

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

December 8, 2011

Chairman Fisher called the meeting to order at 9:10 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

Members Present

Douglas H. Fisher, Chairperson
Fawn McGee (rep. DEP Commissioner Martin)
James Requa (rep. DCA Commissioner Grifa)
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff) (Left at 3: 25 p.m.)
Brian Schilling (rep. Executive Dean Goodman)
Jane R. Brodhecker
Alan A. Danser
James Waltman
Denis C. Germano
Torrey Reade

Members Absent

None

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, Daniel Pace, Mercer County Agriculture Development Board, Nicole Crifo, Governor's Authorities Unit, Steve Alexander, Upper Freehold Township Committee, Monmouth County, Kim Lima, Heather Ochlmann, Larry Chiaravello, and Vanessa DePompo, Chris Byrnes, Cathy Ricci, Residents, Upper Freehold Township, Monmouth County, George Spodak,

Resident, Manalapan Township, Laurie Mount, Mayor, Upper Freehold Township, Monmouth County, Bill Millette, Hunterdon County Agriculture Development Board (CADB), Barbara Ernst, Cape May CADB, Harriet Honigfeld and Amanda Brockwell, Monmouth CADB, Laurie Sobel, Middlesex CADB, Jennifer Gonzalez, Passaic CADB, Alix Bacon, New Jersey Conservation Foundation, Nancy Grebelja, Mayor, Millstone Township, Monmouth County, Nicki Goger, New Jersey Farm Bureau, Michelle Casella, NJAES, Kevin Dugan, Landowner, Bergen County.

Minutes

A. SADC Regular Meeting of November 3, 2011 (Open and Closed Session)

It was moved by Ms. Reade and seconded by Mr. Danser to approve the open session minutes and the closed session minutes of the SADC regular meeting of November 3, 2011. The motion was unanimously approved.

CLOSED SESSION # 1

At 9:12 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 hour to be private to discuss these matters. The minutes will be available one year from the date of this meeting.”

RESUMPTION OF OPEN SESSION (11:05 a.m.)

REPORT OF THE CHAIRPERSON

Chairman Fisher reported on the following:

- Bills in the Legislature

Chairman Fisher mentioned Senator Beck's bill dealing with farming and farmland assessment, which is not directly related to the Committee but affects many farming communities in general.

- State Strategic Plan

Chairman Fisher stated that everyone should take the opportunity to look over the strategic plan that will be coming out soon. It is a great plan and there will be a

period for public comment.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne discussed the following with the Committee:

- Retirement of Members of SADC Staff

Ms. Payne indicated that there are two SADC staff who will be retiring at the end of the year, MaryAnn Habich, Administrative Assistant II in the SADC's Fiscal Section and Catherine Sinibaldi, who is one of the secretarial staff. Mrs. Sinibaldi will be retiring with 13 years of service and Ms. Habich is retiring with 42 years of service. She expressed her thanks on behalf of the SADC to Ms. Habich and Mrs. Sinibaldi for their years of dedicated service.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. She referred the Committee to correspondence received regarding a recent closing in East Amwell Township, Hunterdon County. The letter congratulates the SADC acquisition staff, Ms. Winzinger, Mr. Knox and Mr. Denlinger, for their hard work in getting the Holcomb farm closed.

PUBLIC COMMENT

The following members of the general public addressed the Committee regarding the issue of medical marijuana:

Nancy Grbelja, Mayor, Township of Millstone, Monmouth County – Ms. Grbelja addressed the Committee against designating medical marijuana as a crop, which would then fit under the Right to Farm Act. In addition, she opposed allowing it to be grown on preserved farms in their communities, recognizing that it is also illegal under federal law and also recognizing that it would be impossible to provide the proper security to monitor the product. She asked the Committee to not support anything that would recognize marijuana as a crop and not to recognize it under the Right to Farm Act.

Mr. Siegel suggested to Chairman Fisher that perhaps either he or Ms. Payne could explain what is happening today with the Committee on this issue and where the Committee is regarding that. Chairman Fisher stated that The Committee is taking public comment from people who want to address the issue of growing medical marijuana and the placement of facilities within the State. They have a right to come in and speak on the issue. Mr. Siegel stated that the

Mayor Grbelja seems to be of the opinion that the Committee is making some kind of decision today. He asked that possible the Chair could address that before the rest of the public make their comments. Chairman Fisher stated that the Committee will be listening to the public comments today and it is its expectation that sometime in the very near future the SADC will be putting out a document explaining the State's position and the SADC's position concerning this issue and questions thereof that are being asked.

George Spodak, Resident and former Mayor, Manalapan Township, Monmouth County addressed the Committee regarding a possible conflict of interest regarding the Diamond Developers/Burk Farm. He asked why this farm is listed on the agenda for final approval. In the newspaper the SADC's spokesperson was quoted as saying the county needed to ask for an ethics opinion. Why can't the SADC do it? If the county has to ask for an opinion when is the SADC going to tell the county what to do? What information will the county use to ask for the opinion? He stated that Freeholder Lillian Burry has already tried to whitewash this. The ethics opinion is only as good as the questions asked. He doesn't view this as a democrat/republican issue, it's a nonpolitical issue. He asked if the SADC would turn over its documents to the ethics investigation. At the Manalapan Township meeting, Committeeman Moscowitz revealed that the SADC was sent documents from Committeewoman Roth, what is it doing with them? Mr. Lucas bought this farm and flipped it in nine days. He kept it in Diamond Developers Corporation so he could qualify to apply because the corporation had owned the farm for 4 years. He believes this is a scam for him to flip it and get the money from the SADC. There was absolutely no transparency in this issue and he was asked many times and was asked in the newspapers many times. He will not reveal what he is doing. How many other applications in NJ by land in this way, flip it and make a windfall profit in a short period of time, he is unaware of it, he doesn't know. Manalapan's open space tax, money used for farmland and open space, this is key to what is going on. Mayor Lucas was at the meetings as a Mayor that shared them when other open space purchases were being discussed. Did you receive the copies of the executive session minutes of those minutes? They are key to this issue. He checked with the clerk at Town Hall and she said they were never sent. He would advise the Committee that it look at those executive session minutes because they will tell a story. He also knows about this because he goes to the meetings. He thinks it wrong for someone in a political office to benefit financially from being in office. Freeholder Burry, who is Mayor Lucas' friend, was at a meeting of the agricultural board and what disgusted him more than anything was to see an elected freeholder pushing that application to get approved. That is totally wrong. She appoints these people. You don't sit on a board, appoint people to a board then tell them how to vote. This is exactly what happened. He doesn't believe this is in the best interest of his town and it is not good government. Government

should represent the people and this does not. The taxpayers of the state, county and township are going to pay for this. Chairman Fisher stated that the Committee was in closed session regarding this agenda item and will have a resolution in open session.

Harriet Honigfeld addressed the Committee with an update on the Daum farm. The Monmouth CADB recommended the application for the Daum farm renewable energy. The only issue that it wanted to bring to light was that the application was inconsistent with its use of units of kilowatts, which has been clarified.

Chairman Fisher indicated that before the public continues their comments regarding the medical marijuana issue on the agenda today, he would present that item at this time.

NEW BUSINESS

A. NJ compassionate Use of Medical Marijuana Act (NJSA24:61-1 et seq) – Applicability to Matters of SADC Jurisdiction

PUBLIC COMMENTS CONTINUED:

Steve Alexander, Committeeman, Upper Freehold Township, Monmouth County addressed the Committee. He stated that they have over 8,600 acres of preserved land in farmland preservation. They are the number one municipality in the State for preserved land. It is a distinction that Upper Freehold holds dearly and is not just a place to live but a way of life. When you look at Upper Freehold and the Committee's discussion in executive session and any decision it may make or position it may take as a board has an incredible impact on Upper Freehold Township. One fear is that the great relationships that the SADC has had with farming municipalities over the years have to consider whether or not municipal tax money will be used to preserve areas of land that may grow marijuana that currently is still inconsistent with federal law. That is something he would be very reluctant to support and he has never wavered on support for farmland preservation.. He stated that by no means is he a farmer, he is an attorney, much like the people from Breakwater, who want to bring marijuana into his town, most are attorneys. When you look a farming versus nonfarming and right to farm, not one of his farmers that he has spoken to need a license to grow their crops, not one need forced lighting to grow crops, not one needs to pour concrete before they seed, not one needs electricity to have their crops grown, light the forced lighting for these so-called greenhouses, not one has a ten-foot high fence, motion detectors, shyer locks, armed security guards, sea wire, video surveillance. There is no way this product can be called a crop or considered a farming activity. What

Breakwater described on November 22nd, sounded like at best, a compound and at worse a prison. It didn't sound like the farms that our residents know in Upper Freehold Township. Whether you are considering it a crop for right to farm, there are very few cases in this state, in fact there are none on this particular issue, but there is one he found in this country, in the county of Tulare vs. Jeffery Nunes in California. He was surprised at the result the Judge Paul Vortman came up with. He said it is not a crop and it has never been a crop in the State of California, nor has the USDA considered it a crop. For us to have these conversations as to whether or not this is a crop, call it what it is, it's a manufacturing process that can be put in big boxes on Exit 8A, where there are tons of police, tons of property, not the small community that has very little resources. As to the Right to Farm Act, it's referenced in there the standard industrial classifications. On Section 4:1C9(a) and nowhere in this SIC is it identified as a crop and it is unlikely because it is a federally controlled classification so until the federal government decides it's a crop, it is unlikely that the SIC that the Right to Farm Act references, it is unlikely that it is a farming activity.

Mr. Alexander stated they have no lights on their parks, they don't have curbs and barely do they have sidewalks in their residential developments. It is purely a farming community and they have kept it that way over the years. If you have to take a stand and you are the sole public agency to hold the line as to what is a real crop in NJ, he asks that when the SADC submits its position paper and called to vote, that it votes to say that marijuana is not a crop nor is it a farming activity.

Heather Ochlmann, resident of Upper Freehold Township, Monmouth County addressed the Committee regarding whether medical marijuana should be considered a drug or a crop. You can take direction from NJ's Compassionate Use Medical Marijuana Act directly. Given the fact that the Act specifically utilizes NJ's Controlled Dangerous Substantive Act for the definition for marijuana, a very strong argument can be made and should be made that marijuana should be categorized as a drug not a crop and it has no business being grown in agricultural areas. The case in California is just one of many that will come. Given our state's position to utilize the definition of marijuana we must conclude that we are dealing with a drug not a crop.

Kim Lima from Upper Freehold Township, Monmouth County addressed the Committee stating that both farmers and residents of Upper Freehold believe in maintain the rural way of life and supporting its country-folk, so much so that we need to put our money where our mouths are. \$18 million of our debt goes toward preservation and when we get another piece of farm in, almost half of our town will be preserved farmland. We are the gold-star in terms of preserved farmland. A decision to classify marijuana as a crop would be a slap in the face to all this hard work we accomplished. We as citizens voted to preserve land that

would grow food, raise horses, grow flowers and raise families in a rural setting filled with picket fences, tractors, farms and road-side markets. We did not make sacrifices so that we could live among cement walls, barbed wire fences and people who need a \$200 ID card to purchase goods from there and the unmarked vans that will transport these goods, along with the possible increase in crime due to the black market value of these goods. We never imagined we would yield even less of a tax ratable for a nonprofit company that stands to make \$180 million annually. Accordingly to the newest report by the US Department of Energy, indoor growing marijuana facilities are the worst environmental polluters. Some of them have been known to leave a carbon footprint on par with industrial, medical and technical operations. Artificial lighting is as intense as an operating room and six times the air change rate of a biotech laboratory. She asked that the Committee not throw away all the hard work and sacrifice that has occurred in Upper Freehold Township to maintain the farmland preservation program by allowing this type of growing facility to operate on preserved farmland, when it is anything but what the farmers intended.

Larry Chiaravello, Upper Freehold Township, Monmouth County stated that he has nothing against medical marijuana but it does not belong on a farm but rather in an industrial setting. He read various components from the Breakwater application to the Committee. He stated that he looked up the definition of agriculture from various places. He stated that agriculture always evolves from cultivating soil. What Breakwater is doing is hydroponics. He believes they will be doing multiple crops throughout the year, which means they will be changing lighting situations, totally manipulating the environment. That can be done at any industrial setting but instead they have chosen a place within walking distance of a school bus stop where the children can see the changing of the guards and in a vicinity of residential areas. He stated that they had trouble putting up lights for a little league baseball field and now you want to put up lights for a pot farm. It needs to be done in the right location not a farm.

Kathy Ricci from Upper Freehold Township, Monmouth County stated she is a second generation horse farmer and served as the co-Chair of the Open Space Preservation Committee. She stated that when they were going for their open space tax it was not easy and they made the case for it. The people in their area value farming and the rural way of life. Also the competition for those funds was fierce. To have this kind of practice on farmland in Upper Freehold Township that is not consistent with federal law will jeopardize their ability to secure future funding and have a negative impact. She does not support growing medical marijuana in their Township; it will increase their costs to unknown amounts.

Kris Byrnes, Esquire from Upper Freehold Township, Monmouth County stated that with all the issues that we have to decide there are so many future

ramifications with this. Look at other states and jurisdictions where this has come up. California authorized the use of medical marijuana in 1996. It was the first state to do so and has the most experience dealing with the issues generated by this product. The California Dept of Food and Agriculture does not recognize cannabis as an agricultural commodity. No agricultural commissioner in this state lists this in their annual crop report. Steve Wiles, the spokesman for the State Agricultural Agency has said "we do not regulate or track marijuana at all because we regard that as a law enforcement issue." As Mr. Alexander just mentioned the court case in California in 8/11/11, in which the judge ruled that medical marijuana is a controlled substance and not an agricultural crop. He based his ruling on the fact that in California, marijuana has never been classified as either a crop or an agricultural product. The Department of Health and Senior Services (DHSS) recently finalized regulations that are very extensive and there has been a lot of comment about how extensive they are. They require strict monitoring and tracking of this particular product being produced in these growing facilities. The DHSS has taken jurisdiction over this product and they are treating it as a medical product and a controlled legal substance. This construct is clearly at odds with treating medical marijuana as a crop or an agricultural product. Some of these applications made by the alternative treatment centers have liked to use the word "organic". As we all know that is a literal term now. She feels that their use of the word "organic" is intending to mask what they are trying to do and attempting to elevate this into an agricultural product. But because it is a federal term and a federal program, there is no way that their crop can be certified as an organic product because it is federally illegal. So let's look to California and what they already decided, that it is not a crop, it is not an agricultural commodity.

Vanessa DePompo from Upper Freehold Township, Monmouth County stated that she is the President of the Upper Freehold Township Regional PTA and she represents approximately 600 members who have decided to come out in opposition of the medical marijuana growing. A couple of the facilities are within a couple of miles of their schools, which they feel is dangerous to their students and by definition to her, she moved there because of the preserved farmland and open space, she didn't intend to see cement walls. To her, open space isn't even greenhouses, let alone security systems that they are attempting to implement. In addition to that, she has never needed a prescription or an ID to buy corn or tomatoes or anything else that is grown on farms in Upper Freehold Township.

Laurie Mount, Mayor of Upper Freehold Township, Monmouth County stated that she finds it interesting that Mr. Siegel thought it necessary to suggest that the Chair advise the public as to what is occurring here today and that some of the public may be under the impression that some sort of decision was going to be made. As this is privilege of the public, she doesn't know if his suggestion was to

reduce or to suggest direction for additional public comment. As a citizen of the United States and an elected official she finds the fact that we are unable to resolve this matter by simply saying it is against federal law and holding fast to that fact. She doesn't know why a discussion regarding whether growing medical marijuana qualifies under the Right to Farm Act. To her it is plain and simple, federal law prohibits it.

Some others have spoken to the fact whether or not farming is actually growing something in the ground to produce a crop that we can eat. None of anything she has read or people she has spoken to, have been able to address the very plain and simple fact that we are not indemnified from federal prosecution if marijuana is allowed to be grown in their municipality. Whether it is or isn't a crop, those are issues that need to be dealt with beyond the plain and simple fact is it is an illegal substance. This should have never reached municipal levels and never reached state and county levels, however now that it has and the state has been the facilitator that has allowed it to reach our levels, we have individuals that have been licensed by the state that want to grow marijuana in their township. Now that it is on their doorstep someone has to take ownership of it and she is of the opinion that the ownership has to come from the state level and that has to be Governor Christie and he needs to give direction to this situation. She doesn't believe that it is necessary for the SADC to have to give an interpretation as to whether or not it qualifies under the Right to Farm Act and if it then qualifies to occur on preserved farmland.

Chairman Fisher stated that we understand from the SADC's perspective of just what Upper Freehold Township has done in the farming communities and the quality of life there and it is remarkable. He appreciates and commends everyone, both public citizens and elected officials who spoke so eloquently about what they wanted the SADC as a Committee to hear. He stated that within a day or two the SADC will be putting out a position concerning the medical marijuana issue. We have to not only deal with what we hear from the public, but also with interpretations and the statute, which says we will be growing medical marijuana in this State. The Legislature passed it and the Governor signed it and there will be dispensing centers as well as growing facilities throughout the State. There are a number of questions that people will want to know as far as what the SADC will advise regarding these issues and it will do that. There is no action that will be taking place today. The Attorney General's Office has given the SADC advice as well.

Ms. Payne stated that the SADC position will be posed to the SADC's website but given the interest and the effect it has had, staff can either email or fax the information over to the townships and if anyone wishes to leave an email address we can provide the information to them as well.

OLD BUSINESS

1. Request for Final Approval – Diamond Developers/Burke Farm, Manalapan Township, Monmouth County

Ms. Payne stated that this is a request for final approval of the Diamond Developers/Burke Farm, located in Manalapan Township, Monmouth County. The application comprises approximately 96 acres. As the resolution sets forth the property meets the minimum criteria established by the county. The SADC certified a development easement value as outlined in the resolution for this property. She reviewed the cost breakdown and indicated the total compensation for the development easement is \$1,152,000.00. Monmouth County is requesting that the SADC grant final approval today.

With respect to the issue discussed during the public comment period, this application has been subject to allegations of conflict of interest vis-à-vis the applicant as the Mayor of Manalapan Township. As a result of those allegations and information supplied the SADC, at its September 22nd meeting requested that the application be remanded back to Monmouth County's Board of Chose Freeholders to seek an opinion from the State Ethics Commission regarding conflict of interest allegations that have been raised. After the meeting, the SADC determined that the State Ethics Commission is not the appropriate venue for determining issues of conflict of interest, or ethical violations for New Jersey local elected officials. That is what brings us back today.

Ms. Payne stated that today's proposed resolution would grant this application final approval. This final approval would be conditioned to provide sixty (60) calendar days from the date of this approval to allow anyone alleging a conflict of interest regarding this application or the applicant to file a complaint with the appropriate agency with jurisdiction over such claims of conflict of interest of a local official. The SADC's final approval shall become effective sixty days after the date of this resolution, only in the event that a complaint has not been filed in any such appropriate agency. If a complaint is filed within the sixty day period, the SADC final approval shall not become effective and the SADC may reconsider the application for final approval after the appropriate agency has completed its review of the complaints or complaint, issued its decision, and a copy of that decision has been shared with the SADC. The remainder of the draft resolution is the standard language regarding rights of ways and surveys and the like. Ms. Winzinger indicated that this is an application for Federal Farm and Ranch Lands Protection Program funding, which is also expressed in the resolution.

Mr. Siegel moved to table action on the request for final approval. The motion was seconded by Mr. Waltman.

Mr. Spodak requested to speak. Chairman Fisher briefly re-opened the public portion of

the. Mr. Spodak stated that we are talking about the SADC granting \$1.5 million for this property and we have yet to find out who would be the appropriate agency that would take issue with the conflict of interest. Where does it go to get some sort of adjudication?

Andrew Lucas, the applicant, addressed the Committee. He stated that he is confused because when he read through the rules and regulations for farmland preservation he has not seen one reference to limitations related to who the applicant is; it is always about the merits of the application. The fair thing in this application would have been if there was going to be a problem and you were going to take issue with it you should have done it at the green light approval stage, not now at the 12th hour after a bunch of meritless accusations have been passed. He thinks the voters in Manalapan Township and Monmouth County have addressed very clearly the political motivation behind Mr. Spodak and his two candidates that ran for office were soundly defeated in landslide defeats. This is an issue that the people of Manalapan and Monmouth County. It is farmland preservation, not who the applicant is. He is happy to answer any questions and the process that he went through with seeking an ethics advisory opinion from the State Ethics Board, local finance board. He has supplied all of the information that he has not engaged in any conflict of interest and has not sat in any meeting where farmland preservation was discussed. There was also the allegation that he sat in meetings where other open space acquisition was discussed. That is not true. There is no proof, only accusations. He understands that Mr. Siegel would like to table this again. Where is the fairness or justice here. He knows there is at some point a constitution that allows people to be innocent until proven guilty and he also understands that as an elected official you are held to a higher standard but he has done everything correctly and it is not fair and just to allow meritless politically based accusations to dictate policy.

Nancy Grbelja, Mayor of Millstone Township, Monmouth County stated that she has been following this application since its inception and that one of the things we talk about is we don't look at who the applicant is but we make it on the merits of the property and the merits of the value and what the community wants and what the county wants. Nor do we ever look at what someone paid for a piece of property when we look at the assessment is of the value of that land. In following this, if anyone wants to say that this is not something which is only and solely targeted for political reasons, they are not being honest with themselves. What this Committee should do in its final determination is take a look at the merits of the property and make your decision on that not the individual who choose to come along and claim some type of conflict of interest. It has met the test at every level.

A roll call vote was taken as follows:

Douglas H. Fisher, Chairperson	No
Fawn McGee (rep. DEP Commissioner Martin)	No
James Requa (rep. DCA Commissioner Grifa)	No

Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	Yes
Brian Schilling (rep. Executive Dean Goodman)	No
Jane R. Brodhecker	No
Alan A. Danser	No
James Waltman	Yes
Denis C. Germano	No
Torrey Reade	No

Motion to Table Fails – 2 Yes votes; 8 No Votes

Chairman Fisher asked for a motion to approve Resolution FY2012R12(1) granting conditional Final Approval as discussed by Ms. Payne:

Mr. Germano moved the motion with the following amendments to Resolution FY2012R12(1):

- 1) Page 3 (7th Whereas) – remove subsections # 2 and 3 from that paragraph
- 2) Page 3 (All Be It Further Resolved sections) replace reference to Local Finance Board with “appropriate agency”.
- 3) Page 3 (3rd Be It Further Resolved) – change thirty day period to sixty day period and change “will” to “may” (SADC final approval shall not become effective, and the SADC “may” reconsider....)
- 4) Page 3 (2nd Be it Further Resolved) the date of January 9, 2012 changes to reflect a sixty day period.

Ms. Reade seconded the motion. A roll call vote was taken 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)	Abstain
Brian Schilling (rep. Executive Dean Goodman)	Yes
Jane R. Brodhecker	Yes
Alan A. Danser	Yes
James Waltman	No
Denis C. Germano	Yes
Torrey Reade	Yes

To motion to grant conditional final approval with above referenced amendments carries: 8 Yes votes, 1 Abstain vote and 1 No vote.

NEW BUSINESS CONTINUED

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

Ms. Payne referred the Committee to the Eight Year Program Summary Report showing three terminations of eight-year programs, two from Salem County and one from Warren County. She indicated that there were no withdrawals or renewals of eight year programs. 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 – Upper Pittsgrove Township, Salem County

Mr. Bruder referred the Committee to Resolution FY2012R12(2) 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 Upper Pittsgrove Township, Salem County. Mr. Bruder reviewed the specifics of the request with the Committee and stated that staff recommendation is to grant final approval.

Note: Mr. Schilling left the meeting for a brief period and was not present for the vote.

It was moved by Mr. Germano and seconded by Mr. Requa to approve Resolution FY2012R12(2) granting final approval to the Upper Pittsgrove 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 approved. (Mr. Schilling was absent for the vote.) (A copy of Resolution FY2012R12(2) is attached to and is a part of these minutes.)

C. Resolutions for Final Approval – County Planning Incentive Grant Program – FY 2009 Funding

1. Frances Washer, Andover/Green Townships, Sussex County

Note: Ms. Brodhecker recused herself from any discussion/action pertaining to this agenda item to avoid the appearance of a conflict of interest. Ms. Brodhecker is the Chairperson of the Sussex County Agriculture Development Board.

Ms. Winzinger referred the Committee to one request for final approval under the County

Planning Incentive Grant Program-2009 Funding for the Frances Washer farm, located in Green Township, Sussex County. She reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval. It is noted that there is a pre-existing nonagricultural use, which consists of a 5.5 acre area, leased to Ag choice LLC, which composts agricultural waste: animal manure, spoiled hay and corn silage; pre-consumer waste: bakery by-products, fruit and vegetable culls and floral waste; and manufacturing waste: certain plant based manufacturing organics, identified by the hatched area in Schedule A-2. Ag Choice Organics Recycling is the first NJ on-farm composting operation approved by the NJ DEP to compost the above described products and this nonagricultural use was identified on the application but not in the Schedule B, where nonagricultural uses are described in the Deed of Easement when Sussex County acquired the development easement. Because the nonagricultural use was not identified, a corrective Deed of Easement will be required. It is also noted that the owners were advised of the advantages of taking an exception around the nonagricultural use rather than the less flexible inclusion of the nonagricultural use in the Deed of easement, but were opposed to an exception area and they have signed the SADC Non-Agricultural Use Guidance document to assure that they fully understand the implications of having the nonagricultural use.

It was moved by Mr. Siegel and seconded by Mr. Germano to approve Resolution FY2012R12(3) granting final approval to the following landowner, as presented and discussed, subject to any conditions of said Resolution:

1. Frances Washer, SADC # 19-0002-PG
Block 1, Lot 2, Andover Borough; Block 166, Lot 1, Andover Township; Block 27, Lot 6.02, Green Township, Sussex County, 98.04 Acres
State cost share of \$5,700.00 per acre (60% of the certified market value) for a total grant of approximately \$558,828.00. The SADC grant will be taken from the base grant fund only. The nonagricultural use was identified on the application but not in the Schedule B, where nonagricultural uses are described in the Deed of Easement when Sussex County acquired the development easement. Because the nonagricultural use was not identified, a corrective Deed of Easement will be required.

The motion was approved. (Ms. Brodhecker recused herself from the vote.) (A copy of Resolution FY2012R12(3) is attached to and is a part of these minutes.)

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

Ms. Winzinger referred the Committee to five resolutions requesting final approval under the County Planning Incentive Grant Program-FY2011 Funding. She reviewed the specifics with the Committee and stated that staff recommendation is to grant final

approval, subject to any conditions of said resolutions.

It was moved by Ms. Brodhecker and seconded by Mr. Waltman to approve Resolution FY2012R12(4) through Resolution FY2012R12(8) granting final approval to the following landowners as presented and discussed and subject to any conditions of said Resolutions:

1. Gennaro and Catherine D'Amico, SADC#03-0358-PG
(Resolution FY2012R12(4))
Block 301, Lot 14.03
North Hanover Township, Burlington County, 51.318 Acres
State cost share grant of \$4,675.00 per acre (61.92% of the purchase price).
Competitive grant funds will be utilized.
2. Cora Wainright, SADC # 03-0351-PG (Resolution FY2012R12(5))
Block 58, Lot 42.01; Block 59, Lot 6, Mansfield Township Burlington County,
136.507 Acres
State cost share grant of \$5,760.00 per acre (60% of the certified market value and
purchase price); Both base grant and competitive grant funds are being utilized.

Discussion: The property includes one 2.598-acre nonseverable exception for two existing residences and a possible nonagricultural use. Certification of value for this property was contingent upon a fifty foot wide access easement sufficient for intensive residential development being in place across Block 59, Lot 4.01 (owned by Curtis Wainright) and was also contingent upon Burlington County allowing an access easement (fifty feet) between block 59, Lot 6 and Block 58, Lot 42.01 across Block 800.07, Lot 1 (the Kinkora Trail). The two fifty foot access easements were recorded at the Burlington County Clerk's Office on January 1, 2011.

3. Curtis R. Wainright, SADC #03-0350-PG (Resolution FY2012R12(6))
Block 59, Lot 4.01, Mansfield Township, Burlington County, 104.019 Acres
State cost share grant of \$6,390.00 per acre (59.72% of the purchase price);
competitive grant funds will be utilized.

Discussion: The property includes one 1.885 acre nonseverable exception to exclude existing buildings and will be limited to one (1) future residence. The property includes one 0.500 acre severable exception limited to no residential opportunity unless merged with the adjacent lot # 1, Block 59, which has a residence.

4. Nancy s. Murphy Striezel and Jane C. Adams, Trustees of the Murphy Family Trust Farm, SADC # 03-0356-PG (Resolution FY2012R12(7))
Block 110, Lot 16.01, Hainesport Township; Block 34, Lot 6, Lumberton Township, Burlington County, 80.368 Total Acres

State cost share grant of \$3,550.00 per acre (47.82% of the purchase price); competitive grant funds will be utilized.

Discussion: The property includes one 8.989 acre nonseverable exception for one future single family residence and the current soil mixing/compost operation. Burlington County has required the landowners to restore the North East portion of farm where the soil mixing/compost operation was previously located in an effort to convert the land back into agricultural production. The SADC will need to receive from the County information regarding the nature and extent of soil disturbance in the area previously supporting the soil mixing/compost activities. Upon an evaluation of that information, the SADC will decide whether it will provide a cost share grant on the area. If not, this area will need to be identified on the final survey in coordination with SADC staff and a sit visit to determine the extent of the nonpayment area.

5. Michael Minch, Carol Sheppard and Donna Sheppard, SADC #06-0089-PG (Resolution FY2012R12(8))
Block 17, Lot 1, Hopewell Township, Cumberland County, 11 Acres
State cost share grant of \$7,260.00 per acre (60% of the certified market value and purchase price); the County has requested to encumber an additional three (3) percent buffer for possible final surveyed acreage increases, therefore 11.330 acres will be utilized to calculate the grant need.

Note: The Owners have read and signed an acknowledgement stating that they fully understand the benefits of an exception area, however have declined that option.

The motion was unanimously approved. (A copy of Resolution FY2012R12(4) through Resolution FY2012R12(8) is attached to and is a part of these minutes.)

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

Ms. Winzinger referred the Committee to seven 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. Siegel and seconded by Mr. Danser to approve Resolution FY2012R12(9) through Resolution FY2012R12(15) granting final approval to the following landowners, as presented and discussed, subject to any conditions of said Resolutions:

1. Herbert and Catherine Wegner, SADC # 17-0100-PG (Resolution FY2012R12(9))
Block 202, Lot 35, Pittsgrove Township, Salem County, 19 Acres

State cost share grant of \$4,325.00 per acre for an estimated total of \$83,175.00 (63.14% of the certified market value and purchase price and estimated total cost).

2. Joseph Lin and Dahlin Lin, SADC #17-0098-PG (Resolution FY2012R12(10))
Block 401, Lot 61, Pittsgrove Township, Salem County, 18 Acres
State cost share grant of \$3,850.00 per acre for an estimated total of \$69,300.00 (65.25% of the certified market value and purchase price and estimated total cost).

Note: The Owners have read and signed an acknowledgement stating that they fully understand the benefits of an exception area, however have declined that option.

3. Carl and Joyce Race, SADC # 21-0502-PG (Resolution FY2012R12(11))
Block 1803, Lots 3.01, 3.04, 3.06, 3.07, Blairstown Township, Warren County, 45 Acres
State cost share grant of \$4,750.00 per acre for an estimated total of \$213,750.00 (61.69% of the certified market value and estimated total cost).

Note: The Owners have read and signed an acknowledgement stating that they fully understand the benefits of an exception area, however have declined that option.

4. George and Evelyn Williams, SADC #17-0094-PG (Resolution FY2012R12(12))
Block 87, Lot 1, Pilesgrove Township, Salem County, 30 Acres
State cost share grant of \$5,880.00 per acre for an estimated total of \$176,400.00 (60% of the certified market value and purchase price). The SADC will utilize any remaining Federal Farm and Ranch Land Protection Program grant funds (estimated at \$29,400.00) from the United State Department of Agriculture, Natural Resources Conservation Service under the FY2010 Federal Farm and Ranch Lands Protection Program to offset SADC grant needs on this property.

Discussion: The New Jersey Conservation Foundation submitted a parcel application to the FY2010 United States Department of Agriculture, Natural Resources conservation Service Federal Farm and Ranch Lands Protection Program (FRPP) for consideration of a grant for the easement purchase on this property. The landowner has agreed to the additional restrictions involved with the FRPP grant, including a 7.33% maximum impervious coverage restriction (approximately 2.2 acres available for impervious cover). The Williams farm was approved by the NRCS for an estimated grant of \$147,000.00 not to exceed 50% of the federal current fair market value (\$4,900.00 per acre). Due to a shortage of county and town funds the Township and Salem County have requested that FRPP grant funds be passed through to cover the entire local cost share.

5. Charlotte Lippincott and Charles Hurff, SADC #17-0092-PG (Resolution FY2012R12(13))
Block 43, Lot 2, Pilesgrove Township, Salem County, 150 Acres

State cost share grant of \$5,000.00 per acre for an estimated total of \$750,000.00 (60.98% of the certified market value and purchase price). The SADC will utilize any remaining FRPP grant funds (estimated \$120,000.00) from the United States Department of Agriculture, Natural Resources conservation Service under the FY2010 Federal Farm and Ranch Lands Protection Program to offset SADC grant needs for this property.

Discussion: The New Jersey Conservation Foundation submitted a parcel application to the FY2010 United States Department of Agriculture, Natural Resources conservation Service Federal Farm and Ranch Lands Protection Program (FRPP) for consideration of a grant for the easement purchase on this property. The landowner has agreed to the additional restrictions involved with the FRPP grant, including a 6.33% maximum impervious coverage restriction (approximately 9.5 acres available for impervious cover) on the lands being preserved outside of the exception area. The Lippincott/Hurff farm was approved by the NRCS for an estimated grant of \$600,000.00 not to exceed 50% of the federal current fair market value (\$4,000.00 per acre). Due to a shortage of available funds the Township and Salem County have requested that FRPP grant funds be passed through to cover the entire local cost share.

6. Judith Newkirk, SADC #17-0097-PG (Resolution FY2012R12(14))
Block 21, Lot 23, Upper Pittsgrove Township, Salem County, 58 Acres
State cost share grant of \$4,150.00 per acre for an estimated total of \$240,700.00 (63.85% of the certified market value and purchase price). The County will pay its cost share directly to the landowner by way of an installment purchase agreement.

Note: The Owners have read and signed an acknowledgement stating that they fully understand the benefits of an exception area, however have declined that option.

7. Maurice and Delores Kernan, SADC #17-0097-PG (Resolution FY2012R12(15))
Block 40, Lots 14 and 29, Upper Pittsgrove Township, Salem County, 76 Acres
State cost share grant of \$2,920.00 per acre for an estimated total of \$221,920.00 (69.52 percent of the certified market value and purchase price).

Note: The Owners have read and signed an acknowledgement stating that they fully understand the benefits of an exception area, however have declined that option.

The motion was unanimously approved. (A copy of Resolution FY2012R12(9) through FY2012R12(15) is attached to and is a part of these minutes.)

F. Farmland Stewardship

1. Renewal Energy Application

a. Daum, Daum & Daum, LLC, Manalapan Township, Monmouth County

Mr. Roohr referred the Committee to Resolution FY2012R12(16) for a request for the installation of a solar energy generation facility on the Daum property known as Block 70, Lot 1.02 in Manalapan Township, Monmouth County. He reviewed the specifics of the request with the Committee and stated that staff recommendation is to grant approval of the construction, installation, operation and maintenance of the photovoltaic energy generation facility, structures and equipment, which will consist of approximately 4,100 square feet and have a rated capacity of 52 kW of energy to be located on the roof top of an existing building on the property.

It was moved by Ms. Brodhecker and seconded by Mr. Germano to approve Resolution FY2012R12(16) granting approval of the construction, installation, operation and maintenance of the photovoltaic energy generation facility, structures and equipment, which will consist of approximately 4,100 square feet and have a rated capacity of 52 kW of energy to be located on the roof top of an existing building on the Daum, Daum and Daum, LLC property known as Block 70, Lot 1.02 in Manalapan Township, Monmouth County, as presented and discussed, subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2012R12(16) is attached to and is a part of these minutes.)

2. Request for a Division of Premises

1. Kronyak Farm, Lafayette/Hardyston Townships, Sussex County

Note: Ms. Brodhecker recused herself from any discussion/action pertaining to this agenda item to avoid the appearance of a conflict of interest. Ms. Brodhecker is the Chairperson of the Sussex County Agriculture Development Board.

Mr. Roohr referred the Committee to Resolution FY2012R12(17) for a request for a division of the premises on the Pamela Kronyak farm, known as Block 26, Lot 6 and Block 31, Lot 1.02 in Lafayette Township and Block 70, Lot 1, Block 71, Lot 1.01 and Block 74, Lot 20 in Hardyston Township, Sussex County. The owners propose to divide the premises along existing lot lines that would create a 46 acre farm (Parcel "A") and a 55 acre farm (Parcel "B"). It would allow the owner sell Block 26, Lot 6 in Lafayette Township, and Block 70, Lot 1 in Hardyston Township (Parcel B) to Todd Applebaum, known as the Contract Purchaser. Mr. Applebaum is an ostrich farmer looking to relocate his existing ostrich herd. The owner would like to sell Parcel "B" to the Contract Purchaser because she has determined that the current property is more acreage than she needs for her future farming venture and the funds from the sale would allow her to move up the timeframe to initiate construction of her new home and farming activities on

Parcel "A". The owner also proposes to lease Parcel "A" to the Contract Purchaser to raise feed crops for the ostriches until she needs the ground for her own agricultural activities.

Mr. Roohr reviewed the specifics of the request with the Committee and discussed staff's position as it relates to agricultural viability and purpose pertaining to this request. Staff finding is that the owner has not demonstrated that the division of the premises is for an agricultural purpose that 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 as outlined in said Resolution.

Mrs. Kronyak addressed the Committee in support of the request for the division of the premises and what her vision is for the property. She stated that in an effort to preserve farmland it should be made easier for people who are just starting out in farming or have been farming for a while like Mr. Applebaum. He has been in the ostrich operation for seven years and she would like to start to get into that. In this situation the soil may not be as good on the two parcels that she would like to keep as they are on the other half. She doesn't think that farming is all about what necessarily goes into the ground. One side has obviously been used for crops for many years and the remaining side where her house would be can be farmed agriculturally as well as far as greenhouses or hoop houses or you could have chickens or have things that don't need to go into the ground. She doesn't understand why it couldn't be separated or why the soil couldn't be improved in some way. What other alternative does she have? Is there any other condition she could meet to make them two separate farms.

Ms. Payne stated that the Deed of Easement sets forth the standards by which the Committee would review requests for subdivision. It has to be for an agricultural purpose, which we find that this proposal meets, but the test is that the pieces that we create have to be able to stand on their own two feet economically. Once it is divided it is that way forever and we have to look at that farm unit and evaluate whether it has enough agricultural resource value to support a variety of operations well into the future. It's a matter of size, tillability and soil quality. Staff's finding was that the combination of those just on Parcel "A" did not meet that test. When you create a small farm that has constrained soils we really limit it. She stated that you could put greenhouses on it but what are the other types of agriculture that could survive?

Ms. Kronyak asked if Parcel "A" was configured differently or split up differently would that work. Ms. Payne stated that would be a separate application and the SADC would have to look at it. If the application gets recast or reconfigured in some other way that it would meet the standard then staff would review that application independent of what was here today. Ms. Kronyak inquired about the soil on the property if it were to be retested or if soil was to be brought in or improved would it make a difference? Ms.

Payne stated that the soil mapping that was done by the USDA, NRCS establishes state-wide what the soil is. They went out and actually walked across the state doing soil borings to create this mapping. So there is a good sense as to what is there now. She stated that if the goal is to improve the soil quality of the property, under the Deed of Easement, the owner is required to obtain a farm conservation plan, which is a plan that the NRCS would work with you to develop and they will talk about what your long-term goals are and what your intentions are. If the NRCS can approve a plan where you can improve the soils, then that could be something that we may be able to entertain. Ms. Payne cautioned about hiring someone to just bring in fill and think it's going to change something. That would be dangerous to do. She also advised Mrs. Kronyak to keep in touch with Mr. Roohr as the conversations evolve with the NRCS if that is the course you decide to take.

It was moved by Mr. Germano and seconded by Mr. Danser to approve Resolution FY2012R12(17) denying a request for a division of the premises on the Pamela Kronyak farm, known as Block 26, Lot 6 and Block 31, Lot 1.02 in Lafayette Township and Block 70, Lot 1, Block 71, Lot 1.01 and Block 74, Lot 20 in Hardyston Township, Sussex County, 109.58 acres, for the reasons set forth in Resolution FY2012R12(17), as presented and discussed, and subject to any conditions of said resolution. The motion was approved. Ms. Brodhecker recused herself from the vote. Ms. McGee abstained from the vote. (A copy of Resolution FY2012R12(17) is attached to and is a part of these minutes.).

G. Right to Farm

1. On-Farm Direct Marketing Agricultural Management Practice (AMP)

Ms. Payne stated that staff would like to advise the Committee as to where the AMP Working Group is to deal with the issues of on-farm direct marketing. In April, 2010 the SADC commenced an endeavor to try and draft an agricultural management practice (AMP) aimed at farm markets because many right to farm matters that the SADC has before it involves farm markets. A subcommittee was convened that represents the SADC, CADBs, Farm Bureau, Rutgers, farm market operators, and the planning community. Mr. Kimmel has been the primary researcher and author of all the information for that subcommittee, along with Brian Smith, and Steve Bruder has contributed substantially from a planning standpoint.

Ms. Payne stated the subcommittee's discussion quickly evolved farm markets to something broader, which were On-Farm Direct Marketing facilities. The umbrella concept is that this AMP is aiming at providing prospective right to farm protection to those agricultural operations that conduct direct marketing. If the Committee is reasonably comfortable with the working draft of the AMP document presented today, the next step would be to send it out to everyone to get informal comments prior to being finalized as a proposed rule to the New Jersey Register. Once we receive those

comments back the goal would be to digest them all and go back to the working group to see what needs to change based on those comments and then come back to the Committee with a formal rule proposal. The agricultural industry has been anxiously waiting for this document for three years. The State Board of Agriculture has passed a resolution at its convention encouraging this work to be done.

Mr. Kimmel reviewed the specifics of the draft AMP with the Committee, its history, its goals and development. He stated that the issue of wineries was discussed a lot in the working group and it was the consensus of that working group that winery activities and facilities are so unique that wineries may warrant their own AMP after this one is completed. Winery markets and facilities would still fit within this AMP but it doesn't give specific winery activities standards. Ms. Payne stated that the issue was that the wineries were taking the position that things like wedding events and corporate retreats and birthday parties and the like is part and parcel to their kind of agricultural operation. It was determined that if that was the case that the winery industry is so different and they have completely different marketing restrictions than general agricultural we would reserve that for its own AMP. Mr. Kimmel continued his review of the AMP.

Mr. Schilling stated that on Page one of the AMP we have "agriculture related educational activities" listed. That language is pretty much verbatim in the Right to Farm Act. Ms. Payne stated that the term "agriculture related educational activity" is in the Act but it is not defined in the Act. Mr. Schilling stated that the next term "Ancillary entertainment-based activities" he felt is referenced in the Act regardless of whether it is defined or not as farm-based recreation. Ms. Payne stated it is not in the statute. The statute recognizes your agriculture related education and your farm-based recreation. What we observed in looking at farmers markets is activities such as face-painting, background music and some things that are separate categories – should be considered ancillary. Mr. Schilling agreed. He stated that regarding a discussion about farmland preservation deed of easement interpretation he remember feeling somewhat passionate about the use of the word "subordinate" as listed on page two of the AMP under the section "farm-based recreational activities", in the context of subordinate and accessory to. Where it says "such activities are subordinate and accessory to, and serve to increase...." he thought that the word subordinate was struck from the other discussion for reasons as discussed at that time. He asked if there was a reason to keep subordinate and accessory rather than just accessory. He stated that he could see being a bonafide corn farm and you earn whatever you do from the corn and you earn five times more by having a corn maze but then you sell the corn, you're getting agricultural production but basically the corn maze is not subordinate to the production of corn/grain in terms of income so the term subordinate....once it gets into a court of law he is afraid it would have a meaning that we would have intended. Ms. Payne stated that the statute says we

are protecting farm-based recreational activities as long as they are related to the marketing of your output. She stated that the theory that we approached this with is that the agriculture production is the primary activity and these other things are secondary activities but the main event is still the agriculture production and not the activity. She stated that the AMP is not specifically saying that it is an income test, and maybe we need to be explicit about that, but for example, you have a vegetable operation and this activity still has to augment the sale of the production and we are trying to keep that relationship clear. It doesn't matter if someone makes \$100,000.00 on a corn maze that is on an acre as long as the other 50-60 acres are being for production. Mr. Schilling stated that his concern is as this goes forward will people assign a level of meaning to that term that is not intended by the SADC?

Mr. Germano stated that an accessory use is incidental and subordinate. All you have to say is accessory and when it gets to court they will know what accessory means. So you can remove the word subordinate because it is already incorporated in. Ms. Payne stated that the concerns regarding subordinate and accessory is noted and they are listed in a couple of places so staff will delete the term subordinate throughout the document. Ms. Reade stated that she likes the word subordinate. Ms. Payne stated that it is her hope that the Committee has had time to review the document and that generally this is the right approach. If the Committee has a lot of questions about whether we will use this or that word we will have to save that for a later date or say we are not comfortable enough to release it to the public and send it back to work on it further.

Michelle Casella from the New Jersey Agriculture Experiment Station for Rutgers stated that Ms. Payne has related to farmers on the AMP subcommittee time and time again whenever they challenged a point that the AMP is only intended to set standards for achieving RTF protection, and is not in any way intended to tell farmers what they can and can't do on their farm. Rather it is to set a standard that is sufficiently protective of the public health and safety as to be eligible for RTF protection. What is reasonable and safe and what we consider as a value to the agricultural community is what we worked on in the document.

Mr. Kimmel continued the review of the draft AMP. He discussed municipal building and parking area standards as listed on page four of the draft AMP. Ms. Payne stated that say you have a town that has its parking standard which require Belgium block curbing. The Right to Farm Act is saying you can have your farm market but it has to be in compliance with municipal parking and building standards but the question is, is the standard related to safety or is it related to aesthetics? We are trying to assert some right when municipal standards are mostly aesthetic in nature. She stated that lighting is another area. A town may require the grandest French provincial lighting and we are saying that we are concerned about municipalities over-regulating aesthetics in those areas as sort of a back-door way of regulating the farm market from being able to be economically viable. She stated that this could be a legal issue that may get challenged

but that is the approach the subcommittee is trying to take that we recognize when townships are going overboard through their ordinances.

Mr. Germano felt there is a problem with that. Nothing in the statutes gives the Committee the power to judge municipal standards – the legislation flatly indicates that farm markets are protected only if “in compliance with municipal standards” and doesn’t place any condition on those standards. He felt that this approach is wrong. (page 5 under general parking area standards). For example, He indicated a municipality’s standards could say parking spaces are 10 x 20, there are so many per square foot of the building area, they need to be constructed this way or that way... the way he reacts to the statute that says you have to review these things in light of municipal standards is that the municipality is pushed out of the picture, these things that we are protecting are not subject to site plan review but the municipality is depending on us to implement their standard. He stated that when the statute tells us to review it for conformance with municipal standards, we should find out what the municipal standard is and see if this applies.

Ms. Payne stated that often an issue gets raised that there isn’t a municipal standard for. If you have your pick-your-own operation, she doesn’t know that a municipality has a parking standard for every kind of agricultural land use that there is. Mr. Germano suggested that we then speak to that issue - in the absence of a municipal standard. Ms. Payne stated that per Mr. Germano’s discussion it could read that in the absence of applicable municipal parking standards, this is our standard. The Committee was in consensus with that statement.

Mr. Germano questioned item # 2 under Section “C” on page 5 regarding a new or expanded facility may be subject to municipal requirements for minor site plan review..... Mr. Payne stated that she understands Mr. Germano’s concern as to why are we sending the landowner to the municipality if the Right to Farm Act gives the SADC the opportunity to allow their operation to exist without municipal approval, but for parking and construction standards. She stated that there is a serious practical obstacle to that happening and we are trying to be realistic. If someone is going to put up a 5,000 square foot retail farm market on a piece of property it has substantial access, egress, public sanitation kinds of issues that who is going to review that? Mr. Germano stated no one. All you have to say is that facility has to be in substantial compliance with the local regulations so that when someone complains about that operation and they come to either the county or the SADC, we take out the town’s ordinance book and see what is required and then review the site. If the landowner has built it in substantial compliance with those regulations he has right to farm protection and he has not had to go through ha review. The landowner can get that ordinance book and have his architect design it in substantial compliance without the expense of the municipal minor site review. Mr. Stypinski asked where does it say “in substantial compliance”. Ms. Payne stated that this was a difficult part as to how to provide site plan review relief that the agricultural community is seeking while at the same time not pretend that we have the capacity to do

site plan review on all these operations because we don't. Mr. Kimmel reviewed the remainder of the draft AMP with the Committee.

Mr. Schilling stated that pick your own are listed as an example of farm based recreational activities but they are also defined on page two in the definition as on farm direct marketing. He wouldn't see that as recreational activity. How is pick your own (PYO) defined in its AMP? It is a marketing activity, not recreation. Mr. Kimmel stated there is a definition for a PYO marketing facility, which could probably include the structures where you do the selling, and the organization of it, but then as an activity, if the act of doing it could be a recreational thing or it could be a more subsistence thing of picking your own vegetables. Mr. Schilling stated that the point to this is only that if that is my primary strategy for the selling of strawberries then the subordinate and accessory language.....Ms. Payne agreed and stated that it needs to be taken out.

Chairman Fisher stated that staff will make the necessary changes to the document as discussed today and it will be sent out informally to the public and all the partners and the Committee will revisit it in ninety days for a determination. Ms. Payne stated that staff will make a few changes prior to it being sent out – one is we will take out the word subordinate and use accessory only. Staff will clarify the parking standards to say that we need to condition that on the absence of applicable municipal parking standards to get to the points that were raised today. Staff will delete the pick-your-own description from the farm based recreation definition. The issue of site-plan review, what she would request, is that staff meet with anyone who would like to also participate in the conversation to see if we can really hammer this issue down. She doesn't want that to hold up sending out the document but we need to do a lot more thinking on how can that work really well while we send out the document. Ms. Payne stated that she will send out a memo with the document indicating that staff would be happy to meet with any of the counties to walk them through it and share thinking on what we are trying to accomplish during that ninety day period.

Ms. Goger from the NJ Farm Bureau stated that the NJ Farm Bureau appreciates the effort that the SADC has put into in having farmers and the NJ Farm Bureau and Rutgers on the subcommittee to develop the AMP. She stated that the NJ Farm Bureau is interested in seeing what the rest of the agricultural community says and that the NJ Farm Bureau does have certain concerns in different areas also. Overall they appreciate the work and effort made to make it flexible for farmers.

Note: Mr. Siegel left the meeting at this point.

2. Conflict Resolution Matter – Right to Farm hearing Report – Holloway Land, Chesterfield Township, Burlington County

Note: Mr. Waltman and Ms. McGee recused themselves from any discussion/action

pertaining to this agenda item to avoid the appearance of a conflict of interest. Mr. Waltman and Ms. McGee are Honnybrook Organic Farms, LLC CSA members.

Mr. Smith referred the Committee to the Hearing Officer's Findings in the Matter of Holloway Land, LLC, Chesterfield Township, Burlington County. He stated that the complaint was forwarded to the SADC. Chesterfield Township made two claims against a CSA operation in Chesterfield Township, one being the traffic generated by the CSA is causing a direct threat to public health and safety and that dust generated by the traffic on the farm road leading to the CSA is causing a nuisance. He stated he was the hearing officer and his finding is that the Township did make a *prima-facie* case that Holloway Land LLC and Honeybrook CSA is causing a direct threat to public health and safety. Because there is a potential direct threat to public health and safety the CSA is not entitled to right to farm protections and as a result, the SADC is going to recommend that the owner perform a traffic study to determine the nature and extent to which that intersection, the flag-stem's intersection with Chesterfield-Georgetown Road, poses a direct threat to public health and safety and to determine what, if anything, needs to be done as a result. The dust issue was inconclusive and staff is remanding that back to the CADB to explore the issue further. We have recommended that the CADB go through an analysis and we have suggested some bulleted items that it can look into to determine whether or not the dust poses an unreasonable adverse impact on the neighbors and when the report is eventually published it is going to stress that the decision is based on the peculiar facts of this case. The special configuration of this property is a critical issue here, so that the regulated community doesn't think that the SADC is going to be sanctioning traffic studies on every farm market in the State of New Jersey. This is a particular case and this is an unusual configuration of the property and the topography of the road in front is part of that. There were a couple of issues that he took note of deleting items in the report that Mr. Schilling had discussed earlier and his points were valid, regarding the SADC concluding that people speed on Chesterfield-Georgetown Road. That statement will be deleted. Ms. Payne stated that the written decision is going to be redrafted based on discussion and the advice that the Committee had in closed session. That written decision will be brought back to the Committee at the January meeting but she didn't think that those edits needed to be made today but staff gathered what the Committee thought about those points but staff wanted to make sure for the purposes of the property owner and the Township what the essence of the SADC's finding were at this point as to not cause further delay.

Ms. Payne requested a motion to approve those findings from today and to come back with a decision that reflects that more formally.

It was moved by Mr. Germano and seconded by Mr. Danser to approve the findings in the Hearing Officer's Draft Report in the Matter of Holloway Land, LLC, Chesterfield Township, Burlington County as discussed in closed session, with staff presenting back to the Committee a formal decision at its January 26, 2012 regular meeting. The motion

was approved. (Mr. Waltman and Ms. McGee recused themselves from the vote. Mr. Siegel was absent for the vote.)

PUBLIC COMMENT

Ms. Goger stated that she wasn't sure if the Committee was aware of the situation in Morris County where the Freeholders are taking money from open space farmland preservation funding to their county fund and using it to buy flood prone homes that meet FEMA guidelines. At the county board meeting the other night, they know it is very premature at this point and whether it is legal or not but they were curious to know if state funding could ever be redirected currently. Ms. Payne stated that she has spoken to Morris County about this issue as well. Most counties with a dedicated trust fund are operating under a statute specifically authorizing them to have a dedicated fund for these purposes. The purposes for which these monies can be used are enumerated in the statute. It is important that we be clear on what the county is proposing to do with the money and what they are not. She knows that in more than one area of the state counties are attempting to construct greenways and preserve lands along creeks and stream beds and in some of those cases there are existing structures there. She thinks it has been commonplace for counties to acquire those lands with their dedicated funds to demolish those buildings and to restore those properties to the conservation values that they have. If the county goes out to acquire flood prone properties in the middle of a subdivision that has nothing to do with their recreation or conservation plan, that may be a separate issue that may need to be addressed. We looked at the statute and we did not see what was being proposed as not permitted already. She also add that Morris County's position is that they have sufficient funding to fund all farmland preservation applications that have been submitted to them so that redirecting some of this money for other purposes, is not going to affect their ability to preserve farms.

Ms. Payne stated that to shed clarity on this she felt it would be important that any property owner that has been turned down by the county for farmland preservation purposes, the SADC should understand the specifics of that. She knows of one case where the property didn't meet the minimum standards and that may be part of it. Ms. Goger stated that part of the frustration is that the Highlands Act took away certain landowner rights and they cannot get compensated with this money but people who build their house in the wrong place can.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, January 26, 2012 beginning at 9:00 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION # 2

At 3:45 p.m. Mr. Danser moved the following resolution to go into Closed Session. The motion was seconded by Ms. Reade 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 Ms. Brodhecker and seconded by Mr. Danser to certify the development easement values for the following landowners as presented and discussed in closed session:

1. Hidden Valley Farm Land Co., Inc. (Charles Spector) SADC # 08-0130-PG
Block 45 Lots 10, 11, 12, 13
Woodwich Township, Gloucester County, 67 Acres
2. Dale H. Drake et al, SADC # 21-0509-PG
Block 201, Lot 11
Allamuchy Township, Warren County, 202 Acres

The motion was approved (Mr. Siegel was absent for the vote.) (Copies of the Certification of Value Reports are attached to and are a part of the closed session minutes.)

Note: Mr. Danser and Mr. Schilling recused themselves from any discussion/action pertaining to the Kurek property to avoid the appearance of a conflict of interest and left the room. Mr. Danser is the Chairman of the Middlesex County Agriculture Development Board. Mr. Schilling sits on the Cranbury Township Zoning Board and the farm is located in his township.

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

2. Ronald and Patricia Kurek, SADC #12-0014-PG
Block 14, Lots 3, 4.02
Cranbury Township, Middlesex County, 156 Acres

The motion was approved. Mr. Danser and Mr. Schilling abstained from the vote. Mr. Siegel was absent for the vote. (A copy of the Certification of Value report is attached to and is a part of the closed session minutes.)

Ms. Brodhecker recused herself from any discussion/action pertaining to the Lane farm. Ms. Brodhecker is the Chairperson of the Sussex County Agriculture Development Board.

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

3. David Lane, SADC # 19-0021-PG
Block 138, Lot 4.01
Wantage Township, Sussex County, 125 Acres

The motion was approved. Ms. Brodhecker recused herself from the vote. Mr. Siegel was absent for the vote. (A copy of the Certification of Value Report is attached to and is a part of the closed session minutes.)

Nonprofit Grant Program - 10% Rule

It was moved by Mr. Waltman and seconded by Mr. Danser to approve the Fair Market Value of the Fee Simple Estate for the following landowners as presented and discussed in closed session:

1. New Jersey Agriculture Land Trust/Droppa Farm
Block 10, Lot 2, Lower Alloways Township
Block 29, Lot 2, Quinton Township, Salem County, 69 Acres
2. New Jersey Conservation Foundation/Fisher Farm
Block 21, Lots 2.02, 2.03, 2.04, 2.05
Delaware Township, Hunterdon County, 25 Acres

The motion was approved. Mr. Siegel was absent for the vote. (Copies of the Certification of Value Reports are attached to and are a part of the closed session minutes.)

State Acquisition Program (Direct Easement)

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

1. Olga Clark (c/o Roman Clark) SADC #10-0183-DE
Block 6, Lot 60
Holland Township, Hunterdon County
175 Acres
2. William and Ruth Deutschlander, SADC # 10-0180-DE
Block 32, Lot 23
Bethlehem Township, Hunterdon County
38 Acres

The motion was approved. Mr. Siegel was absent for the vote. (Copies of the Certification of Value Reports are attached to and are a part of these minutes.)

Municipal Planning Incentive Grant Program

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

1. Stony Brook Farms LLC (Former Harbat Farm), SADC #11-00169-PG
Block 49, Lot 28
Hopewell Township, Mercer County
49 Acres

The motion was approved. Mr. Siegel was absent for the vote. (A copy of the Certification of Value Reports is attached to and is a part of these minutes.)

C. Attorney/Client Matters

None

ADJOURNMENT

There being no further business, it was moved by Mr. Germano and seconded by Mr. Waltman and unanimously approved to adjourn the meeting at 4:05 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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY12R12(1)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

MONMOUTH COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Diamond Developers at Burke Farm LLC ("Owner")

Manalapan Township, Monmouth County

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

SADC ID# 13-0427-PG

December 8, 2011

WHEREAS, December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Monmouth County, which included the Diamond Developers Farm, identified as Block 69, Lots 8.01 and 9, Manalapan Township, Monmouth County, totaling approximately 96 net acres hereinafter referred to as "Property" and as identified on the attached map (Schedule A1) and Final Review Report (Schedule C); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the SADC granted final approval of Monmouth County's PIG plan on May 28, 2009; and

WHEREAS, on May 12, 2010 the Diamond Developers Farm application was submitted to the Municipal PIG program and pursuant to N.J.A.C. 2:76-17A.9 and on July 14, 2010 was deemed complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, the application was received and processed through certification of value as a Municipal PIG grant application but has since been transferred to the County PIG program due to funding availability; and

WHEREAS, the Property has approximately 98% Prime and Statewide Important soils and supports field crops such as soybeans; and

WHEREAS, the Property is located in Monmouth County's Millstone-Manalapan-Freehold Project Area; and

WHEREAS, the Property includes one, 1-acre nonseverable exception for and to be restricted to one, single-family residence; and

WHEREAS, a roadway was dedicated to the Township as a result of subdivision approvals and is to be vacated prior to the preservation of the farm and included in the preserved acreage; and

WHEREAS, a small portion of Lot 8.01 has been dedicated to the Township for Open Space and is not part of this application (Schedule A2); and

WHEREAS, the Property has a rank score of 59.26 which exceeds the 70% of the County's average quality score of 50.23, as determined by the SADC on June 24, 2010; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on February 7, 2011 the SADC certified a development easement value of \$12,000 per acre based on zoning and environmental regulations in place as of September 2010; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Landowner offered to sell the development easement to the County for \$12,000 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on May 11, 2011 the Manalapan Township Committee approved the Landowner's application and a funding commitment of \$1,920 per acre for the sale of a development easement; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Monmouth County Agriculture Development Board approved the application on June 1, 2011 and secured a commitment of funding for \$2,880 per acre from the Monmouth County Board of Chosen Freeholders on May 12, 2011; and

WHEREAS, the SADC is in the process of applying to utilize a grant in the amount of approximately \$6,000 per acre from the FY2012 United States Department of Agriculture, Natural Resources Conservation Service (NRCS) Federal Farm and Ranch lands Protection Program Grant (FRPP) for a total potential FRPP grant of approximately \$576,000 to offset SADC grant and local funding needs; and

WHEREAS, it has been determined that the Property and the Landowner qualify for FRPP grant funds should they be awarded; and

WHEREAS, the landowner has agreed to the additional restrictions involved with the use of FRPP Grant funding, including an impervious coverage restriction of 8% equal to approximately 7.68 acres of land available for agricultural buildings on land being preserved outside of the exception area should the FRPP grant should be secured; and

WHEREAS, the cost share breakdown is approximately as follows (based on 96 acres):

		Total
SADC	\$7,200 per acre	\$691,200 60%
Manalapan Twp.	\$1,920 per acre	\$184,320 16%
<u>Monmouth County</u>	<u>\$2,880 per acre</u>	<u>\$276,480 24%</u>
		\$1,152,000; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(d) and 14, on August 28, 2009 the County established a prioritization of farms and submitted a request to the SADC to conduct a final review of the application for the sale of a development easement; and

WHEREAS, the entire Monmouth County FY09 base grant of \$2,000,000 has been encumbered and the FY09 competitive grant funding is insufficient for the SADC cost share on this farm; therefore, the County is requesting the use of SADC FY11 funding; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, on July 22, 2010 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, SADC FY11 funding (2009 Bond Referendum Funds) for use by Monmouth County was approved by the SADC on July 22, 2010 and is subject to appropriation by the Legislature and approval by the Governor; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 98.9 acres will be utilized to calculate the SADC grant to be secured for this Property (Schedule B), however 96 acres will be utilized as the estimate for cost share calculations in this final approval ; and

WHEREAS, Monmouth County is requesting \$712,080 from its base grant, leaving a cumulative balance of \$787,920 (Schedule B); and

WHEREAS, no competitive grant funding is needed for the SADC cost share grant on this Property; therefore the entire estimated SADC grant need will be encumbered from the County's FY11 base grant; and

WHEREAS, pursuant to N.J.A.C. 2:76 17.14 the County is eligible to apply for an additional \$3,000,000 of competitive grant funding for a maximum FY 2011 grant of \$4,500,000, subject to the availability of funds for additional applications; and

WHEREAS, FRPP grant fund sharing is traditionally split between funding partners using the same percentages derived for the overall project as determined by N.J.A.C. 2:76-6.11, however, in some cases alternate sharing of the FRPP grant funds is negotiated dependent upon need; and

WHEREAS, the SADC, Municipality and County have agreed to utilize a 60:40 split the FRPP funding using the same percentages as the overall project for the Diamond Developers Farm to reduce respective cost shares towards the easement purchase; and

WHEREAS, at its September 22, 2011 meeting, the SADC requested that the Monmouth County Board of Chosen Freeholders seek an opinion from the State Ethics Commission regarding conflict of interest allegations that have been raised related to this application; and

WHEREAS, since the time of the SADC's September 22nd meeting, the SADC staff, in consultation with the Office of the Attorney General, has determined that the State Ethics Commission is not the appropriate venue for a determination of conflict of interest or ethical violations for New Jersey local elected officials;

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, grants conditional final approval to provide a cost share grant to the County for the purchase of a development easement on the Property, comprising approximately 96 acres, at a State cost share of \$7,200 per acre (60% of certified market value and purchase price) for a total grant of approximately \$712,020, 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 is granting conditional final approval to provide 60 calendar days from the date of this approval to allow anyone alleging a conflict of interest regarding this application or applicant to file a complaint with the appropriate agency with jurisdiction over such claims of conflict of interest; and

BE IT FURTHER RESOLVED, that SADC final approval shall become effective on February 7, 2012 only in the event a complaint is not filed with the appropriate agency by that date; and

BE IT FURTHER RESOLVED, that if a complaint is filed with the appropriate agency within 60 days, SADC final approval shall not become effective, and the SADC may reconsider the application for final approval after the appropriate agency has completed its review of the complaint(s) and issued its decision, a copy of which must be shared with the SADC by the complainant or applicant; and

BE IT FURTHER RESOLVED, that in view of the new information regarding the appropriate process for reviewing conflict-of-interest allegations at the local level, the SADC rescinds its September 22, 2011 request to the Monmouth County Board of Chosen Freeholders regarding this application; and

BE IT FURTHER RESOLVED, that the SADC grant funds are conditioned on the appropriation of funding by the legislature and approval by the Governor and the availability of those funds; and

BE IT FURTHER RESOLVED, should the County require additional funds for the Property due to an increase in the final surveyed acreage the County may utilize unencumbered and available base grant funds to supplement the shortfall; and

BE IT FURTHER RESOLVED, that any unused funds, including the 3% buffer, encumbered from the competitive grant at the time of final approval shall be returned to the SADC's competitive grant fund after closing on the easement purchase; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement 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 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.

12/8/11

Date

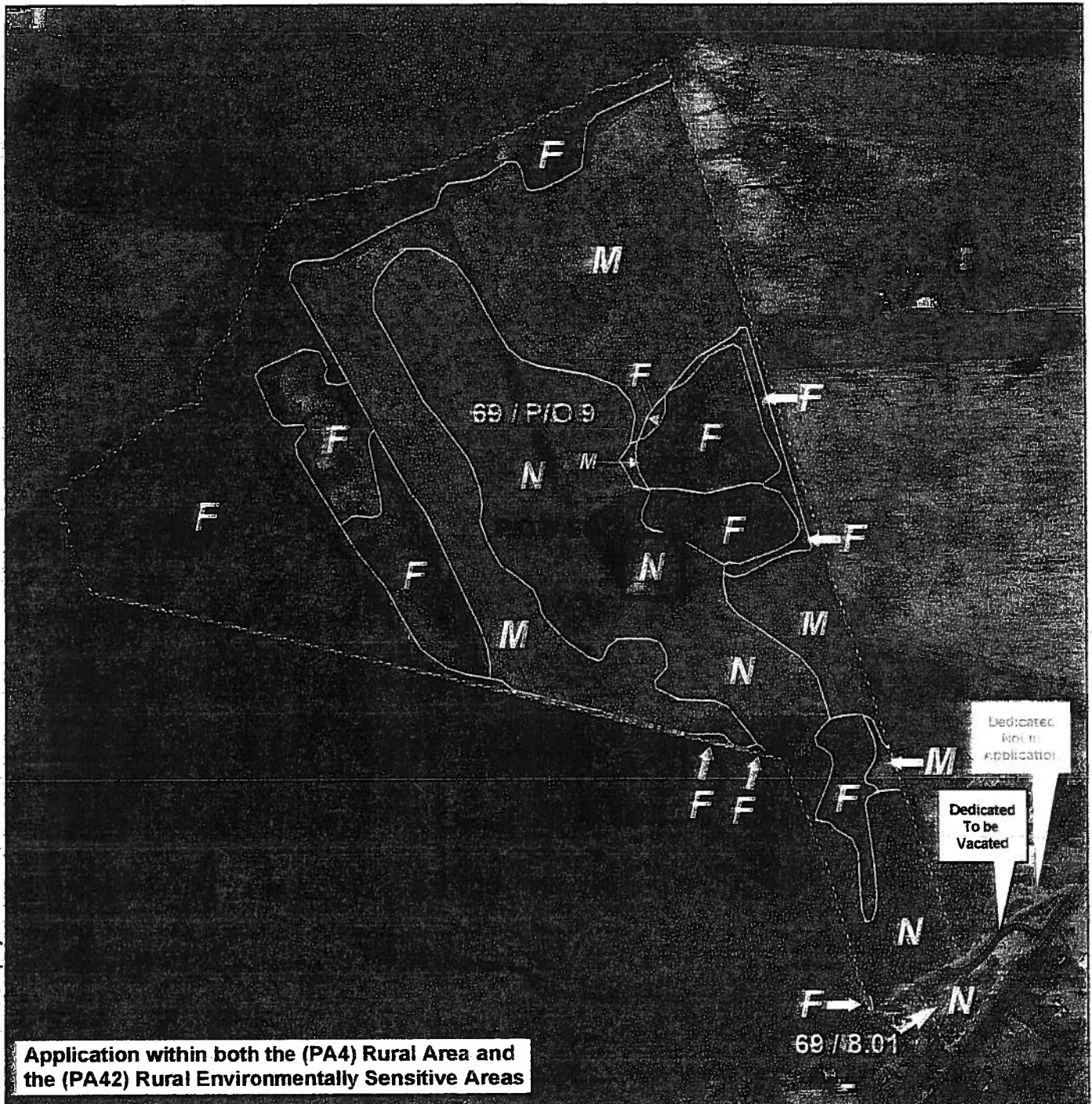


Susan E. Payne, Executive Director
State Agriculture Development Committee

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)	ABSTAIN
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane Brodhecker	YES
Alan A. Danser	YES
James Waltman	NO
Denis C. Germano	YES
Torrey Reade	YES

x:\counties\monco\projects\Diamond09fw.w.mxd



Application within both the (PA4) Rural Area and the (PA42) Rural Environmentally Sensitive Areas

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

Diamond Developers
 Block 69 P/O Lot 8.01 (1.505 ac), P/O Lot 9 (92.895 ac)
 & P/O 9-EN (non-severable exception - 1.0 ac)
 Gross Total - 95.4 ac
 Manalapan Twp., Monmouth County



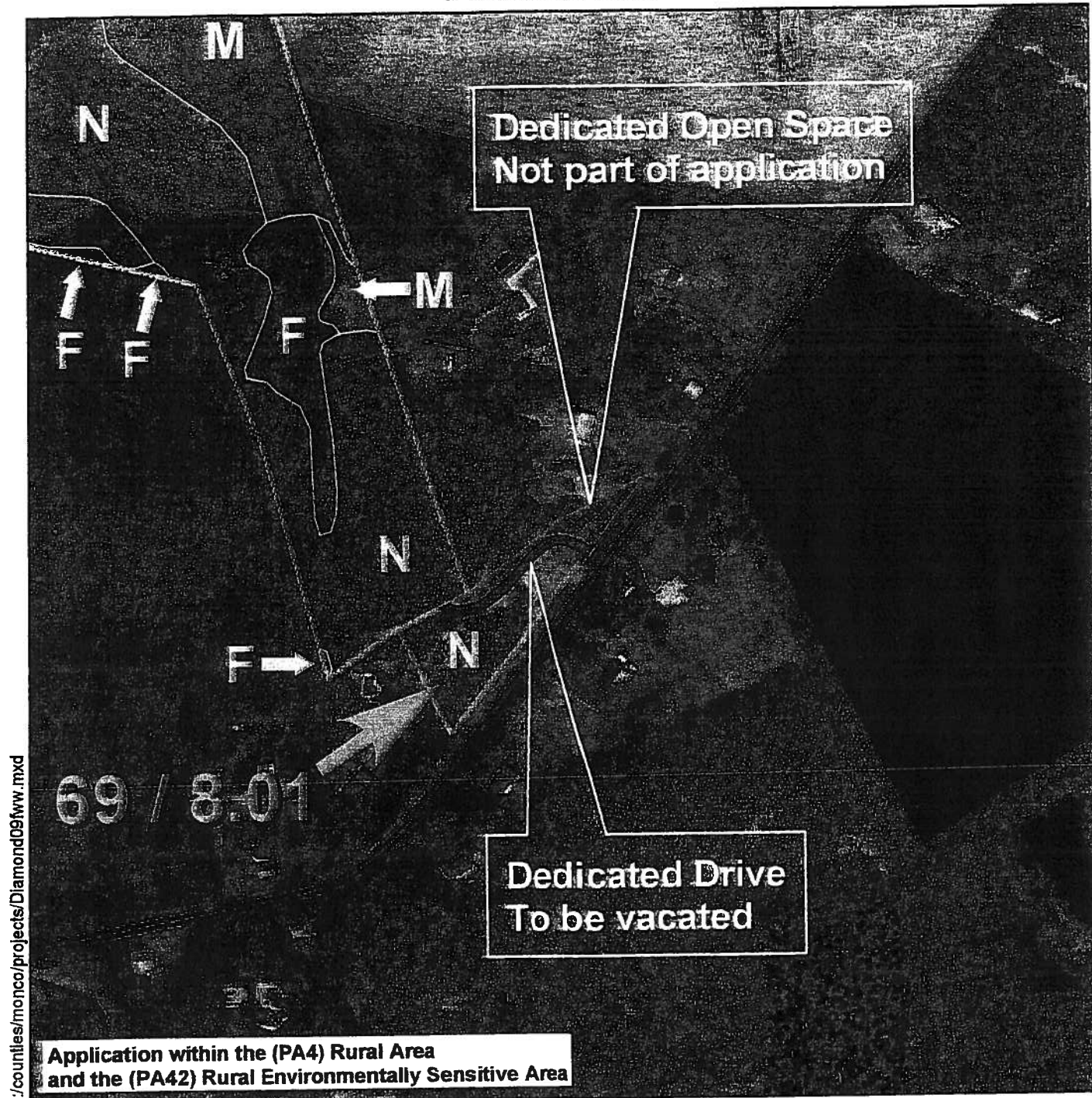
	Property in Question
	EN (Non-Severable) Exception
	SE (Severable) Exception
	Wetlands Boundaries
	Municipal/County/Non-Front Preserved Open Space
	State Owned Conservation Easement
	State Owned DNR Restoration Easement
	Federal Lands

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

Date: 7/8/2010

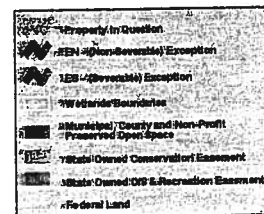


FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

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Block 69 P/O Lot 8.01 (1.505 ac), P/O Lot 9 (92.895 ac)
& P/O 9-EN (non-severable exception - 1.0 ac)
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Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 Digital Aerial Image

Date: 7/8/2010

Schedule 12

New Jersey Farmland Preservation Program
 Program
 Act - N.J.A.C. 2:76-17 et seq.
 County Planning Income
 FY 2000

Monmouth County

	Municipality	App Plus 3 Percent	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	SADC		SADC Federal Grant	Base Grant		Competitive Grant		Cap Total	Cum Expend	Cum Encumbered	Reprogram	Balance subject to availability & approval 4,500,000.00
						Cost Basis	Cost Share		Encumbered at Final	Balance	Encumbered at Final	Expend					
Farm	Diamond Developers/Burke	98,500	12,000.00	12,000.00	7,200.00	1,186,800.00	712,080.00	712,080.00	712,080.00	787,920.00							
	Lusgarten, Kenneth #1	30,000.00	30,000.00	12,000.00	18,000.00	2,970,000.00	1,782,000.00	1,782,000.00									
	Lusgarten, Kenneth #2	32,000.00	32,000.00	12,000.00	18,000.00	2,970,000.00	1,566,000.00	1,566,000.00									
Total Final Approval		98,500				5,580,000.00	712,080.00	712,080.00	0.00		0.00						
Total Pending Approval						0.00	3,348,000.00										
Total Pending w/o Funding																	
Shortfall																	
Total Encumbered									712,080.00					0.00			0.00
Closed/Expended																	0.00
Total																	0.00
Reprogram Out																	

As of 12/7/2011

Planning and Economic Development, 2007 rules county 200932 vch pcf financial status status monmouth

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Diamond Developers @ Burke Farms
13- 0427-PG
FY 2011 County PIG Program
96 Acres

Block 69	Lot 8.01	Manalapan Twp.	Monmouth County
Block 69	Lot 9	Manalapan Twp.	Monmouth County
SOILS:		Other	2% * 0 = .00
		Prime	30% * .15 = 4.50
		Statewide	68% * .1 = 6.80
			SOIL SCORE: 11.30
TILLABLE SOILS:		Cropland Harvested	46% * .15 = 6.90
		Wetlands	38% * 0 = .00
		Woodlands	16% * 0 = .00
			TILLABLE SOILS SCORE: 6.90
FARM USE:		Cash Grains	44 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 Future single family residence
 - Exception is not to be severed from Premises
 - Exception is to be restricted to one single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 - mount brook subdivision roadway dedicated to the Township must be vacated before the easement purchase
 - e. Dwelling Units on Premises:
 - No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

**RESOLUTION #FY12R12(2)
FINAL APPROVAL**

of the

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

2009 PLANNING ROUND

December 8, 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 87 project areas in 7 counties and targeted 1,850 farms and 87,822 acres at an estimated total cost of \$1,632,000,000, with a ten-year preservation goal of 67,648 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 Upper Pittsgrove 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 Upper Pittsgrove 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 Upper Pittsgrove 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.

12/8/11

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)	ABSENT FOR VOTE
Jane Brodhecker	YES
Alan A. Danser	YES
James Waltman	YES
Denis C. Germano	YES
Torrey Reade	YES

S:\PLANNING\PIG Planning\Municipal PIG\2009 Municipal\Resolutions\Mun PIG 2009 final approval
ResolutionDec11.doc

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 \$0.05/100	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	\$54,000,000	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	\$20,908,280	\$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	\$0,646	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	12	564	\$26,117,148	\$46,307	2,568	10	70	338	\$15,651,766	\$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	\$30,886,000	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
Pilesgrove	2	89	3,180	\$23,850,000	\$7,500	7,083	435	1,987	3,814	\$28,605,000	\$17,735,100	3.0	\$0,178	No Set Amount

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
Upper Pittsgrove	3	11	459	\$3,440,400	\$7,500	4,003	700	3,500	7,000	\$52,500,000	\$32,550,000	2.0	\$0.070	\$0.070
Somerset	13	440	18,333	\$209,139,753	\$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	\$182,810,000	\$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	\$42,800,000	\$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	1,825	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
Freylinghousen	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	\$4,800,000	5.0	\$0.247	\$0.247
Hope	3	92	1,800	\$29,882,000	\$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		\$199.87	
Municipal Totals (37)	87	1,650	87,822	\$1,632,298,508		361,971	9,368	35,703	67,648	\$1,093,070,806	\$660,007,792		\$24.53	

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

Date: 11/28/11

Schedule B

MUNICIPAL PLANNING INCENTIVE GRANT
Final Approval Application
 (2009 Round)
 December 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
Upper Pittsgrove	Salem	One	3	118	\$888,150	\$7,500						
		Two	6	238	\$1,787,250	\$7,500						
		Three	2	102	\$765,000	\$7,500						
		Total	11	459	\$3,440,400		700	3,500	7,000	2.0	\$70,000	\$70,000
December 2011 MUN. PIG (2009 Round) FINAL APPROVAL TOTALS												
		3	11	459	\$3,440,400		700	3,500	7,000			

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY12R12(3)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

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

**On the Property of
Frances Washer
Sussex County/Washer Farm
Andover and Green Townships, Sussex County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 19-0002-PG
December 8, 2011**

WHEREAS, on December 17, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Sussex 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 final approval of the FY2010 plan on November 5, 2009; and

WHEREAS, on February 25, 2010 the SADC received an application for the sale of a development easement from Sussex County for the Washer Farm identified as Block 1, Lot 2, Andover Borough, Block 166, Lot 1, Andover Township and Block 27, Lot 6.02, Green Township, Sussex County, totaling 98.04 net acres hereinafter referred to as "Property" and as identified on the attached map (Schedule A); and

WHEREAS, the Property is located in Sussex County's Central Western Highlands #2 Project area; and

WHEREAS, the Property is located in a Highlands Planning Area; and

WHEREAS, the Property has zero (0) existing single family residences, zero (0) residences used for agricultural labor, outside of the exception areas; and

WHEREAS, there is one, 1-acre non-severable exception for one (1) future single family residence; and

WHEREAS, there is one, 6-acre severable exception around the existing single family residence; and

WHEREAS, there is a pre-existing non-agricultural use which consists of a 5.5 acre area, leased to Ag Choice LLC, which composts agricultural waste: animal manure, spoiled hay and corn silage; pre-consumer waste: bakery by-products, fruit and vegetable culls and floral waste; and manufacturing waste: certain plant based manufacturing organics, identified by the hatched area in (Schedule A-2); and

WHEREAS, Ag Choice Organics Recycling is the first New Jersey on-farm composting operation approved by the New Jersey Department of Environmental Protection to compost the above described products; and

WHEREAS, this non-agricultural use was identified on the application, but not in the Schedule B, where non-agricultural uses are described in the Deed of Easement when Sussex County acquired the easement; and

WHEREAS, because the non-agricultural use was not identified, a Corrective Deed of Easement will be required; and

WHEREAS, the Owners were advised of the advantages of taking an exception around the non-agricultural use rather than the less flexible inclusion of the non-agricultural use in the Deed of Easement, but were opposed to an exception area; and

WHEREAS, the landowner has signed the SADC Non-Ag use Guidance document to assure that they fully understand the implications of having the non-agricultural use; (Schedule D); and

WHEREAS, the Property has a rank score of 58.73 which exceeds 70% of the County's average quality score of 33, as determined by the SADC on July 24, 2008; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on January 20, 2009 the Sussex CADB passed a resolution granting final approval to the Washer farm at a per acre easement purchase price of \$11,500 with the intent of pursuing an SADC cost share reimbursement; and

WHEREAS, on February 11, 2009 the Sussex County Board of Chosen Freeholders granted final approval for the purchase of the development easement on the Washer farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, February 9, 2009 the Green Township Committee approved the Owner's 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, February 23, 2009 the Andover Township Committee approved the Owner's 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, March, 9, 2009 the Andover Borough Committee approved the Owner's application for the sale of development easement, but is not

WHEREAS, Sussex County purchased the easement on the Premises on July 1, 2010 for \$1,127,460 (\$11,500 per acre on 98.04 acres which is less than the highest certified easement value of \$12,712 per acre and more than the certified value of \$9,500) and recorded in the Sussex County Clerk's office on 7/2/10 in Deed Book 3252, Page 840; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on June 8, 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 July 22, 2010 the SADC certified a development easement value of \$9,500 per acre based on zoning and environmental regulations in place as of 8/1/08; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(d), the County prioritized its farms and the ranking and submitted the ranking to the SADC on August 24, 2010 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, pursuant to N.J.A.C. 2:76-17.8, and Resolution # FY08R9(33), adopted on July 26, 2007, the SADC authorized a FY09 funding allocation to provide eligible counties with a base grant of \$2,000,000 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, to date Sussex County has requested and the SADC has encumbered \$787,355.50 in base grant funding for the Peck, Chirip, Hautau #2 and Turr farms, leaving a cumulative balance of \$1,212,644.50; and

WHEREAS, the Sussex County Agriculture Development Board is requesting \$558,828.00, leaving a balance of \$653,816.50 (Schedule B); and

WHEREAS, since the County has already closed on this Property it is not requesting an additional 3% buffer for possible final surveyed acreage increases and will use 98.04 for calculation purposes;

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Property, comprising approximately 98.04 acres, at a State cost share of \$5,700 per acre (60% of certified market value) for a total grant of approximately \$558,828, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C"; and

BE IT FURTHER RESOLVED, that the SADC grant will consist of \$558,828 from the base grant fund only; and

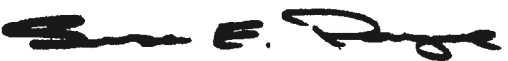
BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund) after closing on the easement purchase; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement 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 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.

12/8/11
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 Brodhecker	RECUSED
Alan A. Danser	YES
James Waltman	YES
Denis C. Germano	YES
Torrey Reade	YES

Wetlands

Application partially within the Highlands Planning Area and both the (PA4b) Rural Env Sensitive and the (PA5) Env Sensitive Areas



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Fran and Dick Washer
Block 1 Lot 2 (14.5 ac) - Andover Boro
Block 27 Lots P/O 6.02 (84.0 ac) P/O 6.02-ES (severable exception - 6.0 ac)
& P/O 6.02-EN (non-severable exception - 1.0 ac) - Green Twp.
and Block 156 Lot 1 (2.2 ac) - Andover Twp.
Gross Total = 107.8 ac
Sussex County



- Property in Question
- EN - (Non-Severable) Exception
 - ES - (Severable) Exception
 - Wetlands Boundaries
 - Highlands Planning Area
 - 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
 - N - Non-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 user acknowledges that the data in this file are approximate and were developed primarily for planning purposes. The geographic accuracy and precision of the GIS data contained in this file and map shall not 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
March 9, 2010

Wetlands

Schedule A-2



Application partially within the Highlands Planning Area and both the (PA4b) Rural Env Sensitive and the (PA5) Env Sensitive Areas

- Property in Question**
- EN - (Non-Severable) Exception
 - SE - (Severable) Exception
 - Wetlands Boundaries
 - Highlands Planning Area
 - Municipal County and Non-Footh
 - Preserved Open Space
 - State Owned Conservation Easement
 - State Owned O&B & Recreation Easement
 - Private Land

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

Sources:
 NJDEP Freshwater Wetlands Data
 Green Acres Conservation Easement Data
 NJGIS/OGIS 2007/2008 Digital Aerial Image
 March 9, 2010

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Fran and Dick Washer
 Block 1 Lot 2 (14.5 ac) - Andover Boro
 Block 27 Lots P/O 6.02 (84.0 ac), P/O 6.02-ES (severable exception - 6.0 ac)
 & P/O 6.02-EN (non-severable exception - 1.0 ac) - Green Twp.
 and Block 166 Lot 1 (2.2 ac) - Andover Twp.
 Gross Total = 107.8 ac
 Sussex 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 for planning purposes. The geospatial accuracy and precision of the GIS data contained in this file and map shall not be relied upon in matters requiring determination and location of true ground conditions. No warranty is made by the State of New Jersey or its employees or contractors as to the accuracy of the data. Professional Land Surveyor.

New Jersey Farmland Preservation Program
Preservation Program
County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.
FY2009 Funding

Schedule B

Farm	Municipality	App Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	SADC		2,000,000				3,000,000		Cum Expend	Cum Encumbered	Reprogram	Balance subject to availability & approval 4,212,644.50
						Cost Basis	Cost Share	Encumbered at Final	PV Encumbered	Expend	Balance	Competitive Grant Encumbered at Final	Balance				
Peck, Harold & Sellie	Lafayette	36.279	15,000.00	15,500.00	9,000.00	544,185.00	326,511.00	326,511.00	323,451.00	323,451.00	1,676,549.00			787,355.50	0.00	0.00	
Sussex Co/Chirp	Green	18.008	5,900.00	7,850.00	3,850.00	106,247.20	69,330.80	69,330.80	69,330.80	69,330.80	1,807,218.20						
H.J. Haulau & Sons Inc 2	Frankford	36.634	9,900.00	10,200.00	5,940.00	360,706.50	217,605.96	217,605.96	216,423.90	216,423.90	1,390,794.30						
Turr, Lynn & Bonita	Wantage	52.397	5,000.00	5,100.00	3,400.00	261,985.00	178,149.80	178,149.80	176,149.80	178,149.80	1,212,644.50						
Washer, Richard & Frances	Green	98.040	9,500.00	11,500.00	5,700.00	931,380.00	558,828.00	558,828.00			653,816.50						
Crisman Bros Farm LLC#1	Fredon	88.000	4,800.00	6,400.00													
Crisman Bros Farm LLC#2	Fredon	71.000	6,400.00	7,900.00													
Jell Crisman et al	Fredon	69.000	5,400.00	5,400.00													
Havens, Richard #2 (preAq)	Wantage	38.000	7,000.00	13,500.00	4,400.00	266,000.00	167,200.00	167,200.00			486,616.50						
Salvatore, Torre (preAq)	Lafayette	165.000	5,000.00		3,400.00	825,000.00	561,000.00	561,000.00			510,875.98						
Rejected																	
Haulau #1																	
Haulau #3																	
Decker, William																	
Withdrawn																	
Sussex Co/Lewisburg Rd 3	Wantage	153.038	4,100.00	4,100.00	2,850.00	626,742.40	437,688.68	437,688.68									
Sussex Co/Lewisburg Rd 2	Wantage	104.390	3,000.00	3,050.00	2,200.00	318,389.50	229,658.00	229,658.00									
Sussex Co/Lewisburg Rd 1	Wantage	43.686	7,000.00	7,500.00	4,400.00	327,645.00	192,218.40	192,218.40									
G Warren & R. Bertol	Wantage	44.547	4,700.00	4,600.00	3,160.00	204,916.20	140,768.52	140,768.52	140,768.52	140,768.52	1,071,875.98						
Total Pending	5	529.040				1,816,961.90	1,186,078.08	3,078,959.16									
Total Encumbered	0	0.000						0.00				0			0.00		
Closed/Expended	4	143.318								787,355.50				787,355.50			
Total	4	672.3580															
Reprogram Out																	

XEROX

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Washer, R & F
19- 0012-PG
FY 2009 County PIG Program
99 Acres

Block 27	Lot 6.02	Green Twp.	Sussex County
Block 1	Lot 2	Andover Boro	Sussex County
Block 166	Lot 1	Andover Twp.	Sussex County

SOILS:	Other	42% * 0	=	.00
	Prime	58% * .15	=	8.70

SOIL SCORE: 8.70

TILLABLE SOILS:	Cropland Harvested	52% * .15	=	7.80
	Permanent Pasture	20% * .02	=	.40
	Woodlands	28% * 0	=	.00

TILLABLE SOILS SCORE: 8.20

FARM USE:	Field Crop Except Cash Grain	51 acres
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In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
composting operation
 - b. Exceptions:
 - 1st one (1) acres for future single family dwelling
Exception is not to be severed from Premises
Exception is to be restricted to one single family residential unit(s)
 - 2nd six (6) acres for exclusion of existing single family dwelling
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
Exception is to be restricted to one single family residential unit(s)
 - c. Additional Restrictions:
 1. As there is a pre-existing non agricultural use identified on the application, the DOE must be corrected to reflect same.
 - 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.

Nonagricultural Uses

The restrictions in the Deed of Easement limit a preserved farm to agricultural uses. Once your farm has been preserved, no nonagricultural uses will be allowed, except if otherwise outlined in the Deed of Easement or if they occur within an exception area. Because nonagricultural uses are not related to agricultural production, they cannot continue unless recorded in a Schedule B in the Deed of Easement or contained within an exception area. Both of these options are designed to protect you and allow you to continue your nonagricultural use into the future.

Do you have a nonag use on your farm?

Some examples of a nonagricultural use include:

- An existing business, not related to your farm's agricultural production, located in your barn or home
- A lumber processing business that uses timber produced/grown by other farmers
- A facility used to process or sell agricultural products not raised on the farm or by the owner's farming operation
- A portion of your farm or structure on your farm that is rented or used by someone else for a use or business not related to the production of your farm (e.g., equipment, vehicle parking, office).
- A portion of your farm or structure on your farm that is used for the storage of agricultural products or materials not derived from or intended for use on your farm (e.g., grain/cold storage, parts, chemicals, fertilizers)

Schedule B Nonagricultural Use

This option allows you to continue your nonagricultural use following the preservation of your farm at the same scale and location it is at the time of preservation. Before appraisals and surveys are conducted, you will be asked to identify and describe any nonagricultural uses occurring on your farm. Details of the use(s), such as the type, frequency, intensity, size and location, will be recorded as a Schedule B and attached to the Deed of Easement. This document binds your use to its current parameters so that you cannot expand or change it in the future.

Although you will still be paid for the land under the use, this option provides you with little flexibility and no opportunity to expand the use, change the use, or start a new use in the future. Additionally, if the current nonagricultural use ceases at some point, you are not permitted to resume it in the future.

Nonagricultural Uses in Exception Areas

You also have the option of excepting out some of your land under and surrounding a nonagricultural use(s) from the Deed of Easement. This option provides you with maximum flexibility for your use in the future since the land in exception areas is not subject to the restrictions of the Deed of Easement. Although you will not be paid for the land in an exception area, you will be able to change, improve and expand your use within the exception area as you wish, subject to all applicable local and state regulations.

An exception area around a nonagricultural use is ideal if you can foresee the use or an area of your farm changing in the future. For instance, you may have an older barn that is becoming too small for modern tractors and your agricultural operation. Rather than razing it or allowing it to go into disrepair, you may want to rent this space out to a carpenter or other small business. By including the structure in an exception area, you maintain the flexibility to repurpose an agricultural structure and adapt to the changes of your farm.



Acknowledgement of Receipt

By signing below, you acknowledge that you have received this guidance document and understand that nonagricultural uses are prohibited under the farmland preservation deed of easement except for the limited circumstances described herein.

Print Name

Signature/Date

Print Name

Signature/Date

Print Name

Signature/Date

Block

Lot

Township

County

SADC ID#

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY12R12(4)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Gennaro and Catherine D'Amico Farm ("Owner")

North Hanover Townships, Burlington County

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

SADC ID# 03-0358-PG

December 8, 2011

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Burlington 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 final approval of Burlington County's PIG plan on May 28, 2009; and

WHEREAS, on July 13, 2011 the SADC received an application for the sale of a development easement from Burlington County for the D'Amico Farm identified as Block 301, Lot 14.03, North Hanover Township, Burlington County, totaling 51.318 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

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

WHEREAS, the Property includes one, 1.00-acre non-severable exception for one (1) future single 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 70.48 which exceeds 44, which is 70% of the County's average quality score as determined by the SADC on August 24, 2010; and

WHEREAS, the Property has approximately 85% Prime soils and supports vegetable crops such a hot peppers, herbs and melons; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on August 18, 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. 2:76-17.13 on February 10, 2011 the Burlington CADB passed a resolution granting final approval to the D'Amico farm to request 58.44% cost share grant from the SADC; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 5, 2011 the North Hanover Township approved the Owner's application for the sale of the development easement with 10% cost share used to pre-acquire the easement; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 22, 2011 the SADC certified a development easement value of \$8,000 per acre based on zoning and environmental regulations in place as of October 2010; and

WHEREAS, Burlington County entered into a Purchase Agreement and purchased the development easement on July 21, 2011 for \$387,450.90 (\$7,550.00 per acre which is lower than the SADC certified easement value of \$8,000.00; and

WHEREAS, since the County has already closed on this property it is not requesting to use the additional 3% buffer for possible surveyed acreage increases, therefore, the SADC cost share shall be based on the County offer easement value (\$7,550.00/ acre) and the 51.318 surveyed acres (Payment acres); and

WHEREAS, on October 19, 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, 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, pursuant to N.J.A.C. 2:76-17.14, competitive grant funds shall be awarded by the SADC based on priority ranking of the individual farm application 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. 2:76-17.14, the Burlington County Agriculture Development Board is requesting \$239,911.65 leaving a potential remaining eligibility of \$1,911,487.79 from its competitive grant (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 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 Burlington County for the purchase of a development easement on the D'Amico Farm, comprising 51.318 acres, at a State cost share of \$4,675.00 per acre (61.92% of the 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 if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

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

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

12/8/11

Date



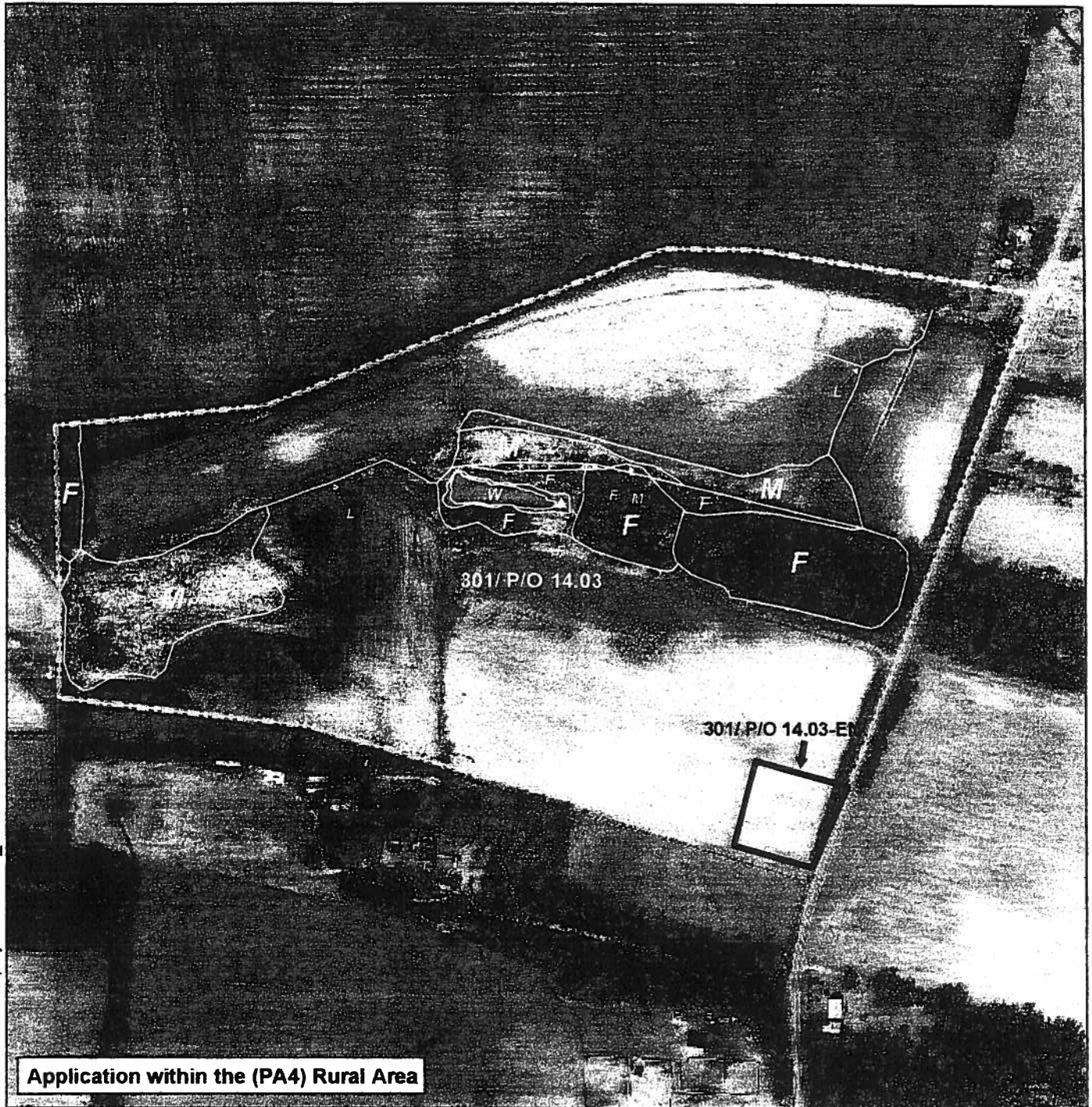
Susan E. Payne, Executive Director
State Agriculture Development Committee

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 Brodhecker	YES
Alan A. Danser	YES
James Waltman	YES
Denis C. Germano	YES
Torrey Reade	YES

Wetlands Schedule A

x:\counties\burco\projects\d'amico_fw.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Catherine and Gennaro D'Amico
Block 301 Lots P/O 14.03 (51.7 ac)
& P/O 14.03-EN (non-severable exception - 1.0 ac)
Gross Total = 52.7 ac
North Hanover Twp., Burlington County

500 250 0 500 1,000 Feet



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 OIB & 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
NJOTIS 2007/2008 Digital Aerial Image

August 4, 2011

Burlington County

New Jersey Farmland Preservation Program
County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

2011 (2009 farmland preservation fund)

Schedule B

Farm	Municipality	Pay Acres	SADC Certified Per Acre	SADC Grant Per Acre	Grant% Per Acre	SADC Cost		1,500,000				3,000,000			
						Share	Encumbered at Final	Base Grant		Competitive Grant					
								PV Encumbered	Expend	PV Encumbered	Expend	Balance			
3ur Cty/Griffin	North Hanover	104.0730	2,745.00	2,021.50	73.64%	210,383.57	210,383.57	199,945.86		1,300,054.14					
3ur Cty/Kause	North Hanover	95.493	6,800.00	4,250.00	63.43%	408,318.75	408,318.75	405,845.25		894,208.89					
3ur Cty/Clayton Block East	New Hanover	186.2414	2,300.00	1,701.11	74.37%	333,927.89	316,817.11	291,847.72		602,361.17					
3ur Cty/Wainright, Cora	Mansfield	136.5070	9,600.00	5,760.00	60.00%	786,280.32	602,361.17			0.00	183,919.15			2,816,080.85	
3ur Cty/Wainright, Curtis	Mansfield	104.0190	10,700.00	6,390.00	59.72%	664,681.41					664,681.41			2,151,399.44	
3ur Cty/D'Amico	North Hanover	51.3180	8,000.00	4,675.00	61.92%	239,911.65					239,911.65			1,911,487.79	
3ur Cty/Murphy	Hainesport	80.3680	5,300.00	3,550.00	66.98%	285,306.40					285,306.40			1,626,181.39	

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Burlington/D'Amico, G&C
03- 0358-PG
FY 2011 County PIG Program
52 Acres

Block 301	Lot 14.03	North Hanover Twp.	Burlington County			
SOILS:			Other	9% *	0	= .00
			Prime	85% *	.15	= 12.75
			Statewide	6% *	.1	= .60
			SOIL SCORE: 13.35			
TILLABLE SOILS:			Cropland Harvested	88% *	.15	= 13.20
			Wetlands	12% *	0	= .00
			TILLABLE SOILS SCORE: 13.20			
FARM USE:			Vegetable & Melons	40 acres	Hot Peppers	
			Vegetable & Melons	6 acres	Herbs	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st one (1) acres for Future housing and flexibility in use
 - 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 December 8, 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
Burlington County	North Hanover Twp.	Burlington/D'Amico	52	101.25	10	30	50	11.25
Cumberland County	Hopewell Twp.	Minch, Michael et al	11	100	0	50	50	0
Burlington County	Mansfield Twp.	Burlington/Wainwright, Curtis	106	90.93	10	30	50	0.93
Burlington County	Mansfield Twp.	Burlington/Wainwright, Cora	135	88.96	10	30	50	-1.04
Burlington County	Hainesport Twp.	Burlington County/Murphy Farm	80	-10.19	10	30	30	-80.19

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY12R12(5)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

**On the Property of
Cora Wainright Farm ("Owner")
Mansfield Townships, Burlington County**

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

SADC ID# 03-0351-PG

December 8, 2011

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Burlington 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 final approval of Burlington County's PIG plan on May 28, 2009; and

WHEREAS, on July 22, 2010 the SADC received an application for the sale of a development easement from Burlington County for the Cora Wright Farm identified as Block 58, Lot 42.01 and Block 59, Lot 6, Mansfield Township, Burlington County, totaling approximately 136.507 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the Property is located in Burlington County's Mansfield Project Area; and

WHEREAS, the Property includes one, 2.598-acre non-severable exception for two existing family residences and possible non-agricultural use; 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 72.80 which exceeds 44, which is 70% of the County's average quality score as determined by the SADC on August 24, 2010; and

WHEREAS, the Property has approximately 61% Prime soils and supports field crops such as corn, hay and soybean; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on September 3, 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. 2:76-17.13 on March 11, 2010 the Burlington CADB passed a resolution granting final approval to the Cora Wainwright farm to request 60% cost share grant from the SADC; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on October 13, 2010 the Mansfield Township approved the Owner's application for the sale of the development easement with 10% cost share used to pre-acquire the easement; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on February 7, 2011 the SADC certified a development easement value of \$9,600 per acre based on zoning and environmental regulations in place as of October 2008; and

WHEREAS, certification was contingent upon a 50' wide access easement sufficient for intensive residential development being in place across Block 59, Lot 4.01(owned by Curtis Wainwright) and was also contingent upon Burlington County allowing an access easement (50') between Block 59, Lot 6 and Block 58, Lot 42.01 across Block 800.07, Lot 1 (the Kinkora Trail); and

WHEREAS, the two 50' access easements were recorded at Burlington County Clerk's Office on January 1, 2011 in Deed Book 674, Page 901 and in Deed Book 676, Page 180; and

WHEREAS, Burlington County entered into a Purchase Agreement and purchased the development easement on December 28, 2010 for \$1,318,990.95 (\$9,650.00 per acre which is higher than the SADC certified easement value of \$9,600 per acre but lower the highest appraised easement value of \$10,000.00 per acre); and

WHEREAS, since the County has already closed on this property it is not requesting to use the additional 3% buffer for possible surveyed acreage increases, therefore, the SADC cost share shall be based on the SADC certified easement value (\$9,600/acre) and the 136.507 surveyed acres; and

WHEREAS, on October 19, 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, 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, pursuant to N.J.A.C. 2:76-17.14, competitive grant funds shall be awarded by the SADC based on priority ranking of the individual farm application 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. 2:76-17.14, the Burlington County Agriculture Development Board is requesting \$602,361.17 leaving a balance of 0 dollars from its base grant and \$183,919.15 from its competitive grant, leaving a cumulative potential remaining eligibility of \$2,816,080.85 (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 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 Burlington County for the purchase of a development easement on the Cora Wainwright Farm, comprising 136.507 acres, at a State cost share of \$5,760.00 per acre (60.00% 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 if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

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

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

12/8/11

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 Brodhecker	YES
Alan A. Danser	YES
James Waltman	YES
Denis C. Germano	YES
Torrey Reade	YES

Schedule A



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 accuracy and precision of the location of the parcels is not guaranteed. The horizontal and vertical control as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Property in Question
EN - (Non-Exemptible) Exception
ES - (Exemptible) Exception
Wetlands Boundaries
Municipal, County and Non-Profit
Preserved Open Space
State Owned Conservation Easement
State Owned Open Space & Recreation Easement
Federal Land
Federal 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
NJDOT/AGIS 2007/2008 Digital/Aerial Image

Burlington County

New Jersey Farmland Preservation Program
County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

2011 (2009 farmland preservation fund)

Schedule 15

			SADC	SADC Grant	Grant%	SADC		1,500,000				3,000,000			
						Cost		Base Grant		Competitive Grant					
								Encumbered at Final	PV Encumbered	Expend	Balance	Encumbered at Final	PV Encumbered	Expend	Balance
Farm	Municipality	Pay Acres	Certified Per Acre	SADC Grant Per Acre	Grant% Per Acre	Share									
3ur Cty/Griffin	North Hanover	104.0730	2,745.00	2,021.50	73.64%	210,383.57		210,383.57	199,945.86		1,300,054.14				
3ur Cty/Krause	North Hanover	95.493	6,800.00	4,250.00	63.43%	408,318.75		408,318.75	405,845.25		894,208.89				
3ur Cty/Clayton Block East	New Hanover	186.2414	2,300.00	1,701.11	74.37%	333,927.89		316,817.11	291,847.72		602,361.17				
3ur Cty/Mainright Cora	Mansfield	136.5070	9,600.00	5,760.00	60.00%	786,280.32		602,361.17			0.00	183,919.15			2,816,080.85
3ur Cty/Mainright, Curtis	Mansfield	104.0190	10,700.00	6,390.00	59.72%	664,681.41						664,681.41			2,151,399.41
3ur Cty/D'Amico	North Hanover	51.3180	8,000.00	4,675.00	61.92%	239,911.65						239,911.65			1,911,487.79
3ur Cty/Murphy	Hainesport	80.3680	5,300.00	3,550.00	66.98%	285,306.40						285,306.40			1,626,181.39

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Wainwright, Cora
03- 0351-PG
FY 2011 County PIG Program
135 Acres

Block 59	Lot 6	Mansfield Twp.	Burlington County
Block 58	Lot 42.01	Mansfield Twp.	Burlington County
SOILS:		Local	2% * .05 = .10
		Other	27% * 0 = .00
		Prime	61% * .15 = 9.15
		Statewide	10% * .1 = 1.00
			SOIL SCORE: 10.25
TILLABLE SOILS:		Cropland Harvested	79% * .15 = 11.85
		Wetlands	5% * 0 = .00
		Woodlands	16% * 0 = .00
			TILLABLE SOILS SCORE: 11.85
FARM USE:		General-Primary Crops	117 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Execution of and agreement between the Municipality, State Agriculture Development Committee and Landowner.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st three (3) acres for possible future farm equipment repair shop and two existing family residencesException is not to be severed from Premises
 - 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.

New Jersey Farmland Preservation
Competative Ranking Report
Farms Receiving Final Approval December 8, 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
Burlington County	North Hanover Twp.	Burlington/D'Amico	52	101.25	10	30	50	11.25
Cumberland County	Hopewell Twp.	Minch, Michael et al	11	100	0	50	50	0
Burlington County	Mansfield Twp.	Burlington/Wainwright, Curtis	106	90.93	10	30	50	0.93
Burlington County	Mansfield Twp.	Burlington/Wainwright, Cora	135	88.96	10	30	50	-1.04
Burlington County	Hainesport Twp.	Burlington County/Murphy Farm	80	-10.19	10	30	30	-80.19

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY12R12(6)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

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

**On the Property of
Curtis R. Wainright Farm ("Owner")
Mansfield Townships, Burlington County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 03-0350-PG**

December 8, 2011

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Burlington 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 final approval of Burlington County's PIG plan on May 28, 2009; and

WHEREAS, on July 22, 2010 the SADC received an application for the sale of a development easement from Burlington County for the Curtis R. Wainright Farm identified as Block 59, Lot 4.01, Mansfield Township, Burlington County, totaling 104.019 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the Property is located in Burlington County's Mansfield Project Area; and

WHEREAS, the Property includes one 1.885-acre non-severable exception to exclude existing buildings and will be limited to one (1) future residence; and

WHEREAS, the Property includes one 0.500 acre severable exception limited to no residential opportunity unless merged with adjacent Lot 1, Block 59 which has a 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 67.02 which exceeds 44, which is 70% of the County's average quality score as determined by the SADC on August 24, 2010; and

WHEREAS, the Property has approximately 73% Prime soils and supports field crops such as corn, hay and soybean; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on January 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. 2:76-17.13 on March 11, 2010 the Burlington CADB passed a resolution granting final approval to the Curtis Wainwright farm to request 59.72% cost share grant from the SADC; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on October 13, 2010 the Mansfield Township approved the Owner's application for the sale of the development easement with 10% cost share used to pre-acquire the easement; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on February 7, 2011 the SADC certified a development easement value of \$10,700 per acre based on zoning and environmental regulations in place as of October 2008; and

WHEREAS, Burlington County entered into a Purchase Agreement and purchased the development easement on December 28, 2010 for \$1,132,947.00 (\$10,650.00 per acre which is lower than the SADC certified easement value of \$10,700.00, therefore the SADC shall cost share on the lower easement value pursuant to N.J.A.C. 2:76-6.11; and

WHEREAS, since the County has already closed on this property it is not requesting to use the additional 3% buffer for possible surveyed acreage increases, therefore, the SADC cost share shall be based on the County offer easement value (\$6,390.00/ acre) and the 104.019 surveyed acres (Payment acres); and

WHEREAS, on October 19, 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, 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, pursuant to N.J.A.C. 2:76-17.14, competitive grant funds shall be awarded by the SADC based on priority ranking of the individual farm application 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. 2:76-17.14, the Burlington County Agriculture Development Board is requesting \$664,681.41 leaving a potential remaining eligibility of \$2,151,399.44 from its competitive grant (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 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 Burlington County for the purchase of a development easement on the Curtis Wainwright Farm, comprising 104.019 acres, at a State cost share of \$6,390.00 per acre (59.72% of 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 if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

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

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

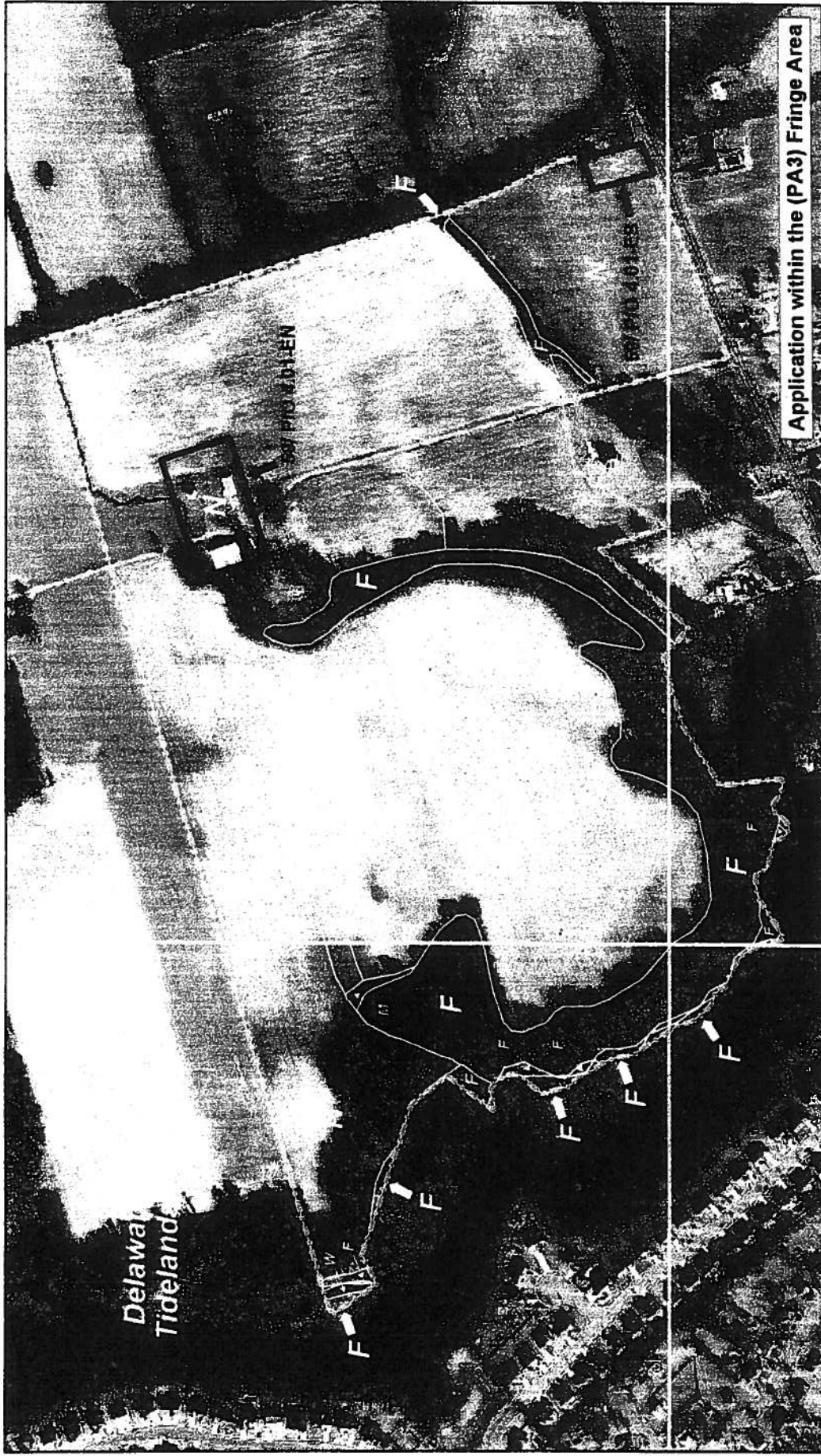
12/8/11
Date


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 Brodhecker	YES
Alan A. Danser	YES
James Waltman	YES
Denis C. Germano	YES
Torrey Reade	YES

Wetlands Schedule A



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Curtis Wainwright
Block 59 Lots P/O 4.01 (105.6 ac); P/O 4.01-ES (severable exception - 0.5 ac)
& P/O 4.01-EN (non-severable exception - 2.0 ac)
Gross Total = 108.1 ac
Mansfield Twp., Burlington County



TIDELANDS DISCLAIMER.
The linear features depicted on this map were derived from the NJDEP CD ROM series 1, volume 4, "Tidelands Citizen Map". The map was prepared by the NJDEP Bureau of Wetlands and Tidelands. Only NJDEP Bureau of Wetlands and Tidelands can perform an official determination of Tidelands/pastor 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 geospatial accuracy and precision of the GIS data contained in this file and map shall not be relied upon for matters requiring delineation and location of true ground. The data was prepared by a Professional Land Surveyor.

Application within the (PA3) Fringe Area

- Property in Question**
EN - (Non-Severable) Exception
ES - (Severable) Exception
Wetlands Boundaries
Freshwater Wetlands
Marine Wetlands
State Owned Conservation Easement
State Owned Off & Recreation Easement
Federal Land
Tidelands Boundaries

- Wetlands Legend:**
F - Freshwater Wetlands
M - Marine Wetlands
U - Unclassified Wetlands for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300 Buffer
W - Water

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/JOIS 2007/2008 Digital Aerial Image
July 22, 2010

Burlington County

New Jersey Farmland Preservation Program
County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

2011 (2009 farmland preservation fund)

Schedule 15

			SADC	Certified	SADC Grant	Grant%	SADC		1,500,000				3,000,000			
							Cost	Share	Encumbered at Final	RV	Base Grant	Expend	Balance	Encumbered at Final	PV	Competitive Grant
Farm	Municipality	Pay Acres	Per Acre	Per Acre	Per Acre	Per Acre										Balance
Bur Cty/Giffin	North Hanover	104.0730	2,745.00	2,021.50	73.64%	210,383.57	210,383.57	210,383.57	210,383.57	199,945.86			1,300,054.14			894,208.89
Bur Cty/Krause	North Hanover	95.493	6,800.00	4,250.00	63.43%	408,318.75	408,318.75	408,318.75	408,318.75	405,845.25			602,361.17			
Bur Cty/Clayton Block East	New Hanover	186.2414	2,300.00	1,701.11	74.37%	333,927.89	316,817.11	291,847.72								
Bur Cty/Mainright Cora	Mansfield	136.5070	9,600.00	5,760.00	60.00%	786,280.32	602,361.17						0.00	183,919.15		2,816,080.85
Bur Cty/Mainright Curtis	Mansfield	104.0190	10,700.00	6,390.00	59.72%	664,681.41								664,681.41		2,151,399.44
Bur Cty/D'Amico	North Hanover	51.3180	8,000.00	4,675.00	61.92%	239,911.65								239,911.65		1,911,487.79
Bur Cty/Murphy	Hanover	80.3680	5,300.00	3,550.00	66.98%	285,306.40								285,306.40		1,626,181.39

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Wainwright, Curtis
03- 0350-PG
FY 2010 County PIG Program
106 Acres

Block 59	Lot 4.01	Mansfield Twp.	Burlington County
SOILS:		Local	6% * .05 = .30
		Other	8% * 0 = .00
		Prime	73% * .15 = 10.95
		Statewide	13% * .1 = 1.30
			SOIL SCORE: 12.55
TILLABLE SOILS:		Cropland Harvested	80% * .15 = 12.00
		Wetlands	20% * 0 = .00
			TILLABLE SOILS SCORE: 12.00
FARM USE:	General-Primary Crops	acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Execution of and agreement between the Municipality, State Agriculture Development Committee and Landowner.
5. Other:
 - a. Pre-existing Nonagricultural Use:
no non ag uses
 - b. Exceptions:
 - 1st two (2) acres for Around existing structures/flexibility
Exception is not to be severed from Premises
Exception is to be restricted to one single family residential unit(s)
 - 2nd (.5) acres for Future flexibility for irregular shaped adjacent lot
Exception is severable
Exception is to be restricted to zero single family residential unit(s)
.5 acre severable exception is limited to no residential opportunity unless merged with adjacent Lot 1, Block 59.
 - c. Additional Restrictions: No Additional Restrictions

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

d. Additional Conditions:

Certification is subject to a deed of easement allowing a 50' wide access easement across subject property to lands belonging to Cora Wainwright (Block 59 Lot 6). The SADC has been provided a signed and fully executed but unrecorded copy of this easement.

The severable exception is limited to zero residential opportunities, unless it is merged with the neighboring lot (which already has one single family home). The newly created lot would contain a maximum of one single family home which could be moved to any portion of that lot (Block 59 Lot 1). The landowner has elected to take the residential opportunity within the non-severable exception.

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.

New Jersey Farmland Preservation
Competitive Ranking Report
Farms Receiving Final Approval December 8, 2011
Farms to Utilize Competitive Grant Monies

FY 2011 Funding

County	Municipality	Farm	Acres	Total Competitive Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Burlington County	North Hanover Twp.	Burlington/D'Amico	52	101.25	10	30	50	11.25
Cumberland County	Hopewell Twp.	Minch, Michael et al	11	100	0	50	50	0
Burlington County	Mansfield Twp.	Burlington/Wainwright, Curtis	106	90.93	10	30	50	0.93
Burlington County	Mansfield Twp.	Burlington/Wainwright, Cora	135	88.96	10	30	50	-1.04
Burlington County	Hainesport Twp.	Burlington County/Murphy Farm	80	-10.19	10	30	30	-80.19

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY12R12(7)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

**Nancy S. Murphy Striezel and Jane C. Adams, Trustees of the Murphy Family Trust
Farm ("Owner")**

Hainesport and Lumberton Townships, Burlington County

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

SADC ID# 03-0356-PG

December 8, 2011

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Burlington 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 final approval of Burlington County's PIG plan on May 28, 2009; and

WHEREAS, on March 22, 2011 the SADC received an application for the sale of a development easement from Burlington County for the Murphy Family Trust identified as Block 110, Lot 16.01, Hainesport Township and Block 34, Lot 6, Lumberton Township, Burlington County, totaling 80.368 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the Property is located in Burlington County's Hainesport and Lumberton Project Area; and

WHEREAS, the Property includes one, 8.989-acre non-severable exception for one (1) future single family residence and the current soil mixing/compost operation; and

WHEREAS, Burlington County has required the Landowner to restore the North East portion of the farm where the soil mixing/compost operation was previously located in an effort to convert that land back into agricultural production someday; and

WHEREAS, the SADC will need to receive from the County information about the nature and extent of soil disturbance in the area previously supporting the soil mixing/compost activities; and

WHEREAS, upon an evaluation of that information, the SADC will decide whether it will provide a cost share grant on the area. If not, this area will need to be identified on the final survey in coordination with SADC staff and a site visit to determine the extent of the non-payment area; 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 63.99 which exceeds 44, which is 70% of the County's average quality score as determined by the SADC on August 24, 2010; and

WHEREAS, the Property has approximately 60% Prime soils and supports field crops such a corn and hay; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on May 5, 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. 2:76-17.13 on April 8, 2010 the Burlington CADB passed a resolution granting final approval to the Murphy Family Trust farm to request 47.82% cost share grant from the SADC; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 13, 2010 the Hainesport Township approved the Owner's application for the sale of the development easement with 20% cost share used to pre-acquire the easement; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 21, 2010 the Lumberton Township approved the Owner's application for the sale of the development easement with 20% cost share used to pre-acquire the easement; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on April 28, 2011 the SADC certified a development easement value of \$5,300 per acre based on zoning and environmental regulations in place as of October 2008; and

WHEREAS, Burlington County entered into a Purchase Agreement and purchased the development easement on December 16, 2010 for \$596,732.40 (\$7,425.00 per acre which is higher than the SADC certified easement value of \$5,300.00 but lower than the highest appraised easement value of \$7,500 per acre; and

WHEREAS, since the County has already closed on this property it is not requesting to use the additional 3% buffer for possible surveyed acreage increases, therefore, the SADC cost share shall be based on the County offer easement value (\$5,300.00/acre) and the 80.368 surveyed acres (Payment acres); and

WHEREAS, on October 31, 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, 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, pursuant to N.J.A.C. 2:76-17.14, competitive grant funds shall be awarded by the SADC based on priority ranking of the individual farm application 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. 2:76-17.14, the Burlington County Agriculture Development Board is requesting \$285,306.40 leaving a potential remaining eligibility of \$1,626,181.39 from its competitive grant (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 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 Burlington County for the purchase of a development easement on the Murphy Family Trust Farm, comprising approximately 80.368 acres, at a State cost share of \$3,550.00 per acre (47.82% of the 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 if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

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

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

12/8/11
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 Brodhecker	YES
Alan A. Danser	YES
James Waltman	YES
Denis C. Germano	YES
Torrey Reade	YES

Wetlands Schedule A

x:/counties/burco/projects/murphy10_fwv.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Murphy Family Trust/Jane Adams/David C. Frank/Burlington County
Block 34 Lot 6 (11.1 ac)
Lumberton Twp.
Block 110 Lots P/O 16.01 (68.7 ac) & P/O 16.01-EN (non-severable exception - 8.9 ac)
Hainesport Twp.
Gross Total = 88.7 ac
Burlington 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's 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 Off & Recreation Easement
	Federal Land
	Tidelands Boundaries

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

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

March 24, 2011

Burlington County

New Jersey Farmland Preservation Program
County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

2011 (2009 farmland preservation fund)

			SADC	SADC Grant	Grant%	SADC		1,500,000				3,000,000			
						Cost	Share	Encumbered at Final	PV Encumbered	Expend	Balance	Encumbered at Final	PV Encumbered	Expend	Balance
Farm	Municipality	Pay Acres	Certified Per Acre	SADC Grant Per Acre	Per Acre										
Bur Cty/Giffin	North Hanover	104.0730	2,745.00	2,021.50	73.64%	210,383.57	210,383.57	210,383.57	199,945.86		1,300,054.14				2,816,080.85
Bur Cty/Kause	North Hanover	95.493	6,800.00	4,250.00	63.43%	408,318.75	408,318.75	408,318.75	405,845.25		894,208.89				2,151,399.44
Bur Cty/Clayton Block East	New Hanover	186.2414	2,300.00	1,701.11	74.37%	333,927.89	316,817.11	291,847.72			602,361.17				1,911,487.79
Bur Cty/Mainright Cora	Mansfield	136.5070	9,600.00	5,760.00	60.00%	786,280.32	602,361.17				0.00	183,919.15			2,816,080.85
Bur Cty/Mainright Curtis	Mansfield	104.0190	10,700.00	6,390.00	59.72%	664,681.41						664,681.41			2,151,399.44
Bur Cty/D'Arnico	North Hanover	51.3180	8,000.00	4,675.00	61.92%	239,911.65						239,911.65			1,911,487.79
Bur Cty/Murphy	Hainesport	80.3680	5,300.00	3,550.00	66.98%	285,306.40						285,306.40			1,626,181.35

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Murphy Farm
03- 0356-PG
FY 2011 County PIG Program
80 Acres

Block 110	Lot 16.01	Hainesport Twp.	Burlington County
Block 34	Lot 6	Lumberton Twp.	Burlington County

SOILS:	Local	9% * .05	= .45
	Other	7% * 0	= .00
	Prime	60% * .15	= 9.00
	Statewide	24% * .1	= 2.40
			SOIL SCORE: 11.85

TILLABLE SOILS:	Cropland Harvested	88% * .15	= 13.20
	Wetlands	12% * 0	= .00
			TILLABLE SOILS SCORE: 13.20

FARM USE:	Corn-Cash Grain	acres
	Hay	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 nine (9) acres for Flexibility around structures, residence and non-ag business (soil mixing/compost operation)

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 U

New Jersey Farmland Preservation
Competative Ranking Report
Farms Receiving Final Approval December 8, 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
Burlington County	North Hanover Twp.	Burlington/D'Amico	52	101.25	10	30	50	11.25
Cumberland County	Hopewell Twp.	Minch, Michael et al	11	100	0	50	50	0
Burlington County	Mansfield Twp.	Burlington/Wainwright, Curtis	106	90.93	10	30	50	0.93
Burlington County	Mansfield Twp.	Burlington/Wainwright, Cora	135	88.96	10	30	50	-1.04
Burlington County	Hainesport Twp.	Burlington County/Murphy Farm	80	-10.19	10	30	30	-80.19

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY12R12(8)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

CUMBERLAND COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Michael Minch, Carol Sheppard and Donna Sheppard ("Owner")

Hopewell Township, Cumberland County

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

SADC ID# 06-0089-PG

December 8, 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 25, 2009, the SADC received an application for the sale of a development easement from Cumberland County for the Minch and Sheppard Farm identified as Block 17, Lot 1, Hopewell Township, Cumberland County, totaling approximately 11 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 no exceptions and one (1) single family residence on the land to be preserved; and

WHEREAS, the owners have read and signed an acknowledgement stating they fully understand the benefits of an exception area, however, have declined that option; and

WHEREAS, the Property has a rank score of 70.05 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 100% Prime soils and at the time of application the farm was in corn production; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on September 9, 2009 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 10, 2009 the SADC certified a development easement value of \$12,100 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 \$12,100 per acre for the development easement for the Property; and

WHEREAS, on October 6, 2011 the County prioritized its farms and submitted its application 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, 11.330 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 \$82,255.80 from the competitive grant, leaving a maximum grant eligibility to the county of \$734,500.30 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on March 11, 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 February 24, 2010 and secured a commitment of funding for \$4,840.00 per acre (40% of the easement purchase) from the Cumberland County Board of Chosen Freeholders for the required local match on April 22, 2010; 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 Michael Minch, Carol Sheppard and Donna Sheppard Farm, comprising approximately 11.33 acres, at a State cost share of \$7,260.00 per acre (60.00% 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 \$82,255.80; 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.

12/8/11

Date



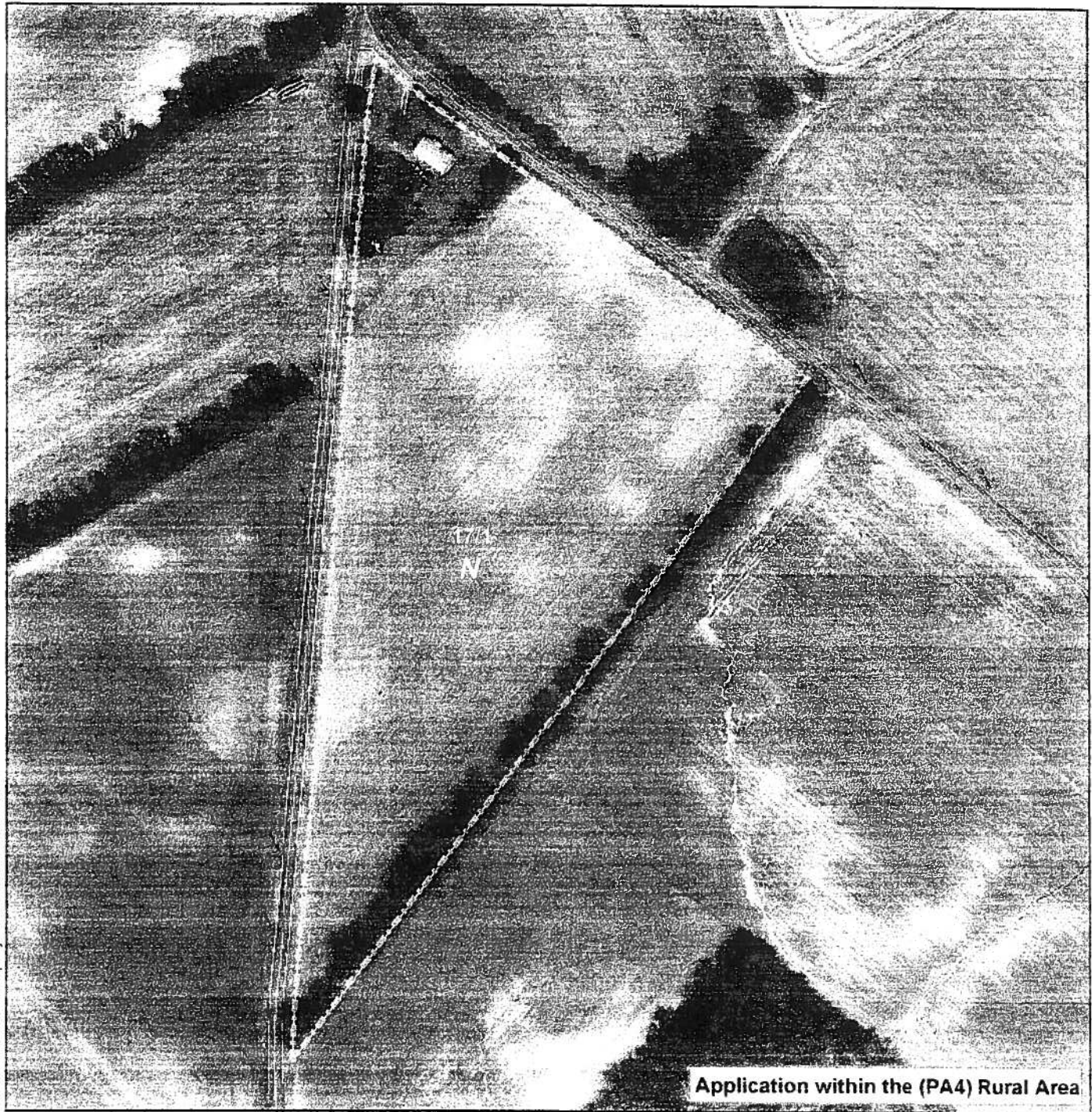
Susan E. Payne, Executive Director
State Agriculture Development Committee

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 Brodhecker	YES
Alan A. Danser	YES
James Waltman	YES
Denis C. Germano	YES
Torrey Reade	YES

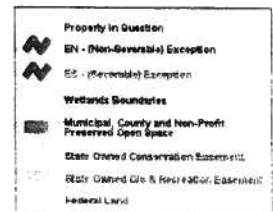
Wetlands Schedule A

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Michael Minch, Carol Sheppard and Donna Sheppard
Block 17 Lot 1 (11.0 ac)
Gross Total = 11.0 ac
Hopewell Twp., Cumberland County



250 125 0 250 500 Feet

Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
U - Upland Wetlands
B - 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 geospatial accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJDOT GIS 2007/2008 Aerial Imagery

August 28, 2009

Farm	Municipality	App plus 3% Acres	Closed	SADC Certified Per Acre	SADC Grant Per Acre	Grant%	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	Expend	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 & 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	46,659		4,500.00	3,100.00	68.89%	144,642.90	144,642.90			740,125.20				
Dickson, 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%	161,688.40	161,688.40	153,306.00	153,306.00	329,634.20				
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	48,440		7,200.00	4,500.00	62.50%	222,480.00				0.00				
Cumberland Co/Flaggins #2	Stow Creek	76,154	11/02/11	5,500.00	3,550.00	64.36%	190,385.00				0.00				
Ruske, Roger, Margaret & Chris	Fairfield Twp.	211,150		5,500.00	4,250.00	63.43%	179,477.50				0.00				
Van Meier, Alfred #1	Hopewell	41,200		6,700.00	4,350.00	63.43%	179,477.50				0.00				
Van Meier, Alfred #2	Hopewell	42,230		6,700.00	4,350.00	63.43%	179,477.50				0.00				
Keung Lam Realty	Lawrence	71,070		4,300.00	2,980.00	69.30%	211,788.60				0.00				
Paladino, Vincent	Deerfield	30,900		7,000.00	4,400.00	62.86%	135,960.00				0.00				
Balinger, Frank P. III	Hopewell	72,100		6,500.00	4,150.00	63.85%	299,215.00				0.00				
Minch, Michael et al	Hopewell	11,330		12,100.00	7,260.00	60%	82,255.80				0.00				

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Minch Farm et al
06- 0089-PG
FY 2011 County PIG Program
11 Acres

Block 17	Lot 1	Hopewell Twp.	Cumberland County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:		Cropland Harvested	91% * .15 = 13.65
		Other	9% * 0 = .00
			TILLABLE SOILS SCORE: 13.65
FARM USE:		Corn-Cash Grain	10 acres

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

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

New Jersey Farmland Preservation
Competitive Ranking Report
Farms Receiving Final Approval December 8, 2011
Farms to Utilize Competitive Grant Monies

FY 2011 Funding

County	Municipality	Farm	Acres	Total Competitive Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Burlington County	North Hanover Twp.	Burlington/D'Amico	52	101.25	10	30	50	11.25
Cumberland County	Hopewell Twp.	Minch, Michael et al	11	100	0	50	50	0
Burlington County	Mansfield Twp.	Burlington/Wainwright, Curtis	106	90.93	10	30	50	0.93
Burlington County	Mansfield Twp.	Burlington/Wainwright, Cora	135	88.96	10	30	50	-1.04
Burlington County	Hainesport Twp.	Burlington County/Murphy Farm	80	-10.19	10	30	30	-80.19

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY12R12(9)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

PITTSGROVE TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

**On the Property of
Herbert and Catherine Wegner
Pittsgrove Township, Salem County**

**N.J.A.C. 2:76-17A. et seq.
SADC ID# 17-0100-PG**

DECEMBER 8, 2011

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Pittsgrove Township, which included the Wegner Farm, identified as Block 202, Lot 35, Pittsgrove Township, Salem County, totaling approximately 19 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the farm's agricultural production at the time of application is soybeans; and

WHEREAS, the Wegner Farm includes a 1-acre non-severable exception for a future single family residence; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of Pittsgrove Township's PIG on April 24, 2009; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(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. 2:76-17A.9(a); and

WHEREAS, to date \$1,250,000 of FY09 and 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, to date Pittsgrove Township has expended \$679,753.16 of its SADC grant funds leaving a cumulative balance of \$520,906.84; and

WHEREAS, Pittsgrove Township has 3 other projects pending against this balance with SADC certified values (Schmidt, Lin, Sauder), 2 of which are pending SADC Final Approval, for an estimated total grant need of approximately \$258,915; and

WHEREAS, SADC records show Pittsgrove Township has one additional projects (Walters) with Green Light Approval; and .

WHEREAS, Pittsgrove Township and Salem County shall inform the SADC in regard to its prioritization of pending projects and funding requirements in the event of future shortfalls in SADC grant funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 22, 2011 the SADC certified a value of \$6,850 / acre based on the "current value" date of December 2010 for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, the Pittsgrove Township Committee approved the application and its funding commitment for \$1,262.50/acre or 18.43% of the easement purchase on the Wegner Farm on November 9, 2011, and the Salem County Agriculture Development Board approved the application on November 30, 2011 and secured a commitment of funding for \$1,262.50/acre or 18.43% of the easement purchase from the Salem County Board of Chosen Freeholders for the required local match on December 7, 2011; and

WHEREAS, the estimated cost share break down is as follows:

	<u>Cost Share</u>	
SADC	\$82,175.00	(\$4,325/ ac or 63.14%)
Pittsgrove Twp.	\$23,987.50	(\$1,262.50/ ac or 18.43%)
Salem County	\$23,987.50	(\$1,262.50/ ac or 18.43%)
	\$130,150.00	; and

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

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

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

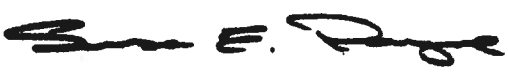
NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Pittsgrove Township for the purchase of a development easement on the Wegner Farm by Salem County, comprising approximately 19 acres, at a State cost share of \$4,325 per acre for an estimated total of \$82,175 (63.14% 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 Salem County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

12/8/11
Date

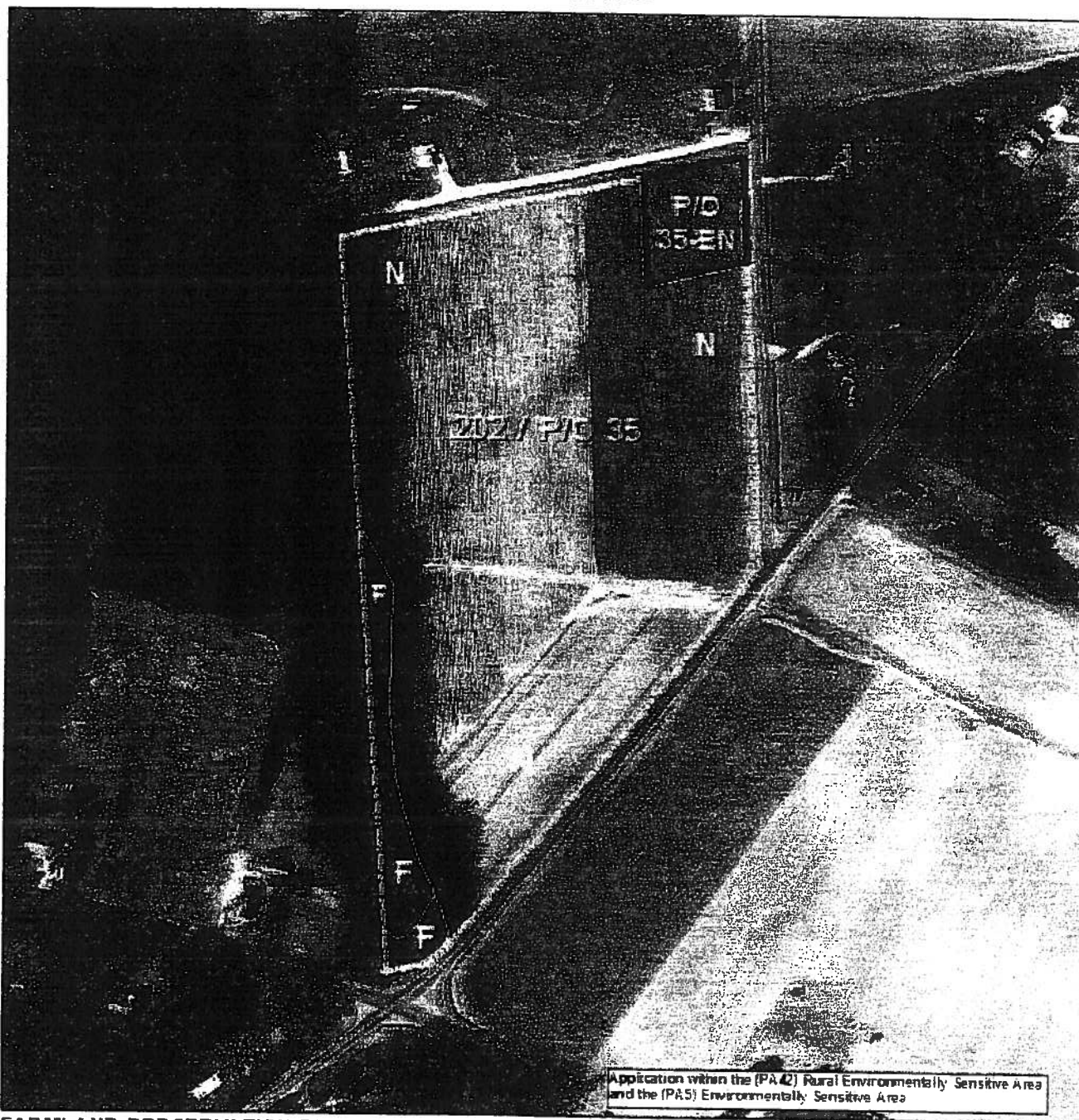


Susan E. Payne, Executive Director
State Agriculture Development Committee

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 Brodhecker	YES
Alan A. Danser	YES
James Waltman	YES
Denis C. Germano	YES
Torrey Reade	YES

Wetlands



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Wegner, Herbert & Catherine
Block 202 P/O Lot 35 (19.38 ac) & P/O Lot 35-EN (non-severable exception 9.14 ac)
Gross Total = 20.294 ac
Pittsgrove Twp. Salem County

[illegible][illegible][illegible]

801102
 2001 12 15
 2001 12 15
 2001 12 15

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Wegner, Herbert & Catherine
17- 0100-PG
FY 2009 PIG EP - Municipal 2007 Rule
19 Acres

Block 202	Lot 35	Pittsgrove Twp.	Salem County
SOILS:		Other	13% * 0 = .00
		Prime	87% * .15 = 13.05
			SOIL SCORE: 13.05
TILLABLE SOILS:		Cropland Harvested	98% * .15 = 14.70
		Woodlands	2% * 0 = .00
			TILLABLE SOILS SCORE: 14.70
FARM USE:	Soybeans-Cash Grain	19 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 future residence
 - Exception is not to be severed from Premises
 - c. Additional Restrictions:
 1. the landowner has signed an acknowledgment and understands the conditions and restrictions related to not requesting an exception area to maintain a residential opportunity for the Premises.
 - 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 FY12R12(10)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

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

**On the Property of
Joseph and Dah Luh Lin
Pittsgrove Township, Salem County**

**N.J.A.C. 2:76-17A. et seq.
SADC ID# 17-0098-PG**

DECEMBER 8, 2011

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Pittsgrove Township, which included the Lin Farm, identified as Block 401, Lot 61, Pittsgrove Township, Salem County, totaling approximately 18 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the farms agricultural production at the time of application is field grains, vegetable and melons and poultry and eggs; and

WHEREAS, the Lin Farm includes one existing single family residence on the Premises to be preserved; and

WHEREAS, the Landowner has read and signed an acknowledgement stating they fully understand the benefits of an exception area, however, have declined that option; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of Pittsgrove Township's PIG on April 24, 2009; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(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. 2:76-17A.9(a); and

WHEREAS, to date \$1,250,000 of FY09 and 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, to date Pittsgrove Township has expended \$679,753.16 of its SADC grant funds leaving a cumulative balance of \$520,906.84; and

WHEREAS, Pittsgrove Township has 3 other projects pending against this balance with SADC certified values (Schmidt, Wegner, Sauder), 2 of which are pending SADC Final Approval, for an estimated total grant need of approximately \$258,915; and

WHEREAS, SADC records show Pittsgrove Township has one additional projects (Walters) with Green Light Approval; and

WHEREAS, Pittsgrove Township and Salem County shall inform the SADC in regard to its prioritization of pending projects and funding requirements in the event of future shortfalls in SADC grant funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 22, 2011 the SADC certified a value of \$5,900 / acre based on the "current value" date of December 2010 for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, the Pittsgrove Township Committee approved the application and its funding commitment for \$1,025 / acre or 17.37% of the easement purchase on the Lin Farm on November 9, 2011, and the Salem County Agriculture Development Board approved the application on November 30, 2011 and secured a commitment of funding for \$1,025 / acre or 17.37% of the easement purchase from the Salem County Board of Chosen Freeholders for the required local match on December 7, 2011; and

WHEREAS, the estimated cost share break down is as follows:

	<u>Cost Share</u>	
SADC	\$69,300	(\$3,850/ac or 65.25%)
Pittsgrove Twp.	\$18,450	(\$1,025 / acre or 17.37%)
Salem County	\$18,450	(\$1,025 / acre or 17.37%)
	\$106,200	; and

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

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Pittsgrove Township for the purchase of a development easement on the Lin Farm by Salem County, comprising approximately 18 acres, at a State cost share of \$3,850 per acre for an estimated total of \$69,300 (65.25% 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 Salem County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

12/8/11

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 Brodhecker	YES
Alan A. Danser	YES
James Waltman	YES
Denis C. Germano	YES
Torrey Reade	YES

x:\counties\salco\projects\Lin.J104.mxd

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Lin. Joseph
 Block 401 Lot 61 (19.44 ac)
 Gross Total = 19.44 ac
 Pittsgrove Twp. Salem County



Map of Block 401 Lot 61 showing the application area. The map includes a north arrow and a scale bar. The application area is labeled '401 / 61' and is surrounded by other lots. The map is titled 'Application within the (PA42) Rural Environmentally Sensitive Area and the (PA5) Environmentally Sensitive Area'.

Application within the (PA42) Rural Environmentally Sensitive Area
 and the (PA5) Environmentally Sensitive Area

- PA 42 Rural Environmentally Sensitive Area
- PA 5 Environmentally Sensitive Area
- Block 401 Lot 61
- Block 401 Lot 62
- Block 401 Lot 63
- Block 401 Lot 64
- Block 401 Lot 65
- Block 401 Lot 66
- Block 401 Lot 67
- Block 401 Lot 68
- Block 401 Lot 69
- Block 401 Lot 70
- Block 401 Lot 71
- Block 401 Lot 72
- Block 401 Lot 73
- Block 401 Lot 74
- Block 401 Lot 75
- Block 401 Lot 76
- Block 401 Lot 77
- Block 401 Lot 78
- Block 401 Lot 79
- Block 401 Lot 80
- Block 401 Lot 81
- Block 401 Lot 82
- Block 401 Lot 83
- Block 401 Lot 84
- Block 401 Lot 85
- Block 401 Lot 86
- Block 401 Lot 87
- Block 401 Lot 88
- Block 401 Lot 89
- Block 401 Lot 90
- Block 401 Lot 91
- Block 401 Lot 92
- Block 401 Lot 93
- Block 401 Lot 94
- Block 401 Lot 95
- Block 401 Lot 96
- Block 401 Lot 97
- Block 401 Lot 98
- Block 401 Lot 99
- Block 401 Lot 100

Wellands

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Lin, Joseph and D. Un Lin
17- 0098-PG
FY 2009 PIG EP - Municipal 2007 Rule
18 Acres

Block 401 Lot 61 Pittsgrove Twp. Salem County

SOILS:

SOIL SCORE:

TILLABLE SOILS:

TILLABLE SOILS SCORE:

FARM USE:

Vegetable & Melons
Cash Grains
Poultry & Eggs

3 acres
3 acres
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:
 1. the landowner has signed an acknowledgment and understands the conditions and restrictions related to having a residence on the Premises. An exception area for the residence was not requested.
 - 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 FY12R12(11)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BLAIRSTOWN TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

**On the Property of
Carl and Joyce Race
Blairstown Township, Warren County**

**N.J.A.C. 2:76-17A. et seq.
SADC ID# 21-0502-PG**

DECEMBER 8, 2011

WHEREAS, on September 14, 2009, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Blairstown Township, which included the CJ Race Farm, identified as Block 1803, Lots 3.01, 3.04, 3.06, and 3.07, Blairstown Township, Warren County, totaling approximately 45 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the farms agricultural production at the time of application is vegetables, melons and fruit trees; and

WHEREAS, the CJ Race Farm includes one existing residence on the area to be preserved; and

WHEREAS, the Landowner has read and signed an acknowledgement stating they fully understand the benefits of an exception area, however, have declined that option; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of Blairstown Township's PIG on February 7, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on April 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. 2:76-17A.9(a); and

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

WHEREAS, to date Blairstown Township has not expended any of its SADC grant funds; and

WHEREAS, the Township has one other project pending against this balance with SADC Green Light Approval (D. Race); and

WHEREAS, Blairstown Township and Warren County shall inform the SADC in regard to its prioritization of pending projects and funding requirements in the event of future shortfalls in SADC grant funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 22, 2011 the SADC certified a value of \$7,700 / acre based on the "current value" date of June 2011 for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, the Blairstown Township Committee approved the application and its funding commitment for \$1,475/acre towards the easement purchase on the CJ Race Farm on October 12, 2011, and the Warren County Agriculture Development Board approved the application on October 20, 2011 and secured a commitment of funding for \$1,475/acre from the Warren County Board of Chosen Freeholders for the required local match on November 22, 2011; and

WHEREAS, the estimated cost share break down is as follows:

	<u>Cost Share</u>
SADC	\$213,750 (4,750/ac) 61.69%
Blairstown Twp.	\$ 66,375 (1,475/ac) 19.155%
Warren County	<u>\$ 66,375 (1,475/ac) 19.155%</u>
	\$346,500 (7,700/ac) 100% ; and

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

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Blairstown Township for the purchase of a development easement on the CJ Race Farm by Warren County, comprising approximately 45 acres, at a State cost share of \$4,750 per acre for an estimated total of \$213,750 (61.69% of certified market value 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 Warren 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.

12/8/11

Date

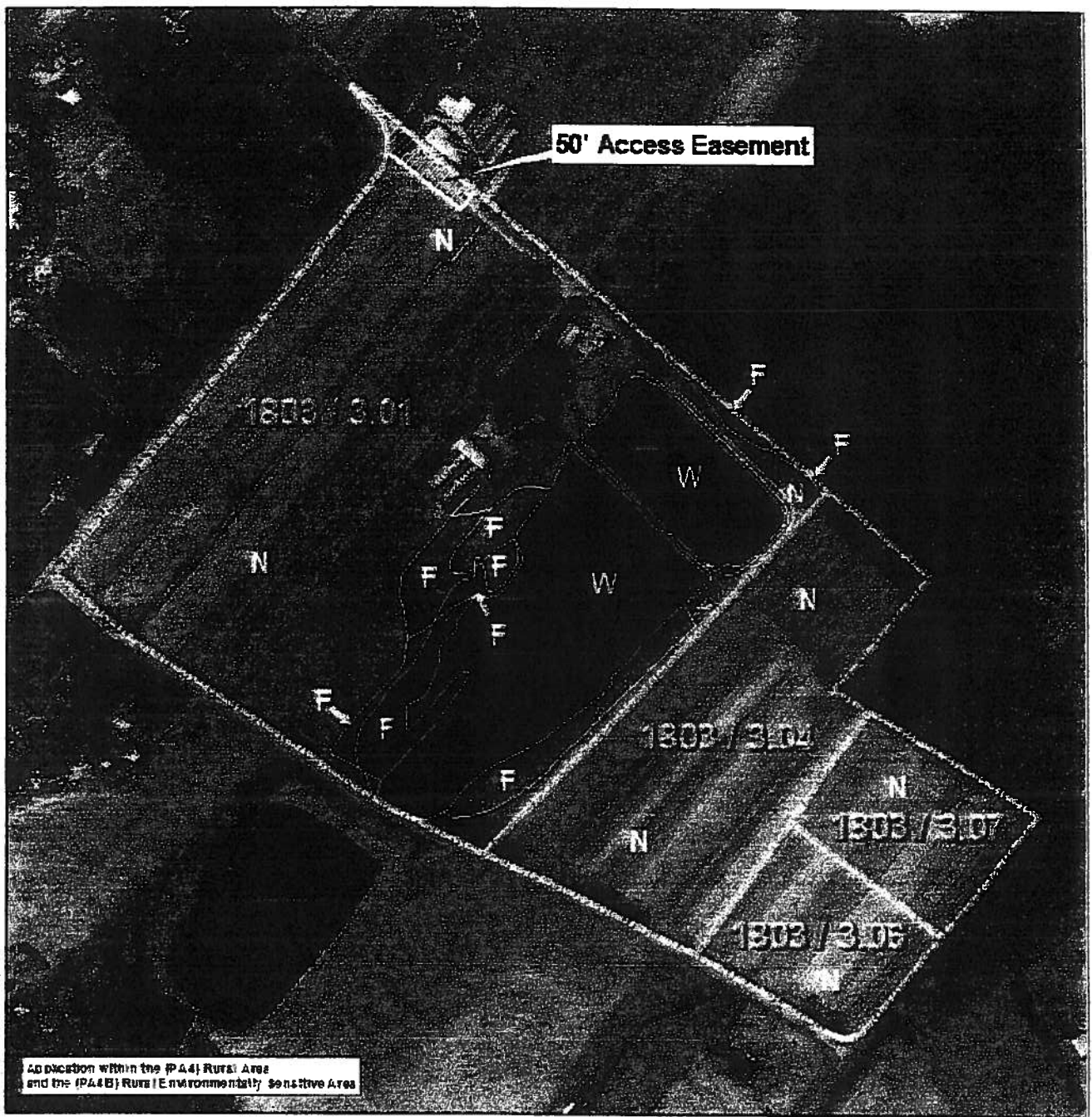


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

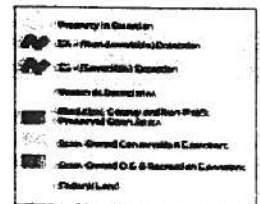
Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Grifa)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane Brodhecker	YES
Alan A. Danser	YES
James Waltman	YES
Denis C. Germano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

Wetlands



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Race Carl & Joyce
Block 1603 Lots 3 01 (30.24 ac), 3 04 (9.02 ac), 3 06 (2.98 ac) & 3 07 (3.02 ac)
Gross Total = 45.26 ac
Blairstown Twp Warren County

[illegible]

WEEKENDS LEADS
1 - 100+ AGENTS
2 - 75 AGENTS
3 - 50 AGENTS
4 - 25 AGENTS
5 - 10 AGENTS
6 - 5 AGENTS
7 - 1 AGENT

Source:
 2022 International Airports Data
 Green Acres Conservation of Endowment Data
 2022-23 2022-23 2022-23 2022-23 2022-23
 Date: 1/29/2024

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Race, Carl S. Jr. & Joyce E.
21- 0502-PG
FY 2009 PIG EP - Municipal 2007 Rule
46 Acres

Block 1803	Lot 3.01	Blairstown Twp.	Warren County
Block 1803	Lot 3.04	Blairstown Twp.	Warren County
Block 1803	Lot 3.06	Blairstown Twp.	Warren County
Block 1803	Lot 3.07	Blairstown Twp.	Warren County

SOILS:	Other	100% * 0	=	.00
			SOIL SCORE:	.00

TILLABLE SOILS:	Cropland Harvested	70% * .15	=	10.50
	Other	30% * 0	=	.00
			TILLABLE SOILS SCORE:	10.50

FARM USE:	Vegetable & Melons	22 acres
	Deciduous Tree Fruit	17 acres

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2012R12(12)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

PIESGROVE TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

**On the Property of
George and Evelyn Williams
Pilesgrove Township, Salem County**

**N.J.A.C. 2:76-17A. et seq.
SADC ID# 17-0094-PG**

DECEMBER 8, 2011

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Pilesgrove Township, which included the Williams Farm, identified as Block 87, Lot 1, Pilesgrove Township, Salem County, totaling approximately 30 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 Pilesgrove Township's PIG on April 24, 2009; and

WHEREAS, the farms agricultural production at the time of application is corn; and

WHEREAS, there is no residential opportunity associate with the Property; the Landowners have read and signed an acknowledgement stating they fully understand the benefits of an exception area, however, have declined that option; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on February 24, 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. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 22, 2011 the SADC certified a value of \$9,800/acre based on the "current value" date of February 2010 for the development easement for the Property; and

WHEREAS, to date \$1,250,000 of FY09 and 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, to date Pilesgrove Township has not expended any of its SADC grant funds; and

WHEREAS, Pilesgrove Township has one other project pending against this balance with SADC certified values (Lippincott/Hurff) for a potential grant need of approximately \$926,400; and

WHEREAS, SADC records show Pittsgrove Township has one additional projects (Williams Lot 4) with Green Light Approval; and

WHEREAS, the New Jersey Conservation Foundation submitted a parcel application to the FY10 United States Department of Agriculture, Natural Resources Conservation Service Federal Farm and Ranch Lands Protection Program (FRPP) for consideration of a grant for the easement purchase on the Williams Farm; and

WHEREAS, it has been determined that the Property and the Landowner qualify for FRPP grant funds; and

WHEREAS, the landowner has agreed to the additional restrictions involved with the FRPP Grant, including a 7.33% maximum impervious coverage restriction (approximately 2.2 acres available for impervious cover); and

WHEREAS, the Williams Farm was approved by the NRCS for an estimated grant of \$147,000 not to exceed 50.00% of the federal current fair market value (\$4,900/acre); and

WHEREAS, due a shortage of County and Township funds, the Township and Salem County have requested that FRPP grant funds be "passed through" to cover the entire local cost share: and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on November 15, 2011 the Pilesgrove Township Committee approved the application and County's purchase of the easement; and

WHEREAS, the County Agriculture Development Board approved the application on November 30, 2011 and on December 7, 2011 the Salem County Board of Chosen Freeholders approved the purchase of the easement; and

WHEREAS, the Township has requested to use \$117,600 in FRPP grants funds to cover the entire local cost share (County and Municipality) with any remaining FRPP grant funds of approximately \$29,400 to be utilized to reduce the needed SADC cost share, hence, reducing the overall expenditure of Pilesgrove Township's PIG grant funds; and

WHEREAS, the cost share breakdown is approximately as follows:

Cost share breakdown prior to FRPP Grant:

	<u>Total</u>
SADC	\$176,400 (\$5,880/ acre or 60%)
Pilesgrove Twp & Salem County	<u>\$117,600 (\$3,920/ acre or 20% each)</u>
Total Easement Purchase	\$294,000 (\$9,800/ acre)

Cost share breakdown after estimated \$147,000 FRPP Grant is applied:

	<u>Total</u>	<u>FRPP \$</u>	<u>New Cost Share</u>
SADC	\$176,400 (\$5,880/ acre)	\$29,400	\$147,000 (\$4,900/ acre)
Pilesgrove Twp & Salem County	\$117,600 (\$3,920/ acre)	\$117,600	\$0
FRPP Grant			<u>\$147,000 (\$4,900/ acre)</u>
	\$294,000	\$147,000	\$294,000 (\$9,800/ acre)

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 Pilesgrove Township for the purchase of a development easement on the Williams Farm by Salem County, comprising approximately 30 acres, at a State cost share of \$5,880 per acre for an estimated total of \$176,400 (60% of certified market value and purchase price) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule B; and

BE IT FURTHER RESOLVED, that the SADC will utilize any remaining FRPP grant funds (estimated \$29,400) from the United States Department of Agriculture, Natural Resources Conservation Service under the FY10 Federal Farm and Ranch Lands Protection Program to offset SADC grant needs on the Property; and

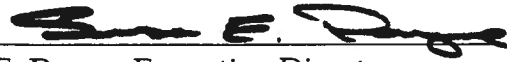
BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC,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

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

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

12/8/11

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 Brodhecker	YES
Alan A. Danser	YES
James Waltman	YES
Denise C. Germano	YES
Torrey Reade	YES

Wetlands



x:\counties\sarco\projects\William87_1\fwmm.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Williams, George & Evelyn
Block 87 Lot 1 (29.78 ac)
Gross Total = 29.78 ac
Pilesgrove Twp., Salem County

250 125 0 250 500 Feet



Property in Question	
	E1 - (Non-pervious) Exception
	E2 - (Pervious) Exception
Wetlands Boundaries	
	Wetlands Boundary
	Municipal County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned Open Space and Recreation Easement
	Private Land

Wetlands Legend	
	Freshwater Wetland
	Linear Wetland
	Wetlands Affecting the Environment
	High Wetland
	Low Wetland
	300' Buffer
	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:
NJ DEP Wetlands Data
Green Acres Conservation Easement Data
NORTH GIS 2007, 2008 Data/Map Data

Date: 10/20/11

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Williams, George & Evelyn (lot 1)
17- 0094-PG
FY 2009 PIG EP - Municipal 2007 Rule
30 Acres

Block 87	Lot 1	Pilesgrove Twp.	Salem 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:		Field Crop Except Cash Grain	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:
 - b. Exceptions: No Exceptions Recorded
 - c. Additional Restrictions:
 1. 6.67% impervious cover max pursuant to Federal Farm and Ranch Land Protection Program
 - d. Additional Conditions:
FY10 FRPP program applicant through NJCF
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2012R12(13)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

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

**On the Property of
Charlotte Lippincott and Charles Hurff
Pilesgrove Township, Salem County**

**N.J.A.C. 2:76-17A. et seq.
SADC ID# 17-0092-PG**

DECEMBER 8, 2011

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Pilesgrove Township, which included the Lippincott/Hurff Farm, identified as Block 43, Lot 2, Pilesgrove Township, Salem County, totaling approximately 150 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 Pilesgrove Township's PIG on April 24, 2009; and

WHEREAS, the farms agricultural production at the time of application is sheep, cattle, chicken and corn; and

WHEREAS, the Lippincott/Hurff Farm includes a 2-acre non-severable exception for and restricted to the existing single family residence; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on February 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. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 22, 2011 the SADC certified a value of \$8,200 / acre based on the "current value" date of February 2010 for the development easement for the Property; and

WHEREAS, to date \$1,250,000 of FY09 and 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, to date Pilesgrove Township has not expended any of its SADC grant funds; and

WHEREAS, Pilesgrove Township has one other project pending against this balance with SADC certified values (Williams Lot 1) for a potential grant need of approximately \$176,400.00; and

WHEREAS, SADC records show Pittsgrove Township has one additional projects (Williams Lot 4) with Green Light Approval; and

WHEREAS, the New Jersey Conservation Foundation submitted a parcel application to the FY10 United States Department of Agriculture, Natural Resources Conservation Service Federal Farm and Ranch Lands Protection Program (FRPP) for consideration of a grant for the easement purchase on the Lippincott/Hurff Farm; and

WHEREAS, it has been determined that the Property and the Landowner qualify for FRPP grant funds; and

WHEREAS, the landowner has agreed to the additional restrictions involved with the FRPP Grant, including a 6.33% maximum impervious coverage restriction (approximately 9.5 acres available for impervious cover) on the lands being preserved outside of the exception area; and

WHEREAS, the Lippincott/Hurff Farm was approved by the NRCS for an estimated grant of \$600,000 not to exceed 50.00% of the federal current fair market value (\$4,000/acre); and

WHEREAS, due to a shortage of available funds the Township and Salem County have requested that FRPP grant funds be "passed through" to cover the entire local cost share: and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on November 15, 2011 the Pilesgrove Township Committee approved the application and County's purchase of the easement; and

WHEREAS, the County Agriculture Development Board approved the application on November 30, 2011 and on December 7, 2011 the Salem County Board of Chosen Freeholders approved the purchase of the easement; and

WHEREAS, the Township has requested to use \$480,000 in FRPP grants funds to cover the entire local cost share (County and Municipality) with any remaining FRPP grant funds of approximately \$120,000 to be utilized to reduce the needed SADC cost share, hence, reducing the overall expenditure of Pilesgrove Township's PIG grant funds; and

WHEREAS, the cost share breakdown is approximately as follows:

Cost share breakdown prior to FRPP Grant:

	<u>Total</u>
SADC	\$750,000 (\$5,000/acre or 60.98%)
Pilesgrove Twp & Salem County	<u>\$480,000 (\$3,200/acre or 19.51% each)</u>
Total Easement Purchase	\$1,230,000 (\$8,200/acre)

Cost share breakdown after estimated \$600,000 FRPP Grant is applied:

	<u>Total</u>	<u>FRPP \$</u>	<u>New Cost Share</u>
SADC	\$750,000 (\$5,000/acre)	\$120,000	\$630,000 (\$4,200/acre)
Pilesgrove Twp & Salem County	\$480,000 (\$3,200/acre)	\$480,000	\$0
FRPP Grant			<u>600,000 (\$4,000/acre)</u>
	\$1,230,000	\$600,000	\$1,230,000 (\$8,200/acre)

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 Pilesgrove Township for the purchase of a development easement on the Lippincott/Hurff Farm by Salem County, comprising approximately 150 acres, at a State cost share of \$5,000 per acre for an estimated total of \$750,000 (60.98% of certified market value and purchase price) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule B; and

BE IT FURTHER RESOLVED, that the SADC will utilize any remaining FRPP grant funds (estimated \$120,000) from the United States Department of Agriculture, Natural Resources Conservation Service under the FY10 Federal Farm and Ranch Lands Protection Program to offset SADC grant needs on the Property; and

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

BE IT FURTHER RESOLVED, if the Township and County agree to the SADC providing its grant directly to Salem County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.I.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.

12/8/11

Date

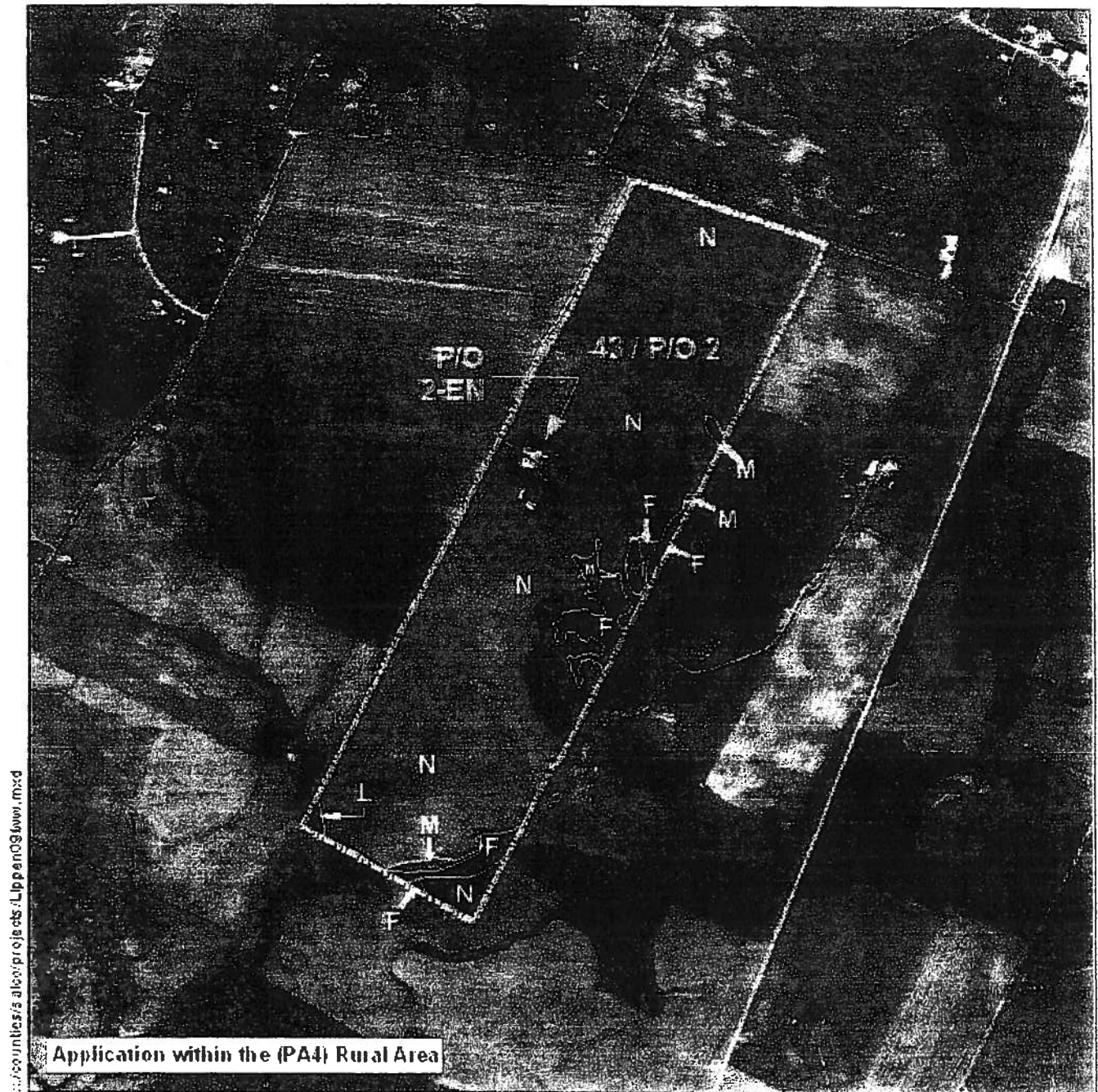


Susan E. Payne, Executive Director
State Agriculture Development Committee

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 Brodhecker	YES
Alan A. Danser	YES
James Waltman	YES
Denis C. Germano	YES
Torrey Reade	YES

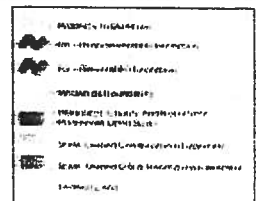
Wetlands



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Charlotte Lippincott & Charles Hurff
Block 43 P/O Lot 2 (150.63 ac) & P/O Lot 2-EN (non-severable exception - 20 ac)
Gross Total = 152.63 ac
Piscesgrove Twp., Salem County

0 250 500 750 1000 Feet



Legend:
F - Farmland (PA4) Rural Area
L - Land (PA4) Rural Area
M - Wetlands (PA4) Rural Area
T - This (PA4) Rural Area
N - Non (PA4) Rural Area
S - (PA4) Rural Area
W - (PA4) Rural Area

Source:
NJ DEP Wetlands Map
Green Map - Wetlands (PA4) Rural Area
Map Date: 2007
Map Scale: 1:25,000

NOTICE: The use of this project with respect to agricultural and other uses is the sole responsibility of the user. The information and data are provided for informational purposes only and are not intended to be used for any other purpose. The user acknowledges and agrees that the use of this information is at their own risk. The user agrees to hold the State of New Jersey and its agencies harmless from any and all claims, damages, and expenses, including reasonable attorneys' fees, that may be incurred by the user as a result of the use of this information.

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Charlotte Lippincott / Charles Hurff
17- 0092-PG
FY 2009 PIG EP - Municipal 2007 Rule
150 Acres

Block 43	Lot 2	Pilesgrove Twp.	Salem County
SOILS:		Other	1.5% * 0 = .00
		Prime	77% * .15 = 11.55
		Statewide	21% * .1 = 2.10
		Unique .125	.5% * .125 = .06
			SOIL SCORE: 13.71
TILLABLE SOILS:		Cropland Harvested	97% * .15 = 14.55
		Woodlands	3% * 0 = .00
			TILLABLE SOILS SCORE: 14.55
FARM USE:		Sheep & Goats	acres
		Beef Cattle Except Feedlots	40 acres
		Chicken Eggs	acres
		Corn-Cash Grain	90 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 existing residence & improvements
 - Exception is not to be severed from Premises
 - Right to Farm language is to be included in Deed of Easement
 - Exception is to be restricted to one single family residential unit(s)
 - c. Additional Restrictions:
 1. 2% impervious cover max (approx 3 acres) pursuant to Federal Farm and Ranch Land Protection Program
 - d. Additional Conditions:

FY10 FRPP program applicant through NJCF
 - 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 FY2012R12(14)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

UPPER PITTSBGROVE TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Judith Newkirk

Upper Pittsgrove Township, Salem County

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

SADC ID# 17-0097-PG

DECEMBER 8, 2011

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Upper Pittsgrove Township, which included the Newkirk Farm, identified as Block 21, Lot 23, Upper Pittsgrove Township, Salem County, totaling approximately 58 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the farms agricultural production at the time of application is vegetables; and

WHEREAS, there are no residential opportunities associated with the Property and the Landowner has read and signed an acknowledgement stating they fully understand the benefits of an exception area, however, have declined that option; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on December 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. 2:76-17A.9(a); and

WHEREAS, to date \$1,250,000 of FY09 and 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, to date Piles Grove Township has not expended any of its SADC grant funds; and

WHEREAS, Upper Pittsgrove Township has one other project pending final approval against this balance (Kernan) for a potential grant need of approximately \$462,320; and

WHEREAS, the Township and County shall inform the SADC in regard to its prioritization of pending projects and funding requirements in the event of future shortfalls in SADC grant funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 22, 2011 the SADC certified a value of \$6,500 / acre based on the "current value" date of June 2011 for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, the Upper Pittsgrove Township Committee approved the application and its funding commitment for \$1,175/acre or 18.07% of the easement purchase on the Newkirk Farm on October 11, 2011, and the Salem County Agriculture Development Board approved the application on November 2, 2011 and secured a commitment of funding for \$1,175/acre or 18.07% of the easement purchase from the Salem County Board of Chosen Freeholders for the required local match on November 16, 2011; and

WHEREAS, the estimated cost share break down is as follows:

	<u>Cost Share</u>	
SADC	\$240,700	(\$4,150/acre or 63.85%)
Upper Pittsgrove Twp.	\$68,150	(\$1,175/acre or 18.07%)
Salem County	<u>\$68,150</u>	<u>(\$1,175/acre or 18.07%)</u>
	\$377,000	(\$6,500/acre) ; and

WHEREAS, the County will pay its cost share directly to the landowner by way of an installment purchase agreement ("IPA"); and

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

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Upper Pittsgrove Township for the purchase of a development easement on the Newkirk Farm by Salem County, comprising approximately 58 acres, at a State cost share of \$4,150 per acre for an estimated total of \$240,700 (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 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 Salem County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

12/8/11

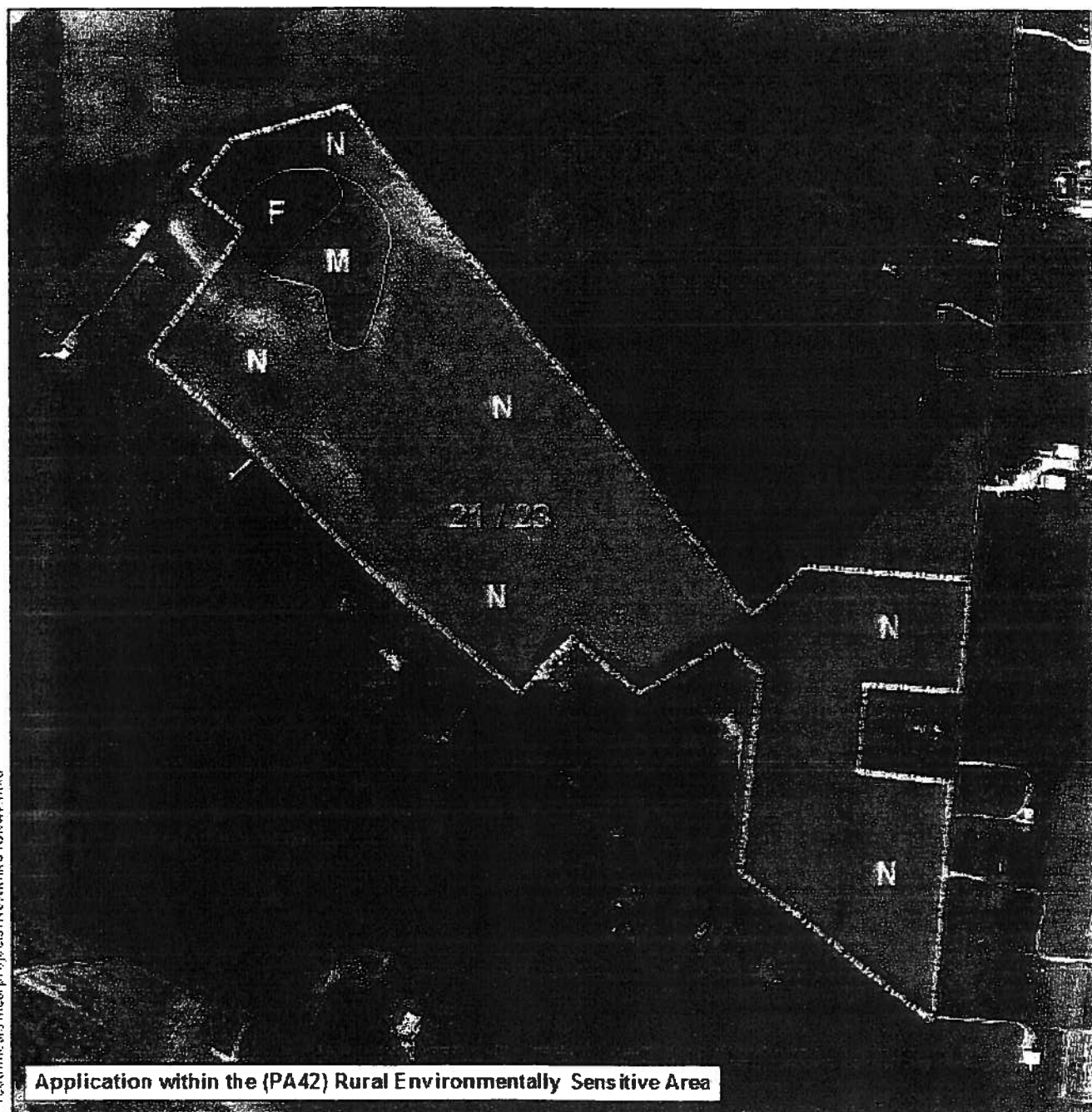
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

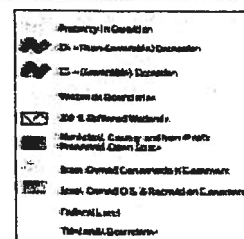
Douglas H. Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Grifa)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane Brodhecker	YES
Alan A. Danser	YES
James Waltman	YES
Denis C. Germano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



equinote@co.paloalto.ca; Newark.J105@www.mxd

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Newkirk, Judith
Block 21 Lots 23 (58.511 ac)
Gross Total = 58.511 ac
Upper Pittsgrove Twp Salem County

[illegible]

WASHINGTON LEGAL
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1. Background
 2. Summary of the Project
 3. Summary of the Results
 4. Summary of the Conclusions
 5. Summary of the Recommendations
 6. Summary of the Acknowledgments
 7. Summary of the References
 8. Summary of the Appendixes
 9. Summary of the Bibliography
 10. Summary of the Glossary
 11. Summary of the Index
 12. Summary of the Table of Contents
 13. Summary of the List of Figures
 14. Summary of the List of Tables
 15. Summary of the List of Equations
 16. Summary of the List of Symbols
 17. Summary of the List of Abbreviations
 18. Summary of the List of Acronyms
 19. Summary of the List of Initials
 20. Summary of the List of Surnames
 21. Summary of the List of First Names
 22. Summary of the List of Middle Names
 23. Summary of the List of Nicknames
 24. Summary of the List of Titles
 25. Summary of the List of Degrees
 26. Summary of the List of Honors
 27. Summary of the List of Awards
 28. Summary of the List of Medals
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 30. Summary of the List of Decorations
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State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Newkirk, Judith
17- 0097-PG
FY 2009 PIG EP - Municipal 2007 Rule
58 Acres

Block 21	Lot 23	Upper Pittsgrove Twp. Salem County				
SOILS:		Other	24% *	0	=	.00
		Prime	57.4% *	.15	=	8.61
		Statewide	18.6% *	.1	=	1.86
						SOIL SCORE: 10.47
TILLABLE SOILS:		Cropland Harvested	99% *	.15	=	14.85
		Woodlands	1% *	0	=	.00
						TILLABLE SOILS SCORE: 14.85
FARM USE:		Vegetable & Melons	57 acres			peppers

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:
 1. the landowner has signed an acknowledgment and understands the conditions and restrictions related to not having a residence on the Premises. An exception area was not requested.
 - 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 FY2012R12(15)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

**UPPER PITTSBGROVE TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
Maurice and Delores Kernan
Upper Pittsgrove Township, Salem County**

**N.J.A.C. 2:76-17A. et seq.
SADC ID# 17-0097-PG**

DECEMBER 8, 2011

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Upper Pittsgrove Township, which included the Kernan Farm, identified as Block 40, Lots 14 and 29, Upper Pittsgrove Township, Salem County, totaling approximately 76 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the farms agricultural production at the time of application is field grains; and

WHEREAS, the Kernan Farm includes one existing single family residence and one dormitory for agricultural labor housing on the area to be preserved; and

WHEREAS, the Landowner has read and signed an acknowledgement stating they fully understand the benefits of an exception area, however, have declined that option; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on December 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. 2:76-17A.9(a); and

WHEREAS, to date \$1,250,000 of FY09 and 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, to date Upper Pittsgrove Township has not expended any of its SADC grant funds; and

WHEREAS, Upper Pittsgrove Township has one other project pending final approval against this balance (Newkirk) for a potential grant need of approximately \$462,320; and

WHEREAS, the Township and County shall inform the SADC in regard to its prioritization of pending projects and funding requirements in the event of future shortfalls in SADC grant funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 22, 2011 the SADC certified a value of \$4,200 / acre based on the "current value" date of June 2011 for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, the Upper Pittsgrove Township Committee approved the application and its funding commitment for \$640/acre or 15.24% of the easement purchase on the Kernan Farm on October 11, 2011, and the Salem County Agriculture Development Board approved the application on November 2, 2011 and secured a commitment of funding for \$640/acre or 15.24% of the easement purchase from the Salem County Board of Chosen Freeholders for the required local match on November 16, 2011; and

WHEREAS, the estimated cost share break down is as follows:

	<u>Cost Share</u>	
SADC	\$221,920 (\$2,920/acre or 69.52%)	
Upper Pittsgrove Twp.	\$ 48,640 (\$ 640/acre or 15.24%)	
Salem County	\$ 48,640 (\$ 640/acre or 15.24%)	
	\$319,200 (\$4,200/acre)	; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.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 Pittsgrove Township for the purchase of a development easement on the Kernan Farm by Salem County, comprising approximately 76 acres, at a State cost share of \$2,920 per acre for an estimated total of \$221,920 (69.52% of certified market value and purchase price) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule B; and

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

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

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

12/8/11

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 Brodhecker	YES
Alan A. Danser	YES
James Waltman	YES
Denis C. Germano	YES
Torrey Reade	YES

Wetlands

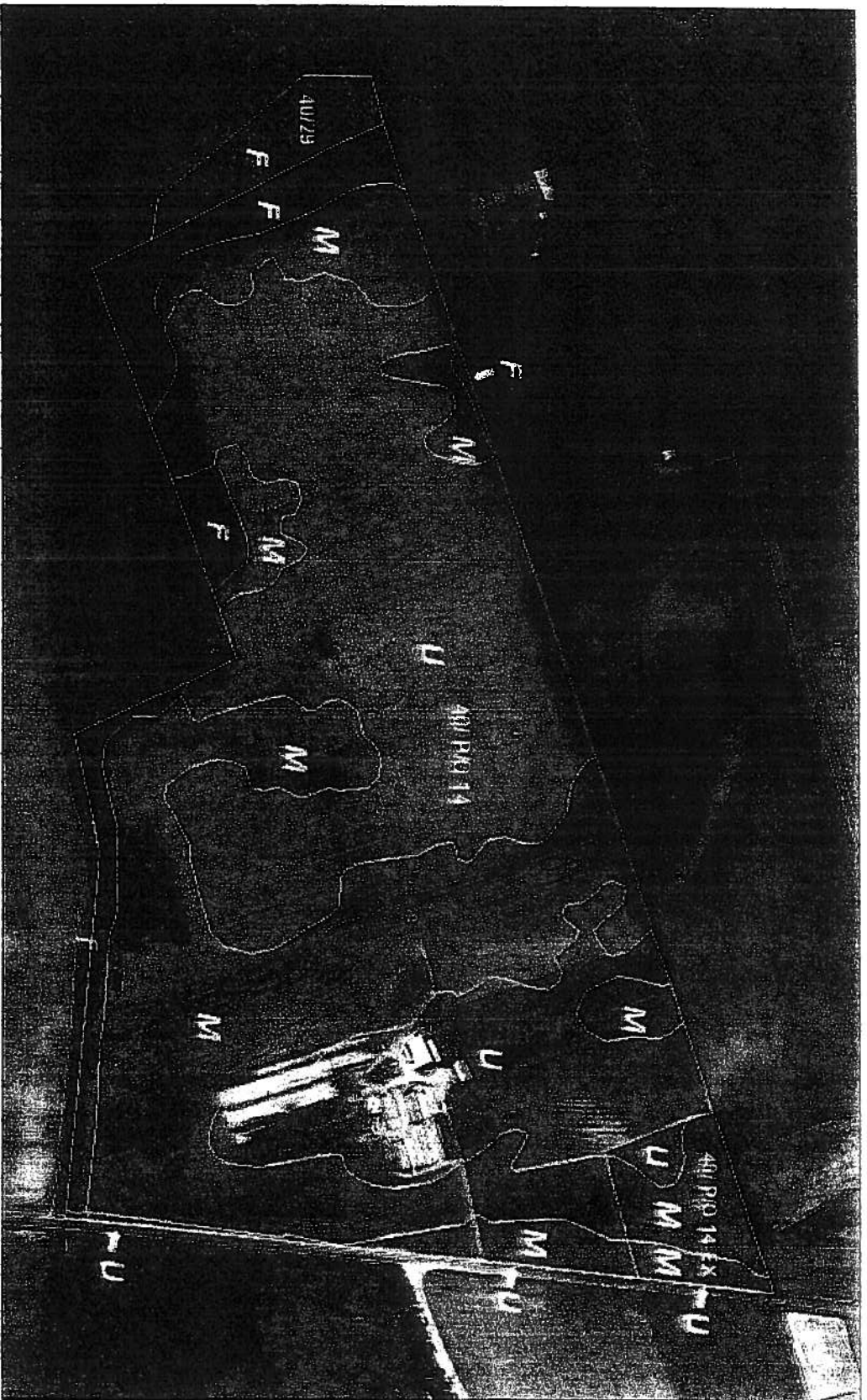
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Maurice and Dolores Keman
Block 40 Lots P/O 14, P/O 14-E-X (exception), & 29
Upper Pittsgrove Twp., Salem County



NOTE:
The portion of the Block 40 Lots P/O 14, P/O 14-E-X (exception), & 29 shown on this map is for informational purposes only. The actual boundaries of the property are shown on the official plat of the property.



Property in Question
Wetlands Boundaries

Legend:
Wetlands
Uplands
Property Boundaries
Farmland Preservation Program
Other Land Use
Water

Map Date: 10/1/05
Map Scale: 1 inch = 1,000 feet
Map Author: [illegible]
Map Reviewer: [illegible]

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Kernan, Maurice & Delores

17- 0096-PG

FY 2009 PIG EP - Municipal 2007 Rule

76 Acres

Block 40 Lot 29 Upper Pittsgrove Twp. Salem County

Block 40 Lot 14 Upper Pittsgrove Twp. Salem County

SOILS:	Other	4% *	0	=	.00
	Prime	51% *	.15	=	7.65
	Statewide	45% *	.1	=	4.50

SOIL SCORE: 12.15

TILLABLE SOILS:	Cropland Harvested	98% *	.15	=	14.70
	Woodlands	2% *	0	=	.00

TILLABLE SOILS SCORE: 14.70

FARM USE:	Field Crop Except Cash Grain	73 acres	soy
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In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Recorded
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises:
Dormitory
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 #FY2012R12(16)

Scott & Roy Daum
Daum, Daum & Daum, LLC

December 8, 2011

Installation of a Solar Energy Generation Facility, Structures and Equipment on an Existing Structure Located on a Preserved Farm

Subject Property: Daum, Daum & Daum, LLC
Block 70, Lot 1.02
Manalapan Township, Monmouth County
66.04-Acres

WHEREAS, Daum, Daum and Daum, LLC, hereinafter, Owner, is the record owner of Block 70, Lot 1.02 in Manalapan Township, Monmouth County, by Deed dated December 6, 2011, and recorded in the Monmouth County Clerk's Office, in Deed Book 8615, Page 2271, totaling approximately 66 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the Monmouth County Agriculture Development Board, on November 15, 2006, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:11 et seq., P.L. 1983, c. 32, as a Deed of Easement, recorded in Deed Book 8608, Page 8923; and

WHEREAS, P.L. 2009, c.213 signed into law on January 16, 2010, requires the State Agriculture Development Committee (SADC) approval before constructing, installing, and operating renewable energy generating facilities, structures and equipment on preserved farms, including areas excepted from the Premises; and

WHEREAS, the SADC must adopt regulations to implement P.L. 2009, c.213 (N.J.S.A. 4:1C-32.4) hereinafter, referred to as "the Act"; and

WHEREAS, the SADC, in conjunction with the Office of the Attorney General, has determined that it may accept and consider applications for the construction of renewable energy generating facilities on preserved farms, prior to the adoption of rules, only in cases where the project will not result in the creation of any new impervious cover and the review is based solely upon criteria listed in subsection (a) of the Act; and

WHEREAS, subsection (a) of the Act states that the owner of a preserved farm may construct, install and operate renewable energy generation facilities on preserved farms for the purpose of generating power or heat, provided the systems:

- (1) do not interfere significantly with the use of the land for agricultural or horticultural production, as determined by the committee;
- (2) are owned by the landowner, or will be owned by the landowner upon the conclusion of the term of an agreement with the installer of the biomass, solar, or wind energy generation facilities, structures, or equipment by which the landowner uses the income or credits realized from the biomass, solar, or wind energy generation to purchase the facilities, structures, or equipment;
- (3) are used to provide power or heat to the farm, either directly or indirectly, or to reduce, through net metering or similar programs and systems, energy costs on the farm; and
- (4) are limited (a) in annual energy generation capacity to the previous calendar year's energy demand plus 10 percent, in addition to what is allowed under N.J.S.A. 4:1C-32.4 section one, paragraph 4(b), or alternatively at the option of the landowner, (b) to occupying no more than one percent of the area of the entire farm including both the preserved portion and any portion excluded from preservation.
- (5) The person who owns the farm and the energy generation facilities, structures, and equipment may only sell energy through net metering or as otherwise permitted under an agreement allowed pursuant to N.J.S.A. 4:1C-32.4 section one paragraph (2); and

WHEREAS, the Owner submitted an "Application for Energy Generation Facilities on Existing Buildings or Structures on Preserved Farmland" pursuant to N.J.S.A. 4:1C-32.4; and

WHEREAS, the Owner is seeking SADC approval for the construction of a photovoltaic solar energy generation facility on a portion the roof top of an existing building that is located on the Premises; and

WHEREAS, the building that will support the solar energy generation facility is a Morton type pole building used as a shop and equipment/materials storage barn that was constructed in 2007, and is approximately 12,000 square feet in size as identified on Schedule "A"; and

WHEREAS, the agricultural operation consists of potted and field grown nursery stock and the major electrical energy demands of the farm is generated from service to

the irrigation pumps, farm office and shop as well as the single family residence on the Premises; and

WHEREAS, the farm's energy demand for the previous calendar year was 58.05 kilowatts (kW) as confirmed by the Owner's submission of 12 months of utility bills; and

WHEREAS, there are no other renewable energy generation facilities existing on the Premises; or

WHEREAS, the rated capacity of the proposed solar energy generation facility is 52 kW; and

WHEREAS, the solar energy generation facility will be owned by the Owner at the time of the installation; and

WHEREAS, the Owner provided evidence confirming that the solar energy generation facility will provide power to the farm directly through net metering to reduce energy costs on the farm; and

WHEREAS, the Owner provided evidence that the annual solar energy generation does not exceed the previous calendar year's energy demand; and

WHEREAS, as a result of the panels being installed on the roof of an existing structure no new impervious cover or soil disturbance will result from the installation of the solar energy generation facilities, structures and equipment; and

WHEREAS, pursuant to N.J.S.A. 4:1C-32.4, the SADC forwarded a copy of the Owner's application to the Monmouth County Agriculture Development Board, to provide comments concerning the installation, construction, operation and maintenance of the solar energy generation facility, structures and equipment; and

WHEREAS, on December 7, 2011, the Monmouth CADB discussed the solar energy generation facility and has indicated that the Board supports the Daum Farm solar application;

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the Owner has complied with all of the provisions of N.J.S.A. 4:1C-32.4 concerning the installation of a photovoltaic solar energy generation facility, structures and equipment on the Premises; and

BE IT FURTHER RESOLVED, that the SADC approves of the construction, installation, operation and maintenance of the photovoltaic energy generation facility, structures and equipment consisting of approximately 4,100 square feet and having a rated capacity of 52 kW of energy to be located on the roof top of an existing building as identified in Schedule "A" 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.

12/8/11
DATE



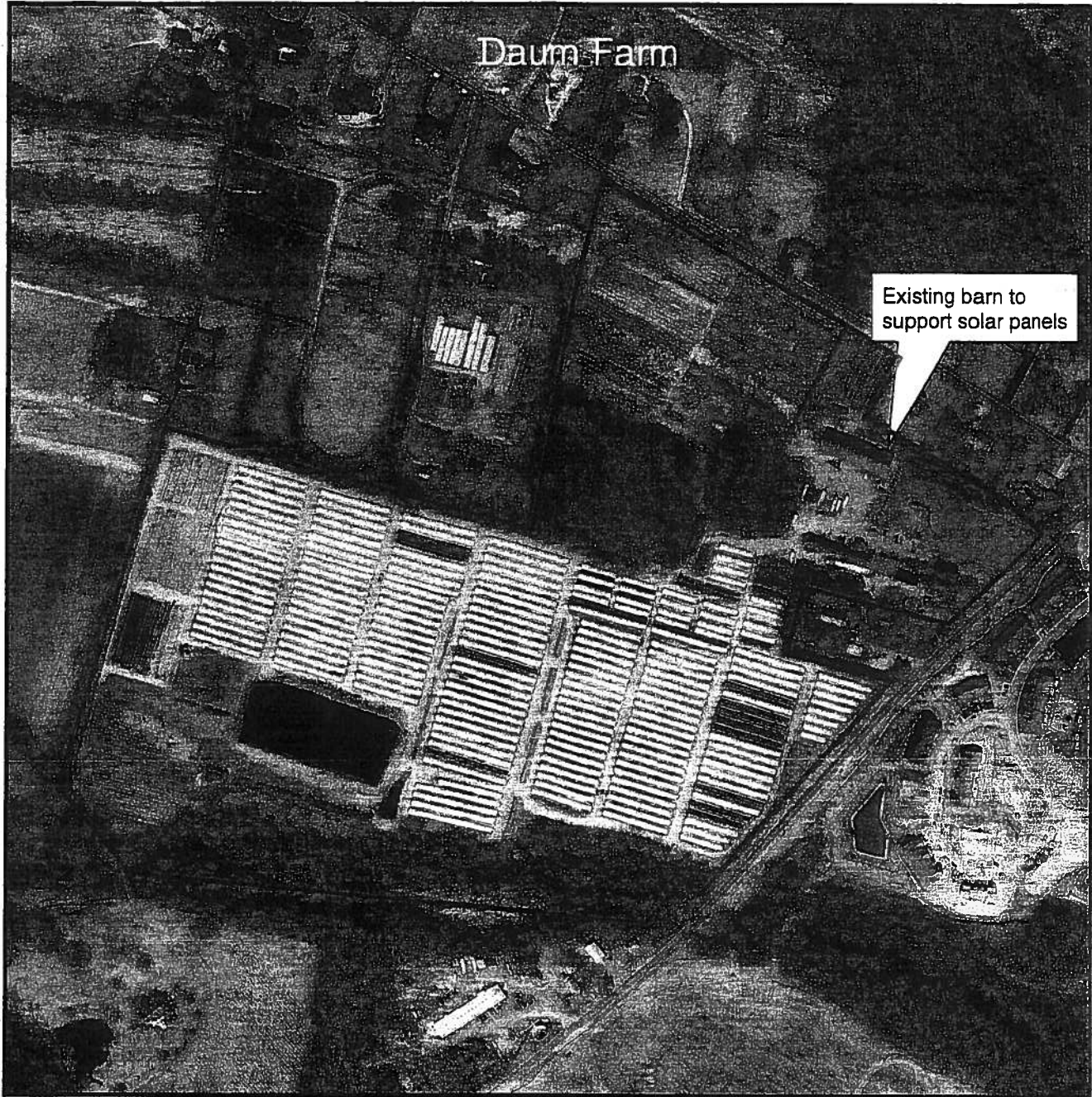
Susan E. Payne, Executive Director
State Agriculture Development Committee

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 Brodhecker	YES
Alan A. Danser	YES
James Waltman	YES
Denis C. Germano	YES
Torrey Reade	YES

Schedule "A"

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Daum Farm
Block 70 Lot 1.02
Manalapan Township
Monmouth County



0 145 290 580 870 1,160 Feet

month/day/year

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
 - (PA5) RURAL/ENV SENS
 - (PA6) ENV SENS
 - (PA7) ENV SENSITIVE BARRIER IS
 - (PA8) PARKS
 - (PA9) MILITARY
 - (PA10) NEW JERSEY MEADOWLANDS
 - (PA11) WATER
 - (PA12) ILLIS ISLAND- NJ
 - (PA13) ILLIS ISLAND- NY
- ### Base Map
- County Boundaries
 - Municipal Boundaries
 - Highlands Planning Area
 - Highlands Preservation Area
 - Preserves Area
 - Green Acres Preserved Easements

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2012R12(17)

Request for Division of Premises

Pamela Kronyak

December 8, 2011

WHEREAS, Pamela Kronyak, hereinafter "Owner", is the record owners of Block 26, Lot 6 and Block 31, Lot 1.02 in Lafayette Township and Block 70, Lot 1, Block 71, Lot 1.01 and Block 74, Lot 20 in Hardyston Township, Sussex County, by Deed dated September 26, 2005, and recorded in the Sussex County Clerk's Office, in Deed Book 2973, Page 325 totaling approximately 109.58 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the SADC on May 27, 2008, 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 Deed Book 3203, Page 557; and

WHEREAS, on October 25, 2011, the SADC received a request for a division of the Premises from the Owner; and

WHEREAS, the Owner proposes to divide the Premises, as shown in Schedule "A", to allow her to sell Block 26, Lot 6 in Lafayette Township, and Block 70, Lot 1 in Hardyston Township (Parcel B) to Todd Applebaum, hereinafter "Contract Purchaser"; and

WHEREAS, the Contract Purchaser is an ostrich farmer looking for a place to relocate his existing ostrich herd; and

WHEREAS, the Owner would retain ownership of the remaining lots, Parcel "A", with the intent to construct a residence on this Parcel and develop a small livestock and vegetable operation on this parcel; and

WHEREAS, the Owner would like to sell Parcel "B" to the Contract Purchaser because she has determined that the current property is more acreage than she needs for her future farming venture and the funds from the sale of Parcel B would allow her to move up the time frame to initiate construction of her new home and farming activities on Parcel "A"; and

WHEREAS, the Owner proposes to lease Parcel "A" to the Contract Purchaser to raise feed crops for the ostriches until she needs the ground for her own agricultural activities; and

WHEREAS, since purchasing the Premises in 2005 the Owner has leased the Premises to a dairy farmer who pastured dairy cows on portions of the Premises and raised hay and corn on the remainder; and

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

WHEREAS, in order to grant approval, the Grantee 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 Deed of Easement identifies, no existing single family residential units, no agricultural labor units, no RDSOs, one severable 10-acre exception area, one severable 2.5 acre exception area, and a 1-acre non-severable exception area associated with the Premises; and

WHEREAS, the resulting Parcel "A" would result in an approximately 56.6 acre property (including the 10-acre severable and 1 acre non-severable exception areas) that is approximately 32% (18 acres) tillable with 0% (0 acres) prime or statewide important soils; and

WHEREAS, the resulting Parcel "A" would have no existing infrastructure but would include the 1-acre non-severable exception area where the Owner intends to construct her new residence and the 10-acre severable exception; and

WHEREAS, the resulting Parcel "B" would result in an approximately 63.4 acre property (including the 2.5 acre severable exception) that is approximately 63% (40 acres) tillable with 59% (37.4 acres) prime soils; and

WHEREAS, Parcel "B" is improved with a large dairy barn and several smaller wooden barns; and

WHEREAS, on November 15, 2011, SADC staff visited the site and found approximately 13.5-acres of Parcel "A" on the east side of Geary Road and approximately 40 acres of Parcel "B" being utilized for hay and corn production; and

WHEREAS, the portion of Parcel "A" on the west side of Geary Road was being used primarily as an unmanaged pasture area; and

WHEREAS, the primary outputs of this farm have historically been dairy, pasture, hay and corn; and

WHEREAS, the SADC makes the following findings related to its determination of whether the division of the Premises results in agriculturally viable parcels:

- 1) Parcel "A", consisting of 56.6 total acres, containing 18 tillable acres of non-prime or statewide important soils with slopes of 8-35% is insufficient in size and quality soils to sustain a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from its agricultural output;
- 2) Parcel "B", consisting of 63.4 total acres, containing 40 tillable acres (37.4 acres of prime soils), is sufficient in size to sustain a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from its agricultural output;
- 3) All of the agricultural buildings and infrastructure related to the management of the overall Premises exist on Parcel "B", further reducing the agricultural options on Parcel "A" if they were separated;
- 4) Development of agricultural infrastructure on Parcel "A" would take additional land out of production on a parcel which already has limited acreage available for agricultural production; and

WHEREAS, the SADC makes the following findings related to its determination of whether the division of the Premises is for an agricultural purpose:

- 1) The transfer of Parcel "B" is being prompted by the Owner's interest in raising capital to move forward with her plans to construct a new home on Parcel "A", which does not, by itself, constitute an agricultural purpose;
- 2) The Owner proposes to keep Parcel "A", where the new home would be constructed, and eventually begin her own operation;
- 3) While the Owner has conceptual ideas for her proposed farming activities for Parcel "A", these ideas are not defined to the extent that would allow for an evaluation of the agricultural purpose;
- 4) The Contract Purchaser proposes to acquire the Parcel "B" to continue and expand his livestock operation, which is considered an agricultural purpose; and

NOW, THEREFORE BE IT RESOLVED, that the SADC finds the Owner has not demonstrated that the division of the Premises is for an agricultural purpose that 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 pursuant to the Deed of Easement and Policy P-30-A; and

BE IT FURTHER RESOLVED, that based on the above factual findings and conclusions, the SADC denies the Owner's application for the division of the Premises on the basis that the division does not 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 pursuant to the Deed of Easement and Policy P-30-A; 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.

12/8/11
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

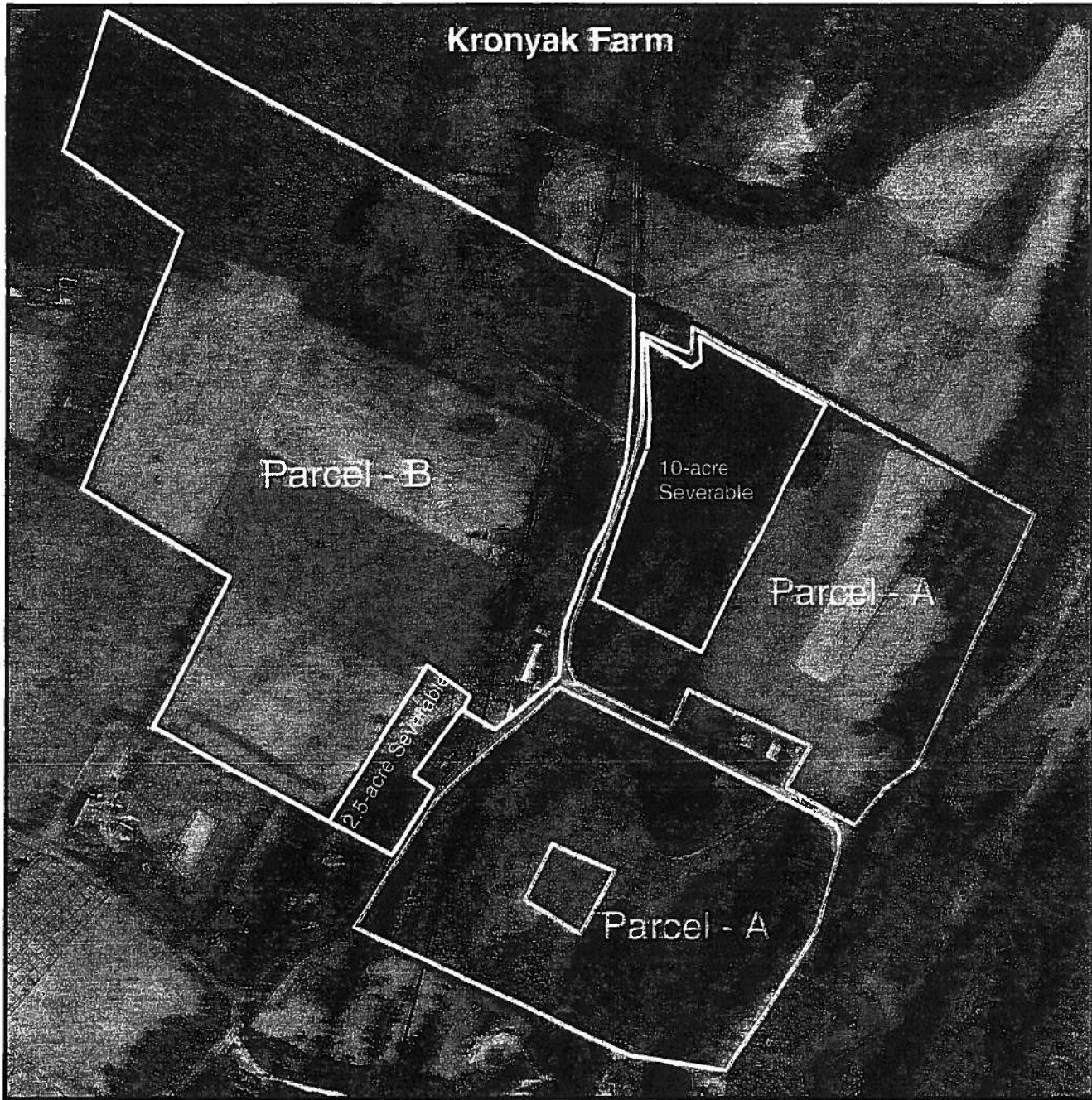
VOTE WAS RECORDED AS FOLLOWS:

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

Schedule "A"

Kronyak Farm

u:/county_state/project_name.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kronyak Farm
Block 26, Lot 2 & Block 31, Lot 1.02
Lafayette Township
Block 70, Lot 1 & Block 71, Lot 1.01 & Block 74, Lot 20
Hardyston Township
Sussex County

N



0 190 380 760 1,140 1,520 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	
	TPM1 METRO
	TPM2 SUBURBAN
	TPM3 FRINGE
	TPM4 RURAL
	TPM5 RURAL ENV SENS
	TPM6 ENV SENS
	TPM7 ENV SENSITIVE BARRIER IS
	TPM8 PINELANDS
	PARK
	MILITARY
	NEW JERSEY MEADOWLANDS
	WATER
	ELLS ISLAND- NJ
	ELLS ISLAND- NY
Base Map	
	County Boundaries
	Municipal Boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Pinelands Area
Green Acres Preserved Easements	

month/day/year