

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

March 28, 2013

Acting Chairman Danser called the meeting to order at 9:15 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, Chairperson (Arrived at 9:23 a.m.)
Cecile Murphy (rep. DEP Commissioner Martin)
Brian Schilling (rep. Executive Dean Goodman)
James Requa (rep. DCA Commissioner Constable)
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff) (Arrived at 9:18 a.m.)
Denis C. Germano, Esq. (Arrived at 9:18 a.m.)
Alan A. Danser, Acting Chairman (Chaired meeting until 9:23 a.m.)
Torrey Reade
Peter Johnson
Jane R. Brodhecker

Members Absent

James Waltman

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

Others present as recorded on the attendance sheet: Heidi Winzinger, Brian Smith, Timothy Brill, Paul Burns, Ed Ireland, Charles Roohr, Bryan Lofberg, Jeffrey Everett, David Kimmel, Cindy Roberts, Dan Knox, Stefanie Miller, Judy

Andrejko, Hope Gruzlovic and Patricia Riccitello, SADC staff; Kerstin Sundstrom, Governor's Authorities Unit; Nicki Goger, New Jersey Farm Bureau; Dan Pace, Mercer County Agriculture Development Board; Laurie Sobel, Middlesex County Agriculture Development Board; Katherine Coyle, Morris County Agriculture Development Board; Harriet Honigfeld, Monmouth County Agriculture Development Board; Bill Buzby, Carroll Engineering; Andrew H. Philbrick, Hunter Farms, Somerset County; Anthony Sposaro, Esquire; Lauren Wasilauski, Montgomery Township, Somerset County; Russell Giangliulo, Cybertech; Gail Smith, Montgomery Township, Somerset County; Victoria Britton, Esquire, Montgomery Township, Somerset County; Nyna McKittrick, Monmouth County farmer; Al Caggiano, Cumberland County Agriculture Development Board; and Bernard Gutherz, BAM Energy, Ocean County.

Minutes

A. SADC Regular Meeting of February 28, 2013 (Open and Closed Session)

It was moved by Ms. Reade and seconded by Mr. Requa to approve the open session minutes and the closed session minutes of the SADC regular meeting of February 28, 2013. The motion was approved. (Mr. Siegel, Mr. Germano and Chairman Fisher were absent for the vote.)

REPORT OF THE CHAIRPERSON

None

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne discussed the following with the Committee:

- SADC Regional Meetings

Ms. Payne stated that with the signing of the appropriations bill staff thought it would be beneficial to schedule some outreach meetings with farmers and property owners across the state, in particular regarding State acquisitions. Staff has reached out to the CADBs and scheduled regional open houses to enable property owners who are interested in applying to the program to learn more and also to give property owners already in the program the opportunity to talk to staff

and ask questions about the deed of easement or plans they may have for the farm. Those meetings will occur in April and May. Ms. Payne stated that acquisition and stewardship staff will be present at these meetings, which each will feature presentations at two separate times and the remainder of the time offer the opportunity for attendees to ask questions and talk with staff one-on-one.

- SADC Outreach Meetings for AMP

Ms. Payne stated that assuming that the Committee approves the draft rule for the On-Farm Direct Marketing Agricultural Management Practice (AMP) and the revised Right to Farm procedures, staff will send out an email to all the counties, nonprofits and towns we work with to let them know that this rule has been proposed and to offer to do educational presentations to anyone who will host us.

Ms. Payne stated that based on discussions with many of the CADB administrators, staff will be spending a lot of time doing Right to Farm 101-type presentations, bringing everyone up to speed on the law and addressing recent issues. We will also get into the minor changes to the Right to Farm mechanics that are a result of the rule and then finally we'll cover some of the specifics of the AMP. Staff will invite each county to tailor the presentation to their own interests. If there is a county that understands the mechanics, we will spend more time on the other aspects of the presentation.

- Agenda Item Removed

Ms. Payne stated that there originally was an item placed on the agenda dealing with the SADC interpretation of the alternative appraisal provision within the Garden State Preservation Trust (GSPT) Act, known as the dual appraisal provision. She stated that staff has been asked to pull that agenda item to allow the Governor's Office and its counsel to have a little more time to review the information. Staff anticipates having this agenda item back on the agenda for next month's meeting.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders.

PUBLIC COMMENT

Victoria Britton, attorney for Montgomery Township, Somerset County, addressed the Committee regarding the Hunter Farms agenda item. She stated that she would like to have some time after the presentation of this agenda item to comment on the Township's concerns.

Nyna McKittrick, a farmer in Colts Neck Township, Monmouth County, addressed the Committee regarding the On-Farm Direct Marketing Agricultural Management Practice (AMP). She stated that she was a member of the working group that helped develop the AMP, and there were quite a few meetings and a lot of energy went into them. She would like to comment on a few items before the draft rule goes forward. The first is the setbacks that have been proposed that run from 25 to 100 feet. She is concerned that if you had a farm that was very close to the acreage you needed to receive farmland assessment, that this could impact whether you could receive farmland assessment – if you would still have the acreage available. The other issue is that on a preserved farm, it's also taking away property, and she believed at the convention last year for the Department of Agriculture that they wanted to keep the property in agriculture, not just available for agriculture, so this is taking property away from that. She believes that this is contrary to what the mission is for preserved farms.

Ms. McKittrick stated that the second issue, which she feels is at the heart of the AMP, is when a farmer or an agri-business wants to add on to their site. In the meetings we had, we talked about a percentage and perhaps once you went over then the procedure would kick in to go to your municipality or your CADB. Right now it is "any" addition, in the wording that she read. She felt it is going to add costs to the farmer and she believes it is flip-flopping from what the Right to Farm Act originally stated, which was that we want the farmer to be able to go to the CADB first and then they could go to the municipality. She believes that this AMP puts it in a different order. She said it is opposite of what the Right to Farm Act originally stated. The Right to Farm Act is a pretty neat piece of legislation and as far as she knows only about one percent of disputes actually go to litigation. The Right to Farm Act is considered the gold standard and other states look at us and follow what we have done. That is why it is so important that these things are not allowed to continue at this time because it is taking away rights of the farmer the way it is written and we want to preserve agriculture and we want it to continue. That is why we are here and that is what our mission is, to continue agriculture. If the Committee would please consider these items she talked about today she would appreciate it very much.

Emad Abou-Sabe, a landowner in Montgomery Township, Somerset County, addressed the Committee regarding the Hunter Farms property on the agenda. He stated that he is an adjacent land user to the Hunter Farms property and would like an opportunity to express his concerns when the agenda item is presented.

Chairman Fisher arrived at the meeting at this point and presided over the meeting.

OLD BUSINESS

A. Right to Farm – Draft Rules

1. On-Farm Direct Marketing Agricultural Management Practice (AMP)
(NJAC 2:76-2A.13)

Mr. Smith stated that at the last meeting, staff unveiled the flow chart for the new Right to Farm process and advised the Committee that we would bring it back this month to discuss it. Before staff discusses the flow chart, he wanted to make some preliminary comments. He stated that regarding the Right to Farm process, the most important changes staff is making is we are eliminating the ping-pong effect of the SADC completely litigating a case when there is a complaint against a commercial farmer and there is no agricultural management practice (AMP). What was happening was that the CADBs would forward a case to the SADC, the SADC would hold a hearing and take evidence and issue a decision, and then, based on existing rules, would send the case back to the CADB for it to completely litigate the case as well. He stated that didn't make sense. Staff has read the statute more closely and eliminated that back and forth process, legally, because the statute on closer examination indicates that the SADC involvement is a little more confined when there is a complaint against a commercial farmer and there is no AMP. This is the first substantial change. The second change is that the CADBs will be called upon now to review commercial farm eligibility at their level before sending cases to the SADC or even keeping cases that they are supposed to keep by statute. Commercial farm eligibility, the income determination, will need to be made by the CADB before the case goes any further. That is in Section 3 of the Right to Farm law. Also, in Section 9 where it lists the permitted activities that are entitled to protection, the commercial farms also have to satisfy locational and zoning requirements. They have to be in an area that was zoned for agriculture as of a certain date or they have to be in operation as of a certain date. That also is going to be determined by the CADBs before the case goes any further. Those are the two major changes in terms of the Right to Farm process.

Mr. Smith reviewed with the Committee the flow chart, which illustrates the proposed process and procedures for right-to-farm complaints and site-specific AMP determinations.

Ms. Payne stated that at the last meeting that the N.J. Department of Environmental Protection (NJDEP) had requested a technical change to the draft rule. After that meeting, staff reviewed the suggested change in language and made some minor clarifications. That version was sent to the NJDEP staff who agreed with the clarifications, so that agreed-upon language is reflected in the draft rule before the Committee today and is the only change from what was presented to the Committee last month. Staff provided the emails between the SADC and the NJDEP in its packet and on the SADC member website for review prior to the meeting.

It was moved by Mr. Danser and seconded by Ms. Reade to approve the following rule proposal for publication in the New Jersey Register:

1. On-Farm Direct Marketing Agricultural Management Practice (AMP) N.J.A.C. 2:76-2A.13
2. Right to Farm Process Revisions (N.J.A.C. 2:76-2.3, 2.4, 2.5 and 2.7)
3. Right to Farm Hearing Procedures (N.J.A.C. 2:76-2.8)
4. Pick-Your-Own RTF Eligibility Rule Revisions (N.J.A.C. 2:76-2B.2)

The motion was unanimously approved. (A copy of the proposed rules is attached to and is a part of these minutes.)

B. Adoption of Proposed New Rule: Solar Energy Generation on Preserved Farms (N.J.A.C. 2:76-24)

1. **Summary of Public Comments**
2. **Summary of Agency-Initiated Changes**

Ms. Gruzlovic referred the Committee to the proposed rule for Solar Energy Generation on Preserved Farms. She stated that staff received comments on the rule from a handful of organization and individuals. In the course of developing the rule for wind energy generation on preserved farms, staff noticed some minor changes we want to make to the solar rule to ensure the two sets of rules will have parallel language and that they are consistent. Staff is recommending some of those minor changes be included for adoption today; other changes to the solar rule we will bring back to the Committee for reproposal of just the affected sections. We likely will be recommending those changes at the same

time we bring the wind rule to the Committee for approval as a proposed rule. In the meantime, staff is comfortable with recommending adoption of the solar rule at this time.

Ms. Gruzlovic reviewed with the Committee the comments that were received by the public during the public comment period, the recommended changes as a result of public comment as well as the agency-initiated changes, as detailed in the rule adoption document. She stated that if the Committee approves the rule for adoption, it will be published in the New Jersey Register, at which time the rule will become effective.

It was moved by Mr. Requa and seconded by Mr. Danser to approve for adoption the Solar Energy Generation on Preserved Farms rule, as presented and discussed. The motion was unanimously approved. (A copy of the Solar Energy Generation on Preserved Farms rule is attached to and is a part of these minutes.)

NEW BUSINESS

A. Eight-Year Farmland Preservation Program – Renewals, Terminations and Withdrawals

Ms. Winzinger referred the Committee to the Eight-Year Program Summary Report showing one renewal of an eight-year farmland preservation program for the Holtz farm, SADC #1016-03M-01/10-0002-8M, in Kingwood Township, Hunterdon County, comprising 31 acres with a new soil and water conservation eligibility amount of \$18,600.00. There are three terminations of eight-year farmland preservation programs – the Berenato farm, SADC # 1113-50F-01/01-0105-8F, in the Town of Hammonton, Atlantic County, comprising 10 acres (there were no remaining soil and water conservation cost share funds remaining at the time of termination); Shaffer Farms, LLC, SADC # 1406-02F-01/14-0001-8F, Chester Township, Morris County, comprising 33 acres with \$14,982.00 remaining in soil and water conservation cost share funds at the time of termination (\$7,818.00 expended), and the Leshay farm, SADC # 0813-02F-01/08-0003-8F, Newfield Borough, Gloucester County, comprising 7 acres with \$4,200.00 remaining in soil and water conservation cost share funds at the time of termination (\$0.00 expended). There were no withdrawals of eight-year farmland preservation programs. Ms. Winzinger stated that this is informational only and that no action is needed.

B. Soil and Water Conservation Cost Share Grant Extension Requests

1. Novasack Turf Farms, Dennis Township, Cape May County
2. Edward Huff, Bethlehem Township, Hunterdon County

Mr. Lofberg referred the Committee to the Soil and Water Conservation Project Cost Share Grants Extension of Project Approval Summary showing two requests for extensions of soil and water conservation cost share grants. He reviewed the specifics with the Committee and stated that staff recommendation is to grant approval as presented and discussed.

It was moved by Mr. Germano and seconded by Ms. Brodhecker to approve Resolution FY2013R3(1) granting an extension of a soil and water conservation cost share grant for the following landowner as presented and discussed, subject to any conditions in said Resolution:

1. Novasack Turf Farms, SADC # 05-0028-EP (Resolution FY2013R3(1))
Extension Request Amount: \$3,465.05 (Obligation # 1)
Extension Request Expires on: January 28, 2014

The motion was unanimously approved. (A copy of Resolution FY2013R3(1) is attached to and is a part of these minutes.)

It was moved by Mr. Germano and seconded by Mr. Johnson to approve Resolution FY2013R3(2) granting an extension of a soil and water conservation cost share grant for the following landowner as presented and discussed, subject to any conditions in said Resolution:

2. Edward Huff, SADC #10-0033-EP (Resolution FY2013R3(2))
Extension Request Amount: \$27,045.00
Extension Request Expires on: November 5, 2013

Discussion: The landowner stated he was depending on funds from an additional source to complete the project. The North Jersey RC&D has been working with Mr. Huff and other local farmers to implement NJDEP watershed grants for the West Portal Brook, a tributary to the Musconetcong River. To implement several necessary agricultural enhancement projects, they leveraged funds from multiple sources to reduce impairment in the watershed. The initial grant funding from NJDEP was exhausted due to funding another agricultural project on a preserved farm in the watershed. The North Jersey RC&D has submitted a proposal to the NJDEP specifically outlining additional funds needed to complete the projects on the Huff farm. Funding is anticipated by June 2013.

The motion was approved. (Mr. Danser opposed.) (A copy of Resolution FY2013R3(2)

is attached to and is a part of these minutes.)

C. Stewardship

1. Review of Activities – FOR DISCUSSION ONLY

a. Hunter Farms, Montgomery Township, Somerset County

Ms. Payne stated that this agenda item is for discussion purposes only and no action is to be taken today. The purpose of presenting it today is to offer staff's perspective on the issue, and to provide an opportunity for the landowner to comment, along with the Township and anyone else prior to the SADC being in a position to take any action on the issue. Staff is looking for Committee input on this issue as it is the first time we are seeing this and it is somewhat precedent setting.

Mr. Roohr referred the Committee to a draft resolution for Princeton Show Jumping, LLC/Hunter Farms North. He stated that Mr. Philbrick is the sole owner of the property known as Block 26001, Lot 1.02, comprising 101.46 acres. The owner currently operates a hunter/jumper equine breeding, raising and training operation on a nonpreserved farm approximately two miles from the property in question today, which is a preserved farm. The nonpreserved farm is referred to as Hunter Farms South and the preserved property is referred to as Hunter Farms North. Mr. Philbrick hosts several three- to five-day hunter/jumper equine shows annually at Hunter Farms South and during these shows he showcases his own horses in competition with horses owned by other individuals in the region in competitive show jumping events. Mr. Philbrick proposes to utilize the preserved farm to expand his current equine operation and to host hunter/jumper shows.

Mr. Roohr reviewed with the Committee the equine operation proposal as outlined on Page 2 of the draft resolution and the equine shows that are proposed for the preserved farm as outlined on Page 3 of the draft resolution. He stated that the landowner proposes to breed, raise and train horses as well as host competition shows. The infrastructure proposal for this property involves a stable, an indoor arena, a hay storage/maintenance barn, four or five outdoor sand training rings, one Grand Prix-style training ring that is essentially a grass surface, a Grand Prix-style obstacle course, a hay pasture, gravel parking area and gravel farm lane. The gray area for staff is the hosting of shows. The shows are essentially competitions where horses compete against one another in a professionally designed obstacle course. These horses are exactly like the hunter/jumper horses you see in the Olympics, and that is part of the landowner's specialty as he has been a part of those types of events. Mr. Philbrick is a former U.S. Equestrian Team rider, coach and longtime equine breeder and trainer. During these shows the owner showcases his own horses in competition with horses owned by other individuals in the

region in competitive show jumping events.

Mr. Roohr stated that these competitions are sanctioned by the U.S. Equine Federation and in order to host a sanctioned show you have to be granted a license by the U.S. Equine Federation. Mr. Philbrick currently has nine licenses. According to Mr. Philbrick, a show may feature up to 300 horses. Of those total horses, anywhere between 25 and 40 are his horses. Much like a race horse, the value of these horses is determined partly on bloodline and partly on performance, but unlike a race horse you can have great bloodline in a horse that won't jump. So the bigger majority of value in these horses is related to how well they jump in these competitions. They have to be in the competitions in order to get to those upper value areas. Mr. Roohr stated that a license is for one show and a show can be anywhere between three to five days. Mr. Philbrick has nine licenses for a total of 42 show days. All of his shows so far have been held at Hunter Farms South, the non-preserved farm he owns, except for one show that was held on Hunter Farms North in October. Mr. Philbrick would propose to move all the shows to the preserved site and host all or a majority of them there. Ms. Reade asked if these shows would be held during the growing season. Mr. Roohr responded yes, the shows, as he understands it, would be from April through the end of October.

Mr. Roohr stated that the only other venues in New Jersey for these types of shows, besides Mr. Philbrick's farms, would be the Horse Park of New Jersey and the Sussex County Fairgrounds. There are limited places, therefore, to go to have these events. Having these shows on his own property is an advantage to Mr. Philbrick because his horses wouldn't have to travel and they would be used to the course. The shows are rated on their difficulty level; the higher the difficulty level, the more elite the show is. The more elite the show is, the better the horses and riders are. If your horse does better in a more elite show, its value goes up proportionally more than if it had performed really well in a mediocre show. Having a higher quality show increases the value of what your horse would be worth if it performs well. The question was why someone couldn't just come to your farm and pick out a horse. These horses need to be seen in competition before someone would want to purchase them. These horses have been in the six-figure range in value and Mr. Philbrick has sold at least one horse in the million-dollar range. People want to see what these horses can do before they would consider purchasing them. These shows would be the predominant way for Mr. Philbrick to market his horses.

Mr. Roohr stated that the sand rings and the Grand Prix rings are used for daily training of the horses. They need to be able to do these types of activities prior to show day. Mr. Philbrick has them on site where they will be used in daily production activities. The accommodations that are more specifically for the show would be the gravel parking area

and that is where people would come bringing their horses and parking their horse trailers. There are three dirt mounds that are essentially topsoil that was graded from the property to make the sand rings. They are approximately 30 feet wide by approximately 100 feet long and they are flat. When the horses come in they stay on site, so they have a temporary place, somewhat like a large circus tent, and if they are on flat ground and it rains the horses are sleeping in mud holes. These dirt mounds are built with a little bit of elevation to the property so they are built into the side of the hill so to speak. At one end they are a few inches tall and at the high end they are two feet tall. That gets the horses off the ground; they put temporary stalls in there and if it rains the horses are up on dry ground and that is the purpose for these mounds.

Mr. Roohr stated that there are judges' viewing stands, there is seating for people and there is an existing judges' booth and stands on site now and they are fairly modest in size. It is like a covered pavilion. Montgomery Township has raised concerns about some of the activities as far as what needs approval and what needed to be brought to it first. The owner and the Township have met a number of times in an attempt to resolve these issues and it is a work in progress. Mr. Philbrick has requested a site-specific agricultural management practice (SSAMP) from Somerset County and there is an equine AMP, so there is a method for the County to go about that process. Due to the unique nature of what these activities are and that this is the first preserved farm that we are seeing to host these types of shows, staff asked the CADB to hold off on moving on the SSAMP request until the SADC can determine whether or not there are any deed of easement violations. The CADB had an initial discussion and it heard the owner's request and testimony from Montgomery Township but they are holding everything in abeyance until they hear back from the SADC as to whether there are any violations of the deed of easement.

Mr. Roohr stated the two main questions for the SADC today are impervious cover, and that is a deed of easement condition, and do we think that it was calculated properly and if so, is the proposed plan under the five percent requirement? The other more complicated issue is the Committee's feeling on the activities of hosting these shows, and is that a legitimate marketing activity for the output of the farm as it would be done here on the preserved farm? If the answer is yes, then staff believes there should be some conditions in any approval that would very tightly keep this operation production-oriented. There will always be the possibility that you could host a show just for the sake of hosting a show and you could charge admission at the door and make money that way. If that were the case and there wasn't a production element, that would not be in compliance with the deed of easement.

Mr. Roohr stated that the draft resolution before the Committee lists a number of conditions that staff believe would get us to a point where the SADC would be comfortable with the production being the predominant activity on the property.

Mr. Roohr referred the Committee to a drawing showing the areas that the landowner has calculated as impervious cover – the barns, stables, etc. At the bottom corner of that drawing are the value calculations of all the square footage of impervious cover, but on the map itself everything in yellow is what they consider impervious and they are at 4.7 percent. There are many definitions around the state regarding impervious cover but in this case the paragraph talks about there is a five percent impervious cover limit and impervious cover limit is defined as a surface that has been covered in a layer of material so that it is highly resistant to infiltration by water. It shall not include permeable geotextile fabrics that allow for water infiltration and it shall not include impermeable materials that are in contact with the soil for no more than one year.

Mr. Siegel and Mr. Schilling inquired about the gravel. Mr. Roohr stated that in this case the owner has calculated the gravel as impervious.

Chairman Fisher asked if there is a limit on how many shows there can be. Mr. Roohr responded that you would be limited by the number of licenses you can get. Chairman Fisher stated that the applicant has nine licenses so that would be nine shows. Therefore, it is not an unlimited amount of shows and it is based on the ability to market the production of the farm. Mr. Roohr responded that was correct. Chairman Fisher stated that staff indicated that production has to be the primary function and it seems that you can demonstrate that it is the majority of what is going to take place here -- so the farm days of what takes place with these horses is larger than the show days. Mr. Roohr stated that was correct and that the horses are there 365 days a year and there are a maximum of 42 show days at this point. The draft resolution that was provided does not give a maximum number of shows that could ever be hosted but it says currently there are nine and that production must remain the majority of activity on the property. Mr. Roohr reviewed various photos of the property and the activities with the Committee.

Mr. Roohr stated that topsoil that was stockpiled as a result of developing the current infrastructure has been retained onsite in three different areas. Mr. Roohr stated that staff visited the site along with Dave Clapp who works with the SADC and works in conjunction with the NRCS. Mr. Clapp's opinion was that the way the mounds were being kept now is pretty good because they are on flat ground. The only recommendation he made was the slopes could possibly be made a little wider but that it is in good condition. Chairman Fisher asked if it could be sold. Ms. Payne stated that is one of the

issues staff would like to address in the resolution. Staff position is that the deed of easement allows soils to be removed from the property if it is for an agricultural purpose but she feels that all the topsoil should be retained onsite so that when someone decides to do something on the property besides what they are doing now the topsoil is there, so we can discuss that as a condition.

Mr. Roohr stated that Mr. Philbrick is present today as is his attorney, Mr. Sposaro and his engineer, Mr. Buzby. Also, Ms. Britton counsel for Montgomery Township, is present as well.

Mr. Germano asked if the gravel drive was included in the impervious calculation. Mr. Roohr stated it was, the driveway and the parking area, which do take up the most in the calculation. Mr. Schilling stated his concern is making a determination that would in the future be establishing that gravel is impervious cover. He doesn't think we are there. Ms. Payne agreed.

Ms. Britton, attorney for the Township of Montgomery, addressed the Committee. She stated that the Township planner, engineer and open space coordinator also were present. She stated that she would comment after the applicant made his presentation.

Anthony Sposaro, attorney for Mr. Philbrick, addressed the Committee in support of Mr. Philbrick's application. He stated that the key issue for the Committee to decide is the connection between the shows that are proposed and production for this property. We can address the technical issue of impervious cover and he felt under the most conservative calculation we satisfied the deed of easement requirements and he would ask Mr. Buzby to address that issue with the Committee. He felt that the only issue on that subject that may be in dispute is the sand rings. Not only do we believe they are permeable but we had permeability tests conducted and provided those reports to staff in connection with those sand rings and they are more permeable than the soil that surrounds them. The soil underneath was not compacted so it's not as though the water goes down into the sand, then it has nowhere to go. The soils were only disturbed for the purposes of excavation of a small amount of soil so that when there was clean stone put in and clean sand introduced it was essentially level with the topography.

Mr. Philbrick, owner of Princeton Show Jumping, LLC d/b/a Hunter Farms North, addressed the Committee in support of his application. He stated he has been a professional horseman in Montgomery Township for over thirty years. He stated that he has been producing horses for all of those years at Hunter Farms South. He has another preserved farm about a mile away from Hunter Farms South where they do hay for the

horses, producing approximately 4,000 bales per year and that is about what their 40 horses eat per year. He stated that he acquired the property in question in order to expand his operation. He stated that they have been doing all of the horse production on the Hunter Farm South property, which comprises about 11 acres, which has become extremely tight. He stated he didn't want to leave the area and the only land that became available was in Southern New Jersey. He stated that when the Selody property became available it was great because it was only two miles away, the State had done all the work on the property and had done all the drainage work, which worked well for the sod farm that was there previously and that is exactly what a horse farmer would want.

Mr. Philbrick stated he has been a professional horseback rider for 25 years and competed all over the world. He had the good fortune to represent the United States Equestrian Team in international horse shows from Rome, Italy where the 1960 Olympics were held, to the World Dublin Show in Ireland, to the Royal Madrid show in Spain. He has been in two Olympic trials for the Olympic Team as a rider and he has competed in more than 300 Grand Prix events. As a teacher and trainer, he has had students who have gone on to represent international teams and the United States team, and he was an international trainer at the Equine World Championships, known as the World Equestrian Games that move around much like the Olympics, every four years. The last one was in Lexington, Kentucky.

Mr. Philbrick stated that as a producer of horses, he has produced horses that were in multiple Olympic games, world championships and multiple World Cup finals. He has sold horses for upwards of one million dollars. These sport horses are the lifeblood of what he does. The plan they have in place for the new farm is not something that they are making up as they go along. They want to expand what they are already doing at the Hunter Farm South property, which has only about 10 acres, to the Hunter Farm North property where there are about 100 acres. He stated he has been forced to have a lot of his breeding horses housed elsewhere, some out of state, due to the cost because they don't have the room, and that under his plan all of the horses can be located at the new facility. He has a group of top competition mares that they breed, he has interest in several stallions that they breed and they currently have nine young horses that they have bred. It is a long and arduous process to do that. You breed a horse and it takes 11 months and you don't even begin to ride them until they are 3 years old, and they get to their highest value when they are 9 years old. If you breed a horse, raise a horse and bring it up and then have it as a 4 year old or a 5 year old, you cannot sell it for what you have into it. Unless you show these horses and they compete, there is no way to recoup your investment let alone make a profit, let alone make your mortgage payments, insurance payments and make payroll.

Mr. Philbrick stated that producing elite-level sport horses is his profession and in the end this production is how he makes a living. People who are familiar with boarding horses and teaching riding lessons know that if you are lucky you break even. You cannot make a living just teaching, and giving riding lessons and boarding. You must produce horses and sell them in order to make a profit. He stated he realizes that a big part of the concerns are with the horse shows and he really wants everyone to understand that horse shows are their farmstand for their horses. Without the horse shows, there is no production. The problem in the New Jersey is that there are only two facilities at this time where there are Grand Prix jumping events, as was mentioned earlier. The minimum prize for a Grand Prix jumping event is \$25,000, and there is only one currently at the Horse Park of New Jersey and there are only two currently at the facility in Northern New Jersey.

Mr. Philbrick stated that over the years as they have developed their relationship with the United States Equestrian Federation, they have been slowly granted the licenses they currently have; it has literally taken 30 years to secure them. Those licenses are held by the Federation and someone would probably have to die in order to get many more additional licenses. It's a very difficult and arduous process. His licenses are well spread out with two events in April, two in the last week of June/first week in July, two in the last two weeks in August, two in the last week in September and then one in the first week of October. It is a total of 42 competition days. The rest of the year is spent training and riding. He has four professional riders on staff and that is what they do. They use the facilities that they build to train these horses every day. He stated that you see four sand rings but two are competition rings and two are exercising, warming up rings. Mr. Philbrick stated that unfortunately the material used at the other two facilities in New Jersey is stone dust dumped on the ground and that compacts and it is very hard on the horses. That is what prevents them from having more licenses and being able to hold higher-level horse shows. His use of the very best, expensive sand and the way that that ground drains allow them to have the highest-level Olympic horses at his facility, and over the past ten years they have had more than 10 Olympic riders. He stated that currently there are eight Olympic medalists in New Jersey and not one of them has been competing at the other two facilities in New Jersey. What they are doing is providing an elite surface for these horses and unless they go out of state, there is nowhere else for them to do it. So they are in a unique position, and as a former elite rider he knows well what elite horses and riders need, and what they are doing is also providing a service to other equine farmers in New Jersey because the kind of footing they have is like the Horse Park in Lexington, Kentucky and in Calgary, Alberta. It's a place where people who breed horses flock to from around New Jersey because they have the facility and the

ground that people are looking for. The sand they use is a very special sand -- its quartz and it doesn't compact so with dust control and water put on it, it keeps firm like if you were to run along the beach. If you try to run where the sand is deep, it's next to impossible and it is the same for horses. He stated that the sand they use is actually New Jersey sand and New Jersey sand is now recognized as the best horse footing there is and it is now shipped all the way to Florida and Pittsburgh. Mr. Philbrick stated that to date he has already invested upward of \$1.5 million in equestrian infrastructure for the horses and in repairing areas that had gone fallow and were in disrepair from the previous owner.

Mr. Sposaro asked where Mr. Philbrick stacked up against other equine breeders and trainers in New Jersey and beyond. Mr. Philbrick stated that he is one of the largest sport horse dealers in the country and has been for many years. There is a real distinction between people who do what he does and regular equine operations that are avocations and gentleman farms.

Ms. Murphy asked about the need for nine shows, rather than one show, to sell the horses. Mr. Philbrick stated that you want to see what the past performance is and the reality is that his shows are perfectly positioned in order to have horses compete, then have a month off, then compete and then another month off, etc. But to have one show a year, if someone said to you, "well, I went to one show and it did very well and I want a lot of money for my horse," they would be asked, "well, what else have you done," so we are in a position where you have three or four shows and that doesn't do it but in that situation it covers our season. You need to have those shows but they need to be spread out to showcase the horses in the best way you can.

Ms. Payne asked what would keep the landowner from getting, say 15 shows, or having lower-level shows. She stated that we get the fact that you need to use the facility to market your output. What is happening at that show is that you are also marketing a lot of other people's output too. The deed of easement allows you to produce and market your output but it doesn't say anything about the marketing of other people's output. She stated that in her mind, we have to get comfortable with the relationship between what you are producing on your farm and the degree of activity that is going on with your horses representing, say 10 percent of the total horses in the show. Mr. Philbrick stated that if you don't have those other people you don't have a show. Ms. Payne stated that you could have a show without your horses. Mr. Philbrick stated there wouldn't be much point in having a show without his horses in it and it has never happened in 30 years and it is the same with lower-level shows. Horse shows are work and there has to be a reason. Mr. Siegel commented then there would be no problem if there were a stipulation in the

resolution that the shows must have Hunter Farms participation for the show to be held there, that would not be a burden. Mr. Sposaro stated that the only caveat would be if there were an Olympic trial -- if the Olympic team or the Federation said they would like to use the facility for an Olympic trial, he thought that would be a once-in-a-lifetime opportunity for the farm, for the community and for the State. That might be the only circumstance or reservation he would have.

Mr. Sposaro stated that there has been some discussion and maybe some complaint by the municipality that there has been no production on the property and that there has only been horse shows. He asked Mr. Philbrick if there has been production. Mr. Philbrick stated they have three pieces of farmland -- the 60 acres where they grow hay and it has an orchard, this facility that has 100 acres, and the current Hunter Farms South, which has over 40 horses there and because of the quality of the riding rings and now the quality of the grass there they have been on the 100-acre piece -- they have been shipping horses over there and using that facility for the horses. He has had a plan for the barn since before they closed on the property and the issue there is that it took over 11 months for PSE&G to send someone to look at the site and give him power. They have a wonderful well that they dug and a site for the barn and a builder selected but without power we don't have water so without water and power we cannot have a barn. They do have a proposal in front of the PSE&G and they have applied for an electrical permit and we continue to await that. Mr. Germano stated that what he is hearing is that the three properties act as a single agricultural unit. Mr. Philbrick stated that is correct.

Ms. Britton, attorney for Montgomery Township, stated that she wants to clear up any confusion that Montgomery Township is not a supporter of farmland preservation. Montgomery Township's roots are historically rural in nature and the Township is a long-time supporter of farming and farmland preservation. Montgomery Township lobbied in the 1980s for the preservation of this property. She stated that she is not here to try to stop any right-to-farm protections; she is here to express the concerns that the Township has on behalf of a variety of residents. She stated that the biggest concern is that the property owner is going about this in a way that is contrary to State regulation. The equine regulations say that you have to have production. The production has to be the prominent use of the property. She stated that there is no production happening onsite. That is their biggest concern. Ms. Britton stated that today is the first time that she is hearing that Mr. Philbrick wants to tie all three of his agricultural properties together as one unit. That has never been told to the Township and frankly, this is a separate piece of property and is subject to a deed of easement and the equine regulations. She felt that the landowner is going about this backwards. She understands that after 30 years he is anxious to get shows and competitions to market his horses but she thinks the regulations

are very clear that there needs to be a production element and that is just not happening on this property at this time.

Ms. Britton stated that she wouldn't go into impervious coverage because that issue was discussed at length earlier and in her March 18th letter to Mr. Roohr. She just wanted to say they had some questions and concerns that everything that was impervious was being counted and that the five percent limit wasn't exceeded. She stated that the Township pointed out some things that it thought may have been impervious that weren't included. Subsequently, there was a revised plan submitted earlier this week to the SADC, including some of the structures that the Township had pointed out that should have been included.

Mr. Siegel commented that the Township letter stated that the calculation is incorrect. Ms. Britton responded yes. Mr. Siegel asked if she was telling the Committee that that issue has been resolved now. Ms. Britton stated she thought there are still some questions as to different views on what counts as impervious or not, but some of the issues have been addressed. They have now accounted for the run-in sheds and the manure slab that earlier weren't listed. Mr. Siegel asked if the Committee should now disregard that part of the March 18th letter. Ms. Britton stated she wouldn't say it's incorrect -- she thinks there is a disagreement between the property owner and the Township on how to calculate it. The property owner wants to calculate it on 103 acres, and the Township read the deed of easement and feels it should be calculated on 101 acres, excluding the recreation easement. How you calculate it -- either on 103 or 101 acres -- leads to different levels of impervious cover. She stated that they just received the revised plans this week that addressed some of their concerns. She stated that one of the things that did come up is the electrical permit and electrical service. Ms. Payne stated that it is not the jurisdiction of the SADC to hear information pertaining to electrical permits and the like and requested that the discussion focus on the deed of easement. She stated that the SADC will address the Township's concerns with respect to whether proper right-to-farm procedures are being followed separately at the appropriate time in the right-to-farm process.

Ms. Britton stated that when she prepared the March 18th letter, at that time the last proposal they were aware of was that the PSE&G, not the Township, was going to require a road that was going to be approximately 9,000 square feet. They just received new plans yesterday that take out that road. The Township hasn't had time to analyze those plans so she cannot say for certain that the issue has been resolved.

Ms. Payne asked Mr. Sposaro if there is any dispute about the fact that the area covered

by the farmland preservation easement that we refer to as the premises is 101.46 acres. Mr. Sposaro stated that the way that premises is defined in the deed of easement, premises refers to the metes and bounds description that is attached. It isn't clear whether it includes the 107 acres that includes the roads because the deed for this property goes to the center line of the road. He stated that they didn't think it was fair to include that because the roads are not really for their use; they are in the public domain and while we technically own them as a practical matter, either the county or the municipality owns those roads. We then get to the property that includes the recreation easement – they own that property and it is subject to a recreation easement and we thought that was debatable whether to include that. Ms. Payne commented that the SADC easement covers that area. Mr. Sposaro responded that it does not, but if you take the most conservative approach from the municipality's standpoint, we calculated on 101 acres and they include everything that the municipality says is impervious. He stated that he disagrees with that but for the sake of discussion, if you include everything, other than the sand rings, that they have provided permeability calculations for, they are still under the five percent. Mr. Sposaro stated it is a nice discussion but he feels an academic one. He stated that the Township is indicating that it has concerns. Mr. Sposaro stated he would like to know what those concerns are. It is debatable whether the gravel road should be included. They included those and still came up with 4.6, 4.7 or 4.8 percent. They included the run-in sheds, although they don't sit on a foundation and they are open on three sides. He doesn't think they are impervious but for purposes of the calculations to satisfy the municipality and make it a non-issue, they were included. If that is one of the issues, it is something that this Committee will have to decide.

Ms. Payne asked Ms. Britton if there is something that isn't being counted that the municipality feels should be counted. Ms. Britton deferred to the Township's engineer, Gail Smith. Ms. Smith stated that the only issue that came up with the sand rings is that the Township asked the owner to show them the details and the Township never got that, so they just want to see that. Obviously the sand at the top is very permeable and they would like to know what was underneath that. Ms. Payne asked if that was the remaining question in the Township's mind. Ms. Smith stated that as far as impervious cover, yes.

Mr. Sposaro stated that in his letter of response dated March 24th they didn't provide a visual detail but they did describe in excruciating detail that on top of the soil there is a pervious membrane that is put down. Ms. Payne stated she understood all that but the Town is asking the question. Mr. Sposaro stated that everything that has been submitted to the SADC has also been provided to the municipality, including the permeability tests. He stated that they also have their engineer present and would like to have him speak only on this issue because he was the one who supervised rings as they went in. Ms.

Payne asked if there was some kind of construction plan that details the sand ring construction that has not been provided to the Township or the SADC. Mr. Sposaro stated they can create a detail but there is nothing that has already been completed. Mr. Sposaro stated they could put one down graphically on a piece of paper but it wouldn't be any more than what they already described to the Township in words – a fiber member that's pervious, six inches of stone that is cleaned, another fiber member, the sand with fibers mixed into the sand. The only other point that our engineer would make is that the soil beneath all of this was not compacted before the rings were put in. They picked the flattest part so that they didn't have to move a lot of soil around in those areas. The areas were excavated but only to the extent necessary to add the stone and the sand. One thing that wasn't mentioned was that the soil was distributed throughout the farm. This was a sod farm and in some areas when they stripped the sod they went down 2 or 3 inches. So they only redistributed soil that was moved for the sand ring. They are not going to sell any of the soil. Any and all soil that was on that property will remain on the property.

Mr. Siegel asked Ms. Smith what needs to happen to satisfy the Township. Ms. Smith stated the commitment was made that they would provide the Township with the details and the Township is just waiting for that.

Chairman Fisher stated that the Township has indicated what it needs and maybe the applicant will make further attempts to try to explain to the Township that they've provided the necessary documentation to demonstrate that they've met the Township specifications. Mr. Sposaro stated they will provide the Township with a detail and the certifications from the owner's engineer that this is pervious and will provide the SADC with copies as well.

Ms. Britton stated that she had a couple of other points on behalf of the municipality. Another issue related to the deed of easement is soil erosion control and water conservation, protected by the deed of easement. When Hunter Farms began constructing the competition rings and the viewing stands last year, the Township immediately contacted them and advised that they needed to do a critical areas mapping and asked that they identify any wetlands and any other critical areas. The Township continually asked for that information for many months and only recently was provided that information. The owner learned after the fact, after hiring a consultant/engineer, that they inadvertently disturbed wetlands. She stated this could have been avoided if they had just done the mapping. To that effect, the Township has been asking them to provide storm water management plans for almost a year now, since last summer, and the Township still has not received that. The Township has no idea how stormwater and runoff are being addressed. Those are very critical pieces of information that neither the Township nor the

SADC has and could or could not impact the activities if they are not in compliance with the deed of easement. Ms. Britton stated that the owner testified today that he would be doing nine shows, 42 days. She felt it was important to note that on the corner of Burns Hill Road, which this property adjoins, and Orchard Road, there is a school. At least five of these shows that run from three to five days, it could be from Wednesday to Sunday, will be occurring during the school year. The Township has traffic concerns. There are a lot of local community issues that need to be addressed going forward with the shows.

Mr. Danser asked why the Township does not want this. Ms. Britton responded it isn't that the Township doesn't want this; it wants the process to be followed and the applicant's attitude during the entire process has been they would rather ask for forgiveness than permission. Chairman Fisher stated that was possibly the Township's personal opinion and the Committee didn't wish to get into that. Ms. Payne indicated that these would be right-to-farm issues. Mr. Siegel stated that could come later but this is not an issue at this time. Ms. Payne responded that it is not.

Ms. Sposaro stated that the Township says they disturbed the wetlands and they are right, but what they don't tell you is that we delineated the wetlands and when they realized that they inadvertently disturbed a nominal amount of wetlands, they self-reported it to the NJDEP. He has it confirmed in writing with Pete Keledy, and the response was to remove the fill from the wetlands, which they will do as soon as the weather permits, restore those areas with species that are indigenous to wetlands areas and then the NJDEP will send someone out to review the area and it will be done. In the words of Mr. Keledy, they have more important things to do. The Township also says they moved soil around and they did it without a plan. What they don't say is they now have an approved conservation plan, that we have requested assistance from the NRCS. He stated that this case is a poster child for why the Right to Farm Act was amended, because of unnecessary municipal regulations.

Chairman Fisher felt there is potential to get these issues cleared up but what we need to do is to state what is needed, state what needs to be presented, state what is missing and he knows that the applicant will do that. That is what has to take place. The question going forward is that the Township says it is not totally opposed to this project, at least that is what he thinks he is hearing, but that there are certain things they require and that the applicant will provide that.

Emad Abou-Sabe, a neighboring landowner to Mr. Philbrick, provided the Committee with a letter outlining his concerns dated March 28th. He stated that the structures that the applicant portrayed in the photographs earlier and the gazabos for the judging booths are

not the only structures in the application. A 4,000 square foot tower for judges and officials, and a 2,500 square foot grandstand for public viewing are going to be erected. Mr. Siegel asked if Mr. Abou-Sabe was suggesting that these structures will add up to more than five percent impervious cover. Mr. Abou-Sabe stated they may and they should be included in the calculations. Mr. Sposaro responded that they are included in the calculations. Mr. Abou-Sabe stated that he has pictures of a half-dozen tents that actually get installed and are installed throughout the summer right across the street. Mr. Philbrick stated that they come down between the shows.

Mr. Abou-Sabe reviewed his concerns with the Committee as outlined in his letter as follows: dust control, noise control, stormwater management, manure management, associated pest and rodent control, and view shed regarding preserved farmland. He stated his primary operation is production of livestock. He stated that the proposed development raises a variety of serious concerns. In October 2012, the applicant constructed and completed four riding rings with viewing and judges' stands and perimeter fencing. His letter indicated that they tapped the Township's hydrants for water, made electrical connections and have held nearly a dozen shows under massive pop-up tents without permits of any kind. The lack of procedure and protocol has a direct detrimental effect on the operation of his farm, the extent of which is yet to be determined. He stated that the applicant has redirected runoff from its field and rings, routing it into a stream that traverses his property to the north. This is the stream that provides water to his livestock. He is concerned about the potential for fecal coliform bacteria in the livestock drinking water. He is also concerned about any transfer of sediment or byproduct from the footing material of the arena rings. He stated that the applicant also installed a public address system with associated chimes and signals for the horse shows that is a nuisance and most likely exceeds the permitted decibel levels.

Mr. Abou-Sabe stated his farm is one of the few remaining historic farms in the Township, is locally registered and has a view shed that is protected by local ordinance. The applicant's project infringes on that view shed with tents, bells and spectators. He urged the Committee to scrutinize the details of the applicant's project proposal and apply the true spirit of the program as it was meant to be.

Bruce Abrams, a neighbor to Mr. Philbrick, stated that he is the closest neighbor to the rings that have been built. He now notices from today that most of his concerns will be at the county level relating to things that have been built so far and in the future. He is very concerned with the idea that those sand rings perc water out and his question is, if that is the case, why were storm drains run from the rings all the way across the property and then let go at a catch basin that then goes on to an easement on his property? Were there

any calculations done that the added rain water would be accommodated in the pipe that goes on his property? If those are completely able to perc, he doesn't understand why they were run without approval of the Township, and as far as he understands, without any engineering. If they are not part of a substrate or a drainage mat underneath the rings he would like to hear that they are not.

Bill Buzby, who is the engineer hired by the applicant, stated that the pipes referred to by Mr. Abrams are the under drains from the sand rings. They direct water that isn't retained by the sand or the stone to an existing storm sewer system. One of the permits that they have from the Township is to continue that discharge. There is another field drain farther to the west that they are going to connect into the storm sewer system and that is what those pipes are for and that is how they function. Mr. Abrams asked shouldn't that be added to the surface that is being covered since it requires drainage and that water is taken offsite? Mr. Germano stated that we cannot be asking engineers legal questions. Mr. Abrams stated that he was asking since it ties in with the sand rings; shouldn't it be part of the impervious cover percentage?

Ms. Murphy asked about the status of the stormwater management plan on the property. Mr. Buzby stated there is a tentative plan on what they call the agricultural plan. They are working on the calculations to comply with the stormwater rules, which say you have to decrease or match the flows, you have to address stormwater recharge and you have to address movable or suspended solids. They are working on all three of those functions but primarily for the gravel parking lot near one of the sand rings. Those two items are what triggered the stormwater rules. The other work that has been done on the property didn't create any other impervious surfaces so they have to address those three objectives for those stone parking areas. Ms. Murphy asked about the indoor riding rings. Mr. Buzby stated that when those are done a separate stormwater management will be prepared for those buildings and the driveways associated with them.

Mr. Sposaro stated that regarding manure for the horses, that is removed once the shows are completed; it is not stored on the property and it is not spread on the property. The same will be true for the barn, once it is built. There will be a concrete slab and there will be a manure management plan and that manure will be removed from the site. Mr. Sposaro asked Mr. Buzby in his opinion do the sand rings imply impervious cover? Mr. Buzby responded that he felt they do not. The NJDEP has developed a best management practices manual and one of the practices in there for accomplishing ground water recharge is to remove the heavy soils that we typically have in Somerset and Hunterdon counties -- there is a lot of clay -- and replace that with more pervious soil so that the rain water can go down and get into the fractured shale and provide more recharge than

typically the native soil would allow, so in his opinion they are not impervious. Mr. Abrams asked if the applicant is going to go ahead and have shows while there is zero farming activity on the land and zero breeding activity. He thought it had to go hand in hand with the breeding and some kind of production. Chairman Fisher stated this is one of the questions the Committee will be discussing.

Chairman Fisher asked about the 2,400-seat grandstand, specifically at a large event on a very successful day, how many people would you expect? Mr. Philbrick stated that the general public doesn't come to these events from Wednesday through Friday; they would only come on Saturday and Sunday and predominantly on Sunday when the main events happen. Chairman Fisher asked how many people on a good event on a Sunday? Mr. Philbrick stated 1,000 people would be great. He stated that they would love the public to be there all five days and in Europe the people do come all five days but in the United States they don't. The facility is open and they don't charge to come in but primarily when people come it's on Sunday and on Saturday as well because the kids are out of school.

Ms. Payne asked if the parking area is designed to handle that many people. Mr. Philbrick stated that most horse shows that are held throughout the country are held on horse farms, not necessarily in specific facilities like the Horse Park of New Jersey. He stated that it is very typical that if it rains no one comes and it is not untypical that if they do they park on the grass. Ms. Payne commented that you would use grass areas for parking. Mr. Philbrick responded they would use grass areas for overflow parking – that northeast corner in the back is completely unused. Also, regarding the parking lot that they built, which has been the subject of a lot of discussion – you have to understand that most of the high-end horses that come into this property come on 18-wheel tractor trailers and if they didn't have that parking lot, it would be impossible for those trucks to get in and turn around because they have the same soil that Mr. Buzby is talking about, which is clay-based. When it rains, a tractor-trailer would be instantly stuck trying to turn around on the grass. The parking lot affords those trucks with a way to come in, drop the horses off and leave. Ms. Payne asked how would the overflow parking area be used throughout the season when it is not being parked on. Mr. Philbrick stated that the minute the event is done, and they have been doing this for 30 years, they turn horses out in those paddocks, they ride on that grass. He stated that Mr. Roohr came and looked where they stable tents and horses at Hunter Farms South currently and have been for many years, and asked when you turn out doesn't it get ripped up and it doesn't. There is a machine that plugs, they reseed, and much like a polo game that rips up the turf, it is back in production in a day.

Ms. Payne asked about nonsanctioned events. What is the plan or the intention in terms of having other events that are not sanctioned? Mr. Philbrick stated that he doesn't have any intentions of holding nonsanctioned events on this property. He hasn't held outdoor nonsanctioned events since he received his licenses fifteen years ago. They started with nonsanctioned events but the goal is always to have sanctioned events. Ms. Payne asked if that were a condition of approval, would that be something you would object to? Mr. Philbrick responded no. Mr. Sposaro stated other than an Olympic trial as related earlier, but Mr. Philbrick stated that Olympic trials are sanctioned.

Ms. Murphy asked if the gravel parking lot had been built already. Mr. Philbrick responded yes. Ms. Murphy commented that the stormwater management plan has not been submitted. Mr. Philbrick responded that was correct. Ms. Murphy asked when the plan is being submitted. Mr. Buzby stated that he would have that completed within the next three weeks. Ms. Payne asked who they were planning to submit that plan to. Mr. Buzby stated to whoever wants to see it. Ms. Payne asked what their plan was in terms of the submission and review and approval of the stormwater plan. Is it that you are going to the Township or are you going to the Soil Conservation District as set forth in the DEP regulations? Mr. Sposaro stated they would much rather go to the Soil Conservation District. Ms. Murphy indicated that the Township has jurisdiction. Ms. Payne stated that the NJDEP regulations allow agricultural development to get approval from either the Town or the District. Mr. Sposaro stated they would be happy to go to the District. Their engineer will certify that the plan is in compliance with the stormwater regulations. Ms. Murphy stated that it is her understanding that you are supposed to get the approvals before building the facility. She asked that going forward would the owner get the approvals first and then build the facilities for stormwater, that is a concern for her. She stated that it is a State law that has to be followed as per the deed of easement. Mr. Sposaro stated that as soon as they can get the plan approved they will construct those stormwater facilities, weather permitting. He stated that they are right on the edge of allowing that to go forward. If the Soil Conservation District can review that plan quickly and turn it over and approve it, he sees those improvements being completed in the next forty-five to sixty days. He stated that the stormwater plan will evolve over time as the improvements are completed. The only improvements on the property now that require attention to stormwater management is the larger parking area and the smaller parking area. They will prepare a plan within three weeks and submit it to the District for review and approval. Any other improvements that create impervious cover they represent to the Committee that they will get a stormwater management plan approved before those improvements are made going forward.

Chairman Fisher thanked everyone for coming in and making their comments. Mr.

Sposaro stated that they recognize on impervious they are providing a detail to the municipal engineer and he thought based upon that and Mr. Buzby's testimony that they satisfied the deed of easement limits of five percent. The second issue is whether there is a nexus between the horse shows and production. He stated that based upon Ms. Payne's comments that she understands that connection, which he felt is a legitimate and compelling one. What may remain are what limits are you looking for, what conditions are you seeking to impose on these activities, should the Committee approve them? Will the Committee discuss those today? Ms. Payne stated that would be her hope for the Committee to have some discussion at this point to give staff some insight on its thinking and staff will go from there.

Ms. Payne stated that on this issue, the analogy was made earlier that this is a farm market. She is somewhat uncomfortable with that analogy. Even under Right to Farm, if this were a farm market, fifty-one percent of the sales would have to be from the output of the farm management unit. We are talking about a much fewer number of their horses being in these shows and that is the essence of her concern. She stated that at the staff level, they think about this as an equivalent of a wine festival. Say that a winery wants to invite six other wineries onto the property and they have the festival. The intention is to elevate all of their products in competition with one another to build their market values. This is not the equivalent of a farm market that sells wine and only ten percent of what is being sold is coming off that farm. She stated she perceives this more as an event kind of issue and she felt it was completely appropriate for the Committee to get into limits to this. She felt that the production aspect has to be there, the presence and number of his horses in these shows, except for the Olympic trial perhaps as an exception. The number of shows is important and the number of days of the year, of the summer – April through October – that these shows occupy are important if we are going to create some relationship that the SADC is comfortable with between horses being marketed or not from this farm. Ms. Payne stated that she is not comfortable writing an open checkbook, so to speak, that you can have as many of these events as you want and we don't care about how many horses in the events are yours. She felt that those are really important issues.

Mr. Siegel stated that it seems to him that you have to allow for the possibility that these shows could occur without any production horses on this property unless we specify it. The way this resolution is written now, there could be a show that occurs with zero farm output on display. Mr. Siegel stated that the wine festival analogy is a good one because we see some of these events where they do a festival with 20 producers showing a product and defensible under right to farm, but where does it fit with the easement? He felt that would give guidance on how to deal with this more complicated question of

livestock shows. Ms. Payne pointed to what staff started drafting in terms of language to contemplate at the bottom of page four of the draft resolution in the third “be it further resolved,” where it says “horse shows, as described herein, are only permitted when simultaneously used as a venue for marketing the agricultural production output of the Premises” and then the next one that reads “that a significant number of animals participating in the shows held on the Premises shall be produced on the Premises.” She stated that the language was put there to get the Committee thinking about we don’t want to overly restricted the property owner but on the other hand we don’t want to have no standard. That is where staff is in its thinking. Mr. Sposaro stated that you could stipulate no less than ten horses that are in production.

Chairman Fisher stated that we know that on farm market production and farm markets it isn’t that hard to get fifty-one percent of your output to be responsible for what you need to sell at that farm market. Wine festivals, clearly, bring in output from a lot of places. Mr. Siegel stated that farm markets do also – the real traditional farm markets. One of them that he knows of openly sells tomatoes from another farm because he isn’t producing enough. The pumpkin farms also do that – they buy and sell products from each other to sell in their farm markets. This also becomes an enforcement issue.

Ms. Payne stated that if we get to a point where there is a preserved farm with a farm market on it and they don’t actually grow anything of what is being sold, we would think of that as a violation. Somewhere between that and what is common out there, which is additional products that supplement what you grow, at some point tips the scale. She stated that this case is starting to ask the question of where is that tipping point? Ms. Murphy stated that it is also different because of the value of the agricultural product. If one of these horses can go for almost one million dollars, how many of them do you need to sell a year, so how many do you need to have in a show? This is the different model that Chairman Fisher was referring to earlier. Chairman Fisher stated that it was stated earlier that no money is made basically on these events. Mr. Siegel stated that if there are 300 horses in a show and the landowner has one horse, that is clearly not a significant number, except if he sells that horse and it covers his income requirement for the next twenty five years; that is why the horse issue gets complicated. If we can sort out what our thoughts are about a wine festival, it would give guidance here. Mr. Germano stated that the word “show” obscures what these things really are – they are competitions and it is demonstrating that your horse is a winner and that is what makes the money. You need a lot of other people’s horses to show that your horses are as good as or better than the others.

Mr. Schilling stated that this is a deed of easement discussion, not a right to farm issue,

and he understands that the frequency of events would have implications in right to farm. He stated that the owner said earlier that basically the timing and spacing of his events are somewhat strategic; they are limited by weather and from a business standpoint. He stated that he would have a concern in the deed of easement conversation to talk about putting limits on the extent to which someone could market their product by imposing a fixed number of events because he feels that is already being fixed by the business model. Mr. Germano stated that he can grow his hay someplace else and he can use this place as where he shows his product. We are dealing with three different locations; it is operating as one agricultural unit. Ms. Payne felt there were not concerns there. When we have preserved farms that have farm markets on them and the property owner owns six other farms, we never object to them marketing what they grow on their other pieces of property. The question we are talking about is marketing other people's products through these shows. Mr. Germano stated that isn't his intent, it is collateral damage so to speak. He stated that the owner needs the other animals to showcase his. Ms. Payne stated that we need to be careful here because when we were talking about wineries, and they have product, they are saying that they have to have other activities on their farms in order to market their output. We said no, that having a wedding on a farm is not closely related enough and a wedding is not a legitimate marketing tool that we are going to approve. This starts to ask that same type of question. This is a very different marketing technique obviously.

Mr. Danser stated that a wedding is a profit activity and it is different. If one winery has five other wineries bring product in for a festival and a competition, maybe theirs wins and maybe theirs doesn't, and the others could sell more or less and that is different from holding a wedding. Ms. Payne stated those are the distinctions we have to be clear about. Ms. Payne stated that what the deed of easement is silent on is your right to market the output of other people's operations. That is what has to be answered. Mr. Schilling stated that he brings his horse to this event and it performs very well. The owner is saying that there has to be a pattern of good performance that builds value in the animal. There is a sale of that animal at such a point in time to one of the people who was invited to the activity. His revenue stream, the value he is building in his animals, is incrementally going up as each event occurs. Ms. Payne stated that could be the same for all the people he is competing against as well. Mr. Siegel stated that the easement is silent. If you have a wine festival and five wineries come and they sell a lot of wine also, the easement doesn't care. The easement allows the activity if it is helping the landowner sell his agricultural production. Ms. Payne stated she would never concede that statement. That is a very broad statement and you could put any activity on a preserved farm that could increase sales. How about a NASCAR racetrack? Mr. Johnson stated that isn't the case in this situation. He doesn't have any argument that this gentleman is marketing the

output of his agricultural enterprise and he thinks that is the key point here. He is using his venue as the marketing aspect. He noted the potential positive effects that it could have on the equine industry on preserved or nonpreserved farms in New Jersey -- more horses, more hay, more everything from all these producers that are involved in the equine industry. He felt, and he thought everyone would agree, that the equine industry needs a good shot in the arm now and the support from this Committee.

Ms. Payne stated that we have to understand what is being allowed in the context of what the deed of easement says we are allowed to permit. Mr. Germano asked if it was staff's concern that there is too much help for people off the farm. Ms. Payne stated yes, that if the owner were having events and eighty percent of the horses being marketed were his, she would readily consider that accessory and ancillary to him marketing his product. That is not the case here. This venue is showcasing, by a great majority, someone else's horses. She understands the need for it to build the value of his horses but she is just saying that the Committee needs to consciously go into this being clear as to why that would be permitted or why it isn't. Chairman Fisher stated that building the value of horses is a little bit different from any of these other conditions that are being talked about because it actually does build value, whereas you can have ten wine vendors and that doesn't necessarily mean that your wine is going to go up because five other vendors are at a festival. He doesn't think that connection is there but he feels we'll just go around and around because it is silent as to what the limits are and what the bounds are and that is what we will have to come up with -- what do we think the bounds are?

Mr. Schilling stated that what makes this unique is that if you are producing inferior horses then these competitions are not going to be effective tools to market your animals. In fact someone else will benefit. The fact that the competition, which involves competing your horses against other horses, that is how you are building your value, presumably you are trying to produce horses that perform at a superior level; that is why you have these competitions. The competition by its very nature is necessary to differentiate the animals and produce value.

Mr. Siegel stated that a year goes by and he hasn't sold any of these animals. Do we look at this differently than under the easement? Ms. Payne stated what if something happened to the property owner? Let's say he and his wife decide to move and go away and someone else wants to step in and manage the site as a venue for having high-end horse shows for hunter/jumpers. This property cannot become that venue independent of the production. Mr. Danser stated that it has to be a part of marketing the product of the farm management unit and he feels that the draft resolution says that. Mr. Germano asked if staff is uncomfortable because the draft resolution says "significant" and that is too hazy.

Ms. Payne stated staff is asking the Committee whether that seems reasonable or does the Committee want to be clearer?

Mr. Roohr stated that he understands that you don't want to set a precedent on how many days of marketing that you can do, but Mr. Sposaro has informed him that for this particular case that Hunter Farms would be fine if the Committee would allow one additional three-day show, if they are able to get an additional license in the future. They would be willing to limit it to ten shows, no more than forty-five show days per year for their particular case. Perhaps staff can, outside of this meeting, work on the language for what a standard is. Mr. Schilling stated that his point is that it is consistent with the business model that the owner has put forward that says it makes sense so there is basis for it, it's not just arbitrary. He stated that if and when the operation changes to the point where maybe twelve shows is desirable because it fits the business model, that would be a discussion that would make sense but if there is no objection to a limit then fine. Mr. Danser stated that starting with a limit is a reasonable idea and if three or five years down the road they want to go to twelve for some reason then they will have a track record, a production record, so they could come in and say this is what we have been doing and this is why we want this or that and the Committee will have more to go on to make an assessment. Mr. Schilling stated that if that stipulation goes in it is because of the testimony of the applicant, that it makes sense given his current business model, not that there is sort of a regulatory determination that there should be a limit to the number of marketing days. Mr. Philbrick stated it makes sense to him what he is doing now and he totally agrees with the Committee that putting limits on a property -- it rubs him the wrong way. Does he need more than ten shows on this property? He really doesn't from that period from April to October. He doesn't, can't and won't, but putting limits on other properties, the Committee's anxiety is also his anxiety. He has no intentions of doing more than what he is doing now.

Mr. Schilling stated that regarding this term "significant," he agrees with Mr. Germano that it is ambiguous but he understands that there is an intention behind it. Mr. Sposaro was trying to get you to put in context the magnitude of the operation. At some of the other shows, the owner has mentioned that there are about 300 horses at some of the events, of which ten may be his, perhaps more. In the grand scheme of this type of event, what is the range in horse numbers you may see nationally or in the region? He is trying to get a sense of is it a 300-horse event, a small, midscale or large event? Mr. Philbrick stated it is midscale. He would think that it is possible that there has been a 500-horse show at the Horse Park of New Jersey. Mr. Schilling stated that in terms of the industry norm, he would expect that equine producers are variable in size but what would an average producer look like in terms of the number of animals he/she would bring to a

show? Mr. Philbrick stated that it is variable but he knows a horse producer in New York who comes to a horse show with 45 horses and on a regular basis. He comes to their horse shows. He is on the higher end in terms of how many horses. Again, you go back to the idea of professional as opposed to someone who is a gentleman equine farmer. You might find a gentleman equine farmer who has six or twelve stalls in their whole operation. Mr. Philbrick stated that he owns almost sixty horses and has forty-one of them on Hunter Farms South, but that is a big number. Bringing ten or twelve horses to a show is a good number for a producer. When you talk about the cost of producing those ten horses, the point is also about value. We are not aiming for selling \$10,000 horses -- their mean range of what they are looking for is at least in the neighborhood of \$100,000 and then when we sell higher-up horses, they have sold many horses for upward of \$300,000 or \$400,000 over the years and one in excess of a million dollars. That market is growing world-wide. Several horses were sold out of the Olympic games for upwards of three or four million dollars per horse. If you produce the right horse, you may pay for your whole farm. He knows a family in Sweden where they bred and produced a horse, took it to the Olympic games and just sold it to a hedge fund person in New York for almost five million dollars. They paid off their entire mortgage and everything they have done in the horse business for the last twenty five years off of that one horse. It is the same if you win the Kentucky Derby with a stallion. It is always possible. The numbers are skewed based on value.

Mr. Schilling stated that is the difficulty he has with that term "significant." If you have one horse that you are investing all your time and effort into because you think the bloodline and the training show that this animal is going to be that mortgage buster, you may go invest all your time and efforts into showing that animal versus someone who doesn't know that they are doing and just more of a volume business. He feels that an animal from the premises has to participate makes sense; he just doesn't know how to interpret or qualify it any more than that.

Mr. Germano stated that the nature of this operation requires that his animals show the ability to perform at a high level against a substantial number of someone else's animals through competition to get value. Your horses have to be outnumbered for you to show that you have a better bloodline. It is a necessity. Ms. Murphy stated that then it is not just a question of marketing someone else's product. The fact is that you have to do that to market your own to its best potential. That could be the way to make the distinction. Mr. Danser felt that should be in the "whereas" section; "whereas we heard testimony that it is absolutely essential to have competitions, broad spectrum competitions in order to market this particular product."

Ms. Payne stated that staff can verify the testimony that has been stated. Mr. Roohr has been working with the Department staff to understand how unique this event is and what the mix typically is and those types of things. Staff can validate testimonies. Mr. Schilling stated that in the absence of these events, how many animals would the owner sell? Mr. Philbrick responded none. Mr. Siegel stated that if we are alright with the wine festival because it is possible to sell wine without a festival, then this is the next step up from that because here it is impossible to sell without the show. He stated that the question that Ms. Payne raised earlier that he didn't hear the Committee agree on is holding events to sell other people's products. Ms. Payne stated that at the staff level she didn't think staff would object to a winery being the host, if for example, it were their turn to be the host for the New Jersey Wine Festival, because to participate in the agricultural community is to occasionally be the host. The question is if a farm starts having a wine festival every weekend, they have become the chosen venue for wine festivals in New Jersey. That is a separate question. She stated you could make that distinction between wine and these very high-end caliber horses and participants. These are the issues we have to scrutinize and be clear on.

Chairman Fisher stated that there are documents that need to be submitted in terms of the Township and some impervious issues, and some other procedural and timing issues in terms of the Soil Conservation District and other such matters. He stated that the way he understands it is that we have arrived at a point where we believe this is slightly different in terms of how you need to have something like this, competitions, in order to market the output of your operation, but it cannot be open-ended and it has to have some kind of boundaries and limits. We understand that the word "significant" doesn't meet the challenge at all for us and we have to determine something better suited than that term. We still wrestle with what would be the boundaries in terms of how much could take place based on the output of a farm operation and a farm management unit. Mr. Siegel stated that the resolution says "vast majority," which to him is on the same list as "significant number" and is a phrase he doesn't like. It is stated in the fourth whereas on page four from the bottom where it says "...for the production related activities for a vast majority...." He asked what is considered the vast majority. Mr. Germano stated he views this as the owner's market, it is his farm stand. Ms. Payne stated she heard the property owner stipulate that he would be fine with a limit of ten shows, forty-five days, as long as that can be revisited in the future, should conditions change. So we keep the door open so it's not a hard and fast rule that gets picked up and applied to some other property.

Ms. Murphy stated that she would like to address that "be it further resolved" since it was brought up by the Township and at least one of the adjacent landowners as being a

concern about where the production is taking place. She stated that Ms. Payne commented earlier that the SADC has never had a problem with a preserved farm selling from their farm market some of what was produced somewhere else but that is assuming that they are going to do some of the production on the same property as the farm market. So her question is, how do we tie together this particular property with production happening on property that is not covered by this deed of easement? Mr. Siegel stated that the resolution states that horses have to be on this property. Ms. Murphy stated that the "be it further resolved" on page four (4th from the bottom) states that the approval is conditioned on the use of the premises for production-related activities for a vast majority of the year. Mr. Siegel stated that the resolution also states in one of the "whereas" paragraphs that he is going to bring 20 animals to this piece of property before these shows happen. Ms. Murphy stated that is something that is intended to occur, that there would be production activities on this particular block and lot. Ms. Payne stated that it's a little chicken and egg here – he cannot bring the animals on site until he can get facilities up.

Chairman Fisher stated that the other issue is the questions that were raised by the other property owners and the other farms about how it affects them. When he heard race day stands forty five days a year, these are things you really have to think hard and long on and we don't have to address that issue here. Mr. Schilling stated that for him what we are doing here, impervious cover issues, that is a very discrete deed of easement-related issue that we have to determine. This is an ag-use determination, period, so all these other issues are going to be under the auspices of right to farm. He questioned what the determination was regarding "vast majority." Mr. Siegel stated that staff would take out that wording; they will specify the number of shows and say 10 shows or 45 days, or whatever it is.

Ms. Payne stated that there are two separate things. The first is we are going to define the number of shows so we understand the extent of this venue kind of activity. The second part is that the rest of the year there has to be production on the property. We consider the pasturing of horses production. We consider you conducting breeding activities production so if the remainder of the farm is being actively used to pasture and feed the horses, that is production. At the staff level, that is production and it satisfies the requirement. Mr. Philbrick stated it makes no sense for him to use his ten acres exclusively and leave 100 acres and not have his breeding operation there – that was the intent from the beginning. Those horses need space and they are overcrowded the way they are now. Ms. Payne stated that staff was trying to recognize that events are happening here and as he gets those permit issues resolved the transition is going to occur so the production will be here. We wanted to create some tolerance for that transition of

the operation to the site so that was the goal of the language in the resolution.

Chairman Fisher stated that the Committee will not be acting on the draft resolution, and it will be revised and brought back to the Committee at next month's meeting. Mr. Siegel asked what kind of guidance are you taking away on that "significant" number, where are you going to go with that? Mr. Roohr stated that in this particular case, Mr. Philbrick had offered a minimum of ten of his own animals. Mr. Siegel stated that we should go with that because "significant" is in the eye of the beholder, and to him it means almost like a majority. Ms. Payne asked Mr. Philbrick if he was comfortable with the number of ten animals except for the Olympic trial. Mr. Philbrick stated that he doesn't love it only because there are things that happen and we have this equine herpes for instance, that struck and when that happens you may have your barn quarantined. Ms. Payne stated that staff can build in that kind of allowance. Mr. Philbrick stated that if he has literally the best jumper in America and it's the only one he has at the time for whatever reason -- a broken leg, or a sickness -- and that horse goes and competes and wins the Grand Prix and he is able to sell it for a million dollars, that is going to cover him in a big way. The specific number, although that has been what they have been doing for 30 years, is that they will have 10 or 15 or 20 of his own horses in every horse show. It is just that he is nervous about if all of a sudden that number is reduced for some reason. Chairman Fisher stated that we would have to equate this almost to a drought condition and we'll have to figure out how to make that work. Mr. Schilling stated it's a hardship clause. Mr. Philbrick stated it is not their intent not to have that many horses because there would be no other point. The only reason we wouldn't do that is for some outside reason such as sickness or some serious reason. Ms. Payne stated or it could be because of some incredible success -- if you sold thirty of your forty horses in a given year you could be in a position of not having ten horses to put in a show. She stated that staff can work with those issues to talk about the overall goal, and extenuating circumstances may vary this a bit. Mr. Schilling stated he would hate to see some regulatory act that would fix a business decision that he would have to put out ten horses so I'm going to take two inferior horses and put them out there just to make the quota. Ms. Payne stated that staff will work on this issue and present it at the next meeting for consideration.

D. Resolutions for Final Approval – Municipal Planning Incentive Grant Program

Ms. Winzinger referred the Committee to five requests for final approval under the Municipal Planning Incentive Grant Program. The specifics of each application were reviewed with the Committee and staff recommendation is to grant final approval as

presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2013R3(3) through Resolution FY2013R3(7) granting final approval to the following applications, as presented and discussed, subject to any conditions of said Resolutions:

1. The Sycamores, LLC (Budelman) Farm, SADC # 13-0433-PG (Resolution FY2013R3(3))
Block 69, Lot 1, Manalapan Township, Monmouth County, 22 Net Easement Acres
State cost share of \$13,800.00 per acre for an estimated total of \$303,600.00 (60% of the certified market value), with one vacant residential structure that should be designated as an agricultural labor unit.

Discussion: The application includes one one-acre nonseverable exception for and restricted to one single-family residence. After the certified value was determined, the landowner requested that the application be amended to move an exception area northwest from around the existing single-family residence to a vacant location and to designate the existing single-family residence as an agricultural labor residence to be located on the property outside of the exception area. The property has no pre-existing nonagricultural uses, zero residences and one vacant single-family home to be designated as an agricultural labor unit on the area to be preserved outside of the exception area. The appraisers who performed the original appraisals and the SADC's review appraiser all agree that this application amendment does not have any effect on the certified value.

2. Kurt and Donna Sickler, SADC #170-0115-PG (Resolution FY2013R3(4))
Block 16, Lot 13, Alloway Township, Salem County, 12 Net Acres
State cost share of \$4,200.00 per acre for an estimated total of \$50,400.00 (63.64% of the certified market value and purchase price).

Discussion: The property has one single-family residence, zero agricultural labor units and no pre-existing nonagricultural uses.

3. Andrew and Thomas Bellone, SADC # 08-0133-PG (Resolution FY2013R3(5))
Block 6002, Lots 67 and 73, Franklin Township, Gloucester County, 50.382 Surveyed Acres
State cost share of \$3,310.00 per acre for an estimated total of \$166,764.42 (68.25% of the certified market value and purchase price).

Discussion: The property has zero existing single-family residences, zero agricultural labor housing and no pre-existing nonagricultural uses.

4. Daniel and Irene Lenzi, SADC # 08-0137-PG (Resolution FY2013R3(6))
Block 6601, Lot 20, Franklin Township, Gloucester County, 38.315 Surveyed Acres
State cost share of \$1,989.30 per acre (73.70% of the Pinelands Formula Valuation with 10% impervious coverage), for a total grant need of \$76,220.03.

Discussion: The property's agricultural production at the time of application was pasture, hay production and equine. The equine activity consists of the landowner keeping six horses for personal use with no equine service activities occurring on the farm. There is one existing single-family residence, zero agricultural labor housing and no pre-existing nonagricultural uses. Pursuant to N.J.C.A. 2:76-19.3, landowners have a choice of having the development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31. Based on consensus between the SADC and the Township, the SADC issued a Pinelands Formula Valuation Certificate that yielded a formula valuation without impervious cover and a formula valuation with 10 percent impervious cover. The owner accepted an offer to sell a development easement at the formula valuation with the 10 percent impervious coverage option. The impervious coverage limitation shall be 10 percent of the total property acreage, and shall include but not be limited to houses, barns, stables, sheds, silos, outhouses, cabanas and other buildings, swimming pools, docks, or decks. Temporary greenhouses and other temporary coverings which do not have impervious floors shall be excluded from the computation of the impervious coverage area.

5. Normal E. Stiles, SADC #08-0135-PG (Resolution FY2013R3(7))
Block 6401, Lot 44, Franklin Township, Gloucester County, 25.18 Surveyed Acres
State cost share of \$3,400.00 per acre (68% of the certified market value and purchase price) for an estimated total grant need of \$85,612.00.

Discussion: The property has one existing single-family residence, zero agricultural labor housing and no pre-existing nonagricultural uses on the area to be preserved.

The motion was unanimously approved. (Copies of Resolution FY2013R3(3) through Resolution FY2013R3(7) are attached to and are a part of these minutes.)

E. Amended Resolutions for Final Approval – County Planning Incentive Grant

Program and Municipal Planning Incentive Grant Program

Ms. Winzinger stated that there were four requests for amended final approval, three under the County Planning Incentive Grant Program and one under the Municipal Planning Incentive Grant Program. The specifics of each application were reviewed with the Committee and staff recommendation is to grant amended final approval as presented and discussed.

It was moved by Mr. Danser and seconded by Ms. Reade to approve Resolution FY2013R3(8) through Resolution FY2013R3(11) granting amended final approval to the following applications, as presented and discussed, subject to any conditions of said Resolutions:

1. Bezr Homes LLC/NAR Farm, SADC #08-0132-PG (Resolution FY2013R3(8))
Block 1102, Lots 1, 2.01, 2.05, 3, 3.02, 5, 7, East Greenwich Township, Gloucester County, 111.8 Surveyed Acres
State cost share of \$16,800.00 per acre, totaling \$1,878,240.00, pursuant to N.J.A.C. 2:76-6.11 and adjustments made according to this Resolution and the conditions contained in Schedule "E."

Discussion: This is a request for amended final approval. The SADC granted final approval in September 2012 for the purchase of a development easement on this property, which was limited to \$999,500.00 in USDA, NRCS Federal Farm and Ranch Lands Protection Program grant monies the SADC had secured because Gloucester County had encumbered and/or expended all of its SADC grant funding at that time. After it became apparent that the Federal funding approvals were going to be delayed until 2013 but the landowner wished to close prior to the end of 2012, the County closed on the development easement in December 2012 without Federal funding. Gloucester County is requesting an amendment to its final approval to use new FY2013 Planning Incentive Grant Program funding. The County is requesting to use the balance of its base grant of \$1,000,000.00 and remaining \$334,222.32 in FY2011 competitive funding, along with \$544,017.68 in FY2013 competitive funding to cover the SADC cost share.

2. Santo J. Maccherone Farm, SADC #08-0126-PG (Resolution FY2013R3(9))
Block 1, Lots 2, 3, 6; Block 5, Lot 4, South Harrison Township, Gloucester County, 110.321 Surveyed Acres
State cost share of \$7,140.00 per acre (60% of the purchase price) for a total grant need of \$787,691.94, pursuant to N.J.A.C.2:76-6.11 and adjustments made according to this resolution and the conditions contained in Schedule "E."

Discussion: This is a request for amended final approval. The SADC granted final approval in June 2012 for the purchase of a development easement on this property at a cost share grant of \$334,222.32 to Gloucester County resulting in an SADC grant shortfall of \$526,219.18, with the shortfall funded with Federal grant monies. Because of delays in Federal funding approvals, Gloucester County closed on the development easement in December 2012 for \$1,312,819.94 (\$11,900.00 per acre) without Federal grant monies. As new FY2013 funding is available, Gloucester County is requesting an amendment to its final approval to use this new funding. The County currently has no base grant funding available and \$4,455,982.32 in FY2013 competitive grant funding eligibility, subject to available funds. Gloucester County is requesting \$787,691.94 from its FY2013 Competitive funding, leaving a remaining eligibility of \$3,668,290.38.

3. Samuel A. Ayling and Richard A. Ayling Farm, ADC # 08-0098-PG (Resolution FY2013R3(10))
Block 82.21, Lot 28, Washington Township, Gloucester County, 35.42 Surveyed Easement Acres
State cost share of \$12,240.00 per acre (60% of the certified market value and 54.64% of the purchase price), totaling \$433,540.80 pursuant to N.J.A.C. 2:76-6.11 and adjustments made according to this Resolution and the conditions contained in Schedule "E."

Discussion: This is a request for amended final approval. The SADC granted final approval to this property in September 2011, securing a \$272,021.52 grant equal to Gloucester County's remaining FY2011 Competitive grant eligibility. In June 2012 Gloucester County requested that final approval and funding allocations for this property be rescinded due to significant contractual delays with the landowner. Gloucester County then closed on the property in December 2012 for \$793,408.00 (22,400.00 per acre). Gloucester County currently has no base grant funding available and \$3,668,290.38 in FY2013 competitive grant funding eligibility, subject to available funds. Gloucester County is requesting \$433,540.80 from its FY2013 Competitive funding eligibility leaving a remaining eligibility balance of \$3,234,749.58.

4. Harry and Cheryl Copeland, SADC #10-0318-PG (Resolution FY2013R3(11))
Block 39, Lot 3, Delaware Township, Hunterdon County, 74.407 Surveyed Acres
State cost share of \$7,620.00 per acre for an estimated total of \$566,981.34 (60% of the certified market value and estimated total cost) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "D." The SADC will utilize any remaining Federal grant funds (estimated \$102,761.69) from the USDA, NRCS

under the FY2012 Federal Farm and Ranch Lands Protection Program to offset SADC grant needs on this property. The SADC cost share grant shall utilize an approximate total of \$464,219.65 from Delaware Township's Planning Incentive Grant Program funds and \$102,761.69 from the USDA, NRCS FY2012 Federal grant funds.

Discussion: This is a request for amended final approval. The SADC granted final approval to this property in January 2012. Subsequent to SADC final approval, at the Township and landowner's request to leverage local funding, the SADC submitted a parcel application to the FY2012 USDA, NRCS Federal Farm and Ranch Lands Protection Program. NRCS determined that the property and landowner qualified for Federal grant funds and approved a grant not to exceed fifty percent of the Federal appraised current value of \$903,000.00 or \$12,922.15 per acre, based on 69.88 acres, for an estimated Federal grant of \$480,749.21, subject to final surveyed acreage. The landowner agreed to additional restrictions involved with the use of Federal funds, including a 6.67% maximum impervious coverage restriction on the lands being preserved outside of the exception area. The Township has requested to use the \$480,749.21 Federal grant funds to cover the entire local cost share (county and municipality), with any remaining Federal grant funds of approximately \$102,761.69 to be utilized to reduce the needed SADC cost share, hence reducing the overall expenditure of Delaware Township's Planning Incentive Grant funds. Should alternate Federal funding become available from other funding years or through other qualified entities, such as a nonprofit organization or county, it may be utilized if this funding benefits the easement acquisition and/or the successful use of Federal funding.

The motion was unanimously approved. (Copies of Resolution FY2013R3(8) through Resolution FY2013R3(11) are attached to and are a part of these minutes.)

F. Resolutions for Final Approval - County Planning Incentive Grant Program

Ms. Winzinger referred the Committee to 19 requests for final approval under the County Planning Incentive Grant Program. She reviewed the specifics of each application with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Ms. Brodhecker and seconded by Mr. Danser to grant approval to the following applications as presented and discussed, subject to any conditions of said Resolutions:

1. Teresa J. Holtzhauser and Charles Holtzhauser & Son, SADC #08- 0076-PG

(Resolution FY2013R3(12))

Block 49, Lot 6, Harrison Township, Gloucester County, 90 Surveyed Easement Acres

State cost share of \$12,660.00 per acre, totaling \$1,139,400.00 pursuant to N.J.A.C.2:76-6.11 and the conditions contained in Schedule "D."

2. Alfio Patane and Mary T. Patane, SADC#08-0110-PG (Resolution FY2013R3(13))
Block 252, Lot 2, Greenwich Township, Gloucester County, 124.66 Surveyed Acres
State cost share of \$7,380.00 per acre, totaling \$919,900.80 pursuant to N.J.A.C.2:76-6.11 and the conditions contained in Schedule "D."
3. George H. Urban and Robert C. Urban, SADC # 08-0090-PG (Resolution FY2013R3(14))
Block 374, Lot 1, Block 375, Lot 2, West Deptford Township, Gloucester County, 106.4 Surveyed Acres
State cost share of \$5,700.00 per acre, totaling \$606,480.00 (60% of the certified value and purchase price), pursuant to N.J.A.C. 2:76-6.11 and conditions contained in Schedule "D."
4. Robert J. Stefka, Sr., and William R. Stefka, Jr., SADC #08-0119-PG (Resolution FY2013R3(15))
Block 262, Lot 3, Greenwich Township, Gloucester County, 32.252 Surveyed Acres
State cost share of \$7,800.00 per acre (60% of the easement purchase price) for a total grant need of \$251,565.60 pursuant to N.J.A.C. 2:76-6.11 and conditions contained in Schedule "D."
5. Cross Farm Associates, LP #1, SADC #06-0118-PG (Resolution FY2013R3(16))
Block 19, Lot 3, Hopewell Township, Cumberland County, 14.172 Surveyed Acres
State cost share of \$5,550.00 per acre (60% of the certified market value and purchase price) for a total grant need of \$78,654.60 pursuant to N.J.A.C. 2:76-6.11 and conditions contained in Schedule "C." The SADC will utilize any remaining Federal grant funds to reduce the SADC's cost share.

Discussion: Cumberland County, in participation with the New Jersey Conservation Foundation, has applied to utilize USDA, NRCS Farm and Ranch Lands Protection

Program grant funding to further leverage available County funding for farmland preservation. The owner has agreed to the additional restrictions associated with the use of Federal grant funding, including a one-acre limit on impervious cover available for the construction of agricultural infrastructure on the property outside of the exception area.

6. Cross Farm Associates, LP #2, SADC #06-0117-PG (Resolution FY2013R3(17))
Block 19, Lot 7, Hopewell Township, Cumberland County, 55.672 Surveyed Acres
State cost share of \$4,150.00 per acre (63.85% of the certified market value and purchase price) for a total grant need of \$231,038.80, pursuant to N.J.A.C. 2:76-6.11 and conditions contained in Schedule "C." The SADC will utilize any remaining Federal grant funds to reduce the SADC's cost share.

Discussion: Cumberland County, in participation with the New Jersey Conservation Foundation, has applied to utilize USDA, NRCS Farm and Ranch Lands Protection Program grant funding to further leverage available County funding for farmland preservation. The owner has agreed to the additional restrictions associated with the use of Federal grant funding, including a 3.34-acre limit on impervious cover (six percent) available for the construction of agricultural infrastructure on the property outside of the exception area.

7. Cross Farm Associates, LP #3, SADC #06-0115-PG (Resolution FY2013R3(18))
Block 19, Lot 2, Hopewell Township, Cumberland County, 68 Net Acres
State cost share of \$3,400.00 per acre (68% of the certified market value and purchase price) for a total grant need of \$238,136.00 pursuant to N.J.A.C. 2:76-6.11 and conditions contained in Schedule "C." The SADC will utilize any remaining Federal grant funds to reduce the SADC's cost share.

Discussion: Cumberland County, in participation with the New Jersey Conservation Foundation, has applied to utilize USDA, NRCS Farm and Ranch Lands Protection Program grant funding to further leverage available County funding for farmland preservation. The owner has agreed to the additional restrictions associated with the use of Federal grant funding, including a 5.66-acre limit on impervious cover (8.33%) available for the construction of agricultural infrastructure on the property outside of the exception area. The County has requested to encumber an additional three percent buffer for possible final surveyed acreage increases. Therefore, 70.04 acres will be utilized to calculate the SADC grant need.

8. Cross Farm Associates, LP #4, SADC #06-0116-PG (Resolution FY2013R3(19))
Block 19, Lot 2.09, Hopewell Township, Cumberland County, 68 Net Acres
State cost share of \$4,000.00 per acre (64.51% of the certified market value and purchase price) for a total grant need of \$280,160.00, pursuant to N.J.A.C.2:76-6.11 and the conditions contained in Schedule "C." The SADC will utilize any remaining Federal grant funds to reduce the SADC's cost share.

Discussion: Cumberland County, in participation with the New Jersey Conservation Foundation, has applied to utilize USDA, NRCS Farm and Ranch Lands Protection Program grant funding to further leverage available County funding for farmland preservation. The owner has agreed to the additional restrictions associated with the use of Federal grant funding, including a 5.66-acre limit on impervious cover (8.33%) available for the construction of agricultural infrastructure on the property outside of the exception area. The County has requested to encumber an additional three percent buffer for possible final surveyed acreage increases. Therefore, 70.04 acres will be utilized to calculate the SADC grant need.

9. DeWilde #3 Farm, SADC #06-0113-PG (Resolution FY2013R3(20))
Block 13, Lots 3, 4, Shiloh Borough, Cumberland County, 68.378 Surveyed Acres
State cost share of \$4,150.00 per acre (63.84% of the certified market value and purchase price) for a total grant need of \$283,768.70, pursuant to N.J.A.C. 2:76-6.11 and conditions contained in Schedule "D." The SADC will utilize any remaining Federal grant funds to reduce the SADC's cost share.

Discussion: Cumberland County, in participation with the New Jersey Conservation Foundation, has applied to utilize USDA, NRCS Farm and Ranch Lands Protection Program grant funding to further leverage available County funding for farmland preservation. The owner has agreed to the additional restrictions associated with the use of Federal grant funding, including a 5.70-acre limit on impervious cover (8.33%) available for the construction of agricultural infrastructure on the property outside of the exception area.

10. DeWilde #4 Farm, SADC #06-0114-PG (Resolution FY2013R3(21))
Block 13, Lots 5 and 5.01, Shiloh Borough; Block 19, Lot 9, Hopewell Township, Cumberland County, 38.007 Surveyed Acres
State cost share of \$4,000.00 per acre (64.52% of the certified market value and purchase price) for a total grant need of \$152,028.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "D." The SADC will utilize any

remaining Federal grant funds to reduce the SADC's cost share.

Discussion: Cumberland County, in participation with the New Jersey Conservation Foundation, has applied to utilize USDA, NRCS Farm and Ranch Lands Protection Program grant funding to further leverage available County funding for farmland preservation. The owner has agreed to the additional restrictions associated with the use of Federal grant funding, including a 2.28-acre limit on impervious cover (6%) available for the construction of agricultural infrastructure on the property outside of the exception area.

11. DeWilde #5 Farm, SADC #06-0119-PG (Resolution FH2013R3(22))
Block 13, Lot 6, Shiloh Borough; Block 19, Lot 9.01, Hopewell Township, Cumberland County, 37.024 Surveyed Acres
State cost share of \$4,150.00 per acre (63.85% of the certified market value and purchase price) for a total grant need of \$153,649.60 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "D." The SADC will utilize any remaining Federal grant funds to reduce the SADC's cost share.

Discussion: Cumberland County, in participation with the New Jersey Conservation Foundation, has applied to utilize USDA, NRCS Farm and Ranch Lands Protection Program grant funding to further leverage available County funding for farmland preservation. The owner has agreed to the additional restrictions associated with the use of Federal grant funding, including a 2.22-acre limit on impervious cover (6%) available for the construction of agricultural infrastructure on the property outside of the exception area.

12. Brian and Susan DelVecchio, SADC #06-0080-PG (Resolution FY2013R3(23))
Block 68, Lot 23.01, Lawrence Township, Cumberland County, 45.254 Surveyed Acres
State cost share of \$3,450.00 per acre (67.65% of the easement purchase) for a total grant need of \$156,126.30 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "D."
13. Jean C. Edwards, SADC #06-0130-PG (Resolution FY2013R3(24))
Block 2602, Lot 14, Upper Deerfield Township, Cumberland County, 40 Acres
State cost share of \$3,400.00 per acre (68% of the easement purchase) for a total grant need of \$140,080 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "D."

Discussion: The County has requested to encumber an additional three percent buffer for possible final surveyed acreage increases. Therefore, 41.2 acres will be utilized to calculate the SADC grant need.

14. William P. Blew, SADC # 06-0126-PG (Resolution FY2013R3(25))
Block 88, Lots 24, 24.04, Hopewell Township, Cumberland County, 25 Acres
State cost share of \$3,600.00 per acre (66.66% of the certified market value and purchase price) for a total grant need of \$92,700.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C." The SADC will utilize any remaining Federal grant funds (estimated \$23,102.50) to offset the SADC grant needs on this property. The SADC will also utilize any remaining Open Space Institute grant funds (estimated \$15,547.50) to offset SADC grant needs on this property.

Discussion: Cumberland County and the New Jersey Conservation Foundation have both included this property in their USDA, NRCS Farm and Ranch Lands Protection Program grant funding applications to further leverage available County funding for farmland preservation, and are coordinating which funding entity (SADC or NJCF) would be best to continue with providing the Federal funds. The owner has agreed to the additional restrictions associated with the use of Federal grant funding, including a 1.83-acre limit on impervious cover (7.33%) available for the construction of agricultural infrastructure on the property outside of the exception area. The County has requested to encumber an additional three percent buffer for possible final surveyed acreage increases. Therefore, 25.75 acres will be utilized to calculate the SADC grant need. Additionally, the Open Space Institute has committed \$22,500.00 toward the preservation of this property as it is located in the Bayshore-Highlands Fund Cohansy River focus area.

15. Carmen Adamucci, Sr., #1, SDC #06-0085-PG (Resolution FY2013R3(26))
Block 75, Lots 8, 9, 10, 10.01, 10.02, Hopewell Township, Cumberland County, 108.387 Surveyed Acres
State cost share of \$3,850.00 per acre (65.25% of the certified market value and purchase price) for a total grant need of \$417,289.95 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "D." The SADC will utilize any remaining Federal grant funds to reduce the SADC's cost share.

Discussion: The property originally included two 1.5-acre severable exceptions, with one single-family residence on each exception. In February 2010, the SADC certified a development easement value based on zoning and environmental regulations in place as of October 2008, conditioned upon the SADC determining if the area of soil disturbance

on the property, included in the original application, was consistent with the deed of easement and agriculturally productive. Staff visited the farm and because the area was not in production and had been stripped of topsoil, the landowner agreed to a non-severable exception around the excavated area. At this time the landowner requested the original 1.5-acre severable exception area be increased to a 2.5-acre severable exception area restricted to one single-family residence and the other 1.5-acre severable exception be increased to a 16.83-acre non-severable exception area around the soil excavation and disturbance area and existing single-family residence. The SADC appraisal manager reviewed both the changes to the application and letters from the two independent appraisers and confirmed there was no change in the easement value as a result of changing the size and type of exception areas.

Cumberland County, in participation with the New Jersey Conservation Foundation, has applied to utilize USDA, NRCS Farm and Ranch Lands Protection Program grant funding to further leverage available County funding for farmland preservation. The owner has agreed to the additional restrictions associated with the use of Federal grant funding, including a 6.86-acre limit on impervious cover (6.33%) available for the construction of agricultural infrastructure on the property outside of the exception area.

16. David Sheppard/SF Systems, SADC # 06-0082-PG (Resolution FY2013R3(27))
Block 259, Lot 1, Lawrence Township, Cumberland County, 42 Acres
State cost share of \$3,040.00 per acre (69.09% of the certified market value and purchase price) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "D."
17. Cynthia Tirelli, ADC # 06-0129-PG (Resolution FY2013R3(28))
Block 501, Lot 4, Upper Deerfield Township, Cumberland County, 47 Net Acres
State cost share of \$3,450.00 per acre (67.65% of the easement value) for a total grant need of \$167,014.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "D."
18. Hill and Dale Farms Inc. #1 (Michael Rothpletz, Jr.), SADC # 10-0319-PG (Resolution FY2013R3(29))
Block 38, Lot 1.04, Tewksbury Township, Hunterdon County, 91 Net Acres
State cost share of \$10,200.00 per acre (60% of the certified market value and 60% of the purchase price) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C." To account for any potential increase in the final surveyed acreage, a three percent acreage buffer has been applied to the funds encumbered, which is estimated to be \$956,046.00 from the County's base grant.

This final approval is contingent upon NJCF/FRPP funding or other FRPP funding being secured to cover the Township's cost share.

Discussion: All applications for farmland preservation in Hunterdon County require a municipality or other entity to provide fifty percent of the local cost share, and the County is unwilling to cover the additional twenty percent cost share for this property. To provide for what would typically be the Township's twenty percent cost share, the New Jersey Conservation Foundation (NJCF) has offered to facilitate by using its Federal grant funding. The landowner has agreed to the additional restrictions associated with the use of Federal grant funding, including a 4% impervious cover limit (approximately 3.64 acres) for the construction of agricultural infrastructure on the property outside of the exception area, which is the maximum allowable for this property through the Federal program at this time. The County has requested to encumber an additional three percent buffer for possible final surveyed acreages increases. Therefore, 93.73 acres will be utilized to calculate the grant need. Based on the estimated Federal approved easement value, the Federal grant does not completely cover the Township's cost share (\$3,400.00 per acre), and NJCF has agreed to cover the balance of \$400 per acre or approximately \$37,492.00.

The motion was unanimously approved. (Copies of Resolution FY2013R3(12) through Resolution FY2013R3(29) are attached to and are a part of these minutes.)

Mr. Danser recused himself from any discussion/action pertaining to the following application (Reinhardt) to avoid the appearance of a conflict of interest. Mr. Danser is the Chairman of the Middlesex County Agriculture Development Board. Mr. Schilling recused himself from any discussion/action pertaining to the Reinhardt application to avoid the appearance of a conflict of interest. Mr. Schilling serves on the Cranbury Township Zoning Board.

It was moved by Mr. Germano and seconded by Mr. Requa to grant final approval to the following application, as presented and discussed, subject to any conditions of said Resolution:

19. Reinhardt Farm, SADC # 12-0019-PG (Resolution FY2013R3(30)
Block 23, Lot 8, Cranbury Township, Middlesex County, 39 Net Acres
State cost share of \$17,100.00 per acre (60% of the certified market value and the purchase price) for a total grant need of approximately \$686,907.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "D." A three percent buffer for possible final surveyed acreage increases has been applied.

Therefore, 40.17 acres will be utilized to calculate the SADC grant need. The Deed of Easement shall reflect that once the single-family residence is built on the non-severable exception, the existing residence on the Premises must be demolished.

Discussion: The property has a one-acre severable exception area for an existing single-family residence; there is another existing single-family residence located on the property, which will be replaced within a one-acre non-severable exception area for and restricted to one single-family residence. The property has zero residences used for agricultural labor; and no preexisting nonagricultural uses. The County has requested to encumber an additional three percent buffer for possible final surveyed acreage increases. Therefore, 40.17 acres will be utilized to calculate the grant need.

The motion was approved. (Mr. Danser and Mr. Schilling recused themselves from the vote.) (A copy of Resolution FY2013R3(30) is attached to and is a part of these minutes.)

PUBLIC COMMENT

None

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: **Friday, April 26, 2013**, beginning at 9:00 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 1:19 p.m., Mr. Danser moved the following resolution to go into Closed Session. The motion was seconded by Mr. Germano 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

Municipal Planning Incentive Grant Program

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

1. Charles and Edith Howard, SADC # 18-0201-PG
Block 21007, Lots 6, 7, Montgomery Township, Somerset County, 31 Acres
2. George and Barbara Madosky (Windy Bush Day Lilies), SADC #1-0112-PG
Block 16, Lot 6, Upper Pittsgrove Township, Salem County, 16 Acres

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

County Planning Incentive Grant Program

Mr. Johnson recused himself from any discussion/action pertaining to the Simon's Berry Farm to avoid the appearance of a conflict of interest. Mr. Johnson is a member of the Burlington County Agriculture Development Board.

Ms. Brodhecker recused herself from any discussion/action pertaining to the Goldman Frankford Farm Partners property to avoid the appearance of a conflict of interest. Ms. Brodhecker is the Chairperson of the Sussex County Agriculture Development Board.

It was moved by Mr. Danser and seconded by Mr. Siegel to certify the development easement values on the following applications, as presented and discussed in closed session:

1. Simon's Berry Farm, SADC #03-0380-PG
Block 2001, Lots 14, 15, 17, 18, 19; Block 2002 Lots 6, 7
Tabernacle Township, Burlington County, 266 Acres
Certification is conditioned upon the landowner obtaining a revised Letter of Interpretation from the Pinelands Commission identifying the existing single-family dwelling as a year-round dwelling instead of its current status as a

seasonal agricultural labor unit. The revised Letter of Interpretation must identify 6.5 Pinelands Development Credits remaining to the landowner consistent with the two independent appraisals.

2. Alfio and Betty Cali, SADC #08-0155-PG
Block 703, Lot 1, Logan Township, Gloucester County, 37 Acres
Certification of Value is contingent upon the subject property being subdivided as described in the appraisal report and not subject to any development restrictions prior to closing.
3. KJA Holdings/Alexis Farm, SADC #10-0315-PG
Block 25, Lot 34, Holland Township, Hunterdon County, 68 Acres
4. Goldman Frankford Farm Partners, SADC #19-0031-PG
Block 43, Lot 4; Block 46, Lot 2, Frankford Twp., Sussex County, 92 Acres

The motion was approved. (Mr. Johnson and Ms. Brodhecker recused themselves from the vote.) (Copies of the Certification of Value Reports are attached to and are a part of the closed session minutes.)

Direct Easement Purchase Program

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

1. Joseph Yelencsics, SADC # 10-0207-DE
Block 13, Lots 11, 23, Alexandria Township, Hunterdon County, 180 Acres

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

Nonprofit Grant Program

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

1. NJCF/J&M Matthews, SADC # 17-0045-NP

Block 33, Lot 2.01, Alloway Township, Salem County, 30 Net/34 Gross Acres

2. NJCF/McAlonan and Matthews, SADC #17-0047-NP
Block 30, Lot 17, Alloway Township, Salem County, 29 Net/30 Gross Acres

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

1. denHollander Case

It was moved by Mr. Danser to authorize the SADC Executive Director, in conjunction with the Office of the Attorney General, to reject any offers received inconsistent with prior settlement discussions in the denHollander case, without further authorization by the Committee. It was seconded by Mr. Germano and unanimously approved.

PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, it was moved by Mr. Germano and seconded by Mr. Danser and unanimously approved to adjourn the meeting at 1:50 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

S:\minutes\2013\Reg March 28 2013.docx

**STATE OF NEW JERSEY
AGRICULTURE RETENTION AND DEVELOPMENT PROGRAM**

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION # FY2013R3(1)

REQUEST FOR EXTENSION OF PROJECT APPROVAL

CAPE MAY COUNTY

NOVASCK TURF FARMS

MARCH 28, 2013

WHEREAS, the State Agriculture Development Committee (SADC) has received the request for extension of project approval application from the State Soil Conservation Committee (SSCC) for the **Novasck Turf Farms, SADC ID#05-0028-EP**, concerning the parcel of land located in the Township of Dennis, County of Cape May; and

WHEREAS, the SSCC has reviewed specific reasons for extension related to seasonal constraints and the conservation plan being revised to address surface drainage concerns due to Hurricane Sandy in the sod field next to installed center pivot. NRCS to conduct survey and prepare design for six acres of precision land forming on or land smoothing, as stated by the landowner, and on March 11, 2013, the SSCC approved the request for extension of twelve months for installation of previously approved projects pursuant to N.J.A.C. 2;76-5.4(d)2; and

WHEREAS, the SADC has reviewed said request for extension of project approval application from the above landowner pursuant to 2:76-5.4(d)2; and

WHEREAS, on January 28, 2010, the SADC approved a soil and water state cost-share grant in the amount of \$29,250.00, for approved projects submitted by the above landowner (at 50% cost share); and

WHEREAS, the landowner has expended the amount of \$25,784.95 to date and has requested the balance in the amount of \$3,465.05 to be extended until January 28, 2014; and

NOW THEREFORE BE IT RESOLVED, that the SADC, under the authority of N.J.A.C. 2;76-5.4(d)2, approves the extension of the term of obligation for a cost share grant in the amount of \$3,465.05 until January 28, 2014, with no further extension for **Novasck Turf Farm, SADC ID# 05-0028-EP**, Township of Dennis, County of Cape May, subject to available funds; and

BE IT FURTHER RESOLVED, that the project must be completed by January 28, 2014.

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

3-28-13
DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	YES

State Soil Conservation Committee
State Cost Share Program
Request for Extension of Project Approvals

(Note: Separate Request Required for Each ~~Project~~ ^{Project} ~~Approved~~ ^{Approved} Application) NOVA DIVISION OF
AG & NATURAL RESOURCES

County CAPE MAY 2013 FEB 15 AM 10:44

Applicant Name NOVASACK TURF FARMS

State ID Number 05-0028EP Application # 1

Original Approval Date 1/28/2010 (From Block 15 of original Application Form)

Total of Cost Share Funds Approved \$ 29,250.00
Amount Expended to Date \$ 25,784.95 Amount Remaining \$ 3,465.05

PROJECTS FOR WHICH EXTENSION IS REQUESTED. (List information below exactly as shown on original application or as revised via approved revision form. Enclose photo copies of approved application and revision forms).

A Project Description	B CPO Item #	C Field #	D Extent Originally Approved	E Amount Originally Approved	F Amt. to be Extended	G Amount Approved (State Office)
LAND GRADING	2	T387 F-2	* -	* \$ 3,465.05	\$ 3,465.05	
* REFER TO REVISION FORM				Total	\$ 3,465.05	\$ 3,465.05

DESCRIBE SPECIFIC REASONS FOR EXTENSION. Reasons must be detailed and relate to seasonal constraints or other unavoidable delays beyond the applicants control.

DRAINAGE PROBLEM DUE TO HURRICANE 10/31/12

REVISED CONSERVATION PLAN TO ADDRESS SURFACE DRAINAGE

CONCERNS IN SOIL FIELD ADJACENT TO CENTER ROOT FIELD FUNDED UNDER THIS APPLICATION AGREEMENT. AFTER PAYMENT OF ROOT THERE IS A BALANCE OF \$3,410.5 REQUESTED TO ADDRESS THE DRAINAGE PROBLEM.

NRCS WILL CONDUCT A SURVEY & PREPARE DESIGN PLANS FOR 6 AC OF LAND GRADING. PRACTICE WILL BE COMPLETED BY END OF 2013.

Applicant Certification

I hereby request that approval for the above listed projects be extended for 12 months (not to exceed 12 months). I certify that I have been unable to complete these projects within the original three year period for the reasons stated above and anticipate completing them within the period of extension requested.

Signature

Donald Lashley

Date

1/31/13

Technical Agency Recommendation

I have reviewed this request for extension and concur with the reasons stated. Technical assistance for completion of the requested projects will be provided.

Signature

Wendy Piche Lawrence

Date

1/31/13

District Conservationist

SCD Approval

The CAPE-ATLANTIC Soil Conservation District has reviewed and approved this request at an official meeting held on 12 (date) and recommends extension for 12 months.

Signature

Gregory S. Dorton
District Chairman

Date

2/6/13

SSCC Approval

The SSCC has reviewed and approved this request for extension of 12 months for installation of previously approved projects as described above.

Signature

[Signature]

Date

3/11/13

Title EXECUTIVE SEC.

SADC Approval

The SADC hereby extends funding authorization for the above listed projects. This approval will expire .

Signature

[Signature]

Date

3/28/13

Title Executive Director

NOTE: All requests for payment for projects completed by the extended date must be submitted for payment no later than 30 days after that date. Projects completed after that date will not be eligible for payment. All requests for extension must be received by the State Soil Conservation Committee at least 30 days prior to the original expiration date to facilitate timely processing.

**STATE OF NEW JERSEY
AGRICULTURE RETENTION AND DEVELOPMENT PROGRAM**

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION # FY2013R3(2)

REQUEST FOR EXTENSION OF PROJECT APPROVAL

HUNTERDON COUNTY

EDWARD HUFF

MARCH 28, 2013

WHEREAS, the State Agriculture Development Committee (SADC) has received the request for extension of project approval application from the State Soil Conservation Committee (SSCC) for the **Edward Huff, SADC ID#10-0033-EP**, concerning the parcel of land located in the Township of Bethlehem, County of Hunterdon; and

WHEREAS, the SSCC has reviewed specific reasons for extension related to seasonal constraints and that the landowner was depending on funds from additional sources to complete the project. North Jersey RC&D has been working with Mr. Huff and other local farmers to implement NJDEP watershed grant for the West Portal Brook, a tributary to the Musconetcong River. To implement several necessary agricultural enhancement projects, they leveraged funds from multiple sources (NJDA, NJDEP, USFWS and Trout Unlimited) to reduce impairment in the watershed. The initial grant funding from NJDEP was exhausted funding another agriculture project on a preserved farm in the watershed. North Jersey RC&D has submitted a proposal to NJDEP specifically outlining additional funds needed to complete the projects on the Huff farm. Funding is anticipated by June 2013, and on March 11, 2013, the SSCC approved the request for extension of twelve months for installation of previously approved projects pursuant to N.J.A.C. 2:76-5.4(d)2; and

WHEREAS, the SADC has reviewed said request for extension of project approval application from the above landowner pursuant to 2:76-5.4(d)2; and

WHEREAS, on November 5, 2009, the SADC approved a soil and water state cost-share grant in the amount of \$27,215.00, for approved projects submitted by the above landowner (at 50% cost share); and

WHEREAS, the landowner has expended the amount of \$170.00 to date and has requested the balance in the amount of \$27,045.00 to be extended until November 5, 2013; and

NOW THEREFORE BE IT RESOLVED, that the SADC, under the authority of N.J.A.C. 2:76-5.4(d)2, approves the extension of the term of obligation for a cost share grant in the

amount of \$27,045.00 until November 5, 2013, with no further extension for **Edward Huff, SADC ID# 10-0033-EP**, Township of Bethlehem, County of Hunterdon, subject to available funds; and

BE IT FURTHER RESOLVED, that the project must be completed by November 5, 2013.

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

3-28-13



DATE

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	OPPOSE
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	YES

State Soil Conservation Committee
State Cost Share Program
Request for Extension of Project Approvals

NJDA-DIVISION OF
AG & NATURAL RESOURCES

(Note: Separate Request Required for Approved Application)

County Hunterdon

2013 JAN 15 AM 4:44

Applicant Name Edward Huff

State ID Number 10-0033-EP

Application # 1

Original Approval Date _____ (From Block 15 of original Application Form)

Total of Cost Share Funds Approved \$ 27,215

Amount Expended to Date \$ 170 Amount Remaining \$ 27045

PROJECTS FOR WHICH EXTENSION IS REQUESTED. (List information below exactly as shown on original application or as revised via approved revision form. Enclose photo copies of approved application and revision forms).

A Project Description	B CPO Item #	C Field #	D Extent Originally Approved	E Amount Originally Approved	F Amt. to be Extended	G Amount Approved (State Office)
2-90-2-15 Well	1	7	400'	9,600	9,600	
2-90-2-19 Pipeline	2	7, 8, 10, 11	1,100'	3,245	3,245	
2-90-2-19 Pump	1	7	1 ea	500	500	
2-90-2-19 Watering Facility	3	8, 11	300 gal	225	225	
2-90-2-19 Automatic Waterer	4	10	1 ea	350	350	
2-90-2-11 Stream Crossing	6	10, 11	3000 SF	12,000	12,000	
2-90-2-19 HUAP	5	8, 10, 11	1000 SF	1,125	1,125	

DESCRIBE SPECIFIC REASONS FOR EXTENSION. Reasons must be detailed and relate to seasonal constraints or other unavoidable delays beyond the applicants control.

Totals 27045 ~~27215~~

Applicant depending on funds from an additional source to complete project. Funding was delayed by alternate funder. Applicants should have funds available within the next year.

Applicant Certification

I hereby request that approval for the above listed projects be extended for 12 months (not to exceed 12 months). I certify that I have been unable to complete these projects within the original three year period for the reasons stated above and anticipate completing them within the period of extension requested.

Signature _____

Date _____

Technical Agency Recommendation

I have reviewed this request for extension and ^{understand} ~~concur~~ with the reasons stated. Technical assistance for completion of the requested projects will be provided.

Signature _____

Date _____

District Conservationist

SCD Approval

The _____ Soil Conservation District has reviewed and approved this request at an official meeting held on _____ (date) and recommends extension for _____ months.

Signature

Date _____

District Chairman

SSCC Approval.

The SSCC has reviewed and approved this request for extension of 12 months for installation of previously approved projects as described above.

Signature _____

Date _____

Title EXEC. SEC.

SADC Approval

The SADC hereby extends funding authorization for the above listed projects. This approval will expire .

Signature _____

Date _____

Title

Executive Director,

NOTE: All requests for payment for projects completed by the extended date must be submitted for payment no later than 30 days after that date. Projects completed after that date will not be eligible for payment. All requests for extension must be received by the State Soil Conservation Committee at least 30 days prior to the original expiration date to facilitate timely processing.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R3(3)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

**MANALAPAN TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
The Sycamores, LLC (Budelman) Farm
Manalapan Township, Monmouth County**

**N.J.A.C. 2:76-17A. et seq.
SADC ID# 13-0433-PG**

March 28, 2013

WHEREAS, on September 16, 2009, 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 Manalapan Township, Monmouth County; and

WHEREAS, on May 24, 2012 Manalapan Township received SADC approval of its FY13 PIG Plan application annual update; and

WHEREAS, on May 24, 2011, the SADC received an application for the sale of a development easement from Manalapan Township for the Budelman Farm identified as Block 69, Lot 1, Manalapan Township, Monmouth County, totaling approximately 22 net easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the application included one 1-acre non-severable exception for and restricted to one single family residence; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.9(b) on January 17, 2012 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, the SADC certified a value of \$23,000 per acre for the development easement for the Property on September 27, 2012, based on the current zoning and environmental regulations as of December 15, 2011; and

WHEREAS, after the certified value was determined, the landowner requested that the application be amended to move the exception area northwest from around the existing single family residence to a vacant location and to designate the existing single family residence as an agricultural labor residence to be located on the Property outside of the exception area; and

WHEREAS, the Property has no pre-existing non-agricultural uses , zero (0) residences and one (1) vacant single family home to be designated as an agricultural labor unit on the area to be preserved outside of the exception area; and

WHEREAS, the appraisers that performed the original appraisals and the SADC's Review appraiser all agree that this application amendment does not have any effect on the certified value of \$23,000; and

WHEREAS, the Township has contracted with the landowner for \$27,272.73 per acre, which is higher than the certified value of \$23,000, but less than the highest appraised development easement value of \$31,000; and

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

WHEREAS, to date Manalapan Township has expended \$1,195,229.90 of its SADC grant funds (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on November 28, 2012 the Manalapan Township Committee approved the application and a funding commitment for an estimated \$7,952.73 per acre; and

WHEREAS, the Monmouth County Agriculture Development Board approved the application on December 5, 2012 and secured a commitment of funding for an estimated \$5,520 per acre from the Monmouth County Board of Chosen Freeholders for the required local match on December 13, 2012; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 22 net easement acres):

	<u>Total</u>
SADC	\$303,600 (60% of CMV - \$13,800/acre or 50.60% of purchase price)
Monmouth County	\$121,440 (24% of CMV - \$5,520/acre or 20.24% of purchase price)
Manalapan Twp.	<u>\$174,960.06 (34.57% of CMV - \$7,952.73/acre or 29.16% of purchase price)</u>
Total Easement Purchase	\$600,000.06 (\$27,272.73/acre)

WHEREAS, Manalapan Township is requesting \$303,600 from its grant funding, leaving a cumulative balance of \$251,170.10; 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 shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Manalapan Township for the purchase of a development easement on the Property, comprising approximately 22 net easement acres, with one vacant residential structure that should be designated as an agricultural labor unit, at a State cost share of \$13,800 per acre for an estimated total of \$303,600 (60% of certified market value pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); 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, if the Township and County agree to the SADC providing its grant directly to Monmouth 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 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.

3/20/13
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

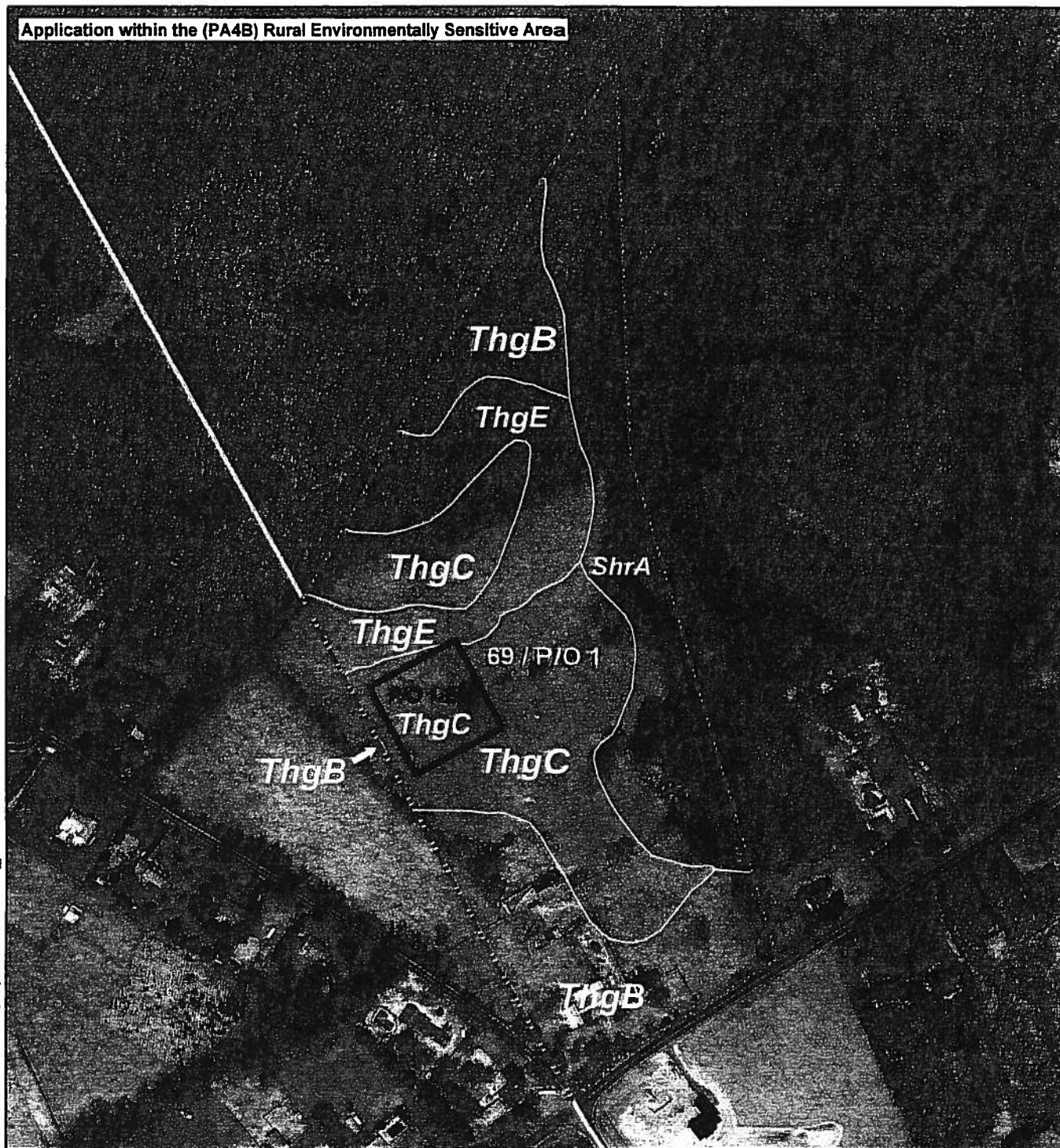
VOTE WAS RECORDED AS FOLLOWS:

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

Soils

Application within the (PA4B) Rural Environmentally Sensitive Area

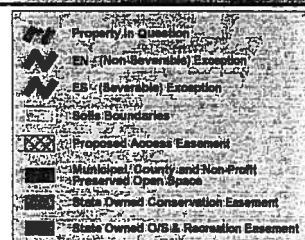
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Budelman, Abe (Sycamore LLC)
Block 69 Lots P/O 1 (22.13 ac) & P/O 1-EN (non-severable exception - 1.0 ac)
Gross Total = 23.13 ac
Manalapan Twp., Monmouth County

250 125 0 250 500 Feet



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

Sources:
NRCS - SSURGO 2010 Soil Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 Digital Aerial Image

Date: 3/7/2013

**Municipal Planning Incentive Grant
Manalapan Township, Monmouth County**

AFT 2011	Farm	Acres	Pay Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	Cost Basis	Cost Share	SADC		
										Entitled	Expended	Balance
	Sherman	56.328	53.595	24,000.00	25,500.00	14,400.00	1,351,872.00	1,351,872.00	811,123.20		750,000.00	1,750,000.00
	Sigismondi (Millhurst)	33.100	33.000	11,000.00	13,000.00	6,600.00	429,000.00	363,000.00	217,800.00		217,800.00	1,000,000.00
	Sigismondi (Millhurst) and costs											782,200.00
	Sigismondi (Dey Grove)	98.338	98.302	3,000.00	4,500.00	2,200.00	442,359.00	294,906.00	11,165.50		11,165.50	771,034.50
	Budelman / Sycamore LLC	22.000		23,000.00	27,272.73	13,800.00	600,000.06	506,000.00	216,264.40		216,264.40	554,770.10
	Providence Corp.	83.000							303,600.00			251,170.10
	Total Pending	203.338							216,264.40			
	Total Encumbered								303,600.00			
	Closed/Expended	85.458							1,028,923.20		1,185,223.90	
	Total											251,170.10
	Reprogram Out											

307-776 C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Budelman, Abe / Sycamores LLC
13-0433-PG
PIG EP - Municipal 2007 Rule
22 Acres

Block 69	Lot 1	Manalapan Twp.	Monmouth County
SOILS:		Other	16.4% * 0 = .00
		Statewide	83.6% * .1 = 8.36
			SOIL SCORE: 8.36
TILLABLE SOILS:		Cropland Harvested	64% * .15 = 9.60
		Woodlands	36% * 0 = .00
			TILLABLE SOILS SCORE: 9.60
FARM USE:	Hay		14 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 one (1) acres for a future single family residence
Exception is not to be severed from Premises
Exception is to be restricted to one 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:
Standard Single Family
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 FY2013R3(4)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

**ALLOWAY TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
Kurt and Donna Sickler
Alloway Township, Salem County**

**N.J.A.C. 2:76-17A. et seq.
SADC ID# 17-0115-PG**

March 28, 2013

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 Alloway Township, Salem County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of Alloway Township's 2013 PIG plan annual update on May 24, 2012 ; and

WHEREAS, on May 7, 2012, the SADC received an individual application for the sale of a development easement from Alloway Township for the Sickler Farm, identified as Block 16, Lot 13, Alloway Township, Salem County, totaling approximately 12 net acres (Schedule A); and

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

WHEREAS, the Property has one (1) single family residence, zero (0) agricultural labor units and no pre-existing non-agricultural uses; 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 July 5, 2012 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 December 13, 2012 the SADC certified a development easement value of \$6,600 per acre based on zoning and environment regulations in place as July 2012; and

WHEREAS, the landowner has accepted the offer of \$6,600 per acre from Alloway Township, for the sale of their development easement; and

WHEREAS, to date \$1,250,000 has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Project Area; and

WHEREAS, to date Alloway Township has encumbered \$303,750 of its SADC grant funds and has a remaining eligibility of \$946,250 (Schedule B); and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on January 17, 2013 the Alloway Township Committee approved the application with a funding commitment for an estimated \$14,400; and

WHEREAS, the Salem County Agriculture Development Board approved the application on February 27, 2013 and secured a commitment of funding for an estimated \$1,200 per acre from the Salem County Board of Chosen Freeholders for the required local match on March 6, 2013; and

WHEREAS, the estimated cost share breakdown is as follows (based on 12 acres):

	<u>Cost Share</u>	
SADC	\$50,400	(\$4,200/ acre)
Alloway Township	\$14,400	(\$1,200/ acre)
Salem County	<u>\$14,400</u>	<u>(\$1,200/ acre)</u>
	\$79,200	(\$6,600/ acre) ; and

WHEREAS, Alloway Township is requesting \$50,400 from its available funding leaving a remaining balance of \$895,850 (Schedule B); and

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Alloway Township for the purchase of a development easement on the Sickler Farm, comprising approximately 12 net acres, at a State cost share of \$4,200 per acre for an estimated total of \$50,400 (63.64% of certified market value and purchase price) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); 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

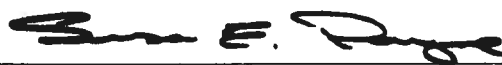
BE IT FURTHER RESOLVED, if the Township and County agree to the SADC providing its grant directly to Salem County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that 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.

3/28/13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

**Donna and Kurt Sickler
Block 16 Lot 13 (12.6 ac)
Gross Total = 12.6 ac
Alloway Twp., Salem County**



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

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

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

May 17, 2012

**Municipal Planning Incentive Grant
Alloway Township, Salem County**

As of 3/8/2013

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Sickler, Kurt & Donna (Passin Time Farm)
17-0115-PG
PIG EP - Municipal 2007 Rule
12 Acres

Block 16	Lot 13	Alloway Twp.	Salem County
SOILS:		Prime	99% * .15 = 14.85
		Statewide	1% * .1 = .10
			SOIL SCORE: 14.95
TILLABLE SOILS:		Cropland Pastured	90% * .15 = 13.50
		Other	10% * 0 = .00
			TILLABLE SOILS SCORE: 13.50
FARM USE:	General Livestock NEC	11 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: No Exceptions Recorded
 - 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 FY2013R3(5)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

FRANKLIN TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

**On the Property of
Andrew & Thomas Bellone
Franklin Township, Gloucester County**

**N.J.A.C. 2:76-17A. et seq.
SADC ID# 08-0133-PG**

March 28, 2013

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Franklin Township, Gloucester County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7 and 17A.8, the SADC granted final plan approval to Franklin Township's 2013 PIG plan annual update on May 24, 2012; and

WHEREAS, on October 12, 2011, the SADC received an individual application for the sale of a development easement from Franklin Township for the Bellone Farm, identified as Block 6002, Lots 67 & 73, Franklin Township, Gloucester County, totaling 50.382 surveyed acres (Schedule A); and

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

WHEREAS, the Property has zero (0) existing single family residences, zero (0) agricultural labor housing and no pre-existing non-agricultural uses; 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 November 2, 2011 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 May 24, 2012 the SADC certified a development easement value of \$4,850 per acre based on zoning and environment regulations in place as November 2011; and

WHEREAS, the landowner has accepted the offer of \$4,850 per acre from Franklin Township, for the sale of their development easement; and

WHEREAS, to date \$1,750,000 has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Project Area has expended \$723,670.59 and encumbered \$85,612.00 (Schedule B); and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on March 12, 2013 the Franklin Township Committee approved the application and a funding commitment for an estimated \$770 per acre; and

WHEREAS, the Gloucester County Agriculture Development Board approved the application on March 21, 2013 and secured a commitment of funding for an estimated \$770 per acre from the Gloucester County Board of Chosen Freeholders on March 27, 2013; and

WHEREAS, the estimated cost share breakdown is as follows (based on 50.382 acres):

	<u>Cost Share</u>	
SADC	\$166,764.42	(\$3,310/acre)
Franklin Township	\$38,794.14	(\$770/acre)
Gloucester County	<u>\$38,794.14</u>	<u>(\$770/acre)</u>
	\$244,352.70	(\$4,850/acre) ; 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. 2:76-17.4, Franklin Township is requesting \$166,764.42 from its available funding, leaving a balance of \$773,952.99 (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Franklin Township for the purchase of a development easement on the Bellone Farm, comprising approximately 50.382 net easement acres, at a State cost share of \$3,310 per acre for an estimated total of \$166,764.42 (68.25% of certified market value and purchase price) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule B); and

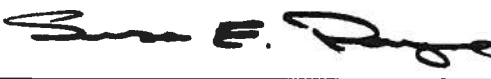
BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, 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, if the Township and County agree to the SADC providing its grant directly to the 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 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.

3/28/13
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A

Application within the Pinelands Rural Development Area

x:\counties\glouco\projects\belloneATfww.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Bellone, Andrew & Thomas
Block 6002 Lots 67 (47.94 ac) & 73 (.18 ac)
Gross Total = 48.12 ac
Franklin Twp., Gloucester County



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

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

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

Date: 10/21/2011

**Municipal Planning Incentive Grant
Franklin Township, Gloucester County**

Farm	SADG ID	Acres	SADG Certified Per Acre	Negotiated & Approved Per Acre	SADG Grant Per Acre	Grants Per Acre	Element Benefit Ratio	SADG		Federal Grant		739 - GSPT	
								Cost Share	Total Federal Grant	SADG Federal Grant	Encumbered	Expended	Balance
Genna	08-0121-PG	48.740	7,000.00	7,000.00	4,400.00	62.86%	345,786.00	217,351.20	173,796.74	45,111.19		171,989.26	1,578,010.74
Gallagher	08-0122-PG	46.000	7,000.00	7,000.00	4,400.00	62.86%	299,719.00	188,394.80	147,532.49	98,208.29		152,186.51	1,425,824.23
Tweed South	08-0123-PG	65.800	6,000.00	6,000.00	3,900.00	65.00%	382,446.00	248,589.90	191,223.00	57,868.98		191,223.00	1,234,601.23
Tweed North	08-0123-PG	60.200	6,000.00	6,000.00	4,200.00	63.84%	374,226.60	238,144.20	187,113.30	51,000.90		187,113.30	1,047,487.93
ARLINGTON (Genna, Gallagher, Tweed North, Tweed South)											85,612.00	21,158.52	1,026,329.41
Stiles	08-0135-PG	25.180	5,000.00	5,000.00	3,400.00	68.00%	125,900.00	85,612.00					940,717.41
Bellone	08-0136-PG	50.382	4,850.00	4,850.00	3,310.00	68.25%	244,352.70	166,764.42					
Lenzi (used formula value)	08-0137-PG	38.315	1,410.00	2,699.00	1,989.30	73.71%	103,412.19	76,220.03					
Kargman I (lot 8)	08-0134-PG	30.000	5,100.00		3,450.00	67.65%	153,000.00	103,500.00					
Kargman II (lot 11/12)	08-0136-PG	10.000	7,500.00		4,650.00	62.00%	75,000.00	46,500.00					
Kargman III (lot 14)	08-0139-PG	28.500	7,500.00		4,650.00	62.00%	198,750.00	123,225.00					
Kargman IV (lot 18)	08-0140-PG	8.200	9,000.00		5,400.00	60.00%	73,800.00	44,280.00					
Ferrucci (lot 1)	08-0160-PG	10.000											
Ferrucci (lot 15)	08-0159-PG	19.000											
McSwain	08-0158-PG	20.000											
Hale	08-0813-PG	44.500						646,101.45			85,612.00		
Total Pending													
Total Encumbered												723,670.59	
GRAND TOTAL	1	226.740						882,480.10		185,988.03			940,717.41
Reprogram Out													

Schedule

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Bellone Farm
08-0133-PG
PIG EP - Municipal 2007 Rule
47 Acres

Block 6002	Lot 67	Franklin Twp.	Gloucester County
Block 6002	Lot 73	Franklin Twp.	Gloucester County

SOILS:	Other	15% * 0	=	.00
	Prime	85% * .15	=	12.75

SOIL SCORE: 12.75

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

TILLABLE SOILS SCORE: 14.55

FARM USE:	Ornamental Shrub & Tree Services	42 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: No Exceptions Recorded
 - 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 FY2013R3(6)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

FRANKLIN TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Daniel & Irene Lenzi

Franklin Township, Gloucester County

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

SADC ID# 08-0137-PG

March 28, 2013

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Franklin Township, Gloucester County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7 and 17A.8, the SADC granted final plan approval to Franklin Township's 2013 PIG plan annual update on May 24, 2012; and

WHEREAS, on October 14, 2011, the SADC received an individual application for the sale of a development easement from Franklin Township for the Lenzi Farm, identified as Block 6601, Lot 20, Franklin Township, Gloucester County, totaling 38.315 surveyed acres (Schedule A); and

WHEREAS, the farm's agricultural production at the time of application was in pasture, hay production and equine; and

WHEREAS, the equine activity consists of the landowner keeping 6 horses for their personal use with no equine service activities occurring on the farm; and

WHEREAS, the Property has one (1) existing single family residence, zero (0) agricultural labor housing and no pre-existing non-agricultural uses; 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 November 17, 2011 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, as per N.J.A.C. 2:76-19.3 landowners shall have a choice of having the development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on May 24, 2012, the SADC certified a development easement value of \$1,410 per acre based on zoning and environmental regulations in place as of November 1, 2011; and

WHEREAS, on February 11, 2013, pursuant to N.J.A.C. 2:76-19.3 and based on consensus between the SADC and Township staff, the SADC issued a Pinelands Formula Valuation Certificate, yielding (Schedule B):

Formula Valuation without impervious cover option:	\$2,408 per acre
Formula Valuation with 10% impervious cover option:	\$2,699 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted an offer from the Township to sell a development easement for \$2,699 per acre, (which is the Pinelands Formula Valuation with 10% impervious cover option); and

WHEREAS, as per N.J.A.C. 2:76-19.13 the impervious coverage limitation shall be 10 percent of the total property acreage, and shall include, but not be limited to, houses, barns, stables, sheds, silos, outhouses, cabanas and other buildings, swimming pools, docks, or decks. Temporary greenhouses and other temporary coverings which do not have impervious floors shall be excluded from the computation of the impervious coverage area; and

WHEREAS, to date \$1,750,000 of FY09, FY11 and FY13 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Project Area; and

WHEREAS, to date Franklin Township has expended \$723,670.59 of its SADC grant funds and encumbered \$252,376.42 on the Bellone and Stiles farms, and is eligible for an additional \$773,952.99 (Schedule C); 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. 2:76-17A.13, on March 12, 2013 the Franklin Township Committee approved the application and a funding commitment for an estimated 13.15% (\$354.85 per acre); and

WHEREAS, the Gloucester County Agriculture Development Board approved the application on March 21, 2013 and secured a commitment of funding for an estimated \$800 per acre from the Gloucester County Board of Chosen Freeholders for the required local match on March 27, 2013; and

WHEREAS, the estimated cost share breakdown is as follows (based on 38.315 acres):

	<u>Cost Share</u>	
SADC	\$76,220.03	(\$1,989.30/ acre or 73.70% of Pinelands Value)
Franklin Township	\$13,596.08	(\$354.85/ acre or 13.15% of Pinelands Value)
Gloucester County	\$13,596.08	(\$354.85/ acre or 13.15% of Pinelands Value)
	\$103,412.19	(\$2,699/acre) ; 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. 2:76-17.4, Franklin Township is requesting \$76,220.03 from its available funding, leaving a grant eligibility to the township of \$697,732.96 (Schedule C); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Franklin Township for the purchase of a development easement on the Lenzi Property, comprising 38.315 surveyed acres, at a State cost share of \$1,989.30 per acre (73.70% of Pinelands Formula Valuation with 10% impervious coverage), for a total grant need of \$76,220.03 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule D); and; 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

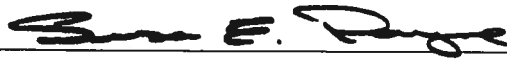
BE IT FURTHER RESOLVED, if the Township and County agree to the SADC providing its grant directly to Gloucester County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that 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.

3/28/13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

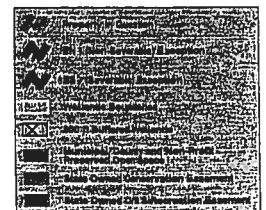
Douglas H. Fisher, Chairman	YES
Cecile Murphy, (rep. DEP Commissioner Martin	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chairman	YES
Denis C.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

x:\counties\gloucester\projects\Lenzi_Difw\mxd



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

Lenzi, Daniel & Irene
Block 6601 Lot 20 (37.96 ac)
Gross Total = 37.96 ac
Franklin Twp., Gloucester County



500 250 0 500 1,000 Feet

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 2007/2008 Digital Aerial Image

Date: 11/3/2011

Pinelands Formula			
Subject Farm: Lenzi Farm, Franklin Township			
LOI # 1813 dated July 11, 2012 (Pinelands Application #2005-0321.001			
Block 6601 Lot 20 (39.02 Acres): 1.25 PDC	22.11 acres of Uplands (1.13 PDC),6.85 acres wetland in active ag. (.35 PDC)		
	10.07 acres other wet (.05 PDC) (subtracted .25 PDC for one existing house)		
Agricultural Production Area -2 PDC/39 acres of upland or other wetland in prod. & .2 PDC other wetland			
Total Uplands: 22.11 (56.66%)			
Total Wetland in Production: 6.85 (17.55%)			
Other Wetland: 10.07 (25.81%)			
Total Land: 39.02			
Base Value Calculation			
(choose one)	no Imp. Cover		If Imp. Cover is used
Per Acre Value	\$1,600		\$1,600
Per Acre Value	\$1,800	If 10% Impervious cover option is taken	\$1,800
upland (upland & wetland in active production)	\$1,187	base x 74.21.66%	\$1,336
wetland	\$41	\$160 base x 25.81%	\$41
adjusted base value for uplands and wetlands	\$1,229		\$1,377
2:76-19.5 adjustments			
2:76-19.6 Regional Environmental Quality Area	\$184	Southern Env. Qual. Area - 15%	\$207
2:76-19.7 - Site Specific Env. Quality Factors	\$307	<0.5 miles from rur. Dev. area & .5-2 Pine Town- 25%	\$344
2:76-19.8 - Scenic Corridor & Access Markets	\$184	0-.5 from munl. rd & .5-2 from Fed/State Hwy (US40)- 15%	\$207
2:76-19.8(b) Road Frontage	\$123	2,087.7' frontage:39.02 acres - 10%	\$138
2:76-19.9-On-Site Septic Suitability	\$86	68.55% with no or only slight limits - 7%	\$96
2:76-19.10-Agricultural Viability	\$246	76.30% Prime -20% adjustment	\$275
2:76-19.10(b)-contiguous to preserved land	\$147	adjacent to preserved land - 12%	\$165
2:76-19.11 (a) water bodies	\$0	no lake on property - 0%	\$0
2:76-19.11(b) streams	\$246	streams on property (only counts if owner agrees to 2:76-19.12)- 20%	\$275
Formula Value	\$2,752		\$3,085
Final Valuation			
Formula Value Per Acre	\$2,752	before housing adjustment	\$3,085
Net Acreage	39.02		39.02
Pre-Adjust Consideration	\$107,390.43	per acre price prior to adjustments	\$120,363.05
Houses	1	on or off exception areas	1
	\$4.88	# of houses x 4.875	\$4.88
Total Deduction for Houses	\$13,416.82		\$15,037.67
Final Consideration	\$93,973.51		\$105,325.38
Net Acreage	39.02		39.02
Final Per Acre Value	\$2,408		\$2,699

Schedule C

Schedule C

Municipal Planning Incentive Grant
Franklin Township, Gloucester County

Form	SADC ID#	Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Grant Per Acre	Eligibility Consideration	Cost Base	SADC Cost Share	Federal Grant Federal Grant	SABC Federal Grant	733 - GSPT		Balance
												Encumbered	Expanded	
Genna	08-0121-PG	48.740	7,000.00	7,000.00	4,400.00	62.86%	345,786.00	345,786.00	217,351.20	173,796.74	45,361.94	171,989.26	1,578,010.74	
Gallagher	08-0122-PG	46.000	7,000.00	7,000.00	4,400.00	62.86%	299,719.00	299,719.00	185,394.80	147,532.49	38,208.29	152,186.51	1,425,824.23	
Tweed South	08-0124-PG	65.800	6,000.00	6,000.00	3,900.00	65.00%	382,446.00	382,446.00	248,589.90	191,223.00	57,368.90	191,223.00	1,234,601.23	
Tweed North	08-0123-PG	60.200	6,000.00	6,000.00	4,200.00	63.64%	374,226.60	374,226.60	236,144.20	187,113.30	51,030.90	187,113.30	1,047,487.93	
Arduary Coast (Genna, Gallagher, Tweed North, Tweed South)	08-0135-PG	25.180	5,000.00	5,000.00	3,400.00	68.00%	125,900.00	125,900.00	85,612.00			85,612.00	1,026,329.41	
Stiles	08-0136-PG	50.382	4,850.00	4,850.00	3,310.00	68.25%	244,352.70	244,352.70	166,764.42			166,764.42	773,952.99	
Bellone	08-0137-PG	38.315	1,410.00	2,699.00	1,989.30	73.71%	103,412.19	103,412.19	76,220.03			76,220.03	697,732.96	
Lenz (used formula value)														
Kargman I (lot 8)	08-0134-PG	30.000	5,100.00		3,450.00	67.65%		153,000.00	103,500.00					
Kargman II (lot 11/12)	08-0138-PG	10.000	7,500.00		4,650.00	62.00%		75,000.00	46,500.00					
Kargman III (lot 14)	08-0139-PG	26.500	7,500.00		4,650.00	62.00%		198,750.00	123,225.00					
Kargman IV (lot 16)	08-0140-PG	8.200	9,000.00		5,400.00	60.00%		73,800.00	44,280.00					
Ferrucci (lot 1)	08-0160-PG	10.000												
Ferrucci (lot 15)	08-0159-PG	19.000												
McSwain	08-0158-PG	20.000												
Hale	08-0813-PG	44.500							646,101.45			328,596.45		
Total Pending														
Total Encumbered														
Total Expanded	11	220.740							682,480.10		189,965.03	723,670.59		
Total														667,782.86
Reprogram Out														

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Lenzi, Daniel and Irene
08-0137-PG
PIG EP - Municipal 2007 Rule
39 Acres

Block 6601	Lot 20	Franklin Twp.	Gloucester County
SOILS:		Statewide	78% * .1 = 7.80
		Unique zero	22% * 0 = .00
			SOIL SCORE: 7.80
TILLABLE SOILS:		Cropland Pastured	5% * .15 = .75
		Cropland Harvested	42% * .15 = 6.30
		Other	8% * 0 = .00
		Permanent Pasture	25% * .02 = .50
		Woodlands	20% * 0 = .00
			TILLABLE SOILS SCORE: 7.55
FARM USE:	Hay		20 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Recorded
 - 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 FY2013R3(7)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

FRANKLIN TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Norman E. Stiles

Franklin Township, Gloucester County

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

SADC ID# 08-0135-PG

March 28, 2013

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Franklin Township, Gloucester County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7 and 17A.8, the SADC granted final plan approval of Franklin Township's 2013 PIG plan annual update on May 24, 2012; and

WHEREAS, on October 12, 2011, the SADC received an individual application for the sale of a development easement from Franklin Township for the Stiles Farm, identified as Block 6401, Lot 44, Franklin Township, Gloucester County, totaling 25.18 surveyed acres (Schedule A); and

WHEREAS, at the time of application the Property was in livestock and hay production; 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; 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 November 17, 2011 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 April 27, 2012 the SADC certified a development easement value of \$5,000 per acre based on zoning and environment regulations in place as November 2011; and

WHEREAS, the landowner has accepted the offer of \$5,000 per acre from Franklin Township, for the sale of their development easement; and

WHEREAS, to date \$1,750,000 of FY09, FY11 and FY13 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Project Area; and

WHEREAS, to date Franklin Township has expended \$723,670.59 of its SADC grant funds and is eligible for \$1,026,329.41; 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. 2:76-17A.13, on March 12, 2013 the Franklin Township Committee approved the application and a funding commitment for an estimated 16% (\$800 per acre) of the certified value \$5,000 per acre; and

WHEREAS, the Gloucester County Agriculture Development Board approved the application on March 21, 2013 and secured a commitment of funding for an estimated \$800 per acre from the Gloucester County Board of Chosen Freeholders for the required local match on March 27, 2013; and

WHEREAS, the estimated cost share breakdown is as follows (based on 25.18 acres):

	<u>Cost Share</u>	
SADC	\$85,612	(\$3,400/ acre)
Franklin Township	\$20,144	(\$800/ acre)
Gloucester County	<u>\$20,144</u>	<u>(\$800/ acre)</u>
	\$125,900	(\$5,000/ acre) ; 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. 2:76-17.4, Franklin Township is requesting \$85,612 from its available funding, leaving a grant eligibility to the township of \$940,717.41 (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Franklin Township for the purchase of a development easement on the Stiles Farm, comprising approximately 25.18 surveyed easement acres, at a State cost share of \$3,400 per acre (68% of certified market value and purchase price) for an estimated total grant need of \$85,612 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule 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, 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 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.

3/28/13

Date



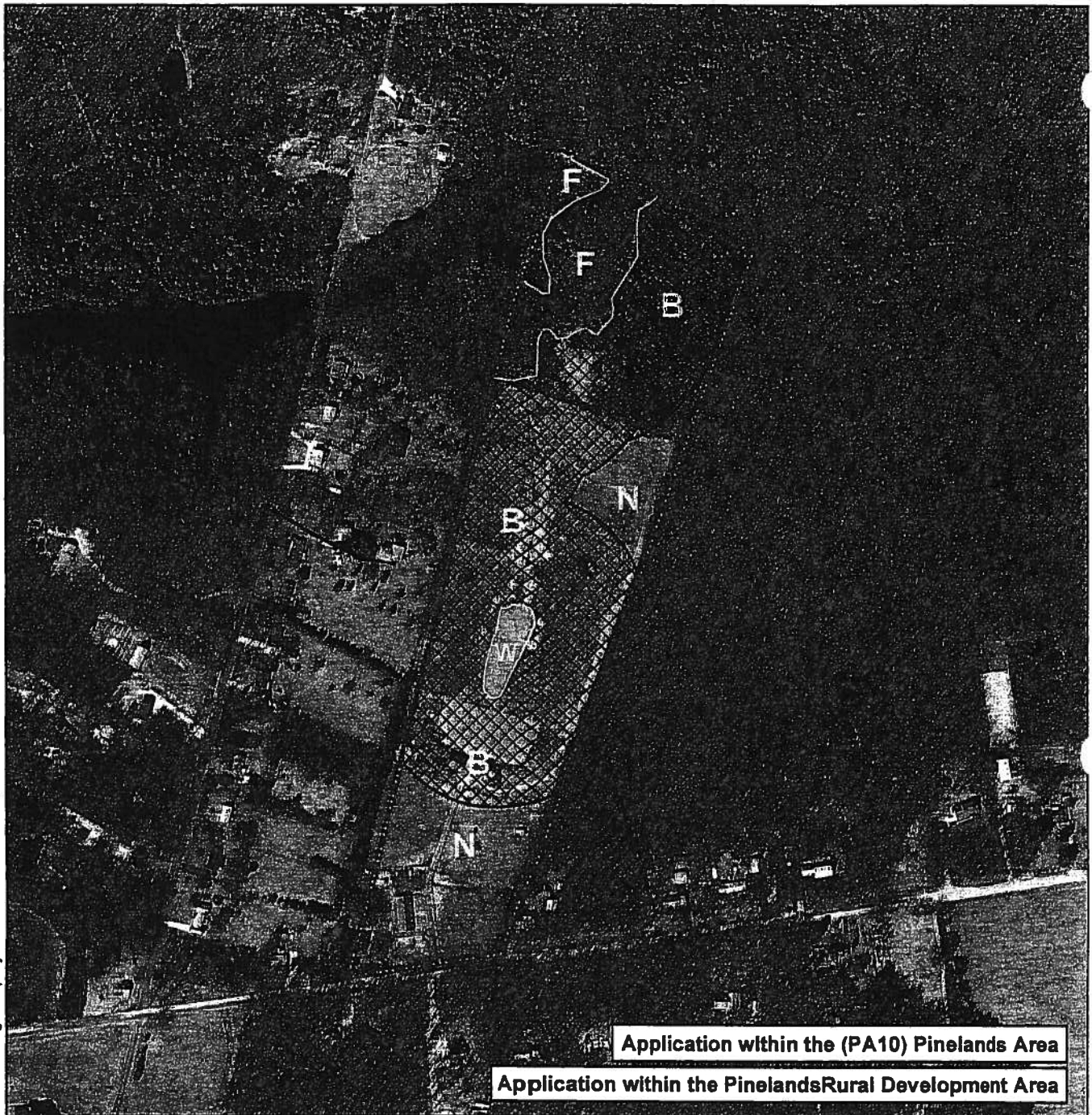
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

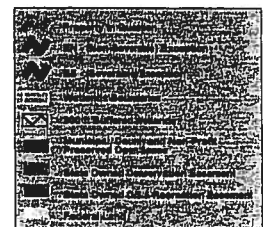
Schedule A

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



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Stiles, Norman & Deborah
Block 6401 Lots 44 (24.84 ac)
Gross Total = 24.84 ac
Franklin Twp., Gloucester County



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

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

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

Date: 10/21/2001

Schedule B

Municipal Planning Incentive Grant Franklin Township, Gloucester County

Farm	SADQ ID#	Acreage	SADQ Qualified Per Acre	Negotiated & Approved Per Acre	SADQ Grant Per Acre	Grants Per Acre	Essential Consideration	SADQ		Federal Grant		753 - GSPT	
								Cost Basis	Cost Share	Total Federal Grant	SADQ Federal Grant	Encumbered	Expended
Genna	08-0121-PG	48.740	7,000.00	7,000.00	4,400.00	62.86%	345,786.00	345,786.00	217,351.20	173,796.74	45,981.04		171,989.26
Gallagher	08-0122-PG	46.000	7,000.00	7,000.00	4,400.00	62.86%	299,719.00	299,719.00	188,394.80	147,532.49	38,208.29		152,186.51
Tweed South	08-0124-PG	65.900	6,000.00	6,000.00	3,900.00	65.00%	382,446.00	382,446.00	248,589.90	191,223.00	51,368.90		191,223.00
Tweed North	08-0123-PG	60.200	6,000.00	6,000.00	4,200.00	63.64%	374,226.60	374,226.60	238,144.20	187,113.30	51,030.90		187,113.30
Arbitrary Costs (Genna, Gallagher, Tweed North, Tweed South)	08-0135-PG	25.180	5,000.00	5,000.00	3,400.00	68.00%	125,900.00	125,900.00	85,612.00			85,612.00	21,158.52
Stiles	08-0136-PG	50.382	4,850.00	4,850.00	3,310.00	68.25%	244,352.70	244,352.70	166,764.42				
Bellone	08-0137-PG	38.315	1,410.00	2,699.00	1,989.30	73.71%	103,412.19	103,412.19	76,220.03				
Lenzi (used formula value)													
Kargman I (lot 8)	08-0134-PG	30.000	5,100.00		3,450.00	67.65%		153,000.00	103,500.00				
Kargman II (lot 11/12)	08-0138-PG	10.000	7,500.00		4,650.00	62.00%		75,000.00	46,500.00				
Kargman III (lot 14)	08-0139-PG	26.500	7,500.00		4,650.00	62.00%		198,750.00	123,225.00				
Kargman IV (lot 18)	08-0140-PG	8.200	9,000.00		5,400.00	60.00%		73,800.00	44,280.00				
Ferrucci (lot 1)	08-0160-PG	10.000											
Ferrucci (lot 15)	08-0159-PG	19.000											
McSwain	08-0158-PG	20.000											
Hale	08-0613-PG	44.500							646,101.45			85,612.00	
Total Pending													
Total Encumbered													
Closed/Expended	11	220.740							882,480.10		189,988.03		723,870.59
Total													840,717.41
Reprogram Out													

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Stiles Farm
08-0135-PG
PIG EP - Municipal 2007 Rule
25 Acres

Block 6401	Lot 44	Franklin Twp.	Gloucester County
SOILS:		Prime	76% * .15 = 11.40
		Statewide	15% * .1 = 1.50
		Unique .125	9% * .125 = 1.13
			SOIL SCORE: 14.03
TILLABLE SOILS:		Permanent Pasture	70% * .02 = 1.40
		Woodlands	30% * 0 = .00
			TILLABLE SOILS SCORE: 1.40
FARM USE:	Beef Cattle Feedlots	18 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: No Exceptions Recorded
 - 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.

**Municipal Planning Incentive Grant
Alloway Township, Salem County**

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R3(8)

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

**GLOUCESTER COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
BEZR Homes LLC/NAR Farm ("Owner")
East Greenwich Township, Gloucester County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 08-0132-PG**

March 28, 2013

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Gloucester 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, Gloucester County received SADC approval of its FY13 PIG Plan application annual update on May 24, 2012; and

WHEREAS, on June 2, 2011 the SADC received an application for the sale of a development easement from Gloucester County for the subject farm identified as Block 1102, Lots, 1, 2.01, 2.05, 3, 3.02, 5 and 7, East Greenwich Township, Gloucester County, totaling 111.8 surveyed acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Gloucester County's Repaupo-Mantua Creek Project Area; and

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

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

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

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

WHEREAS, the Property has a rank score of 69.3 which exceeds 41, which is 70% of the County's average quality score as determined by the SADC on June 22, 2010; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on October 17, 2011 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on June 28, 2012 the SADC certified a development easement value of \$28,000 per acre based on zoning and environmental regulations in place as of October 3, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$28,000 per acre for the development easement for the Property; and

WHEREAS, on July 30, 2012 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, on September 27, 2012 the SADC granted final approval to provide a cost share grant to Gloucester County for the purchase of a development easement on the subject farm which was limited to \$999,500 in United States Department of Agriculture, Natural Resources Conservation Service (NRCS) Federal Farm and Ranch Lands Protection Program (FRPP) grant monies the SADC had secured because Gloucester County had encumbered and or expended all of their SADC grant funding at that time (Schedule B); and

WHEREAS, it became apparent that the FRPP funding approvals were going to be delayed until 2013 but the landowner wished to close prior to the end of 2012; and

WHEREAS, Gloucester County closed on the development easement on December 28, 2012 for \$3,130,400 without FRPP funding; and

WHEREAS, Gloucester County is requesting an amendment to their final approval to use new FY13 PIG grant funding; and

WHEREAS, on February 1, 2013, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, currently the County has \$1,000,000 of base grant funding, and is eligible for up to \$334,222.32 in FY11 and up to \$5,000,000 in FY13 competitive grant funding , subject to available funds (Schedule C); 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, pursuant to N.J.A.C. 2:76-17.14, competitive grant funds shall be awarded by the SADC based on a priority ranking of the individual farm applications applying for grants from the competitive grant fund based on cumulative points of the project area (Schedule D); and

WHEREAS, since the County has already closed on this property it is not requesting to use the additional 3% buffer for possible surveyed acreage increases, therefore, the SADC cost share shall be based on the 111.80 surveyed acres; and

Cost share breakdown based on 111.80 acres:

	<u>Cost Share</u>	
SADC	\$1,878,240	(\$16,800 per acre or 60%)
<u>Gloucester County</u>	<u>\$1,252,160</u>	<u>(\$11,200 per acre or 40%)</u>
	\$3,130,400	(\$28,000 acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the East Greenwich Township Committee approved the application on December 27, 2011, on February 14, 2013 the Gloucester County Agriculture Development Board, and on February 20, 2013 the Gloucester County Board of Chosen Freeholders approved the County's request for a cost share reimbursement from the SADC; and

WHEREAS, the County is requesting to use the balance of its base grant of \$1,000,000 and remaining \$334,222.32 in FY11 competitive along with \$544,017.68 in FY13 competitive funding to cover the SADC cost share; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants amended final approval to provide a cost share grant to Gloucester County for the purchase of a development easement on the Property, comprising 111.80 surveyed acres, at a State cost share of \$16,800 per acre, totaling \$1,878,240 pursuant to N.J.A.C. 2:76-6.11 and adjustments made according to this resolution and the conditions contained in (Schedule E); 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 for residual dwelling site opportunities allocated pursuant to Policy P-19-A; 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 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.

3/28/13
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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