

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

NOVEMBER 3, 2011

Chairman Fisher called the meeting to order at 9:13 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

Members Present

Douglas H. Fisher, Chairman (Arrived at 9:15 a.m.)
Ralph Siegel (rep. State Treasurer Andrew P. Sidamon-Eristoff)
Fawn McGee (rep. DEP Commissioner Martin)
James Requa (rep. DCA Commissioner Grifa)
Brian Schilling (rep. Executive Dean Goodman)
Alan Danser
James Waltman
Torrey Reade
Jane Brodhecker

Members Absent

Denis C. Germano

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

Others present as recorded on the attendance sheet: Heidi Winzinger, Brian Smith, Charles Roohr, Timothy Brill, Paul Burns, Ed Ireland, Steve Bruder, David Kimmel, Bryan Lofberg, Patricia Riccitello, Sandy Giambrone, SADC staff, Alyson Reynolds, D.A.G., Daniel Pace, Mercer County Agriculture Development Board, Nicole Crifo, Governor's Authorities Unit, Nicole Goger, New Jersey Farm Bureau, Barbara Ernst, Cape May County Agriculture Development Board, Harriet Honigfeld, Monmouth County Agriculture Development Board, Gregory Romano and Amy Hanson, New Jersey Conservation Foundation, Brian Wilson, Burlington County Agriculture Development Board, Laurie Sobel, Middlesex County Agriculture Development Board,

Tracy Carluccio, Delaware River Keeper Network, Hunterdon County.

Minutes

Vice Chairman Danser presided over the meeting at this point.

- A. SADC Regular Meeting of September 22, 2011 (Open and Closed Session)

It was moved by Ms. Brodhecker and seconded by Mr. Requa to approve the open session minutes and the closed session minutes of the SADC regular meeting of September 22, 2011. The motion was approved. (Mr. Schilling abstained.)

Chairman Fisher presided over the meeting at this point.

REPORT OF THE CHAIRPERSON

Chairman Fisher reported on the following:

- SADC Farmer Member Vacancy

Chairman Fisher stated that since the passing of Dr. Dey, the State Board of Agriculture has had interviews for the farmer member position on the SADC and it will be making a recommendation soon.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne discussed the following with the Committee:

- Morris County Farmland Preservation Event

Ms. Payne congratulated Morris County on its 20,000 acre event held last week. Approximately 7,300 acres are farmland preservation acres preserved through the SADC.

- Mandatory Ethics Training

Ms. Payne referred the Committee to a memorandum from the Governor's Authorities Unit regarding ethics training, which is an annual requirement that all SADC members go on-line to take the training module. At the end of the exercise you will receive a certification that you have taken the exercise and that receipt should be referred to our office. Ms. Payne offered assistance to any of the members who feel they need it or use of the SADC's computers to complete the

training. The deadline for taking the training is November 14th. She stated that she will need to submit a certification letter to the Governor's office by the end of November that all SADC members have taken the training.

- Medical Marijuana

Ms. Payne stated that she does expect to have all of the issues fully examined by the next meeting of the SADC. She anticipates bringing it to the Committee so that everyone is clear on the rules of engagement on this issue.

- Delegating Authority to SADC Staff regarding Solar Panels on Existing Rooftops on Preserved Farmland

Ms. Payne stated that this issue is still pending at the Office of the Attorney General, who is very backed up with various lawsuits and other legal matters. She stated that it is still on the table and she will advise the Committee as further updates are available on this issue.

- Renewable Energy

Ms. Payne stated that Rutgers has commenced its work under the contract that the Committee approved at the last meeting. She will be speaking to the noise expert, Eric Zwerling, shortly to obtain a status on how they are doing. Ms. Gruzlovic of our office has been doing a great job drafting the renewable energy on preserved farm rules, which staff is also working on.

- SADC Position Vacancies

Ms. Payne stated that management staff has been doing quite a bit of interviewing for the vacancies and it is her hope to be making recommendations to fill those positions so that we have new staff on board by January 1, 2012. Some positions may be filled before that date.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. She stated that there are articles covering the State's strategic plan that was released so that the Committee should be up to speed on that issue and that she will be talking about that more in the coming months as it relates to the SADC and the Department of Agriculture's work. There are articles on renewable energy happening across the country and also an article on a poll recently taken by Monmouth University regarding the public's support for various environmental issues, but preservation of farmland and open space still being favored by sixty-two percent of those polls. The article speaks to the strength of

people's continuing commitment to preserve land, which is good news.

PUBLIC COMMENT

Tracy Carluccio, Deputy Director of the Delaware Riverkeeper stated that she wanted to bring up a problem that they think warrants a policy direction from the SADC so that they can put in place a uniform policy to address soils on preserved property. She stated that she is using as an example Garden State Growers (GSG) and they know that there are matters related to soil at (GSG) that are involved in litigation right now and she will not be talking about those specific facts but she did want to bring to the Committee's attention a concern they have that there is no effective uniform policy established by the state through this Committee regarding the protection of soils on preserved land. They feel that this allows bad practices to continue to destroy soils and it also does not address the changes that need to be made in order to protect soils should there be compaction, to renovate those soils.

Ms. Carluccio stated that the first example she wanted to use is the soils on GSG preserved property, which is also called Quaker Valley Farms (QVF). They're compacted for the purposes of laying weed cover fabric or geotextiles and irrigation systems for the placement of greenhouses and hoop houses so they like a nice flat surface. The impacts of the practice of compaction for the placement of these textiles or structures are discussed in the Rutgers report that was completed for the SADC in 2010 and it is made really clear that the absorption and infiltration functions of the soil are prohibited by this practice. She stated that she has included that document in the material that she has supplied to the Committee today. Rutgers also wrote a letter in 2007 that was presented to the SADC addressing compaction and the tremendous loss of value of soils that have been disturbed and compacted. She also attached a memo that was completed by Chris Smith, soils scientist for the Natural Resources Conservation Service (NRCS), which discusses that when soil is purposely compacted to achieve support function, all the pores and the core basics of the soil structure are eliminated and you really have to take action to get that function back. She stated that further analysis in terms of technical reports that she has attached and referenced today are discussed in the Ocean County's report about the impacts of compaction on bulk density, and when bulk density increases infiltration rates decrease, which is also discussed in the report she provided. In discussions with Ocean County, they have done further work on renovating basins in order to restore the infiltration function and that information she has attached to her material.

Ms. Carluccio stated that the main issue that these reports illustrate are the problems associated with compaction and disturbance of soil and why this

practice has to be addressed if soils are expected to function naturally and to accomplish infiltration and if storm water management is going to work on the preserved farm or any farm where these practices are used. She stated that regarding GSG, that is what they do, they compact it, they put the filter fabric down, the structures down and those practices are on-going but unfortunately addressing the impacts has not happened. She stated that not only does it need to be addressed in the litigation but also addressed state-wide because there are other places across the state that use this type of compaction as a practice. She stated that she is asking that the SADC develop guidance so that the county conservation districts can know how to deal with this issue when they permit what the CADB do at the county level. Right now it is clear that there is not any understanding or universal policy that these boards are implementing when these issues come up to them daily.

Ms. Carluccio stated that another important aspect that she wants to use as an example is from their experience with GSG that there is not an instituted policy by this Committee carried out at the CADB's regarding soil removal and the disturbance and destruction of soils as well. She stated that they did put extensive testimony on the record at the meeting that the SADC held in 2008 and she knows that the SADC is taking action in Court on this but they want to remind the Committee that the removal of soil and the destruction of the soil horizons was the subject of a special meeting that it held and in the instance of GSG approval was given by the CADB to remove sub-soils, and yet it proved impossible to monitor this removal process and a lot of soil was removed from the site. She stated that she has several documents attached that discuss that issue. She stated that the Board assumed that this could be spot-checked to make sure that topsoil was not being removed or that what it had approved was fill-material and was being removed only, which she questioned if that was a legal practice as well. However, the spot-checking couldn't happen and they were not able to stay on top of that and this particular instance was confounded by the permitting of the removal of the soil by the Conservation District. That was 18,000 square yards that covered 13 acres of land where that soil was taken over at Sky Manor Airport for a runway extension. The Conservation district apparently issued approval after the fact of the removal of that soil. There was testimony given by the Conservation District in the SADC's litigation that said that no soil or fill was removed. So it is very confounding as to what is happening at the county board level. We feel that it is important for the Committee to take on these issues and this kind of occurrence should not be happening and if there was direct guidance that gave these boards the information they need to make important decisions about the soils that the State has invested in on preserved farms, we would be in a position to better protect those soils and streams that are adjacent to them. In this case, as a Delaware Riverkeeper Network, is the Lockatone Creek, which is a Category 1 stream and one of the major springs to the stream originates on that

property and it carries everything that happens on that property downstream. She stated that Category 1 stream and the aquifers that the residents in that area are dependent on that because it is well water in that region and they are all being impacted by the activity at GSG.

Ms. Carluccio stated that it has been years now since this issue rose to the level of litigation, and years before that, that we as a public has tried to address this issue. That is what we are asking for today that the Committee look at these two policy issues of soil protection, compaction and soil removal and establish a policy that can be used across the state.

Chairman Fisher stated that regarding the litigation case the Committee cannot comment on that but as to the issue of soil compaction and removal of soils, we are actually working in Committee on that subject and the Committee has been taking tours of facilities but it is a slow process. Ms. Carluccio asked if the Committee knows what its goal is in terms of a time-frame on that. It's been a public issue since 2004 and 2008 since the litigation. Chairman Fisher stated that he cannot give a specific target date.

Mr. Waltman stated that there is a subcommittee, which was established to review and propose policy on the issue of soil disturbance. That subcommittee has had quite a few meetings and it's been a while but we are trying to schedule one at the present time. He would agree that it is time to move this issue along and bring it to the full Committee as soon as possible because it is an important issue and seems to have dragged on for a bit. He stated that they are working on it but he does understand the frustration that is being voiced regarding the pace of the process.

Peter Demico, a landowner addressed the Committee. He stated that he lives in Franklin Township, Hunterdon County and he lives next to GSG. He wanted to discuss what he feels is a total failure of government in protecting human health and the environment. Most of his discussion deals with his dismay with the CADB and the Hunterdon County Soil District to the standpoint that in 2008 he wrote a letter to the Governor expressing his extreme dismay over the policies of the Hunterdon County Soil District mostly and the CADB. (Mr. Demico provided the Committee with a copy of the letter to the Governor.) He stated that one of the attachments in Ms. Carluccio's packet is a discussion at a CADB meeting of what constitutes soil and what constitutes subsoil. Apparently the CADB and the Soil District sort of redefined what soil is. Soil is the "A" horizon or top soil and the "B" horizon are subsoils and they allowed GSG to take the top soil off and park it in one place and then take the "B" and "C" horizon out, it's gone, and then put the "A" horizon back. Is that a functional soil? He does not think so. He stated that he grew up in a greenhouse and grew up in agriculture and he does a

Christmas tree farm and there is no way you are going to grow anything on that. It also does not meet the definition of N.J.A.C.'s definition of soil. All of a sudden top soil is the only soil there is. He stated that two of his neighbors were sued because they said in public meetings that GSG removed soil Mr. Demico stated that his neighbors are scared of this guy and he will probably suffer the consequences for saying that. He provided various pictures to the Committee regarding compaction equipment and its size. He stated that in 2008 and 2007 we know he stripped the soil and he provided a picture showing the soil being removed and he stated that he got all kinds of dust storms and he has pictures of the dust storms, a year's worth. After the soil was stripped and the stop work order was just about to appear, a pile of top soil appeared behind his house, in a day or two. He doesn't think it came from the preserved farm. He stated that being a geologist he noticed some stuff in there that was not consistent with the top soil that was off of the preserved farm. One picture shows the level to which GSG is going to be putting greenhouses above the elevation of his property, fifteen plus feet, with no buffers. One picture shows ATVs and other people on top of the soil and that is where the greenhouses are going and he'll be looking up in a few years and seeing greenhouses.

Mr. Demico stated that with the stop work order in effect, the Soil Conservation District gave him permission to build nineteen new greenhouses on the untouched part of the property, which he guesses the Judge allowed, provided there was no additional modification to this soil and that is what the Soil Conservation District said. However, they did allow him to do some work like additional compaction, more additional drainage work, which the photos are dated beyond the stop work order. He stated that he provided this information to the Deputy Attorney General in the case and he didn't seem to care. GSG also eventually also put in a brand new concrete pad out front of the nineteen new greenhouses. He doesn't know how you put concrete down and not disturb the soil. What really has him upset is the fact that this was a new plan in 2008. The Soil Conservation District and the CADB decided that pre-2004 drainage storm water calculations were sufficient. He has letters that talk to that fact so they applied pre-2004 storm water regulations and there is a letter from the State that says that NJDEP-PSS standards do not apply, this is in 2008, for a construction project that began in 2008 that was not conceived of before 2008. He finds the photos very disturbing and they're saying that NJDEP-PSS doesn't apply? He also provided photos of what they are calling final stabilization of the soil.

Chairman Fisher asked if what Mr. Demico is speaking about now is all outside of the court case. Mr. Demico stated that it sort of fringes in because the court case forced them to build the 19 new greenhouses and in those greenhouses, his opinion is that there was additional soil disturbance, even though the hoop houses themselves don't disturb the soil there was drainage work and concrete pads that

went along with that that did disturb the soil and those new greenhouses should have been applied to the post-2004 storm water management regulations. The CADB and the Soil Conservation District chose to apply pre-2004 standards to a construction project in 2008. This is outside the litigation. Mr. Demico stated he went to some of the court hearings and that GSG was planning to build on that 25 acres greenhouses and he was issued a stop work order and he said that GSG stated it had obligations to meet certain deadlines and needed new greenhouses now so the Judge said as long as there was no additional soil disturbances the rest of the preserved farm was open. So he put up the new greenhouses in area that all of his plans before had only said was going to be fabric. So they modified it from fabric to hoop houses but they didn't follow post-2004 storm water rules. He feels that it wrong.

Ms. Reade asked Mr. Demico if this has an impact on his farm operation. Mr. Demico stated yes they do. His farming operation has been impacted by pesticides, herbicides. He can show trees on his property that were planted in 2000, that got hit by something and are now bon-zied now and are fifteen years old. He stated that he has been to the CADB regarding that and because they are close to the GSG property boundary one of the CADB members said.....well his fabric is next to your property but your trees are right next to his.....that was the comment he received from the CADB. They are equating GGS's fabric and hoop houses to my trees. He stated that he has had the County agricultural agent come out to look at his damage and he said that it looked like "disease" to him. Mr. Demico stated that he now calls it the "west side" disease because the damage is only on the west side of the trees that fact GSG's wind direction. The dust has created a problem with selling his Christmas trees in the northwest corner of his property because if it doesn't rain they are dusty and people get very upset. He stated that GSG's workers come over and use his area as their relief area and a few years ago some of his customers came up to him and stated they found feces under his trees wrapped up in mum wrappers so they are a couple of customers that are never coming back. He stated that in September he was diagnosed with pesticide poisoning and you want to talk about a total failure of government, he contacted the county health department, the state and local health department and the NJ DEP and he has yet to hear from anyone. He is getting blasted with pesticides, he is putting new greenhouses up and he refuses to put any buffers. He stated that the one sane thing that the CADB did was in 2003 it passed a resolution requiring certain things from GSG, including a seventy-five foot buffer around the residential properties that were there before he purchased the property that would include my property and there has been no buffer action at all. That is part of a court case, with the Township but the Township is dropping all litigation because it cannot afford it so between the pesticides, the impacts, the visual impacts, his farm isn't worth anything, he feels. This is a failure across the board. Mr. Demico stated that he is an environmental geologist by training and some of

the things he has detected, and he has told the NJ DEP, who blew him off, you would be stunned. He stated that the NJ DEP won't even talk to him anymore. He came here today mostly to talk about soil conservation and the CADB. He asked if he should put a packet together for the Committee; however the most important material is already in Ms. Carluccio's packet, he just has pictures to back issues up.

Chairman Fisher indicated that it is always helpful when you can have some visuals to show what it is that you are encountering from your point of view so anything that you can put together as we are working through this issue.....we are still involved in this court case but we are also looking to make some policy statements and changes, and for that, would be what he would suggest you send to us regarding that, not necessarily for the court case.

Amy Hanson from the New Jersey Conservation Foundation and an owner/operator of an organic preserved farm stated how concerned she is about stories like this. She is wondering how the SADC might be able to help Mr. Demico and he showed her the photos regarding storm water issues from the neighboring property, the soil compaction and destruction. It seems like it is time to have state standards that really protect soil and natural resources on preserved farms, not to mention other farms, but the public spent so much money on preserving lots of farmland around the state and this is a terrible poster child of what can happen without state standards. She know there are other farms around the state that are also seeing some of these problems and with pesticide poisoning a public health issue happening on a preserved farm as well. If there is anything that the SADC can do to help stop this she would implore it to work on that and if the New Jersey Conservation Foundation or she can help in any way they would be happy to do so.

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 program with a new soil and water conservation cost share grant eligibility of \$3,700.00 for 18.50 acres, six terminations of eight-year programs, three from Atlantic County and three from Cumberland County, and one withdrawal of an eight year program, from Cumberland County, due to a dire family hardship. She reviewed the specifics with the Committee and stated that the summary was for informational purposes and that no Committee action was needed.

B. Resolution for Final Approval – FY 2009 Planning Incentive Grant Program

**Application Including Comprehensive Farmland Preservation Plan and
Project Area Summary – Alloway Township, Salem County**

Mr. Bruder referred the Committee to Resolution FY2012R11(1) for a request for final approval of the Fiscal year 2009 Planning Incentive Program Application including the comprehensive farmland preservation plan and project area summary for Alloway Township, Salem County. Mr. Bruder reviewed the specifics of the request with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Ms. Reade and seconded by Mr. Danser to approve Resolution FY2012R11(1) granting final approval to the Alloway Township, Salem County FY2009 Planning Incentive Grant Program Application Including Comprehensive Farmland Preservation Plan and Project Area Summary, as presented and discussed, subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2012R11(1) is attached to and is a part of these minutes.)

**C. Resolutions for Final Approval – County Planning Incentive Grant Program
– FY 2011 Funding**

Ms. Winzinger referred the Committee to five requests for final approval under the county Planning Incentive Grant Program – FY 2011 Funding. She reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Ms. Reade and seconded by Mr. Danser to approve Resolution FY2012R11(2) and FY2012R11(6) granting final approval to the following landowners, as presented and discussed, subject to any conditions of said Resolutions:

1. Alfred VanMeter # 1 (Resolution FY2012R11(2))
Block 8, Lot 11.01
Hopewell Township, Cumberland County, 40 Acres
State cost share of \$4,250.00 per acre (63.43% of the certified market value and purchase price). To account for any potential increase in the final surveyed acreage, a three (3) percent acreage buffer has been applied to the funds encumbered from the County's competitive grant, which would allow for a maximum SADC cost share of \$175,100.00. Due to the three percent buffer, 41.200 acres will be utilized to calculate the grant need.
2. Alfred VanMeter # 2 (Resolution FY2012R11(3))
Block 11, Lot 3
Hopewell Township, Cumberland County, 41 Acres

State cost share of \$4,250.00 per acre (63.43% of the certified market value and purchase price). To account for any potential increase in the final surveyed acreage, a three (3) percent acreage buffer has been applied to the funds encumbered from the County's competitive grant, which would allow for a maximum SADC cost share of \$179,477.50. Due to the three percent buffer, 42.230 acres will be utilized to calculate the grant need.

3. Keung Lam Realty, Inc. (Resolution FY2012R11(4))
Block 249, Lot 2
Lawrence Township, Cumberland County, 129.9 Acres
State cost share of \$2,980.00 per acre (69.30% of the certified market value and purchase price). To account for any potential increase in the final surveyed acreage, a three (3) percent buffer has been applied to the funds encumbered from the County's competitive grant, which would allow for a maximum SADC cost share of \$211,788.60. Due to the three percent buffer, 71.070 acres will be utilized to calculate the grant need.

Discussion: The appraisers based their estimate of the easement value of the property totaling 69.9 acres of non-tidal marsh or open water, as per the SADC Appraisal Handbook. As per Policy P-3-B Supplement, the Deed of Easement will cover the entire acreage of approximately 129.9 acres, however the easement purchase payment will be calculated on the non-tidal land only (approximately 69 acres).

4. Vincent Paladino (Resolution FY2012R11(5))
Block 63, Lot 26
Deerfield Township, Cumberland County, 30 Acres
State cost share of \$4,400.00 per acre (62.86% of the certified market value and purchase price). To account for any potential increase in the final surveyed acreage, a three (3) percent buffer has been applied to the funds encumbered from the County's competitive grant, which would allow for a maximum SADC cost share of \$135,960.00. Due to the three percent buffer, 30.900 acres will be utilized to calculate the grant need.

Discussion: The property includes one six (6) acre severable exception to exclude a family residence and a family business.

5. Frank B. Baitinger, III (Resolution FY2012R11(6))
Block 22, Lots 1 and 2
Hopewell Township, Cumberland County, 70 Acres
State cost share of \$4,150.00 per acre (63.85% of the certified market value and purchase price). To account for any potential increase in the final surveyed acreage, a three (3) percent buffer has been applied to the funds encumbered from the County's competitive grant, which would allow for a maximum SADC cost

share of \$299,215.00. Due to the three percent buffer, 72.100 acres will be utilized to calculate the grant need.

The motion was unanimously approved. (A copy of Resolution FY2012R11(2) through Resolution FY2012R11(6) is attached to and is a part of these minutes.)

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

Ms. Winzinger referred the Committee to two requests for final approval under the Municipal Planning Incentive Grant Program. She discussed the specifics with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Requa and seconded by Ms. Brodhecker to approve Resolution FY2012R11(7) and Resolution FY2012R11(8) granting final approval to the following landowners, as presented and discussed, subject to any conditions of said Resolutions:

1. Nicholas and Sarilee Rio and Nicholas Rio, Jr. (Clarksbranch)
Resolution FY2012R11(7))
Block 301, Lots 18.01 and 18.02
Upper Deefield Township, Cumberland County, 55 Acres
State cost share of \$3,900.00 per acre for an estimated total of \$214,500.00 (65% of the certified market value and purchase price, and estimated total cost).
2. Ronald Overstreet and John F. Chiari, III (Resolution FY2012R11(8))
Block 801, Lots 2, 3, 7, and 7.04
Upper Deerfield Township, Cumberland County, 82 Acres
State cost share of \$4,850.00 per acre for an estimated total of \$397,700.00 (61.39% of the certified market value and purchase price and estimated total cost).

The motion was unanimously approved. (A copy of Resolution FY2012R11(7) and Resolution FY2012R11(8) is attached to and is a part of these minutes.)

H. Request for Final Approval – State Acquisition Program

1. Southwark Farm, LLC – East Amwell Township, Hunterdon County

Mr. Knox referred the Committee to Resolution FY2012R11(9) for a request for final approval on the Southwark Farm, LLC. He stated that the farm is currently devoted mostly to equine production with approximately 44 acres devoted to that and then 12.3 acres devoted to equine service (boarding, training and showing horses owned by clients). There are two nonseverable exception areas totaling approximately 2 acres. One contains barns and other equine infrastructure and the other contains a barn and two one-bedroom apartments. The property contains one single family residence and other buildings that

contain a total of five apartments: a three-bedroom apartment, two two-bedroom apartments and two one-bedroom apartments, which will be restricted to their current size.

Mr. Knox stated that whenever you get into equine there is always the issue of what is considered equine service and what is production. We want to be very clear with the landowners about this issue. He referred the Committee to Schedule "A" which is a map showing the equine service areas and the equine production areas, along with various correspondence from the SADC on the issue equine farm eligibility and that a farm's equine service activities must be ancillary to the farm's equine production activities for the farm to qualify for a state cost share. The map showing the equine service and production areas will be attached to the deed of easement so when it goes to the county records office it will clearly record which areas were dedicated to production versus service. That doesn't mean that they cannot change that later on but there are limitations as far as how much can go to service and how much must remain in production. He stated that staff recommendation is to grant final approval.

Mr. Siegel asked why we are designating the pasture area and the service area on the mapping. Mr. Knox stated that if staff went out to monitor two years from now and all of a sudden there is 100 percent service they would be in violation of the deed of easement. What we are showing now is this is the amount of area the owner has stated is devoted to service and this is the amount devoted to production. It gives a guideline as to how much they could flip in the future and take out of production and put into service. They cannot do 100 percent. Ms. Payne stated that this is the perennial issue regarding equine dating back to early 2000. The SADC position has been that your service activities on an equine farm are permitted as long as they are ancillary to the equine production areas. When we come up against a farm that has a large degree of service activities we are trying to make sure that the landowner knows at the time of application that it is important their services activities remain ancillary to their equine production so that we are not springing it on them down the road. This farm had a large degree of an area that was service and in order for staff to make a determination at the time of processing, we had to go out and say what areas are dedicated to what to get a sense of that. We are trying to be very clear with the property owner. This originates from Attorney General advice from years ago regarding these service activities and their compliance with the deed of easement.

Mr. Waltman stated that we have never tried to quantify an acceptable level of service versus production. He asked if we would be setting a precedent. Mr. Siegel stated that we are building into the deed of easement specific facts to this landowner to understand that service activities are not in compliance with the boilerplate deed of easement but if you keep it to these proportions it's considered primarily production. So if he sells the property and someone else comes in, he is under the same easement restrictions if he remains in equine? Ms. Payne responded yes. Mr. Schilling stated that this is an

important point and that he doesn't think that saying these proportions have to continue forward but we are saying at a point in time this proportion makes sense. However, Mr. Siegel's point is a good one, at what point does service exceed production? Mr. Siegel stated that is the objective here but we are setting a fact into the deed of easement as to what we understand production to be defined as. To be a legitimate production operation you're at this level acreage dedicated to production and not one acre less. Mr. Waltman stated that we are also kind of defining what the word ancillary means. Production is one side of it. Mr. Knox stated that the intent here is to try and protect the landowner and the SADC as far as monitoring later.

Ms. Payne stated that we have a long-standing policy that says its ancillary and we don't have any regulations that set that down and we are also dealing with equine farms being a part of the discussion of soil disturbance so rather than trying to go forward with a big regulatory process to try and deal with equine specifically she stated that the SADC should consider this issue as part of the discussion on soil disturbance and see whether the Committee wants to take a different approach to try and get its arms around it all at once rather than by piecemeal. Mr. Siegel stated that he understands that this is an easement that is fact-specific to the Southwark farm only, however it seems to him that this is a fantastic precedent that we are doing a mathematical equation when in the past has been kind of a judgment call and that another landowner application or existing operator can look at this easement with numbers in it and say it fits his proportions also or this is the guideline he needs to follow. Ms. Payne stated that the schedule "B" attached to the resolution is the schedule "B" that staff uses on equine operations and this is trying to put the property owner and any subsequent landowner on notice that the equine services are permitted as long as they are ancillary to equine production and if equine production stops then there is a problem. Mr. Siegel stated that here we are doing math saying 62 acres and this is the proportion that keeps you in compliance. He is asking the question as a Committee member, that if we vote yes on this aren't we establishing a mathematical precedent that other landowners can look at and say it's allowed and is compliance. It's a very acreage specific figure.

Ms. Winzinger stated she went out to the farm personally and walked the entire farm and determined these areas because we felt strongly that we needed to get better at defining these things. It should be very clear that they can go over this amount as long as it still remains ancillary to their equine production so there is room still to add acreage to their service area and still be ok as long as they still have the equine production area. When the service acres tip the scale that is when there is a problem. Mr. Schilling stated that he likes the idea of being up front and clear. He was thinking also does it set a precedent that there is a special number that we've looked at in the past that we found to be favorable and then the tipping point would be when ancillary means it's no longer less than fifty percent of the acres. Mr. Danser stated he would argue that it doesn't give someone a precedent because the intensity of the nonexceptable use that's ancillary would be critical as to it being ancillary to the primary use.

Mr. Siegel stated that if another farm came in, for example, and says well Southwark has this definition, so legally there is nothing to that? Deputy Attorney General Stypinski stated he didn't think so because the standard we are looking at is whether the operation is ancillary, not whether or not its 20 percent of the acreage so someone else may come in and have 25 percent and he felt that if it was still ancillary that would be ok under the policy that has been adopted. Ms. Reade asked if someone came along and bought the farm and put it into a different type of agriculture and then a subsequent owner came in and bought it and put it into equine, would the standards that we set forth in this resolution be expunged by the intervention of a different type of agriculture or would they prevail no matter what? Mr. Stypinski responded he felt they would prevail no matter what.

Ms. Payne stated that if the Committee wants to take more time on this issue of equine we can. Mr. Waltman stated that there was a very important presentation this morning about the soil disturbance issue. We have spent more than three years on that issue trying to figure out what proportion of covering soils, removing soils, disturbing the soils is unacceptable. He stated he would go along with this but this one comes out of nowhere and we are setting a quantitative definition of what is acceptable. On another issue we spent countless hours and we cannot make up our minds. It seems like we are very inconsistent as a board right now. He stated this particular one works for him and is fine and he wishes the Committee could make decisions more quickly on more matters. He stated that it is inconsistent of us to set what could be a precedential quantitative definition of what is acceptable on this issue when these other matters just sit and sit. Ms. Brodhecker stated she would like the Committee to work on that word "ancillary" down the road because whether you are using acreage or dollars, how does the Right to Farm define it in relation to what we are talking about here and it needs to be discussed but she doesn't think that it keeps us from working on this issue today as it has been presented. Chairman Fisher indicated that he is a big proponent of percentage and he thinks as time goes forward a lot of these issues we will be talking about percentages. He stated that if you were to go around horse operations, would you find that this 25 percent would be a somewhat appropriate percentage? Mr. Knox responded it would be all over the place. In the larger horse farms that we have there is less of a concern but going back to establishing these numbers, he is looking to next year when staff is going to monitor this farm and all of sudden in one of these back fields they are saying that it is all service.

Chairman Fisher stated that if this is approved it will be on record, at least in this case, that this is what happened and someone will use that as a reference at some point. However, he thinks that maybe we could make a note to ourselves as a Board as we were passing this that it was never intended to be a precedent. Mr. Stypinski stated that he doesn't think that it is setting a precedent because the standard we are looking at is whether the service operation is ancillary to the production operation, not that 20 percent or 25 percent is fine. Mr. Waltman asked if staff could put some language into the

resolution that sets some standard that this does not establish a precedent. Mr. Danser indicated that it simple because it is listed as a "whereas" not a "therefore be it resolved", it's just defining a fact in this instance. Mr. Stypinski agreed.

It was moved by Ms. Reade and seconded by Ms. Brodhecker to approve Resolution FY2012R11(9) granting final approval to the Southwark Farm, LLC, Inc. property, known as Block 11, Lot 3, East Amwell Township, Hunterdon County, 62 Acres, at a value of \$11,700.00 per acre for a total of approximately \$725,400.00, subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2012R11(9) is attached to and is a part of these minutes.)

I. Request for Amended Final Approval – Nonprofit Grant Program

1. Monmouth Conservation Foundation-Gimbel, Middletown Township, Monmouth County

Mr. Knox referred the Committee to Resolution FY2012R11(10) for a request for amended final approval under the Nonprofit Grant Program for the Monmouth Conservation Foundation-Gimbel farm in Middletown Township, Monmouth County. He stated that the original application and final approval included a request for a 6.6 acre severable exception for a trail corridor and open space along the westerly boundary of the property and the area is entirely wooded and provides sufficient buffer between agricultural production areas and potential public access. He stated that subsequent to receiving final approval in March 2011, the landowner desired to place a three-acre nonseverable exception area around the existing house, agricultural labor unit and barn. Mr. Knox stated that this information was provided to the independent review appraisers and updated appraisals were provided to the SADC and the development easement values was recertified at the SADC meeting of September 22, 2011. The values dropped from \$47,000.00 per acre to \$43,000.00 per acre. He stated that staff recommendation is to grant amended final approval as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2012R11(10) granting amended final approval to the Monmouth Conservation Foundation/Gimbel Farm, known as Block 835, Lot 16, Middletown Township, Monmouth County, 34 Acres, recognizing a 6.6 acre severable exception area for a trail corridor, a 3.0 acre nonseverable exception around the existing house, agricultural labor unit and barn, and the SADC shall provide a cost share grant not to exceed \$21,500.00 per acre (total of approximately \$731,000.00 based on 34 acres) to the Monmouth Conservation Foundation for the development easement acquisition on this farm, subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2012R11(10) is attached to and is a part of these minutes.)

2. Request for Amended Preliminary Approval
Lamington Conservancy/Dyke Farm, Bedminster Township, Somerset

County

Mr. Knox stated that this is a request for amended preliminary approval on the Lammington Conservancy/Dyle Farm, located in Bedminster Township, Somerset County. The applicant received preliminary approval in March 2008 and appropriated \$500,000.00 for the acquisition of development easements for this property. The application consisted of Block 13, Lots 12, 12.01 and 12.02 and had an existing single family dwelling on Lot 12. The landowner is requesting to remove Lot 12 from the application. Mr. Knox commented that the landowner is willing to donate up to fifty (50) percent of the easement value as Lammington Conservancy's matching funds. The landowner and nonprofit are also requesting an additional deed restriction prohibiting the construction of any housing opportunities on the preserved farm, including agricultural labor housing. Staff recommendation is to grant amended preliminary approval as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2012R11(11) granting amended preliminary approval to the Lammington Conservancy/Dyke Farm, removing Lot 12 from the application for farmland preservation and recognizing an additional deed restriction prohibiting the construction of any residential opportunities on the premises, including agricultural labor housing. The motion was unanimously approved. (A copy of Resolution FY2012R11(11) is attached to and is a part of these minutes.)

J. Farmland Stewardship - Request for a Division of the Premises

1. Batog Farm, Robbinsville Township, Mercer County

Mr. Roohr referred the Committee to Resolution FY2012R11(12) for a request for a division of the premises on the former Batog Farm, located in Robbinsville Township, Mercer County. This property was a fee simple acquisition by Mercer County from the Diocese of Trenton in 2009 and the Mercer County submitted it to the SADC's Direct Easement Purchase program. Mercer County then owned the underlying fee and they resold this property and a few others they had in fee. It was auctioned in July 2011 with the successful bidders being Jeffery and Sonja Booth (Contract Purchasers). The Booths propose to divide the property along Buckalew Creek, which bisects the tillable fields on the property. The Booths own the adjacent farm and they intend to merge the 24.5 acres west of the stream with their home farm and transfer 29.5 acres east of the stream to a nearby farmer, Mr. McLaughlin, who is an owner of a preserved 40 acre farm. Mr. Roohr further reviewed the specifics of the request as outlined in said Resolution. He stated that the resulting Parcel "A" would consist of 29.5 acres and would be improved with a barn and would include a 1.5 acre nonseverable exception for a future home, limited to 3,500 square feet. Mr. McLaughlin intends to use Parcel "A" to increase his acreage and expand his business. The resulting Parcel "B" is a 24.5 acre property and has no existing improvements. The contract purchasers would like to acquire Parcel "B" to

merge it with their adjacent preserved farm which would assure appropriate access for agricultural equipment and add to their farm acreage in the area. Once merged the resulting Parcel "C" would consist of 74.5 acres and would include the improvements of the Booth home farm, consisting of a single family residence, and equine stable, several barns and fenced equine paddocks. The Booths operate a standard bred breeding, raising and rehabilitation farm and is in need of additional acreage to support the expansion of that business. They currently lease a farm in a different location to raise hay in support of the equine operation and find that it would be much more efficient to utilize the adjacent tract for this purpose.

Mr. Roohr stated that regarding the test of agricultural viability Parcel "A" is considered to be agriculturally viable, consisting of 26 acres of tillable, prime and statewide important soils, Parcel "B" at 24.5 acres with 7 tillable acres is not considered to be agriculturally viable by itself, however when permanently merged with the adjacent fifty acre preserved farm the combined parcel of approximately 65 acres of tillable ground with approximately 58 acres of prime and statewide important soils is considered viable. He stated that regarding the test for agricultural purpose, both Parcel "A" and Parcel "B" pass that test for reasons set forth in said resolution. Staff recommendation is to approve the division as outlined in the resolution and as discussed with specific conditions. The first condition is that the division is specific to the Booth/McLaughlin purchase. It requires a permanent association of Parcel "B" with the Booth home farm, it would require the purchasers to have a survey update completed to show the division line and recording the document that reflects this approval.

It was moved by Mr. Siegel and seconded by Ms. Reade to approve Resolution FY2012R11(12) granting approval to a division of the premises to the County of Mercer, owner of Block 44, Lots 23, 26 and 29, Robbinsville Township, Mercer County, 54.11 acres, as outlined in Resolution FY2012R11(12), subject to the conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2012R11(12) is attached to and is a part of these minutes.)

PUBLIC COMMENT

Barbara Ernst, Cape May County Agriculture Development Board Administrator stated that she wanted to give some background on an issue that will be discussed in closed session and she wanted also to make a comment. She stated that they are very disappointed in staff's recommendation and in some of the language that has been forwarded in correspondence to the county. The county has never acted improperly in the administration of the program, nor have we ever given any improper direction to seasoned appraisers that have been certified by this Committee over several years to develop values on development easements. The timeframe that you'll be looking at in the discussion on this application is 2006 and that was the height of the real estate market in the State of New Jersey and the nation. Obviously since Cape May County is a tourist

destination/second home destination, we were not impervious to what was happening throughout the nation. Developers were coming in and flipping properties, also setting contracts into place with values that were unprecedented. In addition to this we had a sister agency that came into the County of Cape May, south to the canal that was mandating a wastewater management plan that would now decrease lots from one acre zoning to ten acre zoning. In addition to this sister agency, another sister agency was coming in and buying farmland in fee and setting the ceiling on values. Property owners south of the canal, were aware of what was happening and wanted to secure their future value in their properties. So any application that came in with a subdivision approval that would actually set a value based on a lot yield on a parcel was not looked at as out of ordinary. We've had this discussion, our appraisers have had this discussion with Paul Burns previously that the reality of setting values in the County of Cape May, because of our strategic location between the Atlantic Ocean and the Delaware Bay, CAFFRA and Pinelands, and all of our wetlands is a lot yield. The only way that can be substantiated is with a subdivision approval. That is the background of what is happening with this application and once the door was opened by the set of circumstances of this real estate market and these sister agencies setting these values, most of her applications coming in now are with subdivision approvals because property owners want to make sure that they are being paid a fair market value. We are disappointed in some of the language that has been used in correspondence but we are secure in whatever we have done in the County of Cape May has been within the parameters of state regulations because we never intended to have a separate stand-alone program. Our goal has always been a partnership with the State of New Jersey and we do not have the staff in the County of Cape May to be administering this program or monitoring it but that has happened so we'll have to deal with it.

Ralph Siegel stated that the date of February 28, 2012 has been set for the Garden State Preservation Trust (GSPT), three CADB's, the SADC and local mayors in Salem County will be co-sponsoring an Installment Purchase Agreement/Tax Policy seminar, to be held in Salem County. He stated that official notice will be sent out but this is just to advise to hold the date. It will be an all morning seminar for landowners as well as local public officials and people involved in preservation and it will be repeated in the evening for those who cannot make the morning session. Salem County and Jack Cimprich are the local leads on this but the GSPT is largely responsible for putting together the program together with Ms. Winzinger of the SADC.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, December 8, 2011 beginning at 9:00 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 11:15 a.m. Mr. Requa moved the following resolution to go into Closed Session. The motion was seconded by Mr. Danser 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 NJ State Agriculture Development Committee declares the next one half hour to be private to discuss these matters. The minutes will be available one year from the date of this meeting.”

Action as a Result of Closed Session

A. Real Estate Matters - Certification of Values

County Planning Incentive Grant Program

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

1. Mary Durr Farm (Durr Estate) (SADC # 03-0360-PG)
Block 8, Lot 9; Block 6.01, Lot 4
Mansfield Township, Burlington County, 110 Total Acres
Certification of value and final approval of this easement will be contingent upon the County obtaining a New Jersey Department of Environmental Protection (DEP) No Further Action Letter or equivalent approved by the NJ DEP regarding environmental contamination of the entire subject property that contains no restrictions or contingencies including being preserved.
2. E. Owen and Gladys Pool (SADC #08-0129-PG)
Block 1204, Lot 2 and 5
East Greenwich Township, Gloucester County, 23 Acres
3. Linda Peterson (High Plain Farm, LLC) (SADC #10-0308-PG)
Block 30, Lot 14
Franklin Township, Hunterdon County, 34 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.)

Nonprofit Grant Program

It was moved by Ms. Brodhecker and seconded by Mr. Waltman to certify the

development easement values for the following landowners as presented and discussed in closed session:

1. Silva and Kirk (Silva Farm/Hunterdon Land Trust) (SADC #10-0016-NP)
Block 10, Lot 43
Holland Township, Hunterdon County, 80 Acres
2. Tracy and Steven Miller (New Jersey Conservation Foundation/Miller) (SADC #17-0036-NP)
Block 34, Lot 17
Upper Pittsgrove Township, Salem County, 97.2 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. Green Light Approval Review

1. Cape May/Utsch-Letts Farm, Cape May County

Ms. Payne stated that the SADC staff has received an application for green light approval from Cape May County regarding an application for a 10+ acre farm, which received preliminary and final subdivision approval one month prior to applying to the Farmland Preservation Program. The SADC staff reviewed that application and has substantive concerns about it, which staff feels prevents the Committee from being able to provide green light approval, namely that the subdivision was not perfected and finalized and therefore both the legal access issue to the subdivided lot is still in question, as is the encroachment of the northern most lot of the subdivision, and that these complications contaminate the appraisal process and do not allow the Committee to accept appraisals that are exclusively on that five-acre area. As a result, staff also believes that the application is improper in that the entirety of the original property was not considered, nor was the residual value of the two subdivided lots, the landowner in this case retained. For those reasons a letter from the SADC dated July 25, 2011 was sent setting forth that position to Cape May County and Cape May County disagrees with the SADC staff finding and has asked whether the Committee is in full agreement with the staff as expressed in the July 25th letter. The Resolution before the Committee dated November 3, 2011 sets forth the facts just identified and others, and concludes that the SADC concurs with the position of the staff as set forth in the July 25th letter and therefore denies preliminary approval of the application.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2012R11(13) denying preliminary (Green Light) approval to the Cape May County/Ernest and Janice Utsch and Anna May Letts farm, Lower Township, Cape May County, for the reasons as set forth in said Resolution. The motion was unanimously approved. A copy of Resolution FY2012R11(13) is attached to and is a part of these

minutes.)

C. Attorney/Client Matters

1. Monmouth county v. Deutsche Bank

Ms. Payne requested a motion by the Committee to concur with settlement of the Monmouth County versus Deutsch Bank matter as discussed in closed session.

It was moved by Mr. Requa and seconded by Mr. Waltman to concur with settlement of the Monmouth County v. Deutsche Bank matter as discussed in closed session. The motion was unanimously approved.

ADJOURNMENT

There being no further business, it was moved by Mr. Danser and seconded by Mr. Siegel and unanimously approved to adjourn the meeting at 12:31 p.m.

Respectfully Submitted,

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

Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

S:\MINUTES\2011\Reg Nov 3 2011.docx

STATE AGRICULTURE DEVELOPMENT COMMITTEE

**RESOLUTION # FY2012R11(1)
FINAL APPROVAL**

of the

**ALLOWAY TOWNSHIP, SALEM COUNTY
PLANNING INCENTIVE GRANT APPLICATION INCLUDING THE COMPREHENSIVE
FARMLAND PRESERVATION PLAN AND PROJECT AREA SUMMARY**

2009 PLANNING ROUND

November 3, 2011

WHEREAS, the State Agriculture Development Committee ("SADC") is authorized under the Farmland Preservation Planning Incentive Grant Act, P.L. 1999, c.180 (N.J.S.A. 4:1C-43.1), to provide a grant to eligible counties and municipalities for farmland preservation purposes based on whether the identified project area provides an opportunity to preserve a significant area of reasonably contiguous farmland that will promote the long term viability of agriculture as an industry in the municipality or county; and

WHEREAS, to be eligible for a grant, a municipality shall:

1. Identify project areas of multiple farms that are reasonably contiguous and located in an agricultural development area ("ADA") authorized pursuant to the Agriculture Retention and Development Act, P.L. 1983, c.32 (C.4:1C-11 et seq.);
2. Establish an agricultural advisory committee composed of at least three, but not more than five, residents with a majority of the members actively engaged in farming and owning a portion of the land they farm;
3. Establish and maintain a dedicated source of funding for farmland preservation pursuant to P.L. 1997, c.24 (C.40:12-15.1 et seq.), or an alternative means of funding for farmland preservation, such as, but not limited to, repeated annual appropriations or repeated issuance of bonded indebtedness, which the SADC deems to be, in effect, a dedicated source of funding; and
4. Prepare a farmland preservation plan element pursuant to paragraph (13) of section 19 of P.L. 1975, c.291 (C.40:55D-28) in consultation with the agricultural advisory committee; and

WHEREAS, the SADC adopted amended rules, effective July 2, 2007, under Subchapter 17A (N.J.A.C. 2:76-17A) to implement the Farmland Preservation Planning Incentive Grant Act, P.L. 1999, c.180 (N.J.S.A. 4:1C-43.1) by establishing a municipal farmland preservation planning incentive grant program; and

WHEREAS, a municipality applying for a grant to the SADC shall submit a copy of the municipal comprehensive farmland preservation plan and a project area summary for each project area designated within the plan, pursuant to N.J.A.C. 2:76-17A.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.4, the SADC specified that a municipal comprehensive farmland preservation plan shall, at a minimum, include the following components:

1. The adopted farmland preservation plan element of the municipal master plan;
2. A map and description of the municipality's agricultural resource base including, at a minimum, the proposed farmland preservation project areas;
3. A description of the land use planning context for the municipality's farmland preservation initiatives including identification and detailed map of the county's adopted Agricultural Development Area (ADA) within the municipality, consistency of the municipality's farmland preservation program with county and other farmland preservation program initiatives and consistency with municipal, regional and State land use planning and conservation efforts;
4. A description of the municipality's past and future farmland preservation program activities, including program goals and objectives, including a summary of available municipal funding and approved funding policies in relation to the municipality's one-, five- and ten-year preservation projections;
5. A discussion of the actions the municipality has taken, or plans to take, to promote agricultural economic development in order to sustain the agricultural industry;
6. Other farmland preservation techniques being utilized or considered by the municipality;
7. A description of the policies, guidelines or standards used by the municipality in conducting its farmland preservation efforts, including any minimum eligibility criteria or standards used by the municipality for solicitation and approval of farmland preservation program applications in relation to SADC minimum eligibility criteria as described at N.J.A.C. 2:76-6.20, adopted ranking criteria in relation to SADC ranking factors at N.J.A.C. 2:76-6.16, and any other policies, guidelines or standards that affect application evaluation or selection;
8. A description of municipal staff and/or consultants used to facilitate the preservation of farms; and
9. Any other information as deemed appropriate by the municipality; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.5, the SADC required the municipality to prepare a project area summary containing the following information for each project area:

1. An inventory showing the number of farms or properties, and their individual and aggregate acreage, for targeted farms, farmland preservation applications with final approvals,

preserved farms, lands enrolled in an eight-year farmland preservation program and preserved open space compatible with agriculture;

2. Aggregate size of the entire project area;
3. Density of the project area;
4. Soil productivity of the targeted farms;
5. An estimate of the cost of purchasing development easements on the targeted farms in the designated project area;
6. A multi-year plan for the purchase of development easements on the targeted farms in the project area, indicating the municipality's and, if appropriate, any other funding partner's share of the estimated purchase price, including an account of the estimated percentage of leveraged State funds and the time period of installment purchase agreements, where appropriate; and

WHEREAS, on May 24, 2007, the SADC adopted *Guidelines for Developing Municipal Comprehensive Farmland Preservation Plans* to supplement the new rules at N.J.A.C. 2:76-17A and provide uniform, detailed plan standards, update previous planning standards, and incorporate recommendations from the 2006 edition of the Agricultural Smart Growth Plan for New Jersey, the Planning Incentive Grant Statute (N.J.S.A. 4:1C-43.1) and the New Jersey Department of Agriculture Guidelines for Plan Endorsement under the State Development and Redevelopment Plan; and

WHEREAS, the *Guidelines* emphasize that these Municipal Comprehensive Farmland Preservation Plans should be developed in consultation with the agricultural community including the municipal Agricultural Advisory Committee, municipal Planning Board, CADB, county Planning Board and the county Board of Agriculture, and where appropriate, in conjunction with surrounding municipalities and the County Comprehensive Farmland Preservation Plan, with at least two public meetings including a required public hearing prior to Planning Board adoption as an element of the municipal master plan; and

WHEREAS, SADC staff have worked in partnership with municipal representatives to provide and identify sources for the latest data with respect to agricultural statistics, water resources, agricultural economic development, land use and resource conservation; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.6(a), the SADC received 37 municipal planning incentive grant applications by the December 17, 2007 deadline (since December 15, 2007 fell on a Saturday), consisting of a copy of the municipality's draft comprehensive farmland preservation plan, annual application and all applicable project area summaries, as summarized in the attached Schedule A; and

WHEREAS, these 37 applications identified 88 project areas in 7 counties and targeted 1,865 farms and 88,363 acres at an estimated total cost of \$1,636,000,000, with a ten-year preservation goal of 61,648 acres; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.6(b)1 and N.J.A.C. 2:76-17A.6(b)2, in order to improve municipal and county farmland preservation coordination, the municipality forwarded its application to the county for review and provided evidence of county review and comment and, if appropriate, the level of funding the county is willing to provide to assist in the purchase of development easements on targeted farms; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, SADC staff reviewed and evaluated the municipalities' applications to determine whether all the components of the comprehensive farmland preservation plans are fully addressed and complete and whether the project area summaries are complete and technically accurate, and that the application is designed to preserve a significant area of reasonably contiguous farmland that will promote the long-term economic viability of agriculture as an industry; and

WHEREAS, on May 22, 2008, the SADC granted conditional preliminary approval to all 37 municipal planning incentive grant applications received for the 2009A Municipal Planning Incentive Grant planning round; and

WHEREAS, the conditions of preliminary approval for Alloway Township were as follows:

1. SADC determination that each designated project area is complete and technically accurate.
2. SADC receipt of evidence of the adoption of the Comprehensive Farmland Preservation Plan by the municipal planning board after a properly noticed public hearing.
3. SADC receipt of an electronic and paper copy of the approved Comprehensive Farmland Preservation Plan; and

WHEREAS, SADC staff have since determined that Alloway Township has satisfied all requirements of the conditional preliminary approval; and

WHEREAS, to date \$750,000 of FY09 funding and an additional \$500,000 of FY11 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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval of the Alloway Township Planning Incentive Grant application submitted under the FY09 program planning round as summarized in the attached Schedule B:

BE IT FURTHER RESOLVED, that funding eligibility shall be established pursuant to N.J.A.C. 2:76-17A.8(a), and SADC Resolution #FY08R5(44); and

BE IT FURTHER RESOLVED, that the SADC will monitor the municipality's funding plan pursuant to N.J.A.C. 2:76-17A.17 and adjust the eligibility of funds based on the municipality's progress in implementing the proposed funding plan. Each Planning Incentive Grant municipality should expend its grant funds within three years of the date the funds are appropriated. To be considered expended a closing must have been completed with the SADC. Any funds that are not expended within three years are subject to reappropriation and may no longer be available to

the municipality; and

BE IT FURTHER RESOLVED, that the SADC will continue to assist municipalities with planning for agricultural retention, the promotion of natural resource conservation efforts, county and municipal coordination, and agricultural economic development and in strengthening of Right to Farm protections; and

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

11 | 3 | 11



Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Schedule A

2009 COUNTY AND MUNICIPAL PLANNING INCENTIVE GRANT
APPLICATION SUMMARY

County / Municipality	# of Project Areas	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	Estimated Cost Per Acre	Project Area Acreage	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	10-Year Total Cost	10-Year SADC Cost	Dedicated Tax \$0.0_/\$100	Annual Tax Revenue in Millions	Annual Tax for Farmland Preservation in Millions
Burlington	4	207	22,804	\$100,000,000	\$8,577	111,806	1,000	5,000	10,000	\$85,766,400	\$51,883,200	4.0	\$19,000	No Set Amount
Camden	5	57	3,466	\$30,842,500	\$8,888	15,071	762	2,369	3,470	\$30,842,470	\$18,544,235	2.0	\$7,600	No Set Amount
Cape May	6	159	13,171	\$357,257,911	\$27,124	16,065	299	1,097	1,976	\$53,596,095	\$32,157,657	1.0	\$4,400	No Set Amount
Gloucester	11	26	1,485	\$20,911,849	\$14,085	112,929	1,000	5,000	10,000	\$140,850,000	\$84,510,000	4.0	\$10,400	No Set Amount
Franklin	5	259	5,464	\$33,027,000	\$6,300	10,152	828	2,662	5,613	\$35,361,900	\$22,732,650	1.0	\$0,076	No Set Amount
Woolwich	3	74	4,071	\$45,600,000	\$19,800	5,139	415	2,070	4,134	\$81,853,200	\$49,111,920	5.0	\$0,280	Up to \$0.280
Hunterdon	7	89	7,816	\$72,011,230	\$16,000	177,835	1,500	7,500	15,000	\$240,000,000	\$144,000,000	3.0	\$7,060	\$2,290
Alexandria	4	13	2,448	\$22,000,000	\$9,000	3,640	250	750	1,500	\$13,500,000	\$8,100,000	4.0	\$0,314	No Set Amount
Delaware	2	15	1,272	\$22,800,000	\$18,000	23,707	500	2,500	5,000	\$90,000,000	\$50,000,000	6.0	\$0,537	\$0,537
East Amwell	1	14	1,364	\$15,000,000	\$11,000	13,523	136	682	1,364	\$15,004,000	\$9,002,400	4.0	\$0,315	\$0,350
Franklin	1	18	1,494	\$21,800,000	\$14,000	4,246	30	750	1,494	\$20,909,280	\$12,545,568	5.0	\$0,275	\$0,200
Holland	4	28	1,928	\$192,800,000	\$10,000	11,335	250	1,250	2,500	\$25,000,000	\$15,000,000	2.0	\$0,079	\$0,079
Kingwood	1	34	2,476	\$24,760,000	\$10,000	12,645	227	1,136	2,476	\$24,760,000	\$14,856,000	3.0	\$0,211	\$0,106
Raritan	4	17	1,284	\$27,400,000	\$22,635	6,111	100	300	600	\$13,580,700	\$8,148,420	2.0	\$0,846	No Set Amount
Readington	1	42	2,330	\$44,270,000	\$19,000	15,759	200	1,000	2,000	\$38,000,000	\$22,800,000	2.0	\$0,570	\$0,600
Tewksbury	3	3	409	\$9,700,000	\$23,687	4,557	100	300	1,000	\$23,687,000	\$14,212,200	5.0	\$0,425	No Set Amount
West Amwell	1	8	757	\$9,088,440	\$12,000	10,440	100	500	757	\$9,084,000	\$5,450,400	6.0	\$0,315	No Set Amount
Mercer	7	34	3,004	\$127,816,617	\$42,560	17,725	100	500	1,000	\$42,560,000	\$25,536,000	3.0	\$13,300	No Set Amount
Hopewell	1	3	603	\$18,100,000	\$30,000	10,582	133	536	603	\$18,090,000	\$10,854,000	2.0	\$0,900	No Set Amount
Middlesex	5	129	5,345	\$199,865,590	\$41,300	20,619	225	1,125	2,250	\$92,925,000	\$55,755,000	3.0	\$30,000	No Set Amount
Monmouth	5	144	14,220	\$453,809,000	\$31,918	59,146	1,200	5,000	8,000	\$255,343,440	\$153,206,064	1.5	\$17,900	No Set Amount
Colts Neck	1	6	293	\$14,000,000	\$43,278	19,023	97	300	600	\$25,966,800	\$15,580,080	2.5	\$0,354	No Set Amount
Holmdel	1	18	564	\$26,117,148	\$46,307	2,588	10	70	338	\$15,851,766	\$9,391,060	2.5	\$1,145	No Set Amount
Howell	3	13	560	\$12,845,840	\$22,939	12,666	127	370	453	\$10,383,338	\$6,230,003	2.0	\$1,396	\$0,700
Manalapan	1	36	1,560	\$31,100,000	\$19,936	9,223	156	780	1,560	\$31,100,160	\$18,660,096	2.0	\$1,200	No Set Amount
Marlboro	3	20	719	\$35,950,000	\$50,000	4,053	42	202	387	\$19,350,000	\$11,610,000	2.0	\$0,625	No Set Amount
Millstone	4	62	4,038	\$121,140,000	\$30,000	12,359	716	1,116	1,716	\$51,480,000	\$30,888,000	6.0	\$0,830	No Set Amount
Upper Freehold	1	207	10,390	\$207,800,000	\$20,000	30,368	550	1,000	1,500	\$30,000,000	\$18,000,000	4.0	\$0,328	No Set Amount
Morris	3	96	6,901	\$203,800,332	\$29,532	169,342	542	2,709	5,418	\$160,004,376	\$96,002,626	3.0	\$44,000	\$11,000
Ocean	6	160	3,359	\$78,000,730	\$24,962	21,136	387	901	3,402	\$84,919,193	\$50,951,516	1.2	\$10,000	No Set Amount
Passaic	1	5	116	\$4,645,600	\$40,000	6,415	100	500	1,000	\$40,000,000	\$24,000,000	1.0	\$5,200	\$0,780
Salem	3	173	6,949	\$50,847,700	\$7,317	80,125	2,600	13,000	26,000	\$190,248,760	\$118,524,380	2.0	\$0,900	\$0,900
Alloway	1	7	384	\$3,072,000	\$8,000	5,055	38	192	384	\$3,072,000	\$1,881,600	2.0	\$0,020	No Set Amount
Pilesgrove	3	44	3,970	\$62,314,000	\$15,697	7,297	179	827	1,506	\$23,639,682	\$14,183,809	3.0	\$0,145	\$0,145
Pittsgrove	2	89	3,180	\$23,850,000	\$7,500	7,093	435	1,997	3,814	\$28,605,000	\$17,735,100	3.0	\$0,178	No Set Amount

County / Municipality	# of Project Areas	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	Estimated Cost Per Acre	Project Area Acreage	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	10-Year Total Cost	10-Year SADC Cost	Dedicated Tax \$0.0/\$100	Annual Tax Revenue in Millions	Annual Tax for Farmland Preservation in Millions
Upper Pittsgrove	4	20	1,000	\$7,500,000	\$7,500	1,000	200	500	1,000	\$7,500,000	\$4,650,000	2.0	\$0.070	\$0.070
Somers	13	440	18,333	\$208,139,753	\$11,407	87,695	1,000	5,000	10,000	\$114,074,600	\$68,444,760	3.0	\$18,340	No Set Amount
Bedminster	1	72	5,427	\$162,810,000	\$30,000	10,111	500	3,000	5,500	\$165,000,000	\$99,000,000	2.0	\$0.522	No Set Amount
Bernards	1	29	702	\$55,300,000	\$75,000	3,798	165	265	270	\$20,250,000	\$12,150,000	4.0	\$3,030	No Set Amount
Branchburg	1	23	737	\$40,500,000	\$55,000	1,873	154	266	737	\$40,535,000	\$24,321,000	5.0	\$1,500	No Set Amount
Franklin	2	25	1,100	\$42,600,000	\$31,254	17,422	130	650	1,100	\$34,378,960	\$20,627,376	5.0	\$4,000	No Set Amount
Hillsborough	3	36	1,686	\$33,761,000	\$20,000	3,860	100	500	1,000	\$20,000,000	\$12,000,000	4.1	\$1,480	\$0.300
Montgomery	1	26	1,250	\$37,550,000	\$30,000	20,646	115	385	500	\$15,000,000	\$9,000,000	4.0	\$1,700	No Set Amount
Sussex	10	292	14,050	\$83,105,914	\$6,110	176,195	2,648	13,240	26,480	\$161,793,065	\$104,728,532	2.0	\$3,965	\$3,600
Warren	7	300	31,267	\$167,470,562	\$5,356	148,582	1,625	8,125	16,250	\$87,035,163	\$58,142,581	6.0	\$7,800	\$4,500
Franklin	4	104	6,142	\$50,207,180	\$8,980	9,455	250	1,204	2,299	\$20,645,020	\$12,391,610	6.5	\$0,270	No Set Amount
Freylinghuysen	7	82	3,511	\$22,821,500	\$6,500	9,354	100	500	1,000	\$6,500,000	\$4,150,000	2.0	\$0,055	\$0,055
Greenwich	1	8	1,223	\$24,460,000	\$20,000	3,454	120	480	1,189	\$23,780,000	\$14,268,000	4.0	\$0,237	\$0,130
Harmony	3	152	5,454	\$43,632,000	\$8,000	12,409	100	500	1,000	\$8,000,000	\$4,900,000	5.0	\$0,247	\$0,247
Hope	3	92	1,800	\$29,682,000	\$6,000	5,384	200	900	1,800	\$10,800,000	\$7,020,000	5.0	\$0,045	No Set Amount
Knowlton	2	61	3,460	\$27,900,000	\$8,053	13,355	100	500	1,000	\$8,053,000	\$4,926,500	2.0	\$0,051	\$0,102
Pohatcong	4	105	3,313	\$33,100,000	\$10,000	5,306	1,015	1,763	1,955	\$19,550,000	\$11,730,000	5.0	\$0,155	\$0,155
County Totals (15)	93	2,311	152,286	\$ 2,159,525,288		1,220,686	14,988	71,066	140,246	\$1,779,958,562	\$1,086,386,551		\$200	
Municipal Totals (37)	88	1,865	88,363	\$1,636,358,108		358,968	8,868	32,703	61,648	\$1,048,070,806	\$632,107,792		\$25	

Note: In many cases County and Municipal project areas overlap. Also, identified farms may appear on both County and Municipal target farm lists.

Date: 11/3/11

Schedule B

MUNICIPAL PLANNING INCENTIVE GRANT
Final Approval Application
(2009 Round)
November 2011

Municipality	County	Project Area	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	Estimated Cost per Acre	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	Dedicated Tax \$0.0 /\$100	Annual Tax Revenue	Annual Tax for Farm Preservation
Alloway	Salem	North-Central	7	384	\$3,072,000	\$8,000	38	194	384	2.0	\$20,000	No Set Amount
Total		1	7	384	\$3,072,000							
November 2011 MUN. PIG (2009 Round) FINAL APPROVAL TOTALS												
		1	7	384	\$3,072,000		38	194	384			

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2012R11(2)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

CUMBERLAND COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Alfred Van Meter #1 ("Owner")

Hopewell Township, Cumberland County

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

SADC ID# 06-0109-PG

November 3, 2011

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cumberland 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, the SADC granted preliminary approval of Cumberland County's PIG plan on May 28, 2009 and final approval of the plan on December 10, 2009; and

WHEREAS, on October 12, 2010 the SADC received an application for the sale of a development easement from Cumberland County for the Van Meter #1 Farm identified as Block 8, Lot 11.01, Hopewell Township, Cumberland County, totaling approximately 40 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the Property is located in Cumberland County's Hopewell project Area; and

WHEREAS, the Property includes one, 2-acre severable exception for a future family residence; and

WHEREAS, the Property has no residential opportunity on the land to be preserved outside the exception area; and

WHEREAS, the Property has a rank score of 58.78 which exceeds 42, which is 70% of the County's average quality score as determined by the SADC on July 24, 2008; and

WHEREAS, the Property has approximately 100% Prime soils and at the time of application the farm was in sod and Christmas tree production; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on January 6, 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 February 24, 2011 the SADC certified a development easement value of \$6,700 per acre based on zoning and environmental regulations in place as of October 2008; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted Cumberland County's offer of \$6,700 per acre for the development easement for the Property; and

WHEREAS, on August 18, 2011 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, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 41.200 acres will be utilized to calculate the grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, on April 20, 2011 the SADC established FY11 funding allocations to provide eligible counties with a base grant of \$1,500,000 with the ability to obtain an additional competitive grant not to exceed \$3,000,000 to purchase development easements on eligible farms, subject to available funds; and

WHEREAS, the entire SADC FY11 County base grant of \$1,500,000 has been encumbered (Schedule B); 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, pursuant to N.J.A.C. 2:76-17.4 the Cumberland County Agriculture Development Board is requesting \$175,100.00 from the competitive grant, leaving a maximum grant eligibility to the county of \$1,643,197.20 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on May 26, 2011 the Hopewell Township Committee approved the application with no municipal cost share funding; and

WHEREAS, the Cumberland County Agriculture Development Board approved the application on May 11, 2011 and secured a commitment of funding for \$2,450.00 per acre (36.57% of the easement purchase) from the Cumberland County Board of Chosen Freeholders for the required local match on July 26, 2011; 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 final approval to provide a cost share grant to Cumberland County for the purchase of a development easement on the Van Meter #1 Farm, comprising approximately 41.200 acres, at a State cost share of \$4,250.00 per acre (63.43% 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 to account for any potential increase in the final surveyed acreage, a 3% acreage buffer has been applied to the funds encumbered from the County's competitive grant, which would allow for a maximum SADC cost share of \$175,100.00; and

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

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

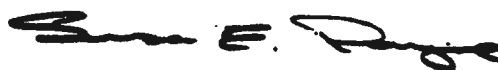
BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and 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 the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

11/3/11

Date



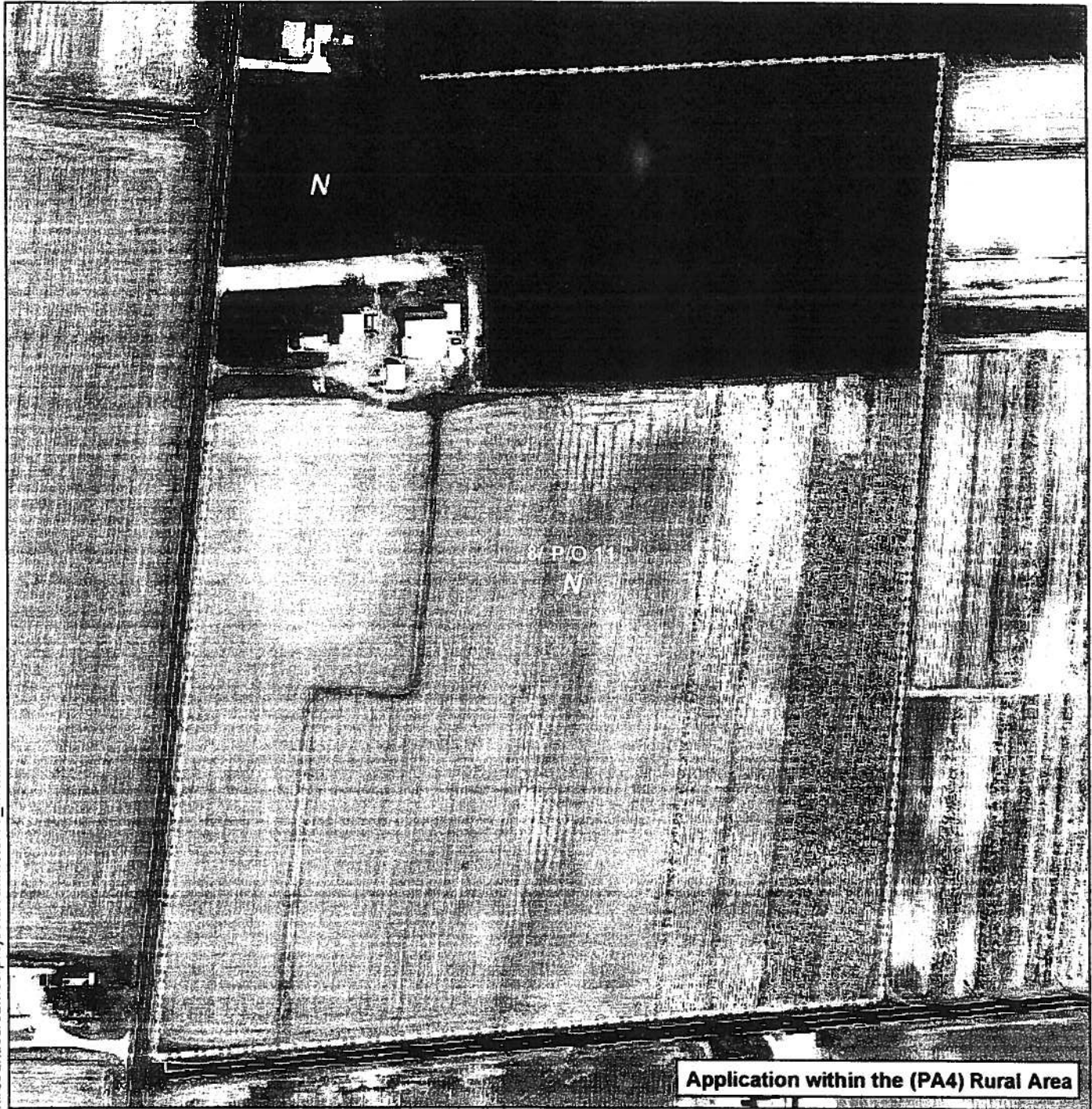
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Wetlands Schedule A

x:\counties\cumco\projects\vanmeter10_fw.mxd



Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Alfred Van Meter (1)
Block 8 Lots P/O 11 (39.4 ac)
& P/O 11-ES (severable exception - 2.0 ac)
Gross Total = 41.4 ac
Hopewell Twp., Cumberland County



	Property In Question
	EN - (Non-Reversible) Exception
	ES - (Reversible) Exception
	Wetlands Boundaries
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned O&B & Recreation Easement
	Federal Land

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

October 19, 2010

Schedule B

Farm	Municipality	App Plus 3% Buffer	Closed	SADC Certified Per Acre	SADC Grant Per Acre	Grant % Per Acre	SADC Cost Share	1,500,000 Base Grant				3,000,000 Competitive Grant		
								Encumbered at Final	PV Encumbered	Expend	Balance	Encumbered at Final	PV Encumbered	Balance
Shimp, Newton B. III	Stow Creek	105,060		4,500.00	3,100.00	68.89%	325,686.00	325,686.00			1,174,314.00			3,000,000.00
Kacewich, Norman & Lynette	Stow Creek	17,891		8,000.00	4,900.00	61.25%	87,665.90	87,665.90			1,086,648.10			2,779,009.70
Jones, Clifton & Dorothy	Greenwich	72,100		4,000.00	2,800.00	70.00%	201,880.00	201,880.00			884,768.10			2,586,994.70
Newton, Thomas	Greenwich	46,659		4,000.00	3,100.00	68.89%	144,642.90	144,642.90			740,125.20			1,818,297.20
Dickinson, Everett et al	Shiloh Boro	41,200		6,300.00	4,050.00	64.25%	166,860.00	166,860.00			573,265.30			1,643,197.20
Co. County/Kates Thomas	Lawrence	25,750		5,200.00	3,500.00	67.31%	90,125.00	90,125.00			483,140.20			1,463,719.70
Coll #1, Kevin A.	Stow Creek	48,410	09/23/11	4,900.00	3,340.00	68.16%	161,689.40	161,689.40	153,306.00	153,306.00	0.00	220,990.30	190,015.00	3,000,000.00
Cumberland Co/Sheppard Anne	Greenwich	73,130		3,750.00	2,650.00	70.67%	193,794.50	193,794.50			156,039.70			2,779,009.70
Coll #2, Kevin A.	Stow Creek	42,230	05/23/11	5,100.00	3,450.00	67.65%	145,693.50	145,693.50			0.00			2,586,994.70
Adamucci #2, Carmen	Hopewell	49,440		7,200.00	4,500.00	62.50%	222,480.00	222,480.00			0.00			1,818,297.20
Cumberland Co/Riggins #2	Stow Creek	76,154		3,500.00	2,500.00	71.43%	190,385.00	190,385.00			0.00			1,643,197.20
Ruske, Roger, Margaret & Chris	Fairfield Twp.	211,150		5,600.00	3,650.00	66.96%	770,697.50	770,697.50						1,463,719.70
Van Meter, Alfred #1	Hopewell	41,200		6,700.00	4,250.00	63.43%	175,100.00	175,100.00						1,251,931.10
Van Meier, Alfred #2	Hopewell	42,230		6,700.00	4,250.00	63.43%	179,477.50	179,477.50						1,115,971.10
Keung Lam Realty	Lawrence	71,070		4,300.00	2,980.00	69.30%	211,788.60	211,788.60						816,756.10
Paladino, Vincent	Deerfield	30,900		7,000.00	4,400.00	62.86%	135,960.00	135,960.00						
Bailinger, Frank P. III	Hopewell	72,100		6,500.00	4,150.00	63.85%	299,215.00	299,215.00						

J. Chedoke

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Van Meter Farm #1
06- 0109-PG
FY 2010 County PIG Program
40 Acres

Block 8	Lot 11.01	Hopewell Twp.	Cumberland County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:		Cropland Harvested	100% * .15 = 15.00
			TILLABLE SOILS SCORE: 15.00
FARM USE:	Sod		35 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 two (2) acres for Future Residence
 - Exception is severable
 - 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: 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.

Schedule D

New Jersey Farmland Preservation
Competative Ranking Report
Farms Receiving Final Approval November 3, 2011
Farms to Utilize Competitive Grant Monies

FY 2011 Funding

County	Municipality	Farm	Acres	Total Competative Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Cumberland County	Lawrence Twp.	Keung Lam Realty, Inc.	69	120	20	50	50	0
Cumberland County	Hopewell Twp.	Baltinger, Frank P. III	71	100	0	50	50	0
Cumberland County	Hopewell Twp.	Van Meter, Alfred #1	40	100	0	50	50	0
Cumberland County	Hopewell Twp.	Van Meter, Alfred #2	41	100	0	50	50	0
Cumberland County	Deerfield Twp.	Paladino, Vincent	30	50	0	50	0	0

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2012R11(3)

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

**On the Property of
Alfred Van Meter #2 ("Owner")
Hopewell Township, Cumberland County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 06-0110-PG**

November 3, 2011

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cumberland 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, the SADC granted preliminary approval of Cumberland County's PIG plan on May 28, 2009 and final approval of the plan on December 10, 2009; and

WHEREAS, on October 12, 2010 the SADC received an application for the sale of a development easement from Cumberland County for the Van Meter #2 Farm identified as Block 11, Lot 3, Hopewell Township, Cumberland County, totaling approximately 41 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the Property is located in Cumberland County's Hopewell project Area; and

WHEREAS, the Property includes one, 1.5-acre severable exception to exclude an existing family residence; and

WHEREAS, the Property has no residential opportunity on the land to be preserved outside the exception area; and

WHEREAS, the Property has a rank score of 59.84 which exceeds 42, which is 70% of the County's average quality score as determined by the SADC on July 24, 2008; and

WHEREAS, the Property has approximately 100% Prime soils and at the time of application the farm was in sod and Christmas tree production; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on February 7, 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 April 28, 2011 the SADC certified a development easement value of \$6,700 per acre based on zoning and environmental regulations in place as of October 2008; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted Cumberland County's offer of \$6,700 per acre for the development easement for the Property; and

WHEREAS, on August 18, 2011 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, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 42.230 acres will be utilized to calculate the grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, on April 20, 2011 the SADC established FY11 funding allocations to provide eligible counties with a base grant of \$1,500,000 with the ability to obtain an additional competitive grant not to exceed \$3,000,000 to purchase development easements on eligible farms, subject to available funds; and

WHEREAS, the entire SADC FY11 County base grant of \$1,500,000 has been encumbered (Schedule B); 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, pursuant to N.J.A.C. 2:76-17.4 the Cumberland County Agriculture Development Board is requesting \$179,477.50 from the competitive grant, leaving a maximum grant eligibility to the county of \$1,463,719.70 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on May 26, 2011 the Hopewell Township Committee approved the application with no municipal cost share funding; and

WHEREAS, the Cumberland County Agriculture Development Board approved the application on May 11, 2011 and secured a commitment of funding for \$2,450.00 per acre (36.57% of the easement purchase) from the Cumberland County Board of Chosen Freeholders for the required local match on July 26, 2011; 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 final approval to provide a cost share grant to Cumberland County for the purchase of a development easement on the Van Meter #2 Farm, comprising approximately 42.230 acres, at a State cost share of \$4,250.00 per acre (63.43% 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 to account for any potential increase in the final surveyed acreage, a 3% acreage buffer has been applied to the funds encumbered from the County's competitive grant, which would allow for a maximum SADC cost share of \$179,477.50; and

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

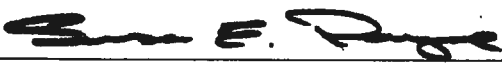
BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and 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 the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

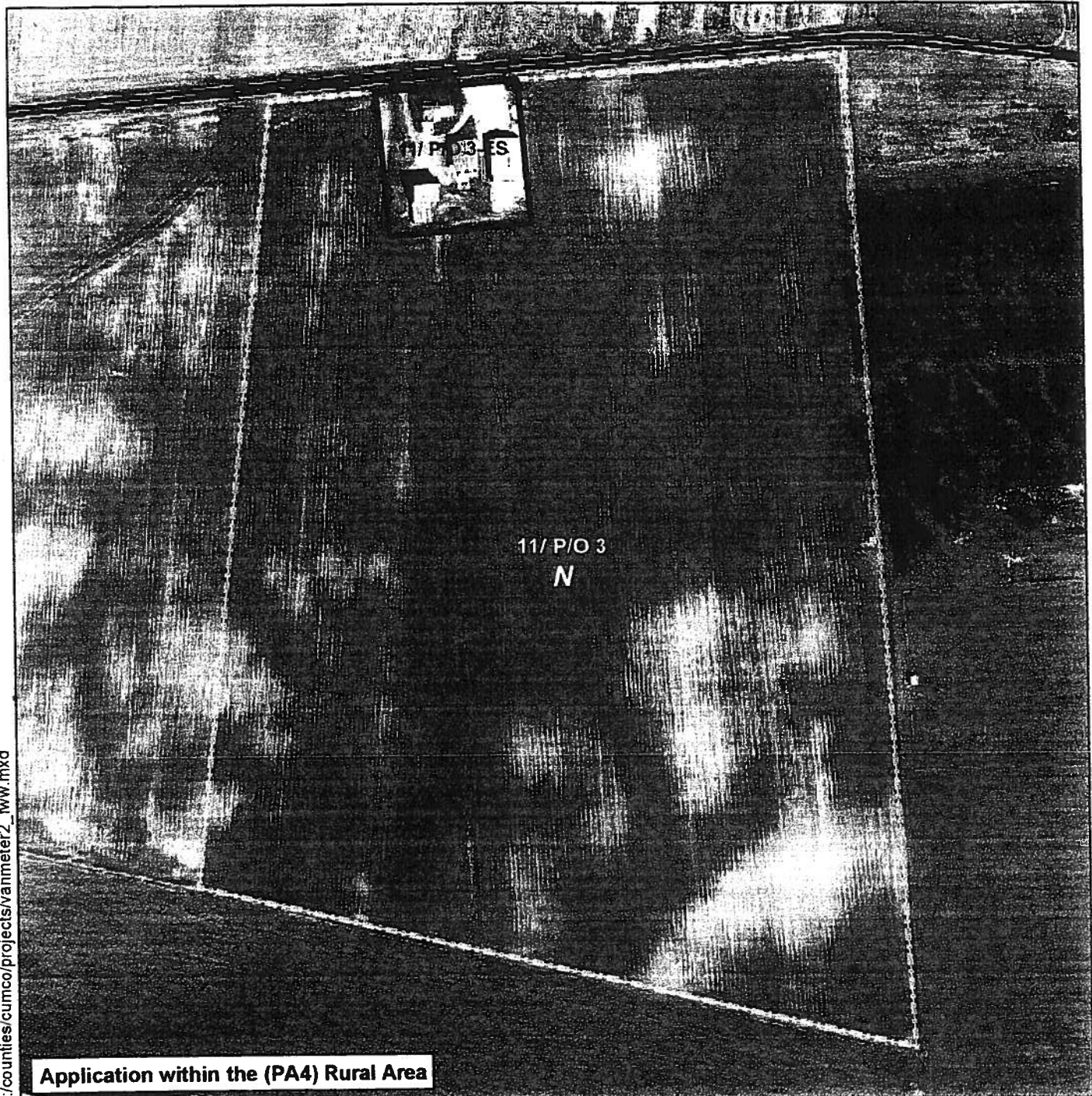
11/3/11
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Wetlands Schedule A



Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Alfred Van Meter (2)
Block 11 Lots P/O 3 (40.1 ac)
& P/O 3-ES (severable exception - 1.5 ac)
Gross Total = 41.6 ac
Hopewell Twp., Cumberland County



Property In Question	
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
Wetlands Boundaries	
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned OIR & Recreation Easement
	Federal Land

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

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

October 19, 2010

x:\counties\cumco\projects\vanmeter2_fw.mxd

Schedule B

County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

Farm	Municipality	App Plus 3% Buffer	Closed	SADC Certified Per Acre	SADC Grant Per Acre	Grant % Per Acre	SADC Cost Share	1,500,000 Base Grant				3,000,000 Competitive Grant		
								Encumbered at Final	PV Encumbered	Expend	Balance	Encumbered at Final	PV Encumbered	Balance
Shimp, Newton B III	Stow Creek	105 060		4,500.00	3,100.00	68.89%	325,686.00	325,686.00			1,174,314.00			
Kacewich, Norman & Lynette	Stow Creek	17 891		8,000.00	4,900.00	61.25%	87,665.90	87,665.90			1,086,648.10			
Jones, Clifton & Dorothy	Greenwich	72 100		4,000.00	2,800.00	70.00%	201,880.00	201,880.00			884,768.10			
Newton, Thomas	Greenwich	46 859		4,500.00	3,100.00	68.89%	144,642.90	144,642.90			740,125.20			
Dickinson, Everett et al	Shiloh Boro	41 200		6,300.00	4,050.00	64.29%	166,860.00	166,860.00			573,265.20			
Co. County/Kates, Thomas	Lawrence	25 750		5,200.00	3,500.00	67.31%	90,125.00	90,125.00			483,140.20			
Coil #1, Kevin A.	Stow Creek	48 410	09/23/11	4,900.00	3,340.00	68.16%	161,689.40	161,689.40	153,306.00	153,306.00	329,834.20			
Cumberland Co/Sheppard Anne	Greenwich	73 130		3,750.00	2,650.00	70.67%	193,794.50	193,794.50			136,039.70			
Coil #2, Kevin A.	Stow Creek	42 230	09/23/11	5,100.00	3,450.00	67.65%	145,693.50	145,693.50	134,550.00	134,550.00	1,489.70			
Adamucci #2, Carmen	Hopewell	49 440		7,200.00	4,500.00	62.50%	222,480.00	222,480.00			0.00			
Cumberland Co/Riggins #2	Stow Creek	76 154		3,500.00	2,500.00	71.43%	190,385.00	190,385.00			0.00			
Ruske, Roger, Margaret & Chris	Fairfield Twp	211 150		5,500.00	3,650.00	66.36%	770,697.50	770,697.50			1,818,297.20		190,015.00	
Van Meter, Alfred #1	Hopewell	41 200		6,700.00	4,250.00	63.43%	175,100.00	175,100.00			1,643,157.20			
Van Meter, Alfred #2	Hopewell	42 230		6,700.00	4,250.00	63.43%	179,477.50	179,477.50			1,463,719.70			
Keung Lam Realty	Lawrence	71 070		4,300.00	2,980.00	69.30%	211,788.60	211,788.60			1,251,931.10			
Paladino, Vincent	Deerfield	30 900		7,000.00	4,400.00	62.86%	135,960.00	135,960.00			1,115,971.10			
Bainger, Frank P III	Hopewell	72 100		6,500.00	4,150.00	63.85%	299,215.00	299,215.00				220,990.30		
												190,385.00		
												770,697.50		
												175,100.00		
												179,477.50		
												211,788.60		
												135,960.00		
												299,215.00		
													190,015.00	
														3,000,000.00
														2,776,006.70
														2,568,994.70
														1,818,297.20
														1,643,157.20
														1,463,719.70
														1,251,931.10
														1,115,971.10
														816,756.10

Schedule
State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Van Meter Farm
06- 0110-PG
FY 2010 County PIG Program
41 Acres

Block 11	Lot 3	Hopewell Twp.	Cumberland County
SOILS:	Prime	100% * .15	= 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:	Cropland Harvested	100% * .15	= 15.00
			TILLABLE SOILS SCORE: 15.00
FARM USE:	Sod	acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (1.5) acres for Existing Residence
 - Exception is severable
 - 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.

Schedule D

New Jersey Farmland Preservation
Competitive Ranking Report
Farms Receiving Final Approval November 3, 2011
Farms to Utilize Competitive Grant Monies

FY 2011 Funding

County	Municipality	Farm	Acres	Total Competative Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Cumberland County	Lawrence Twp.	Keung Lam Realty, Inc.	69	120	20	50	50	0
Cumberland County	Hopewell Twp.	Baitinger, Frank P. III	71	100	0	50	50	0
Cumberland County	Hopewell Twp.	Van Meter, Alfred #1	40	100	0	50	50	0
Cumberland County	Hopewell Twp.	Van Meter, Alfred #2	41	100	0	50	50	0
Cumberland County	Deerfield Twp.	Paladino, Vincent	30	50	0	50	0	0

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2012R11(4)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

CUMBERLAND COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Keung Lam Realty, Inc., Farm ("Owner")

Lawrence Township, Cumberland County

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

SADC ID# 06-0102-PG

November 3, 2011

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cumberland 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, the SADC granted preliminary approval of Cumberland County's PIG plan on May 28, 2009 and final approval of the plan on December 10, 2009; and

WHEREAS, on January 22, 2010 the SADC received an application for the sale of a development easement from Cumberland County for the Keung Lam Realty, Inc. Farm identified as Block 249, Lot 2, Lawrence Township, Cumberland County, totaling approximately 129.9 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the appraisers based their estimate of the easement value of the property totaling 69.9 acres of non-tidal marsh or open water (Schedule A), as per SADC Appraisal Handbook; and

WHEREAS, as per policy P-3-B Supplement, the Deed of Easement will cover the entire acreage approximately 129.9 acres, however the easement purchase payment will be calculated on the non-tidal land only (approximately 69 acres); and

WHEREAS, the Property is located in Cumberland County's Lawrence Project Area; and

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

WHEREAS, the Property has no residential opportunity on the land to be preserved outside the exception area; and

WHEREAS, the Property has a rank score of 69.13 which exceeds 42, which is 70% of the County's average quality score as determined by the SADC on July 24, 2008; and

WHEREAS, the Property has approximately 34% Prime soils and at the time of application the farm was in vegetable production; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on September 29, 2010 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 February 24, 2011 the SADC certified a development easement value of \$4,300 per acre based on zoning and environmental regulations in place as of October 2008; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted Cumberland County's offer of \$4,300 per acre for the development easement for the Property; and

WHEREAS, on August 18, 2011 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, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 71.070 acres will be utilized to calculate the grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, on April 20, 2011 the SADC established FY11 funding allocations to provide eligible counties with a base grant of \$1,500,000 with the ability to obtain an additional competitive grant not to exceed \$3,000,000 to purchase development easements on eligible farms, subject to available funds; and

WHEREAS, the entire County SADC FY11 base grant of \$1,500,000 has been encumbered (Schedule B); 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, pursuant to N.J.A.C. 2:76-17.4 the Cumberland County Agriculture Development Board is requesting \$211,788.60 from the competitive grant, leaving a maximum grant eligibility to the county of \$1,251,931.10 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on June 13, 2011 the Lawrence Township Committee approved the application with no municipal cost share funding; and

WHEREAS, the Cumberland County Agriculture Development Board approved the application on May 11, 2011 and secured a commitment of funding for \$1,320.00 per acre (30.70% of the easement purchase) from the Cumberland County Board of Chosen Freeholders for the required local match on July 26, 2011; 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 final approval to provide a cost share grant to Cumberland County for the purchase of a development easement on the Keung Lam Realty Inc., Farm, comprising approximately 71.070 acres, at a State cost share of \$2,980.00 per acre (69.30% 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 to account for any potential increase in the final surveyed acreage, a 3% acreage buffer has been applied to the funds encumbered from the County's competitive grant, which would allow for a maximum SADC cost share of \$211,788.60; and

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

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

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and 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 the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

11/3/11

Date



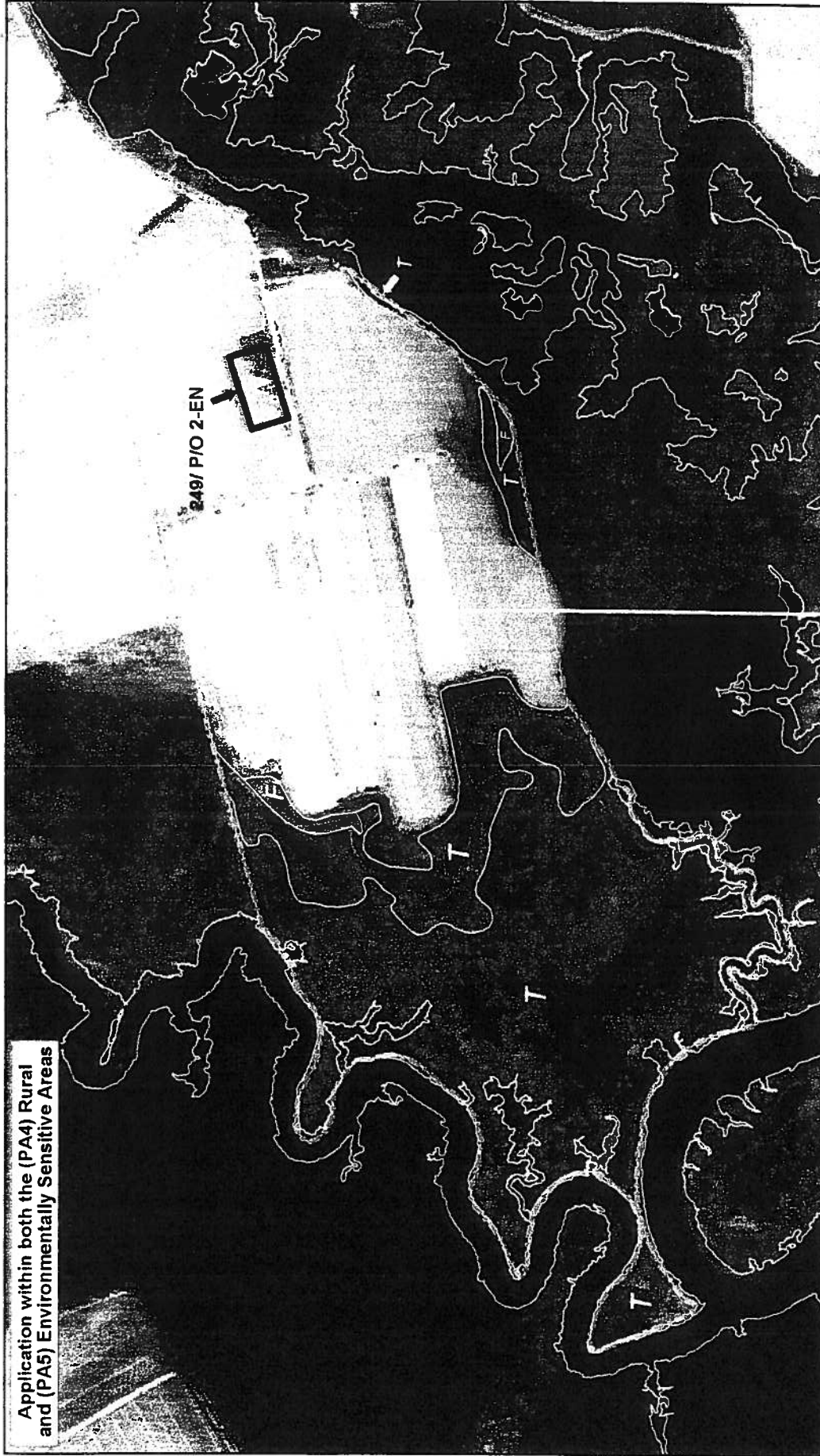
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Wetlands

Schedule A



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Lam Shun/Keung Lam Realty, Inc.
Block 249 Lots P/O 2 (128.9 ac)
& P/O 2-EN (non-severable exception - 1.0 ac)
Gross Total = 129.9 ac
Lawrence Twp., Cumberland County

500 250 0 500 1,000 Feet

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

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

Property In Question	
EN - (Non-Severable) Exception	
ES - (Severable) Exception	
Wetlands Boundaries	
Municipal, County and Non-Profit	
Preserved Open Space	
State Owned Conservation Easement	
Federal Land	
Tidelands Boundaries	

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

Sources:
NJDEP Freshwater Wetlands Data
NJDEP Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 Digital Aerial Image
January 29, 2010

Farm	Municipality	App Plus 3% Buffer	Closed	SADC Certified Per Acre	SADC Grant Per Acre	Grant % Per Acre	SADC Cost Share	1,500,000 Base Grant				3,000,000 Competitive Grant		
								Encumbered at Final	PV Encumbered	Expend	Balance	Encumbered at Final	PV Encumbered	Balance
Shimp, Newton B. III	Stow Creek	105 060		4,500.00	3,100.00	68.89%	325 686.00	325 686.00			1,174,314.00			
Kacewicz, Norman & Lynelle	Stow Creek	17 891		8,000.00	4,900.00	61.25%	87 665.90	87 665.90			1,086,648.10			
Jones, Clifton & Dorothy	Greenwich	72 100		4,000.00	2,800.00	70.00%	201 880.00	201 880.00			884,768.10			
Newton, Thomas	Greenwich	46 659		4,500.00	3,100.00	68.89%	144 642.90	144 642.90			740,125.20			
Dickinson, Everett et al	Shiloh Boro	41 200		5,300.00	4,050.00	64.29%	166 860.00	166 860.00			573,265.20			
Co. County/Kales, Thomas	Lawrence	25 750		5,200.00	3,500.00	67.31%	90 125.00	90 125.00			483,140.20			
Colt #1, Kevin A.	Stow Creek	48 410	09/23/11	4,900.00	3,340.00	68.16%	161 889.40	161 889.40	153,306.00	153,306.00	329,834.20			
Cumberland Co/Sheppard Anne	Greenwich	73 130		3,750.00	2,650.00	70.67%	193 794.50	193 794.50			136,035.70			
Colt #2, Kevin A.	Stow Creek	42 230	09/23/11	5,100.00	3,450.00	67.65%	145 693.50	145 693.50	134,550.00	134,550.00	1,489.70			3,000,000.00
Adamucci #2, Carmen	Hopewell	49 440		7,200.00	4,500.00	62.50%	222 480.00	222 480.00			0.00		220,990.30	2,779,009.70
Cumberland Co/Riggins #2	Stow Creek	76 154		3,500.00	2,500.00	71.43%	190 385.00	190 385.00			0.00		190,015.00	2,588,994.70
Ruske, Roger, Margaret & Chris	Fairfield Twp	211 150		5,500.00	3,650.00	66.36%	770 697.50	770 697.50			0.00		770,697.50	1,818,297.20
Van Meter, Alfred #1	Hopewell	41 200		6,700.00	4,250.00	63.43%	175,100.00	175,100.00					175,100.00	1,843,197.20
Van Meter, Alfred #2	Hopewell	42 230		6,700.00	4,250.00	63.43%	179 477.50	179 477.50					179,477.50	1,463,719.70
Keung Lam Realty	Lawrence	71 070		4,300.00	2,980.00	69.30%	211,788.60	211,788.60					211,788.60	1,251,931.10
Paladino, Vincent	Deerfield	30 900		7,000.00	4,400.00	62.86%	135 960.00	135 960.00					135,960.00	1,115,971.10
Baillinger, Frank P. III	Hopewell	72 100		6,500.00	4,150.00	63.85%	299 215.00	299 215.00					299,215.00	816,756.10

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Shun Lam
06- 0102-PG
FY 2010 County PIG Program
69 Acres

Block 249	Lot 2	Lawrence Twp.	Cumberland County
SOILS:		Prime	34% * .15 = 5.10
		Statewide	22% * .1 = 2.20
		Unique zero	44% * 0 = .00
			SOIL SCORE: 7.30
TILLABLE SOILS:		Cropland Harvested	50% * .15 = 7.50
		Wetlands	50% * 0 = .00
			TILLABLE SOILS SCORE: 7.50
FARM USE:	Vegetable & Melons		65 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 exclude existing dwelling
 - 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 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.

Schedule D

New Jersey Farmland Preservation
Competative Ranking Report
Farms Receiving Final Approval November 3, 2011
Farms to Utilize Competitive Grant Monies

FY 2011 Funding

County	Municipality	Farm	Acres	Total Competative Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Cumberland County	Lawrence Twp.	Keung Lam Realty, Inc.	69	120	20	50	50	0
Cumberland County	Hopewell Twp.	Baitinger, Frank P. III	71	100	0	50	50	0
Cumberland County	Hopewell Twp.	Van Meter, Alfred #1	40	100	0	50	50	0
Cumberland County	Hopewell Twp.	Van Meter, Alfred #2	41	100	0	50	50	0
Cumberland County	Deerfield Twp.	Paladino, Vincent	30	50	0	50	0	0

Exception Areas

An exception is an area free from the farmland preservation Deed of Easement restrictions that will apply once the farm is preserved. It is very important to consider exception areas prior to preservation because they will not be granted, moved or expanded once the farm is preserved.

Types of Exceptions

There are two types of exceptions: non-severable and severable.

Non-severable Exceptions:

A non-severable exception is an area of the farm which is excepted from the easement restrictions but remains tied to the farm and cannot be subdivided, transferred or conveyed separately from the farm.

Severable Exceptions:

A severable exception is an area that can be subdivided and sold separately from the farm provided it meets local subdivision requirements. It is not necessary to sever (subdivide) a severable exception prior to preservation.

A landowner will not be paid for areas designated as a severable or non-severable exception because the Deed of Easement

Why should I take an exception area?

Do you wish to provide a building lot for a child?
Do you have a barn where you might want to operate a business that might not be permitted under the farmland Deed of Easement (i.e. a nonagricultural use)? Would you like to have the flexibility to replace your home without farmland preservation program approvals? Perhaps you are entertaining the idea of operating a Bed & Breakfast in the main farmhouse someday?

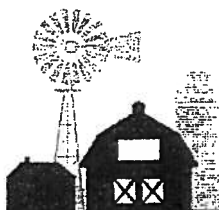
These are just a few common reasons why landowners choose to take exception areas. If your plans for future uses of the premises include any nonagricultural production based activity you should consider an exception area.

Although nonagricultural uses existing and recognized at the time of preservation are allowed, did you know they cannot be expanded in the future unless they are within an exception area?

Locating an Exception Area

It is very important to consider the number, size and location of exception areas. Exception area requests which negatively impact the farm or are found to allow excessive housing around the agricultural operation may not be approved. Therefore, balancing landowners' needs with a sensitivity to the agricultural operation, now and into the future, is important. The SADC considers the following in evaluating exceptions:

- Number of exceptions requested - is it excessive?
- Size of exception(s) - is it a very large area of the farm?
- Purpose of the exception(s) - will future uses negatively impact the farm?
- Location and planned use of the exception area - sensitive to the farming operation?

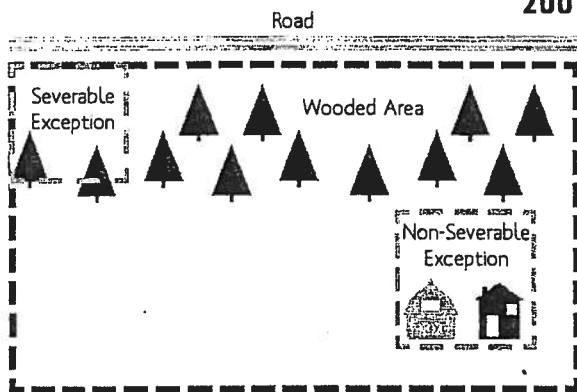


Locating and Exception Area continued

If you are requesting an exception for a future housing opportunity, you are strongly encouraged to thoroughly explore the feasibility of that location including septic suitability, ability to obtain water, road access, wetlands, wetland buffers and special regulations that may apply in your area, such as the Highlands or Pinelands. If the access to an exception area is used exclusively for nonagricultural purposes, the access must also be included in the exception area. Residential use is not considered a nonagricultural purpose, so, if the exception is being used for a residential use the driveway does not have to be included within the exception area.

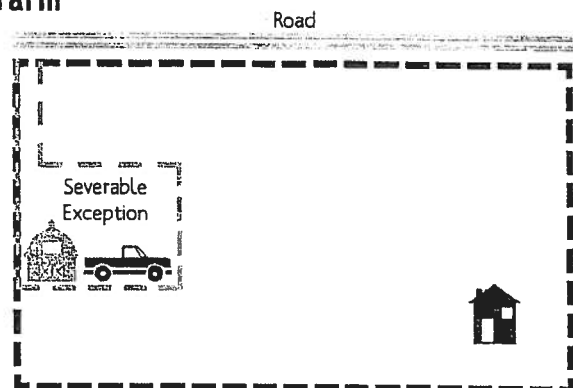
Remember - you must make decisions about exceptions at the time of application, prior to appraisals being conducted. If you change your mind during the preservation process, this could result in delays in processing your application.

Sample Exception Area Layouts 200 Acre Farm



Example #1

A 200 acre farm with a non-severable exception around an existing barn and house and a severable exception along the road for the landowner's child to subdivide and own separate from the farm.



Example #2

A farm with a severable exception around a nonagricultural use and driveway, and a house on the farm outside of an exception area.

Acknowledgement of Receipt

By signing below, you acknowledge that you have received this guidance document and understand once the farm is preserved, you or any future owner may not request an exception area, or, if an exception area is being requested you acknowledge that an exception may not be moved or expanded, and, no residential improvements, including septic fields within the exception area may encroach on the preserved farm adjacent to the exception.

Shun Pang Lam
Print Name

Shun Pang Lam 8/15/2011
Signature/Date

Print Name

Signature/Date

Print Name

Signature/Date

 249 2 LAWRENCE CUMBERLAND
Block Lot Township County SADC ID#

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2012R11(5)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

CUMBERLAND COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Vincent Paladino Farm ("Owner")

Deerfield Township, Cumberland County

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

SADC ID# 06-0100-PG

November 3, 2011

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cumberland 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, the SADC granted preliminary approval of Cumberland County's PIG plan on May 28, 2009 and final approval of the plan on December 10, 2009; and

WHEREAS, on January 22, 2010 the SADC received an application for the sale of a development easement from Cumberland County for the Paladino Farm identified as Block 63, Lot 26, Deerfield Township, Cumberland County, totaling approximately 30 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the Property is located in Cumberland County's Deerfield project Area; and

WHEREAS, the Property includes one, 6-acre severable exception to exclude a family residence and business; and

WHEREAS, the Property has no residential opportunity on the land to be preserved outside the exception area; and

WHEREAS, the Property has a rank score of 50.05 which exceeds 42, which is 70% of the County's average quality score as determined by the SADC on July 24, 2008; and

WHEREAS, the Property has approximately 87% Prime soils and at the time of application the farm was in vegetable production; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on August 30, 2010 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on November 4, 2010 the SADC certified a development easement value of \$7,000 per acre based on zoning and environmental regulations in place as of October 2008; and

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

WHEREAS, on August 18, 2011 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, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 30.900 acres will be utilized to calculate the grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, on April 20, 2011 the SADC established FY11 funding allocations to provide eligible counties with a base grant of \$1,500,000 with the ability to obtain an additional competitive grant not to exceed \$3,000,000 to purchase development easements on eligible farms, subject to available funds; and

WHEREAS, the entire SADC FY11 County base grant of \$1,500,000 has been encumbered (Schedule B); 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, pursuant to N.J.A.C. 2:76-17.4 the Cumberland County Agriculture Development Board is requesting \$135,960.00 from the competitive grant, leaving a maximum grant eligibility to the county of \$1,115,971.10 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on February 2, 2011 the Deerfield Township Committee approved the application with no municipal cost share funding; and

WHEREAS, the Cumberland County Agriculture Development Board approved the application on January 14, 2011 and secured a commitment of funding for \$2,600.00 per acre (37.14% of the easement purchase) from the Cumberland County Board of Chosen Freeholders for the required local match on June 28, 2011; 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 final approval to provide a cost share grant to Cumberland County for the purchase of a development easement on the Vincent Paladino Farm, comprising approximately 30.900 acres, at a State cost share of \$4,400.00 per acre (62.86% 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 to account for any potential increase in the final surveyed acreage, a 3% acreage buffer has been applied to the funds encumbered from the County's competitive grant, which would allow for a maximum SADC cost share of \$135,960.00; and

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

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

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and 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 the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

11/3/14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

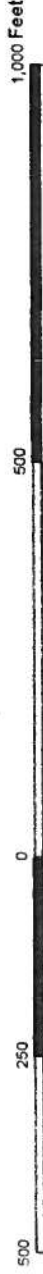
Schedule A

soils



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Vince Paladino
 Block 63 Lots P/O 26 (28.8 ac) & P/O 26-ES (severable exception - 6.0 ac)
 Gross Total = 34.8 ac
 Deerfield Twp., Cumberland County



DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The precision, accuracy and precision of the data contained in this file and any other files associated with this project are not guaranteed. The user is advised that the data contained in this file and any other files associated with this project are not to be used for legal purposes. The user is advised that the data contained in this file and any other files associated with this project are not to be used for legal purposes. The user is advised that the data contained in this file and any other files associated with this project are not to be used for legal purposes.

- Property in Question**
- EN - (Non-Severable) Exception
 - ES - (Severable) Exception
- Soil Boundaries**
- Municipal, County and Non-Profit Preserved Open Space
 - State Owned Conservation Easement
 - State Owned O/S & Recreation Easement
 - Federal Land



Application within both the (PA2) Suburban and the (PA5) Env Sensitive Areas

Sources:
 NRCS - SSURGO 2003 Soil Data
 Green Acres Conservation Easement Data
 NJDOT/OGIS 2007/2008 Digital Aerial Imagery
 January 27, 2011

Preservation Program

County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

Farm	Municipality	App Plus 3% Buffer	Closed	SADC Certified Per Acre	SADC Grant Per Acre	Grant % Per Acre	SADC Cost Share	1,500,000 Base Grant			3,000,000 Competitive Grant				
								Encumbered at Final	PV Encumbered	Expend	Balance	Encumbered at Final	PV Encumbered	Balance	
Shimp, Newton B. III	Stow Creek	105,060		4,500.00	3,100.00	68.89%	325,686.00	325,686.00			1,174,314.00				3,000,000.00
Kacewich, Norman & Lynette	Stow Creek	17,891		8,000.00	4,900.00	61.25%	87,665.90	87,665.90			1,066,648.10				2,779,009.70
Jones, Clifton & Dorothy	Greenwich	72,100		4,000.00	2,800.00	70.00%	201,880.00	201,880.00			884,768.10				2,588,994.70
Newton, Thomas	Greenwich	46,659		4,500.00	3,100.00	68.89%	144,642.90	144,642.90			740,125.20				1,816,267.20
Dickinson, Everett et al	Shioboro	41,200		6,300.00	4,050.00	64.29%	166,860.00	166,860.00			573,265.20				1,643,197.20
Co. County/Kates, Thomas	Lawrence	25,750		5,200.00	3,500.00	67.31%	90,125.00	90,125.00			483,140.20				1,453,719.70
Coil #1, Kevin A.	Stow Creek	48,410	09/23/11	4,900.00	3,340.00	68.16%	161,689.40	161,689.40	153,306.00	153,306.00	329,834.20				1,125,931.10
Cumberland Co/Sheppard Anne	Greenwich	73,130		3,750.00	2,650.00	70.67%	193,794.50	193,794.50			136,039.70				1,115,971.10
Coil #2, Kevin A.	Stow Creek	42,230	09/23/11	5,100.00	3,450.00	67.65%	145,693.50	145,693.50	134,550.00	134,550.00	1,489.70				816,756.10
Adamucci #2, Cammen	Hopewell	49,440		7,200.00	4,500.00	62.50%	222,480.00	222,480.00			0.00				2,779,009.70
Cumberland Co/Riggins #2	Stow Creek	76,154		3,500.00	2,500.00	71.43%	190,385.00	190,385.00			0.00				2,588,994.70
Ruske, Roger, Margaret & Chris	Fairfield Twp	211,150		5,500.00	3,650.00	66.36%	770,697.50	770,697.50			0.00				1,816,267.20
Van Meter, Alfred #1	Hopewell	41,200		6,700.00	4,250.00	63.43%	175,100.00	175,100.00			0.00				1,643,197.20
Van Meter, Alfred #2	Hopewell	42,230		6,700.00	4,250.00	63.43%	179,477.50	179,477.50			0.00				1,453,719.70
Keung Lam Realty	Lawrence	71,070		4,300.00	2,980.00	69.30%	211,788.60	211,788.60			0.00				1,251,931.10
Paladino, Vincent	Deerfield	30,900		7,000.00	4,400.00	62.86%	135,960.00	135,960.00			0.00				1,115,971.10
Baillinger, Frank P. III	Hopewell	72,100		6,500.00	4,150.00	63.85%	299,215.00	299,215.00			0.00				816,756.10

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Paladino Farm
06- 0100-PG
FY 2010 County PIG Program
30 Acres

Block 63	Lot 26	Deerfield Twp.	Cumberland County
SOILS:		Prime	87% * .15 = 13.05
		Statewide	6% * .1 = .60
		Unique zero	7% * 0 = .00
			SOIL SCORE: 13.65
TILLABLE SOILS:		Cropland Harvested	96% * .15 = 14.40
		Woodlands	4% * 0 = .00
			TILLABLE SOILS SCORE: 14.40
FARM USE:	Vegetable & Melons		30 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 six (6) acres for exclude existing dwelling and business
 - Exception is severable
 - 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 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.

Schedule D

New Jersey Farmland Preservation
Competative Ranking Report
Farms Receiving Final Approval November 3, 2011
Farms to Utilize Competitive Grant Monies

FY 2011 Funding

County	Municipality	Farm	Acres	Total Competative Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Cumberland County	Lawrence Twp.	Keung Lam Realty, Inc.	69	120	20	50	50	0
Cumberland County	Hopewell Twp.	Baitinger, Frank P. III	71	100	0	50	50	0
Cumberland County	Hopewell Twp.	Van Meter, Alfred #1	40	100	0	50	50	0
Cumberland County	Hopewell Twp.	Van Meter, Alfred #2	41	100	0	50	50	0
Cumberland County	Deerfield Twp.	Paladino, Vincent	30	50	0	50	0	0

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2012R11(6)

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

**On the Property of
Frank B. Baitinger, III, Farm ("Owner")
Hopewell Township, Cumberland County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 06-0107-PG**

November 3, 2011

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cumberland 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, the SADC granted preliminary approval of Cumberland County's PIG plan on May 28, 2009 and final approval of the plan on December 10, 2009; and

WHEREAS, on August 13, 2010 the SADC received an application for the sale of a development easement from Cumberland County for the Baitinger Farm identified as Block 22, Lots 1 and 2, Hopewell Township, Cumberland County, totaling approximately 70 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the Property is located in Cumberland County's Hopewell project Area; and

WHEREAS, the Property has no exception and no residential opportunity on the land to be preserved; and

WHEREAS, the Property has a rank score of 61.11 which exceeds 42, which is 70% of the County's average quality score as determined by the SADC on July 24, 2008; and

WHEREAS, the Property has approximately 100% Prime soils and at the time of application the farm was in soybean production; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on December 16, 2010 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 December 9, 2010 the SADC certified a development easement value of \$6,500 per acre based on zoning and environmental regulations in place as of October 2008; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted Cumberland County's offer of \$6,500 per acre for the development easement for the Property; and

WHEREAS, on August 18, 2011 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, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 72.100 acres will be utilized to calculate the grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, on April 20, 2011 the SADC established FY11 funding allocations to provide eligible counties with a base grant of \$1,500,000 with the ability to obtain an additional competitive grant not to exceed \$3,000,000 to purchase development easements on eligible farms, subject to available funds; and

WHEREAS, the entire SADC FY11 County base grant of \$1,500,000 has been encumbered (Schedule B); 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, pursuant to N.J.A.C. 2:76-17.4 the Cumberland County Agriculture Development Board is requesting \$292,215.00 from the competitive grant, leaving a maximum competitive grant eligibility to the county of \$816,756.10 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on May 26, 2011 the Hopewell Township Committee approved the application with no municipal cost share funding; and

WHEREAS, the Cumberland County Agriculture Development Board approved the application on May 11, 2011 and secured a commitment of funding for \$2,350.00 per acre (36.15% of the easement purchase) from the Cumberland County Board of Chosen Freeholders for the required local match on July 26, 2011; 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 final approval to provide a cost share grant to Cumberland County for the purchase of a development easement on the Baitinger Farm, comprising approximately 72.100 acres, at a State cost share of \$4,150.00 per acre (63.85% 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 to account for any potential increase in the final surveyed acreage, a 3% acreage buffer has been applied to the funds encumbered from the County's competitive grant, which would allow for a maximum SADC cost share of \$299,215.00; and

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

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

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and 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 the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

11/3/11

Date



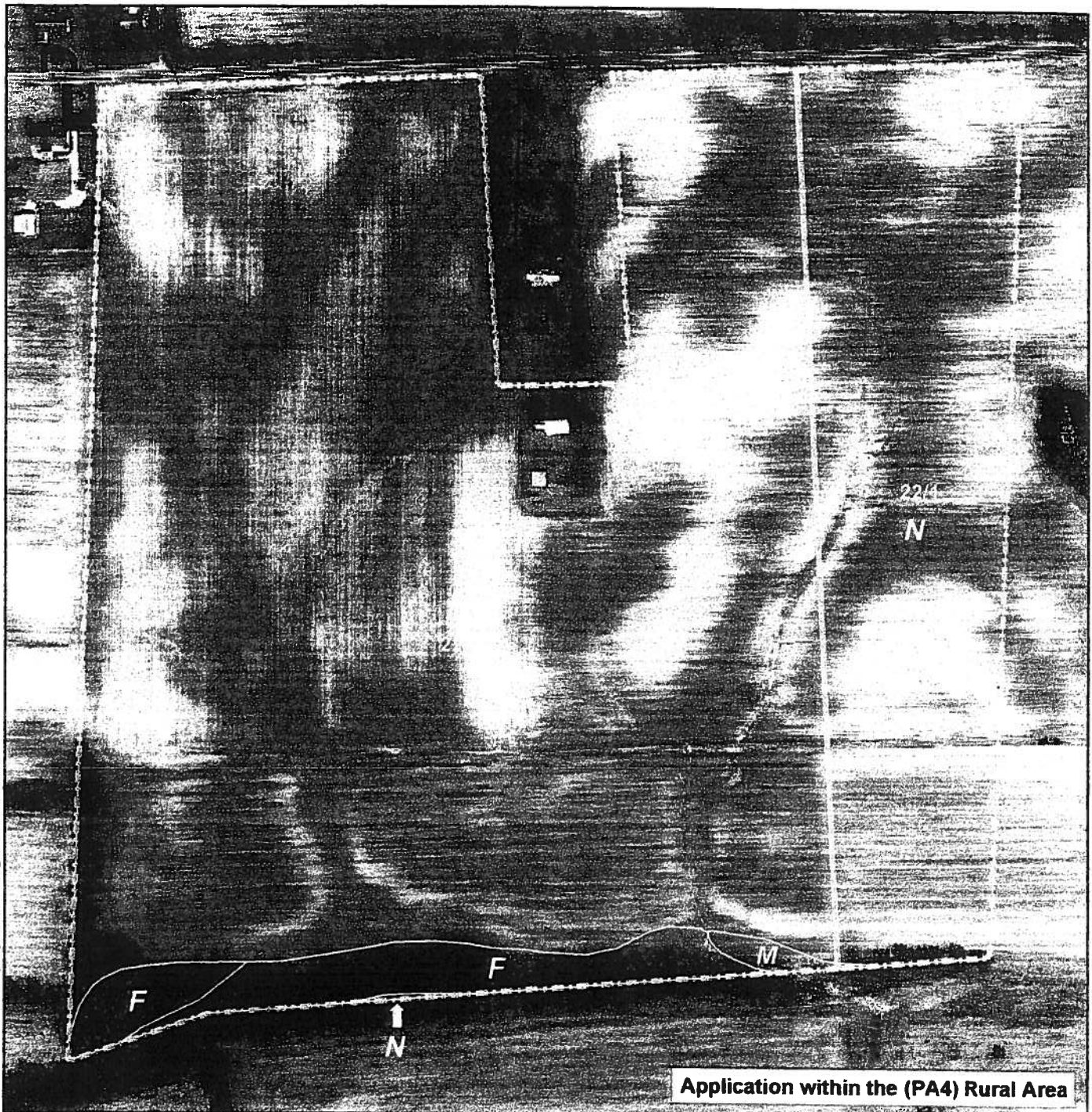
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Wetlands Schedule A

x:\counties\cumco\projects\baitinger10fww.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Frank P. Baitinger, III
Block 22 Lots 1 (14.9 ac) & 2 (55.0 ac)
Gross Total = 69.9 ac
Hopewell Twp., Cumberland County

	Property In Question
	EN - (Non-Reversible) Easement
	EB - (Reversible) Easement
	Wetlands Boundaries
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned OES & Recreation Easement
	Federal Land



250 125 0 250 500 Feet

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

August 19, 2010

Schedule B

fy2011 funding (09 bond fund)

New Jersey Farmland Preservation Program

Preservation Program

County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

Cumberland County

Farm	Municipality	A	App Plus 3% Buffer	Closed	SADC Certified Per Acre	SADC Grant Per Acre	Grant % Per Acre	SADC Cost Share	1,500,000 Base Grant				3,000,000 Competitive Grant			
									Encumbered at Final	PV Encumbered	Expend	Balance	Encumbered at Final	PV	Encumbered	Balance
Shimp, Newton B. III	Stow Creek		105 060		4,500.00	3,100.00	68.89%	325,686.00	325,686.00				1,174,314.00			3,000,000.00
Kacevich, Norman & Lynette	Stow Creek		17 891		8,000.00	4,900.00	61.25%	87,665.90	87,665.90				1,086,648.10			2,779,009.70
Jones, Clifton & Dorothy	Greenwich		72 100		4,000.00	2,800.00	70.00%	201,880.00	201,880.00				884,768.10			2,588,994.70
Newton, Thomas	Greenwich		46 659		4,500.00	3,100.00	68.89%	144,642.90	144,642.90				740,125.20			1,818,297.20
Dickinson, Everett et al	Shiloh Boro		41 200		6,300.00	4,050.00	64.29%	166,860.00	166,860.00				573,265.20			1,643,197.20
Co. County/Kates, Thomas	Lawrence		25 750		5,200.00	3,500.00	67.31%	90,125.00	90,125.00				483,140.20			1,463,719.70
Coll #1, Kevin A.	Stow Creek		48 410	09/23/11	4,900.00	3,340.00	68.16%	161,689.40	161,689.40	153,306.00	153,306.00	329,834.20				1,251,931.10
Cumberland Co/Sheppard Anne	Greenwich		73 130		1,750.00	2,650.00	70.67%	193,794.50	193,794.50				136,039.70			1,115,971.10
Coll #2, Kevin A.	Stow Creek		42 230	09/23/11	5,100.00	3,450.00	67.65%	145,693.50	145,693.50	134,550.00	134,550.00	1,489.70				816,756.10
Adanucci #2, Carmen	Hopewell		49 440		7,200.00	4,500.00	62.50%	222,480.00	222,480.00				0.00		190,015.00	
Cumberland Co/Riggins #2	Stow Creek		76 154		3,500.00	2,500.00	71.43%	190,385.00	190,385.00				0.00			
Ruske, Roger, Margaret & Chris	Fairfield Twp		211 150		5,500.00	3,650.00	66.36%	770,697.50	770,697.50							
Van Meter, Alfred #1	Hopewell		41 200		6,700.00	4,250.00	63.43%	175,100.00	175,100.00				175,100.00			
Van Meter, Alfred #2	Hopewell		42 230		6,700.00	4,250.00	63.43%	179,477.50	179,477.50				179,477.50			
Keung Lam Realty	Lawrence		71 070		4,300.00	2,980.00	69.30%	211,788.60	211,788.60				211,788.60			
Paladino, Vincent	Deerfield		30 900		7,000.00	4,400.00	62.86%	135,960.00	135,960.00				135,960.00			
Bailinger, Frank P. III	Hopewell		72 100		6,500.00	4,150.00	63.85%	299,215.00	299,215.00				299,215.00			

Schedule

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Baitinger Farm
06- 0107-PG
FY 2010 County PIG Program
71 Acres

Block 22	Lot 1	Hopewell Twp.	Cumberland County
Block 22	Lot 2	Hopewell Twp.	Cumberland County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:		Cropland Harvested	96% * .15 = 14.40
		Wetlands	4% * 0 = .00
			TILLABLE SOILS SCORE: 14.40
FARM USE:		Soybeans-Cash Grain	71 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:
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.

Schedler D

New Jersey Farmland Preservation
Competative Ranking Report
Farms Receiving Final Approval November 3, 2011
Farms to Utilize Competitive Grant Monies

FY 2011 Funding

County	Municipality	Farm	Acres	Total Competative Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Cumberland County	Lawrence Twp.	Keung Lam Realty, Inc.	69	120	20	50	50	0
Cumberland County	Hopewell Twp.	Baitinger, Frank P. III	71	100	0	50	50	0
Cumberland County	Hopewell Twp.	Van Meter, Alfred #1	40	100	0	50	50	0
Cumberland County	Hopewell Twp.	Van Meter, Alfred #2	41	100	0	50	50	0
Cumberland County	Deerfield Twp.	Paladino, Vincent	30	50	0	50	0	0

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2012R11(7)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

UPPER DEERFIELD TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Nicholas and Sarilee Rio and Nicholas Rio Jr. (Clarksbranch)

Upper Deerfield Township, Cumberland County

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

SADC ID# 06-0125-PG

NOVEMBER 3, 2011

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Upper Deerfield Township, which included the Rio Farm, identified as Block 301, Lots 18.01 and 18.02, Upper Deerfield Township, Cumberland County, totaling approximately 55 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7 and 17A.8, the SADC granted final plan approval of Upper Deerfield Township's PIG on April 28, 2011; and

WHEREAS, on July 13, 2009 the Rio Farm application was submitted to the County PIG program and pursuant to N.J.A.C. 2:76-17.9(b), the SADC granted preliminary approval of the "Property" on September 9, 2009; and

WHEREAS, on May 18, 2011 Cumberland County Agricultural Development Board (CADB) staff notified the SADC of several County PIG applications to be transferred to Upper Deerfield Township to be processed through their Municipal PIG program, including the Rio Farm; and

WHEREAS, the Rio Farm includes a 6-acre severable exception for and restricted to one future single family residence and one existing single family residence on the area to be preserved; and

WHEREAS, the farms agricultural production at the time of application was corn and ornamental nursery; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on November 4, 2010 the SADC certified a value of \$6,000/acre based on the "current value" as of October 2009 for the development easement for the Property; and

WHEREAS, to date \$750,000 of FY11 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, Upper Deerfield Township has 2 other projects pending against this balance with SADC certified values (F. Fox and Overstreet & Chiari) and 2 other projects with Final Approval (G. Fox and Garton #2) for a potential grant need of approximately \$1,100,450; and

WHEREAS, Based on the current potential grant need for the 5 Farms there is a potential \$350,450 shortfall in the SADC grant; and

WHEREAS, Upper Deerfield and Cumberland County shall inform the SADC in regard to its prioritization of pending projects and funding requirements due to the potential shortfall in SADC grant funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on September 15, 2011 the Upper Deerfield Township Committee approved the application and a 5% cost share of \$300/acre; and

WHEREAS, the Cumberland County Agriculture Development Board approved the application on January 14, 2011 and secured a commitment of funding for \$1,800/acre from the Cumberland County Board of Chosen Freeholders on July 26, 2011; and

WHEREAS, the cost share breakdown is approximately as follows (based on 55 acres):

	<u>Total</u>
SADC	\$214,500 (\$3,900 /acre) 65%
Upper Deerfield Twp	\$ 16,500 (\$ 300/acre) 5%
Cumberland County	\$ 99,000 (\$1,800/acre) 30%
Total Easement Purchase	\$330,000 (\$6,000/acre) 100%

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 Upper Deerfield Township for the purchase of a development easement on the Rio Farm by Cumberland County, comprising approximately 55 acres, at a State cost share of \$3,900 per acre for an estimated total of \$214,500 (65% of certified market value and purchase price and estimated total cost) 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 Cumberland County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

11/3/11



Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

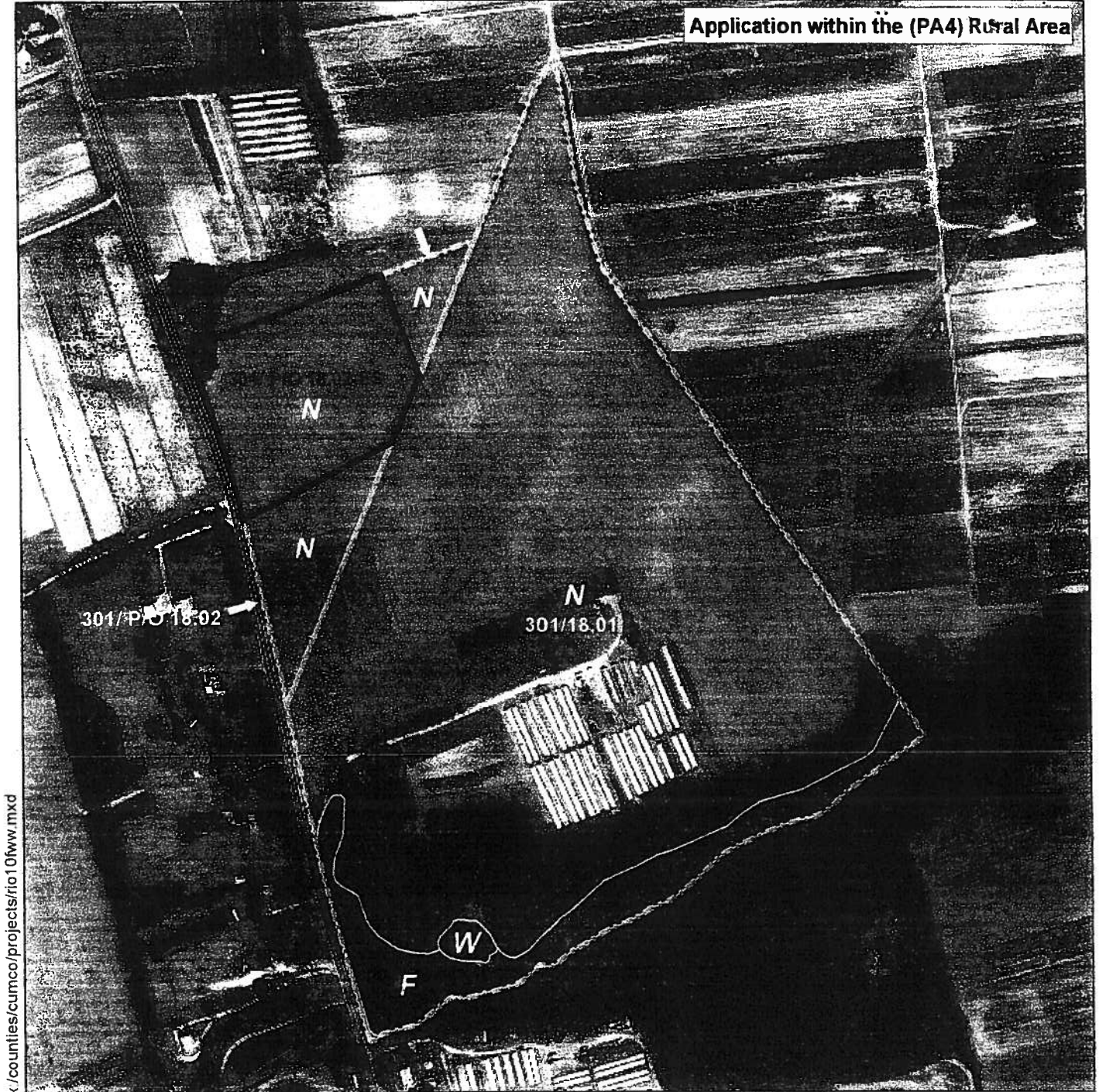
VOTE WAS RECORDED AS FOLLOWS

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

Wetlands

Schedule A

Application within the (PA4) Rural Area



x:\counties\cumco\projects\rio10\fw\mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Nicholas and Sarilee Rio
Block 301 Lots 18.01 (51.2 ac); P/O 18.02 (2.6 & 0.9 ac);
& P/O 18.02-ES (severable exception - 5.8 ac)
Gross Total = 60.5 ac
Upper Deerfield Twp., Cumberland County



Property In Question	
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
Wetlands Boundaries	
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned D/R & Recreation Easement
	Federal Land

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

500 250 0 500 1,000 Feet

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

May 6, 2010

Schedule D

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Rio Farm
06- 0125-PG
FY 2011 PIG EP - Municipal 2007 Rule
55 Acres

Block 301	Lot 18.01	Upper Deerfield Twp. Cumberland County
Block 301	Lot 18.02	Upper Deerfield Twp. Cumberland County

SOILS:

SOIL SCORE:

TILLABLE SOILS:

TILLABLE SOILS SCORE:

FARM USE:

Corn-Cash Grain
Ornament Nursery Products

34 acres
10 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st six (6) acres for future residence.
Exception is severable
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:
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 FY2012R11(8)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

UPPER DEERFIELD TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Ronald Overstreet and John F. Chiari, III

Upper Deerfield Township, Cumberland County

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

SADC ID# 06-0124-PG

NOVEMBER 3, 2011

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Upper Deerfield Township, which included the Overstreet and Chiari Farm, identified as Block 801, Lots 2, 3, 7, and 7.04, Upper Deerfield Township, Cumberland County, totaling approximately 82 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7 and 17A.8, the SADC granted final plan approval of Upper Deerfield Township's PIG on April 28, 2011; and

WHEREAS, on July 13, 2009 the Overstreet and Chiari Farm application was submitted to the County PIG program and pursuant to N.J.A.C. 2:76-17.9(b), the SADC granted preliminary approval of the "Property" on September 2, 2010; and

WHEREAS, on May 18, 2011 Cumberland County Agricultural Development Board (CADB) staff notified the SADC of several County PIG applications to be transferred to Upper Deerfield Township to be processed through their Municipal PIG program, including the Overstreet and Chiari Farm; and

WHEREAS, the Overstreet and Chiari Farm includes a 1-acre severable exception for and restricted to one (existing) single family residence and a 2-acre severable exception for and restricted to one (existing) single family residence; and

WHEREAS, there are no residential opportunities on the land being preserved; and

WHEREAS, the farms agricultural production at the time of application was grain, hay and ornamental nursery; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on November 4, 2010 the SADC certified a value of \$7,900/acre based on the "current value" as of October 2009 for the development easement for the Property; and

WHEREAS, to date \$750,000 of FY11 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, Upper Deerfield Township has 2 other projects pending against this balance with SADC certified values (F. Fox and Rio) and 2 other projects with Final Approval (G. Fox and Garton #2) for a potential grant need of approximately \$1,100,450; and

WHEREAS, Based on the current potential grant need for the 5 Farms there is a potential \$350,450 shortfall in the SADC grant; and

WHEREAS, Upper Deerfield and Cumberland County shall inform the SADC in regard to its prioritization of pending projects and funding requirements due to the potential shortfall in SADC grant funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on September 15, 2011 the Upper Deerfield Township Committee approved the application and a 5% cost share of \$395/acre; and

WHEREAS, the Cumberland County Agriculture Development Board approved the application on January 14, 2011 and secured a commitment of funding for \$2,655/acre from the Cumberland County Board of Chosen Freeholders on July 26, 2011; and

WHEREAS, the cost share breakdown is approximately as follows (based on 55 acres):

	<u>Total</u>
SADC	\$397,700 (\$4,850/acre) 61.39%
Upper Deerfield Twp	\$ 32,390 (\$ 395/acre) 5%
Cumberland County	\$217,710 (\$2,655/acre) 33.61%
Total Easement Purchase	\$647,800 (\$7,900/acre) 100%

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 Upper Deerfield Township for the purchase of a development easement on the Overstreet and Chiari Farm by Cumberland County, comprising approximately 82 acres, at a State cost share of \$4,850 per acre for an estimated total of \$397,700 (61.39% of certified market value and purchase price and estimated total cost) 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 Cumberland County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

11/3/11
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Wetlands

Schedule A

Application within the (PA2) Suburban, the (PA4) Rural
& the (PA4b) Rural Env Sensitive Areas

x:\counties\cumco\projects\overstreet10fww.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Ron Overstreet and John Chiari, III

Block 801 Lots 2 (43.6 ac), P/O 3 (13.7 ac), P/O 3-ES (severable exception - 1.0 ac)
P/O 7 (20.7 ac), P/O 7-ES (severable exception - 2.0 ac) & 7.04 (2.1 ac)

Gross Total = 83.1 ac

Upper Deerfield Twp., Cumberland County



Property In Question	
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
Wetlands Boundaries	
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned QTS & Recreation Easement
	Federal Land

500 250 0 500 1,000 Feet

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

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

January 28, 2010

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Overstreet/Chiari

06- 0124-PG

FY 2011 PIG EP - Municipal 2007 Rule

82 Acres

Block 801	Lot 2	Upper Deerfield Twp.	Cumberland County
Block 801	Lot 3	Upper Deerfield Twp.	Cumberland County
Block 801	Lot 7	Upper Deerfield Twp.	Cumberland County
Block 801	Lot 7.04	Upper Deerfield Twp.	Cumberland County

SOILS:

SOIL SCORE:

TILLABLE SOILS:

TILLABLE SOILS SCORE:

FARM USE:

Hay	58 acres
Ornament Nursery Products	15 acres
Field Crop Except Cash Grain	8 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 exclude existing dwelling
Exception is severable
Exception is to be restricted to one single family residential unit(s)
 - 2nd two (2) acres for exclude existing dwelling
Exception is severable
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: 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 #FY2012R11(9)

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

**On the Property of
Southwark Farm LLC
November 3, 2011**

Subject Property: Southwark Farm LLC
Block 11, Lot 3
East Amwell Township, Hunterdon County
SADC ID#: 10-0195-DE
Approximately 62 acres

WHEREAS, on November 10, 2010, the State Agriculture Development Committee ("SADC") received a development easement sale application from Southwark Farm LLC, hereinafter "Owner," identified as Block 11, Lot 3, East Amwell Township, Hunterdon County, hereinafter "Property," totaling approximately 62 net acres, identified in Schedule A; and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on June 24, 2010 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property has a quality score of 67.32 which exceeds the Priority Quality score for Hunterdon County of 56, and the Property's 62 acres exceeds the Priority acreage for Hunterdon County of 46 acres, and therefore the Property is categorized as a Priority farm; and

WHEREAS, the Southwark Farm LLC farm is currently devoted mostly to equine production, with approximately 44 acres devoted to equine production (training landowner's, horses for sale and pasture); and 12.3 acres devoted to equine service (boarding, training and showing horses owned by clients). See Schedule B. The farm has 55 percent prime soils and 29 percent statewide soils; and

WHEREAS, there are two non-severable exception areas totaling approximately 2 acres. One is approximately 1.5 acres containing barns and other equine infrastructure; the other is approximately 0.3 acres containing a barn and 2 one-bedroom apartments; and

WHEREAS, the premises to be preserved contains one single family residence and other buildings that contain a total of five apartments: a three-bedroom; two two-bedroom and two one-bedroom. The apartments will be restricted to their current size; and

WHEREAS, on September 22, 2011, the SADC certified the development easement value of the Property at \$11,700 per acre based on current zoning and environmental conditions; and

WHEREAS, on September 27, 2011 the SADC offered to purchase the development easement from the Owner for \$11,700 per acre; and

WHEREAS, on October 11, 2011 the Owner accepted the SADC's offer to purchase the development easement on the Property at \$11,700 per acre; and

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

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

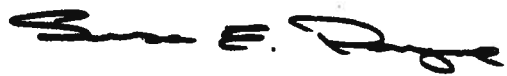
NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Southwark Farm LLC application, for the direct acquisition of the development easement at a value of \$11,700 per acre for a total of approximately \$725,400 subject to the conditions contained in Schedule C; and

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

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

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

11/3/11
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

S:\DIRECT EASEMENT PURCHASE\All Counties\2006A\Hunterdon County\Jorgensen\final approval resolution.doc



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Jorgensen, Ted & Amy
Block 11 P/O Lot 3 (62.42 ac)
& P/O Lot 3-EN (non-severable exceptions - 1.81 ac)
Gross Total = 64.23 ac
Easement Total = appr. 62.42
East Amwell Twp. Hunterdon County

[illegible]

- Preparing the Candidates**
-  **EE - (Non-Convertible) Examination**
-  **EE - (Convertible) Examination**
- Methods of Recruitment**
-  **Standard, Cut-off and then 8 seats
Preserved Open 10 seats**
-  **Some Outlets Can convert to Entrance**
-  **Some Outlets O.G. & Based on CANNABE
National L. and**

- Weekends Legend:
 1 - 1st Weekend
 2 - 2nd Weekend
 3 - 3rd Weekend
 4 - 4th Weekend
 5 - 5th Weekend
 6 - 6th Weekend
 7 - 7th Weekend
 8 - 8th Weekend
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 100 - 100th Weekend

SOURCE:
 1. *U.S. Environmental Protection Agency*
 2. *U.S. Environmental Protection Agency*
 3. *U.S. Environmental Protection Agency*

4:15:24

Jorgensen Farm - Equine Production vs. Equine Service Areas

Application within the (PA4) Rural Area

Equine Production Area
(Training)
7.1 ac

Equine Production Area
(Pasture)
16.4 ac

Farmstead
5.8 ac

Equine Service Area
12.3 ac

Equine Production Area
(Pasture)
20.7 ac

11/ P/O 3-EN

11/ P/O 3-EN

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Jorgensen, Ted & Amy
Block 11P/O Lot3 (62.4 ac)
& P/O Lot 3-EN (non-severable exceptions - 1.5 & 0.3 ac)
Gross Total = 64.23 ac
East Amwell Twp., Hunterdon County

250 125 0 250 500 Feet



Sources:

NJOT/OGIS 2007/2008 Digital Aerial Image

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

April 20, 2011

x:/counties/hunco/projects/jorgens10_equine_BW.mxd

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Schedule C

Southwark Farms LLC
State Acquisition
Easement Purchase - SADC
63 Acres

Block 11	Lot 3	East Amwell Twp.	Hunterdon County
SOILS:		Other	15.38% * 0 = .00
		Prime	55.18% * .15 = 8.28
		Statewide	29.44% * .1 = 2.94
			SOIL SCORE: 11.22
TILLABLE SOILS:		Cropland Pastured	70% * .15 = 10.50
		Other	30% * 0 = .00
			TILLABLE SOILS SCORE: 10.50
FARM USE:	Horse & Other Equine		57 acres

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (1.5) acres for indoor riding arena and Summer Barn
Exception is not to be severable from Premises
 - 2nd (.3) acres for generator building and Round Barn
Exception is not to be severable from Premises
includes two one bedroom apts
 - c. Additional Restrictions: No Additonal Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Apartment - five (one 3-bedroom, two 2-bedrooms and two 1-bedrooms
Standard Single Family - landowners' home
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.



State of New Jersey
STATE AGRICULTURE DEVELOPMENT COMMITTEE
HEALTH/ AGRICULTURE BUILDING
JOHN FITCH PLAZA
PO Box 330
TRENTON NJ 08625-0330

VIII-E1

JAMES E. MCGREEVEY
Governor

CHARLES M. KURFI
Secretary of Agriculture

Gregory Romano
Executive Director
(609) 984-2504
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Charles M. Kuperus
Chairman

Members

Susan Bass Levin
Bradley M. Campbell
John E. McCormac
Dr. Adesoji O. Adelaja
Julia C. Allen
Frank P. Baitinger, III
Andrew Borsiuk, Jr.
William Fox
Noble F. McNaughton
Lisa Y. Specca

January 14, 2003

Barbara Lippincott (via fax and regular mail)
c/o David C. Frank, Esq.
P.O. Box 267
Jobstown, New Jersey 08041

Re: The Estate of Gulielma Riebel
Barbara Lippincott, Executrix/Pinelands Direct Easement Purchase
Block 1903, Lot 5
Block 1502, Lot 10
Southampton Township, Burlington County

Dear Ms. Lippincott:

Your attorney, David Frank, Esq., has requested the opinion of the State Agriculture Development Committee (SADC) with respect to equine activities on preserved farms.

The SADC allows equine activities such as boarding, training and riding lessons to occur on preserved farms as long as those activities are ancillary to equine-related production, including pasture, horse breeding and hay production. Should the equine-related production activities cease, the boarding, training and riding lessons would be deemed non-agricultural uses subject to the restrictions of Paragraphs 3 and 4 of the Deed of Easement.

If your farm has the required equine-related production activities, the SADC will ask you to provide a detailed description of the ancillary equine activities, prior to the conveyance of the development easement. All equine-related structures will be noted on the survey. A non-agricultural use statement will be appended to the Deed of Easement as Schedule B, which will describe your current equine uses and the conditions of these uses as I have described in this letter. I have enclosed an example of a Schedule B for equine uses.

SCHEDULE B

Grantor certifies that at the time of the application to sell the development easement to the Grantee no non-agricultural uses existed. Grantor further certifies that at the time of the execution of this Deed of Easement no non-agricultural uses exist.

Grantor certifies that at the time of the application to sell the development easement to the Grantee and at the time of the execution of this Deed of Easement the following uses occur on the Premises:

Horseback riding lessons, boarding, training and schooling horses, in an arena and stalls, as depicted on the survey dated _____, prepared by _____.

Grantor further certifies that the above uses (hereafter "equine service activities") are currently ancillary to equine-related production, including pasturing, horse breeding and hay production. Grantor understands and agrees that said activities are deemed agricultural uses and are not currently subject to the restrictions placed on non-agricultural uses in Paragraphs 3 and 4 of the Deed of Easement.

Grantor also understands and agrees that if, in the future, all equine production activities cease, the above equine service activities will be deemed non-agricultural, and will be subject to the restrictions placed on non-agricultural uses in Paragraphs 3 and 4 of the Deed of Easement, or, **in the event the Committee has adopted a rule regarding equine service activities on preserved farms, the equine service activities described above will be permissible only if conducted in compliance with such rules.**



State of New Jersey

STATE AGRICULTURE DEVELOPMENT COMMITTEE
HEALTH/AGRICULTURE BUILDING
PO Box 330
TRENTON NJ 08625-0330

JON S. CORZINE
Governor

DOUGLAS H. FISHER
Secretary of Agriculture

Susan E. Craft
Executive Director
(609) 984-2504
(609) 292-7988
(609) 633-2004 ~ FAX

Douglas H. Fisher
Chairman

TO: County Agriculture Development Board Administrators
Planning Incentive Grant Coordinators
Nonprofit Organizations

FROM: Susan E. Craft 

DATE: May 13, 2009

SUBJECT: Verification of Equine Farm Eligibility for Farmland Preservation;
Equine Questionnaire and User's Guide

As you are aware, the State Agriculture Development Committee's longstanding position regarding the eligibility of equine farms for farmland preservation is that a farm's equine service activities must be "ancillary" to the farm's equine production activities for the farm to qualify for a state cost-share. For further details on what activities are considered service or equine production, please see the attached questionnaire and user guide.

"Ancillary" means that the area of land on which equine service activities are conducted is subordinate, secondary and auxiliary in comparison to the area of the farm devoted to equine production activities.

Often we can make this determination simply by reviewing GIS maps of the farm. For example, if 2 acres of a 75-acre equine farm were devoted to equine-related infrastructure, with much the rest of the farm in pasture/hay, it would be clear that the ancillary test has been met. In other cases it may not be so obvious, and we may require more information. To assist in collecting that information, we have developed the attached Equine Activities Questionnaire, as well as a User's Guide to the questionnaire, to help our funding partners better understand what information the SADC needs. This questionnaire does not need to be completed for every equine farm applying to the program. We will only ask you to complete the questionnaire for farms where GIS mapping is insufficient for us to make a determination or where questions have been raised regarding the farm's ability to meet the ancillary test.

Our goal is to address this issue and make this type of determination as early as possible, ideally at the Green Light approval stage. We want to avoid instances where this type of question is raised well into the process, frustrating landowners and potentially delaying or preventing closings from taking place.

I appreciate your cooperation in this process. If you have questions regarding whether an equine farm meets the "ancillary" test or about completing the questionnaire, please contact David Kimmel of our office.

S:\Hope\correspondence\equinequestionnaire.doc

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2012R11(10)

**Amended Final Approval and Authorization to
Execute Project Agreement and Closing Documents
Monmouth Conservation Foundation – Gimbel Farm
2008 Non Profit Round**

November 3, 2011

Nonprofit Easement Grant Program:

Subject Property: Monmouth Conservation Foundation/Gimbel Farm
Block 835, Lot 16
Middletown Township, Monmouth County
Approximately 34 Acres

WHEREAS, on February 7, 2007 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from the Monmouth Conservation Foundation (MCF) for the Gimbel Farm, Middletown Township, Monmouth County; and

WHEREAS, on April 26, 2007 by Resolution #FY07R4(10) the SADC granted preliminary approval to the application and appropriated \$1,500,000 for the acquisition of development easements or fee simple interest to several farms submitted by MCF including the Gimbel farm; and

WHEREAS, there is an existing single family dwelling and an agricultural labor residence on the farm; and

WHEREAS, the landowner is requesting a 6.6 acre severable exception for a trail corridor and open space along the westerly boundary of the property and the area is entirely wooded and provides sufficient buffer between agricultural production areas and potential public access; and

WHEREAS, on February 7, 2011 the SADC certified the easement value of the Property to be \$47,000 per acre based on current zoning (as of November 2, 2010) for a total easement value of approximately \$1,739,000 based on 37 acres; and

WHEREAS, on February 8, 2011 the SADC informed MCF of the certified value and its willingness to provide a 50 percent cost share grant in the amount of \$23,500 per acre for an approximate total of \$869,500 based on 37 acres, pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of MCF's eligible costs and subject to available funds; and

WHEREAS, on February 22, 2011 MCF informed the SADC that MCF accepted the offer of \$47,000 per acre and MCF was prepared to move forward with the project; and

WHEREAS, on March 24, 2011 by Resolution #FY2011R3(3) the SADC granted final approval to the MCF/Gimbel application; and

WHEREAS, upon further consideration the landowner desired to place a three acre nonseverable exception area around the house, agricultural labor unit, and barn as shown in Schedule A; and

WHEREAS, this information was provided to the appraisers and updated appraisals were submitted to the SADC for review and amended certification; and

WHEREAS, on September 22, 2011 the SADC certified a new easement value of the Property to be \$43,000 per acre based on current zoning (as of November 2, 2010) for a total easement value of approximately \$1,462,000 based on 34 acres; and

WHEREAS, on September 29, 2011 MCF informed the SADC that MCF accepted the offer of \$43,000 per acre and MCF was prepared to move forward with the project; and

WHEREAS, the cost share participation will be as follows:

MCF Funds	\$365,500	(25%)	\$10,750/acre
Monmouth County Funds	\$365,500	(25%)	\$10,750/acre
SADC Nonprofit Grant Funds	<u>\$731,000</u>	(50%)	<u>\$21,500/acre</u>
Total	\$1,462,000	(100%)	\$43,000/acre; and

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

NOW THEREFORE BE IT RESOLVED that the SADC grants amended final approval to the Monmouth Conservation Foundation/Gimbel easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, the SADC recognizes a 6.6-acre acre severable exception area for a trail corridor; and

BE IT FURTHER RESOLVED, the SADC recognizes a 3.0-acre acre nonseverable exception area around the house, agricultural labor unit and barn; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$21,500 per acre (total of approximately \$731,000 based on 34 acres) to Monmouth Conservation Foundation for the development easement acquisition on the Gimbel farm; and

BE IT FURTHER RESOLVED, the application is subject to the conditions contained in Schedule B; and

BE IT FURTHER RESOLVED that the SADC authorizes staff to proceed with the preparation of a Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1 and subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, the SADC's cost share grant to Monmouth Conservation Foundation for the development easement purchase 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, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED that the SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute by signature all documents necessary to provide a grant to the Monmouth Conservation Foundation for the acquisition of a development easement on the Gimbel farm; and

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

11/3/11

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Wetlands

Schedt H



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Thomas Gimbel

Block 835 Lots P/O 16 (34.03 ac)

P/O 16-ES (severable exception - 6.67 ac) & P/O 16-EN (non-severable exception - 3.0)

Total = 43.6 ac

Middletown Twp., Monmouth County

250 125 0 250 500 Feet

TIDELANDS DISCLAIMER

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

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



Property In Question	
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned O&B & Recreation Easement
	Federal Land
	Tidelands Boundaries

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
NJ 2007-08 Aerial Image

Date: 9/14/2011

2-4-84 B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Gimbel, Thomas
13- 0004-NP
2008A Easement Purchase - Nonprofit
34 Acres

Block 835	Lot 16	Middletown Twp.	Monmouth County				
SOILS:		Other	7.12% *	0	=	.00	
		Prime	16.78% *	.15	=	2.52	
		Statewide	76.1% *	.1	=	7.61	
						SOIL SCORE:	10.13
TILLABLE SOILS:		Cropland Pastured	46% *	.15	=	6.90	
		Cropland Harvested	5% *	.15	=	.75	
		Woodlands	49% *	0	=	.00	
						TILLABLE SOILS SCORE:	7.65

FARM USE:

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (6.6) acres for
Exception is severable
Trail Corridor
 - 2nd three (3) acres for around house and barn
Exception is not to be severable from Premises
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for eligible costs ancillary to the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2012R11(11)

**Amended Preliminary Approval
Lamington Conservancy – Dyke Farm
2009 Non Profit Round**

November 3, 2011

Nonprofit Easement Grant Program:

Subject Property: Lamington Conservancy/Dyke Farm
Block 13, Lots 12.01 and 12.02
Bedminster Township, Somerset County
Approximately 24 Acres

WHEREAS, on December 3, 2007 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from the Lamington Conservancy for the Dyke farm, Bedminster Township, Somerset County; and

WHEREAS, on March 27, 2008 by Resolution #FY08R3(25) the SADC granted preliminary approval to the application and appropriated \$500,000 for the acquisition of development easements on the Dyke farm; and

WHEREAS, the application consisted of Lots 12, 12.01, and 12.02 in Block 13 as shown on Schedule A; and

WHEREAS, there is an existing single family dwelling on Lot 12; and

WHEREAS, upon further consideration the landowner is requesting to remove Lot 12 from the application and to proceed with just Lots 12.01 and 12.02; and

WHEREAS, the landowner is willing to donate up to 50% of the easement value as Lamington Conservancy's matching funds; and

WHEREAS, the landowner and the nonprofit are further requesting an additional deed restriction prohibiting the construction of any housing opportunities on the preserved farm, including agricultural labor housing;

NOW THEREFORE BE IT RESOLVED that the SADC grants amended preliminary approval to the Lamington Conservancy/Dyke easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, the SADC recognizes an additional deed restriction prohibiting the construction of any residential opportunities on the premises including agricultural labor housing; and

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

11/3/11

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Wetlands

Schedule A

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Dyck Farm/Lamington Conservancy
Block 13 Lots P/O 12 (8.5 ac) & P/O 12-EN (non-severable exception - 3.7 ac),
12.01 (10.3 ac), P/O 12.02 (14.2 ac) & P/O 12.02-EN (non-severable exception - 0.2 ac)
Bedminster Twp., Somerset County

200 100 0 200 400 600 Feet



Property In Question	
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
Wetlands Boundaries	

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

Sources:
NJDEP Freshwater Wetlands Data
NJ 2002 Infra-Red Color Aerial Image

December 14, 2007

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.



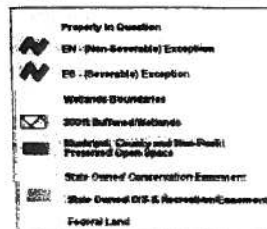
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**FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee**

Dyck Farm/Lamington Conservancy
Block 13 Lots 12.01 (10.3 ac)
& 12.02 (14.3 ac)
Gross Total = 24.7 ac
Bedminster Twp., Somerset 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.



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Total 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

October 16, 2011

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2012R11(12)

Request for Division of Premises

Batog Farm

November 3, 2011

WHEREAS, the County of Mercer, hereinafter "Owner", is the record owner of Block 44, Lots 23, 26 & 29 in Robbinsville Township, Mercer County, by deed dates June 12, 2009, and recorded in the Mercer County Clerk's office in Book 6003, Page 100, totaling approximately 54.11 acres, hereinafter referred to as the "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the farm was conveyed to the State Agriculture Development Committee on June 29, 2009, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, as a Deed of Easement recorded in the Mercer County Clerk's Office in Deed Book 6006, Page 60; and

WHEREAS, the Owner held a fee simple auction of the preserved Premises on July 21, 2011; and

WHEREAS, Jeffery and Sonja Booth, hereinafter "Contract Purchasers", were the successful bidders for the Premises; and

WHEREAS, the Contract Purchasers own the 50-acre preserved farm adjacent to the Premises; and

WHEREAS, the Contract Purchasers propose to divide the Premises along Buckalew Creek, which bisects the tillable fields on the property;

WHEREAS, the approximately 24.5 acres west of the stream are landlocked, accessible only through the adjacent Contract Purchasers property or a deteriorated foot bridge not suited for vehicles or farm equipment, making it inefficient to farm under the current configuration; and

WHEREAS, the Contract Purchasers intent is to merge the 24.5 acres west of the stream with their home farm and to transfer the 29.5 acres east of the stream to a nearby farmer, Gregory McLaughlin, the owner of the preserved 40-acre farm, Block 44, Lot 43; and

WHEREAS, paragraph 15 of the Deed of Easement states that no division of the Premises shall be permitted without the approval, in writing, of the Grantee (SADC); and

WHEREAS, in order to grant approval, the SADC must find that the division is for an agricultural purpose and will result in agriculturally viable parcels such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output; and

WHEREAS, the resulting Parcel A is a 29.5 acre property that is 88.8% (26.2 acres) tillable with 76.2% prime soils (20.9 acres) and 22.6% soils of statewide importance (6.2 acres); and

WHEREAS, the resulting Parcel A is improved with a barn and includes a 1.5 acre non-severable exception for a future home, limited to 3,500 sq./ft.; and

WHEREAS, Parcel A has significant frontage along Old York and Walters roads for access purposes; and

WHEREAS, the McLaughlin's operate a nursery and Christmas tree farm on a nearby preserved farm and intend to use Parcel A to allow them to increase their acreage and expand that business; and

WHEREAS, the resulting Parcel B is a 24.5 acre property that is 70.5% (17.2 acres) tillable with 21.9% prime soils (5.37 acres) and 47.3% soils of statewide importance (11.5 acres) ; and

WHEREAS, the resulting Parcel B has no existing improvements; and

WHEREAS, on October 20, 2011, SADC staff visited the site and found all of the tillable land in production; and

WHEREAS, the primary outputs of this farm have historically been grain crops; and

WHEREAS, the Contract Purchaser would like to acquire Parcel B to merge it with their adjacent preserved farm thereby assuring appropriate access for agricultural equipment and adding to their farm acreage in the area; and

WHEREAS, once merged the resulting parcel C would consist of 74.5 acres, with approximately 86.8% (64.7 acres) tillable; and

WHEREAS, Parcel C would include the improvements of the Booth home farm, consisting of a single family residence, an equine stable, several barns and fenced equine paddocks; and

WHEREAS, the Contract Purchaser operates an standardbred breeding, raising and rehabilitation farm and is in need of additional acreage to support the expansion of that business; and

WHEREAS, the Contract Purchaser currently leases a farm in a different town to raise hay in support of the equine operation and finds it would be much more efficient to utilize the adjacent tract for this purpose; and

WHEREAS, the SADC makes the following findings related to its determination of whether the division will result in **agriculturally viable** parcels, such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output:

Parcel A contains significant acreage of tillable, prime and statewide important soils consisting of approximately 26 acres of tillable ground is considered to be agriculturally viable; and

Parcel B, at 24.5 acres, with 17 tillable acres is **not** considered to be agriculturally viable by itself, however when permanently merged with the adjacent 50-acre preserved farm the combined parcel is approximately 65 acres of tillable ground, with approximately 58 acres of prime and statewide important soils is considered viable; and

WHEREAS, the SADC makes the following findings related to its determination of whether the division meets the **agricultural purpose** test:

- 1) The sale of Parcel A, to Gregory McLaughlin, owner and operator of a nearby nursery and Christmas tree farm, facilitates the long term business planning strategy for a production agriculture operation; and
- 2) The sale of Parcel B is to the Contract Purchaser, owner and operator of the adjacent equine farm, facilitates the long term business planning strategy for a production agriculture operation;
- 3) The new configuration of lot lines eliminates the issue of access to the acreage west of Buckalew Creek allowing for more flexibility and greater agricultural production potential on that parcel; and

WHEREAS, the Owner has indicated its support of this application by letter dated October 20, 2011;

NOW THEREFORE BE IT RESOLVED, that the Committee, pursuant to Policy P-30-A and the restrictions as contained in the Deed of Easement, finds that the division, as described herein, for the purpose reconfiguring the parcels to resolve access issues, create more efficient layouts and for the purpose of selling parcels A and B to neighboring preserved farm owner/operators who wish to expand their production agriculture operations is for an agricultural purpose; and

BE IT FURTHER RESOLVED, that Parcel B, consisting of 24.5 acres, is not deemed to be an agriculturally viable parcel capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions; and

BE IT FURTHER RESOLVED, that the SADC finds that when Parcel B is merged with the Contract Purchasers adjacent preserved farm, Block 44, Lot 20, that the division would result in two agriculturally viable parcels capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions; and

BE IT FURTHER RESOLVED, that the Committee approves the division of Premises as follows:

Parcel A- Block 44, Lot 23 and Block 44, p/o Lot 26 (approximately 29.5 acres) with one, 1.5 acre, non-severable exception

Parcel B - Block 44, Lot 26 (approximately 24.5 acres)

BE IT FURTHER RESOLVED, that this approval is conditioned on the permanent association of Parcel "B" with the Contract Purchasers adjacent preserved farm, Block 44, Lot 20; and

BE IT FURTHER RESOLVED, that the Contract Purchaser shall have new surveys prepared for Parcels A and B and shall provide copies of these surveys to the SADC and the Owner; and

BE IT FURTHER RESOLVED, that Owner shall incorporate a deed restriction on the 24.5 acre, Parcel B, requiring that Parcel B be combined with Block 44, Lot 20, prohibiting any future conveyance of these parcels separate and apart from one another; and

BE IT FURTHER RESOLVED, that the Committee shall prepare the legal document necessary to record its approval of the division of the premises for Parcels A and B; and

BE IT FURTHER RESOLVED, that this approval shall not be valid until the document is filed with the Mercer County Clerk's office; and

BE IT FURTHER RESOLVED, that this approval is valid for a period of three years from the date of this resolution; and

BE IT FURTHER RESOLVED, that eligible funding for state soil and water conservation cost share practices shall be reallocated to the respective parcels; and

BE IT FURTHER RESOLVED, that this approval specific to the conditions and purchasers (Booth & McLaughlin) set forth in this resolution and is non-transferable; and

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

11/3/11

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Schedule "A"

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mercer County-Dan Pace (Batog)
Block 44 Lots 23, 26 & 29
Robbinsville Township
Mercer County



0 275 550 1,100 1,650 2,200 Feet

Farmland Preservation Program

- PRESERVED EASEMENT
- EXCEPTION AREA
- PRESERVED EASEMENT / NR
- EXCEPTION AREA / NR
- FINAL APPROVAL
- PRELIMINARY APPROVAL
- ACTIVE APPLICATION
- 8 YEAR PRESERVED
- TARGETED FARM
- INACTIVE APPLICATION
- NO CORRESPONDING DATA

- ### State Planning Areas
- (PA1) METRO
 - (PA2) SUBURBAN
 - (PA3) FRINGE
 - (PA4) RURAL
 - (PA4a) RURAL ENV SENS
 - (PA5) ENV SENS
 - (PA5a) ENV SENSITIVE BARRIER IS
 - (PA6) PENINSULAS
 - PA6a
 - MILITARY
 - NEW JERSEY MEADOWLANDS
 - WATER
 - ELLIS ISLAND- NJ
 - ELLIS ISLAND- NY
- ### Base Map
- County Boundaries
 - Municipal Boundaries
 - Highlands Planning Area
 - Highlands Preservation Area
 - Preserves Area
 - Green Acres Preserved Easements

month/day/year

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2012R11(13)

**PRELIMINARY ("Green Light") APPROVAL
DISAPPROVAL & REJECTION OF APPLICATION**

**CAPE MAY COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

Cape May County/Ernest and Janice Utsch & Anna May Letts Farm

Lower Township, Cape May County

**N.J.A.C. 2:76-17 et seq.
SADC ID# 05-0006-PG**

November 3, 2011

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cape May 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, the SADC granted preliminary approval of Cape May County's PIG plan on May 22, 2008 and final approval of the plan on July 24, 2008; and

WHEREAS, on September 10, 2009 the SADC received an application for the sale of a development easement from Cape May County for the Cape May County/ Ernest and Janice Utsch & Anna May Letts Farm identified as a portion of Block 746 Lot 13.01, Lower Township, Cape May County, totaling 5.112 acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property in application is also known as Block 746 Lots 13.03, 13.04, 13.05, 13.06, and 13.07 (five lots of a 7 lot subdivision); and

WHEREAS, the gross acreage of the Lot 13.01 is approximately 10.92 acres (Schedule B); and

WHEREAS, the Property is located in Cape May County's Lower Project Area; and

WHEREAS, the Property has no exception and no residential opportunity on the preserved area; and

WHEREAS, the Property has a rank score of 53.90 which exceeds 35, which is 70% of the County's average quality score as determined by the SADC on November 12, 2009; and

WHEREAS, the Property has approximately 80% Prime soils and the remainder in soils of Unique Importance; and

WHEREAS, in order to determine the agricultural production of the Property pursuant to N.J.A.C. 2:76-6.20(a)1.i., the Cape May County Agricultural Development Board (CADB) provided a farmland assessment form for the 10.92 acre parcel showing 2 acres of cut flowers and 3 acres of mixed vegetables for 2008; and

WHEREAS, the Internal Revenue Service 2008 Profit and Loss From Farming Schedule F was provided showing \$3,000 in income from wood and crops assumed to originate from the overall 10.92 acre parcel; and

WHEREAS, several receipts for calendar year 2008 were also provided showing Janice Utsch was paid \$2,500 for assorted vegetables and \$500 for firewood by Utsch's Marina; and

WHEREAS, on February 9, 2006 Lower Township approved a preliminary and final subdivision for the 10.92 acre Block 746 Lot 13.01 and 16.02 for a seven lot subdivision, however, this subdivision was never recorded; and

WHEREAS, on March 24, 2006 the CADB received an application to preserve a 5.108 acre portion of the overall parcel referred to as Block 746 Lots 13.03 through 13.07; and

WHEREAS, Ernest and Janice Utsch and Anna May Letts ("Landowner") stated in their Farmland Preservation Program application that the Property is located in a very desirable residential area and they would like to preserve the land for the future and to prevent development; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.11(c)1 the SADC "*may disapprove and application if it determines that the applicant has initiated proceedings in anticipation of applying to sell a development easement or during the application process which have an effect of increasing the applicant's appraised development easement value*" (Schedule C); and

WHEREAS, the CADB conducted two appraisals of the easement value with appraisal dates of August 1, 2006 and August 31, 2006; and

WHEREAS, the County appraisals did not follow procedures contained in N.J.A.C. 2:76-10.6(a)1.iii., which requires the appraiser to consider the value impacts of any exceptions to the subject property (Schedule D-1), nor in N.J.A.C.2:76-10.7(a)3.ii., which requires the appraiser to consider the value of residential opportunities associated with exception areas (Schedule D-2); and

WHEREAS, the County appraisals did not follow the procedures set forth in the SADC Appraisal Handbook which requires consideration of exception areas to determine the impact on the restricted "after" value (Schedule D-3) and also requires that appraisers should not assume access to a subject property over other lands not in the application, even if owned by the applicant (Schedule E); and

WHEREAS, the County appraisals did not follow Policy P-23-A which directs appraisers to appraise the entire land parcel first, including the area to be excepted in order to determine the value the exception area contributes to the value of the lands to be subject to the development easement (Schedule D-4), and

WHEREAS, both appraisals valued the 5.112 acre Property as having 5 approved building lots and disregarded the remainder of the overall 10.92 acre parcel which contains two additional lots, contrary the regulations, SADC Appraiser Handbook and Policy P-23-A as identified above; and

WHEREAS, in addition, the appraisals considered the access to the lots subject to of the Farmland Preservation application to be via the proposed Martins Way which was identified as a proposed right of way in the property's subdivision approval, however this access was never perfected, nor was an access easement recorded, therefore the legal access to the subdivided lots did not legally exist at the time the County acquired the development rights; and

WHEREAS the tax lot identified as Block 746, Lot 13.07 is physically encumbered by a portion of the landowner's existing driveway, thereby further diminishing the validity of appraisal assumptions related to clear and marketable title of the subdivided lots; and

WHEREAS, Cape May County purchased the easement on the Property on December 18, 2008 for \$1,381,262.40 (\$270,200 per acre) as supported by the appraisals conducted by the County; and

WHEREAS, SADC staff have reviewed the application and appraisals, and corresponded extensively with the CADB, CADB staff and the Office of County Counsel for Cape May County; and

WHEREAS, it is SADC staff opinion that the application and appraisals did not meet the standards and requirements set forth in SADC regulations, Appraisal Handbook and SADC Policy P-23-A as outlined above; and

WHEREAS, on July 25, 2011 SADC staff issued a "Pre-Green Light Review" clarifying the issues regarding the application and assumptions used for appraising the Property and indicated that a revision of the application and new appraisals would be required in order for the application to proceed through the SADC's County PIG program (Schedule F);

NOW THEREFORE BE IT RESOLVED, the SADC concurs with the position set forth in the letter of July 25, 2011 from Executive Director Payne to George G. Brewer, Jr., Chairman of the Cape May CADB; and

BE IT FURTHER RESOLVED, that for the reasons set forth in the July 25, 2011 letter, pursuant to N.J.A.C. 2:76-17.9(b) the SADC hereby denies approval of the application in its current form;

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.



Date 11/3/11

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

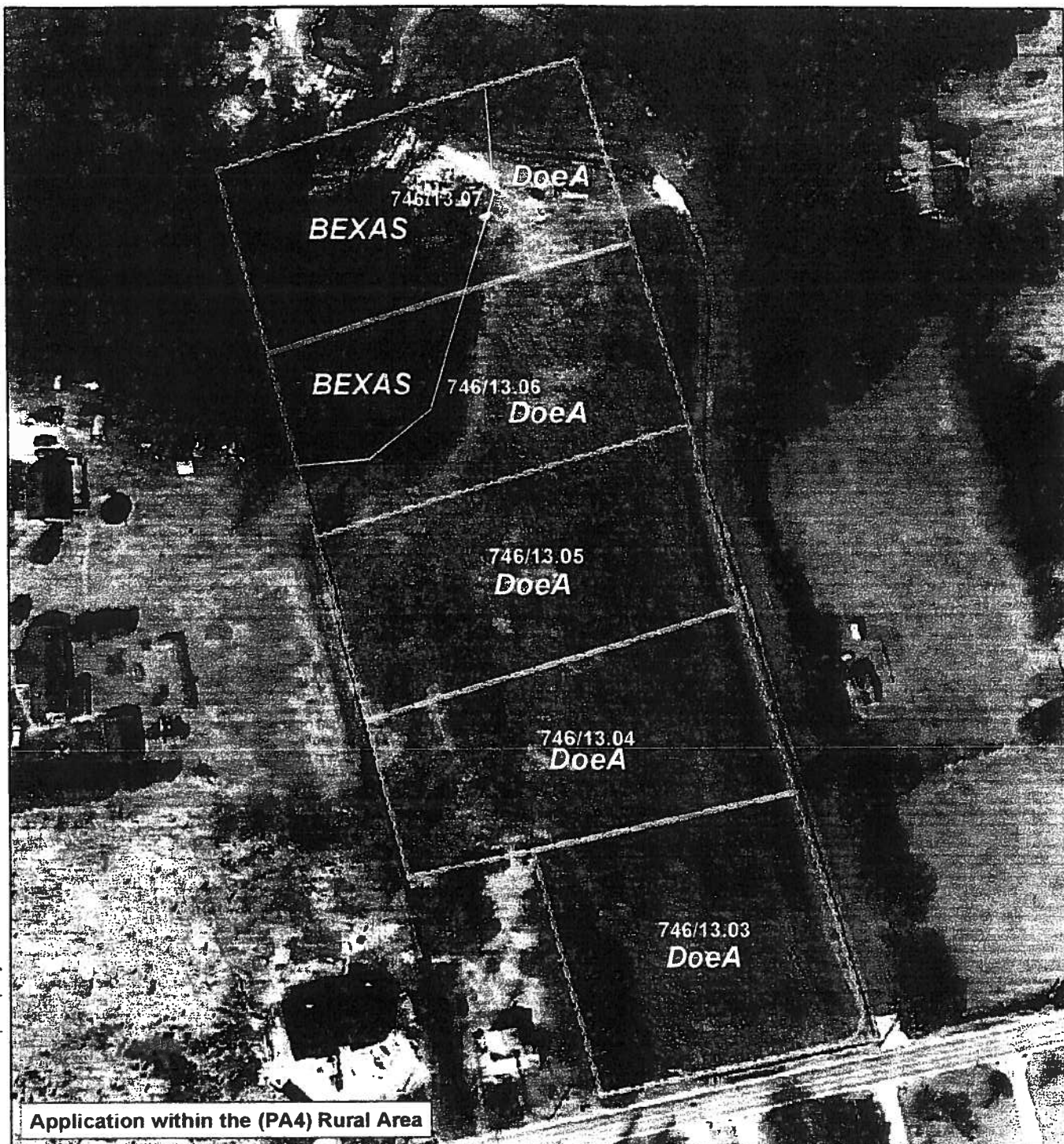
Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Grifa)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	YES
Denis C.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

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preliminary approval denial 11 03 11 FINAL(3)HJW.docx



Soils

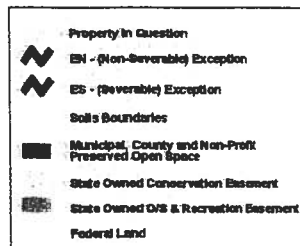
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Janice and Eugene Utsch and Anna May Letts
Block 746 Lots 13.03 (1.0 ac), 13.04 (1.0 ac), 13.05 (1.1 ac),
13.06 (1.1 ac) & 13.07 (1.0 ac)
Gross Total = 5.2 ac
Lower Twp., Cape May County

100 50 0 100 200 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 2008 Soil Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 Digital Aerial Image

March 23, 2010

746 13.01 LOWER TWP

- ii. The degree to which the purchase would encourage the survivability of the municipally approved program in productive agriculture; and
- iii. The degree of imminence of change of the land from productive agriculture to nonagricultural use;
2. The final purchase price of the development easement for each application.
 - i. The purchase price of the development easement shall be adjusted according to the acceptance or rejection of any residual dwelling site opportunities permitted pursuant to N.J.A.C. 2:76-6.17 and other adjustments required by the Committee;
 3. The justification for the board's decision; and
 4. A copy of the municipal governing body's resolution approving the purchase of the development easement.

(b) Regardless of the board's ranking determined by (a) above, the board may disapprove an application if it determines that an applicant has initiated proceedings in anticipation of applying to sell a development easement or during the application process which have the effect of increasing the applicant's appraised development easement value.

Amended by R.1988 d.493, effective October 17, 1988.

See: 20 N.J.R. 1503(a), 20 N.J.R. 2565(a).

Added (a)1 and renumbered old (a)1.-2. as 2.-3; substituted "value" for "offer" in (a)2.

Amended by R.1990 d.529, effective November 5, 1990.

See: 22 N.J.R. 1244(a), 22 N.J.R. 3359(a).

Sixty day time frame established.

Repeat and New Rule, R.1993 d.392, effective August 2, 1993.

See: 25 N.J.R. 1804(d), 25 N.J.R. 3453(e).

Section was "Board application to the committee."

Amended by R.1995 d.613, effective December 4, 1995.

See: 27 N.J.R. 13(a), 27 N.J.R. 4875(a).

2:76-6.11 Final Committee review

(a) The Committee shall approve a maximum limit of funds available and the maximum number of applications permitted per county for an easement purchase grant round to provide grants to counties and municipalities for the purchase of development easements on farmland.

(b) Upon receipt of applications which have received final approval by the board, the Committee shall determine the landowner's formula index by application of the formula contained in N.J.S.A. 4:1C-31b(1) as follows:

$$\frac{\text{nonagricultural development value} - \text{agricultural value}}{\text{landowner's asking price}} = \text{formula index}$$

(c) The Committee's funding priority shall be given to those applications which have higher numerical values obtained by application of the following formula:

$$(\text{quality score}) + (\text{formula index} \times 200) = \text{final score}$$

1. Regardless of the final score, the Committee may disapprove an application if it determines that the applicant has initiated proceedings in anticipation of applying to sell a development easement or during the application process which have the effect of increasing the applicant's appraised development easement value.

2. The Committee may give funding priority to offers with higher numerical values in any one county based on the applicant's final score.

(d) The Committee shall not authorize a grant for an amount greater than 80 percent of the Committee's certified fair market value of the development easement or the board and/or county's purchase price of the development easement, whichever is lower. In situations where the Committee is cost sharing on an easement which has been acquired, or is being acquired, by a municipality, the Committee shall not authorize a grant for an amount greater than 80 percent of the Committee's certified fair market value of the development easement or 80 percent of the sum of the municipality's purchase price of the development easement plus the interest or discount on bonds the municipality incurred in association with the acquisition of the development easement from the date the municipality acquires the easement to the date of the appropriation of State funds, whichever is lower.

1. The percent Committee cost share shall be based upon the following:

Landowner's asking price	Percent committee cost share
From \$0.00 to \$1,000	= 80% above \$0.00
From > \$ 1,000 to \$ 3,000	= \$ 800 + 70% above \$ 1,000
From > \$ 3,000 to \$ 5,000	= \$ 2,200 + 60% above \$ 3,000
From > \$ 5,000 to \$ 9,000	= \$ 3,400 + 50% above \$ 5,000
From > \$ 9,000 to \$ 50,000	= 60%
From > \$ 50,000 to \$ 75,000	= \$30,000 + 55% above \$ 50,000
From > \$ 75,000 to \$ 85,000	= \$43,750 + 50% above \$ 75,000
From > \$ 85,000 to \$ 95,000	= \$48,750 + 40% above \$ 85,000
From > \$ 95,000 to \$105,000	= \$52,750 + 30% above \$ 95,000
From > \$105,000 to \$115,000	= \$55,750 + 20% above \$105,000
From > \$115,000	= \$57,750 + 10% above \$115,000

i. If the landowner's asking price is greater than the certified fair market value, the Committee's cost share grant shall be based upon the Committee's certified fair market value.

2. Notwithstanding (d)1 above, the Committee shall provide a grant for the purchase of a development easement on the top ranked application in a county at a 50 percent cost share in those counties where pursuant to (d)1 above, the Committee's cost share percentage would be less than 50 percent.

i. The Committee's cost share grant shall only apply to the purchase of a development easement pursuant to N.J.A.C. 2:76-6.3.

3. Notwithstanding (d)1 above, the Committee shall provide a grant for the purchase of a development easement purchase on the top ranked application in a county at an 80 percent cost share in those counties which have

i. A discussion of the topography, soil characteristics, hydrologically limited areas, state owned or privately held riparian lands, frontage, configuration, dwellings, outbuildings and other appropriate characteristics;

ii. Any rejected, approved, or pending subdivision plans;

iii. Any exceptions to the subject property. (The appraiser shall incorporate the effect of the value of exceptions into the valuation); and

iv. The estimated acreage of hydrologically limited areas.

(b) A detailed discussion of the subject property's highest and best use based upon its characteristics as set forth in this section.

(c) A determination of the subject property's market value unrestricted. The appraiser shall consider the effect of building and improvements when conducting the valuation, but only the market value of the land is required to be identified.

1. The appraiser shall consider the direct sales comparison method of valuation which shall be based on a comparison of the relevant vacant acreage sales to the subject property. At a minimum, the report shall address the following:

- i. Grantor/grantee;
- ii. Deed date/recording date;
- iii. Deed book and page;
- iv. Sale price;
- v. Property size;
- vi. Location, block and lot;
- vii. Soil types/percent tillable soils;
- viii. Frontage/access;
- ix. Conditions of sale;
- x. Color photograph(s);
- xi. Improvements;
- xii. Utilities;
- xiii. Easements;
- xiv. Verification; and
- xv. Legible copy of subject tax map.

2. The appraiser shall adjust the comparable sales to include salient characteristics in the market which may include, but not be limited to the following: soil characteristics, zoning, topography, hydrologically limited areas, riparian lands (state owned or privately held), date of sale and financing.

i. The appraiser shall provide a land sale comparative rating grid in conformance with the sample, Appendix C of this subchapter, incorporated herein by reference.

ii. The final estimate of value shall be expressed as a per acre figure and a total value for the property.

3. In addition, the appraiser may consider the following methods of valuation:

- i. Subdivision method;
- ii. Income capitalization method; and
- iii. Cost method.

4. The appraiser shall provide a value conclusion which identifies the final market value unrestricted for the subject property and discuss how the conclusion was determined.

Amended by R.2003 d.208, effective May 19, 2003.
See: 35 N.J.R. 379(a), 35 N.J.R. 2176(a).

In (a)1, deleted existing iii and recodified existing iv through v as iii through iv.

2:76-10.7 Property valuation after development easement acquisition (market value restricted)

(a) The property valuation after development easement acquisition (market value restricted) section of the appraisal report shall contain the following:

1. A description of the subject property in conformance with N.J.A.C. 2:76-10.6(a)1. In addition, an evaluation of the deed restrictions contained in N.J.A.C. 2:76-6.15 and their effect on the subject property, the subject property's adaptability for agricultural use or other uses which are not in conflict with the deed restrictions, soils and their productivity and other items which are significant to the valuation of the subject property;

2. A detailed description of the subject property's highest and best use as encumbered by the deed restrictions. The highest and best use analysis shall consider the following:

- i. The legality of possible use;
- ii. The physical possibility of use;
- iii. The probability or likelihood of use; and
- iv. The economic feasibility of use.

3. A determination of the subject property's market value restricted. The appraiser shall consider the effect of buildings and improvements when conducting the valuation, but only the market value of the land is required to be identified.

i. The appraiser shall consider the direct sales comparison method of valuation which shall be based on a comparison of the relevant vacant acreage sales to the subject property as encumbered by the deed restric-

tions. The appraiser shall consider the following types of land sales;

- (1) Deed restricted properties;
- (2) Physically limited properties;
- (3) Flood plain;
- (4) Low development pressure; and
- (5) Development easements.

ii. The appraiser shall adjust the comparable sales to include, but not be limited to, the following: soil characteristics, zoning, hydrologically limited areas, date of sale, financing, and residential opportunities.

(1) The appraiser shall consider the effect of residential opportunities, including an existing residential unit, an exception, which is not encumbered by the deed restrictions, or a residual dwelling site opportunity allocated to the subject property pursuant to N.J.A.C. 2:76-6.17, if appropriate, and any other improvements when conducting the valuation, but only the market value of the land is required to be identified.

(2) The appraiser shall determine if there is an increment of value attributed to the land that is independent of the actual value of the improvement.

(3) The appraiser shall provide a land sale comparative rating grid in conformance with the sample in Appendix C.

(4) The final estimate of value shall be expressed as a per acre value and a total value for the property.

iii. In addition, the appraiser may consider the following methods of valuation:

- (1) Income capitalization; and
- (2) Cost approach.

Amended by R.2003 d.208, effective May 19, 2003.

See: 35 N.J.R. 379(a), 35 N.J.R. 2176(a).

In 1903ii, added new (1) and (2) and recodified existing (1) and (2) as (3) and (4).

2:76-10.8 Final estimate of development easement value

(a) The final estimate of development easement value section of the appraisal report shall contain the following:

1. The estimated development easement value which is arrived at by the difference between the market value unrestricted and the market value restricted and reported as a per acre value and total value of the property;
2. A discussion of the rights represented by the value conclusion and resultant changes in the highest and best use of the unrestricted versus the restricted property; and
3. A summary of the major points of the report which support the final estimate of value.

2:76-10.9 Addendum

(a) The addendum section of the appraisal report shall contain the following:

1. A subject property location map;
2. A subject property tax map or survey;
3. Soils/flood/topographic maps;
4. A study of hydrologically limited areas (if appropriate);
5. Subject property photos (color);
6. Reference materials, studies, articles, or other data considered important;
7. Development easement deed restrictions; and
8. The appraiser's qualifications.

APPENDIX A

SUMMARY OF SALIENT FACTS AND IMPORTANT CONCLUSIONS

PROPERTY LOCATION

PROPERTY TYPE

LAND SIZE

ZONING

HIGHEST AND BEST USE

DATE OF VALUATION

	PER ACRE	TOTAL
ESTIMATE OF PROPERTY VALUE "BEFORE":	_____	_____
ESTIMATE OF PROPERTY VALUE "AFTER":	_____	_____
ESTIMATE OF DEVELOPMENT EASEMENT VALUE:	_____	_____

APPENDIX B

TABLE OF CONTENTS

	PAGE #'S
SUMMARY	
Letter of Transmittal	00
Certification of Appraiser	00
Summary of Salient Facts	00
Table of Contents	00
GENERAL INFORMATION	
Appraisal Purpose	00
Estate Appraised	00
Definitions	00
Assumptions and Limiting Conditions	00

- (e) **Residential Opportunities:** This term encompasses exceptions which permit a residence, existing residential units and residual dwelling site opportunities (RDSOs), which are further defined as follows:

Generally, the ability to reside on the property provides an increment of value attributed to the land, which is independent of the actual value of the physical structure (improvement). This ability may exist through a Residual Dwelling Site Opportunity, existing residential unit or perhaps an exception, which is not encumbered by the general deed restrictions as contained in the Deed of Easement. The Appraiser should provide an explanation of any adjustments to the subject or comparable properties.

1. **Exceptions:** In the event there is an "exception" to the application, the CADB should clarify the type of "exception" granted. An "exception" may be one of the following:
 - i. **Severable Exception:** An area which is part of an existing Block and Lot owned by the applicant which will be excluded from the restrictions of the Deed of Easement and may be sold as a separate lot in the future; or
 - ii. **Non-Severable Exception:** An area which is part of an existing Block and Lot owned by the application that will not be subject to the restrictions of the Deed of Easement but cannot be sold separately from the remaining premises unless it is part of a larger area which is deemed to be agriculturally viable.

 All exceptions, both severable and non-severable, shall be considered to determine the impact on the restricted /after value. Specifically, if the purpose of the exception is for residential development the appraiser is required to consider this as a residential opportunity to the restricted farm. If the intention of the exception is for some other purpose, the impact of the intended purpose (non-agricultural uses, rights of ways, equestrian trails etc.) should be considered as to its effect on the deed-restricted farm.

Note: The appraiser shall not consider the impact of the severable exception to the subject property only under the condition that the subdivision exists by final resolution of the municipality as of the date of the appraisal.

2. **Residential Units:** These consist of existing single family or multi-family units used for residential purposes. The occupant does not have to be involved in the agricultural operation once the premises are permanently restricted.
3. **Residual Dwelling Site Opportunity (RDSO):** The CADB is authorized to allocate RDSOs on the premises pursuant to N.J.A.C. 2:76-6.17. An "RDSO" means the potential to construct a residential unit and other appurtenant structures on the

STATE AGRICULTURE DEVELOPMENT COMMITTEE
POLICY

VALUATION OF PERMITTED EXCEPTIONS

I. Purpose:

To provide a method of valuing permitted exceptions from the premises of pending applications.

II. Authority:

N.J.A.C. 2:76-6.8 (b)

III. Supersedes:

Policy P-23 dated 12/15/88

IV. Policy:

Exceptions are portions of the applicant's land holdings which are not to be encumbered by the deed restrictions. A formal subdivision is not needed to except a portion of property however, a specific description is needed. It is recognized that certain portions. Furthermore, appraising a portion of a property without considering the ENTIRE property may not truly represent the whole situation this skewing value.

Therefore, when appraising properties from which exceptions are to be withheld, the appraiser is directed to appraise the entire land parcel first, INCLUDING the area to be excepted. The appraiser shall then allocate value to the respective areas of the property (excepted area and area to be encumbered.) Finally, the value allocated to the expected portion, as it contributes to the whole property, shall be deducted from the total value estimate thus yielding the value for the portion to be restricted.

This methodology shall be followed to estimate both the market value (before) and the market value restricted (after) for the lands to be encumbered by the development easement.

In situations where a minor tax parcel (such as a house lot) is under the same ownership as the property to be encumbered but is not to be deed restricted, the appraiser shall include the minor parcel in his/her valuation. The decision to include the minor parcel in the appraisal is a judgment made by the appraiser based on whether or not the minor parcel would typically be sold together with the parcel to be encumbered and if so, whether or not the minor parcel would enhance the value of the encumbered parcel.

S:\POLICIES\p23A.doc

Use of Hypotheticals as ordered by contracting party

- A. **Divisions** – Occasionally a County or other contracting party may wish to have a property appraised as though a subdivision were already in place. The contracting party is required to provide the appraiser with clear mapping of the proposed subdivision. The appraiser should clearly label the appraisal as Hypothetical and contingent upon successful final municipal approval of the subdivision prior to the conveyance of the development easement as described in the appraisal report. This shall be prominent in the Letter of Transmittal, Scope of Work, Certification of Value and Assumptions and Limiting Conditions sections of the appraisal as extraordinary assumptions and hypothetical conditions as required by USPAP.

Note: The word “Divisions” in the context of this paragraph is not meant to allow major hypothetical subdivision of the premises to its highest and best use (eg. Division of the property into 30 residential lots). It is reserved for splitting the property into viable farms that would be allowed through a division of premises under the program or the completion of a minor subdivision that is awaiting final approval.

-  B. **Access** – Appraisers should not simply assume access to a subject property over other lands not in the application, even if owned by the applicant.

1. An appraiser must condition his or her value upon an access agreement being in place prior to the conveyance of the deed of easement.
2. Access should specify a roadway adequate to accommodate development of the highest and best use in the unrestricted condition. For example, if an appraiser believes that highest and best use is for residential development across another parcel of land owned by the same owner and the Township requires a 50' wide road, value will be contingent upon an access easement of such width being in place prior to the conveyance of the deed of easement. If the land needed for access is already preserved, then such an access easement shall not be assumed. If the land required for access is not owned by the property owner then the appraiser shall not assume access will be granted.
3. The appraiser should again identify the appraisal as being subject to a hypothetical condition in the letter of transmittal, certification of appraisal, scope of work and assumptions and limiting conditions sections of their report.

Note: All hypothetical conditions must be identified on the appraisal order checklist prepared by the contracting authority.



Schedule 1

State of New Jersey

STATE AGRICULTURE DEVELOPMENT COMMITTEE
HEALTH/AGRICULTURE BUILDING
PO Box 330
TRENTON NJ 08625-0330

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

DOUGLAS H. FISHER
Secretary

Susan E. Payne
Executive Director
(609) 984-2504
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July 25, 2011

Douglas H. Fisher
Chairman

George G. Brewer, Jr.
Chairperson, Cape May CADB
Cape May Planning Board
DN 309, 4 Moore Drive
Cape May Courthouse, New Jersey 08210

Re: Individual Farm Application Pre-Green Light Review:
Janice Utsch and Anna May Letts Farm, SADC ID#05-0006-PG
Lower Township, Cape May County
Block 746, Part of 13.01 (shown as lots 13.03 – 13.07)

Dear Mr. Brewer:

This is to follow up on our recent discussions regarding the above-referenced application and its eligibility for a cost-sharing grant from the State.

At our meeting in December 2010, we discussed questions State Agriculture Development Committee (SASDC) staff had regarding the County's pre-acquisition of a development easement on this farm. As you know, the County pre-acquired an easement on 5.113 acres of an 8.41-acre lot for \$270,200 per acre. The remaining parcel, outside of the preserved area, contained a house, another building lot and the roadway (Martin's Way) contemplated to become the legal access to the farmland portion. The 5.113-acre farmland portion of the larger lot received approvals for a division into five building lots with access from Martin's Way.

Subsequent to that meeting, Barbara Ernst clarified for us that the subdivision approvals for this property were never recorded. Therefore, Martin's Way, the legal access for the preserved area (5 hypothetical lots), is not recognized and remains a private driveway outside of the preserved area. She also verified that the appraisers hired by the County assumed access via Martin's Way and assumed it was recognized by the Municipality as a public Right of Way.

That means that at the time of application to the County, Martin's Way would have needed to become a public roadway or a valid access easement should have been recorded to maintain access to the 5 lots. Heidi Winzinger of my staff discussed with Barbara Ernst at a recent SADC meeting the possibility of the County amending the application in a way that retains access to the preserved parcel in order to allow the application to move forward (e.g., seeing if the landowner would be willing to record a legal access easement on the hypothetical Martin's Way to provide access to the building lots).

However, before the County expended any effort coordinating with the landowner, we asked first for the opportunity to review the appraisals utilized for the pre-acquisition. We wanted to have a better understanding of 1) if the existing appraisals meet SADC

standards; 2) if the County could qualify for relief pursuant to N.J.A.C. 2:76-17.11 – which was created to offer assistance to Counties that used FY2009 funding to pre-acquire easements prior to a downturn in the market; and 3) whether the County may be in jeopardy of triggering the statute prohibiting purchase of a development easement for an amount greater than the highest appraised value, (N.J.S.A. 4:1C-31h).

Barbara Ernst provided us with the original appraisals and they were submitted to the SADC's Appraisal Manager, Paul Burns, for review. Mr. Burns found that the appraisals do not meet the standards of the SADC Appraisal Handbook because the appraisers were improperly instructed to not consider the remaining portion of the lot as a severable exception with a potential for two residential opportunities. Although the landowner is not obligated to subdivide areas excepted from the application, the exception must be noted in the application and it's development potential must be considered by the appraisers. We feel strongly that with consideration of the two residential opportunities presented in the area excepted from the application but never subdivided, the easement value would be reduced significantly.

If the County would like to revise the application and submit new appraisals we would need the area outside of the preserved land to be considered as a severable exception with the two existing residential opportunities, legal recorded access to the 5 lots within the preserved area would need to be addressed and the driveway that crosses through one of the five lots would also need to be recognized by the appraisers. If the \$270,200 per acre easement value paid by the County was not higher than the highest appraised value as certified by the SADC, then the SADC would be potentially be able to provide a cost share. In order to close, a corrective deed of easement noting the exception area and the restriction to 2 residential opportunities would be needed and a new survey noting the access easement and exception would also be needed.

At this time I believe the complications associated with this application seriously hamper its viability for enrollment in the State Farmland Preservation Program. Perhaps a more productive course of action would be for the County to continue to work closely with SADC staff to process all future Cape May applications from start-to-finish so that we may successfully enroll additional Cape May farms to the program.

Please let us know how the County wishes to proceed. If you have any questions regarding this application please feel free to contact me.

Sincerely,



Susan E. Payne
Executive Director

Enclosures

c: Barbara Ernst, Cape May CADB Administrator