplement; and

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

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; and

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

1/22/15
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands

Schedule A

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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Gladys Lillya

Block 2 P/O Lot 1 (69.16 ac) & P/O Lot 1-EN (non-severable exception - 1.01 ac)

Block 25 Lot 8 (46.14 ac)

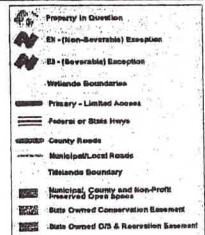
Gross Total - 116.32 ac

Mannington Twp. Salem County



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



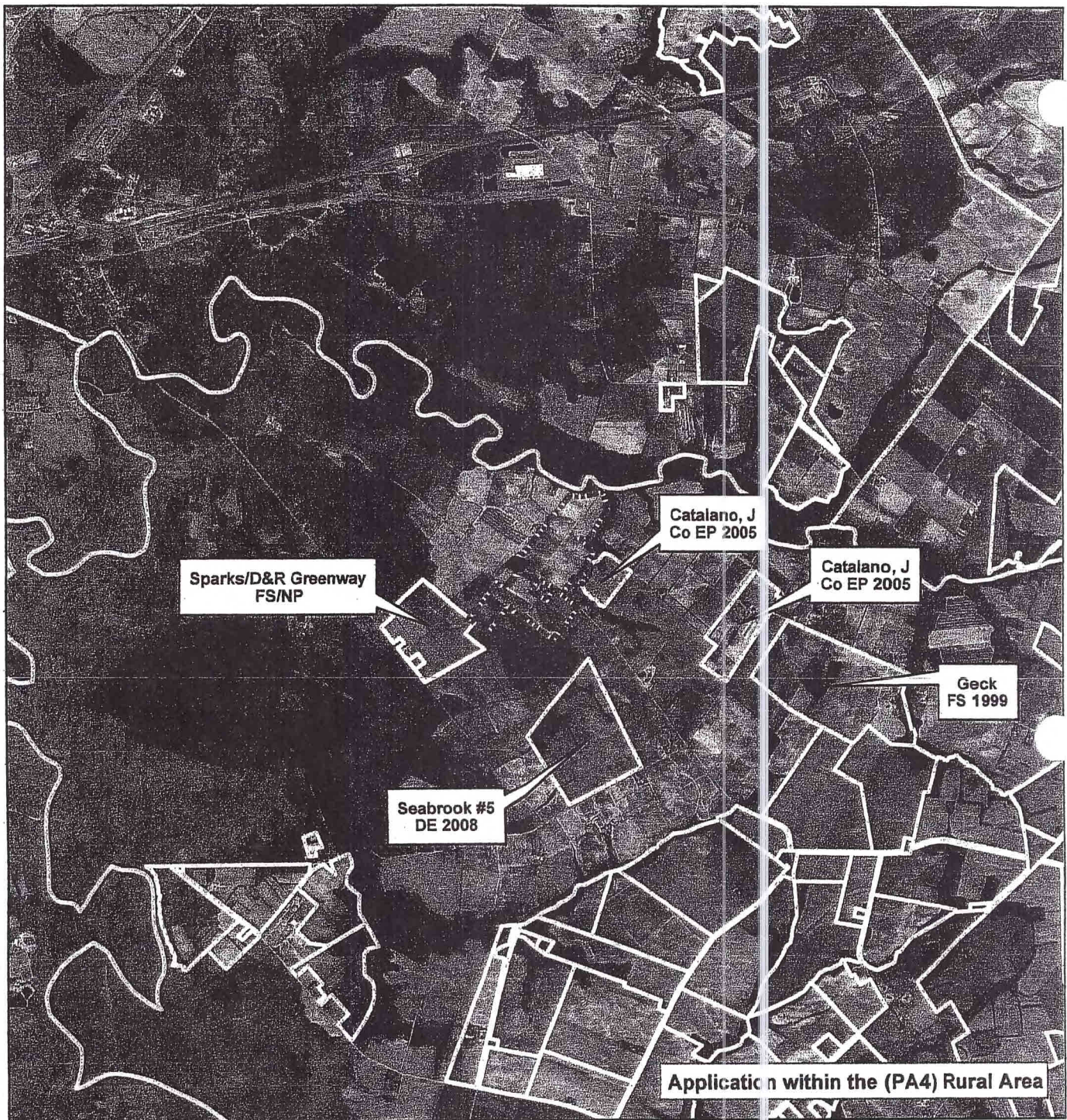
Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
W - Water

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 Digital/Aerial Image

Date: 12/18/2012

Preserved Farms and Active Applications Within Two Miles

X:\counties\sabco/projects\Lillya2_2mile.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Gladys Lillya
Block 2 P/O Lot 1 (69.16 ac) & P/O Lot 1-EN (non-severable exception - 1.01 ac)
Block 25 Lot 8 (46.14 ac)
Gross Total - 116.32 ac
Mannington Twp. Salem County

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

NOTE:

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



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2000S Digital Aerial Image

Date: 12/18/2012

JUNE 1980 D

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Lillya Farm
State Acquisition
Easement Purchase - SADC
118 Acres

Block 25	Lot 8	Mannington Twp.	Salem County
Block 2	Lot 1	Mannington Twp.	Salem County
SOILS:			
	Local	61% * .05	= 3.05
	Other	13% * 0	= .00
	Prime	8% * .15	= 1.20
	Statewide	18% * .2	= 1.80
		SOIL SCORE:	6.05
TILLABLE SOILS:			
	Cropland Harvested	91% * .15	= 13.65
	Wetlands	6% * 0	= .00
	Woodlands	3% * 0	= .00
		TILLABLE SOILS SCORE:	13.65
FARM USE:			
	Vegetable & Melons	21 acres	
	Corn-Cash Grain	32 acres	
	Wheat-Cash Grain	21 acres	
	Cash Grains	21 acres	

This final approval is subject to the following:

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2015R1(6)

Final Approval and Authorization to Execute Closing Documents
Authorization to Contract for Professional Services
SADC Easement Purchase

On the Property of
Conni J. Lape, Christine L. Rollo and Joseph G. Casper, Jr. ("Owners")

January 22, 2015

Subject Property: Conni J. Lape, Christine L. Rollo and Joseph G. Casper, Jr. ("Owners")
Block 16, Lot 6; Block 40, Lot 10, Mannington Township
Block 7, Lot 3; Block 9, Lot 1, Alloway Township
Salem County
SADC ID#: 17-0274-DE
Approximately 98 Net Easement Acres

WHEREAS, on April 7, 2014, the State Agriculture Development Committee ("SADC") received a development easement sale application from Conni J. Lape, Christine L. Rollo and Joseph G. Casper, Jr., hereinafter "Owners," identified as Block 16, Lot 6; Block 40, Lot 10, Mannington Township, Block 7, Lot 3; Block 9, Lot 1, Alloway Township, Salem County, hereinafter "Property," totaling approximately 98 net easement acres, identified in (Schedule A); and

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

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

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 95 and minimum quality score of 59) because it is 98 acres and has a quality score of 67.63; and

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

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

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

WHEREAS, on December 11, 2014, the SADC certified the development easement value of the Property at \$5,300 per acre based on current zoning and environmental conditions as of October 2014; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property for \$5,300 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for its acquisition of the development easement at a value of \$5,300 per acre for a total of approximately \$519,400 subject to the conditions contained in (Schedule B); and

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

BE IT FURTHER RESOLVED, that the SADC's purchase price shall be based on the final surveyed acreage of the Property adjusted for proposed road rights of way, other rights of way or easements as determined by the SADC, tidelands claim and streams or water bodies on the boundaries of the Property as identified in Policy P-3-B Supplement; and

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

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; and

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

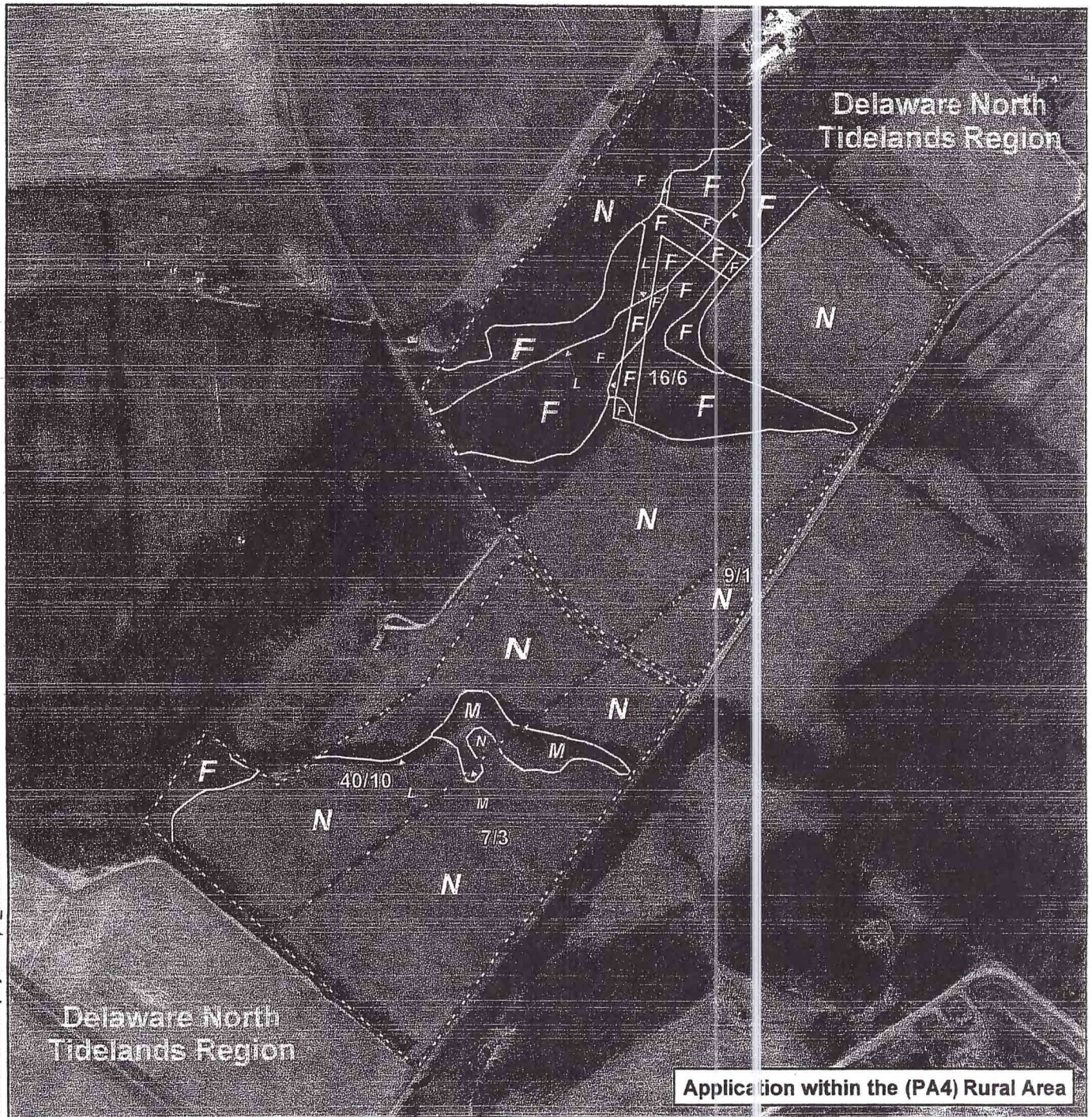
1/27/15
Date

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

VOTE WAS RECORDED AS FOLLOWS:

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

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Limestone Farm/Conni Lape, Christine Rolo and Joseph Casper, Jr.
Alloway Twp - Block 7 Lot 3 (20.8 ac) & Block 9 Lot 1 (4.0 ac)
Mannington Twp - Block 16 Lot 6 (54.2 ac) & Block 40 Lot 10 (18.6 ac)
Gross Total = 97.6 ac
Salem County



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Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
N - Non-Wetlands
B - 300' Buffer
W - Water

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

Preserved Farms and Active Applications Within Two Miles

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Limestone Farm/Conni Lape, Christine Rolo and Joseph Casper, Jr.
Alloway Twp - Block 7 Lot 3 (20.8 ac) & Block 9 Lot 1 (4.0 ac)
Mannington Twp - Block 16 Lot 6 (54.2 ac) & Block 40 Lot 10 (18.6 ac)
Gross Total = 97.6 ac
Salem County

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



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOT/IGIS 2012 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

April 17, 2014

Schedule D

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Conni Lape, Christine Rollo, Joseph Casper, Jr.
State Acquisition
Easement Purchase - SADC
98 Acres

Block 16	Lot 6	Mannington Twp.	Salem County
Block 40	Lot 10	Mannington Twp.	Salem County
Block 7	Lot 3	Alloway Twp.	Salem County
Block 9	Lot 1	Alloway Twp.	Salem County

SOILS:	Other	23% * 0	=	.00
	Prime	72% * .15	=	10.80
	Statewide	5% * .1	=	.50
			SOIL SCORE:	11.30
TILLABLE SOILS:	Cropland Harvested	65% * .15	=	9.75
	Wetlands	21% * 0	=	.00
	Woodlands	14% * 0	=	.00
			TILLABLE SOILS SCORE:	9.75

FARM USE: Soybeans-Cash Grain 64 acres

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity (ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Requested
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

MEMO

TO: SADC
FROM: Dan Knox
RE: Ridge and Valley Conservancy Assignment of Deeds of Easement
DATE: January 15, 2015

Ridge and Valley Conservancy (R&V) acquired development easements on four farms between April 2003 and February 2007. The SADC provided nonprofit cost share grants. The Deed of Easement and Project Agreements allow the nonprofit to assign the Deed of Easement to the Federal government, the State, a local unit of government, or another qualifying tax exempt nonprofit organization for farmland preservation purposes. R&V has monitored the farms and submitted annual monitoring reports to the SADC.

R&V now wants to assign the Deeds of Easement to Warren County. The Warren County Agriculture Development Board is in support of the assignment. The Warren County Board of Chosen Freeholders passed a resolution accepting the assignment.

R&V and Warren County are seeking SADC approval of the assignments. Staff's recommendation is to approve the assignments with the condition that all assignment documentation must be reviewed and approved by the SADC.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R1(7)

RIDGE AND VALLEY CONSERVANCY

ASSIGNMENT OF DEEDS OF EASEMENT

January 22, 2015

WHEREAS, on December 10, 2002 Ridge and Valley Conservancy (R&V) received State Agriculture Development Committee (SADC) Final Approval to acquire the development easement on the Motyka farm, Block 1100, Lot 2300, Hope Township, Warren County; and

WHEREAS, on April 18, 2003 R&V acquired a Deed of Easement on the Motyka farm; and

WHEREAS, on April 24, 2003 R&V received SADC Final Approval to acquire the development easement on the Kreger farm, Block 1004, Lot 3, Hardwick Township and Block 1301, Lot 22.01, Blairstown Township, Warren County; and

WHEREAS, on April 30, 2004 R&V acquired a Deed of Easement on the Kreger farm; and

WHEREAS, on September 22, 2005 R&V received SADC Final Approval to acquire the development easement on the Dunne farm, Block 69, Lot 22, White Township, Warren County; and

WHEREAS, on December 28, 2006 R&V acquired a Deed of Easement on the Dunne farm; and

WHEREAS, on September 22, 2005 R&V received SADC Final Approval to acquire the development easement on the Black farm, Block 101, Lots 10.08 and 10.22, Blairstown Township, Warren County; and

WHEREAS, on February 6, 2007 R&V acquired a Deed of Easement on the Black farm; and

WHEREAS, the Deed of Easement allows for the assignment of a nonprofit held Deed of Easement to the Federal government, the State, a local unit of government, or another qualifying tax exempt nonprofit organization; and

WHEREAS, R&V wants to assign the Deeds of Easement to the Warren County Board of Chosen Freeholders; and

WHEREAS, on December 20, 2007 the Warren County Agriculture Development Board approved the acceptance of the assignments; and

WHEREAS, on January 8, 2014 R&V passed a resolution approving the assignment of the Motyka, Kreger, Dunne, and Black Deeds of Easement to Warren County; and

WHEREAS, on January 22, 2014 the Warren County Board of Chosen Freeholders approved the acceptance of the assignment of the Deeds of Easement; and

WHEREAS, R&V and Warren County are requesting SADC approval for the assignment of the Deed of Easement on the Motyka, Kreger, Dunne and Black farms to the Warren County Board of Chosen Freeholders; and

WHEREAS, after the assignments have been recorded in the Warren County Clerk's Office, Warren County will be responsible for monitoring and enforcing the Deeds of Easement;

NOW THEREFORE BE IT RESOLVED, that the SADC approves the assignment of the Motyka, Kreger, Dunne and Black Deeds of Easement from Ridge and Valley Conservancy to the Warren County Board of Chosen Freeholders; and

BE IT FURTHER RESOLVED, that all documents required to complete the assignments shall be subject to review and approval by the SADC; and

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

1/22/15
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

MEMO

TO: State Agriculture Development Committee Members

FROM: Daniel Knox

RE: FY2016 Nonprofit Grant Round

DATE: January 8, 2015

SADC staff is requesting Committee approval to proceed with Nonprofit Notice of Availability of Grant Funds and Application Deadline publication in the New Jersey Register. A copy of the notice is attached.

In anticipation of future funding availability, SADC seeks to determine the nonprofit interest and funding request for farmland preservation projects. Notice of Availability of Grant Funds would be published in the February 17th New Jersey Register. Nonprofits will then have 90 days or until May 18, 2015 to submit applications for 50 percent cost share funding. Staff will then review the submissions and make a recommendation to the SADC at a subsequent meeting.

AGRICULTURE

State Agriculture Development Committee

Notice of Availability of Grant Funds and Application Deadline

Farmland Preservation, Nonprofit Acquisition Grant Program

Take notice that in compliance with N.J.A.C. 2:76-12, 13, 14, 15 and 16, the State Agriculture Development Committee announces the availability of the following State grant funds.

- A. **Name of grant program:** Farmland Preservation, Nonprofit Acquisition Grant Program.
- B. **Purpose:** To provide a grant to private nonprofit organizations for up to 50 percent of the cost of acquisition of development easements on specific farms or up to 50 percent of the cost of acquisition of fee simple titles to specific farms from willing sellers.
- C. **Amount of money available:** The State Agriculture Development Committee shall establish an amount of the grant award for the FY 2016 funding round and a maximum funding limit per farm, or per applicant, will be determined based on available funds and farm priorities. There is no minimum or maximum grant request amount. Any funding awarded by the State Agriculture Development Committee may be subject to approval by the Garden State Preservation Trust and the appropriations process.
- D. **Organizations which may apply for funding under the program:** A tax exempt nonprofit organization which is exempt from Federal taxation pursuant to

section 501(c)(3) of the Federal Internal Revenue Code, 26 U.S.C. § 501 (c)(3) and which qualifies for a grant pursuant to the Garden State Preservation Trust Act, N.J.S.A. 13:8C-42, P.L. 1999, c.152.

E. Qualifications needed by an applicant to be considered for funding: To qualify for grant consideration, the board of directors or governing body of the applying tax exempt nonprofit organization shall:

1. Demonstrate to the State Agriculture Development Committee that it qualifies as a nonprofit organization which is exempt from Federal taxation pursuant to section 501(c)(3) of the Federal Internal Revenue Code, 26 U.S.C. § 501 (c)(3), and which qualifies for a grant pursuant to the Garden State Preservation Trust Act, N.J.S.A. 13:8C-42, P.L. 1999, c.152;
2. Demonstrate that it has the resources to match the grant requested;
3. Acquire a development easement on farmland or acquire land in fee simple title to be permanently preserved for farmland preservation purposes pursuant to N.J.A.C. 2:76-12, 13, 14, 15 and 16; and
4. Agree to enter into a project agreement with the State Agriculture Development Committee in the event a project is approved by the State Agriculture Development Committee pursuant to N.J.A.C. 2:76-16.1.

F. Procedure for eligible organization to apply: All interested applicants should write to the address below or call (609) 984-2504 for an application package. Applications can also be obtained online at www.state.nj.us/agriculture/sadc/farmpreserve/programs/nonprofit.html.

G. Address to which applications must be submitted:

Susan E. Payne, Executive Director
State Agriculture Development Committee
P.O. Box 330
Trenton, New Jersey 08625

H. Deadline by which applications must be submitted: Completed applications must be received by the State Agriculture Development Committee on or before May 18, 2015.

I. Date by which applicant shall be notified of approval or disapproval: It is anticipated that applicants will receive notice by July 24, 2015.

Date: _____

Susan E. Payne, Executive Director
State Agriculture Development Committee

