STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC)

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

REGULAR MEETING

October 24, 2019

Chairman Fisher called the meeting to order at 9:10 a.m. The flag salute was conducted.

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

Chairman Fisher
Renee Jones (Rep. NJDEP Commissioner Catherine R. McCabe) (left meeting at 11:52 a.m.)
Gina Fischetti (Rep. DCA Commissioner Sheila Oliver) (arrived at 9:12 a.m.)
Brian Schilling
Jane Brodhecker
Denis Germano (arrived at 9:14 a.m.)
Scott Ellis
Pete Johnson (arrived at 9:18 a.m.)
Ralph Siegel
James Waltman

Members Absent

Alan Danser

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

Others present as recorded on the attendance sheet: Bob Hornby, Hunterdon County Agriculture Development Board (CADB); Donna Rue, Public; Tony McCracken, Somerset CADB; Jennifer Matthews, Public; Katherine Fullerton, Hunterdon CADB; Katherine Coyle, Morris CADB; Kurt Alstede, Public.

Minutes

A. SADC Regular Meeting of September 26, 2019 (Open and Closed Sessions)

It was moved by Mr. Siegel and seconded by Mr. Ellis to approve the Open and Closed Session minutes of the SADC regular meeting of September 26, 2019. Mr. Waltman abstained. The motion was approved.

Report of the Chairman

Chairman Fisher stated that the Governor released funding for events that pertain to agricultural interests. Rutgers University received $3 million towards the New Jersey Agricultural Experiment Station (NJAES) for research; New Jersey Fresh received $100,000; and Hunters Helping the Hungry (HHH) received funds to help hunters to donate venison to food banks while addressing the overpopulation of deer in New Jersey.

Mr. Fisher reported that some farmers had a phenomenal growing season while others took a hit towards the end of the season, specifically vegetable and fruit growers. Chairman Fisher noted that Special Occasion Events (SOEs) will be a way for some farmers to augment their income. On a brighter note, southern New Jersey will have some of the best wine produced this year because the brix count, which measures the sweetness of the wine, is at 25, which ranks with some of the best wines in the regions of California.

Chairman Fisher observed that the SADC is dealing with SOEs and soil protection standards, and that staff has met with the CADBs and Farm Bureau on those issues .

Report of the Executive Director

Ms. Payne stated that she and Mr. Everett have made presentations to and had productive discussions with various County Agriculture Development Boards and administrators regarding SOEs and soil protection standards so far. Similar presentations will be made at seven more CADBs in the following months, including Monmouth, Burlington, Gloucester, Cumberland, Morris, Mercer and Passaic. The remaining CADB administrators have been contacted and were asked if they would like to have the Board of Agriculture present for these presentations as well to arrange a joint meeting. Staff also received inquiries to provide both presentations from the Pinelands Commission and the Highlands Council.

Ms. Payne noted that the Appropriation bills for FY2020 funding are being drafted and staff is in communication with the Office of Legislative Services .

Public Comment

No public comment.

New Business

A. Approval of SADC FY2020 Administrative Budgets – Farmland Preservation and Right to Farm

Mr. Distaulo reviewed the proposed FY20 administrative budgets for both the Farmland Preservation Program and the Right to Farm (RTF) Program. The RTF program budget is unchanged from FY19 at $85,000 and is reflected in the state budget. However, as discussed at the July 2019 SADC meeting, the SADC's Farmland Preservation Program budget is no longer reflected in the state budget because it is fully funded utilizing dedicated Corporate Business Tax (CBT) revenues. The proposed FY20 budget is virtually unchanged from the FY19 budget ($3.079M in FY19 vs. $3.1M in FY20).

Mr. Distaulo noted a few significant differences between the FY20 budget, and the amounts expended in FY19 include fringe costs for SADC Staff to $250,000 which is new in FY20. This reflects Office of Management and Budget's practice of now requiring a one-quarter agency contribution toward fringe costs.

Professional Services was expended at $250,419 in FY19 and will now be budgeted to $3,000 in FY20. A majority of the FY19 expenditure reflects the hiring of an IT consultant to work full time to handle SADC's Oracle database system and for work that was previously performed by an SADC staff member who retired last summer. Mr. DiStaulo noted that staff intends to discontinue the consultant engagement and hire a new IT staff member as soon as possible. The use of a consultant contributes to the decrease in the budget for salaries from $2.56M in FY19 to $2.36 in FY20 because funding for her salary was from FY19 budget expenses. The balance for Professional Services in FY19 also focused on the implementation of SharePoint technology within the office.

In FY20 $40,000 in stewardship monitoring is projected to be spent under the three separate contracts that SADC has with Warren, Cape/Atlantic and Freehold conservation districts for purposes of monitoring SADC held easements.

It was moved by Mr. Germano and seconded by Ms. Jones to approve the SADC FY2020 Administrative Budgets. as presented. The motion was unanimously approved.

B. Resolution of Final Approval: FY 2017 PIG Program

Ms. Stanley referred the Committee to one request for final approval under the FY2017 County PIG Program. She reviewed the specifics of the application with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Germano and seconded by Mr. Waltman to approve Resolution FY2020R10(1), granting approval to the following application under the FY 2017 County PIG Program Planning Round, presented, subject to any conditions of said resolution.

1. Final Approval of a Municipal PIG Program and Plan – Franklin Township, Somerset County.

The motion was unanimously approved. A copy of Resolution FY2020R10(1) is attached to and is a part of these minutes.

C. Resolutions: Final Approval – County PIG Program

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

It was moved by Mr. Schilling and seconded by Mr. Ellis to approve Resolution FY2020R10(2), granting approval to the following application under the County PIG Program, as presented, subject to any conditions of said resolution.

1. Carol Beatty (South), SADC ID #21-0615-PG, Resolution FY2020R10(2), Block 34, Lot 11, Greenwich Township, Somerset County, 51.9 acres.

The motion was unanimously approved. A copy of Resolution FY2020R10(2) is attached to and is a part of these minutes.

D. Resolutions: Final Approval- Municipal PIG Program

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

It was moved by Mr. Germano and seconded by Ms. Brodhecker to approve Resolution FY2020R10(3), granting approval to the following application under the Municipal PIG Program, as presented, subject to any conditions of said resolution.

1. David & Nancy Ackley, SADC ID #06-0192-PG, Resolution FY2020R10(3), Block 404, Lots 4.01, 4.04, & 5, Upper Deerfield Township, Cumberland County, acres.

The motion was unanimously approved. A copy of Resolution FY2020R10(3) is attached to and is a part of these minutes.

E. Stewardship

1. **House Replacement**

JMJ Farm Holdings II
Block 27, Lot 2
Hopewell Township, Mercer County
42.85 Acres

Note: Mr. Ellis recused himself in this matter because he is a member of the Mercer CADB.

Ms. Armstrong referred the Committee to one request for approval under the Stewardship Program. She stated that the existing house was built in 1860 but is uninhabitable because it has lead and asbestos issues and is otherwise in bad shape, so the owner would like to replace the 1860s home with a new one. She noted that staff reviewed the existing residence and determined that it was not listed on the NJ or National Register of Historic Places.

Members of the Committee had reservations about this house replacement request, stating that the home is eligible to be registered as a historic structure. The Committee recommended that the State Historic Preservation Office (SHPO) be contacted to see what advice they would give to handle a house of this age. The Committee did not act on the house replacement request and asked staff to provide additional information at the next meeting in December.

2. **Special Permit for a Rural Microenterprise Activity on a Preserved Farm (Discussion Only)**

Stone Circle Farm
Block 163.01, Lot 10.01
Middle Township, Cape May County
SADC ID # 05-0069-EP

Note: Mr. Schilling recused himself from this matter because of an employment relationship with the applicant, Ms. Matthews.

Ms. Armstrong referred the Committee to an application for a special permit for a Rural Microenterprise Activity on Preserved Farmland from Ms. Matthews for the holding of farm-to-table-dinners in an existing barn . She stated that staff finds the applicant and the qualifying land as eligible to receive a special permit, as the farm was preserved prior to January 12, 2006 without an exception area, and Ms. Matthews is the owner-operator of the farm. Ms. Armstrong stated that staff is requesting the Committee's input to determine if farm-to-table dinners as described in this proposal meet the criteria found as a Class One activity.

Ms. Matthews, owner of Stone Circle Farm, stated that the farm-to-table dinners are to get different chefs out to the farms to try some specialty crops that they may otherwise not use and to get the public exposure to the restaurants and the chefs. She showed the Committee pictures of her farm, barns, shed and all the areas that will be used for the outdoor dining on the farm. Ms. Matthews stated that she would like 30 people to attend the events to start out and then grow in attendance as she gets further along in the process. Mr. Roohr stated that eventually Special Occasion Events (SOEs) may occur on this farm, but for now, Ms. Matthews will start small to allow for improvements and greater flexibility.

Mr. Roohr stated that if the Committee determines the proposal to be a Class One activity under the RME law, staff requests the Committee consider whether the following parameters are of appropriate measure to ensure future applications with similar requests are consistent with the intent of the program: farm-to-table events would be confined to the barn and 1,000 feet outside the barn; a majority of the vegetables served in the dinners will be sourced from Stone Circle Farm; the majority of items (greater than 50%) served at the dinners will be sourced from NJ farms; the primary activity associated with the farm-to-table dinner is the preparation and consumption of farm-raised products; and seating, shelter, and/or any other infrastructure utilized to accommodate the farm-to-table dinners outside the barn shall be portable in nature and have no impact on the land for agricultural purposes.

The Committee supports the initiative of Stone Circle Farm and gave Ms. Matthew positive feedback regarding this endeavor. Chairman Fisher advised the staff that they are moving in the right direction with this RME activity.

F. Resolutions of Approval: Soil & Water Conservation Project Cost-Sharing

Mr. Clapp referred the Committee to one request for approval under the Soil and Water Conservation Project Cost Sharing program. He reviewed the specifics of the application with the Committee and stated that staff recommendation is to grant approval.

It was moved by Mr. Ellis and seconded by Mr. Germano to approve Resolution FY2020R10(4), granting approval to the following application under the Soil and Water Conservation Project Cost Sharing program, as presented, subject to any conditions of said resolution.

1. Highland Farms, Agent for Cynthia Hoagland Nance, SADC ID #10-0024-PG, Resolution FY2020R10(4), East Amwell Township, Hunterdon County, 109.58 acres.

The motion was unanimously approved. A copy of Resolution FY2020R10(4) is attached to and is a part of these minutes.

G. Policy P-53 Amendment- Farmland Stewardship Deer Fencing Program

Mr. Kimmel stated recent amendments to the Preserve New Jersey Act (PNJA) allow farms preserved through the Highlands and Pinelands development credit programs to automatically qualify for SADC stewardship grants. At its meeting last month, the Committee approved amendments to its soil and water cost-share policy (P-48) to incorporate this statutory directive. For this month's meeting, staff has prepared draft amendments to the SADC's deer fencing cost-share grant policy (P-53) to similarly incorporate the change to the PNJA.

The draft amendments include updates to P-53's definition and eligibility sections to address the agricultural community's ongoing need for deer fencing. For instance, the amendments would allow the SADC to accept and approve applications on a rolling basis. The amendments also define more clearly what it means to commence a project, which together could help speed the application-approval, project-installation, and grant-reimbursement processes.

Ms. Payne stated that so far there have been two rounds of deer fencing grants, and staff is now comfortable with handling applications on a "rolling" basis, as is done with the soil and water program , and this would allow for a steadier and more streamlined workload throughout the year. If the Committee approves the amendment to this policy today, staff will communicate this to the Agricultural County Boards of Agriculture, the CADBs, and the Farm Bureau so that they know applications for deer fencing will be accepted on a first come, first serve basis..

It was moved by Mr. Schilling and seconded by Ms. Jones to approve the amendment to Policy P-53 for the Farmland Stewardship Deer Fencing Program. The motion was unanimously approved.

H. Neighborhood Opposition Group v. Hionis Greenhouses and Hunterdon CADB – Right to Farm final decision

Ms. Reynolds stated that this case arises from an application to the Hunterdon CADB by Hionis Greenhouses, Inc. for a site-specific agricultural management practice (SSAMP) determination for the construction of commercial greenhouses on property owned by Hionis Farms, LLC in Clinton Township. Hionis acquired their property in 2005 and at that time, the operation started nursery plants at a different facility and once the plants were mature enough, they would be brought to the Hionis property. Hionis determined in 2010 that in order to make this process more efficient it wanted to do everything onsite, so they constructed green houses to start the plants onsite.

In 2012 Hionis applied to Clinton Township for a permit to construct the greenhouses. Clinton township denied the request stating that commercial green houses were not permitted in that zone, thereafter, Hionis then applied to the CADB seeking an SSAMP to construct the greenhouses. After that, Clinton township rescinded their denial for the zoning application and said that commercial greenhouses are permitted in this zone if they are accessory to a principally permitted agriculture operation. However, the zoning application was conditioned on Hionis receiving site plan approval, so Hionis continued with the Right to Farm (RTF) proceeding .

In 2012, the CADB approved the SSAMP request conditioned on Hionis obtaining site plan approval. Various neighbors living along Deerfield Lane appeared at the CADB hearing to object to the SSAMP request because they claimed that the greenhouse operation resulted in increased traffic going through this residential street. The CADB recognized that the neighbors had legitimate concerns regarding the traffic, but the board determined that it would be unreasonable to regulate the number and frequency of the vehicles coming in and out of the property, obtain a traffic study, and regulate the times at which the vehicles should enter and exit the property. Hionis later obtained site plan approval from Clinton Township.

Ms. Reynolds noted that the neighborhood group appealed the SSAMP approval and it got forwarded to the Office of Administrative Law (OAL). In 2017, Hionis filed a motion for summary decision in the OAL claiming that there was no RTF jurisdiction over this matter because the CADB didn't preempt the township on the traffic issues. The Administrative Law Judge (ALJ) denied that motion.

In April 2019, after a 2-day hearing, that ALJ affirmed the CADB, and the SADC received exceptions and a motion to reopen the record from the neighborhood group, which motion was not opposed by Hionis. In the final decision, the SADC granted that motion because those two items are relevant to the subject matter and also noted that this motion was not opposed.

Ms. Reynolds stated that the ALJ determined that the township regulated certain matters regarding traffic but that the CADB did as well, and that the OAL's jurisdiction extended only to review the RTF issues dealt with by the CADB .

The SADC agreed with the ALJ and determined that SADC does not have jurisdiction over the site plan elements that were reviewed by the township, but only has jurisdiction under the RTF Act over complaints and SSAMP requests.

Ms. Reynolds noted another issue with the construction project involved the Department of Environmental Protection (DEP) where it claimed that the detention basin for the greenhouses were installed in a regulated wetland area. The DEP required restoration and also required that Hionis record a deed restriction as onsite compensation . SADC confirmed with the DEP that the restoration work had been completed, but the only remaining issue was that the deed restriction needed to be recorded . Therefore, the final decision conditions RTF protection on the recordation of the deed restriction since compliance with relevant state law is an eligibility requirement under the RTF Act.

Ms. Reynolds stated that the biggest issue is the traffic coming in and out of the Hionis property. The neighborhood group and Hionis had experts in traffic that testified at the hearing. The neighborhood groups traffic expert's analysis found that Hionis had an average of 23 vehicles a day coming in and out of the property and he noted that is more than what would be coming in and out of an average single-family lot, or 9 to 10 vehicles a day. He also noted that over a 7-week period, 14 tractor- trailers came in and out of the Hionis property, which is out of character with a residential neighborhood.

Hionis' expert had similar data with regard to the number of vehicles coming in and out of the property, however, he disagreed with the neighborhood groups expert analysis because he believed the Hionis property should not be viewed as one, single-family lot. The expert stated that, at the time Hionis acquired the property, there was 4 acre zoning available, which means there could be 10 to 12 single family lots on that property. This residential zoning would generate 120 to 140 vehicles a day, which would be well over what was being generated by the activities on the Hionis farm property. He noted that occasional tractor-trailer use was not out of character for that neighborhood as garbage trucks, moving trucks, school buses and other large vehicles occasionally use residential streets. In the decision, SADC agreed with the Hionis expert questioning the neighborhood groups traffic expert as only looking at the Hionis property as one single family lot.

Ms. Reynolds stated that staff looked at a case similar to Hionis, the CLC, LLC case, involving a a nursery operation with one access coming in and out of the property in a residential neighborhood. The neighbors there had the same concerns as that of the neighborhood group in Hionis. The difference with CLC is that the Monmouth CADB limited RTF protection with regard to the hours during which vehicles could come in and out of the property. The RTF protection in the CLC case only applied Mondays through Saturdays from 7am to 5pm. Staff did not see the balancing test with the Hunterdon CADBs decision that is required under Curzi v. Raub. Hunterdon CADB recognized that the neighbors had legitimate concerns about the traffic and stated that it would be unreasonable to regulate the number and frequency of times with the traffic but didn't provide a reason as to why it was unreasonable.

In order to be consistent with the CLC case, staff proposed that RTF protection for the Hionis greenhouse operation only extend from 7am to 8pm on Mondays through Saturdays and from 9am to 5pm on Sundays based on Hionis' expert's data.

The neighborhood group also presented arguments related to a 1971 subdivision approval granted to Hionis' predecessor in interest in support of their public safety concerns.

However, staff was not persuaded by this argument and finds that the neighborhood group is conflating the condition of one subdivision approval with another. Further, the neighborhood group's argument ignores the current set of facts that commercial greenhouses are permitted in this zone if they are accessory to a principally permitted ag operation.

Ms. Reynolds mentioned that while reviewing the decision to present to the Committee, she noticed that one sentence on page 18 of the final decision needs to be modified. The wave and condition of the 1971 approval is mischaracterized. It states that "the 50-foot right-of-way be vacated if the adjoining lands were rezoned residential or if different access to those lands were obtained. Instead, it should read "the 50-foot right-of-way be vacated if different access to those adjoining lands were obtained unless those lands were rezoned residential. Ms. Reynolds asked the Committee to take this modification in consideration in making its final decision today for accuracy purposes.

Ms. Reynolds stated that there was a markup and changes made on page 16 of the original decision after the attorney general's office reviewed this decision. In the initial decision, the ALJ found that the Hionis traffic expert was more credible than the neighborhood groups traffic expert but didn't provide a basis for making that credibility finding. After reviewing with the attorney general's office, staff determined that it wasn't necessary to reject that finding because staff agreed with the Hionis traffic expert.

Gaetano DeSapio, Esq., attorney for Mr. Hionis, stated that after reading the final decision, he disagrees and is requesting that Committee eliminate the provision that says that traffic related to the farm operation is limited to 7am to 8pm Monday through Saturday and a limitation of 9am to 5pm on Sunday. There is no reasonable basis for imposing this restriction especially in view of the fact that the township imposed no restriction, and that's critical in this particular case. The CLC case was a case where the township objected to the operation.

The township site plan resolution said that there was no reason to regulate traffic and the roads could be used for the farming operation, because when the township committee adopted the zoning ordinance and determined that farming was a permitted use in that area, it made a judgement that any permitted use could use the roadways to get to the property. Hionis' position before the OAL was although the neighbors appealed to the SADC, Hionis didn't need anything from the CADB and were there just to protect the record because the CADB did not exercise any of its rights under Den Hollander to give Hionis an exemption from local zoning.

Ms. Reynolds stated that these time limits are only with regard to RTF protection and not a prohibition on vehicles entering and exiting the property. Ms. Payne stated that she agrees with what Mr. DeSapio represented in terms of RTF protecting the farmer from municipal ordinances, but RTF also protects farmers from nuisance complaints from neighbors.

Mr. Schilling and Mr. Germano expressed the same concerns raised by Mr. DeSapio.

<u>It was moved by Mr. Ellis and seconded by Mr. Germano to approve the Right to Farm Final decision for Hionis Greenhouses.</u>

The motion was discussed by the committee, and Mr. Ellis noted that he would like to amend his motion to have no time restrictions put on Hionis Greenhouses. It was moved by Mr. Ellis and seconded by Mr. Germano to amend the original motion. A roll call vote was taken amongst the Committee to amend the motion to remove the time restrictions from the final decision. The vote passed with Ms. Jones abstaining.

It was moved by Mr. Ellis and seconded by Mr. Germano to approve the Right to Farm Final decision for Hionis Greenhouses as amended. A second roll call vote was taken to adopt the final decision but deleting the time restrictions as discussed above, and making a minor modification to a sentence mentioned by Ms. Reynolds regarding land use board proceedings . The vote passed with Ms. Jones and Mr. Siegel abstaining.

<u>Public Comment</u>

Mr. Kurt Alstede, owner Alstede Farms in Chester county, commented on Special Occasion Events (SOEs) stating that there seems to be an understanding that wineries should be treated differently from other farms. He suggests, instead, that all agricultural activities should be given equal-footing in regard to SOEs. Mr. Alstede also asked the Committee to define

SOEs as what they are not, rather than what they are, and using the words "meaningful" and "material" in the language to describe SOEs. Mr. Alstede also urged the Committee to create something akin to an AMP so that municipal approvals would not become problematic.

NOTE: Renee Jones left the meeting after Public Comment.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., Thursday December 5, 2019
Riverview Plaza

CLOSED SESSION

At 12:07 p.m. Ms. Payne read the following resolution to go into Closed Session:

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

It was moved by Mr. Schilling and seconded by Mr. Ellis to approve the resolution to go into closed session.

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters – Certification of Values

It was moved by Mr. Germano and seconded by Mr. Siegel to approve the Certification of Values for the following applications as discussed in closed session.

1. County Planning Incentive Grant Program

a. Clifford W. & Clifford K. Mecouch, SADC ID#06-0208-PG, Block 19, Lot 15, Stow Creek Township, Cumberland County, 66 Net Acres.

b. Mill Lane Farm I, LLC (Doyle Lot 44), SADC ID#18-0223-PG, Block 12, Lot 44 & 44.04, Hillsborough Township, Somerset County, 80.6 Net Acres.

c. Mill Lane Farm I, LLC (Doyle Lot 28), SADC ID#18-0222-PG, Block 11, Lot 28, Hillsborough Township, Somerset County, 59 Net Acres.

2. Municipal Planning Incentive Grant Program

a. Timothy & Elizabeth Hosea, SADC ID #18-0228-PG, Block 31010, Lot 10,12 & 13, Montgomery Township, Somerset County, 65.25 Net Acres.

b. David & Lynn McAlister, SADC ID #08-0216-PG, Block 5702, Lot 81 & 17, Franklin Township, Gloucester County, 60.64 net acres.

3. Direct Easement Purchase

a. Woodward Farm LLC., SADC ID #03-0032-DE, Block 201, Lot 10, North Hanover Township, Burlington County, 101.32 Net Acres.

b. David & Jane Long, SADC ID #10-0273-DE, Block 39, Lots 1, 5.01 and 1.10, Franklin Township, Hunterdon County, 54.3 Net Acres.

c. Michael & Janie Catalano (Lot 4), SADC ID #17-0347-DE, Block 40, Lot 4, Montgomery Township, Somerset County, 99.10 Net Acres.

d. Michael & Janie Catalano (Lot 10), SADC ID #17-0346-DE, Mannington Township, Gloucester County, Block 2, Lot 10, 112.40 Net acres.

Discussion: Note that Mr. Schilling recused from this matter.

Mr. Johnson stated that he, Mr. Germano and Mr. Ellis, along with Mr. Clapp and Ms. Payne went to visit the Princeton Show Jumping (PSJ) facility. Mr. Sposaro met them there and they were given a full tour of the site. Mr. Johnson stated that although PSJ lacks production, agriculture and breeding on the site, he is impressed with what Mr. Philbrick has done with the facility. He noted that the drainage issues are not bad and to disturb them would make matters worse at this point. Mr. Johnson stated that it would be a detriment for the Committee and agriculture in general to shut PSJ down or to cause PSJ to fail and feels the facility needs to be allowed to continue and thrive for the good of the equine business in the state. Mr. Johnson stated that he would want to be able to view these horse shows because they are of international quality and wanted to make the Committee aware of his findings.

Chairman Fisher stated that despite any personal opinions of the Committee, PSJ still has some work to do and they will be back before the Committee to address those issues.

Ms. Payne stated that PSJ is working to remedy the issues that the Committee asked them to address. She noted that she and other staff members have been out to the farm a few times and everyone is working together to get the situation rectified.

ADJOURNMENT

The meeting was adjourned at 12:46 p.m.

Respectfully Submitted,

Susan E. Payne

Susan E. Payne, Executive Director
State Agriculture Development Committee

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2020R10(1)
FINAL APPROVAL

of the

FRANKLIN TOWNSHIP, SOMERSET COUNTY
PLANNING INCENTIVE GRANT APPLICATION INCLUDING THE COMPREHENSIVE FARMLAND PRESERVATION PLAN AND PROJECT AREA SUMMARY

FY 2017 PLANNING ROUND

OCTOBER 24, 2019

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 N.J.A.C. 2:76-17A and provide uniform, detailed plan 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, to date, the SADC has received 45 municipal planning incentive grant applications, pursuant to N.J.A.C. 2:76-17A.6(a); and

WHEREAS, in total, these 45 municipal planning incentive grant applications identified 111 project areas in 9 counties and targeted 2,438 farms and 104,244 acres at an estimated total cost of $1,101,387,082, with a ten-year preservation goal of 63,617 acres as summarized in the attached Schedule A; and

WHEREAS, In November 2016 Franklin Township submitted an application, including a draft Comprehensive Farmland Preservation Plan, as part of the FY2017 Planning Incentive Grant round; 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 municipality's application to determine whether all the components of the comprehensive farmland preservation plan is 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, the draft Plan was revised per the comments provided by SADC and the final Comprehensive Farmland Preservation Plan, dated May 2019, was adopted by the Township

Planning Board at a properly noticed public hearing on August 7, 2019.

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval of the Franklin Township Planning Incentive Grant application submitted under the FY17 program planning round as summarized in the attached Schedule B; and

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

_10/24/2019_______
Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	ABSENT
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

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COUNTY AND MUNICIPAI 'NNING INCENTIVE GRANT

APPLICAT SUMMARY

County / Municipality	# of Project Areas	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	Project Area Acreage	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	Dedicated Tax $0.0_/$100	Annual Tax Revenue in Millions	Annual Tax for Farmland Preservation in Millions
Atlantic	17	609	9,561	42,969,960	30,977	150	450	700	0.01	$0.400	No Set Amount
Bergen	8	40	525	7,045,400	10,887	30	150	300	0.25	$4.200	No Set Amount
Burlington	4	185	11,684	80,171,635	113,027	1,000	5,000	10,000	1.50	$19.000	No Set Amount
Camden	5	61	2,688	22,065,210	15,347	258	1,393	3,147	2.00	$6.800	No Set Amount
Cape May	6	122	8,715	55,827,216	12,370	242	968	1,210	1.00	$4.745	No Set Amount
Cumberland	19	515	19,807	99,316,803	68,756	1,934	9,669	19,338	1.00	$0.898	No Set Amount
Hopewell	1	27	1,231	5,465,640	5,689	158	788	1,576	0.00	$0.002	$0.020
Upper Deerfield	1	51	3,418	20,535,644	9,422	396	1,979	3,958	0.00	$0.050	No Set Amount
Gloucester	11	851	17,868	214,419,876	90,208	1,000	4,000	8,000	4.00	$10.299	$5.149
Elk	2	25	971	10,678,910	4,218	75	377	754	1.00	$0.038	$0.038
Franklin	5	125	4,870	29,061,000	10,260	598	1,799	3,290	1.00	$0.123	$0.655
Woolwich	3	91	2,541	38,108,550	5,183	265	1,920	3,984	5.00	$0.567	No Set Amount
Hunterdon	7	628	29,483	413,395,780	184,578	1,000	5,000	10,000	3.00	$7.000	$1.500
Alexandria	4	67	3,700	37,002,300	16,914	524	1,160	2,137	4.00	$0.365	$0.183
Delaware	2	25	1,792	25,088,000	23,439	300	1,500	1,500	6.00	$0.478	No Set Amount
East Amwell	1	15	1,094	24,024,000	13,534	185	925	1,848	4.00	$0.267	$0.267
Franklin	1	14	1,433	12,897,000	10,644	286	573	573	3.00	$0.162	No Set Amount
Holland	4	34	2,106	21,095,000	11,144	703	1,700	2,222	2.00	$0.079	No Set Amount
Kingwood	1	31	2,436	24,364,800	12,485	170	679	849	3.00	$0.184	No Set Amount
Raritan	4	23	1,554	31,079,000	6,111	100	300	600	1.50	$0.602	No Set Amount
Readington	1	40	2,318	34,763,850	16,774	100	600	1,100	2.00	$0.522	$0.400
Tewksbury	3	3	409	9,700,000	4,557	100	300	1,000	5.00	$0.679	No Set Amount
Union	3	19	558	5,580,000	3,803	70	325	600	2.00	$0.137	$0.007
West Amwell	1	6	586	5,857,500	13,982	35	329	563	6.00	$0.305	$0.250
Mercer	7	30	2,421	35,406,961	14,862	50	250	500	2.50	$11.110	No Set Amount
Hopewell	1	8	796	15,917,200	10,761	150	500	854	3.00	$1.191	No Set Amount
Middlesex	5	128	4,556	181,256,400	21,419	225	1,125	2,250	3.00	$29.920	No Set Amount
Monmouth	6	97	8,205	170,807,000	60,603	1,200	3,000	6,000	1.50	$17.770	$1.100
Colts Neck	1	8	369	14,301,650	9,321	42	68	259	1.20	$0.360	No Set Amount
Holmdel	1	10	317	19,790,625	2,109	11	25	85	2.50	$1.033	No Set Amount
Howell	4	15	393	5,482,566	12,665	127	370	452	2.00	$1.273	No Set Amount
Manalapan	1	38	1,318	26,342,650	9,223	131	659	1,318	2.00	$1.286	No Set Amount
Marlboro	3	16	593	17,330,000	4,053	47	216	298	1.00	$0.718	$0.718
Millstone	4	57	3,245	64,900,000	14,476	40	200	400	6.00	$1.110	No Set Amount

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COUNTY AND MUNICIPAL NING INCENTIVE GRANT

APPLICAT UMMARY

County / Municipality	# of Project Areas	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	Project Area Acreage	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	Dedicated Tax $0.0_/$100	Annual Tax Revenue in Millions	Annual Tax for Farmland Preservation in Millions
Upper Freehold	1	156	4,531	67,965,000	27,368	550	1,000	1,500	6.00	$0.731	$0.477
Morris	3	74	4,391	110,561,000	169,342	437	2,185	4,391	0.88	$5.111	No Set Amount
Ocean	7	155	3,529	84,287,254	21,975	200	901	1,623	1.2	$11.659	No Set Amount
Passaic	1	10	191	597,705	6,415	100	500	1,000	1.0	$4.525	$0.750
Salem	3	429	30,924	247,390,000	80,424	2,600	13,000	26,000	2.00	$1.053	$1.053
Alloway	1	13	622	6,419,780	5,970	200	400	600	0.05	$0.014	No Set Amount
Mannington	1	48	1076	6,842,700	23,706	25	125	250	2.00	$0.038	$0.038
Pilesgrove	4	58	4,281	39,569,100	9,949	203	1,304	2,608	3.00	$0.143	$0.143
Pittsgrove	2	248	5,076	38,067,600	13,881	255	1,018	3,054	1.00	$0.060	No Set Amount
Upper Pittsgrove	1	210	9,348	7,011,000	24,167	700	3,500	7,000	1.90	$0.068	$0.068
Somerset	12	267	14,123	228,217,896	87,621	1,000	4,000	5,000	3.00	$17.000	No Set Amount
Bedminster	1	117	5,655	169,650,000	10,180	500	2,706	2,706	1.50	$0.365	No Set Amount
Franklin	2	43	1,462	23,184,200	18,932	146	731	1,462	5.00	$4.480	No Set Amount
Hillsborough	3	8	169	3,378,200	3,494	100	500	1,000	2.80	$1.529	No Set Amount
Montgomery	1	15	717	24,691,301	14,736	50	300	454	4.00	$1.548	No Set Amount
Peapack & Gladstone	2	11	315	9,455,400	1,932	20	85	160	3.00	$0.215	$0.212
Sussex	10	263	34,942	182,813,840	176,195	2,648	13,240	26,480	0.23	$0.395	$0.206
Frankford	4	88	4,208	26,297,500	10,140	63	350	700	0.05	$0.080	$0.080
Green	3	53	1,831	11,907,896	7,632	150	675	1,300	0.02	$0.063	No Set Amount
Warren	7	692	33,246	175,207,474	165,408	1,000	5,000	10,000	4.00	$4.300	$1.970
Blairstown	4	72	2,065	14,455,000	10,409	100	500	1,000	2.00	$0.144	Undetermined
Franklin	4	150	5,700	37,050,000	11,542	225	1,000	1,900	3.00	$0.124	Undetermined
Freylinghuysen	7	76	2,744	17,838,145	11,029	45	220	430	2.00	$0.058	$0.058
Greenwich	1	21	1,283	14,337,360	3,453	174	1,092	1,573	4.00	$0.239	$0.239
Harmony	3	87	4,096	24,577,740	12,409	220	1,000	1,800	5.00	$0.239	$0.239
Hope	4	63	3,189	17,540,765	6,321	65	300	600	2.00	$0.632	$0.632
Knowlton	2	33	2,581	12,905,000	13,355	100	500	1,000	2.00	$0.052	$0.218
Pohatcong	4	16	1,116	8,118,343	8,156	100	500	1,000	0.50	$0.174	$0.174
White	4	104	4,132	20,759,168	13,595	150	700	1,300	2.00	$0.112	$0.112
County Totals (18)	**138**	**5,156**	**236,859**	**2,351,757,410**	**1,286,677**	**14,516**	**67,037**	**135,939**		**$133.201**	
Municipal Totals (45)	**111**	**2,438**	**104,244**	**1,101,387,082**	**493,121**	**8,753**	**35,799**	**63,617**		**$22.640**	

Note: In some cases County and Municipal project areas overlap. Identified farms may appear on both County and Municipal target farm lists.

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Project ummary

Municipality	County	Project Area	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	Project Area Acreage	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	Dedicated Tax $0.0_/$100	Annual Tax Revenue in Millions	Annual Tax for Farmland Preservation in Millions
Franklin	Somerset	1	18	448.8	$7,117,010	10,095						
		2	25	1,013.20	$16,067,190	8,837						
Total		**2**	**43**	**1,462**	**$23,184,200**	**18,932**	**146**	**731**	**1,462**	**5.00**	**$4.480**	**No Set Amount**

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2020R10(2)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO WARREN COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Beatty, Carol (South) ("Owners")
SADC ID# 21-0615-PG
Greenwich Township, Warren County
N.J.A.C. 2:76-17 et seq.

OCTOBER 24, 2019

WHEREAS, on October 30, 2018 it was determined that the application for the sale of a development easement for the subject farm identified as Block 34, Lot, 11 Greenwich Township, Warren County, totaling approximately 51.9 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

WHEREAS, the targeted Property is located in the County's South Project Area and the Highlands Planning Area; and

WHEREAS, the Property includes one (1), approximately 1.5 acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 50.5 net acres to be preserved; and

WHEREAS, the Exception Area:

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

WHEREAS, the landowner will be required to obtain approval from the SADC to located the driveway to access the non-severable exception area if it is not determined prior to closing as per SADC Policy P-41 (Schedule D); and

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

1) zero (0) single family residential units
2) zero (0) Residual Dwelling Site Opportunity (RDSO)
3) zero (0) agricultural labor units
4) no pre-existing non-agricultural uses; and

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

WHEREAS, the Property has a quality score of 66.67 which exceeds 46, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on April 26, 2019 the SADC certified a development easement value of $9,500 per acre based on zoning and environmental regulations in place as of 1/1/04 and $1,700 per acre based on zoning and environmental regulations in place as of the current valuation date December 2018; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of $9,500 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on June 20, 2019, the Greenwich Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on June 20, 2019, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on June 26, 2019, the County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for $3,800 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 52.02 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 52.02 acres):

	Total	Per/acre
SADC	$296,514	($5,700/acre) based on certified value
Warren County	$197,676	($3,800/acre)
Total Easement Purchase	$494,190	($9,500/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting $296,514 in competitive grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED:

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

2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Property, comprising approximately 52.02 net easement acres, at a State cost share of $5,700 per acre, (60% of certified easement value and purchase price), for a total grant of approximately $296,514 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).

3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund).

4. If unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.

5. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.

6. The SADC'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 area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-C.

7. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18; and

8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

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

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

____10/24/2019________
Date

Susan E. Payne

Susan E. Payne, Executive Director
State Agriculture Development Committee

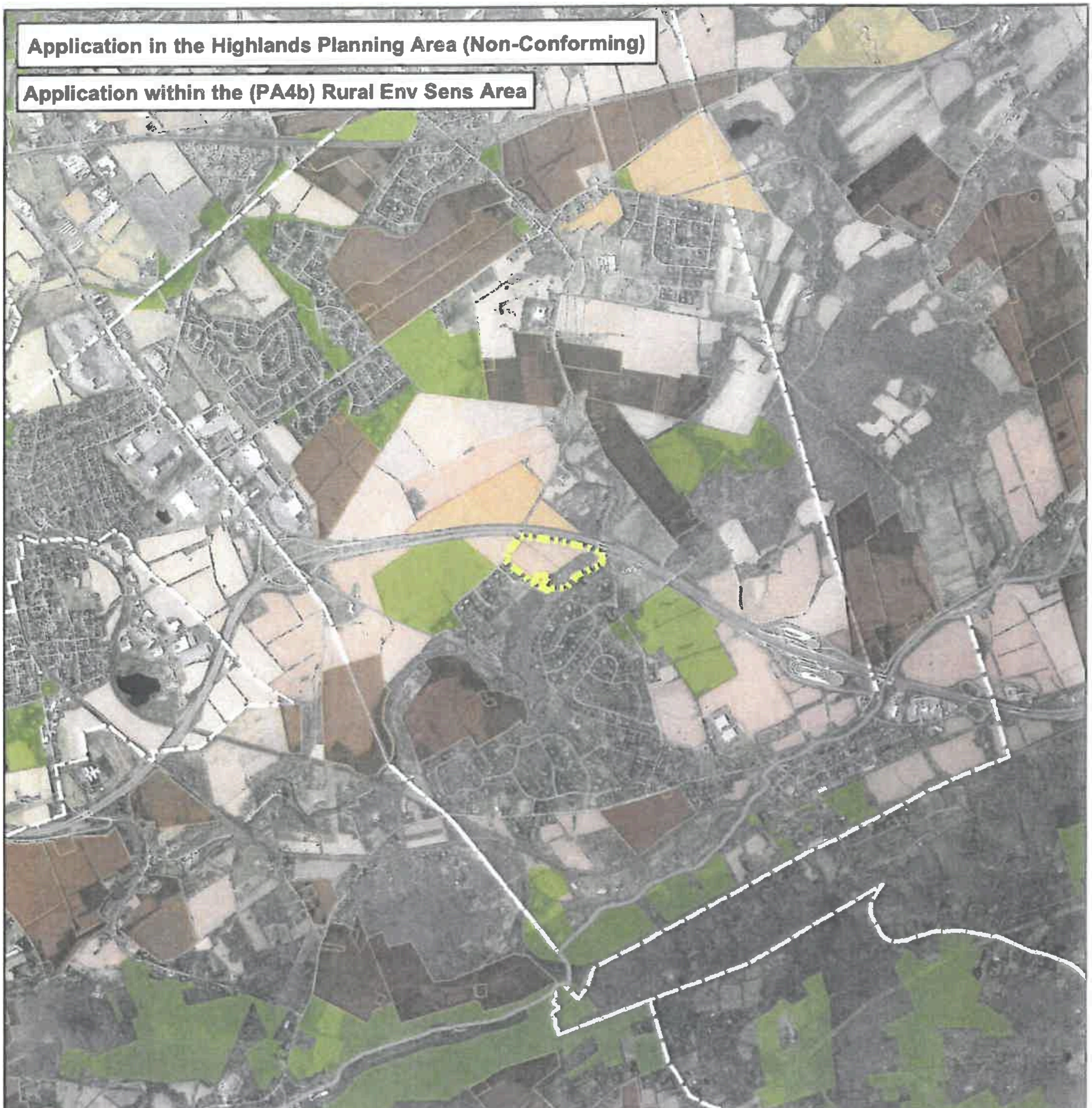
VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	ABSENT
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

https://sonj.sharepoint.com/sites/AG-SADC/Warren/CPIG/21-0615-PG/ACQ/Final Approvals/County PIG FInal Approval.docx

Schedule A

Preserved Farms and Active Applications Within Two Miles



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FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Beatty, Carol A. (South)
Block 34 Lots P/O 11 (50.5 ac)
& P/O 11-EN (non-severable exception - 1.5 ac)
Gross Total - 51.9 ac
Greenwich Twp., Warren County

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

N

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

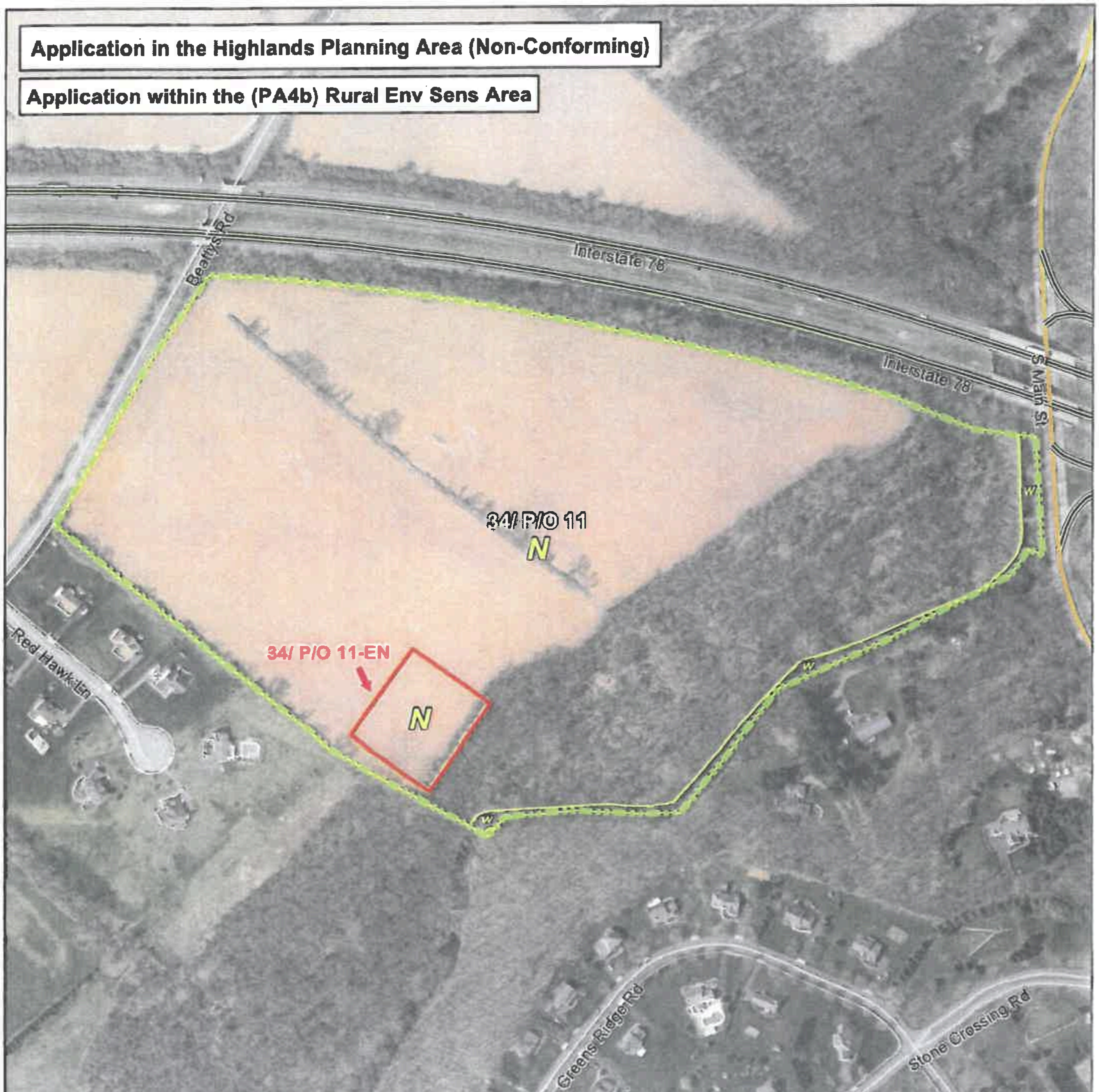
Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJOIT/OGIS 2015 Digital Aerial Image

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

October 23, 2018

Schedule A

Wetlands



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FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Beatty, Carol A. (South)
Block 34 Lots P/O 11 (50.5 ac)
& P/O 11-EN (non-severable exception - 1.5 ac)
Gross Total - 51.9 ac
Greenwich Twp., Warren County

250 125 0 250 500 Feet

N

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

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

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 geodectic 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

October 23, 2018

SADC County Financial Status
Schedule B

Warren County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC Cost Basis	SADC Cost Share	Federal Grant Total Federal Grant	Federal Grant SADC Federal Grant	Base Grant Encumbered	Base Grant PV	Base Grant Expended	Base Grant Balance	Competitive Funds Encumbered	Competitive Funds PV	Competitive Funds Expended	FY11 Balance	FY13 Balance	FY17 Balance	FY18 Balance
															Maximum Grant			Fund Balance		
											Fiscal Year 11		1,500,000.00		Fiscal Year 11	3,000,000.00		0.00		
											Fiscal Year 13		1,000,000.00		Fiscal Year 13	5,000,000.00		0.00		
											Fiscal Year 17		1,000,000.00		Fiscal Year 17	5,000,000.00		4,752,912.76		
															Fiscal Year 18	2,000,000.00		7,036,313.64		
													3,500,000.00							
21-0530-PG	JJ Smith North	80.0000	82.4000	4,600.00	3,160.00	379,040.00	260,384.00							260,384.00				3,437,581.30		
21-0556-PG	JJ Smith South	42.3800	43.6500	6,000.00	3,900.00	261,900.00	170,235.00							170,235.00				3,267,346.30		
21-0543-PG	Klimas	197.4750	197.1190	3,700.00	2,620.00	729,340.30	516,451.78							512,734.00	516,451.78	516,451.78		2,750,894.52		
21-0559-PG	Thompson	34.6210	34.6210	3,600.00	2,560.00	124,635.60	88,629.76							95,462.40	88,629.76	88,629.76		2,662,264.76		
21-0572-PG	RLL Enterprises	47.7350	47.7350	7,600.00	4,700.00	362,786.00	224,354.50							230,441.00	224,354.50	224,354.50	2,716,111.98	2,646,291.61		
21-0560-PG	Burke & Dinsmore (51.01)	78.735	78.7330	3,500.00	2,500.00	275,565.50	196,832.50							206,000.00	196,832.50	196,832.50		2,449,459.11		
21-0561-PG	Burke & Dinsmore (51.02)	18.106	18.1060	7,800.00	4,800.00	141,226.80	86,908.80							92,448.00	86,908.80	86,908.80		2,362,550.31		
21-0570-PG	Race	85.566	85.5660	5,700.00	3,750.00	487,726.20	320,872.50							333,742.50	320,872.50	320,872.50		2,041,677.81		
21-0574-PG	Unangst	84.0410	84.0410	3,625.00	2,575.00	304,648.63	216,405.58							229,149.25	216,405.58	216,405.58	2,709,245.56	1,832,138.65		
21-0568-PG	Barton #1	34.5188	33.9604	4,500.00	2,952.27	152,821.80	100,260.20							100,260.20	100,260.20	100,260.20		1,731,878.45		
21-0564-PG	Barton #2	69.8326	69.8326	4,800.00	3,266.02	335,198.48	228,074.80							228,074.80	228,074.80	228,074.80		1,503,803.65		
21-0565-PG	Barton #3	26.6195	26.6195	5,800.00	3,800.00	154,393.10	101,154.10							103,916.60	101,154.16	101,154.16		1,402,649.49		
21-0557-PG	O'Dowd East	91.7830	91.7830	6,300.00	4,050.00	578,232.90	371,721.15							401,213.25	371,721.15	371,721.15		1,030,928.34		
21-0554-PG	O'Dowd West	104.7370	104.7370	5,600.00	3,700.00	586,527.20	387,526.90							402,234.40	387,526.90	387,526.90		643,401.44		
21-0553-PG	Bartha	40.5150	40.5150	4,500.00	3,100.00	182,317.50	125,596.50							130,913.00	125,596.50	125,596.50		517,804.94		
21-0602-PG	Shandor, Riddle, West, Spade	104.7000	107.8000	3,100.00	2,260.00	334,180.00	243,628.00			243,628.00			756,372.00							
21-0609-PG	Haydu, S & J, and Potter, D	42.5000	43.7750	4,900.00	3,340.00	214,497.50	146,208.50			146,208.50			610,163.50							
21-0605-PG	LaBarre Family LMTD Partnership	97.6300	100.5600	3,200.00	2,320.00	321,792.00	233,299.20			233,299.20			376,864.30							
21-0604-PG	Hoffman-LaRoche Inc.	93.7300	96.5400	5,100.00	3,450.00	492,354.00	333,063.00			333,063.00			43,801.30							
21-0612-PG	Anema, Kristopher	19.6560	18.8700	4,000.00	2,800.00	75,460.00	52,836.00			43,801.30	43,801.30		-	13,598.70	9,034.70				4,990,965.30	
21-0613-PG	Route 57 Partnership	69.0000	71.1730	3,200.00	2,320.00	227,753.60	165,121.36							165,121.36					4,825,843.94	
21-0370-PG	CDEK LLC & Stampone, Edward	31.7000	32.6510	4,650.00	3,190.00	151,827.15	104,156.69							104,156.69					4,721,687.25	
21-0615-PG	Beatty, Carol A. (South)	50.5000	52.0200	9,500.00	5,700.00	494,190.00	296,514.00							296,514.00					4,425,173.25	
Closed	27	2,088.9669	2,083.0055			10,276,987.73	6,889,147.99	89,688.77	38,717.25											
Encumbered	10	631.7980	649.4390			2,953,014.25	2,005,445.75													
								Encumber/Expended FY09		-	-	-	-							
								Encumber/Expended FY11		-	-	1,500,000.00	-	-	-	290,754.44	2,709,245.56			
								Encumber/Expended FY13		-	-	1,000,000.00	-	430,619.00	-	4,051,576.06		517,804.94		
								Encumber/Expended FY17		956,198.70	43,801.30	-	-	547,590.80	9,034.70	-			4,443,374.50	
								Encumber/Expended FY18						18,201.25	-	-			1,981,798.75	1,981,798.75
								Total					0.00				2,709,245.56	517,804.94	4,443,374.50	1,981,798.75

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Beatty, Carol A. (South)
21- 0615-PG
County PIG Program
57 Acres

Block 34 Lot 11 Greenwich Twp. Warren County

SOILS:	Other	31% *	0	=	.00	
	Prime	69% *	.15	=	10.35	
					SOIL SCORE:	**10.35**
TILLABLE SOILS:	Cropland Harvested	66% *	.15	=	9.90	
	Other	2% *	0	=	.00	
	Woodlands	32% *	0	=	.00	
					TILLABLE SOILS SCORE:	**9.90**

FARM USE:

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
   a. Pre-existing Nonagricultural Use:
   b. Exceptions:
      1st (1.5) acres for Future dwelling
      Exception is not to be severed from Premises
      Exception is to be limited to one existing single family residential unit(s)
   c. Additional Restrictions: No Additional Restrictions
   d. Additional Conditions: No Additional Conditions
   e. Dwelling Units on Premises: No Dwelling Units
   f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as ammended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

Schedule D

Policy P-41
Effective: July 25, 2002

STATE AGRICULTURE DEVELOPMENT COMMITTEE

POLICY

Access to Exception Areas

I. **Purpose**

To establish a policy on access to exception areas, as defined in N.J.A.C. 2:76-6.2. Access means lanes or driveways that provide vehicular ingress and egress to and from the exception area.

II. **Authority**

N.J.A.C. 2:76-6.2
N.J.A.C. 2:76-10.6

III. **Policy**

A. Severable Exception Areas

For exception areas that may be severed and subdivided from the preserved property, access to the area must be included within the exception area. The access, however, shall not interfere with the agricultural operation. Furthermore, approvals of exception areas shall be conditioned upon the landowner acknowledging a right of individuals to cross the access for agricultural purposes. This condition will be included in the Deed of Easement provision relating to the exception area.

B. Non-severable Exception Areas

1. For exception areas that may not be severed or subdivided from the preserved property, access to the exception area must be included within the exception area if the access is used for exclusively non-agricultural purposes (i.e., if the access is used only to provide ingress and egress to and from non-agricultural uses on the exception area). For the purposes of this policy, residential buildings on non-severable exception areas are deemed to be associated with the agricultural operation on the preserved farm and hence are not considered non-agricultural uses.

   For exception areas that may not be severed or subdivided from the preserved property, access to the exception area does not need to be included within the exception area if the lane or driveway provides access to any portion of the farm used for agricultural production or to an agricultural use on the exception area, including, but not limited to, farm markets.

2. Landowners who would like to construct a lane or driveway to access a non-severable exception area must obtain the approval of the SADC and the appropriate CADB. In deciding whether to grant approval, the SADC and CADBs shall consider how much agricultural land will be displaced by the driveway, whether the driveway interferes with, or acts as a barrier to, the agricultural operation.

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2020R10(3)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO UPPER DEERFIELD TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Ackley, David & Nancy (Lot 4.01) ("Owners")
SADC ID#06-0192-PG
Upper Deerfield Township, Cumberland County
N.J.A.C. 2:76-17A. et seq.

October 24, 2019

WHEREAS, on May 30, 2017, it was determined that the application for the sale of a development easement for the subject farm identified as Block 404, Lots 4.01, 4.04, & 5, Upper Deerfield Township, Cumberland County, totaling approximately47.155 surveyed acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the Township has met the Township Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

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

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

WHEREAS, the Property includes one (1) approximately 7-acre severable exception area for a future single family residential unit resulting in approximately 40.155 net acres to be preserved; and

WHEREAS, the Exception Area:
1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
2) May be severed or subdivided from the Premises
3) Shall be restricted to one single family residential unit
4) Right-to-Farm language and residential limitation will be included in the subdivision deed; and

WHEREAS, the portion of the Property outside the exception area includes
1) zero (0) housing opportunities
2) zero (0) agricultural labor units
3) no pre-existing non-agricultural uses; and

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

WHEREAS, a survey has resolved the boundary line discrepancy between the Property and Lot 5.2, which was a condition of SADC Green Light Approval and certification of value(Schedule A1); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 28, 2017, the SADC certified a development easement value of $5,400 per acre based on zoning and environmental regulations in place as of the current valuation date January 1, 2017; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township's offer of $5,400 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on February 15, 2018, the Upper Deerfield Township Committee approved the application for the sale of development easement but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on February 13, 2018, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on March 18, 2018, the County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for $1,800 per acre to cover the local cost share; and

WHEREAS, the estimated cost share breakdown is as follows (based on approximately 40.155 acres):

	Total	Per/acre
SADC	$144,558	($3,600/acre)
Cumberland County	$72,279	($1,800/acre)
Total Easement Purchase	$216,837	($5,400/acre)

WHEREAS, the Township is requesting $3,600 per acre or approximately $144,558 and sufficient funds are available (Schedule B); and

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

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

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

NOW THEREFORE BE IT RESOLVED:

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

2. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Property, comprising approximately 40.155 survey easement acres, at a State cost share of $3,600 per acre, (66.67% of certified easement value and purchase price), for a total grant of approximately $144,558 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).

3. Should additional funds be needed and grant funding be available, the grant may be adjusted to utilize unencumbered grant funds.

4. The prior condition to resolve the boundary discrepancy has been addressed and is no longer a condition.

5. The SADC will be providing its grant directly to Cumberland County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).

6. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-C.

7. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

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

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

Susan E. Payne

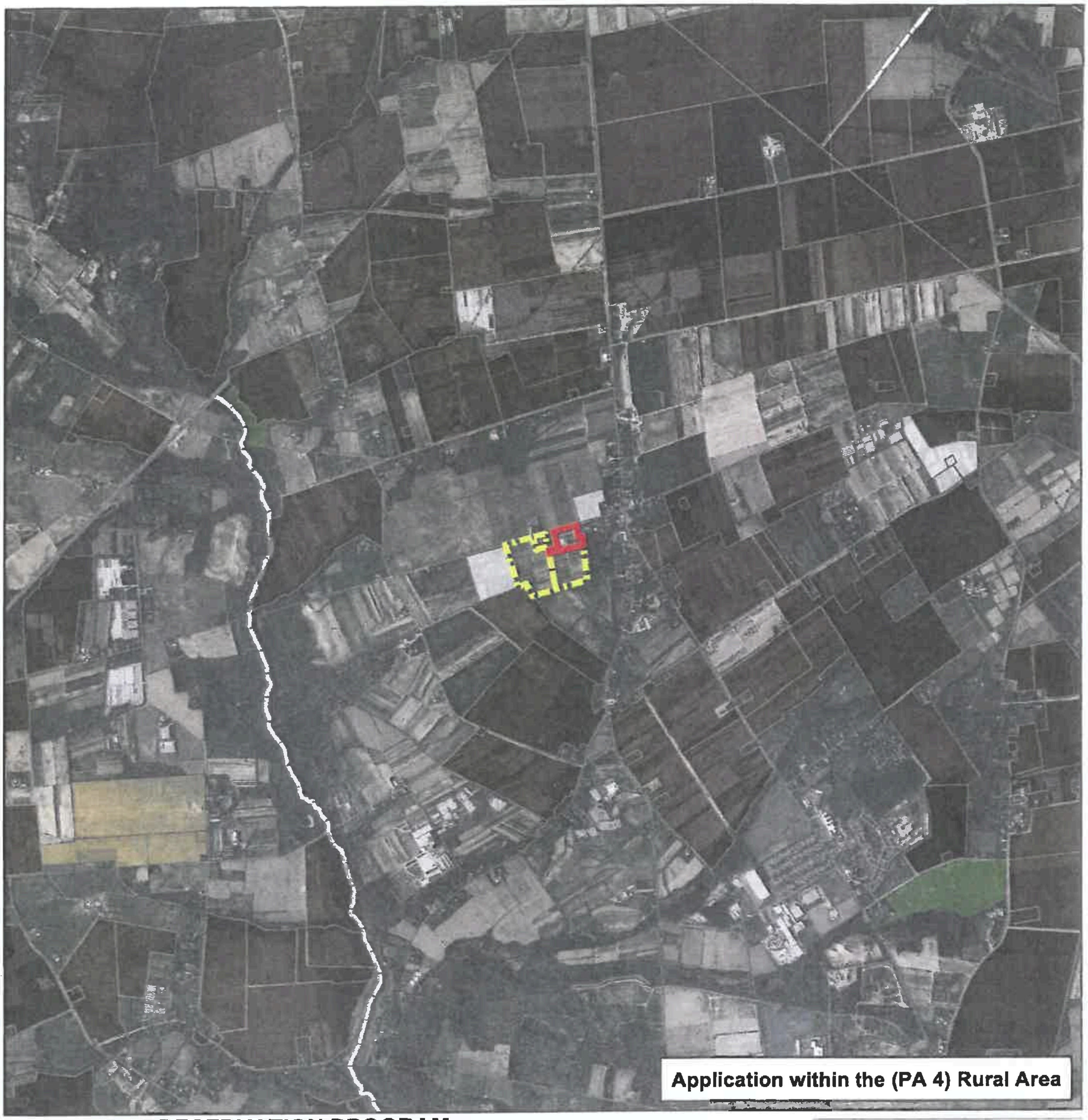
___10/24/2019________
Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	ABSENT
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

Preserved Farms and Active Applications Within Two Miles



X:\counties\cumco\projects\Ackley_David_and_Nancy_(Ackley #2)_2mile.mxd

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Ackley, David and Nancy (Ackley #2)
Block 404 Lots 4.01 (2.0 ac); 4.04 (23.9 ac); P/O 5 (15.5 ac);
& P/O 5-ES (severable exception - 7.0 ac)
Gross Total = 48.4 ac
Upper Deerfield Twp., Cumberland County

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

N

- Property in Question
- EN - (Non-Severable) Exception
- ES - (Severable) Exception
- Preserved Easements
- Active Applications
- Preserved With Federal Funds
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements

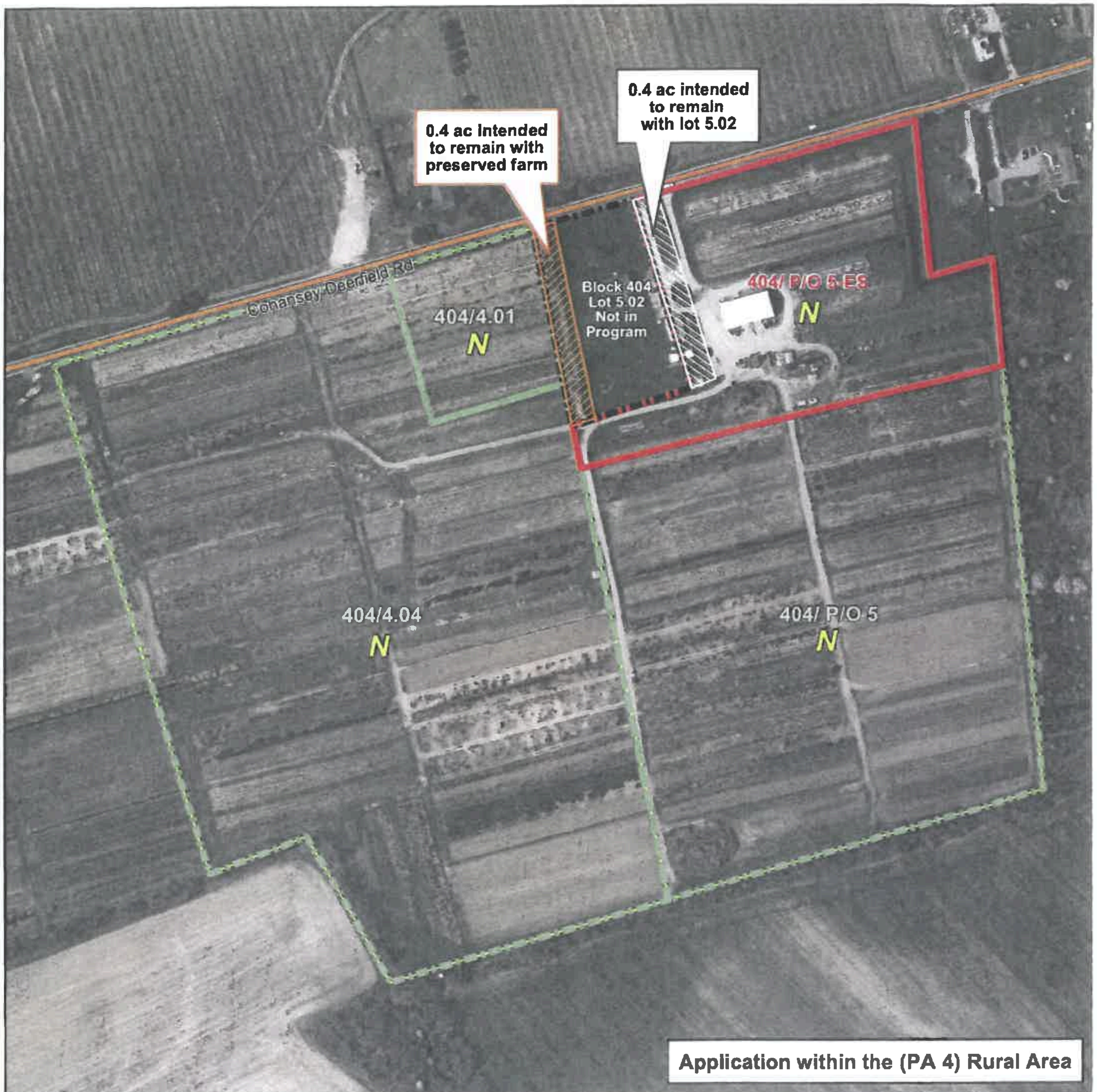
Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOIT/OGIS 2015 Digital Aerial Image

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

April 26, 2017

Schedule A

Wetlands



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FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Ackley, David and Nancy (Ackley #2)
Block 404 Lots 4.01 (2.0 ac); 4.04 (23.9 ac); P/O 5 (15.5 ac);
& P/O 5-ES (severable exception - 7.0 ac)
Gross Total = 48.4 ac
Upper Deerfield Twp., Cumberland County

250 125 0 250 500 Feet

N

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

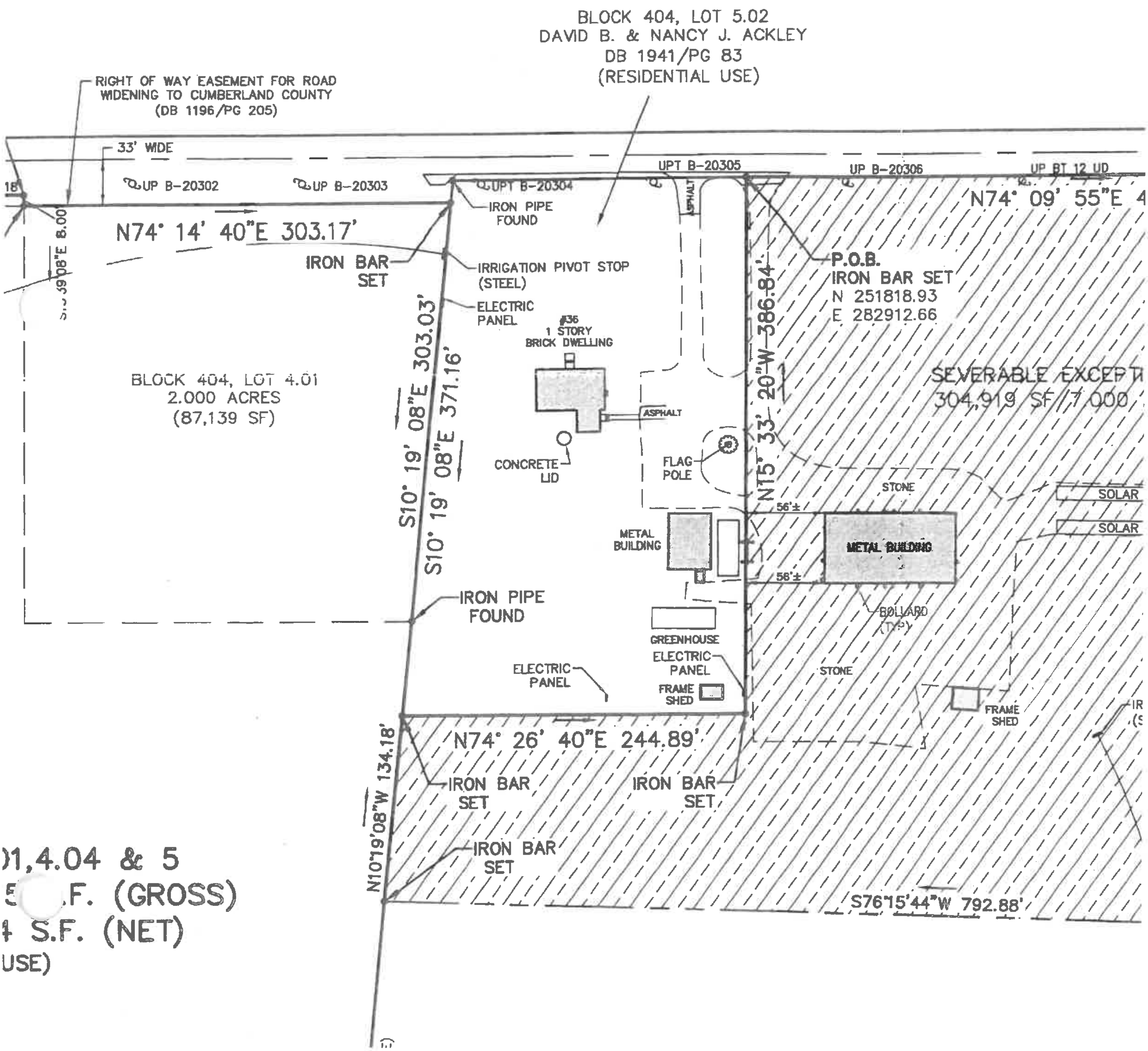
Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJDEP Wetlands Data

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 geodectic 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 26, 2017

Schedule A1


BLOCK 404, LOT 5.02
DAVID B. & NANCY J. ACKLEY
DB 1941/PG 83
(RESIDENTIAL USE)
RIGHT OF WAY EASEMENT FOR ROAD WIDENING TO CUMBERLAND COUNTY (DB 1196/PG 205)
33' WIDE
UP B-20302
UP B-20303
UPT B-20304
UPT B-20305
UP B-20306
UP BT 12 UD
N74° 09' 55"E
N74° 14' 40"E 303.17'
IRON PIPE FOUND
IRRIGATION PIVOT STOP (STEEL)
IRON BAR SET
ELECTRIC PANEL
#36 1 STORY BRICK DWELLING
P.O.B. IRON BAR SET
N 251818.93
E 282912.66
N15° 33' 20"W 386.84'
SEVERABLE EXCEPT
304,919 SF / 7.000
BLOCK 404, LOT 4.01
2.000 ACRES
(87,139 SF)
S10° 19' 08"E 303.03'
S10° 19' 08"E 371.16'
ASPHALT
CONCRETE LID
FLAG POLE
STONE
SOLAR
56'±
METAL BUILDING
BOLLARD (TYP)
GREENHOUSE
FRAME SHED
N74° 26' 40"E 244.89'
N10°19'08"W 134.18'
S76°15'44"W 792.88'
)1,4.04 & 5
.F. (GROSS)
S.F. (NET)
USE)

SADC Municipal Financial Status
Schedule B

Upper Deerfield, Cumberland County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC Cost Basis	SADC Cost Share	Federal Grant Total Federal Grant	Federal Grant SADC Federal Grant	Grant Encumbered	Grant PV	Grant Expended	Grant Balance
										Fiscal Year 09			-
										Fiscal Year 11			750,000.00
										Fiscal Year 13			500,000.00
										Fiscal Year 17			500,000.00
										Fiscal Year 19			500,000.00
													2,250,000.00
06-0122-PG	Garton #2, Jeffrey & Deborah	33.7660	33.7660	7,500.00	4,650.00	253,245.00	157,011.90			157,011.90	157,011.90	157,011.90	2,092,988.10
06-0123-PG	Grace Fox	23.0870	23.0870	7,200.00	4,500.00	166,226.40	103,891.50		60,026.20	43,865.30	43,865.30	43,865.30	2,049,122.80
06-0125-PG	Clarks Branch (Rio)	54.5810	54.1740	6,000.00	3,900.00	325,044.00	211,278.60			211,278.60	211,278.60	211,278.60	1,837,844.20
06-0121-PG	Fox, Frank A.	59.0270	59.0270	5,100.00	3,450.00	301,037.70	203,643.15			203,643.15	203,643.15	203,643.15	1,634,201.05
06-0124-PG	Overstreet & Chiari	81.5040	81.5040	7,900.00	4,850.00	643,881.60	395,294.40	183,132.56		395,294.40	395,294.40	395,294.40	1,238,906.65
06-0148-PG	Casper (3), (Casper Nurseries, LLC)	14.7110	14.6150	5,000.00	3,400.00	73,075.00	49,691.00			51,000.00	49,691.00	49,691.00	1,189,215.65
06-0170-PG	Ackley, David B. & Nancy J. (Lot 4.03)	24.0440	22.6960	5,500.00	3,650.00	124,828.00	82,840.40			87,600.00	82,840.40	82,840.40	1,106,375.25
06-0192-PG	Ackley, David B. & Nancy J. (Lot 4.01)	40.1550	40.1550	5,400.00	3,600.00	216,837.00	144,558.00			144,558.00			
Closed	7	290.7200	288.8690			1,887,337.70	1,203,650.95	183,132.56	60,026.20				
Encumbered	1	40.1550	40.1550			216,837.00	144,558.00	-	-				
								Encumber/Expended FY09		-	-	-	-
								Encumber/Expended FY11		-	-	750,000.00	-
								Encumber/Expended FY13		106,375.25	-	287,249.50	106,375.25
								Encumber/Expended FY17		38,182.75	-	-	461,817.25
								Encumber/Expended FY19		-	-	-	500,000.00
								Total					1,068,192.50

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Ackley, David B. & Nancy J. (Lot 4.01)
06- 0204-PG
PIG EP - Municipal 2007 Rule
41 Acres

Block 404	Lot 4.01	Upper Deerfield Twp.	Cumberland County
Block 404	Lot 4.04	Upper Deerfield Twp.	Cumberland County
Block 404	Lot 5	Upper Deerfield Twp.	Cumberland County

SOILS:	Other	44% *	0	=	.00	
	Prime	19% *	.15	=	2.85	
	Statewide	37% *	.1	=	3.70	
				SOIL SCORE:		**6.55**
TILLABLE SOILS:	Cropland Harvested	99% *	.15	=	14.85	
	Other	1% *	0	=	.00	
				TILLABLE SOILS SCORE:		**14.85**

FARM USE:	Cash Grains	17 acres	Sudan grass
	Cash Grains	14 acres	Rye - cover crop
	Ornamental Shrub & Tree Services	45 acres	

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2020R10(4)

SOIL AND WATER CONSERVATION COST SHARE GRANT

NEW REQUEST

HUNTERDON COUNTY

HIGHLAND FARMS, LLC., AGENT FOR CYNTHIA HOAGLAND NANCE

OCTOBER 24, 2019

WHEREAS, Highland Farms, LLC., hereinafter "Applicant" is the Agent for Cynthia Hoagland Nance (ID# 10-0024-PG), the current record owner of Block 20, Lots 17.07 and 18 East Amwell Township, Hunterdon County, hereinafter referred to as the "Premises", by deed dated June 27, 2007, and recorded in the Hunterdon County Clerk's Office in Deed Book 2188, Page 301; and

WHEREAS, the Premises totals approximately 109.58 acres, as shown in Schedule "A"; and

WHEREAS, the development easement on the Premises was conveyed to Hunterdon County on May 7th, 2003 by the previous owners, Richard and Doris Halstead, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, c. 32, as recorded in Deed Book 2063, Page 839; and

WHEREAS, the Applicant is eligible to apply for a soil and water conservation cost-share grant for the installation of soil and water conservation projects approved by the Department of Agriculture, State Soil Conservation Committee (SSCC) pursuant to N.J.A.C. 2:90-3; and

WHEREAS, the total eligible amount of cost-share funds is determined pursuant to N.J.A.C. 2:76-5.4 and remains in effect for a period of eight years from the date the development easement was conveyed to the Hunterdon County, and for subsequent eight-year periods subject to the then-current cost-share formula; and

WHEREAS, the Applicant is eligible for a cost share grant of up to $40,958.00 expiring May 7, 2027; and

WHEREAS, the Applicant has applied for a soil and water cost-share grant for the installation of approved soil and water conservation projects ("Application"); and

WHEREAS, the Application has been prioritized for soil and water cost-share funding pursuant to SADC Policy P-48; and

WHEREAS, N.J.S.A. 4:1C-13 defines soil and water conservation projects as any project designed for the control and prevention of soil erosion and sediment damages, the control of pollution on agricultural lands, the impoundment, storage and management of water for agricultural purposes, or the improved management of land and soils to achieve maximum agricultural productivity; and

WHEREAS, the SSCC has approved soil and water conservation projects that are part of a farm conservation plan approved by the local soil conservation district for the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-5.7, the SADC shall review and approve, conditionally approve or disapprove applications for funds authorized and appropriated to the SADC from the General Fund, 1992 Bond Fund, 1995 Bond Fund, Corporate Business Tax Funds, or other available funds, and may provide grants to eligible applicants for up to 75 percent of the cost of the soil and water conservation projects; and

WHEREAS, consistent with N.J.A.C. 2:76-5.7, SADC Policy P-48 limits funding provided for soil and water conservation projects approved pursuant to the Soil and Water Conservation Cost-Sharing Program to no greater than 50% of the cost of installing these projects to respond to limited funding availability and substantial program demand; and

WHEREAS, the SADC has reviewed the cost-share funding amounts of the above Application; and

NOW THEREFORE BE IT RESOLVED:

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

2. Soil and water cost-share funds are approved from funds appropriated to the SADC from the General Fund, 1992 Bond Fund, 1995 Bond Fund, Corporate Business Tax Funds, or other available funds for providing grants to eligible applicants for up to 50 percent of the cost of soil and water conservation projects for eight-year periods identified as:

APPLICANT	**S&W ID#**	**COST SHARE**	**PROJECT TYPE**
Highland Farms, LLC., Agent for Cynthia Hoagland Nance	10-0024-PG-01	$1,896.30	2:90-2.16 Sediment Retention Erosion or Water Control Structure 2:90-2.18 Underground Drainage System

PROJECT DESCRIPTION:
Install 600 feet of enveloped corrugated plastic pipe, single wall, less than or equal to 6 inches. And a culvert, greater than 30 inches, HDPE.

3. Payment shall be contingent upon the completion of the project as verified by the SSCC and availability of funds.

4. Construction of the project is subject to all applicable local, State, and Federal regulations.

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

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

_10/24/19__
Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	ABSENT
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

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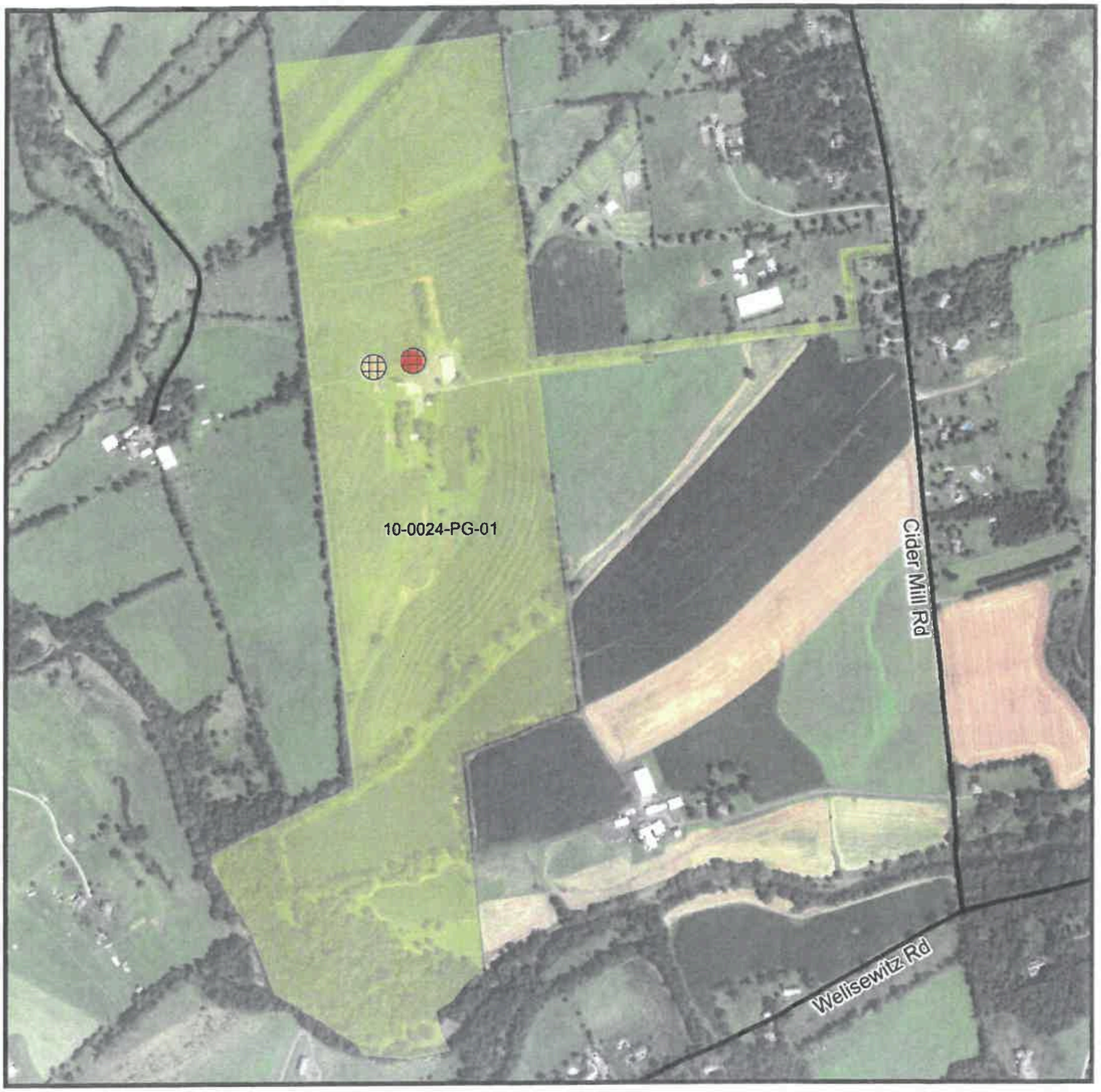
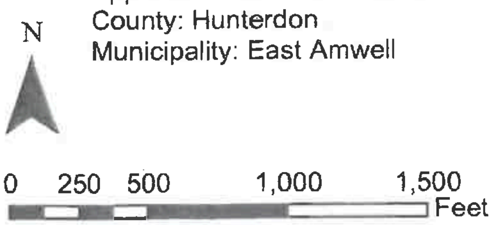
Schedule A - Soil and Water Cost Share Grant



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Applicant: Highland Farms
Owner: Cynthia Hoagland Nance
Application Number: 10-0024-PG-01
County: Hunterdon
Municipality: East Amwell



10/8/2019

Legend

Practices

Practice Code

- 2:90-2.18
- 2:90-2.16
- SW_Premises

Image: NJDEP 2017 Natural Color