

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

November 8, 2012

Chairman Fisher called the meeting to order at 9:08 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 Fisher, Chairperson
Fawn McGee (rep. DEP Commissioner Martin)
Brian Schilling (rep. Executive Dean Goodman)
James Requa (rep. DCA Commissioner Constable)
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)
Denis Germano
Torrey Reade
Peter Johnson
Jane R. Brodhecker
Alan A. Danser

Members Absent

James Waltman

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

Others present as recorded on the attendance sheet: Heidi Winzinger, Brian Smith, Timothy Brill, Paul Burns, Ed Ireland, Dan Knox, Charles Roohr, Hope Gruzlovic, John Denlinger, Cindy Roberts, Jessica Uttal, Patricia Riccitello and Sandy Giambrone, SADC staff; Kerstin Sundstrom, Governor's Authorities Unit; Barbara Ernst, Cape May CADB; Nicki Goger, New Jersey Farm Bureau; Dan Pace, Mercer County Agriculture Development Board; Donna Marki, Attorney for Lindsay Harms, Bedminster Township, Somerset County.

Minutes

A. SADC Regular Meeting of September 27, 2012 (Open and Closed Session)

It was moved by Ms. Brodhecker and seconded by Mr. Danser to approve the open session minutes and the closed session minutes of the SADC regular meeting of September 27, 2012. The motion was unanimously approved.

REPORT OF THE CHAIRPERSON

Chairman Fisher discussed the following with the Committee

- Hurricane Sandy

Chairman Fisher stated that it has been a very extraordinary week following the super storm. He noted that everyone is pulling together to improve conditions and get everything back to normal as soon as possible. He recognized the efforts of the many people from each department, all the emergency medical technicians, first responders, the National Guard and State police. He stated that the Cabinet has met at least once a day with the Governor to plan that day's response. He stated that there have been donations and offers coming in from all around the country, from farming groups and others who want to help. Most of the agricultural community was further in from the barrier islands and able to put themselves back together. We talk about farmland preservation and preserving farms, and at a time when we could have been really cut off, it's reassuring to know that we have those farms and farming operations, and will continue to have them in the future.

- Farmland Preservation Program Funding

Chairman Fisher stated that the Administration has authorized release of the SADC's second half of program funding from the 2009 bond issue. The funding must be approved by the Legislature, but the Garden State Preservation Trust has to meet and review it first. Once that source of funding is spent, the Governor has been talking about a long-term source of funding; that is what is being worked on right now, determining what the options are for that.

- Agricultural Management Practices

Chairman Fisher stated that we have and will continue to have demands on the limits of what types of activities can take place on preserved farms. It is hard work to find that proper balance. He noted the changes in landscape, product demand and farm businesses. For instance, who would have thought not that long

ago that there would be huge profitable grain operations in our state like there are right now? It is ever changing. We know that the public enjoys on-farm visits, which are being delivered by our very savvy farmers. He stated that we will be having an agricultural management practice (AMP) soon on agritourism/agritainment, and the definition can mean anything. It is the kind of sensibility that staff will be trying to figure out as to what the limits are, just like when people talk about "local" or "sustainability." Those terms have many definitions. Likewise, there are many definitions for sustainability. He spoke to someone at the U.S. Department of Agriculture about the definition of "rural" and was told that the USDA has 90 definitions for that depending on the program.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne discussed the following with the Committee:

- Deadline for Ethics Training for SADC Members

Ms. Payne stated that almost all SADC members have completed their annual ethics training and staff has received the necessary receipts for those that took the training. She stated that the deadline for completing the training is Monday, November 12th, which is a State holiday. So if anyone needs technical assistance in taking the training, they should contact staff either today or tomorrow.

- Agricultural Management Practices

Ms. Payne stated that the On-Farm Direct Marketing AMP working group met the first week in October. The substance of the AMP is pretty much in shape. The question that the working group spent the most time on was trying to define the municipality's role versus the CADB's role, and where those lines of jurisdiction are. That prompted the working group to meet to get some advice from the Office of the Attorney General on a few areas. She stated that staff just received that advice. Staff will complete the draft and will be in a position to send that back out. She expects to provide that draft to the Committee at its December meeting for its preliminary review. Then based on the Committee's comments, it would be presented to the Committee at the January SADC meeting for approval of the AMP.

- Wind Turbine Rule for Preserved Farms

Ms. Payne stated that she expects the preserved farm wind development rules will be discussed by the Committee at its next meeting.

- Rutgers University Report Regarding Wind Turbine Noise

Ms. Payne stated that staff just received the Rutgers report regarding the sound effects of wind turbines. The SADC hired Rutgers to help us understand the sound effects of wind turbines for the purposes of the right-to-farm rules that need to be promulgated. Staff will be reviewing that report shortly.

- Appellate Court Decision – D. Post vs. SADC

An Appellate Court decision (Riamede Farm v. SADC) found in favor of the SADC in a case in which a Morris County landowner challenged the SADC's certified value and claimed various defects in the SADC's appraisal process. The Court rejected all of the allegations, and found no basis for a change to the certification and that the landowner received the due process to which she was entitled.

Ms. Payne stated that staff was very pleased with the court decision and that felt it reinforced many things – one being that the SADC tried its best to be right as much as it possibly could. The decision basically says that there is nothing in the process or how this was handled to suggest anything other than proper motivations of the agency and its staff. Another point it made was that the appraisal is an art, not a science, which we have known since the inception of the program. We do a methodical job – we get the appraisals in, we review them, we question the appraisers and go through the process. The Court said that you are not guaranteed to a perfect process, and it recognized that the SADC did a thorough job. She thanked staff and the Office of the Attorney General for their excellent work defending this issue and litigation.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. She stated that there was a great event in South Jersey (Upper Pittsgrove Township) with lots of coverage pertaining to the SADC preserving 200,000 acres. The event was held on October 9th. She thanked the SADC members who were able to attend along with Secretary Fisher. She stated that the SADC recognized seven towns/counties for their individual achievements, with a great geographic distribution. She stated that Senator Sweeney was also in attendance.

PUBLIC COMMENT

None

NEW BUSINESS

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 -- the Fogg Farm, the Battiato Farm and the Moore Farm, all in Mannington Township, Salem County. The Moore farm expended \$21,287.00 in soil and water conservation cost-share grant projects, leaving a balance at termination of \$23,881.00. The Fogg farm was eligible for \$34,282.00 in soil and water conservation cost-share funds but did not expend any of those funds, and the Battiato farm was eligible for \$35,128.00 but did not expend any of those funds. There were two renewals of eight-year programs -- the Donio farm in the Town of Hammonton, Atlantic County, and the Walker Farm in Mullica Township, Atlantic County. There were no withdrawals of eight-year programs. The summary is for informational purposes and no Committee action was needed.

Ms. Payne stated that regarding soil and water conservation cost share funding, we will be keeping an eye on addressing this issue through future funding discussions. High on the priority list would be trying to make sure that the language for future funding allows for funding to be used for soil and water cost-share programs.

B. Stewardship

1. Renewal of House Relocation Approval

a. Locandro Farm, Delaware Township, Hunterdon County

Note: Mr. Schilling recused himself from any discussion/action pertaining to the Locandro Farm to avoid the appearance of a conflict of interest. Mr. Locandro is a friend of Mr. Schilling's and a former professor at Rutgers.

Mr. Roohr referred the Committee to Resolution FY2013R11(1) for a request by Roger and Holly Locandro, owners of Block 12, Lots 30 and 31, and Block 5, Lot 4.02 in Delaware Township, Hunterdon County, to relocate the existing single-family residence due to safety reasons because of the close proximity to Locktown-Flemington Road. This was a fee simple acquisition. The property is eligible for listing in the New Jersey Register of Historic Places and National Register of Historic Places. In coordination with the N.J. Historic Preservation Office, a historic façade easement was placed on this property at the time of resale to the Locandros and is held by the N.J. Historic Preservation Office. The Locandros have received permission from that agency to relocate the existing single-family residence in accordance with requirements of the façade easement to the location as shown in Schedule "A" of the Resolution. In May, 2005, the Locandros received approval from the SADC to move the residence with the

condition that the SADC's approval was valid for a period of three years from the date of the resolution.

Mr. Roohr stated that the Locandros began a voluntary removal of an underground oil tank associated with the residence. During the removal the N.J. Department of Environmental Protection (DEP) determined that oil had leaked from the tank and that cleanup measures would be needed. The Locandros took the necessary corrective measures but were only recently given notice from the DEP that the matter is now resolved. The clean-up process of removing the tank, cleaning up the spill and getting the No Further Action letter from the DEP took approximately 4 years. In December 2007, the SADC granted a three-year extension of the approval, which also permitted the approval, under the same conditions, to be transferable to a subsequent owner. The extension has since expired and the Locandros are seeking to renew the previous approval under the same terms and conditions, to move the existing single-family residence. Staff recommendation is to approve the request to renew the approval with the extension being valid for a period of three years from the date of today's resolution and that the approval is transferable to any subsequent owners of the property within the three-year time frame of this extension.

It was moved by Mr. Siegel and seconded by Ms. Reade to approve Resolution FY2013R11(1) granting a request for extension of a previous approval by the Committee to Roger and Holly Locandro, owners of Block 12, Lots 30 and 31, and Block 5, Lot 4.02 in Delaware Township, Hunterdon County, to relocate the existing single-family residence due to safety reasons because of the close proximity to Locktown-Flemington Road. This extension is valid for a period of three years from the date of this Resolution and this approval is transferable to any subsequent owners of the Premises within the three-year timeframe of the extension. The SADC and the N.J. Historic Preservation Office must be notified at least 30 days prior to the actual movement of the residential unit. The motion was approved. (Mr. Schilling recused himself from the vote.) (A copy of Resolution FY2013R11(1) is attached to and is a part of these minutes.)

2. Agricultural Labor Housing Request

a. Harms Farm, Bedminster Township, Somerset County

Mr. Roohr referred the Committee to Resolution FY2013R11(2) for a request by Mark and Lindsay Harms, owners of Block 41, Lots 2 and 2.01, in the Township of Bedminster, County of Somerset, to utilize a newly constructed two-bedroom, 1,190 square-foot residential unit as an agricultural labor unit on the property in the location identified on Schedule "A" of the Resolution. During a 2011 annual monitoring visit, the Somerset County Agriculture Development Board (CADB) found that a new two bedroom residential unit was under construction on the site to house a year-round agricultural laborer. The owners had received all the necessary township approvals but neglected to get CADB or SADC approval for the agricultural labor unit. In June 2012,

the SADC received the request from the Somerset CADB on behalf of the owners to utilize the new residence as an agricultural labor unit.

The farm is primarily a high-end equine operation, consisting of hunter/jumper broodmares, competing hunter/jumper show horses available for sale, a retired former Olympic hunter/jumper and other retired horses that will be used as companions. Over the past few years, the owners have begun to acquire world-class hunter/jumper mares in an effort to begin a breeding operation with the highest caliber bloodlines with the goal being to produce Olympic-caliber foals to compete against established European breeders. In 2010, the owners attempted breeding two mares without onsite labor assistance, which resulted in unsuccessful results. With the assistance of the prior full-time employee, the owners were able to breed four mares in early 2012. There are currently four pregnant broodmares, and once the foals are born they will also become the responsibility of the onsite agricultural laborer. The owners believe that having onsite labor available to care for the breeding animals, to take temperatures every four hours during the breeding season, and to pay particular attention to the broodmares during the breeding cycles, pregnancy stage and foaling process would be essential to developing the breeding component of this operation. Also, on-site housing helps to ensure consistent, reliable and experienced labor is available around the clock and provides safety and security for the horses.

Upon determination that the agricultural labor unit was constructed without proper CADB and SADC approval, the owners moved their on-site laborer, Mr. Fergosa, to an apartment in a nearby town. However, upon learning that the housing approval process may take several months, Mr. Fergosa separated employment with the farm. The owners have found a new potential breeding program manager and that person's employment on the farm is contingent upon the availability of on-farm housing.

Ms. Harms and Ms. Marki, attorney for Ms. Harms, addressed the Committee. Ms. Harms stated that they had no desire to do anything that was out of sorts. They have been on the property for 17 years and always had horses, showed them and competed, and never felt the need to have agricultural labor housing because they could take care of the horses themselves with a day laborer coming in. When they decided to go into breeding, -- and part of this was seeing the poor performance in the Olympics -- they thought that if they were going to do breeding they would need around-the-clock coverage. They built the house and went through all of their local town boards and received approvals and thought they had done everything they were required to do. They built the house on the road so it wasn't like they were trying to hide anything. She stated that after it was pointed out to her that they needed CADB/SADC approval, they went back and looked at the Deed of Easement. They brought it to an attorney, their first attorney who totally got it wrong, and then Ms. Marki, who is also a very close friend, is in the horse business and is a lawyer. She looked at it so that is why they are here today.

Ms. Reade stated that she accepts the legitimacy of Ms. Harms needing agricultural labor housing but her concern is with the process -- building first and then getting permission later. It worries her somewhat as to what type of signals we are sending to this industry where we often see requests for agricultural labor housing, not all of those we are able to accept. She doesn't want to be sending the signal that it is OK to put it up first and then seek approvals. Ms. Marki stated that when Mr. Roohr presented to the Committee, he mentioned that the owners went through the Township. She wanted to make it clear to the Committee that this was a process that went through the County, and the County did write letters that mentioned that it was approved through their department. So when that went from the County, it went to the Township. She was also on the Zoning Board of the town and she did recuse herself from the matter, but they heard Ms. Harms' application and they approved the application based on the fact that they had the county's approval. They have documents that said it was approved -- it was from the County Planning Board, but it do go through the agriculture board. The agriculture board did state in some of the letters that they were working on behalf of, through the Grantors, they were working on behalf of the whole county. That was the impression their township was given, the engineer, their township attorney and the zoning board attorney. Therefore, it wasn't as if Ms. Harms came in and said OK, we have the building permit so let's build. They had been through quite a process with the county and the county did state in correspondence that they were working on behalf of the County and the State. That is where the confusion was, within some of the correspondence going back and forth.

Ms. Reade asked which entity was it that gave approval. Ms. Marki responded it was the county agriculture development board, she believes. Mr. Roohr stated that there was probably a miscommunication between the CADB and the Township. If you read the letter with a finer understanding of farmland preservation rules, the letter is technically accurate but if you were not that familiar with farmland preservation, you would read it and say you got that permission. Basically what the letter says is that agricultural labor housing is permissible on preserved farms so it depends on how technically you read the letter. Chairman Fisher asked if the CADB should have told the owners that they needed to go to the SADC for approval. Ms. Marki stated it was not in that letter and that is where the problem started. She stated it has been a learning curve for everyone involved and now the Township will ask going forward whether an applicant went to the county and the state.

Mr. Roohr stated that for the reasons as set forth in the resolution, staff recommendation is to grant the request for agricultural labor housing. He stated that as a condition of this approval, for the next five years the owners shall provide production records, which shall include breeding receipts, birth records, competition results, appraisals or sales contracts for animals born or raised on the property or other appropriate documentation to the Somerset CADB as part of its annual monitoring visit to the farm. Production records shall be forwarded to the SADC for review annually to ensure that there is sufficient

equine production activity occurring on the farm to continue to warrant the use of the agricultural labor unit.

It was moved by Mr. Requa and seconded by Mr. Schilling to approve Resolution FY2013R11(2) granting a request by Mark and Lindsay Harms, owners of Block 41, Lots 2 and 2.01, in the Township of Bedminster, County of Somerset, to utilize a previously constructed two-bedroom, 1,190 square-foot residential unit as an agricultural labor unit on the property in the location identified on Schedule "A" of said Resolution, to house a full-time, year-round agricultural laborer. Only agricultural labor employed on the Premises, in production aspects of the operation, and their immediate family, may live in the agricultural labor unit, and the agricultural laborer shall be engaged in the day-to-day production activities on the Premises, which at this time include feeding, watering, turnout, exercise, monitoring of breeding conditions, administering medication, temperature checks multiple times per day, coordination of the breeding cycle with the veterinarian, daily review of the horses' physical condition, adjusting the horses' diet to the onsite conditions, foaling, stall and paddock cleaning, stable maintenance and 24-hour checks during foaling season. Further, the care and development of young foals will be part of the day-to-day production activities on the Premises, upon their arrival in 2013. As a condition of this approval, for the next five years the Owners shall provide production records, which shall include breeding receipts, birth records, competition results, appraisals or sales contracts for animals born or raised on the Premises, or other appropriate documentation to the Somerset CADB as part of its annual monitoring visit to the farm. Production records shall be forwarded to the SADC for review annually to ensure that there is sufficient equine production activity occurring on the farm to continue to warrant use of the agricultural labor unit. The SADC reserves the right to request future copies of production records during periods when the agricultural labor unit is inhabited. The Owner's use of any structures for housing agricultural laborers shall be in compliance with all applicable Federal, State, County and local regulations. This approval is non-transferable. The motion was unanimously approved. (A copy of Resolution FY2013R11(2) is attached to and is a part of these minutes.)

Ms. Harms stated that Mr. Roohr and Mr. Everett were wonderful to work with. For six months, everything they did was right on point. She appreciated all their help.

Mr. Danser stated that as far as the process goes, the best person to pick this up would be the zoning officer when the building part comes in. He stated that possibly we should send a memorandum to the zoning officers all the way around reminding them that if they have an application on a preserved farm they should check to make sure that it meets CADB and/or SADC approvals. We should send out some sort of advisory.

Ms. Payne stated that there is so much work the SADC needs to do to educate the landowners of preserved farms – that is one group that we want to do outreach to, and then talk to the municipalities too. We can start out with an advisory but we want to go

deeper and have some workshops once a year or every other year. She would be happy in the short term to send out an advisory.

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

1. Dorsi Farm, Franklin Township, Hunterdon County

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

It was moved by Mr. Danser and seconded by Mr. Siegel to approve Resolution FY2013R11(3) and FY2013R11(4), granting final approval to the following applications, as presented and discussed, subject to any conditions of said Resolutions:

1. Dorsi Farm (Resolution FY2013R11(3)), SADC #10-0338-PG
Block 29, Lot 50, Franklin Township, Hunterdon County, 41 Net Easement Acres
State cost-share of \$5,000.00 per acre for an estimated total of \$205,000.00
(61.98% of the certified market value and 58.82% of the purchase price.)

Discussion: The application includes one 3.5-acre nonseverable exception for and restricted to one single-family residence.

2. Jose Domingues (Resolution FY2013R11(4)), SADC #21-0503-PG
Block 26, Lot 26, Greenwich Township, Warren County, 62 Net Easement Acres
State cost-share of \$8,416.00 per acre for an estimated total of \$521,792.00
(40.08% of the certified market value and 44.47% of the purchase price). The SADC will utilize any remaining USDA, NRCS Federal Farm and Ranch Lands Protection Program grant funds (estimated \$182,218.00) under the FY2012 Federal program to offset SADC grant needs on this property.

Discussion: The property is located in the Highlands Planning Area and includes a one-acre nonseverable exception for a future single-family residence; a 2.2-acre severable exception for the option of a future 50-foot wide emergency access road between two public schools; and a 1.2-acre nonseverable exception for a proposed 35-foot wide sewer line easement (to be reviewed and approved by SADC counsel prior to the easement purchase.) The municipality has indicated that the severable exception area shall not be used to provide public recreational access, and vegetative buffers will be installed on either side of the access way if the emergency access road is constructed. The 35-foot wide 1.2-acre nonseverable exception is restricted for the purpose of a 35-foot sewer line easement. The sanitary sewer connector to the Township Middle School is included in the Township Wastewater Management Plan as a future potential connection. The parcel

application was submitted to the FY2012 USDA, NRCS Federal Farm and Ranch Lands Protection Program, and that agency has determined that the property and the landowner qualify for federal grant funds and approved a grant not to exceed fifty percent of the federal appraised current value, subject to final surveyed acreage. The landowner has agreed to the additional restrictions involved with federal funding, including a 4% maximum impervious coverage restriction, or approximately 2.52 acres available for impervious cover on the lands being preserved outside of the exception areas. The county shall hold the development easement, even though the County is not providing funding for the preservation of this farm.

The motion was unanimously approved. (A copy of Resolution FY2013R11(4) is attached to and is a part of these minutes.)

D. Resolutions for Final Approval: County Planning Incentive Grant Program

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

Mr. Knox referred the Committee to two requests for final approval under the County Planning Incentive Grant Program in Burlington County. He stated that Ms. Winzinger would present the remaining application for final approval (the Snyder farm). He reviewed the specifics with the Committee and staff recommendation is to grant final approval as presented and discussed.

It was moved by Mr. Germano and seconded by Mr. Siegel to approve Resolution FY2013R11(5) granting final approval to the following application, as presented and discussed, subject to any conditions of said resolution:

1. Kenneth D. Stattel (Resolution FY2013R11(5)), SADC # 03-0359-PG Block 812, Lots 6.01 and 7.01, Pemberton Twp., Bur. Co., 152.4 Surveyed Acres State cost-share grant at \$1,917.00 per acre (60% of the Pinelands Formula Valuation and 60% of the purchase price of \$3,195.00), totaling \$292,151.00. Competitive grant funds will be utilized for the acquisition of this property.

Discussion: The application includes one 4-acre nonseverable exception around existing nonresidential structures with no opportunity for a future residence. The property is located in Burlington County's East-Burlington County Project Area and in a Pinelands Agricultural Production Area. There are 5.75 Pinelands Development Credits (PDCs) allocated to the property; as a result of the conveyance of the deed of easement to the County, the property's 5.75 PDCs will be retired. The owners accepted an offer from the County to sell their development easement based on the Pinelands Formula Valuation,

which includes a ten percent impervious cover option. The impervious coverage limitation shall be 10% of the total property acreage and shall include, but not be limited to, houses, barns, stables, sheds, silos, outhouses, cabanas and other buildings, swimming pools, docks or decks. Temporary greenhouses and other temporary coverings that do not have impervious floors shall be excluded from the computation of the impervious coverage area. Also, the United States of America, through the Department of the Air Force, contributed 40 percent or \$194,767.00 of the total purchase price (Burlington County closed on the development easement on October 31, 2011), with no additional restrictions to assist in providing a three-mile buffer around existing military installations.

The motion was approved. (Mr. Johnson recused himself from the vote.) (A copy of Resolution FY2013R11(5) is attached to and is a part of these minutes.)

It was moved by Mr. Germano and seconded by Mr. Siegel to approve Resolution FY2013R11(5) granting final approval to the following application, as presented and discussed, subject to any conditions of said resolution:

2. Howard and JoAnn Stevenson (Resolution FY2013R11(6)), SADC #03-0359-PG Block 803, Lot 9; Block 804, Lots 1, 2; Block 812, Lots 2.01, 3, Pemberton Township, Burlington County, 110.643 Surveyed Acres
State cost-share grant at \$2,230.00 per acre (73.11% of the certified value and 49.01% of the purchase price), totaling \$246,756.19. Competitive grant funds shall be utilized for this property.

Discussion: The property is located in Burlington County's East-Burlington County Project Area and in the Pinelands Agricultural Production area. It includes a one-acre nonseverable exception for future nonagricultural uses that will be restricted to no residential uses. The property also includes a three-acre nonseverable exception around the existing single-family home and buildings. There are 4.75 Pinelands Development Credits (PDCs) allocated to this property. As a result of the conveyance of the deed of easement to the County, these PDCs will be retired. The owners accepted an offer from the County to purchase the development easement for \$4,550.00 per acre (which is higher than the Pinelands Formula Valuation and the certified value, but equal to the highest appraised per-acre easement value.) The United States of America, through the Department of the Air Force, agreed to contribute 50 percent of the total purchase price, or \$251,735.58, for the purchase of the development easement with no additional restrictions to assist in providing a three-mile buffer around existing military installations.

Mr. Knox stated that on the second page of the resolution, the third "Whereas" deals with the owners being provided the SADC guidance documents regarding exceptions, division of the premises and nonagricultural uses. These documents were provided to the County and the landowner. The landowners have refused to sign the documents. This is being related by the landowner's attorney who indicated that the deed of easement would rule.

Therefore, the third "whereas" is being changed to state that these documents were provided to the landowner and the landowner refused to sign them.

Mr. Schilling stated that this document was meant to be a good-faith effort so that people understood the implications of taking exceptions. Ms. Payne stated that currently the regulations do not require the signing of these acknowledgments. This is just a good-faith effort to make sure that landowners are educated when making decisions so that we don't have landowners coming back years later saying they didn't know or understand. She stated that she is comfortable with the resolution acknowledging that they were provided to the landowners and that they refused to sign them.

Mr. Schilling stated that what they are refusing is basically to say they received them and they understand what was given to them. Ms. Payne stated that is correct but we would know that they were provided to the landowners and they notified the SADC verbally that they refused to sign them. She stated that, for purposes of posterity, there is enough of a record to say that they did know what they were doing. Her recommendation is that we proceed on this with the new language for that paragraph. However, the question for the Committee is going to be whether it wants to amend the regulations, and the regulations will be amended within the next year or two to clean up various issues, but this would be one of those issues that we need to get guidance on -- whether you want to make it a regulatory requirement that landowners sign these in order to submit an application.

Mr. Schilling stated that when they enter this agreement, they are accepting the terms of the easement. What we are trying to do is basically, in good faith, trying to make sure that they understand about exceptions. -- whether we require the signature accepting and understanding the document or not. It is just a good faith effort on our part.

Chairman Fisher stated that if he is a landowner, he sort of understands that he doesn't want to sign something that he doesn't have to. We have all signed things that we wished we didn't, and he gets that. On the flip side, however, you want them to know that we did notify them of what their responsibilities were and what they were supposed to do, so if you acknowledge that you gave it to them and acknowledge that they didn't sign it, you're saying basically "we told you, but you didn't want to sign it and your lawyer has informed us that you didn't want to sign it, but you knew."

Mr. Siegel stated that what he is worried about with this is they don't agree with our interpretation that is being expressed in these guidance documents. They are looking at the easement and saying that is not what the easement says.

Chairman Fisher stated that he feels like he could sue, if he were a landowner and you made him do something that nobody else had to do, and it isn't even required by any of our regulations. It doesn't say anywhere that he has to sign it so why are you making him sign if all this is covered in the deed of easement? He felt it sets the SADC up for

something worse in some respects. Mr. Requa stated that the guidance documents are something that they typically receive and they initial that they have received it and understand it, but that it isn't legally binding, it's just educational. Mr. Siegel stated that the acknowledgement of receipt is really more than acknowledgment. Maybe we should just change that.

Chairman Fisher stated that staff made a recommendation to grant final approval as noted, meaning that they received the guidance documents and we will duly note that they didn't sign the guidance documents.

DAG Stypinski stated that obviously if they sign the guidance document and they go ahead and divide the premises without permission, that is just another document you can bring into court if you had to go in and enforce the deed of easement, so he feels it is helpful but the deed of easement is still going to govern. Ms. Payne stated that the issue really comes up when someone doesn't take an exception and then comes back later and says they never heard about exceptions or no one ever told them. The biggest purpose of the guidance document is to wave red flags in front of the landowner so that they understand when they are constructing their application and configuring their application that they have some basic understanding of what does nonagricultural use mean and what does an exception mean so they understand those opportunities.

Mr. Germano stated that it is conceivable to him that someday a court might disagree with our interpretation of the easement and that is why the attorney said to not sign the documents. He would make a couple of suggestions for changing the third "whereas" paragraph. The principle thing is that we should attach these documents because these documents may change over time, so they should be attached to the resolution so it is clear what they were told. He also felt there should be a change that says what they wouldn't sign is the acknowledgement of receipt – that's all it is, an acknowledgement that they got it. Ms. Reade stated that she understands why a landowner would want to take these to their lawyer and the lawyer would say don't sign it. It is a very user friendly document until you get to an elaborate signature block. She didn't know whether you could persuade people to sign it more easily by just saying sign and date them. Mr. Germano stated that you could simply take out everything under "acknowledgment of receipt." He stated, however he understands why as an agency we would want that language in there. Mr. Siegel stated that maybe this should just say "I acknowledge that I got this document."

Mr. Germano moved the resolution for final approval with the two changes to the resolution indicating that the guidance documents are attached to the resolution and with clarifying language that what the landowners wouldn't sign is the guidance acknowledgement documents.

Mr. Danser indicated that the cost-share numbers in the resolution didn't add up and needed to be corrected. Mr. Knox stated that they would be corrected. He stated that on Page 3 of the resolution where it states "Burlington County," the amount of \$4,979.38 should be inserted there.

The motion was approved. (Mr. Johnson recused himself from the vote.) (A copy of Resolution FY2013R11(6) is attached to and is a part of these minutes.)

Ms. Winzinger presented the following application for final approval to the Committee.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2013R11(7) granting final approval to the following application, as presented and discussed, subject to any conditions of said resolution:

3. Doris Snyder (Resolution FY2013R11(7)), SADC #10-0327-PG
Block 82, Lot 2, Raritan Township, Hunterdon County, 50 Net Acres
State cost-share of \$9,480.00 per acre (60% of the certified market value and purchase price). To account for any potential increase in the final surveyed acreage, a three percent acreage buffer has been applied to the funds encumbered from the County's base grant. Therefore, 51.5 acres will be utilized to calculate the estimated grant need. Base grant funding will be utilized for this property.

Discussion: There is a two-acre nonseverable exception around the existing single family residence.

The motion was unanimously approved. (A copy of Resolution FY2013R11(7) is attached to and is a part of these minutes.)

F. Resolutions for Final Approval: Nonprofit Grant Program

Mr. Knox referred the Committee to two requests for final approval under the Nonprofit Grant Program. He reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Danser and seconded by Mr. Germano to approve Resolution FY2013R11(8) granting final approval to the following application as presented and discussed, subject to any conditions of said Resolution:

1. D&R Greenway Land Trust, Inc./Carpenter Farm, (Resolution FY2013R11(8)),
SADC #17-0040-NP
Block 39, Lot 12, Mannington Township, Salem County, 68 Net Easement Acres
Cost-share grant not to exceed \$3,225.00 per acre (total of approximately \$124,162.50 based on 38.5 acres), subject to the availability of funds. The SADC

approves a three-acre nonseverable exception around the existing home that shall be limited to one single-family residence.

Discussion: The Open Space Institute has awarded D&R Greenway land Trust, Inc. a grant for the Mannington Meadows Preservation project, which includes the Carpenter farm.

The motion was unanimously approved. (A copy of Resolution FY2013R11(8) is attached to and is a part of these minutes.)

Note: Ms. Reade recused herself from any discussion/action pertaining to the following farm (Carpenter III only) and left the room to avoid the appearance of a conflict of interest. Mr. Carpenter owns a tree service that does work for Ms. Reade.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2013R11(8) granting final approval to the following application as presented and discussed, subject to any conditions of said Resolution:

2. D&R Greenway Land Trust, Inc./Carpenter III Farm, (Resolution FY2013R11(9)), SADC #1-0042-NP
Block 23, Lot 15, Mannington Township, Salem County, 33 Net Easement Acres
Cost-share grant not to exceed \$3,275.00 per acre (total of approximately \$94,975.00 based on 29 acres), subject to the availability of funds. The SADC approves a two-acre nonseverable exception around the existing home that shall be limited to one single-family residence.

Discussion: The Open Space Institute has awarded D&R Greenway land Trust, Inc. a grant for the Mannington Meadows Preservation project, which includes the Carpenter III farm.

The motion was approved. (Ms. Reade recused herself from the vote.) (A copy of Resolution FY2013R11(9) is attached to and is a part of these minutes.)

G. Resolutions for Final Approval – State Acquisition Program

Ms. Roberts referred the Committee to eight applications for final approval under the State Acquisition Program. She reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval to the applications as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2013R11(10) through Resolution FY2013R11(16) granting final approval to the

following applications, as presented and discussed, subject to any conditions of said resolutions:

1. Cramer/Roger Ernst (Resolution FY2013R11(10)), SADC #06-0053-DE
Block 9, Lots 3, 4, 5, 6; Block 12, Lot 1, Hopewell Twp., Cum. Co., 232 Acres
Acquisition of the development easement at a value of \$4,950.00 per acre (232
easement acres) for a total of approximately \$1,148,400.00.

Discussion: A one-acre nonseverable exception area for one future single-family residence is allocated to the property.

2. Duane and Lois Cruzan (Resolution FY2013R11(11)), SADC #06-0061-DE
Block 10, Lots 8, 9; Block 12, Lot 4, Hopewell Twp., Cum. Co., 102 Acres
Acquisition of the development easement at a value of \$4,700.00 per acre (102
easement acres) for a total of approximately \$479,400.00.

Discussion: A two-acre nonseverable exception area around one existing single-family residence is allocated to the property.

3. NJ Agricultural Land Trust/Gary & Kathy Droppa (Resolution FY2013R11(12)),
SADC #17-0242-DE
Block 10, Lot 2, Lower Alloways Creek Township, Salem County
Block 29, Lot 2, Quinton Twp., Salem County, 69 Net Easement Acres
Acquisition of the development easement at a value of \$4,700.00 per acre for a
total of approximately \$324,300.00.

Discussion: The applicant is requesting a one-acre nonseverable exception for a future single-family residence.

4. Cramer/Greenacre Mannington LLC (Resolution FY2013R11(13)), SADC #17-
0220-DE
Block 12, Lot 11, Mannington Township, Salem County, 95 Net Easement Acres
Acquisition of the development easement at a value of \$5,500.00 (approximately
95 easement acres) for a total of approximately \$522,500.00.

Discussion: A one-acre nonseverable exception area for one future single-family residence is allocated to the property.

5. R. Peterson Family Farm, LLC (Res. FY2013R11(14)), SADC #17-0140- DE
Block 3, Lot 4, Quinton Township, Salem County, 181 Acres
Acquisition of the development easement at a value of \$4,600.00 per acre (181
easement acres) for a total of approximately \$832,600.00.

Discussion: A 2.5-acre nonseverable exception area around the farmstead and one existing single-family residence is allocated to the property.

6. Tark and Rauch Farm (Resolution FY2013R11(15)), SADC #17-0201-DE Block 8, Lots 1 and 1.02; Block 17, Lot 16, Quinton Twp., Sal. Co., 128 Acres Acquisition of the development easement at a value of \$4,600.00 per acre (128 easement acres) for a total of approximately \$588,800.00.

Discussion: A 3-acre nonseverable exception area for one future single-family residence is allocated to the property.

7. Joseph V. Vasta (Resolution FY2013R11(16)), SADC #17-0179-DE Block 255, Lots 4, 15, 26, Carneys Point Twp., Salem County, 161 Acres Acquisition of the development easement at a value of \$6,200.00 per acre (161 easement acres) for a total of approximately \$998,200.00.

Discussion: There is one single-family residence and no nonagricultural uses on the premises and no exception areas have been requested or allocated. The property is not located within the County's agricultural development area (ADA); it is just over the line. The Direct Easement Purchase program does not require the property to be located within an ADA.

The motion was unanimously approved. (A copy of Resolution FY2013R11(10) through Resolution FY2013R11(16) is attached to and is a part of these minutes.)

Note: Ms. Reade recused herself from any discussion/action pertaining to the following application for final approval (Beverly Arnold Farm) to avoid the appearance of a conflict of interest. Ms. Reade has had previous discussions with the applicant, Ms. Arnold, and SADC staff pertaining to the application.

It was moved by Mr. Danser and seconded by Ms. Brodhecker to approve Resolution FY2013R11(17) granting final approval to the following application, as presented and discussed and subject to any conditions of said Resolution:

8. Beverly Arnold (Resolution FY2013R11(17)), SADC # 06-0064-DE Block 2, Lot 5; Block 3, Lot 6; Block 14, Lot 16, Greenwich Township, Cumberland County, 281 Net Easement Acres Estimated SADC cost of approximately \$1,053.02 per acre for a total of approximately \$295,900.00 and a total purchase price of \$6,000.00 for an approximate total easement cost of \$1,686,000.00. The SADC approves the transfer of the application from the County PIG Program to the SADC Direct Easement Purchase Program.

Discussion: The property has two existing single-family homes and the landowner has declined to request exception areas. The New Jersey Conservation Foundation has secured federal funding for this property, which requires that the easement be purchased by no later than December 20, 2012. The landowner has agreed to the additional restrictions involved with the use of federal funding, including an impervious coverage restriction of 6 percent equal to approximately 16.8 acres of land available for agricultural buildings on the farm. Because the County has expended its entire FY2011 base grant allocation and all but \$71,012.00 of its competitive grant eligibility, it has requested SADC assistance in preserving the property through a transfer to the Direct EP program in order to attempt a closing prior to the December 20th federal funding deadline. The landowner has also agreed to the transfer.

The motion was approved. (Ms. Reade recused herself from the vote.) (A copy of Resolution FY2013R11(17) is attached to and is a part of these minutes.)

PUBLIC COMMENT

None

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, December 13, 2012, beginning at 9:00 a.m.
Location: Health/Agriculture Building, First Floor Auditorium. **The December meeting will be held on the second Thursday of the month due to the holiday season.**

CLOSED SESSION

At 10:47 a.m. Mr. Requa 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. RTF – Proposed Final Decision, OAL Appeal, Lopatcong Township v. Raub

Mr. Smith referred the Committee to the Draft Final Decision regarding the Township of Lopatcong v. Raub. This is a right-to-farm case involving a Warren County landowner's placement of several trailers along the property line within the municipal setback

requirement. The landowner had obtained a site-specific AMP that addressed the trailer placement. Three years after issuing the SSAMP, the CADB – responding to complaints from the municipality – imposed new conditions limiting the number of trailers and requiring that the trailers be screened with trees. The CADB decision was appealed to the SADC. The SADC found that the CADB was barred from considering the municipality's new complaint because the issue had already been directly addressed in the SSAMP. The municipality had participated in the SSAMP hearing and failed to file an appeal of the SSAMP within the required timeframe.

Mr. Smith stated that based on discussions in Executive Session, staff recommendation is for the Committee to adopt the draft Final Decision as follows:

1) Reject the Initial Decision by holding that the Warren CADB's consideration of Lopatcong Township's December 2005 zoning complaint against Raub was barred by the entire controversy doctrine. As a consequence of the Committee's finding, the requirement in the 2007 resolution conditioning placement of 7 trailers along the Raubs' boundary line on the planting of evergreen trees at least 3' tall and 6' on center is invalid and of no force or effect.

The SADC's rejection of the Initial Decision with respect to the 2007 resolution renders as moot, consideration of Lopatcong Township's failure to appeal the 2004 resolution within the 10-day period set forth in N.J.S.A. 4:1C-10.1(d). The 2004 resolution has been found to be binding on the Township as a result of the entire controversy doctrine and not as a result of N.J.A.C. 2:76-2.10(b)2ii(2).

2) Affirm, for the reasons stated by the ALJ, that portion of the Initial Decision concluding that the Warren CADB did not provide sufficient evidence that Raub failed to file the appeal of the 2007 resolution in a timely manner.

It was moved by Mr. Siegel and seconded by Mr. Germano to approve the Proposed Final Decision regarding the Office of Administrative Law Appeal regarding Lopatcong Township v. Raub, as presented and discussed in closed session. The motion was unanimously approved. (A copy of the Final Decision is attached to and is a part of these minutes.)

B. Real Estate Matters - Certification of Values

County Planning Incentive Grant Program

Note: Mr. Johnson recused himself from any discussion/action pertaining to the Alloway Limited Family Partnership farm to avoid the appearance of a conflict of interest. Mr. Johnson is a member of the Burlington County Agriculture Development Board.

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

1. Alloway Limited Family Partnership, SADC #03-0375-PG
Block 23.01, Lot 9.01, Shamong Township, Burlington County, 103 Acres

The motion was approved. (Mr. Johnson recused himself from the vote.) (A copy of the Certification of Value Report is attached to and is a part of the closed session minutes.)

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

1. James Rambo, SADC # 08-0142-PG
Block 31, Lot 14, Elk Township
Block 196.01, Lot 15, Glassboro Boro
Gloucester County, 42 Acres
2. DeSimone Family LP, SADC # 08-0150-PG
Block 1304, Lots 7 and 8, E. Greenwich Township, Gloucester County, 60 Acres
3. Sebastian & Jacqueline Marino, SADC #08-0152.PG
Block 9, Lots 4 and 6, S. Harrison Township, Gloucester County, 132 Acres
4. Gary Meagher, SADC #08-0141-PG
Block 50, Lot 2.02, Harrison Township, Gloucester County, 28 Acres
5. Daniel and Eleanor Haynicz, SADC # 08-0145-PG
Block 175, Lot 1, Elk Township, Gloucester County, 31.5 Acres
6. John and Karen E. Dormann, SADC #08-0147-PG
Block 102, Lot 7, E. Greenwich Township, Gloucester County, 17 Acres
7. Thomas and Marie Sorbello, SADC # 08-0144-PG
Block 17, Lot 1, S. Harrison Township, Gloucester County, 17 Acres
8. John Angelo Cavallaro, SADC # 08-0146-PG
Block 801, Lot 32, Logan Township, Gloucester County, 36.5 Acres
9. Halka Nurseries, Inc. # 1, SADC # 13-0435-PG
Block 84, Lot 24, Manalapan Township, Monmouth County, 62 Acres

10. Halka Nurseries, Inc. # 2, SADC # 13-0434-PG
Block 84, Lot 25, Manalapan Township, Monmouth County, 64 Acres (SADC)
11. Halka Nurseries, Inc. # 3, SADC # 13-0436-PG
Block 84, Lot 28, Manalapan Township, Monmouth County, 41 Acres (SADC)

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

Note: Ms. Brodhecker recused herself from any discussion/action pertaining to the following two applications (Green Farm and Klein Farm) to avoid the appearance of a conflict of interest. Ms. Brodhecker is the Chairperson of the Sussex County Agriculture Development Board.

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

1. George and Donna Green, SADC # 19-0029-PG
Block 1402, Lot 3.05, Fredon Township, Sussex County, 40 Acres
2. Max and Ingrid Klein, SADC # 19-0030-PG
Block 1801, Lot 12.03, Fredon Township, Sussex County, 15 Acres

The motion was approved. (Ms. Brodhecker recused herself from 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. Germano and seconded by Mr. Danser to certify the development easement value for the following application, as presented and discussed in closed session:

1. James R. Yanus, SADC #17-0116-PG
Block 13, Lots 14, 14.02 and 16.01, Alloway Township, Salem County, 81 Acres (SADC)

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

Direct Easement Purchase Program

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

1. Bill McAlonan, SADC # 17-0216-DE
Block 33, Lots 4, 5 and 13, Alloway Township, Salem County, 175 Acres

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

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

1. John and Sheri Vinciguerra, SADC # 17-0227-DE
Block 76, Lot 4, Pilesgrove Township, Salem County, 121 Acres
2. Linda M. Thumlert, SADC # 17-0231-DE
Block 29, Lot 6; Block 32, Lot 2.01, U. Pittsgrove Twp., Salem Co., 100 Acres
Certification of Value is contingent upon a fifty-foot wide access easement being provided from Whig Lane to Block 29, Lot 6 across Block 29, Lot 7 (land owned by applicant's son).

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

Nonprofit Grant Program

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

1. Hunterdon Land Trust/Horoschak Farm, SADC # 10-0061-NP
Block 49, Lot 16, Franklin Township, Hunterdon County, 120 Net Acres

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

PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, it was moved by Mr. Danser and seconded by Mr. Germano and unanimously approved to adjourn the meeting at 12:04 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

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STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FYR2013R11(1)

**RENEWAL OF APPROVAL
RELOCATION OF RESIDENTIAL UNIT
HUNTERDON COUNTY**

Roger & Holly Locandro

November 8, 2012

Subject Property: Block 12, Lots 30 & 31
Block 5, Lot 4.02
Delaware Township, Hunterdon County
162 Acres

WHEREAS, Roger and Holly Locandro, hereinafter "Owners", are the record owners of Block 12, Lots 30 & 31 and Block 5, Lot 4.02 in Delaware Township, Hunterdon County, by Deed dated January 20, 2005, and recorded in the Hunterdon County Clerk's Office, in Book 2114, Page 360, totaling approximately 162 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the Premises was acquired by the SADC, through the fee simple program, on August 27, 2003, from the former owners, Floyd and Diana Evans, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, as a Deed recorded in Deed Book 2073, Page 105; and

WHEREAS, the SADC conducted an auction of the restricted Premises on September 24, 2004, and conveyed the Premises to the Owners on January 20, 2005, with agricultural restrictions pursuant to N.J.S.A. 4:1C-31.1; and

WHEREAS, there is an existing three story home consisting of approximately 3500 square feet approximately 25 feet from Locktown-Flemington Road; and

WHEREAS, the New Jersey Historic Preservation Office informed the SADC on October 16, 2003, that the former Evans Farm is eligible for listing in the New Jersey Register of Historic Places and National Register of Historic Places; and

WHEREAS, in coordination with the NJ Historic Preservation Office a historic façade easement was placed on the existing single family residence at the time of resale to the Locandro's and is held by the NJ Historic Preservation Office; and

WHEREAS, on May 1, 2005, the Locandro's contacted the SADC requesting permission to relocate the existing single family residence for safety reasons due to the close proximity to Locktown-Flemington Road; and

WHEREAS, paragraph 13(ii) of the Deed of Easement permits the owner to construct a single family residential building anywhere on the premises to replace any single family residential building in existence at the time of conveyance with the approval of the Grantor; and

WHEREAS, the Locandros have requested and received permission from the New Jersey Historic Preservation Office to relocate the existing single family residence in accordance with requirements of the façade easement, to the location as shown in the attached Schedule "A"; and

WHEREAS, on May 26, 2005, the Locandro's received approval from the SADC to move the residence as requested with the condition that the SADC's approval was valid for a period of three years from the date of the resolution; and

WHEREAS, shortly after receiving this approval the Locandro's began a voluntary removal of the underground oil tank associated with the residence; and

WHEREAS, during the removal of the oil tank the Department of Environmental Protection determined that oil had leaked from the tank and that cleanup measures would be needed; and

WHEREAS, the Locandros took corrective action to clean up the contaminated soil, but were only recently given notice from DEP that the matter is resolved; and

WHEREAS, on December 7, 2007, the SADC granted a three year extension of the approval to move the existing single family residence; and

WHEREAS, the December 7, 2007, approval also permitted this approval, under the same conditions, to be transferable to a subsequent owner; and

WHEREAS, this extension has since expired and the Locandros are seeking to renew the previous approval, under the same terms and conditions, to move the existing single family residence; and

NOW THEREFORE BE IT RESOLVED, that the State Agriculture Development Committee approves the renewal of the approval to relocate the existing single family residential unit to the location previously approved by the SADC which is approximately 150 to 200 feet directly south of the current location, as identified on Schedule "A"; and

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

BE IT FURTHER RESOLVED, that this approval is transferable to any subsequent owners of the Premises within the three year timeframe of the extension; and

BE IT FURTHER RESOLVED, that the SADC and the New Jersey Historic Preservation Office must be notified at least 30 days prior to the actual movement of the residential unit; and

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

11-8-12

DATE



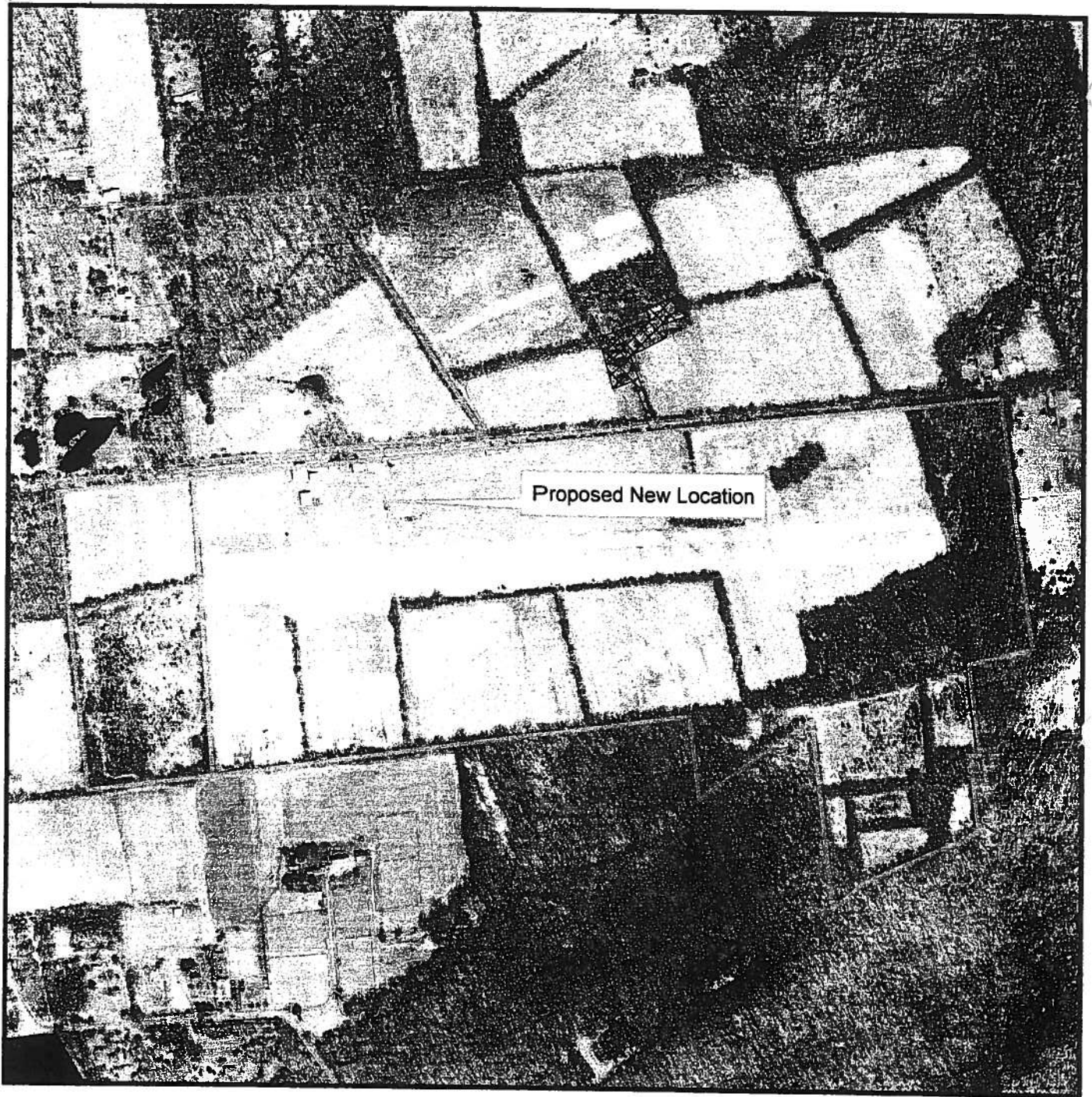
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Schedule "A"

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Locandro Farm
Block 12, Lots 30 & 31
Block 5, Lot 4.02
Delaware Township, Hunterdon County



0 265 530 1,060 1,590 2,120 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
 - (PA4a) RURAL ENV SENS
 - (PA5) ENV SENS
 - (PA5a) ENV SENSITIVE BARRIER IS
 - (PA10) PINELANDS
 - PARK
 - MILITARY
 - NEW JERSEY MEADOWLANDS
 - WATER
 - ELLIS ISLAND- NJ
 - ELLIS ISLAND- NY
- Base Map**
- County Boundaries
 - Municipal Boundaries
 - Highlands Planning Area
 - Highlands Preservation Area
 - Pinelands Area
 - Green Acres Preserved Easements

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FYR2013R11(2)

Construction of Onsite Agricultural Labor Housing

Harms Farm

November 8, 2012

WHEREAS, Mark and Lindsay Harms, hereinafter ("Owners") are the current record owners of Block 41, Lots 2 & 2.01, as identified in the Township of Bedminster, County of Somerset, as recorded in the Somerset County Clerk's office by deed dated January 28, 1997, in Deed Book 2103, Page 162, totaling 30.59 acres, hereinafter referred to as "Premises", see attached Schedule "A"; and

WHEREAS, the development easement on the Premises was conveyed to Somerset County on December 22, 2006, pursuant to the Agriculture and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, c. 32 as recorded in Deed Book 5979, Page 2840; and

WHEREAS, the farmland preservation Deed of Easement identifies one existing single family residence, no Residual Dwelling Site Opportunities, no units used for agricultural labor purposes and no exception areas; and

WHEREAS, during the 2011 annual monitoring visit the Somerset CADB found that a new, two bedroom 1,190 sq./ft., residential unit was under construction on the site to house a year-round agricultural laborer; and

WHEREAS, on June 12, 2012, the SADC received a request from the CADB on behalf of the Owners to utilize the new residence, consisting of approximately 1,190 sq./ft., as an agricultural labor unit on the Premises in the location as shown on Schedule "A"; and

WHEREAS, paragraph 14i of the Deed of Easement states: "Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except as follows:

To provide structures for housing of agricultural labor employed on the Premises but only with the approval of the Grantee and the Committee. "; and

WHEREAS, the farm is primarily an equine operation consisting of 4 hunter/jumper broodmares, 3 competing hunter/jumper show horses available for sale, a retired former Olympic hunter/jumper, and three other retired horses which will be used as companions when the foals are separated from their mothers during the weaning process, see attached Schedule "B"; and

WHEREAS, since acquiring the farm in 1997, the Owners have made improvements to the Premises to accommodate the raising and training of hunter/jumper horses; and

WHEREAS, over the last few years the Owners began acquiring world class hunter/jumper mares in an effort to begin a breeding operation on the farm with the highest caliber bloodlines; and

WHEREAS, the Owners goal is to produce Olympic caliber foals to compete against established European breeders; and

WHEREAS, in 2010, the Owners made their first attempt at breeding two mares on the Premises, without onsite labor assistance and neither attempt resulted in a successful foal; and

WHEREAS, with the assistance of the prior full-time employee the Harms were able to breed four mares on the farm in early 2012; and

WHEREAS, there are currently four pregnant broodmares on the Premises, and once the foals are born they will also become the responsibility of the onsite agricultural laborer; and

WHEREAS, based solely on its bloodline the Owners are already under contract to sell one of the unborn foals, see attached Schedule "C"; and

WHEREAS, it is the Owners intent to raise, train, compete and sell all of the other foals ; and

WHEREAS, the Owners believe that having onsite labor available to care for the breeding animals, take temperatures every four hours during the breeding season, pay particularly close attention to the broodmares during the breeding cycles, the pregnancy stage and foaling is essential to developing the breeding component of this operation; and

WHEREAS, the Owners find that on-site housing helps to ensure consistent, reliable, and experienced labor is available around the clock for the breeding and foaling operation and safety and security of the horses; and

WHEREAS, as part of this operation the Owners spend several months per year in Wellington, Florida, competing and showing their competition horses; and

WHEREAS, the broodmares and young foals will remain on the NJ farm year-round, and therefore require care when the Owners are out of state; and

WHEREAS, the Owners original plan, in the spring of 2012, was to use the agricultural labor unit to house the then current full-time employee, Leo Fergosa, year-round; and

WHEREAS, upon determination that the agricultural labor unit was constructed without proper CADB and SADC approval the Owners voluntarily moved Mr. Fergosa to an apartment in a nearby town; and

WHEREAS, upon learning that the housing approval process may take several months, Mr. Fergosa separated employment with the farm; and

WHEREAS, the Owners have found a new potential breeding program manager, Meredith Whaley, with 30+ years of experience in breeding, foaling, and development of high end show horses; and

WHEREAS, Ms. Whaley's employment on the farm is contingent upon the availability of on-farm housing; and

WHEREAS, while the ag-labor position on the Harms farm would involve general oversight of all horses on the Premises, the main focus would be on breeding, foaling and developing exceptionally high quality hunter/jumper foals for the equine industry; and

WHEREAS, the primary duties of the agricultural laborer residing on the Premises are directly related to production and include feeding, watering, turnout, exercise, monitoring of breeding conditions, stall and paddock cleaning, stable maintenance, non-surgical veterinary procedures, emergency foaling, 24 hour checks during foaling season, as well as care and development of all foals born at the farm; and

WHEREAS, the SADC has reviewed the Owners request to utilize the recently constructed residence on the Premises for the purpose of housing agricultural labor and has determined that the size and location of the unit minimizes any adverse impact on the agricultural operation; and

WHEREAS, the SADC finds that the landowners' proposal to utilize a recently constructed two-bedroom residence as an agricultural labor unit is consistent with the requirements of the Deed of Easement; and

WHEREAS, the Owners provided information from other farms raising similar breeds of horses which have groom to broodmare laborer ratios of 1:4 and 1:3; and

WHEREAS, the NJ Department of Agriculture's Equine Specialist has advised that there are other hunter/jumper equine operations in New Jersey which have groom to horse at ratios at 1:4, 1:3 and even 1:2: and

WHEREAS, the SADC has determined that a 1:4 groom to mare ratio for this type of equine operation is not atypical within the equine industry; and

WHEREAS, the amount of labor needed to sustain the highly intensive and time sensitive production related activities on the Premises warrants the need for the requested agricultural labor unit on the Premises;

WHEREAS, members of the Somerset CADB visited the Premises to gain further information on the operation; and

WHEREAS, on June 11, 2012, the Somerset CADB reviewed and approved the Owners' request for an agricultural labor unit.

NOW THEREFORE BE IT RESOLVED, that the SADC approves the request to utilize a previously constructed two-story residence, consisting of approximately 1,190 sq./ft., in the location shown on Schedule "A", on the Premises to house a full-time, year round agricultural laborer;

BE IT FURTHER RESOLVED, that only agricultural labor employed on the Premises, in **production aspects of the operation**, and their immediate family, may live in the agricultural labor unit; and

BE IT FURTHER RESOLVED, that the agricultural laborer **shall be engaged in the day-to-day production activities on the Premises**, which at this time include feeding, watering, turnout, exercise, monitoring of breeding conditions, administering medication, temperature checks multiple times per day, coordination of the breeding cycle with the veterinarian, daily review of the horses physical condition, adjusting the horses diet to the onsite conditions, foaling, stall and paddock cleaning, stable maintenance and 24 hour checks during foaling season; and

BE IT FURTHER RESOLVED, that the care and development of young foals will be part of the day-to-day production activities on the Premises, upon their arrival in 2013; and

BE IT FURTHER RESOLVED, that as a condition of this approval, for the next five years the Owners shall provide production records, which shall include breeding receipts, birth records, competition results, appraisals or sales contracts for animals born or raised on the Premises or other appropriate documentation, to the Somerset CADB as part of its annual monitoring visit to the farm; and

BE IT FURTHER RESOLVED, that production records shall be forwarded to the SADC for review annually to ensure that there is sufficient equine production activity occurring on the farm to continue to warrant use of the agricultural labor unit; and

BE IT FURTHER RESOLVED, that the SADC reserves the right to request future copies of production records during periods when the agricultural labor unit is inhabited; and

BE IT FURTHER RESOLVED, that the Owner's use of any structures for housing agricultural laborers shall be in compliance with all applicable Federal, State, County and local regulations; and

BE IT FURTHER RESOLVED, that this approval is non-transferable; and

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

11-8-12

DATE



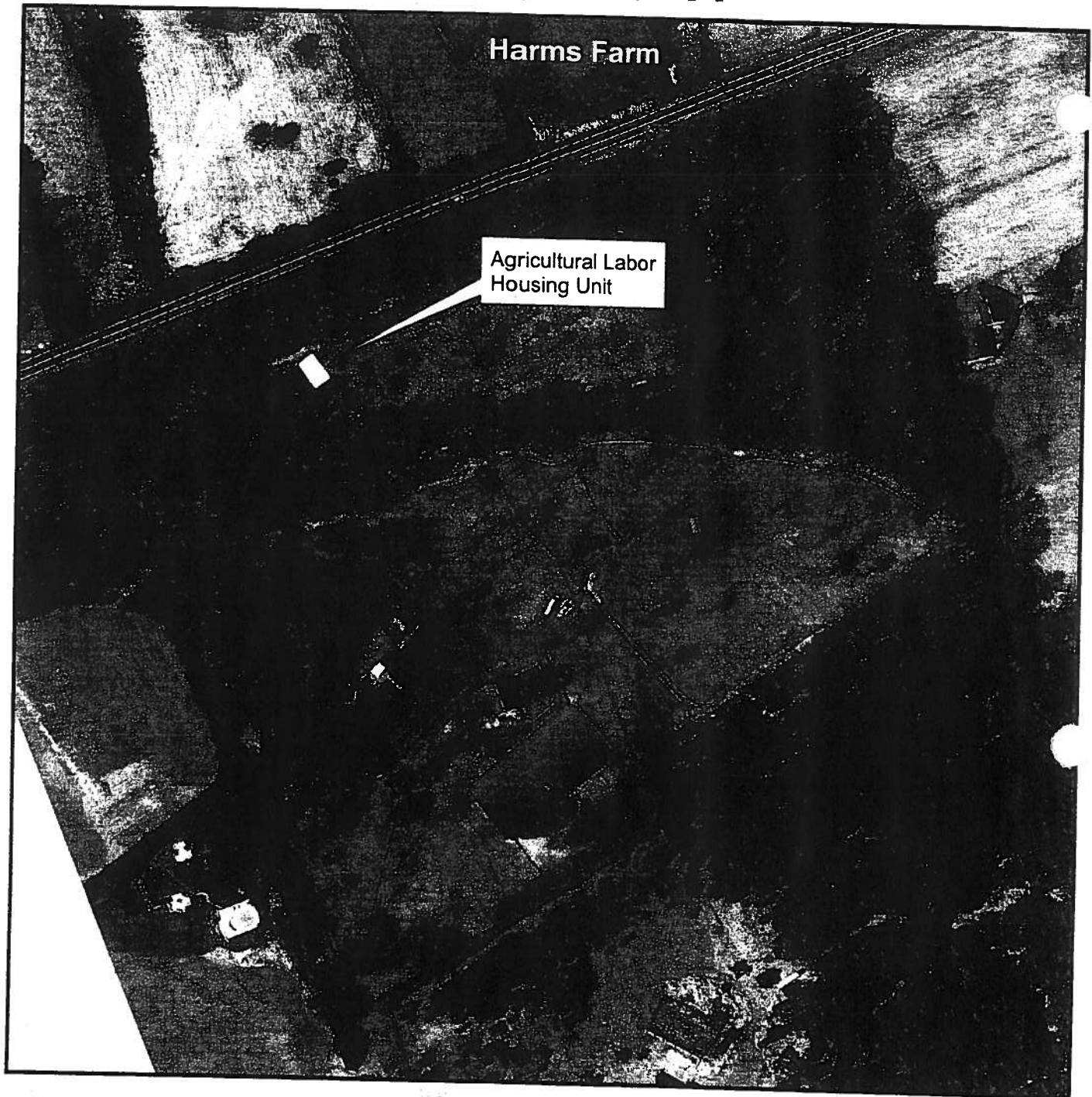
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

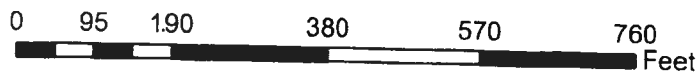
Schedule "A"

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Harms Farm
Block 41, Lots 2 & 2.01
Bedminster Township, Somerset County



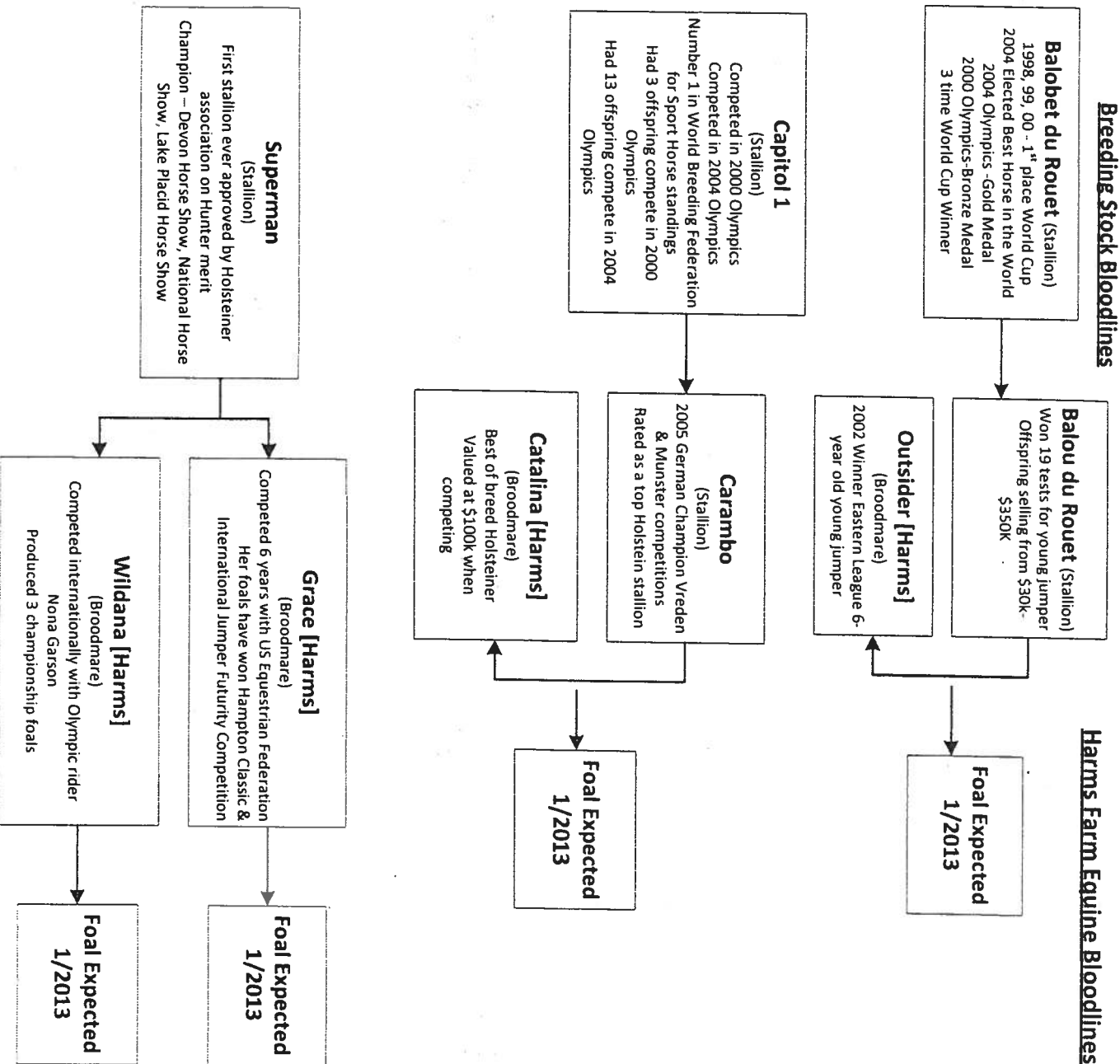
month/day/year

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
	(PA4b) RURAL ENV SENS
	(PA5) ENV SENS
	(PA6b) ENV SENSITIVE BARRIER IS
	(P10) PINELANDS
	PARK
	MILITARY
	NEW JERSEY MEADOWLANDS
	WATER
	ELLIS ISLAND- NJ
	ELLIS ISLAND- NY
Base Map	
	County Boundaries
	Municipal Boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Pinelands Area
	Green Acres Preserved Easements

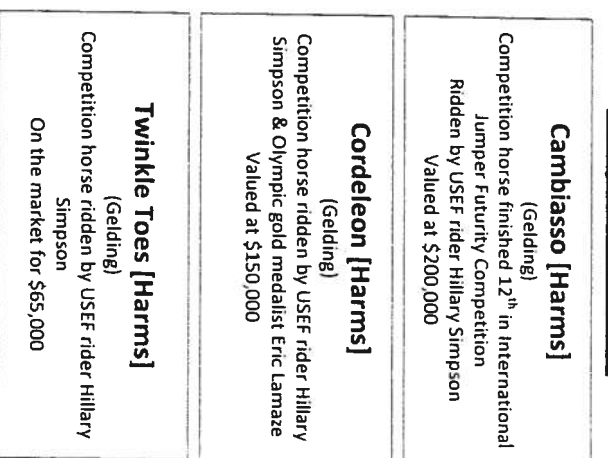
Breeding Stock Bloodlines



Schedule "B"

Harms Farm Equine Bloodlines

Competition Horses



Retired



Schedule "C"

Lindsay Harms
1321 Clydesdale Avenue
Wellington, FL 33414

April 30, 2012

Stal Dobber
Vreelandseweg 27
3632 ER Loenen a/d Vecht
The Netherlands

Re: Carambo Foal

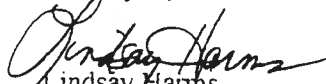
Dear Arnaud:

It has a pleasure having you in the States to share our big news about the foal. As you have indicated that you would like to have the right of first refusal for the baby, the following will be the terms of our agreement:

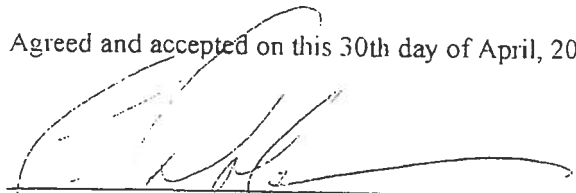
1. For the sum of \$500.00, you will have the first right of refusal for the foal produced by the Sire Carambo and the Dam Catalina.
2. If this foal hasn't been sold before its actual 5th birthday, you agree to purchase the horse for 10% below the appraised value of the horse.
3. We will mutually agree upon an equine appraiser.
4. You will have the right to consult with me regarding the training and competition schedule for this horse as it develops.

If this agreement is acceptable to you, please sign where indicated below.

Thank you,


Lindsay Harms

Agreed and accepted on this 30th day of April, 2012:


Arnaud Dobber for Stal Dobber

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R11(3)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

FRANKLIN TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Dorsi Farm

Franklin Township, Hunterdon County

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

SADC ID# 10-0338-PG

November 8, 2012

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the State ADC granted final approval of Franklin Township's Planning Incentive Grant ("PIG") plan application on September 27, 2012; and

WHEREAS, on March 23, 2012, the SADC received an application for the sale of a development easement from Franklin Township for the Dorsi Farm identified as Block 29, Lot 50, Franklin Township, Hunterdon county, totaling approximately 41 net easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the application includes one 3.5-acre non-severable exception for and restricted to one single family residence; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on April 6, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, the SADC certified a value of \$8,200 per acre for the development easement for the Property on September 27, 2012, based on the current zoning and environmental regulations as of April 2012; and

WHEREAS, the Township has contracted with the landowner for \$8,500 which is higher than the certified value of \$8,200, but equal to the higher of the two appraised development easement values; 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 Franklin Township has expended \$0 of its SADC grant funds (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on October 11, 2012 the Franklin Township Committee approved the application and a funding commitment for up to approximately 19.51% of the certified value \$1,600 and an additional \$300 per acre to cover the difference between the certified easement value and the contracted price; and

WHEREAS, the Hunterdon County Agriculture Development Board approved the application on October 11, 2012 and secured a commitment of funding for an estimated \$1,600/acre from the Hunterdon County Board of Chosen Freeholders for the required local match on October 16, 2012; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 41 net easement acres):

	<u>Total</u>
SADC	\$205,000 (61.98% of CMV or \$5,000/acre or 58.82% of total)
Hunterdon County	\$ 65,600 (19.51% of CMV or \$1,600/acre or 18.83% of total)
Franklin Twp.	<u>\$ 77,900 (22.35% of total or \$1,900/acre)</u>
Total Easement Purchase	\$348,500 (\$8,500/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 Franklin Township for the purchase of a development easement on the Property by Hunterdon County, comprising approximately 41 net easement acres, at a State cost share of \$5,000 per acre for an estimated total of \$205,000 (61.98% of certified market value and 58.82% 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 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 Hunterdon County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

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

11-8-12
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 Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	YES
Peter Johnson	YES

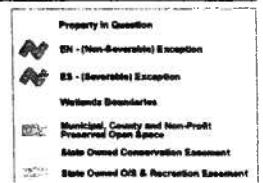
Schedule A



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mary W. Dorsi Estate
Block 29 Lots P/O 50 (40.84 ac)
& P/O 50-EN (non-severable exception - 3.51 ac)
Gross Total = 44.35 ac
Franklin Twp., Hunterdon County



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

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

July 25, 2012

Schedule B

Municipal Planning Incentive Grant
Franklin Township, Hunterdon County

Farm	SADC ID#	Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	SADC		733 - GSPT		FY11 Balance	Cum Approp	Cum Expend	Cum Encumbered	Reprogram	Balance
							Cost Basis	Cost Share	Encumbered	FY09 Expended	Balance					
Estate of Mary W. Dorsi	10-0338 PG	41.00	8,200.00	8,500.00	5,000.00	348,500.00	336,200.00	205,000.00	205,000.00		750,000.00					
											545,000.00					
Total Pending	1	41.00						205,000.00								
Total Encumbered									205,000.00				205,000.00			1,045,000.00
Closed/Expended													0.00			
Total																

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Estate of Mary W. Dorsi
10- 0338-PG
FY 2009 PIG EP - Municipal 2007 Rule
41 Acres

Block 29	Lot 50	Franklin Twp.	Hunterdon County
SOILS:			
	Prime	34.5% * .15	= 5.18
	Statewide	65.5% * .1	= 6.55
			SOIL SCORE: 11.73
TILLABLE SOILS:			
	Cropland Harvested	64% * .15	= 9.60
	Other	1% * 0	= .00
	Woodlands	35% * 0	= .00
			TILLABLE SOILS SCORE: 9.60
FARM USE:	Corn-Cash Grain	28 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 (3.5) acres for existing single family residence
 - Exception is not to be severed from Premises
 - Exception is to be restricted to one single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: 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 FY2013R11(4)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

GREENWICH TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

**On the Property of
Jose Domingues
Greenwich Township, Warren County**

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

SADC ID# 21-0503-PG

NOVEMBER 8, 2012

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7 the SADC granted final approval to Greenwich Township's Farmland Preservation PIG Plan on February 7, 2011 and to the FY13 PIG Plan application annual update on May 24, 2012 ; and

WHEREAS, on March 17, 2011, the State Agriculture Development Committee ("SADC") received an application from Greenwich Township, for the Domingues Farm, identified as Block 26, Lot 26, Greenwich Township, Warren County, totaling approximately 62 net easement acres hereinafter referred to as "Property" (Schedule A); and

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

WHEREAS, the Property includes:

- a 1-acre non-severable exception for a future single family residence; and
- a 2.2-acre severable exception for the option of a future 50' wide emergency access road between two public schools; and
- a 1.2-acre nonseverable exception for a proposed 35' wide sewer line easement (to be reviewed and approved by SADC counsel prior to the easement purchase).

WHEREAS, the municipality has indicated that the severable exception area shall not be used to provide public recreational access and vegetative buffers will be installed on either side of the access way if the emergency access road is constructed; and

WHEREAS, the 35 foot wide 1.2 acre nonseverable exception is restricted for the purpose of a

35' sewer line easement. The sanitary sewer connector to the Township Middle School is included in the Township Wastewater Management Plan as a future potential connection; and

WHEREAS, the farm contains 38% prime soils and is currently in corn, soybean and hay production; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on June 29, 2011 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, the SADC certified a value of \$21,000/ acre for the development easement for the Property on April 27, 2012, based on zoning and environmental regulations in place as of 1/1/04 as well as current zoning as of November 2011; and

WHEREAS, the Township has contracted with the landowner at \$18,925 per acre for the development easement, which is lower than the certified market value; 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 Greenwich Township has expended \$315,521.60 of its SADC grant funds on the preservation of the Fox River LLP farm and the Township has one other active application (Schedule B); and

WHEREAS, a parcel application was submitted to the FY12 United States Department of Agriculture, Natural Resources Conservation Service Federal Farm and Ranch Lands Protection Program (FRPP); and

WHEREAS, the NRCS has determined that the Property and the Landowner qualify for FRPP grant funds and approved a grant not to exceed 50% of the federal appraised current value, subject to final surveyed acreage; and

WHEREAS, the FRPP federal appraised current value is \$21,018 per acre for grant of \$10,509 per acre (50% of \$21,018) or approximately \$651,558 in total FRPP funds; and

WHEREAS, the landowner has agreed to the additional restrictions involved with the FRPP Grant, including a 4% maximum impervious coverage restriction or approximately 2.52 acres available for impervious cover on the lands being preserved outside of the exception areas; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on August 16, 2012 the Greenwich Township Committee approved the application and a funding commitment for up to approximately \$3,785 should the anticipated FRPP grant not cover its entire cost share on the easement purchase; and

WHEREAS, the Warren County Agriculture Development Board approved the application with the use of the FRPP grant on October 18, 2012 and secured the support for the application from the Warren County Board of Chosen Freeholders on October 24, 2012 without financial participation in the purchase; and

WHEREAS, to best leverage available local funding the Township has requested to use the \$651,558 in FRPP grants funds to cover the entire local cost share, with any remaining FRPP grant funds (approximately \$182,218) to be utilized to reduce the needed SADC cost share, hence, reducing the overall expenditure of Greenwich Township's PIG grant funds; and

WHEREAS, should alternate FRPP funding become available from other funding years or through other qualified entities such as a Non-Profit organization or County it may be utilized if this funding benefits the easement acquisition and/or the successful use of FRPP funding; and

WHEREAS, the cost share breakdown is approximately as follows:

Cost share breakdown prior to FRPP Grant: (based on 62 acres)

	<u>Total</u>
SADC	\$704,010 (\$11,355/acre - 54.26% of CMV & 60% of purchase price)
Warren County	\$234,670 (\$3,785/acre - 18.02% of CMV & 20% of purchase price)
Greenwich Twp.	\$234,670 (\$3,785/acre - 18.02% of CMV & 20% of purchase price)
Total Easement Purchase	\$1,173,350 (\$18,925/acre)

Cost share breakdown after \$651,558 FRPP Grant is applied:

	<u>Total</u>	<u>FRPP \$</u>	<u>New Cost Share</u>
SADC	\$704,010	\$182,218	\$521,792 (\$8,416/acre - 44.47% of purchase)
Warren County	\$234,670	\$234,670	\$0
Greenwich Township	\$234,670	\$234,670	\$0
FRPP Grant			\$651,558 (\$10,509/acre - 55.53% of purchase)
	\$1,173,350	\$651,558	\$1,173,350

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development easement even though the County is not providing funding for the preservation of this 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 Greenwich Township for the purchase of a development easement on the Property by Warren County, comprising approximately 62 net easement acres, at a State cost share of \$8,416/acre for an estimated total of \$521,792 (40.08% of certified market value and 44.47% 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 the SADC will utilize any remaining FRPP grant funds (estimated \$182,218) from the United States Department of Agriculture, Natural Resources Conservation Service under the FY12 Federal Farm and Ranch Lands Protection Program to offset SADC grant needs on the Property; and

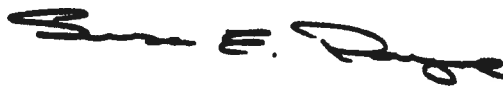
BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC,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

11-8-12

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 Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	YES
Peter Johnson	YES

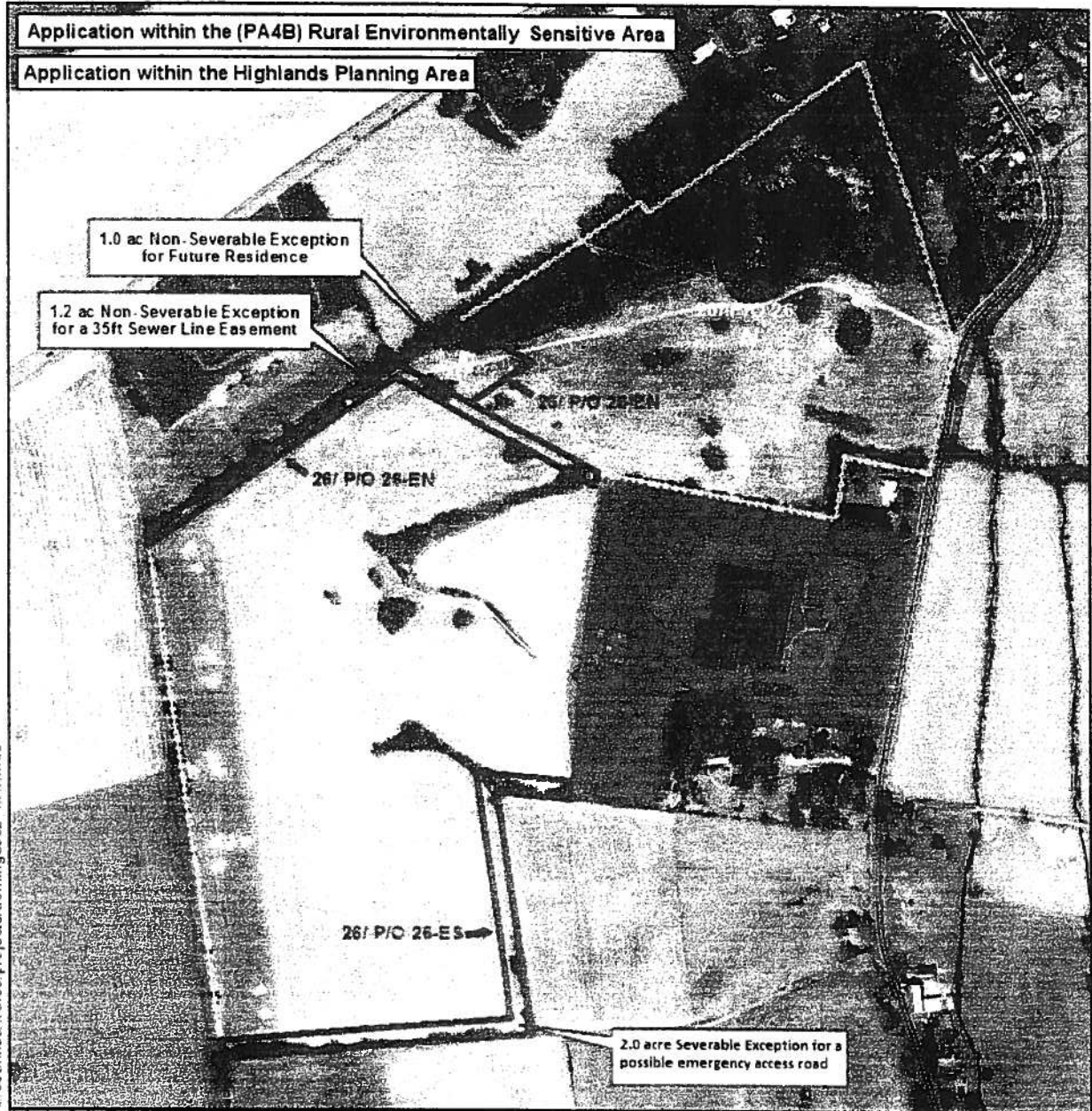
Schedule B

**Municipal Planning Incentive Grant
Greenwich Township, Warren County**

	SADC	Negotiated & Approved Per Acre	SADC Grant Per Acre	SADC		Federal Grant		733 - GSPT		733 - GSPT		Cum Approp	Cum Expend	Cum Encumbered	Balance		
				Cost Base	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	FY09 Expended	Balance	Encumbered					FY11 Balance	
Farm	Acres	Certified Per Acre	Approved Per Acre	SADC Grant Per Acre	Cost Base	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	FY09 Expended	Balance	Encumbered	FY11 Balance	Cum Approp	Cum Expend	Cum Encumbered	Balance
Fox River LLP / Stattle Domingues	65.858 62.000	7,900.00 21,000.00	18,925.00	4,850.00 11,355.00	520,278.20 1,173,350.00	315,521.60 704,010.00	586,675.00	117,335.00	434,478.40	315,521.60	434,478.40 0.00	152,196.60	347,803.40	1,250,000.00	315,521.60	586,675.00	347,803.40
Oberly (Franklin/Greenwich - 210 acres total)	146.000	3,650.00		2,590.00	532,900.00	378,140.00			101,885.00		332,593.40						
Total Pending	208.000					1,397,671.60											
Total Encumbered									434,478.40			152,196.60				586,675.00	
Closed/Expended	65.858									315,521.60					315,521.60		347,803.40
Total																	
Reprogram Out																	

Wetlands

Schedule A



x:\counties\swa\ico\projects\domingues2.kwm.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Jose Domingues
Block 26 Lots P/O 26 (37.6 & 23.6 ac), P/O 26-ES (severable exception - 2.0 ac)
& P/O 26-EN (non-severable exceptions - 1.0 & 1.2 ac)
Gross Total = 65.4 ac
Greenwich Twp., Warren County

500 250 0 250 500 1,000 Feet

DISCLAIMER: Any use of the product for purposes of accuracy and precision shall be the sole responsibility of the user. The configuration and geographical location of parcel polygons in this data layer 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 interpreted as a warranty in matters requiring delineation and location of true ground horizontal and vertical controls as indicated by an actual ground survey conducted by a licensed Professional Land Surveyor.



	Wetlands - Shaded
	Wetlands - Unshaded
	Wetlands - Contour
	Wetlands - Boundary
	Wetlands - Easement
	Wetlands - Access Road

Wetlands Legend
 P/O 26-ES (Severable Exception)
 P/O 26-EN (Non-Severable Exception)
 P/O 26-ES (Severable Exception)
 P/O 26-EN (Non-Severable Exception)
 P/O 26-ES (Severable Exception)
 P/O 26-EN (Non-Severable Exception)

SOURCES:
 NJ State Agriculture Development Committee
 NJ State Agriculture Development Committee
 NJ State Agriculture Development Committee

06/10/2010 10:10

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Domingues, Jose
21-0503-PG
FY 2009 PIG EP - Municipal 2007 Rule
62 Acres

Block 26	Lot 26	Greenwich Twp.	Warren County
SOILS:		Other	62% * 0 = .00
		Prime	38% * .15 = 5.70
			SOIL SCORE: 5.70
TILLABLE SOILS:		Cropland Harvested	85% * .15 = 12.75
		Woodlands	15% * 0 = .00
			TILLABLE SOILS SCORE: 12.75
FARM USE:	Cash Grains		56 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
Exception is to be restricted to one single family residential unit(s)
 - 2nd (2.2) acres for emergency access road / not for general public
Exception is severable
 - 3rd (1.2) acres for proposed sewer easement
Exception is not to be severed from Premises
 - c. Additional Restrictions:
 1. 4% impervious cover max pursuant to FY12 Federal Farm and Ranch Land Protection Program (approximately 2.52 acres available for impervious cover on the lands being preserved outside of the exception areas).
 - d. Additional Conditions:

the 2.2 acre severable exception area shall be restricted from public access and vegetative buffers will be installed on either side of the access way if the emergency access road be constructed.

the 1.2 acre nonseverable exception is restricted for the purpose of a sewer easement. The sanitary sewer connector to the Township Middle School is included in the township wastewater management plan as a future potential connection. It is to be made only if necessary to relieve a wastewater issue at the school.
 - 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.

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R11(5)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

**On the Property of
Kenneth D. Stattel ("Owner")
Pemberton Township, Burlington County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 03-0359-PG**

November 8, 2012

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, Burlington County received SADC approval of its 2013 PIG Planning application annual update on May 24, 2012; and

WHEREAS, on July 13, 2011 the SADC received an application for the sale of a development easement from Burlington County for the Kenneth D. Stattel Farm identified as Block 812, Lots 6.01 and 7.01, Pemberton Township, Burlington County, totaling 152.4 surveyed acres hereinafter referred to as "Property" (Schedule A) ; and

WHEREAS, the targeted Property is located in Burlington County's East - Burlington County Project Area and in a Pinelands Agricultural Production Area; and

WHEREAS, the application includes one, 4-acre non-severable exception around existing non-residential structures with no opportunity for a future residence; and

WHEREAS, the Property has a quality score of 55.44 which is greater than 70% of the County's average quality score of 45 as determined by the SADC on July 28, 2010; and

WHEREAS, according to New Jersey Pinelands Commission Amended Letter of Interpretation #634, there are 5.75 Pinelands Development Credits (PDCs) allocated to the Property; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, the Property's 5.75 PDCs will be retired; and

WHEREAS, at the time of application the Property supported a wheat, soybean, and sod operation; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on November 10, 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, as per N.J.A.C. 2:76-19.3 landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31; and

WHEREAS, on November 9, 2010, pursuant to N.J.A.C. 2:76-19.3 and based on consensus between the SADC and CADB staff, the SADC issued a Pinelands Formula Valuation Certificate, yielding (Schedule B):

Formula Valuation without impervious cover option:	\$2,848.70/acre
Formula Valuation with 10% impervious cover option:	\$3,195.02/acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on March 22, 2012, the SADC certified a development easement value of \$1,700 per acre based on zoning and environmental regulations in place as of November 1, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted an offer from the County to sell their development easement for \$3,195.00 per acre, (which is the Pinelands Formula Valuation with 10% impervious cover option); and

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

WHEREAS, 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 Property and to request a cost share grant from the SADC in the future; and

WHEREAS, the Burlington County Board of Chosen Freeholders granted final approval to the application on April 13, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Pemberton Township Committee approved the application of the "Property" for the sale of a development easement cost on May 18, 2011, but is not participating financially in the easement purchase; and

WHEREAS, Burlington County closed on the development easement on October 31, 2011 for \$486,918 (\$3,195.00 per acre which is equal to the Pinelands Valuation with the 10%

impervious coverage option); and

WHEREAS, the United States of America, through the Department of the Air Force, contributed 40% (\$194,767) of the total purchase price for the development easement with no additional restrictions, to assist in providing a three mile buffer around existing military installations; 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 152.4 surveyed acres (Payment acres); and

WHEREAS, on August 24, 2012, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, 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 FY11 County base grant of \$1,500,000 has been encumbered with an eligibility balance of \$450,837.39 in the Competitive Grant Fund; 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 priority ranking of the individual farm application applying for grants from the competitive grant fund based on cumulative points of the project area (Schedule C); and

WHEREAS, pursuant to N.J.A.C. 2:76-6.11(d)1 the SADC cost share on \$3,195 would have been \$2,317 (72.5%), however since the Department of Defense provided 40% of the purchase price when the County preacquired the easement the SADC adjusted SADC cost share is 60% or \$1,917 for a total of \$292,151; and

WHEREAS, the estimated cost share breakdown is as follows (based on 152.4 acres):

	<u>Cost Share</u>
SADC	\$292,151 (\$1,917 per acre or 60%)
Burlington County	\$0
<u>US Dept. of Defense</u>	<u>\$194,767 (\$1,278 per acre or 40%)</u>
	\$486,918 (\$3,195 acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Burlington County CADB is requesting \$292,151 from the competitive grant, leaving a remaining Competitive Grant Fund

eligibility to the County of \$158,837.39 out of a possible \$3,000,000 (Schedule D); 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 Stattel Property, comprising 152.4 surveyed acres, at a State cost share of \$1,917 per acre (60% of Pinelands Formula Valuation and 60% of purchase price of \$3,195), totaling \$292,151 pursuant to N.J.A.C. 2:76-6.11 and adjustments made according to this resolution and the conditions contained in (Schedule E); and

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

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

11-8-12

Date

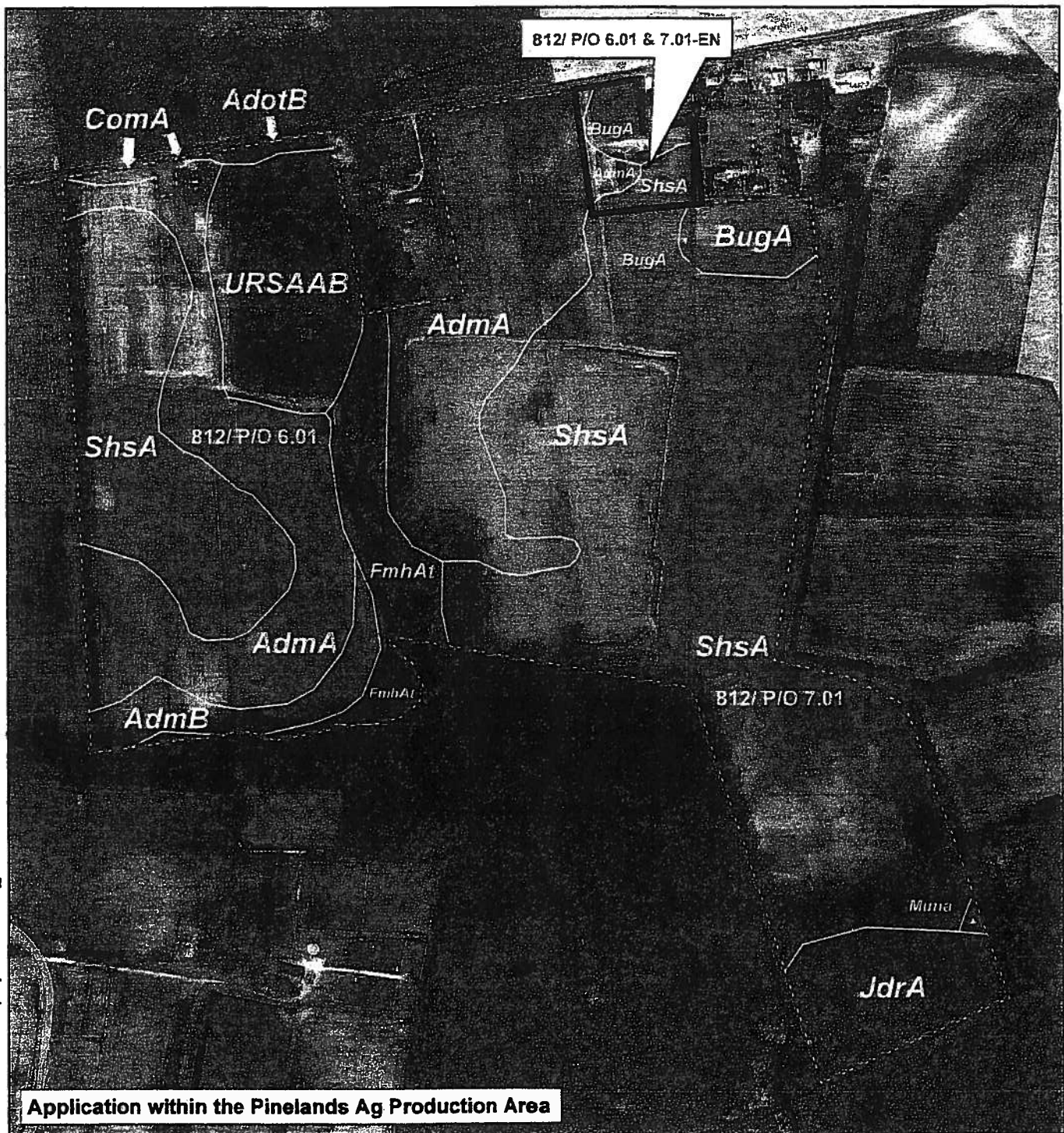


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

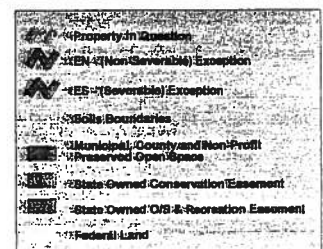
x:\counties\burco\projects\stattel2_sol.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kenneth D. Stattel
Block 812 Lots P/O 6.01 (107.2 ac);
P/O 6.01-EN (non-severable exception - 3.8 ac);
P/O 7.01 (44.6 ac)
& P/O 7.01-EN (non-severable exception - 0.1 ac)
Total Non-Severable Exception Area (P/O 6.01 & 7.01-EN) = 4.0 ac
Gross Total = 155.7 ac
Pemberton Twp., Burlington County

500 250 0 500 1,000 Feet



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

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

August 2, 2011



FILE COPY
Schedule B

State of New Jersey

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

NIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

DOUGLAS H. FISHER
Secretary

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

Douglas H. Fisher
Chairman

November 9, 2010

Phillip D. Prickett, Jr., Chairperson
Burlington County CADB
Department of Resource Conservation
PO Box 6000
Mount Holly, NJ 08060-6000

RE: FORMULA VALUATION CERTIFICATION

Valuation of Development Easements in the Pinelands Area N.J.A.C. 2:76-19
Stattel Farm, Pemberton Township (Property)
Approximately 155.23 acres
Property: Block 812 Lots 6.01 & 7.01
LOI utilized: Amended #634 dated June 3, 2010
Pinelands Application #1990-0660.002

Dear Mr. Prickett:

The Burlington County Agricultural Development Board (CADB) has requested a Pinelands Valuation Certificate for the Property based upon the Pinelands Valuation Formula (Formula). The Property is not an active application under consideration with the State Agriculture Development Committee (SADC) at this time, however, CADB staff have indicated that the CADB would like to be assured there is a common understanding of the formula valuation on this farm for negotiation purposes.

Pursuant to the Garden State Preservation Trust (GSPT), the SADC developed the Formula as an alternative method of determining easement values for applications in the Agricultural Production, Special Agricultural Production and Preservation areas of the New Jersey Pinelands.

The Formula takes into consideration the Pinelands Development Credits (PDC) for a particular parcel and the presence of important agricultural and environmental features. The Formula provides for certain base values to be adjusted upward in varying percentages depending on factors such as site-specific environmental quality, scenic corridors, septic suitability and agricultural viability.

Phillip D. Prickett, Jr.
November 9, 2010
Page 2

In recent years typical valuations based upon PDC values have been higher than valuations based on the Formula, however, with recent market changes the chances that the Formula valuation may be higher than valuations based upon PDC values is likely. As such the SADC and CADB staff has coordinated in determining an easement value based upon the Formula.

SADC and CADB staff coordinated their review of the application and calculation of the Formula valuations and has reached a consensus of preliminary figures (Schedule A).

Formula Valuation without impervious cover option:	\$2,848.70 per acre
Formula Valuation with 10% impervious cover option:	\$3,195.02 per acre

Please remember the SADC's regulations prohibit the easement value from being greater than 80 percent of the fee simple value. Please also note that the original Formula value estimate is subject to adjustments based upon verification of information in your application after survey, title work and any future updates or adjustments in the New Jersey Pinelands Commission's Letter of Interpretation.

CADB staff indicated that the Landowner would not reserve a housing opportunity; however, the LOI was finalized reserving .25 PDCs for a future house. Therefore, the Formula Valuation uses 5.75 PDCs and the LOI states the Property has 5.50 PDCs.

We hope this valuation is of assistance.

If you have any questions, please do not hesitate to contact Heidi Winzinger, Chief of Acquisition, at Heidi.Winzinger@ag.state.nj.us or (609) 292-5518.

Sincerely,



Susan E. Craft
Executive Director

c: Dan Kennedy, Burlington CADB
Brian Wilson, Burlington CADB
Heidi Winzinger, SADC Chief of Acquisitions

Pine' -Is Formula			
Subject: n: Stattel Farm, Pemberton NJ			
155.23 acres per LOI			
Agricultural Production Area			
36.89 acres upland 84.67 acres wetland in active agriculture and 33.67 acres of wetlands			
LOI dated June 3, 2010 #1990-0660.002 (amended)			
LOI 5.50 PDC's (we are using 5.75 PDC for this valuation because landowner will not reserve .25 for house as stated in LOI)			
Base Value Calculation			
(choose one)			
Per Acre Value	no imp. Cover		if Imp. Cover is used
	\$1,600		\$1,600
Per Acre Value	\$1,800	if 10% Impervious cover option is taken	\$1,800
upland (upland & wetland in active production)	\$1,248	\$1,600 base x 78%	\$1,404
wetland	\$35	\$160 base x 22%	\$35
adjusted base value for uplands and wetlands	\$1,283		\$1,439
2:76-19.5 adjustments			
2:76-19.6 Regional Environmental Quality Area	\$565	Wester Env. Qual. Area - 44%	\$633
2:76-19.7 - Site Specific Env. Quality Factors	\$257	.5 miles from reg. growth area & .5-2 from village - 20%	\$288
2:76-19.8 - Scenic Corridor & Access Markets	\$192	0-.5 from county rd & 2-4 Hwy. - 15%	\$216
2:76-19.8(b) Road Frontage	\$77	1,807.5' frontage: 155.23 acres - 6%	\$86
2:76-19.9-On-Site Septic Suitability	\$64	40.1% with only slight limits - 5%	\$72
2:76-19.10-Agricultural Viability	\$257	54.96% Statewide soil & 32.38% Prime - 20% adjustment	\$288
2:76-19.10(b)-contiguous to preserved land	\$154	contiguous to preserved land (BC preserved w/o SADC, Potts & Cocelli- 12%	\$173
2:76-19.11 (a) water bodies	\$0	no water bodies	\$0
2:76-19.11(b) streams	\$0	streams on property-farmer will not restrict as per 2:76-19.12 - no adjustment	\$0
Formula Value	\$2,848.70		\$3,195.02

New Jersey Farmland Preservation
Competitive Ranking Report
Farms Receiving Final Approval November 8, 2012
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	Pemberton Twp.	Howard E. & JoAnn Stevenson	108	1.64	20	30	50	-98.36
Burlington County	Pemberton Twp.	Burlington/Stattel	151	-125.88	0	30	20	-175.88

[illegible]

C W

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Burlington/Stattel, Kenneth D.
03- 0359-PG
FY 2010 County PIG Program
151 Acres

Block 812	Lot 6.01	Pemberton Twp.	Burlington County
Block 812	Lot 7.01	Pemberton Twp.	Burlington County
SOILS:		Other	21% * 0 = .00
		Prime	32% * .15 = 4.80
		Statewide	47% * .1 = 4.70

SOIL SCORE: 9.50

TILLABLE SOILS:	Cropland Harvested	78% * .15 = 11.70
	Wetlands	22% * 0 = .00

TILLABLE SOILS SCORE: 11.70

FARM USE:	Wheat-Cash Grain	acres
	Soybeans-Cash Grain	acres
	Sod	acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (3.8) acres for Future flexibility of use around structures
Exception is not to be severed from Premises
Exception is to be restricted to zero single family residential unit(s)
 - 2nd (.2) acres for Future flexibility of use around structures
Exception is not to be severed from Premises
Exception is to be restricted to zero single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R11(6)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Howard & Jo Ann Stevenson ("Owner")

Pemberton Township, Burlington County

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

SADC ID# 03-0359-PG

November 8, 2012

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, Burlington County received SADC approval of its FY2013 PIG Plan application annual update on May 24, 2012; and

WHEREAS, on October 6, 2011 the SADC received an application for the sale of a development easement from Burlington County for the Howard & Jo Ann Stevenson Farm identified as Block 803, Lot 9; Block 804, Lots 1 & 2 and Block 812, Lots 2.01 & 3, Pemberton Township, Burlington County, totaling 110.643 surveyed acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Burlington County's East - Burlington County Project Area and in the Pinelands Agricultural Production Area and is a targeted farm; and

WHEREAS, the Property includes one 1-acre non-severable exception for future non-agricultural uses that will be restricted to no residential uses; and

WHEREAS, the Property also includes a one 3-acre non-severable exception around the existing single family home and buildings; and

WHEREAS, the Property has a quality score of 65.98 which is greater than 70% of the County's average quality score of 45 as determined by the SADC on July 28, 2010; and

WHEREAS, according to New Jersey Pinelands Commission Letter of Interpretation #s 2013 (B803/L9), 2066 (B804/L1&2) and 2067 (B812/L2.01&3), there are 4.75 Pinelands Development Credits (PDCs) allocated to the Property; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, the Property's 4.75 PDCs will be retired; and

WHEREAS, at the time of application the Property supported a soybean and hay operation; and

WHEREAS, the owners have been provided the SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses (Schedule B) and have refused to sign the acknowledgement of receipt of the documents; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on December 21, 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, as per N.J.A.C. 2:76-19.3 landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31; and

WHEREAS, on September 27, 2011 a preliminary Pinelands Valuation Formula (Formula) was finalized between SADC and CADB staff as per N.J.A.C. 2:76-19.3 yielding:

Formula Valuation without impervious cover option: \$2,979.18 per acre

Formula Valuation with 10% impervious cover option: \$3,351.58 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on March 22, 2012, the SADC certified a development easement value of \$3,050 per acre based on zoning and environmental regulations in place as of August 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted an offer from the County to purchase a development easement for \$4,550 per acre, (which is higher than the Pinelands Formula Valuations and the certified value, but equal to the highest appraised per acre easement value); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on February 9, 2012 the Burlington CADB passed a resolution granting final approval to the Property and a request for a cost share grant from the SADC; and

WHEREAS, the Burlington County Board of Chosen Freeholders granted final approval to the application on March 28, 2012 and requested a cost share from the SADC; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Pemberton Township Committee approved the application of the "Property" for the sale of a development easement cost on July 11, 2012, but is not participating financially in the easement purchase; and

WHEREAS, the United States of America, through the Department of the Air Force, agreed to contribute 50% of the total purchase price or \$251,735.58 for the purchase of the development easement with no additional restrictions, to assist in providing a three mile buffer around existing military installations; and

WHEREAS, on August 24, 2012, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, the SADC established FY09 and FY11 funding PIG fund Base and Competitive Grant allocations; and

WHEREAS, the County has a remaining eligibility for up to \$336,620.85 of FY09 Competitive Grant funds subject to availability; and

WHEREAS, there is \$95,624.24 in SADC FY09 Competitive Grant funds available at this time which the County has requested (Schedule C1); and

WHEREAS, the County's entire FY11 base grant allocation of \$1,500,000 has been encumbered and there is a remaining eligibility of \$158,686.39 for the County at this time in Competitive Grant funding (Schedule C2); 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 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-1, D-2); and

WHEREAS, the estimated cost share breakdown is as follows (based on 110.653 acres):

	<u>Cost Share</u>	
SADC	\$246,756.19	(\$2,230 per acre, 73.11% of the CMV and 49% of Purchase Price) (\$ 95,624.24 FY 2009 competitive grant \$) (\$151,131.95 FY 2011 competitive grant \$)
Burlington County	\$ 4,979.38	(\$ 45 per acre, 1% of Purchase Price)
<u>US Dept. of Defense</u>	<u>\$251,735.58</u>	(\$2,275 per acre, 50% of the Purchase Price)
	\$503,471.15	(\$4,550 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Burlington County CADB is requesting \$246,756.19 (the \$95,624.24 balance from the FY09 competitive grant funds, and \$151,131.95 from its FY11 Competitive Grant monies), leaving a cumulative eligibility balance of \$0 in the FY09 Competitive Grant fund and \$7,554.44 in the FY11 Competitive Fund; 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 Stevenson Property, comprising 110.653 acres, at a State cost share of \$2,230 per acre (73.11% of Certified Value and 49% of purchase price), totaling \$246,756.19 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule E); and

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

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

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

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

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

11-8-12

Date



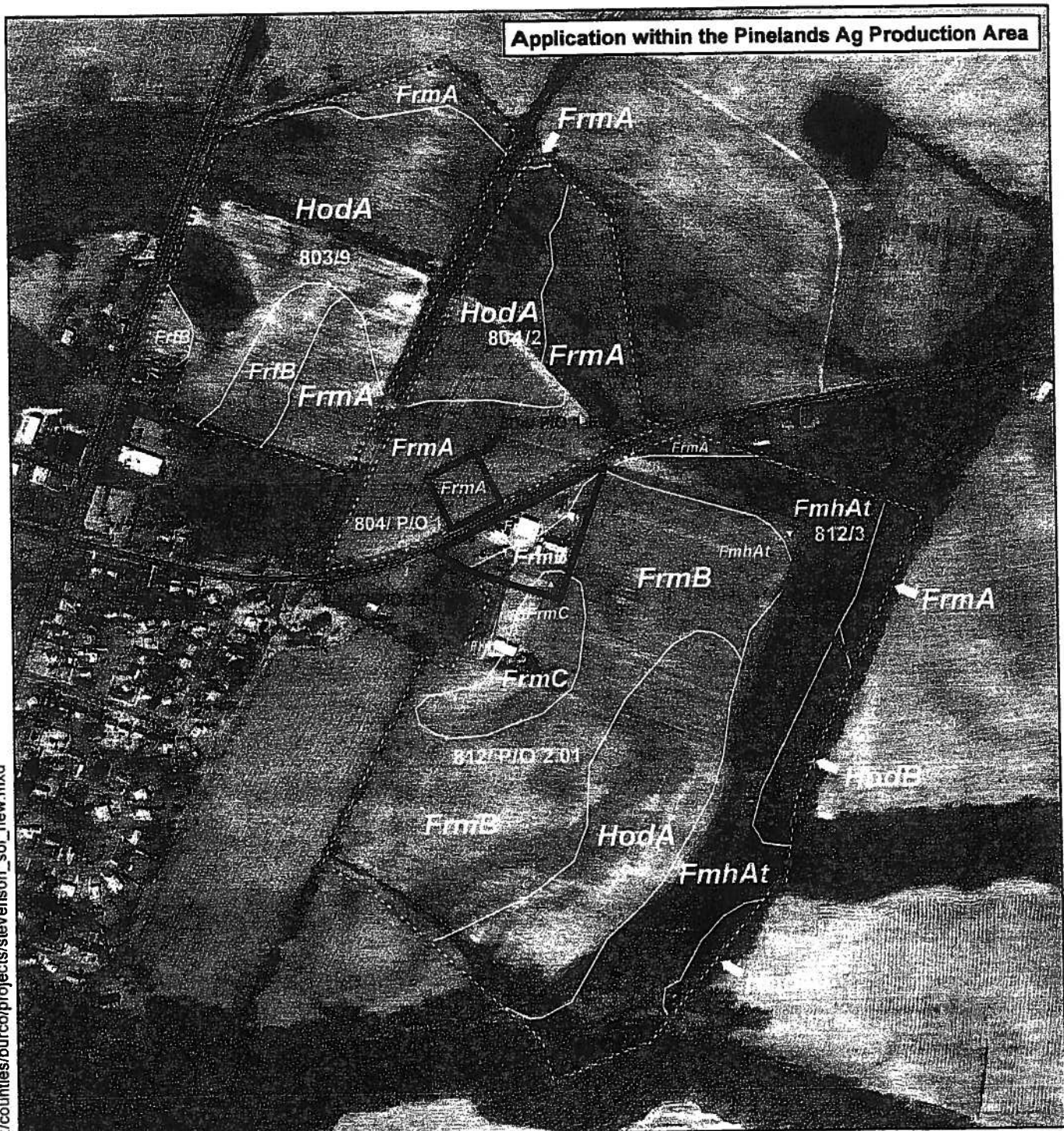
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Soils

Application within the Pinelands Ag Production Area



x:\counties\burco\projects\stevenson_sol_new.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Howard Stevenson
Block 803 Lot 9 (28.4 ac);
Block 804 Lots P/O 1 (4.8 ac); P/O 1-EN (non-severable exception - 1.0 ac) & 2 (13.8 ac)
Block 812 Lots P/O 2.01 (58.1 ac); P/O 2.01-EN (non-severable exception - 3.0 ac);
and 3 (7.4 ac)
Gross Total = 116.6 ac
Pemberton Twp., Burlington County

500 250 0 500 1,000 Feet

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



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

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

August 18, 2011

Exception Areas

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

Types of Exceptions

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

Non-severable Exceptions:

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

Severable Exceptions:

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

A landowner will not be paid for areas designated as a severable or non-severable exception because the Deed of Easement restrictions will not apply to the area(s).

Why should I take an exception area?

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

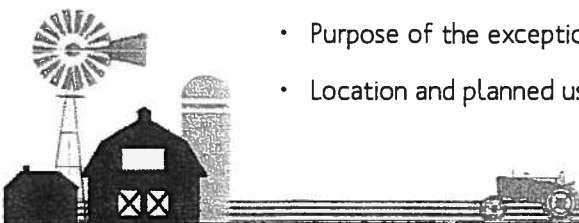
These are just a few common reasons why landowners choose to take exception areas. If your plans for future uses of the premises include any nonagricultural production based activity you should consider an exception area.

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

Locating an Exception Area

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

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



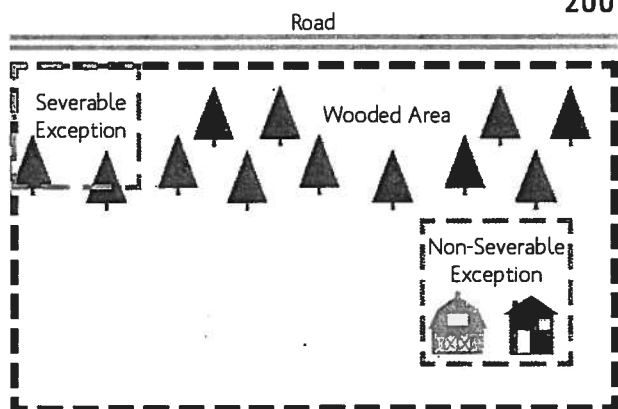
Locating an Exception Area continued...

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

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

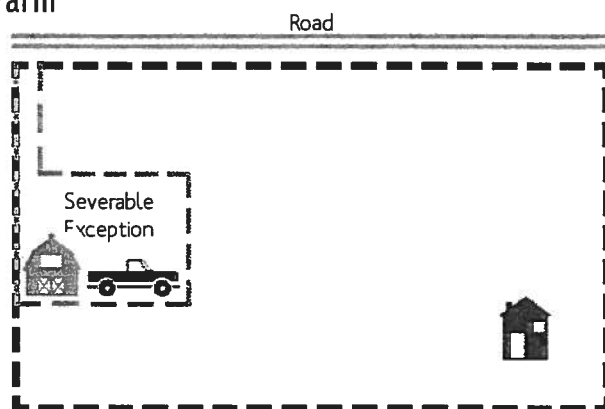
Sample Exception Area Layouts

200 Acre Farm



Example #1

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



Example #2

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

Acknowledgement of Receipt

By signing below, I acknowledge receipt of this guidance document.

Print Name

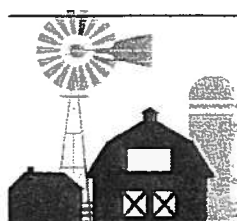
Signature/Date

Print Name

Signature/Date

Print Name

Signature/Date



Block

Lot

Township

County

SADC ID#

Division of the Premises

The Deed of Easement sets forth the legal restrictions that will apply to your farm once it is preserved. The survey metes and bounds description of your farm has the effect of tying all of your lots together as one preserved "premises." Although your farm may consist of multiple lots, after preservation they cannot be divided, transferred individually or conveyed to other owners without written approval of the State Agriculture Development Committee (SADC) and the easement holder, which may be the County Agriculture Development Board (CADB) or a non-profit agency.

To request approval to divide the preserved premises, you need to submit an application to the easement holder demonstrating that the division would meet both of the following tests:

The Agricultural Purpose Test

First, the proposed division must be for an agricultural purpose. The SADC considers enhanced agricultural production activities, such as agricultural expansion, diversification and/or intensification resulting from a division as typically meeting the agricultural purpose test.

The Agricultural Viability Test

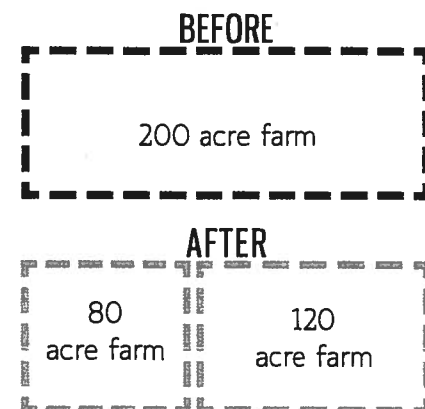
Second, the division must result in agriculturally viable parcels, each capable of sustaining a variety of agricultural operations that produce a reasonable economic return under normal conditions, solely from the parcel's agricultural production. So, the SADC would need to be confident that each newly created farm has sufficient agricultural resource value (soil quality, tillable land, size, etc.) to support a variety of agricultural operations into the future.

Additionally, any parcel not meeting the minimum eligibility criteria for new applications to the program set forth in the SADC regulations will not be approved.

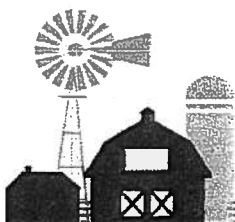
Major SADC Considerations

- Total Tillable Acreage
- Quality of Soils
- Configuration of New Parcels
- Historical Agricultural Uses
- Existing Agricultural Infrastructure
- Proximity to Other Farms/Preserved Farms
- Proposed Agricultural Uses
- Benefit to Production Agriculture

Diagram of a Division



The SADC's objective is to retain large masses of viable agricultural land. Agricultural parcels may become less viable if reduced in size. Therefore, the SADC will carefully consider the criteria to evaluate whether a permanently preserved farm should be divided.



Why might an application for a division of the Premises be denied?

- Each parcel does not meet the minimum eligibility criteria on its own - for example, the newly created farms may not be of sufficient size or may have a lack of tillable acres on at least one parcel.
- Large wooded areas or areas of marginal soils render the tillable land of one parcel insufficient or unable to support a variety of agricultural production activities
- Lack of a concrete plan for agricultural production for one or both of the new parcels to be created
- The purpose of the division is speculative resale of one or multiple preserved parcels
- The purpose of the division is to accomplish "estate planning" or to only provide for retirement of the current owner with no agricultural purpose

Division Procedure

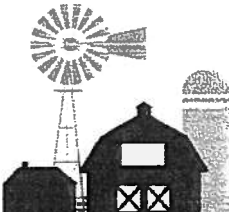
1. Submit completed application and required maps to the CADB or designated easement holder
2. The easement holder will ensure that the application is complete and evaluate it based on the Deed of Easement and the agricultural purpose and viability tests
3. If approved, the easement holder will forward the application to the SADC for further review (the SADC will only review applications approved by the easement holder)
4. The SADC will review the application and evaluate it based on the Deed of Easement and the agricultural purpose and viability tests
5. If approved by the SADC, new surveys and legal descriptions may be required as a condition of approval. In addition, the SADC may request to review any deed which transfers a portion of the Premises to a new owner. Upon review and approval of all necessary documents the SADC will record its approval resolution with the appropriate County Clerk's office

Application and additional information can be found at <http://www.nj.gov/agriculture/sadc/rules/> under Policies.

Acknowledgement of Receipt

By signing below, I acknowledge receipt of this guidance document.

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Print Name	Signature/Date
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Print Name	Signature/Date
_____	_____
Print Name	Signature/Date

	_____	_____	_____	_____	_____
	Block	Lot	Township	County	SADC ID#

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

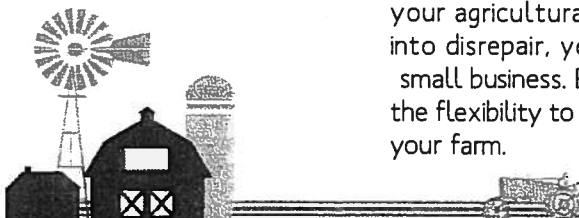
This option allows you to continue your nonagricultural use following the preservation of your farm at the same scale and location it is at the time of preservation. Before appraisals and surveys are conducted, you will be asked to identify and describe any nonagricultural uses occurring on your farm. 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, I acknowledge receipt of this guidance document.

Print Name

Signature/Date

Print Name

Signature/Date

Print Name

Signature/Date

Block

Lot

Township

County

SADC ID#



Burlington County

[illegible]

New Jersey Farmland Preservation
Competative Ranking Report
Farms Receiving Final Approval November 8, 2012
Farms to Utilize Competitive Grant Monies

FY 2009 Funding

County	Municipality	Farm	Acres	Total Competative Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Burlington County	Pemberton Twp.	Howard E. & JoAnn Stevenson	108	1.64	20	30	50	-98.36

New Jersey Farmland Preservation
Competitive Ranking Report
Farms Receiving Final Approval November 8, 2012
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	Pemberton Twp.	Howard E. & JoAnn Stevenson	108	1.64	20	30	50	-98.36
Burlington County	Pemberton Twp.	Burlington/Stattel	151	-125.88	0	30	20	-175.88

Schedule E

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Stevenson Farm
03- 0365-PG
FY 2011 County PIG Program
108 Acres

Block 803	Lot 9	Pemberton Twp.	Burlington County
Block 804	Lot 1	Pemberton Twp.	Burlington County
Block 804	Lot 2	Pemberton Twp.	Burlington County
Block 812	Lot 2.01	Pemberton Twp.	Burlington County
Block 812	Lot 3	Pemberton Twp.	Burlington County

SOILS:	Other	16% * 0	=	.00
	Prime	80% * .15	=	12.00
	Statewide	4% * .1	=	.40

SOIL SCORE: 12.40

TILLABLE SOILS:	Cropland Harvested	77% * .15	=	11.55
	Wetlands	23% * 0	=	.00

TILLABLE SOILS SCORE: 11.55

FARM USE:	Soybeans-Cash Grain	88 acres
	Cash Grain NEC	68 acres
	Hay	1 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 flexibility of use
Exception is not to be severed from Premises
Exception is to be restricted to zero single family residential unit(s)
no residential opportunities
 - 2nd three (3) acres for house and buildings
Exception is not to be severed from Premises
Exception is to be restricted to one single family residential unit(s)
non severable for house and buildings
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R11(7)

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

**HUNTERDON COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
SADC FY2209 & FY2011 Funding**

**On the Property of
Doris Snyder
Raritan Township, Hunterdon County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 10-0327-PG**

November 8, 2012

WHEREAS, on December 17, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Hunterdon 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 County received SADC approval of their annual PIG plan update for FY2013 on May 28, 2012; and

WHEREAS, on October 28, 2011, the SADC received an application for the sale of a development easement from Hunterdon County for the Snyder Farm identified as Block 82, Lot 2, Raritan Township, Hunterdon County, totaling approximately 50 net easement acres (Schedule A); and

WHEREAS, the Property is located in Hunterdon County's South Project Area; and

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

WHEREAS, the Property has one, 2-acre non-severable exception around the existing single family residence; and

WHEREAS, the Property has a quality score of 70.23 which is greater than 70% of the County's average quality score of 43 as determined by the SADC on June 24, 2010; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on December 7, 2011 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on July 26, 2012, the SADC certified a development easement value of \$15,800/acre based on current zoning and environmental regulations as of March 3, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted Hunterdon County's offer of \$15,800 per acre for the development easement for the Property; 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 October 1, 2012 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, to date Hunterdon County has encumbered \$1,940,322.92 of FY2009 base grant funding and has \$59,677.08 available (Schedule B1); and

WHEREAS, to date Hunterdon County has encumbered \$735,780.50 of FY2011 base grant funding and has \$764,219.50 available (Schedule B2); and

WHEREAS, the County has requested to encumber funds based on an additional 3% buffer for possible final surveyed acreage increases, therefore, 51.5 acres will be utilized to calculate the estimated grant need; and

WHEREAS, the estimated cost share breakdown below is based on 51.5 acres:

	<u>Cost Share</u>	
SADC	\$488,220	(\$9,480 per acre or 60%)
Raritan Twp.	\$162,740	(\$3,160 per acre or 20%)
<u>Hunterdon County</u>	<u>\$162,740</u>	<u>(\$3,160 per acre or 20%)</u>
	\$813,700	(\$15,800 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, the Raritan Township Committee approved the application and its funding commitment for 20% of the easement purchase (\$3,160 per acre) on the Snyder Farm on October 2, 2012, and the Hunterdon County Agriculture Development Board approved the application on September 13, 2012 and secured a commitment of funding for 20% of the easement purchase (\$3,160 per acre) from the Hunterdon County Board of Chosen Freeholders for the required local match on October 18, 2012; and

WHEREAS, the Hunterdon County Agriculture Development Board is requesting \$59,677.08 from its FY 2009 base grant, leaving a cumulative base grant balance of \$0 (Schedule B1) and \$428,542.92 from its FY2011 base grant leaving a cumulative base grant balance of \$335,676.58 (Schedule B2); 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 base grant; 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 Hunterdon County for the purchase of a development easement on the Snyder farm, comprising approximately 51.5 acres, at a State cost share of \$9,480 per acre (60% 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 base grant; 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 all survey, title and all additional documents required for closing shall subject to review and approval by the SADC; and

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

11-8-12

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 Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	YES
Peter Johnson	YES

Application within the (PA4) Rural Area

1	Property in Question
2	Ex - (Non-Transferable) Easement
3	Ex - (Reversible) Easement
4	Wellhead Boundaries
5	Municipal, County and Non-Profit Preserved Open Space
6	State Owned Conservation Easement
7	State Owned O&G & Recreation Easement
8	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

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

 $\mathbf{z} \rightarrow$

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Doris Snyder
Block82 Lots P/O 2 (48.8 ac)
& P/O 2-EN (non-severable exception - 2.0 ac)
Gross Total = 50.8 ac
Raritan Twp., Hunterdon County



DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be relied upon in matters requiring delineation and location of true ground boundaries. Legal and technical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Schedule B1

[illegible]

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

Schedule B2

Farm	Municipality	App Plus 3 Percent	SADC Certified	Negotiated & Approved	SADC Grant	Easement	SADC			1,500,000				3,000,000				Cap Total	Cum Expend	Cum Encumbered	Reprogram	Balance subject to availability & approval 3,764,219.50			
							Cost	Share	FRPP	Base Grant		Competitive Grant		Encumbered at Final	Balance	Encumbered	Expend						Encumbered	Expend	Balance
										Encumbered at Final	PV	Encumbered	Expend												
Robbiez #2	Tewksbury	44,290	15,000	15,000.00	9,000.00	664,350.00	398,610.00	0.00	398,610.00		1,101,390.00		3,000,000.00		0.00	735,780.50									
Peterson, Linda	Franklin	35,020	6,200	6,200.00	4,000.00	210,800.00	140,080.00		140,080.00		961,310.00														
Cooper Gail	Holland	44,290	7,100	7,100.00	4,450.00	314,450.00	197,090.50		197,090.50		764,219.50														
Snyder, Doris	Railton	51,500	15,800	15,800.00	\$9,480.00	813,700.00	488,220.00		488,220.00		335,676.58														
						Balance: \$59,677.08 paid with FY09 2007 Base grant funds																			
Pending final appt.																									
Hill & Dale #1	Tewksbury	93,730	17,000		10,200.00	1,547,000.00		928,200.00																	
Gross, Joel and																									
Rosemary	Kingwood		7,700		\$4,750.00	448,800.00		275,500.00																	
Zander I	Alexandria		9,000		\$5,400.00	270,000.00		162,000.00																	
Zander II	Kingwood		9,000		\$5,400.00	252,000.00		151,200.00																	
KJA																									
Hodges/Alexis	Holland		9,000		\$5,400.00	612,000.00		367,200.00																	
Helmer	Kingwood		9,000		\$5,400.00	450,000.00																			
Readington Toll #2	Readington		9,000		\$5,400.00	738,000.00		442,800.00																	
Boss, Edward	Holland		9,000		\$5,400.00	189,000.00		113,400.00																	
Boss, Neil	Holland																								
Papazian, Aram	Alexandria		9,000		\$5,400.00			259,200.00																	
Associated Tree																									
Movers	Alexandria		9,000		\$5,400.00			259,200.00							4,500,000.00	0.00	735,780.50	0.00	3,764,219.50						
dis not qualify...						estimated need	1,663,300.00																		
moved to Mun PIG Program																									
Readington Properties LLC	Readington		9,000		\$5,400.00	459,000.00		275,400.00																	
on hold:																									
Readington																									
17wp/Readington Properties LLC	Readington		9,000		\$5,400.00	459,000.00		275,400.00																	

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Snyder, Doris
10- 0327-PG
FY 2011 County PIG Program
50 Acres

Block 82	Lot 2	Raritan Twp.	Hunterdon County
SOILS:		Other	7% * 0 = .00
		Prime	46% * .15 = 6.90
		Statewide	47% * .1 = 4.70
			SOIL SCORE: 11.60
TILLABLE SOILS:		Cropland Harvested	73% * .15 = 10.95
		Other	4% * 0 = .00
		Permanent Pasture	23% * .02 = .46
			TILLABLE SOILS SCORE: 11.41
FARM USE:		Soybeans-Cash Grain	5 acres
		Hay	33 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 Around existing dwelling
 - Exception 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.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R11(8)

**Final Approval and Authorization to
Execute Deed of Easement, Project Agreement, and Closing Documents
D&R Greenway Land Trust, Inc. - Carpenter Farm
2011 Non Profit Round - SADC #17-0040 NP**

November 8, 2012

WHEREAS, on December 20, 2010 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from D&R Greenway Land Trust, Inc. ("D&R") for the Carpenter farm identified as Block 39, Lot 12, Mannington Township, Salem County, totaling approximately 68 net easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the application includes a three (3) acre non-severable exception area around one single family residence; and

WHEREAS, as per SADC appraisal standards for Properties with significant riparian lands or non-riparian border water, the appraisers shall base the per acre analysis on the non-riparian and non-open water area only; and

WHEREAS, as per Policy P-3-B Supplement although the easement will include riparian and border water acreage the SADC will not provide a cost share on this area; and

WHEREAS, based on the uplands area, the farm it is approximately 90 percent cropland Harvested, was in soy bean production at the time of application and meets the minimum criteria as set forth in N.J.A.C. 2:76-6.20; and

WHEREAS, on April 28, 2011 the SADC granted preliminary approval by Resolution #FY2011R4(7) to the D&R application and appropriated \$1,943,000 for the acquisition of development easements or fee simple interest to six farms, which D&R had submitted, including the Property; and

WHEREAS, D&R has received Final Approval for the Waddington farm in the 2011 Round, which will utilize approximately \$200,750 of the appropriated funds, leaving a balance of approximately \$1,742,250; and

WHEREAS, in accordance with N.J.A.C. 2:76-12.2(b) the SADC determined that any farm that has a quality score (as determined by N.J.A.C. 2:76-6.16) greater than or equal to 70% of the county average quality score as determined in the County PIG program be eligible for funding; and

WHEREAS, the Property has a quality score of 65.15 which is greater than 70% of the County average quality score of 48 as determined on June 24, 2010; and

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

WHEREAS, the SADC advised D&R of the certified value and its willingness to provide a 50 percent cost share grant pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of D&R's eligible costs and subject to available funds from the \$1,943,000 appropriated in the 2011 Nonprofit round; and

WHEREAS, in accordance with N.J.A.C. 2:76-15.1 if two appraisals have been obtained on a parcel and the difference between the two appraisal values is 10 percent of the higher appraisal value or less, the eligible land cost shall be the average of the appraisal values. The two appraisals submitted were within 10 percent of the highest appraisal value and the resulting average was \$6,450 per acre; and

WHEREAS, on September 27, 2012 the SADC certified the easement value of the Property to be \$6,450 per acre based on current zoning (as of July 15, 2012); and

WHEREAS, D&R informed the SADC that it will accept an SADC cost share of \$3,225 per acre and D&R is prepared to move forward with the project; and

WHEREAS, on June 1, 2012 the Open Space Institute (OSI) awarded D&R \$106,000 grant for the Mannington Meadows Preservation project which includes the Carpenter farm; and

WHEREAS, on October 3, 2012 the Salem County Freeholders with Salem County Agricultural Development Board support, approved funding \$60,000 towards the Carpenter farm preservation; and

WHEREAS, the anticipated cost share participation for the project will be as follows based on 38.5 (non-riparian/non water boundary) acres:

Salem County Funding	\$ 60,000.00	\$1,558.44/acre	(24% of \$6,450)
OSI Funds	\$ 64,162.50	\$1,666.56/acre	(26% of \$6,450)
SADC Nonprofit Grant Funds	<u>\$124,162.50</u>	<u>\$3,225/acre</u>	(50% of \$6,450)
Total	\$248,325.00	\$6,450/acre; and	

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the D&R Greenway Land Trust, Inc./Carpenter easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, that the SADC approves a 3 acre non-severable exception around the existing home that shall be limited to one single family residence; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$3,225 per acre (total of approximately \$124,162.50 based on 38.5 acres) to D&R Greenway Land Trust, Inc. for the development easement acquisition on the Carpenter farm subject to the availability of funds; and

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

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

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

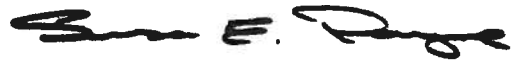
BE IT FURTHER RESOLVE, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED that the SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute by signature all documents necessary to provide a grant to the D&R Greenway Land Trust, Inc. for the acquisition of a development easement on the Carpenter Jr. farm; and

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

11-8-12

Date

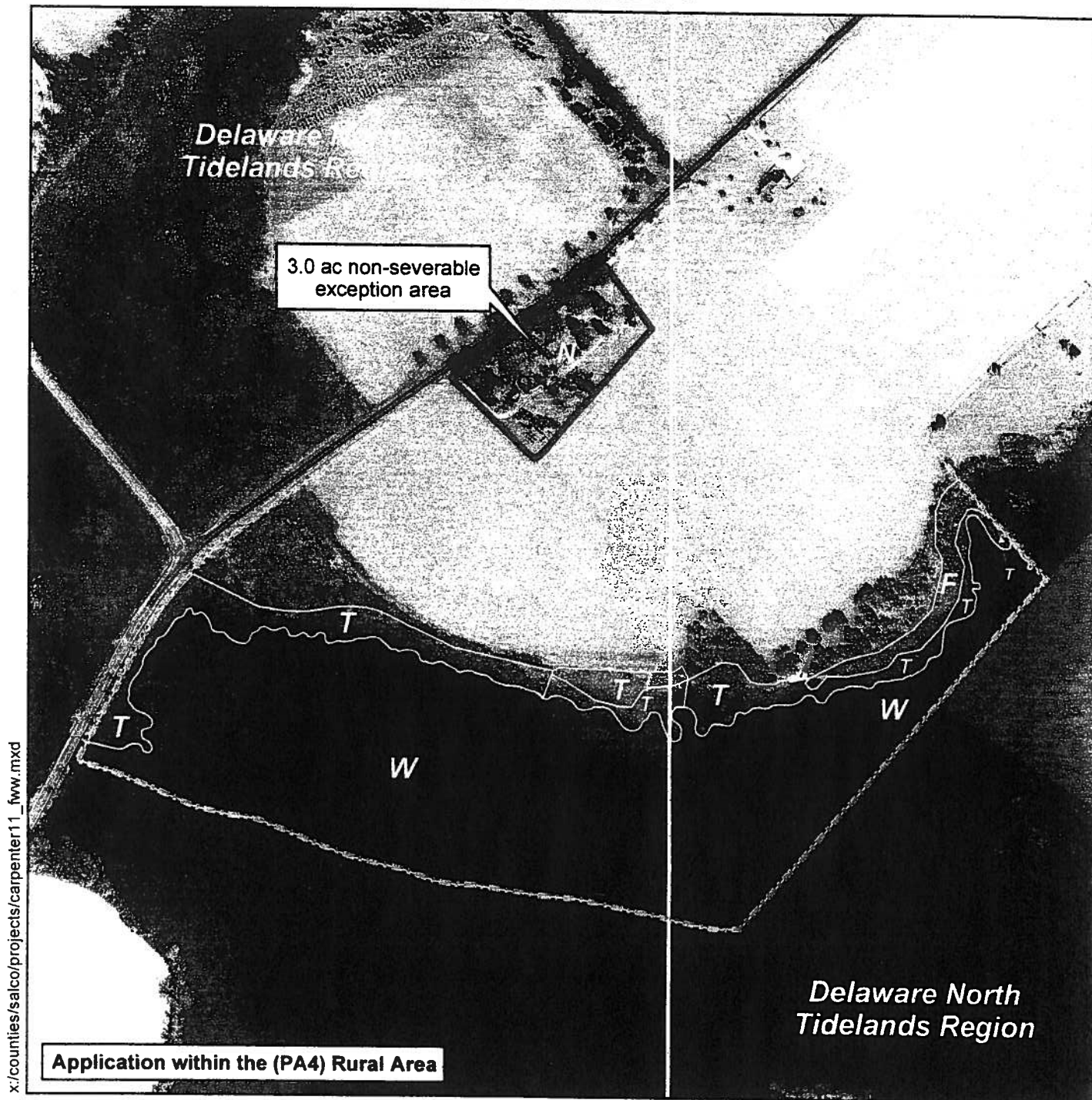


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Schedule A



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

John Carpenter/D & R Greenway
Block 39 Lots P/O 12 (67.5 ac) & P/O 12-EN (non-severable exception - 3.0 ac)
Gross Total = 70.5 ac
Mannington Twp., Salem County

500 250 0 500 1,000 Feet

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

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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 OIS & Recreation Easement
	Federal Land
	Tidelands Boundaries

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

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

January 26, 2011

Schedule B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

D&R Greenway/Carpenter, John
17- 0040-NP
FY 2011 Easement Purchase - Nonprofit
68 Acres

Block 39	Lot 12	Mannington Twp.	Salem County
SOILS:			
		Other	42.6% * 0 = .00
		Prime	57.4% * .15 = 8.61
			SOIL SCORE: 8.61
TILLABLE SOILS:			
		Cropland Harvested	44% * .15 = 6.60
		Other	56% * 0 = .00
			TILLABLE SOILS SCORE: 6.60
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 50% of the eligible costs. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st three (3) acres for existing residence & flexibility of use
 - Exception is not to be severable 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
 - 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 eligible costs ancillary to the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, N.J.A.C. 2:76-12.6 and N/J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R11(9)

**Final Approval and Authorization to
Execute Deed of Easement, Project Agreement, and Closing Documents
D&R Greenway Land Trust, Inc. - Carpenter Farm (III)
2011 Non Profit Round - SADC #17-0042 NP**

November 8, 2012

WHEREAS, on December 20, 2010 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from D&R Greenway Land Trust, Inc. ("D&R") for the Carpenter farm identified as Block 23, Lot 15, Mannington Township, Salem County, totaling approximately 33 net easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the application contains a two (2) acre non-severable exception around one existing single family residence; and

WHEREAS, as per SADC appraisal standards for Properties with significant riparian lands or non-riparian border water, the appraisers based the per acre analysis on the non-riparian and non-open water area only; and

WHEREAS, as per Policy P-3-B Supplement although the easement will include riparian and border water acreage the SADC will not provide a cost share on this area; and

WHEREAS, based on the uplands area, the farm it is approximately 70 percent cropland harvested and was in soy bean and nursery production at the time of application and meets the minimum criteria as set forth in N.J.A.C. 2:76-6.20; and

WHEREAS, on April 28, 2011 the SADC granted preliminary approval by Resolution #FY2011R4(7) to the D&R application and appropriated \$1,943,000 for the acquisition of development easements or fee simple interest to six farms which D&R had submitted including the Property; and

WHEREAS, D&R has received Final Approval for the Waddington farm in the 2011 Round and is also receiving Final Approval for the Carpenter, Jr. farm which will utilize approximately \$ 324,913 of the appropriated funds, leaving a balance of approximately \$1,618,087; and

WHEREAS, in accordance with N.J.A.C. 2:76-12.2(b) the SADC determined that any farm that has a quality score (as determined by N.J.A.C. 2:76-6.16) greater than or equal to 70% of the county average quality score as determined in the County PIG program be eligible for funding; and

WHEREAS, the Property has a quality score of 71.64 which is greater than 70% of the County average quality score of 48 as determined on June 24, 2010; and

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

WHEREAS, the SADC advised D&R of the certified value and its willingness to provide a 50 percent cost share grant pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of D&R's eligible costs and subject to available funds from the \$1,943,000 appropriated in the 2011 Nonprofit round; and

WHEREAS, in accordance with N.J.A.C. 2:76-15.1 if two appraisals have been obtained on a parcel and the difference between the two appraisal values is 10 percent of the higher appraisal value or less, the eligible land cost shall be the average of the appraisal values. The two appraisals submitted were within 10 percent of the highest appraisal value and the resulting average was \$6,550 per acre; and

WHEREAS, on September 27, 2012 the SADC certified the easement value of the Property to be \$6,550 per acre based on current zoning (as of August 29, 2012); and

WHEREAS, D&R informed the SADC that it will accept SADC cost share of \$3,275 per acre and D&R is prepared to move forward with the project; and

WHEREAS, on June 1, 2012 the Open Space Institute (OSI) awarded D&R a \$106,000 grant for the Mannington Meadows Preservation project which includes the Carpenter III farm; and

WHEREAS, on October 3, 2012 the Salem County Freeholders with Salem County Agricultural Development Board support, approved funding \$60,000 towards the Carpenter farm preservation; and

WHEREAS, the anticipated cost share participation for the project will be as follows based on 29 (non-riparian/non water boundary) acres:

Salem County Funding	\$ 60,000.00	\$2,068.97/acre	(32% of \$6,550)
OSI Funds	\$ 34,975.00	\$1,206.03/acre	(18% of \$6,550)
SADC Nonprofit Grant Funds	<u>\$ 94,975.00</u>	<u>\$3,275/acre</u>	(50% of \$6,550)
Total	\$189,950.00	\$6,550/acre; and	

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the D&R Greenway Land Trust, Inc./Carpenter III easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, that the SADC approves a 2 acre non-severable exception around the existing home that shall be limited to one single family residence; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$3,275 per acre (total of approximately \$94,975 based on 29 acres) to D&R Greenway Land Trust, Inc. for the development easement acquisition on the Property farm subject to the availability of funds; and

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

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

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

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

BE IT FURTHER RESOLVED that the SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute by signature all documents necessary to provide a grant to the D&R Greenway Land Trust, Inc. for the acquisition of a development easement on the Carpenter III farm; and

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

11-8-12

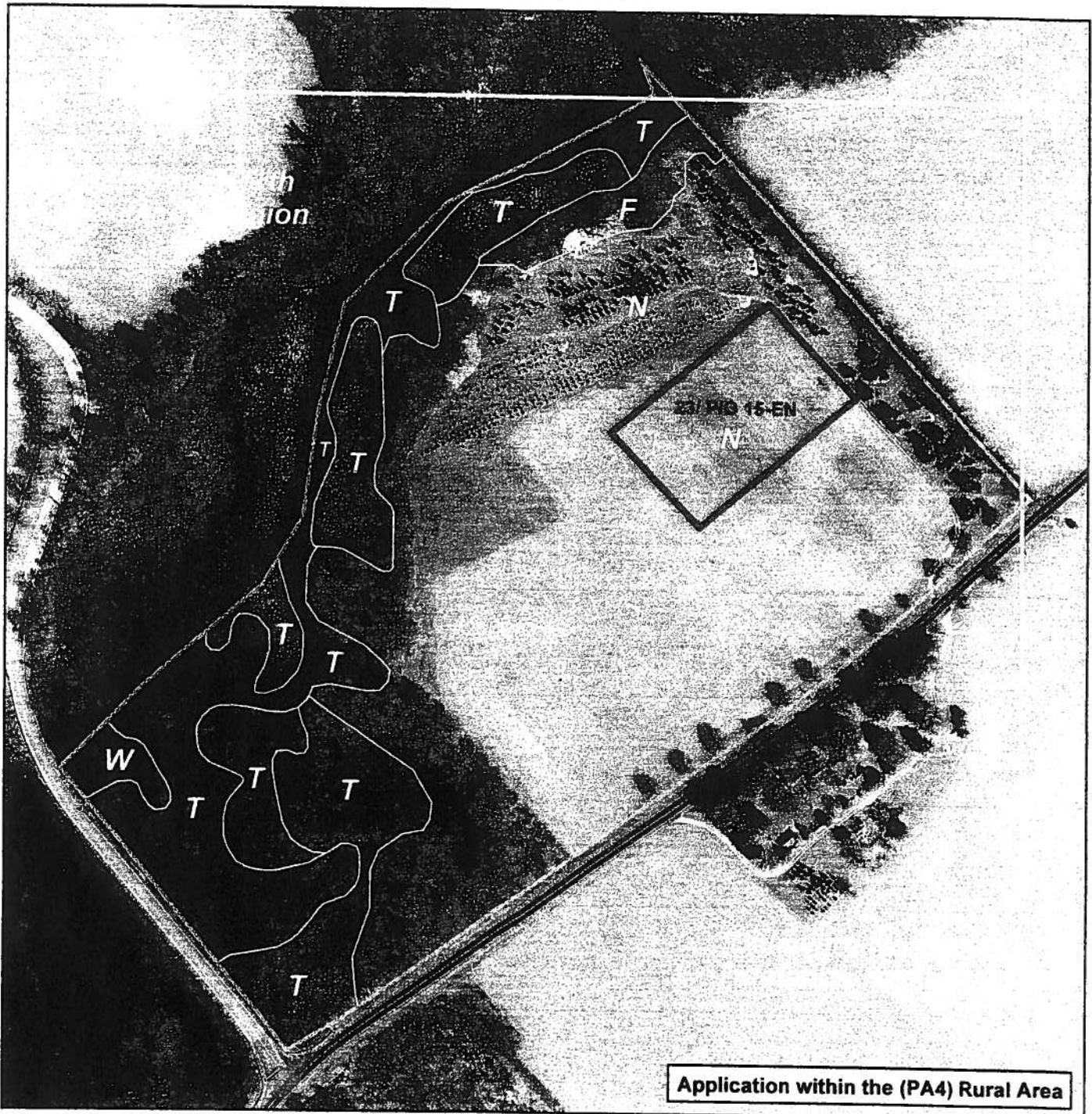
Date



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 Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	RECUSED
Peter Johnson	YES



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

John Carpenter, III/D & R Greenway
Block 23 Lots P/O 15 (32.9 ac)
& P/O 15-EN (non-severable exception - 2.0 ac)
Gross Total = 35.0 ac
Mannington Twp., Salem County

250 125 0 250 500 Feet

TIDELANDS DISCLAIMER:
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	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 ORS & Recreation Easement
	Tidelands Boundaries

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

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

Schulte B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

D&R Greenway/Carpenter, J. III
17- 0042-NP

FY 2011 Easement Purchase - Nonprofit
33 Acres

Block 23	Lot 15	Mannington Twp.	Salem County
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SOILS:	Other	14.5% *	0	=	.00
	Prime	66.13% *	.15	=	9.92
	Statewide	19.37% *	.1	=	1.94
					SOIL SCORE: 11.86

TILLABLE SOILS:	Cropland Harvested	71% *	.15	=	10.65
	Woodlands	29% *	0	=	.00
					TILLABLE SOILS SCORE: 10.65

FARM USE:	Ornament Nursery Products	25 acres
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In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 50% of the eligible costs. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st two (2) acres for around existing house
 - Exception is not to be severable from Premises
 - Exception is to be restricted to one single family residential unit
 - 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 eligible costs ancillary to the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, N.J.A.C. 2:76-12.6 and N/J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R11(10)

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

**On the Property of
Roger Ernst
November 8, 2012**

Subject Property: Roger Ernst
Block 9, Lots 3, 4, 5, 6; Block 12, Lot 1
Hopewell Twp., Cumberland County
SADC ID # 06-0053-DE
Approximately 232 Acres

WHEREAS, the State Agriculture Development Committee ("SADC") received a development easement sale application from Roger Ernst, hereinafter "Owner," identified Block 9, Lots 3, 4, 5, 6; Block 12, Lot 1 Hopewell Twp., Cumberland County, hereinafter "Property," totaling approximately 232 acres, (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on June 23, 2009, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property has a quality score of 73.01, which exceeds the Priority Quality score for Salem County of 64, and the Property's 232 acres exceeds the Priority acreage for Salem County of 95 acres, so therefore the Property is categorized as a Priority farm; and

WHEREAS, the Property is currently devoted to grain production and has approximately 89% prime soils; and

WHEREAS, a one-acre nonseverable exception area for one future single family residence is allocated to the Property; and

WHEREAS, on September 27, 2012, the SADC certified the development easement value of the Property at \$4,950 per acre based on current zoning and environmental conditions; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property at \$4,950 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for the acquisition of the development easement at a value of \$4,950 per acre (232 easement acres) for a total of approximately \$1,148,400 subject to the conditions contained in Schedule B; and

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

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

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

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

11-8-12

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 Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	YES
Peter Johnson	YES

Schedule A

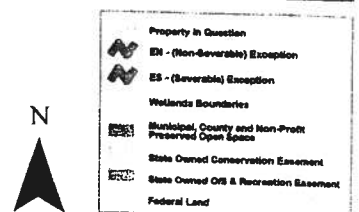


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Roger Ernst
Block 9 Lots 3 (18.1 ac); 4 (36.8 ac); 5 (60.1 ac);
P/O 6 (115.9 ac); P/O 6-EN (non-severable exception 1.0 ac)
and Block 12 Lot 1 (1.9 ac)
Gross Total - 233.8 ac
Hopewell Twp., Cumberland County

500 250 0 500 1,000 Feet

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



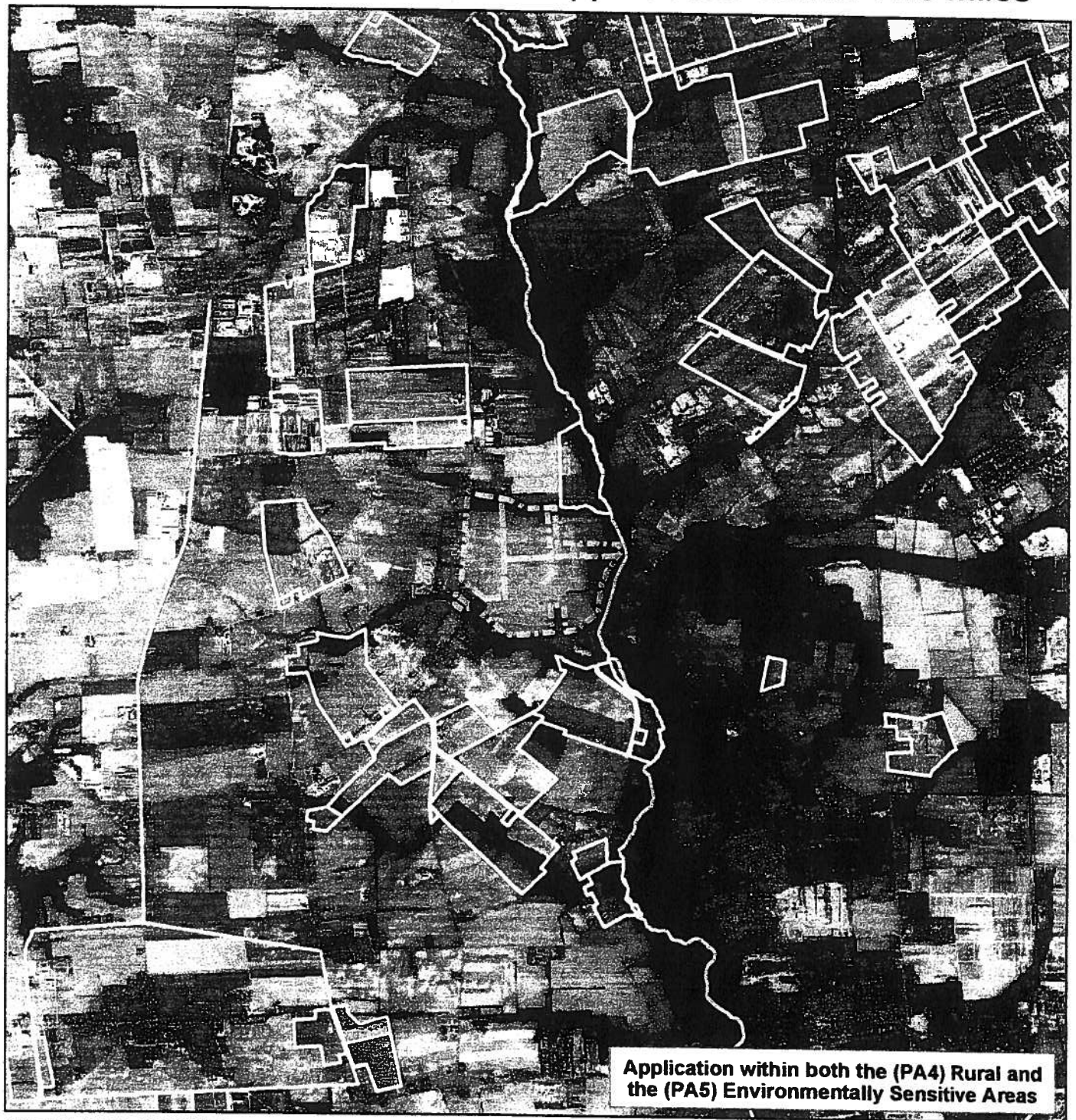
Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

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

April 16, 2010

Preserved Farms and Active Applications Within Two Miles

x:/counties/cumco/projects/ernst2_2mile.mxd

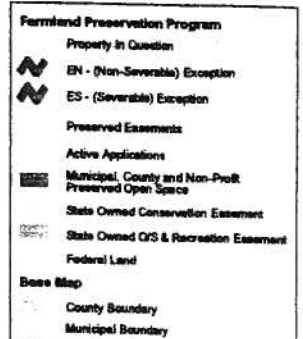


Application within both the (PA4) Rural and the (PA5) Environmentally Sensitive Areas

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Roger Ernst
Block 9 Lots 3 (18.1 ac); 4 (36.8 ac); 5 (60.1 ac);
P/O 6 (115.9 ac); P/O 6-EN (non-severable exception 1.0 ac)
and Block 12 Lot 1 (1.9 ac)
Gross Total - 233.8 ac
Hopewell Twp., Cumberland County

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



NOTE:

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

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 Digital Aerial Image
April 18, 2010

Schedule B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Ernst, Roger
State Acquisition
Easement Purchase - SADC
232 Acres

Block 9	Lot 3	Hopewell Twp.	Cumberland County
Block 9	Lot 4	Hopewell Twp.	Cumberland County
Block 9	Lot 5	Hopewell Twp.	Cumberland County
Block 9	Lot 6	Hopewell Twp.	Cumberland County
Block 12	Lot 1	Hopewell Twp.	Cumberland County

SOILS:	Other	3.43% *	0	=	.00
	Prime	89.16% *	.15	=	13.37
	Statewide	5.6% *	.1	=	.56
	Unique zero	1.81% *	0	=	.00

SOIL SCORE: 13.93

TILLABLE SOILS:	Cropland Harvested	83% *	.15	=	12.45
	Wetlands	17% *	0	=	.00

TILLABLE SOILS SCORE: 12.45

FARM USE:	Field Crop Except Cash Grain	194 acres
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This final approval is subject to the following:

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R11(11)

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

**On the Property of
Duane and Lois Cruzan
November 8, 2012**

Subject Property: Duane and Lois Cruzan
Block 10, Lots 8 & 9; Block 12, Lot 4
Hopewell Twp., Cumberland County
SADC ID # 06-0061-DE
Approximately 102 Net Easement Acres

WHEREAS, on June 8, 2010, the State Agriculture Development Committee ("SADC") received a development easement sale application from Duane and Lois Cruzan, hereinafter "Owner," identified Block 10, Lots 8 & 9; Block 12, Lot 4 Hopewell Twp., Cumberland County, hereinafter "Property," totaling approximately 102 acres, (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on June 23, 2009, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property has a quality score of 65.72, which exceeds the Priority Quality score for Cumberland County of 55, and the Property's 102 acres exceeds the Priority acreage for Cumberland County of 84 acres, so therefore the Property is categorized as a Priority farm; and

WHEREAS, the Property is currently devoted to cash-cash grain production and has 100% prime soils; and

WHEREAS, a two-acre nonseverable exception area around one existing single family residence is allocated to the Property; and

WHEREAS, on September 27, 2012, the SADC certified the development easement value of the Property at \$4,700 per acre based on current zoning and environmental conditions as of September 2012; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property at \$4,700 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for the acquisition of the development easement at a value of \$4,700 per acre (102 easement acres) for a total of approximately \$479,400 subject to the conditions contained in Schedule B; and

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

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

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

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

11-8-12

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 Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	YES
Peter Johnson	YES

Schedule A

Application within the (PA4) Rural Area

x:\counties\cumco\projects\cruzan3_fw.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Duane and Lois Cruzan
Block 10 Lots 8 (38.3 ac); P/O 9 (63.3 ac);
P/O 9-EN (non-severable exception - 2.4 ac)
and Block 12 Lot 4 (0.6 ac)
Gross Total = 104.5 ac
Hopewell Twp., Cumberland 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 ORS & Recreation Easement

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 DigitalAerial Image

May 11, 2012

Schedule B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Cruzan Farm
State Acquisition
Easement Purchase - SADC
102 Acres

Block 10	Lot 8	Hopewell Twp.	Cumberland County
Block 10	Lot 9	Hopewell Twp.	Cumberland County
Block 12	Lot 4	Hopewell Twp.	Cumberland County

SOILS:

Prime	100% *	.15	=	15.00
				SOIL SCORE: 15.00

TILLABLE SOILS:

Cropland Harvested	99% *	.15	=	14.85
Wetlands	1% *	0	=	.00
				TILLABLE SOILS SCORE: 14.85

FARM USE:

Soybeans-Cash Grain	83 acres
Wheat-Cash Grain	25 acres

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (2.4) acres for around homestead
 - Exception is not to be severable from Premises
 - Exception is to be restricted to one single family residential unit
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY13R11(12)

**SADC DIRECT EASEMENT ACQUISITION
FINAL APPROVAL**

New Jersey Agricultural Land Trust/Gary & Kathy Droppa

November 8, 2012

Subject Farm: New Jersey Agricultural Land Trust/Gary & Kathy Droppa
Block 10, Lot 2
Lower Alloways Creek Twp., Salem County
Block 29, Lot 2
Quinton Twp., Salem County
SADC ID#: 17-0242-DE
Approximately 69 Net Easement Acres

WHEREAS, on March 15, 2012 the SADC received an application to sell an agriculture development easement from New Jersey Agricultural Land Trust (NJALT) (Owner) as a contract purchaser for property identified as Block 10, Lot 2 Lower Alloways Creek Township and Block 29, Lot 2 Quinton Township, Salem County, consisting of approximately 69 net easement acres and has a quality score of 73.29, hereinafter "Property" (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easements directly to the SADC pursuant to Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and N.J.A.C. 2:76-11.5, which prioritizes applications into "Priority", "Alternate" and "Other" farms; and

WHEREAS, the Property does not meet the SADC's "Priority" category for Salem County because it is approximately 69 acres and must be 95 acres or larger to meet this Salem County "Priority" criteria, however, the Property's quality score of 73.29 does satisfy the "Priority" criteria for Salem County farms; and

WHEREAS, the Property is considered an "Alternate" farm and as per N.J.A.C. 2:76-11.6 the SADC granted preliminary approval on April 27, 2012 (Schedule B); and

WHEREAS, the Property supports a grain operation, has approximately 59% prime soils as identified in (Schedule B); and

WHEREAS, the applicant is requesting one (1) one-acre non-severable exception for a future single family residence; and

WHEREAS, on September 27, 2012, the SADC certified a development easement value of the Property at \$4,700 per acre based on current zoning and environmental conditions; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property at \$4,700 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the New Jersey Agricultural Land Trust/Gary & Kathy Droppa application, for the direct acquisition of the development easement at a value of \$4,700 per acre for a total of approximately \$324,300 subject to the conditions contained in (Schedule B); and

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

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

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

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

11-8-12

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

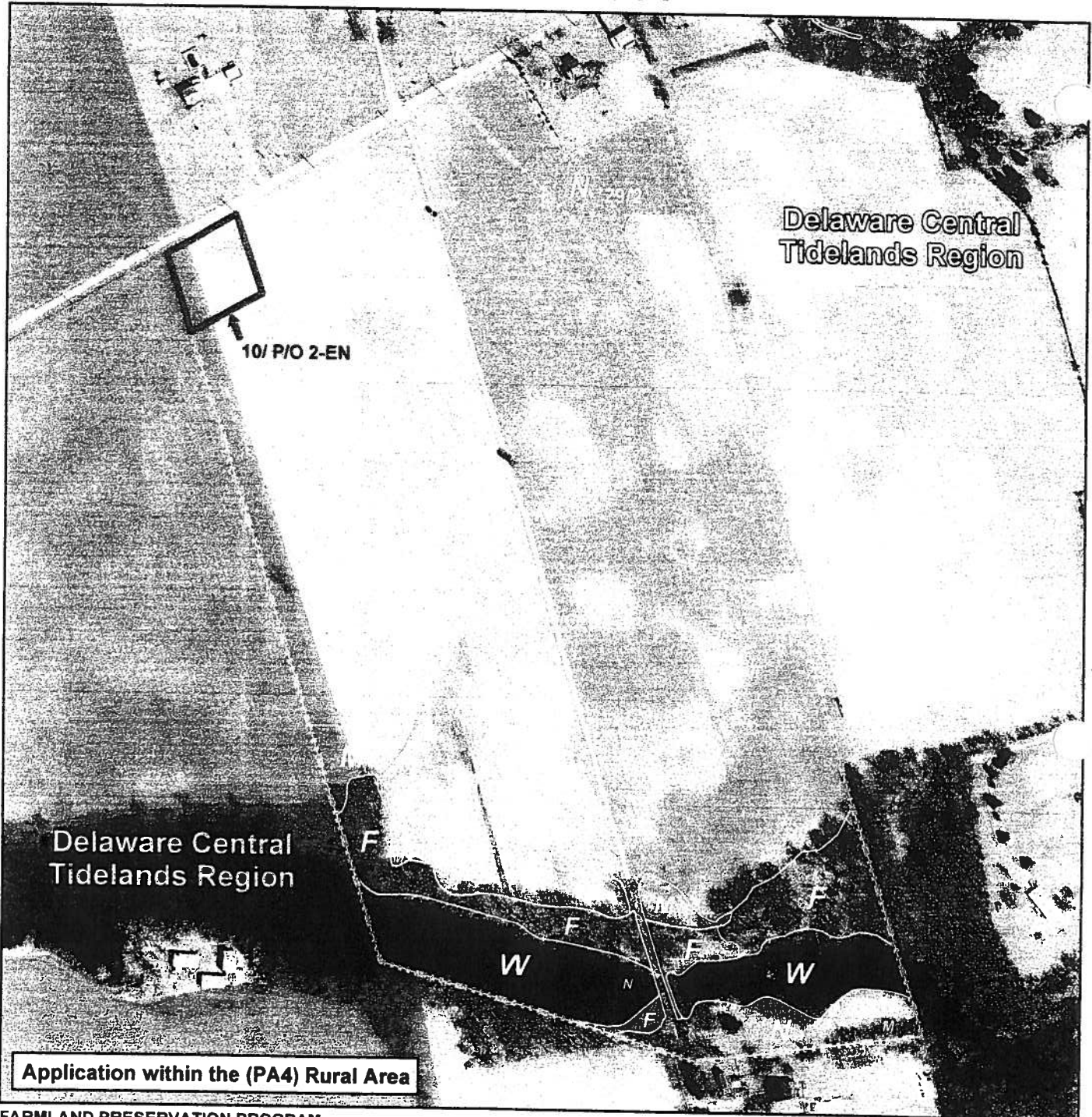
VOTE WAS RECORDED AS FOLLOWS

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

S:\DIRECT EASEMENT PURCHASE\All Counties\SALEM\NJALT (Droppa)\final approval resolution.doc

Schedule A

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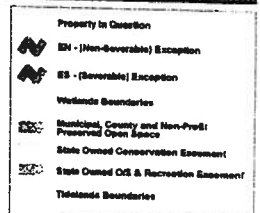


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Gary S. Droppa
Lower Alloways Creek Twp. - Block 10 Lots P/O 2 (64.9 ac) &
P/O 2-EN (non-severable exception - 1.0 ac)
Quinton Twp. - Block 29 Lot 2 (4.2 ac)
Gross Total = 70.1 ac --
Salem County

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

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



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

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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Schedule B

Dropa Farm
State Acquisition
Easement Purchase - SADC
69 Acres

Block 10	Lot 2	Lower Alloways Creek	Salem County
Block 29	Lot 2	Quinton Twp.	Salem County
SOILS:			
	Other	6% * 0	= .00
	Prime	59% * .15	= 8.85
	Statewide	24% * .1	= 2.40
	Unique zero	11% * 0	= .00
			SOIL SCORE: 11.25
TILLABLE SOILS:		Cropland Harvested	94% * .15 = 14.10
		Wetlands	6% * 0 = .00
			TILLABLE SOILS SCORE: 14.10
FARM USE:		Field Crop Except Cash Grain	acres

This final approval is subject to the following:

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R11(13)

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

**On the Property of
Greenacre Mannington LLC**

November 8, 2012

Subject Property: Greenacre Mannington LLC
Block 21, Lot 11
Mannington Twp., Salem County
SADC ID # 17-0220-DE
Approximately 95 Easement Acres

WHEREAS, on April 21, 2010, the State Agriculture Development Committee ("SADC") received a development easement sale application from Greenacre Mannington LLC, hereinafter "Owner," identified as Block 12, Lot 11, Mannington Twp., Salem County, hereinafter "Property," totaling approximately 95 net easement acres, (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on June 23, 2009, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property has a quality score of 73.75, which exceeds the Priority Quality score for Salem County of 64, and the Property's 118.5 acres meets the Priority acreage for Salem County of 95 acres, so therefore the Property is categorized as a Priority farm; and

WHEREAS, the Property is currently devoted to grain production and has 100% prime soils; and

WHEREAS, a one-acre nonseverable exception area for one future single family residence is allocated to the Property; and

WHEREAS, on September 27, 2012, the SADC certified the development easement value of the Property at \$5,500 per acre based on current zoning and environmental conditions; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property at \$5,500 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for the acquisition of the development easement at a value of \$5,500 per acre (approximately 95 easement acres) for a total of approximately \$522,500 subject to the conditions contained in Schedule B; and

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

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

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

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

11-8-12

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

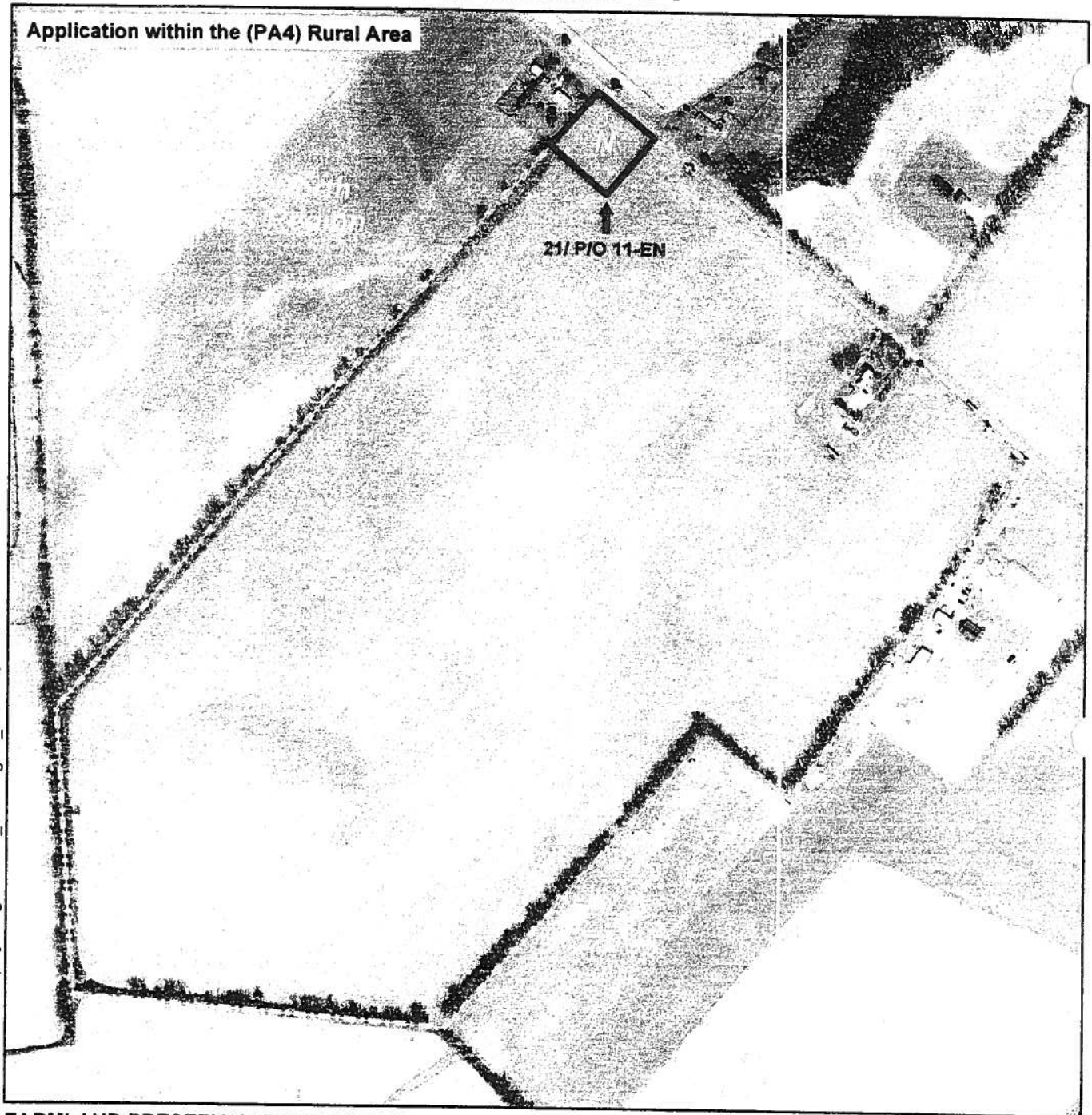
VOTE WAS RECORDED AS FOLLOWS

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

Schedule A

Application within the (PA4) Rural Area

x:\counties\salto\projects\greenacre_mannington_fw.w.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Greenacre Mannington, LLC
Block 21 Lots P/O 11 (95.6 ac) and P/O 11-EN (non-severable exception - 1.0 ac)
Gross Total - 96.6 ac
Mannington Twp., Salem 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 O/S & Recreation Easement
	Federal Land
	Tidelands Boundaries

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

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

April 19, 2010

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Schedule B

Greenacre Mannington LLC
State Acquisition
Easement Purchase - SADC
95 Acres

Block 21	Lot 11	Mannington 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	95 acres	

This final approval is subject to the following:

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R11(14)

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

**On the Property of
R. Peterson Family Farm, LLC
November 8, 2012**

Subject Property: R. Peterson Family Farm, LLC
Block 3, Lot 4
Quinton Twp., Salem County
SADC ID # 17-0140-DE
Approximately 181 Easement Acres

WHEREAS, on March 2, 2012, the State Agriculture Development Committee ("SADC") received a development easement sale application from R. Peterson Family Farm, LLC, hereinafter "Owner," identified as Block 3, Lot 4, Quinton Twp., Salem County, hereinafter "Property," totaling approximately 181 acres, (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 28, 2011, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property has a quality score of 72.20, which exceeds the Priority Quality score for Salem County of 64, and the Property's 181 acres exceeds the Priority acreage for Salem County of 95 acres, so therefore the Property is categorized as a Priority farm; and

WHEREAS, the Property is currently devoted to soybean and wheat production and has 57% prime and 32% statewide soils; and

WHEREAS, a 2.5-acre nonseverable exception area around the farmstead and one existing single family residence is allocated to the Property; and

WHEREAS, on September 27, 2012, the SADC certified the development easement value of the Property at \$4,600 per acre based on current zoning and environmental conditions; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property at \$4,600 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for the acquisition of the development easement at a value of \$4,600 per acre (181 easement acres) for a total of approximately \$832,600 subject to the conditions contained in Schedule B; and

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

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

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

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

11-8-12

Date



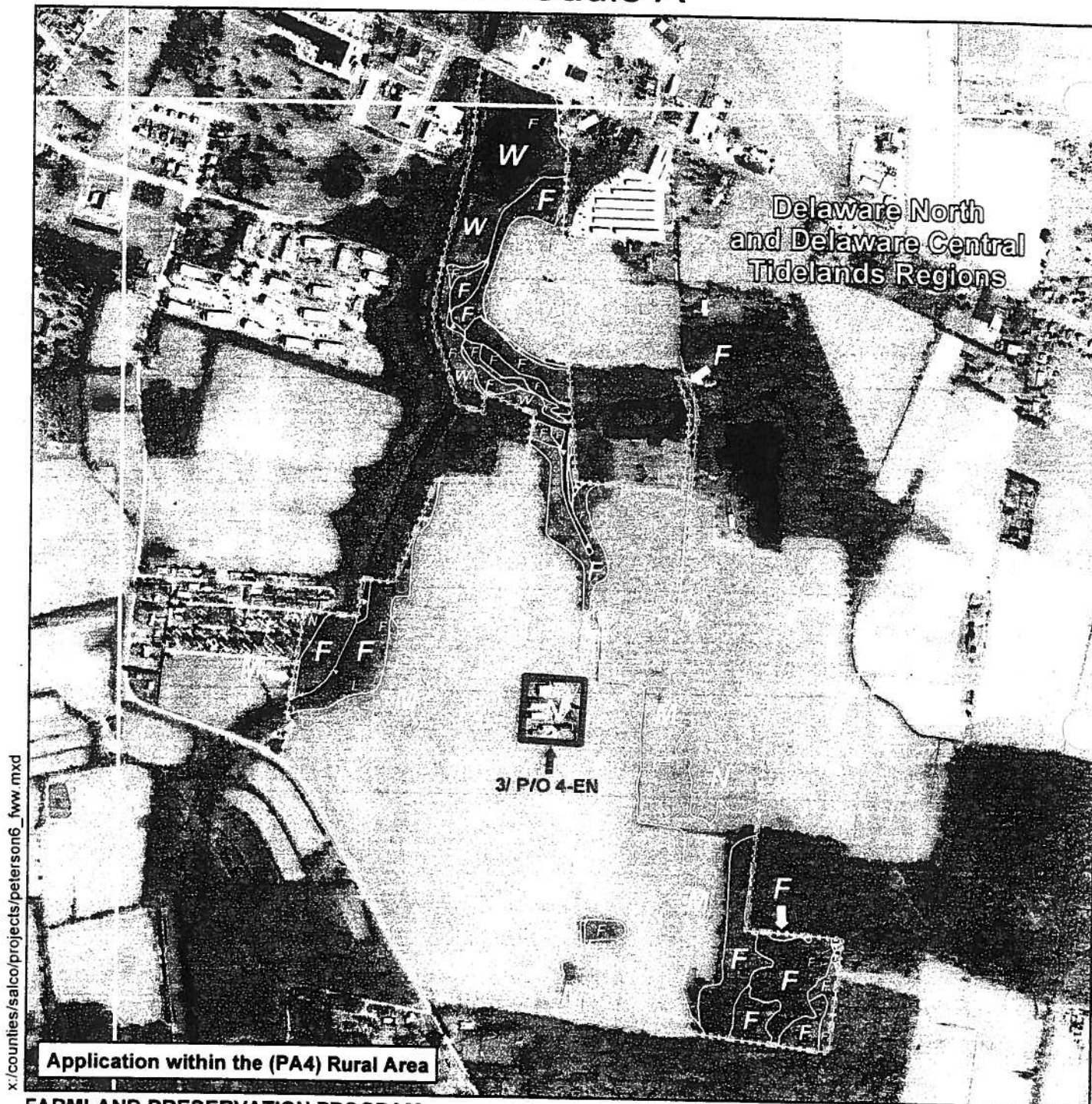
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

S:\DIRECT EASEMENT PURCHASE\All Counties\SALEM\Peterson, Russell\final approval resolution.doc

Schedule A



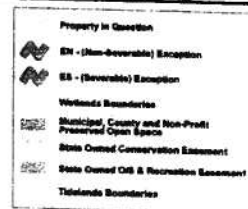
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Russell L. Peterson, Sr.
Block 3 Lots P/O 4 (180.3 ac)
& P/O 4-EN (non-severable exception - 2.5 ac)
Gross Total = 182.8 ac
Quinton Twp., Salem County

500 250 0 500 1,000 1,500 Feet

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

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

May 14, 2012

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

R. Peterson Family Farm, LLC
State Acquisition
Easement Purchase - SADC
181 Acres

Block 3	Lot 4	Quinton Twp.	Salem County
SOILS:		Other	9.97% * 0 = .00
		Prime	57.92% * .15 = 8.69
		Statewide	32.11% * .1 = 3.21
			SOIL SCORE: 11.90
TILLABLE SOILS:		Cropland Harvested	76% * .15 = 11.40
		Other	5% * 0 = .00
		Wetlands	10% * 0 = .00
		Woodlands	9% * 0 = .00
			TILLABLE SOILS SCORE: 11.40
FARM USE:	Field Crop Except Cash Grain	120 acres	soybeans, wheat

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (2.5) acres for around homestead
Exception is not to be severable from Premises
Exception is to be restricted to one single family residential unit
 - c. Additional Restrictions: No Additonal 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
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R11(15)

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

**On the Property of
Tark & Rauch Farm
November 8, 2012**

Subject Property: Tark & Rauch Farm
Block 8, Lots 1 & 1.02; Block 17, Lot 16
Quinton Twp., Salem County
SADC ID # 17-0201-DE
Approximately 128 Easement Acres

WHEREAS, on February 10, 2009, the State Agriculture Development Committee ("SADC") received a development easement sale application from Ernest Tark and Maxine Rauch, hereinafter "Owner," identified as Block 8, Lots 1 & 1.02; Block 17, Lot 16, Quinton Twp., Salem County, hereinafter "Property," totaling approximately 128 acres, (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on June 23, 2009, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property has a quality score of 64.89, which exceeds the Priority Quality score for Salem County of 64, and the Property's 128+/- acres exceeds the Priority acreage for Salem County of 95 acres, so therefore the Property is categorized as a Priority farm; and

WHEREAS, the Property is currently devoted to hay and cash-cash grain production and has 58% prime and 34% statewide soils; and

WHEREAS, a 3-acre non-severable exception area for one future single family residence is allocated to the Property; and

WHEREAS, on September 27, 2012, the SADC certified the development easement value of the Property at \$4,600 per acre based on current zoning and environmental conditions; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property at \$4,600 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for the acquisition of the development easement at a value of \$4,600 per acre (128 easement acres) for a total of approximately \$588,800 subject to the conditions contained in Schedule B; and

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

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

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

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

11-8-12

Date

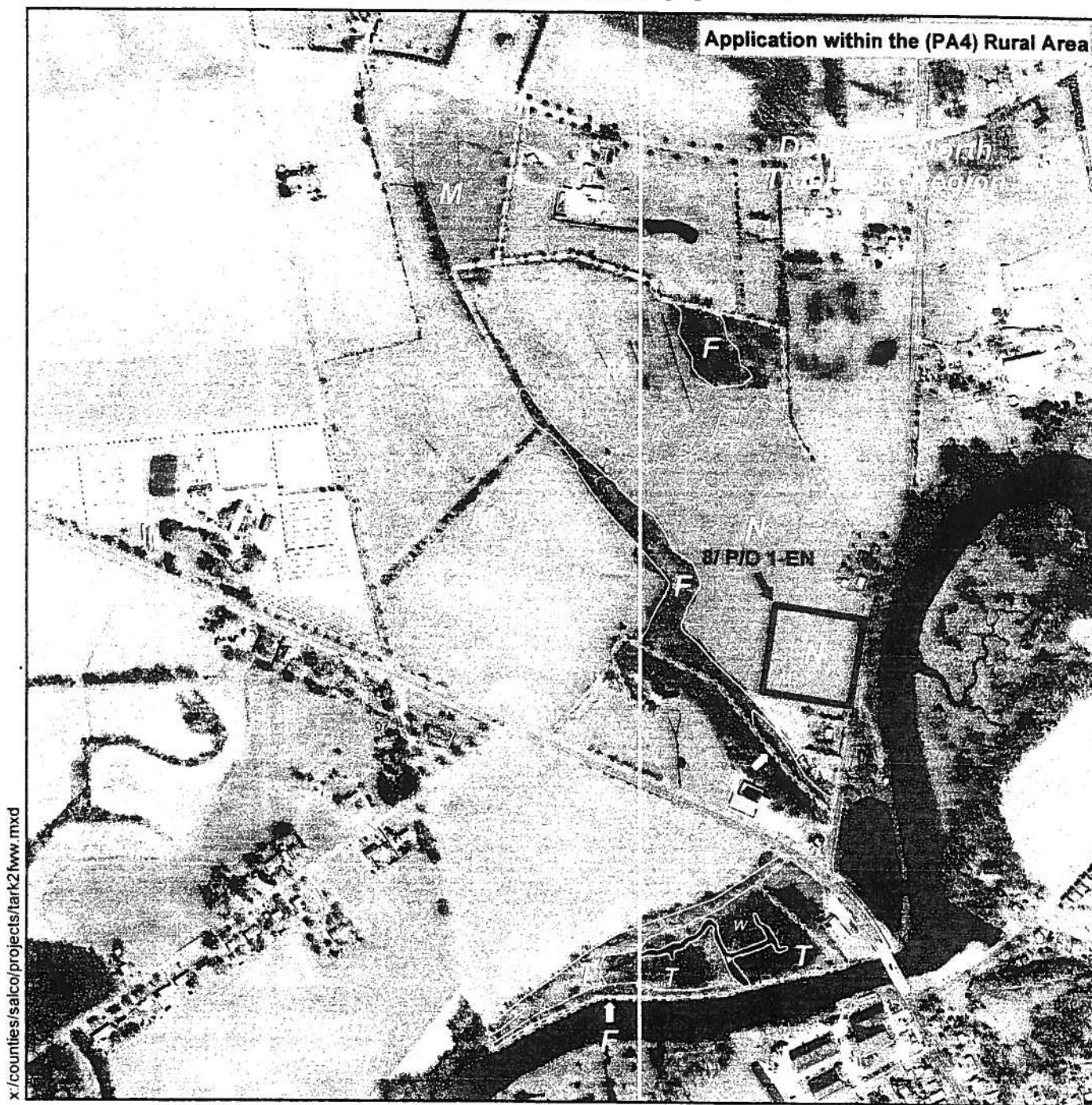


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Schedule A



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Ernest Tark/NJCF (# 2)
Block 8 Lots P/O 1 (61.4 ac)
P/O 1-EN (non-severable exception - 3.1 ac) & 1.02 (34.2 ac)
and Block 17 Lot 16 (29.2 ac)
Total = 127.9 ac
Quinton Twp., Salem County

500 250 0 500 1,000 Feet

TIDELANDS DISCLAIMER
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	Property in Question
	SN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned ORS & Recreation Easement
	Federal Land
	Tidelands Boundaries

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

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

March 3, 2009

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Tark Farm #2
State Acquisition
Easement Purchase - SADC
128 Acres

Block 8	Lot 1	Quinton Twp.	Salem County
Block 8	Lot 1.02	Quinton Twp.	Salem County
Block 17	Lot 16	Quinton Twp.	Salem County

SOILS:	Other	1% * 0	=	.00
	Prime	58% * .15	=	8.70
	Statewide	34% * .1	=	3.40
	Unique zero	7% * 0	=	.00

SOIL SCORE: 12.10

TILLABLE SOILS:	Cropland Pastured	8% * .15	=	1.20
	Cropland Harvested	79% * .15	=	11.85
	Woodlands	13% * 0	=	.00

TILLABLE SOILS SCORE: 13.05

FARM USE:	Hay	102 acres
	Corn-Cash Grain	10 acres

This final approval is subject to the following:

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R11(16)

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

**On the Property of
Joseph V. Vasta**

November 8, 2012

Subject Property: Joseph V. Vasta
Block 255, Lots 4, 15 & 26
Carneys Point Twp., Salem County
SADC ID # 17-0179-DE
Approximately 161 Easement Acres

WHEREAS, on February 13, 2007, the State Agriculture Development Committee ("SADC") received a development easement sale application from Joseph V. Vasta, hereinafter "Owner," identified as Block 255, Lots 4, 15 & 26, Carneys Point Twp., Salem County, hereinafter "Property," totaling approximately 161 acres, (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on , 2011, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, Block 255 Lots 4 & 26 are not located within the County designated Agricultural Development Area (ADA); and

WHEREAS, the Property has a quality score of 63.73, which exceeds the Priority Quality score for Salem County of 62, and the Property's 161 acres exceed the Priority acreage for Salem County of 95 acres, so therefore the Property is categorized as a Priority farm; and

WHEREAS, the Property is currently devoted to sod production and has 24% Statewide soils; and

WHEREAS, there is one single family residence and no non-agricultural uses on the premises, and no exception areas have been requested or allocated; and

WHEREAS, the landowner has read and signed the guidance documents regarding Division of Premises, Exception Areas and Non-Agricultural Uses; and

WHEREAS, on September 27, 2012, the SADC certified the development easement value of the Property at \$6,200 per acre based on current zoning and environmental conditions as of July 2012; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property at \$6,200 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for the acquisition of the development easement at a value of \$6,200 per acre (161 easement acres) for a total of approximately \$998,200 subject to the conditions contained in Schedule B; and

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

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

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

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

11-8-12

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 Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	YES
Peter Johnson	YES

Schedule A



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Joseph Vasta
Block 255 Lots 4 (26.7 ac), 15 (129.2 ac) & 26 (5.3 ac)
Gross Total = 161.1ac
Carneys Point Twp., Salem County

500 250 0 500 1,000 Feet

TIDELANDS DISCLAIMER:
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	Property in Question
	EN - (Non-Reversible) Exception
	ES - (Reversible) Exception
	Wetlands Boundaries
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned OES & Recreation Easement
	Federal Land
	Tidelands Boundaries



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

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

October 27, 2011

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Vasta Farms Sod
State Acquisition
Easement Purchase - SADC
161 Acres

Block 255	Lot 15	Carneys Point Twp.	Salem County
Block 255	Lot 4	Carneys Point Twp.	Salem County
Block 255	Lot 26	Carneys Point Twp.	Salem County

SOILS:	Other	75.34% *	0	=	.00
	Statewide	24.66% *	.1	=	2.47

SOIL SCORE: 2.47

TILLABLE SOILS:	Cropland Harvested	88% *	.15	=	13.20
	Wetlands	10% *	0	=	.00
	Woodlands	2% *	0	=	.00

TILLABLE SOILS SCORE: 13.20

FARM USE:	Sod	10 acres
	Field Crop Except Cash Grain	130 acres (sweet corn, wheat, soybean, field corn)

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions 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
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R11(17)

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

**On the Property of
Beverly Arnold**

November 8, 2012

Subject Property: Beverly Arnold
Block 2, Lot 5; Block 3, Lot 6; Block 14, Lot 16
Greenwich Twp., Cumberland County
SADC ID# 06-0064-DE
Approximately 281 Net Easement Acres

WHEREAS, on October 12, 2010, Cumberland County submitted a FY2011 County PIG Program application for a property identified as Block 2, Lot 5; Block 3, Lot 6; Block 14, Lot 16, Greenwich Twp., Cumberland County, hereinafter "Property," totaling approximately 281 net easement acres, (Schedule A); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on January 6, 2011 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, the Property has two existing single family homes and the landowner has declined to request exception areas; and

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

WHEREAS, the Property is currently devoted to production of soybeans, corn alfalfa and hay, has 44% Prime soils and 47% Statewide soils; and

WHEREAS, Cumberland County submitted appraisals and on February 7, 2011, the SADC certified the development easement value of the Property at \$6,000 per acre based on current zoning and environmental conditions; and

WHEREAS, on March 15, 2011, the Owner accepted the County's offer to purchase the development easement on the Property at \$6,000 per acre; and

WHEREAS, the Township of Greenwich granted final approval to the preservation of the Property on July 12, 2011; and

WHEREAS, the New Jersey Conservation Foundation (NJCF), has secured United States Department of Agriculture, Natural Resources Conservation Service (NRCS) Federal Farm and Ranch lands Protection Program Grant (FRPP) funding for the application; and

WHEREAS, the FRPP funding requires that the easement be purchased by no later than December 20, 2012 and at this time no extensions have been secured, therefore, approximately \$800,000 in possible FRPP funding could be rescinded; and

WHEREAS, the landowner has agreed to the additional restrictions involved with the use of FRPP Grant funding, including an impervious coverage restriction of 6% equal to approximately 16.8 acres of land available for agricultural buildings on the farm; and

WHEREAS, because the County has expended its entire FY2011 \$1,500,000 Base Grant allocation and all but \$71,012 of its Competitive Grant eligibility the County has requested SADC assistance in preserving this property through a transfer to the SADC Direct Easement program in order to attempt a closing prior to the FRPP December 20, 2012 deadline; and

WHEREAS, the landowner has also agreed to the transfer in order to expedite closing; and

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 28, 2011 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property has a quality score of 65.22 which exceeds the Priority Quality score for Cumberland County of 56, and the Property's 281 acres exceeds the Priority acreage for Cumberland County of 84 acres, and therefore the Property is categorized a Priority farm; and

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

WHEREAS, Cumberland County has agreed to contribute 35% of the purchase price (\$2,100 per acre) toward the acquisition of the development easement on the Property; and

WHEREAS, the anticipated FRPP contribution is approximately \$800,000; and

WHEREAS, the cost share breakdown is approximately as follows (based on an estimated 281 acres):

		Total	
SADC	\$1,053.02 per acre	\$295,900	(17.55%)
Cumberland County	\$2,100.00 per acre	\$590,100	(35.00%)
FRPP	<u>\$2,846.98 per acre</u>	<u>\$800,000</u>	(47.45%)
	\$6,000.00 per acre	\$1,686,000; and	

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Arnold Farm application under the SADC Direct Easement Purchase Program, for the acquisition of the development easement at an estimated SADC cost of approximately \$ 1,053.02 per acre for a total of approximately \$295,900 and at total purchase price of \$6,000 per acre for an approximate total easement cost of \$1,686,000 subject to the conditions contained in Schedule B; and

BE IT FURTHER RESOLVED that the SADC hereby approves the transfer of the application from the County PIG Program to the SADC Direct Easement Purchase Program; and

BE IT FURTHER RESOLVED, if the designated FY2010 FRPP grant funds are not obtained, alternative FRPP grant funds would be sought to replace the current estimated amount; and

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

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

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an

Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; and

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

11-8-12

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 Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	RECUSED
Peter Johnson	YES

S:\DIRECT EASEMENT PURCHASE\All Counties\CUMBERLAND\Arnold\final approval resolution.doc

Schedule A



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Beverly Arnold
Block 2 Lot 5 (217.6 ac), Block 3 Lot 6 (0.2 ac)
Greenwich Twp.
Block 14 Lot 16 (63.5 ac)
Stow Creek Twp.
Gross Total = 281.3 ac
Cumberland County

1,000 500 0 1,000 2,000 Feet

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

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



Property in Question	
	BN - (Non-Severable) Exception
	BS - (Severable) Exception
Wetlands Boundaries	
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned OVS & Recreation Easement
	Federal Land
	Tidelands Boundaries

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

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

October 20, 2010

Schedule B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Arnold Farm
State Acquisition
Easement Purchase - SADC
277 Acres

Block 2	Lot 5	Greenwich Twp.	Cumberland County
Block 3	Lot 6	Greenwich Twp.	Cumberland County
Block 14	Lot 16	Stow Creek Twp.	Cumberland County

SOILS:	Other	4% * 0	=	.00
	Prime	44% * .15	=	6.60
	Statewide	47% * .1	=	4.70
	Unique zero	5% * 0	=	.00

SOIL SCORE: 11.30

TILLABLE SOILS:	Cropland Harvested	40% * .15	=	6.00
	Permanent Pasture	16% * .02	=	.32
	Wetlands	3% * 0	=	.00
	Woodlands	41% * 0	=	.00

TILLABLE SOILS SCORE: 6.32

FARM USE: Corn-Cash Grain acres

This final approval is subject to the following:

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

