

**STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC)
REGULAR MEETING**

**REMOTE MEETING DUE TO CORONAVIRUS
EMERGENCY**

March 25, 2021

Chairman Fisher called the meeting to order at 9:02 am.

Ms. Payne read the notice stating that the meeting was being held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.

Ms. Payne advised that anyone wishing to make a public comment at this meeting should email their comments to SADC@AG.NJ.GOV. All public comments will be read during the public comment portions of the meeting.

Roll call indicated the following:

Members Present

Chairman Fisher
Martin Bullock
Scott Ellis
Denis Germano
Pete Johnson
Roger Kumpel
James Waltman
Gina Fischetti
Cecile Murphy
Brian Schilling
Ralph Siegel

Members Absent

Richard Norz

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

Minutes**A. SADC Regular Meeting of February 25, 2021 (Open Session)**

Mr. Siegel moved to approve the Open Session minutes of the SADC regular meeting of February 25, 2021 with an amendment to the minutes to reflect the discussion that occurred at the last meeting concerning the 6-acre provision of the Soil Protection Standards (SPS). Mr. Siegel stated that he made a lengthy statement that was followed by discussion involving Mr. Waltman and Mr. Schilling and he would like it added to the minutes so it is reflected in the records of the SADC. Ms. Payne asked Mr. Siegel if there was a particular amendment that he would like included. Mr. Siegel stated that he made a statement that the 6-acre rule was unacceptable and there was discussion following his statement which was not included in the minutes.

Mr. Waltman stated that his proposed amendments address, in part, Mr. Siegel's concerns. Ms. Payne stated that Mr. Waltman sent recommended edits to the Open Session minutes of the February 25, 2021 meeting. Ms. Uttal read the proposed amendment which stated, "Mr. Waltman referred to the letter he wrote to Secretary Fisher on February 19 that was distributed to the committee. He pointed out that the proposed standards would allow as much as 60% of a 10-acre preserved farm and 30% of a 20-acre preserved farm to be damaged by cut and fill activities. He reminded the committee that Quaker Valley Farms was found to be in violation of its Deed of Easement for cut and fill activities that impacted 16.7% of that farm's land. Mr. Waltman pointed out that the proposed standards would allow as much as 60% of a 10-acre preserved farm, 30% of a 20-acre preserved farm and 20% of a 30-acre preserved farm to be covered with buildings and pavement and that such farms can be covered by an additional 5% of gravel for parking and travel lanes under the proposal. He stated that he is aware of a number of towns that have limited lot coverage in their rural and agricultural zones to a much lower percentage."

Chairman Fisher stated that, generally speaking, the minutes are known to reflect the discussions at the meetings unless it was just general conversation. Mr. Waltman stated that he was not allowed to get a vote on an amendment that Chairman Fisher requested at the previous meeting and he is troubled with the process that took place at the last meeting. He noted that at the very least the minutes of last month's meeting should reflect the core of the debate which is whether it's appropriate to allow up to 60% of a smaller preserved farm to be impacted by cut and fill activities and/or covered with pavement and buildings and it was not mentioned in the minutes.

Ms. Payne stated that Mr. Waltman's proposed amendments are accurate and she asked Mr. Siegel if Mr. Waltman's proposed amendments to the minutes satisfies his request for changes as well. Mr. Siegel stated that he would like it mentioned that he also made a statement objecting to the 6-acre minimum and otherwise felt that Mr. Waltman's proposed amendment would be a satisfactory amendment to the minutes. Ms. Payne stated that a motion can be made to approve the minutes with amendments as submitted by Mr. Waltman with the addition of making reference to Mr. Siegel's agreement on that same point.

It was moved by Mr. Siegel and seconded by Mr. Germano to approve the Open Session minutes of the SADC regular meeting of February 25, 2021 with amendments as submitted by Mr. Waltman with the addition of making reference to Mr. Siegel's agreement on that same point. Cecile Murphy abstained from the vote. The motion was approved by the remaining members.

Report of the Chairman

Chairman Fisher stated that the committee has many sizeable initiatives that it is working on for current and future farms and farmers which involve Special Occasion Events (SOEs), Soil Protection Standards (SPSs), and solar. Chairman Fisher shared a video with the committee that was produced by Michelle Infante-Casella, Agricultural Agent and Professor at Rutgers University. The video is dedicated to New Jersey Farmers for their outstanding contributions and shows many interesting farm operations, some of which include the farmer committee members. He noted that the video is a reminder of the breadth and depth of farming in NJ. Mr. Schilling thanked Chairman Fisher for showing this video to the committee. He noted that Ms. Casella did a wonderful job on the video and it makes him proud to be a part of the agricultural industry. Ms. Payne stated that she spent 16 years in Burlington County and what she enjoyed most was meeting the farmers and their families. She noted that this video is a reminder of the people that keep agriculture viable in the state. Mr. Ellis stated that he knows Ms. Casella and that she is very good at what she does.

Chairman Fisher stated that Somerset County celebrated National Agriculture Day on March 19, 2021 and developed a new online tool for locating farm markets. There are 110 farms enrolled in the preservation program of Somerset County with 8,200 acres in total. The SADC currently has 10 active applications from Somerset: 2 nonprofit, 2 county and 6 municipal applications. Ms. Payne stated that this online tool is characterized as a story board which is aimed at the general public to help them understand the history of agriculture in Somerset. She noted that it's a very effective way to break down comprehensive issues for the public. Chairman Fisher stated that this is a great reminder for everyone as to how extraordinary this is and of the work done to keep it that way.

Report of the Executive Director

Ms. Payne announced that Ms. Rachel DeFlumeri joined the staff as a regional coordinator on the Acquisition team and that she is excited to have her on board. Ms. Payne stated that Ms. Gillian Armstrong, resource specialist of Stewardship and Agriculture development, has accepted a position with Danon yogurt as a liason between dairy farmers and the Danon company. Ms. Payne stated that Ms. Armstrong will be very successful in her new position and wished her the best in her future endeavors.

Ms. Payne stated that staff has been very busy working with SOEs. She noted that there were two competing bills involving SOE issues. The first bill was S2714, the senate version sponsored by Senator Sarlo, which went all the way through the senate and achieved a floor vote. The assembly took up that bill and approved amendments to it. That bill number with amendments is A5478, which makes substantial changes to the senate bill. That alternate bill

was released by the assembly appropriations committee and is scheduled for a floor vote in the assembly tomorrow.

She explained that if that passes in the assembly then it would have to go back to the senate for a concurrent vote to consolidate the bills. The original senate bill was much closer to what the SADC had recommended in its report to the legislature, so it is a bit concerning to see the assembly bill head in this direction. One difference between the bills is that the assembly bill does not require county or grantee approval of events being held unless there are over 250 people. It would allow up to 30 events a year for those making under \$100,000 in agricultural income and allow for 52 events for those farms making \$100,000 or more in agricultural income. Chairman Fisher added that one event can last up to 3 days. Ms. Payne stated the fact that the vast majority of those events can be held without seeing approval from the holder of the easement is of concern. Secondly, it has, in her thinking, relatively meaningless enforcement provisions financially and administratively.

Ms. Payne stated that this issue is coming to a head and a resolution will be in place soon; once a law is passed and signed, staff will be spending a lot more time on this. Mr. Johnson stated that the number of events seem to be in line with the number the SADC suggested. Ms. Payne stated the SADC suggested 15 events per year for farms making less than \$100,000 annually and 26 events per years for farms making more than \$100,000 annually, so these new numbers are double what the SADC suggested.

Chairman Fisher reported that Rutgers University recently held a solar voltaic meeting that he and Mr. Schilling attended. The meeting discussed various solar arrays and conditions that are possible with dual use solar voltaic. Chairman Fisher stated that he appreciates the work that Rutgers is doing with solar. Mr. Schilling stated that Rutgers University has a committee of people from engineering and agriculture who put the event together. Rutgers collaborated with colleagues from Massachusetts that have a more established program from which to learn. Mr. Schilling noted that there are many different technologies and Rutgers' goal is to have demonstrations on their own farms to learn about what technologies are best and to understand the economics involved.

Ms. Payne stated that the Right to Farm Act (RTFA) was recently amended to extend RTF protection eligibility to agricultural labor housing for year-round, full time equine laborers. The question that emerged was whether CADBs could entertain complaints or site-specific agricultural management practice (SSAMP) requests related to equine ag labor housing prior to the SADC adopting rules. The issue was referred to the attorney general's office and the SADC received advice. The contents of the advice cannot be discussed in the Open Session portion of the meeting, but all committee members have a copy of the advice.

Staff believes that its possible for CADBs to entertain these requests or complaints because the enabling law was very detailed in terms of the definitions of who qualifies and exactly what kind of ag labor housing can receive protection. Also, the RTFA allows CADBs to issue SSAMPs for agricultural activities for which the SADC has not yet promulgated rules. Staff will be sending out information to the CADBs to bring them up to speed on these amendments and to help them acclimate to the new provisions of the law.

Mr. Johnson asked if the DOE subcommittee was going to address the topic of solar energy again and attempt to marry revised solar standards with the soil protection standards as there is 110% electrical usage restriction on solar generation on preserved farms currently. Ms. Payne stated that the 110% or 1% of the premises, whichever is greater, allowance is a statutory provision. None of the bills that were introduced disturb that current limit on preserved farms, therefore, that's not within the SADCs power to change because it is a statutory provision. Ms. Payne noted that a lot of the work has been done in terms of the techniques to install solar, so the SADC can revisit standards based on what the law says.

Communications

Ms. Payne stated that the committee was given three letters, two from Hunterdon County and one from Cumberland County. The first letter from Hunterdon county asks SADC to reconsider its prior decision to require a preclosing agreement with the DuBrow Farm regarding the extent of soil disturbance that already exists on the property. Staff visited this in detail with the Committee at an earlier meeting and this property is close to what the proposed soil disturbance limits will allow. In order not to mislead the landowner, SADC recommended the landowner acknowledge that he is aware of these standards and that the SADCs rules will apply to his farm. The committee had a lengthy discussion about that and by motion it was decided to require an agreement containing this acknowledgment. Ms. Payne stated Hunterdon county wants SADC to reconsider this and staff does not recommend that it be revisited because the purpose of the agreement is to maintain clarity on both sides.

The second letter from Hunterdon County is a comment on soil protection standards. Hunterdon County's position is that the soil protection standard rules should not apply to it farms that have already been preserved. The letter from the Cumberland CADB reminds the SADC to pay careful attention to the nursing industry in Cumberland county and indicates it is concerned about the impact of the rules on that industry. Ms. Payne stated that both Hunterdon and Cumberland are kind to point out that staff has been thoughtful and all processes have been accessible. She stated that she appreciates their professional comments.

Ms. Payne stated that there are many articles in the communications about PennEast. She explained that the Biden administration has weighed in on the PennEast lawsuit which is pending before the supreme court and has indicated its support of PennEast's position that the Federal Energy Regulatory Commission (FERC) approvals give PennEast their right to condemn state owned land. Ms. Payne stated that this was a bit of a disappointment to the environmental community and that the case will be heard by the supreme court relatively soon.

Public Comment

Ms. Winzinger stated that Jean Grasiano sent an email with comments regarding the Soil Protection Standards the previous evening. She noted that the full email containing the comments will be sent out to the committee for review.

Old Business

A. Review of Activities on a Preserved Farm - Princeton Show Jumping – Montgomery Township, Somerset County

Note: Mr. Schilling stated that he is recused from this matter because Rutgers Cooperative Extension faculty are involved.

Mr. Roohr stated that in 2013 the SADC approved 9 shows and 42 show days for Princeton Show Jumping (PSJ) contingent on several agricultural requirements being met. Some of those requirements were not met, so since 2017 staff has been working with the owner to bring the property back into compliance with certain deed of easement (DOE) provisions as well as various resolutions that the committee has approved.

Most recently, at its January 2020 meeting, the committee agreed to allow the original 9 shows and 42 show days for the 2020 season, but found that the owner would need to address compliance issues that were identified by staff at that time. Those compliance issues included compliance with state and storm water standards, impervious cover limits through the DOE, and restoration of the original tent pad area along Burnt Hill Road.

Since the 2020 meeting, there has been a fair amount of progress. In relation to storm water, the owner has installed four different storm water basins on separate locations on the property which are nearly complete and the bulk of the remaining work consists of final grading and planting grass seed to stabilize the site. In its conditional letter of completion, the soil conservation district, which oversees the development of those basins, has agreed to May 31st as the final date of completion and the district is in possession of a substantial bond to ensure that the work is completed to satisfaction by that time.

Mr. Roohr stated that in regard to impervious surface calculations, the DOE on this property has a 5% impervious cover limit and the farm is very close to that limit at this time. Mr. Roohr explained that there was concern as to whether PSJ was over that limit or not depending on an analysis of the existing tent pad sites. In order to resolve that issue, staff contracted with former Natural Resources Conservation Service (NRCS) state soil scientist Dr. Richard Shaw to dig test pits and perform this analysis.

Dr. Shaw's report concluded that the material that was added to the tent pad sites was indistinguishable from the native soil that was there, which is consistent with what the owner said he did when he moved soil from one location to another. Dr. Shaw also found that the compaction on these pad sites is within a few inches and is not caused by the material on it, but by horses walking on the pads.

The only remaining discrepancy with the impervious cover calculation that the owner's engineer provided. Staff believes that there are a couple additional smaller items that should be added to that calculation.

With regard to restoration of the original tent pad area, the owner had a couple of ideas as to how the area could be rehabilitated, but staff believes that the most appropriate approach is to have that 4 to 5 acre area evaluated by a professional soil scientist to find out what the

existing conditions are and use those current conditions as a base line for developing a restoration plan to get the soil back to a condition where it could produce similar crop yields to that before disturbance. In order to facilitate that, staff recently went under contract with Dr. Shaw to perform this analysis and develop the plan. That work will be done over the next six weeks with the plan expected in early May.

Mr. Roohr stated that PSJ representatives are here today to request shows for their 2021 season. Staff has been working with PSJ to develop the terms that would ensure that the work that needs to be done will get done, and that PSJ will be able to begin their 2021 season.

Mr. Roohr stated that staff prepared a letter of agreement for PSJ, which was recently signed and returned to staff. The first requirement of the agreement states that the completion of the storm water basins must be done by May 31st, with a condition that failure to meet that deadline would result in cancelling the shows after that date.

The second requirement is that PSJ's engineer walk the site with SADC staff and add any remaining impervious surfaces to the survey that they prepared with the condition that the work be done prior to the first show of the season.

The third requirement states that PSJ will perform annual maintenance on the current tent pads based on recommendations from the SADC soils expert.

The fourth requirement is that PSJ agrees to implement the rehabilitation plan for the former tent pad site that Dr. Shaw is preparing, which will be developed over the next 6 weeks.

The fifth requirement states that the implementation of the plan that Dr. Shaw is developing will occur as soon as it's approved by the SADC and under the conditions set forth in the plan.

Lastly, once staff is able to understand the complexity of the plan, it will work with PSJ to develop benchmarks for phases of completion. Failure to meet those benchmarks would result in the SADC rescinding its approval to host shows beyond those dates. Mr. Roohr believes the terms of the agreement would ensure deed compliance for this project and since PSJ has signed the agreement, staff is willing to recommend that PSJ get the 9 shows and 42 show days that were originally approved.

Ms. Payne stated that staff has been dealing with this for a number of years now and she is aware of the committee's frustration with the status of compliance. Ms. Payne stated that staff had a candid conversation with the landowner's representative and said that there is no way staff would recommend approval of 2021 shows without having demonstrated substantial compliance. If the landowner and SADC staff can be on the same page with regard to what the soil expert recommends, that may be enough to rely on for the committee to approve PSJ's request for shows. Ms. Payne noted that everyone is aware of the role that this property plays in the equine community and the agricultural industry and that we want to make sure the deed of easement is complied with. Ms. Payne thanked Mr. Roohr for his diligent work in getting this done in time for the 2021 show season to begin and noted that staff is looking for committee approval.

Mr. Germano asked who is paying the fees for Dr. Shaw. Ms. Payne stated that the SADC is paying for Dr. Shaw and noted that the landowner's attorney suggested PSJ could pay the fees for the expert. Ms. Payne stated that due to time constraints and insufficient time to consult with counsel, the SADC opted to pay the fees. Chairman Fisher asked if the agency is requiring this, wouldn't they be the ones responsible to pay for the services. Mr. Germano suggested that if it will be more trouble than it's worth, staff should not worry about it; however, the applicant should be reimbursing the SADC since they are seeking approval.

Mr. Sposaro, representative for PSJ, stated that the rehabilitation of the former tent pad location is the only substantive issue that is left. The storm water improvements are complete; all that remains is work that could not be done because of the time of the year and weather conditions. As far as impervious cover goes, there was concern about the 5% limitation and if the current tent pad areas were included, they would have been over 5%.

Mr. Sposaro stated that Dr. Shaw confirmed that those areas are not impervious and even if additional small areas noted by staff were added that may be impervious, those areas would not put PSJ over the 5% impervious cover limitation.

In regard to the former temporary tent pad areas, PSJ took a leap of faith and agreed to abide by the decision on what restoration will be required not knowing what that decision will be. Mr. Sposaro stated that they proposed to place money in an escrow account to defray Dr. Shaw's expenses and PSJ is ready, willing and able to help where needed if the Attorney General's office feels that it is legal and proper to do so.

Mr. Sposaro stated that PSJ was shut down at the end of 2020, which cost them dearly, but the committee sent out a very clear message that PSJ is aware of and they recognize the need for compliance. Mr. Sposaro thanked Mr. Roohr and Ms. Payne for their help and for being accessible in bringing this to closure. He apologized to the committee for the ongoing issues and assured the committee that PSJ is trying to get back on the right path.

Mr. Waltman stated that he appreciates all the work that staff has put into this matter. He commented that Montgomery Township has taken a very active role in this case and has been represented at some SADC meetings and asked if the township has been in communication with the SADC further on this matter. Mr. Roohr stated that he spoke with the township and let them know that this was an agenda item for today and what the proposed SADC conditions of approving shows for this year would be.

Mr. Todaro, attorney for Montgomery Township, stated that he couldn't take a position prior to today's meeting because he did not know the status of the requirements and the compliance efforts, what was being approved and what was being asked for. The issue with PSJ has taken place since 2013 and the only reason there has been compliance is because the shows stopped.

Mr. Todaro explained that the state and the township want to support the agricultural farming activities of PSJ, but the problem is that the township does not have a complete description of what is allowed and what is not. Mr. Todaro stated that the township is getting requests for permits from PSJ, but does not know what the SADC approved. He

suggested that there needs to be some parameters made to re-instate the shows and that compliance needs to happen in order for shows to take place so the same problems won't occur. He explained that the owner is already advertising more than 9 events and 42 show dates, which leaves the township in an awkward situation as to whether they approve more than the allotted show days.

Chairman Fisher stated that these approvals are for the original 9 shows and if PSJ wants more shows they have to come back before the SADC at another time. He noted that PSJ signed an agreement that they must abide by and all relief has to come from the SADC if they want additional show dates.

Mr. Todaro stated that the township has to answer to its residents so parameters need to be put in place as to the number of tents allowed. Ms. Payne asked Mr. Sposaro if PSJ can agree that the tents not be erected outside of the allotted temporary horse tent pad area for the 2021 season. Mr. Sposaro said yes, PSJ will limit itself to that allotted area that is identified as the current tent pad location. Ms. Payne asked Mr. Sposaro to verify that the original tent pad location that is along Burnt Hill Road will be used only for remediation based on Dr. Shaw's recommendation. Mr. Sposaro indicated that was correct.

It was moved by Mr. Kumpel and seconded by Mr. Germano to approve the staff recommendation that for the 2021 show season, PSJ be allowed the original number of 9 shows and 42 show days provided that they comply with all of the SADC requirements outlined in the agreement. A roll call vote was taken. Mr. Waltman voted against the motion. All other members voted in favor of the motion. The motion passed.

Chairman Fisher noted that he is happy for the equine industry and that PSJ is almost and expected to come into compliance so that they can continue to have these 9 shows now and in the future. He also suggested that this approval does not indicate that PSJ has approval to have additional shows. He warned PSJ that if they are advertising additional shows, that will put them on thin ice because that means that they expect to get the additional shows, but we don't know what this committee will do. Chairman Fisher stated that their business is top notch, but the deed of easement needs to be adhered to. He noted that he supports the equine industry and its success, but PSJ needs to remain in compliance so that they can keep their shows.

Mr. Siegel stated that representatives for PSJ and the township both characterized the phrase, to which he objects, that the SADC "shut them down". Mr. Siegel stated that the SADC was subject to a flood of letters making that allegation, but the fact is that PSJ executed the shows that the SADC approved. The fact that they advertised additional shows and did not receive approval for those additional shows is not the same as saying they were shut down and that needs to be reflected in the record.

Ms. Payne asked for clarification as to whether the applicant is to pay for Mr. Shaw's services and wanted to know if that was a part of the motion. Chairman Fisher stated that this is not a part of the motion. Mr. Sposaro stated that if the Office of the Attorney General approves of PSJ paying those expenses, they will do so. Ms. Murphy stated that she is impressed with staff as they did a great job negotiating these terms and coming to an agreement that most of the committee can agree with.

New Business

A. Resolutions: Final Approval – County PIG Program

NOTE: Mr, Ellis left the meeting.

Ms. Miller referred the committee to two requests for final approval under the County PIG Program. She reviewed the specifics of the requests with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Ms. Waltman to approve Resolution FY2021R3(1), granting approval to the following application under the County PIG Program, as presented, subject to any conditions of said resolution.

1. 7 Old Orchard Road, LLC., SADC ID 21-0619-PG, Resolution FY2021R3(1), Block 1201, Lot 1, Hardwick Township, Warren County, 76.3 acres.

The motion was approved. A copy of Resolution FY2021R3(1) is attached to and a part of these minutes.

It was moved by Mr. Kumpel and seconded by Mr. Germano to approve Resolution FY2021R3(2), granting amended approval to the following application under the County PIG Program, as presented, subject to any conditions of said resolution.

2. Thomas & Michelle Grochowicz (AMENDED), SADC ID 10-0414-PG, Resolution FY2021R3(2), Block 11, Lots 1, 2 & 2.2, Hampton Borough, and Block 1, Lot 1.01, Glen Gardner Borough and Block 46, Lot 2, Bethlehem Township, Hunterdon County, 78.684 acres.

The motion was approved. A copy of Resolution FY2021R3(2) is attached to and a part of these minutes.

B. Resolutions: Final Approval – Municipal PIG Program

Ms. Miller referred the committee to two requests for final approval under the Municipal PIG Program. She reviewed the specifics of the requests with the committee and stated that staff recommendation is to grant final approval.

Mr. Waltman commented that under the proposed soil standards approximately 26% of this farm can be covered in pavement, buildings and gravel.

It was moved by Mr. Bullock and seconded by Mr. Kumpel to approve Resolution FY2021R3(3), granting approval to the following application under the Municipal PIG Program, as presented, subject to any conditions of said resolution.

1. JWP Properties, LLC., SADC ID #17-0219-PG, Resolution FY2021R3(3), Block 2003, Lots 17, Pittsgrove Township, Salem County, 29.2 acres.

Mr. Siegel abstained from the vote. Mr. Waltman voted against the motion. The remaining members voted in favor of the motion. The motion was approved. A copy of Resolution FY2021R3(3) is attached to and a part of these minutes.

Chairman Fisher asked Mr. Waltman if he was voting against the request because he does not approve the project. Mr. Waltman said it is a great project, and visibly looks like a beautiful farm, but his vote against it is out of concern for the soil protection standards. Chairman Fisher stated that he wanted to be sure that these requests are being voted on based on the merits of what is being presented, and not a statement on what committee members think about something that is being proposed that might affect preserved farmland across the state.

Chairman Fisher stated that if landowners want to get a project done, it's not fair to them to be turned down because of a particular thought or philosophy. Mr. Waltman stated that it was clear to him that the proposal was going to pass today and that his vote was not going to affect the outcome.

Mr. Siegel stated that he abstained from the vote because he made a recommendation to the treasurer that until the soil protection policy of allowing 6 acres of disturbance on certain farms is withdrawn, farms should not be preserved that are subject to the 6-acre limitation rule. Mr. Siegel stated that he has not yet heard back from the treasurer on his recommendation, so pending that recommendation he will abstain from the vote where the 6-acre issue is in consideration.

Chairman Fisher stated that farmers are applying based on certain conditions that are in place, and not based on what is to come in the future. He encouraged the committee to think about what's happening now, as opposed to what may be decided on in the future. Mr. Siegel said that the proposed rules have been publicly discussed and the question now from a taxpayer's point of view is whether a farm of this size is worth preserving.

It was moved by Mr. Germano and seconded by Mr. Bullock to approve Resolution FY2021R3(4), granting approval to the following application under the Municipal PIG Program, as presented, subject to any conditions of said resolution.

2. George and Lorraine Gugel, SADC ID #21-0493-PG, Resolution FY2021R3(4), Block 800, Lot 1100, Hope Township, Warren County, 48.5 acres.

Mr. Siegel abstained from the vote. The remaining members voted in favor of the motion. The motion was approved. A copy of Resolution FY2021R3(4) is attached to and a part of these minutes.

C. Resolutions: Final Approval – Direct Easement Purchase Program

Ms. Miller referred the committee to one request for final approval under the Direct Easement Purchase Program. She reviewed the specifics of the request with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Kumpel and seconded by Mr. Germano to approve Resolution FY2021R3(5), granting approval to the following application under the Direct Easement Purchase Program, as presented, subject to any conditions of said resolution.

1. Risk It All Farm, LLC., Resolution FY2021R3(5), Block 56, Lots 1, 2 & 5, Mannington Township, Salem County; Block 15, Lot 1 & 2, Quinton Township, Salem County; Block 2, Lot 1 & 5, Alloway Township, Salem County, 202.4 net easement acres.

The motion was approved. A copy of Resolution FY2021R3(5) is attached to and a part of these minutes.

Public Comment

There was no public comment.

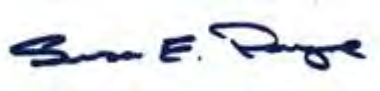
TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., Thursday April 22, 2021 Location: TBA

ADJOURNMENT

The meeting was adjourned at 10:36 a.m.

Respectfully Submitted,

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

Susan E. Payne, Executive Director
State Agriculture Development Committee

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2021R3(1)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
WARREN COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of 7 Old Orchard Rd, LLC ("Owners")
SADC ID# 21-0619-PG
Hardwick Township, Warren County
N.J.A.C. 2:76-17 et seq.**

MARCH 25, 2021

WHEREAS, on July 11, 2019 it was determined that the application for the sale of a development easement for the subject farm identified as Block 1201, Lot 1, Hardwick Township, Warren County, totaling approximately 76.3 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

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

WHEREAS, the Property includes one (1), approximately one (1) acre nonseverable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 75.3 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the 1-acre nonseverable exception area:

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

WHEREAS, the Premises includes:

- 1) Zero (0) housing opportunities
- 2) Zero (0) Residual Dwelling Site Opportunity (RDSO)
- 3) Zero (0) agricultural labor units
- 4) No pre-existing non-agricultural uses; and

WHEREAS, the installation of future driveways to nonseverable exceptions requires approval from the SADC pursuant to Policy P-41 and the landowner has opted not to request approval at this time and will be required to obtain approval from the SADC as per SADC Policy P-41 (Schedule B); and

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

WHEREAS, the Property has a quality score of 52.41 which exceeds 46, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 23, 2020 the SADC certified a development easement value of \$3,400 per acre based on zoning and environmental regulations in place as of the current valuation date September 2019; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$4,000 per acre for the purchase of the development easement on the Premises, which is (higher than the certified easement, but not higher than the highest appraised value of \$4,000); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on January 6, 2021, the Hardwick Township Committee approved the application for the sale of development easement and a funding commitment of \$600 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on January 21, 2021, the Warren County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on January 27, 2021, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$960 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 77.559 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 77.559 acres):

	Total	Per/acre
SADC	\$189,243.96	(\$2,440 /acre) based on certified value
Township	\$ 46,535.40	(\$ 600/acre)
County	\$ 74,456.64	(\$ 960/acre) based on certified value
Total Purchase	\$310,236.00	(\$4,000/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$189,243.96 in competitive grant funding which is available at this time (Schedule C); and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Premises, comprising approximately 77.559 net easement acres, at a State cost share of \$2,440 per acre, (71.76% of certified easement value and 61% of the purchase price), for a total grant of approximately \$189,243.96 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule D).
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
4. If unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.
5. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
6. The SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Premises to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries as identified in Policy P-3-C.
7. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

___3/25/2021___
Date



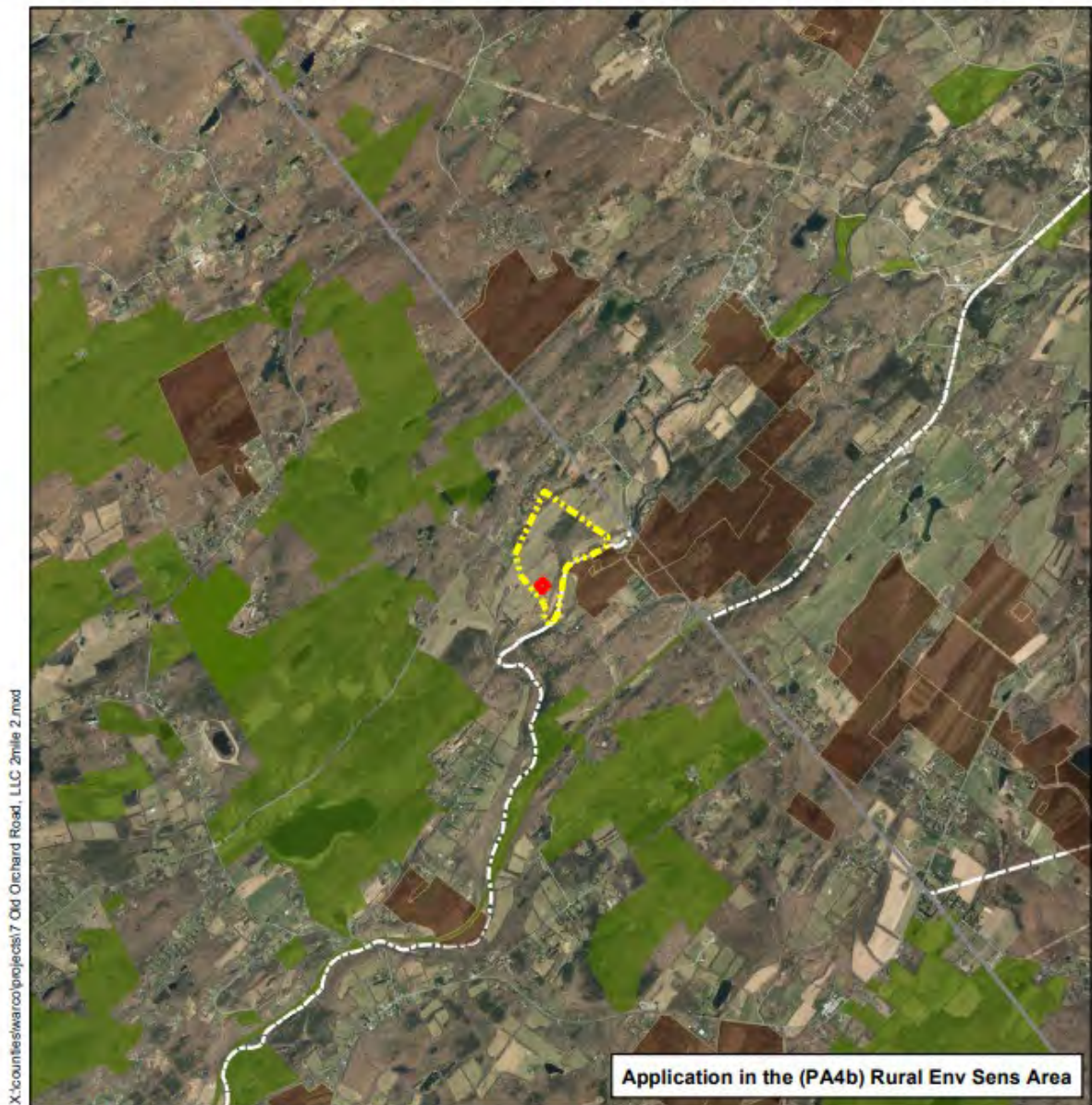
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	ABSENT
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Roger Kumpel	YES
James Waltman	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Cecile Murphy(rep. DEP Commissioner McCabe)	YES
Douglas Fisher, Chairperson	YES

<https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/21-0619-PG/Acquisition/Closing/County PIG Final Approval.docx>

Preserved Farms and Active Applications Within Two Miles



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

7 Old Orchard Road LLC
Block 1201 Lots P/O 1 (75.3 ac);
& P/O 1-EN (non-severable exception - 1.0 ac)
Gross Total = 76.3 ac
Hardwick Twp., Warren County

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

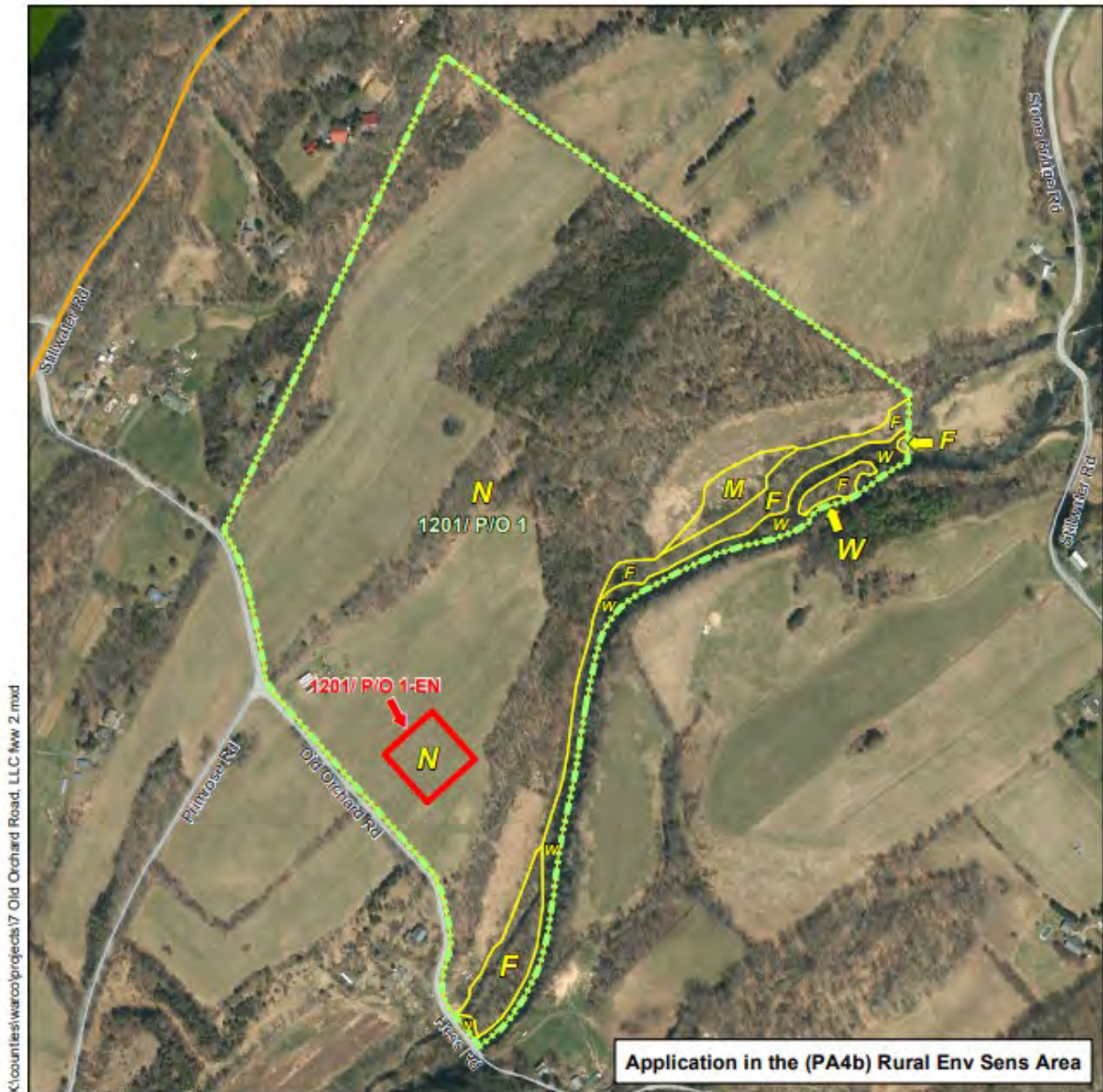


NOTE:
The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors

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

July 24, 2019

Wetlands



X:\counties\warco\projects\7 Old Orchard Road, LLC\fw 2.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

7 Old Orchard Road LLC
Block 1201 Lots P/O 1 (75.3 ac);
& P/O 1-EN (non-severable exception - 1.0 ac)
Gross Total = 76.3 ac
Hardwick Twp., Warren County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
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NJDEP Wetlands Data
NJDOT/GIS 2015 Digital Aerial Image

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



	Property In Question
	EN - (Non-Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements

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

July 24, 2019

STATE AGRICULTURE DEVELOPMENT COMMITTEE**POLICY****Access to Exception Areas****I. Purpose**

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

II. Authority

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

III. Policy**A. Severable Exception Areas**

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

B. Non-severable Exception Areas

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

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

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

SADC ID#	Farm	Municipality	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Base Grant				Competitive Funds						
											Fiscal Year 11 Fiscal Year 13 Fiscal Year 17		Maximum Grant		Fund Balance						
													Fiscal Year 11 Fiscal Year 13 Fiscal Year 17	Fiscal Year 18 Fiscal Year 20	Fiscal Year 11 Fiscal Year 13 Fiscal Year 17 Fiscal Year 18 Fiscal Year 20	0.00 0.00 1,198,365.13 7,854,514.83 10,000,000.00					
Encumbered	PV	Expended	Balance	Encumbered	PV	Expended	FY11 Balance	FY13 Balance	FY17 Balance	FY18 Balance	FY20 Balance										
			3,500,000.00																		
21-0530-PG	JJ Smith North	Harmony	80.0000	82.4000	4,600.00	3,160.00	379,040.00	260,384.00						260,384.00					3,437,581.30		
21-0558-PG	JJ Smith South	Harmony	42.3800	43.6500	6,000.00	3,900.00	261,900.00	170,235.00						170,235.00					3,267,346.30		
21-0543-PG	Kilmas	Manefield/Independence	197.4750	197.1190	3,700.00	2,620.00	729,340.30	516,451.78						512,734.00	516,451.78	516,451.78			2,750,894.52		
21-0559-PG	Thompson	White	34.6210	34.6210	3,600.00	2,560.00	124,635.60	88,629.76						95,462.40	88,629.76	88,629.76			2,662,264.76		
21-0572-PG	RLL Enterprises	Franklin	47.7350	47.7350	7,600.00	4,700.00	362,786.00	224,354.50						230,441.00	224,354.50	224,354.50		2,716,111.98	2,646,291.61		
21-0560-PG	Burke & Dinsmore (S1.01)	Harmony	78.7350	78.7350	3,500.00	2,500.00	275,565.50	196,832.50						206,000.00	196,832.50	196,832.50			2,449,459.11		
21-0561-PG	Burke & Dinsmore (S1.02)	Harmony	18.1060	18.1060	7,800.00	4,800.00	141,226.80	86,908.80						92,448.00	86,908.80	86,908.80			2,362,550.31		
21-0570-PG	Race	White	85.5660	85.5660	5,700.00	3,750.00	487,726.20	320,872.50						333,742.50	320,872.50	320,872.50			2,041,677.81		
21-0574-PG	Unangst	White	84.0410	84.0410	3,625.00	2,575.00	304,648.63	216,405.58						229,149.25	216,405.58	216,405.58		2,709,245.56	1,832,138.65		
21-0568-PG	Barton #1	Manefield/Indep/Liberty	34.5188	33.9604	4,500.00	2,952.27	152,821.80	100,260.20						100,260.20	100,260.20	100,260.20			1,731,878.45		
21-0564-PG	Barton #2	Manefield/Liberty	69.8326	69.8326	4,800.00	3,266.02	335,196.48	228,074.80						228,074.80	228,074.80	228,074.80			1,503,803.65		
21-0565-PG	Barton #3	Manefield/Liberty	26.6195	26.6195	5,800.00	3,800.00	154,393.10	101,154.10						103,918.60	101,154.16	101,154.16			1,402,649.49		
21-0557-PG	O'Dowd East	Greenwich/Franklin	91.7830	91.7830	6,300.00	4,050.00	578,232.90	371,721.15						401,213.25	371,721.15	371,721.15			1,030,928.34		
21-0554-PG	O'Dowd West	Greenwich	104.7370	104.7370	5,600.00	3,700.00	586,527.20	387,526.90						402,234.40	387,526.90	387,526.90			643,401.44		
21-0553-PG	Bartha	White/Oxford	40.5150	40.5150	4,500.00	3,100.00	182,317.50	125,596.50						130,913.00	125,596.50	125,596.50			517,804.94		
21-0602-PG	Shandor, Riddle, West, Spade	Harmony	100.1890	100.1890	3,100.00	2,260.00	310,585.90	226,427.14	243,628.00	226,427.14			773,572.86								
21-0609-PG	Haydu, S & J, and Potter, D	Harmony	42.5000	43.7750	4,900.00	3,340.00	214,497.50	146,208.50	146,208.50				627,364.36								
21-0605-PG	LaBarre Family LMTD Partnershi	Hope/Knowlton	101.4830	100.5690	3,200.00	2,320.00	324,745.60	233,299.20	233,299.20	233,299.20	233,299.20	233,299.20	394,065.16								
21-0604-PG	Hoffmann-LaRoche Inc.	White	92.7160	92.7160	5,100.00	3,450.00	472,851.60	319,870.20	333,063.00	319,870.20			74,194.96								
21-0612-PG	Anama, Kristopher	Washington	19.6560	18.8700	4,000.00	2,800.00	75,480.00	52,836.00	43,801.30	43,801.30	43,801.30		30,393.66	13,598.70	9,034.70	9,034.70			4,990,965.30		
21-0613-PG	Route 57 Partnership	Franklin	69.5790	69.5730	3,200.00	2,320.00	222,633.60	161,409.36						165,121.36	161,409.36				4,829,555.94		
21-0370-PG	CDEK LLC & Stampone, Edward	Knowlton	32.7640	32.7300	4,650.00	3,190.00	152,194.50	104,156.69						104,156.69	104,156.69				4,725,399.25		
21-0615-PG	Beatty, Carol A. (South)	Greenwich	50.5000	52.0200	9,500.00	5,700.00	494,190.00	296,514.00						296,514.00					4,428,885.25		
21-0614-PG	Beatty, Carol A. (North)	Greenwich	84.0000	86.5200	8,800.00	5,300.00	761,376.00	458,556.00	30,393.66				-						4,000,722.91		
21-0608-PG	Dykstra Properties, LLC	Manefield	288.9000	297.5670	3,900.00	2,740.00	1,160,511.30	815,333.58						815,333.58					3,185,389.33		
21-0619-PG	7 Old Orchard Rd, LLC	Hardwick	75.3000	77.5590	4,000.00	2,440.00	310,236.00	189,243.96						189,243.96					2,996,145.37		
Closed	29		2,210.1099	2,202.4355			10,677,193.33	7,175,283.19	89,686.77	38,717.25											
Encumbered	11		958.8280	978.6990			4,740,016.40	3,148,338.43													

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

7 Old Orchard Road, LLC
21- 0619-PG
County PIG Program
75 Acres

Block 1201	Lot 1	Hardwick Twp.	Warren County	
SOILS:		Other	54% * 0	= .00
		Prime	46% * .15	= 6.90
			SOIL SCORE:	6.90
TILLABLE SOILS:		Cropland Harvested	50% * .15	= 7.50
		Wetlands/Water	9% * 0	= .00
		Woodlands	41% * 0	= .00
			TILLABLE SOILS SCORE:	7.50
FARM USE:	Hay		45 acres	

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

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2021R3(2)
AMENDED FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE
GRANT TO HUNTERDON COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Grochowicz, Thomas & Michelle (Boro) ("Owners")
SADC ID# 10-0414-PG
Hampton Borough, Glen Gardner Borough, and Bethlehem Township, Hunterdon County
N.J.A.C. 2:76-17 et seq.**

MARCH 25, 2021

Amendment Synopsis:

- Revise the cost share breakdown between the municipalities, county and SADC in RESOLUTION FY2019R5(4).

WHEREAS, on June 21, 2017, the SADC received an application for the sale of a development easement from Hunterdon County for the subject farm identified as Block 11, Lots 1, 2, & 2.2, Hampton Borough and Block 1, Lot 1.01 Glen Gardner Borough and Block 46, Lot 2 Bethlehem Township, totaling approximately 78.684 preliminary survey acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the SADC granted Final Approval for the Property on May 23, 2019, which included an easement value of \$8,500/acre, based on 2004 zoning, and a cost share grant from the Highlands Council of \$369,800 or 50 percent of the final purchase price, whichever is less; (Schedule B); and

WHEREAS, subsequent to SADC Final Approval discussions between the County, the Highlands Council and SADC staff revealed that there were conditions associated with the Highlands Grant that would take considerable time to resolve; and

WHEREAS, the municipalities associated with the property agreed to cost share on the easement purchase in order to eliminate the need for the Highlands grant and preserve the property; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 81.045 acres will be utilized to calculate the SADC grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, by resolution, each municipality approved a funding commitment to cost share \$1,700 per acre on the acreage within the respective municipality; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on January 19, 2021, the Board of County Commissioners passed a resolution granting final approval, and a commitment of funding for \$1,700 per acre to cover the county cost share; and

WHEREAS, the new estimated cost share breakdown is as follows (based on 81.045 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$413,329.50	(\$5,100/acre)
Bethlehem Twp.	\$ 30,843.10	(\$1,700/acre on approximately 18.143 acres)
Hampton Boro	\$ 51,435.20	(\$1,700/acre on approximately 30.256 acres)
Glen Gardber Boro.	\$ 55,498.20	(\$1,700/acre on approximately 32.646 acres)
<u>Hunterdon County</u>	<u>\$137,776.50</u>	<u>(\$1,700/acre)</u>
Total Purchase	\$688,882.50	(\$8,500/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, Hunterdon County is requesting to amend its grant from the competitive fund to \$413,329.50, which is \$79,322 more than the original final approval due to the loss of the Highlands grant and preliminary survey acreage, for which sufficient funds are available (Schedule C); and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC amends the estimated cost share breakdown of the Grochowicz final approval RESOLUTION FY2019R5(4) and grants final approval to provide a cost share grant to Hunterdon County for the purchase of a development easement on the Property, comprising approximately 81.045 net easement acres, at a State cost share of \$5,100 per acre, (60% of certified easement value and purchase price), for a total grant of approximately \$413,329.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule D) ; and
3. All other provisions of the RESOLUTION FY2019R5(4) shall remain in effect; and
4. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and
5. The SADC's amended final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

3/25/2021

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	ABSENT
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Roger Kumpel	YES
James Waltman	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Cecile Murphy(rep. DEP Commissioner McCabe)	YES
Douglas Fisher, Chairperson	YES

[https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/10-0414-PG/Acquisition/Internal Closing/Grochowicz \(boro\)_Amended Final Approval.doc](https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/10-0414-PG/Acquisition/Internal Closing/Grochowicz (boro)_Amended Final Approval.doc)

Preserved Farms and Active Applications Within Two Miles



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Grochowicz, Thomas and Michelle (Boro)
 Bethlehem Twp. - Block 46 Lot 2 (16.0 ac);
 Glen Gardner Boro - Block 1 Lots P/O 1.01 (27.8 ac) & P/O 1.01-ES (severable exception - 7.0 ac);
 Hampton Boro - Block 11 Lots P/O 1 (9.1 ac); P/O 1-EN (non-severable exception - 1.0 ac);
 2.2 (8.7 ac); P/O 2 (14.7 ac) & P/O 2-ES (severable exception - 2.0 ac)
 Gross Total = 86.3 ac
 Hunterdon County

2,500 1,250 0 2,500 5,000 7,500 Feet



Source:
 NJ Farmland Preservation Program;
 Green Acres Conservation Easement Data
 NJOIT/CGIS 2015 Digital Aerial Image

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

July 28, 2017

Wetlands



Application in the Highlands Preservation Area

FARMLAND PRESERVATION PROGRAM

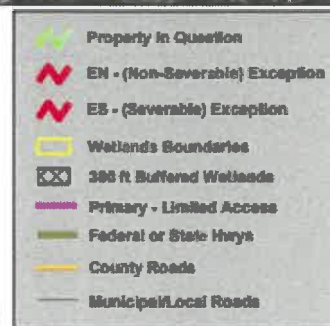
NJ State Agriculture Development Committee

Grochowicz, Thomas and Michelle (Boro)
 Bethlehem Twp. - Block 46 Lot 2 (16.0 ac);
 Glen Gardner Boro - Block 1 Lots P/O 1.01 (27.8 ac) & P/O 1.01-ES (severable exception - 7.0 ac);
 Hampton Boro - Block 11 Lots P/O 1 (9.1 ac); P/O 1-EN (non-severable exception - 1.0 ac);
 2.2 (8.7 ac); P/O 2 (14.7 ac) & P/O 2-ES (severable exception - 2.0 ac)
 Gross Total = 86.3 ac
 Hunterdon County

500 250 0 500 1,000 Feet

Source:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 NJDEP Wetlands Data
 NJ Highlands Council Data
 NGS/DOGS 2015 Digital Aerial Imagery

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

June 11, 2016

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2019R5(4)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
Hunterdon County

for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of
Grochowicz, Thomas & Michelle (Boro) ("Owners")
Hampton Borough, Glen Gardner Borough, and Bethlehem Township, Hunterdon County

N.J.A.C. 2:76-17 et seq.
SADC ID# 10-0414-PG

MAY 23, 2019

WHEREAS, on December 15, 2008, 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, Hunterdon County received SADC approval of its FY2019 PIG Plan application annual update on May 24, 2018; and

WHEREAS, on June 21, 2017 the SADC received an application for the sale of a development easement from Hunterdon County for the subject farm identified as Block 11, Lots 1, 2, & 2.2, Hampton Borough and Blockn1, Lot 1.01 Glen Gardner Borough and Block 46, Lot 2 Bethlehem Township, totaling approximately 86.3 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Hunterdon County's Bethlehem East Project Area Project Area and the Highlands Preservation Area; and

WHEREAS, the Property includes the following exception areas:

- one (1), approximately 1-acre non-severable exception area for and limited to one future single-family residential unit and to afford future flexibility of uses; and
 - one (1), approximately 2-acre severable exception area for and limited to one future single-family residential unit and to afford future flexibility of uses; and
 - one (1), approximately 7-acre severable exception area to afford future flexibility of uses, but limited to zero (0) future single family residential units; and
- resulting in approximately 76.3 net acres to be preserved; and

WHEREAS, the portion of the Property outside the exception area includes zero (0) Residual Dwelling Site Opportunities (RDSO), zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

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

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

WHEREAS, the Property has a quality score of 41.12 which does not exceed 45, which is 70% of the County's average quality score as determined by the SADC July 28, 2016; and

WHEREAS, on October 26, 2017 the SADC passed an eligibility farm review and waiver resolution #FY2018R10(12) which granted a waiver of the minimum score criteria and allowed the Property to proceed toward Green Light Approval (Schedule A1); and

WHEREAS, Resolution #FY2018R10(12), the eligibility farm review and waiver, Green Light Letter and certification of easement value were conditioned on the County adding these parcels to the County Agriculture Development Area (ADA) prior to Final Approval; and

WHEREAS, the County included these parcels in its FY2019 PIG Plan application annual update, which was approved by the SADC on May 24, 2018; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b), on November 1, 2017 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on June 28, 2018 the SADC certified a development easement value of \$8,500 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$1,000 per acre based on zoning and environmental regulations in place as of the current valuation date April 2018; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$8,500 per acre for the development easement for the Property; and

WHEREAS, the County of Hunterdon applied for a grant from the Highlands Council through the Highlands Open Space Partnership Funding Program (Highlands Grant); and

WHEREAS, the Highlands Council approved Resolution 2019-1 authorizing a Highlands Grant for the Grochowicz farm of \$369,800 or 50 percent of the final purchase price, whichever is less; and

WHEREAS, on March 28, 2019 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. 2:76-17A.13, on February 11, 2019 the Borough of Hampton approved the application but is not participating financially in the easement purchase due to the anticipated receipt of the Highlands Grant; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on March 6, 2019 the Borough of Glen Gardner approved the application but is not participating financially in the easement purchase due to the anticipated receipt of the Highlands Grant; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on February 21, 2019 the Bethlehem Township Committee approved the application but is not participating financially in the easement purchase due to the anticipated receipt of the Highlands Grant; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on March 14, 2019, the Hunterdon County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on March 19, 2019, the County of Hunterdon passed a resolution granting final approval, but is not participating financially in the easement purchase due to the anticipated receipt of the Highlands Grant; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 78.59 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 78.59 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$400,809	(\$5,100/acre)
<u>Hunterdon County</u>	<u>\$267,206</u>	<u>(\$3,400/acre)</u>
Total Easement Purchase	\$668,015	(\$8,500/acre)

Estimated cost share breakdown if the Highlands Grant is applied:

	<u>Total</u>	<u>Per/acre</u>
SADC	\$334,007.50	(\$4,250/acre)
<u>Highlands Grant</u>	<u>\$334,007.50</u>	<u>(\$4,250/acre)</u>
Total Easement Purchase	\$668,015	(\$8,500/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, Hunterdon County is requesting \$334,007.50 in competitive grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to Hunterdon County for the purchase of a development easement on the Property, comprising approximately 78.59 net easement acres, at a State cost share of \$4,250 per acre, (50% of certified easement value and purchase price), for a total grant of approximately \$334,007.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).

3. The prior condition to add these parcels to the County ADA prior to Final Approval has been resolved and is no longer a condition.
4. This approval is conditioned upon receipt of the Highlands Grant funds sufficient enough to cover the County's cost share or in absence of Highlands Grant funding a resolution by the municipalities and/or the County Board of Chosen Freeholder's to commit the funds needed to cover the local cost share.
5. If the Highlands Grant funding is secured and approved for use by the SADC, said funding will first be used to reduce the county cost share and then, with the remaining funds (estimated \$66,802), reduce the SADC's cost share.
6. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund).
7. If unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.
8. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
9. The SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries as identified in Policy P-3-C.
10. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18; and
11. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and
12. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and
13. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

5/23/2019

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

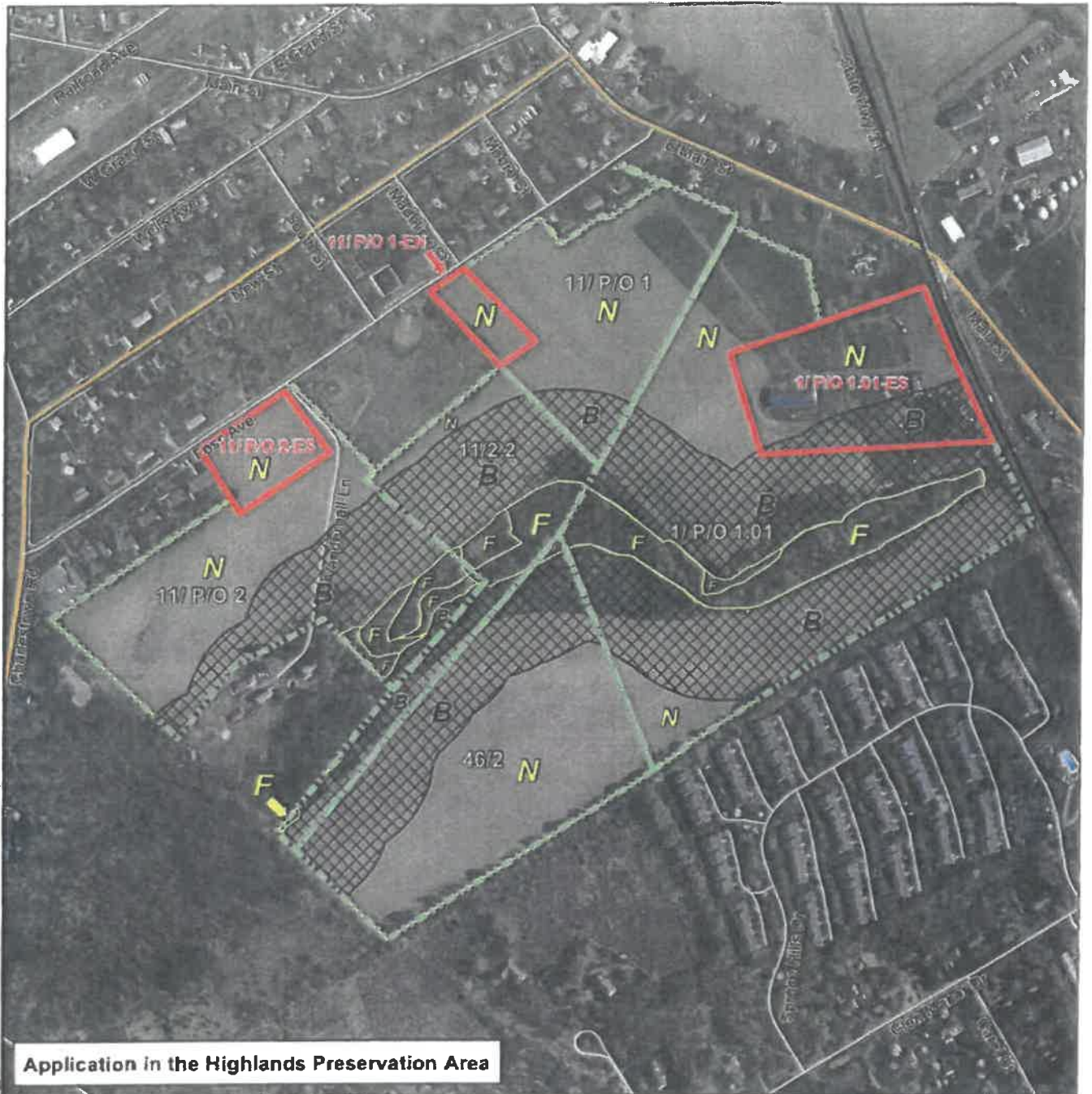
VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands

Schedule A

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Application in the Highlands Preservation Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Grochowicz, Thomas and Michelle (Boro)
Bethlehem Twp. - Block 46 Lot 2 (16.0 ac);
Glen Gardner Boro - Block 1 Lots P/O 1.01 (27.8 ac) & P/O 1.01-ES (severable exception - 7.0 ac);
Hampton Boro - Block 11 Lots P/O 1 (9.1 ac); P/O 1-EN (non-severable exception - 1.0 ac);
2.2 (8.7 ac); P/O 2 (14.7 ac) & P/O 2-ES (severable exception - 2.0 ac)
Gross Total = 86.3 ac
Hunterdon County

500 250 0 500 1,000 Feet

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJDEP Wetlands Data
NJ Highlands Council Data
NJOT/OGIS 2015 Digital Aerial Image

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

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

Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
A - Wetlands Allocated for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 200' Buffer
W - Water

June 11, 2018

Preserved Farms and Active Applications Within Two Miles

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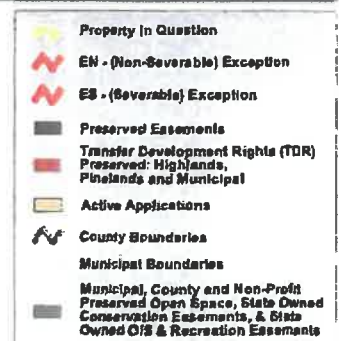


Application in the Highlands Preservation Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Grochowicz, Thomas and Michelle (Boro)
 Bethlehem Twp. - Block 46 Lot 2 (16.0 ac);
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 Gross Total = 86.3 ac
 Hunterdon County

2,500 1,250 0 2,500 5,000 7,500 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
 Golden Acres Conservation Easement Data
 NJDOT/OGIS 2015 Digital Aerial Image

July 28, 2017

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2018R10(12)

ELIGIBLE FARM REVIEW AND WAIVER
For
HUNTERDON COUNTY PLANNING INCENTIVE GRANT

On the Property of
Grochowicz, Thomas & Michelle (Boro)
SADC ID# 10-0414-PG
Boroughs of Glen Gardner and Hampton and Bethlehem Township

OCTOBER 26, 2017

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Hunterdon County ("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 its FY2017 PIG Plan application annual update on May 26, 2016; and

WHEREAS, on February 28, 2012, the SADC received a Planning Incentive Grant ("PIG") application from Hunterdon County for the Grochowicz Farm, identified as Block 11, Lots 1, 2, & 2.2 Hampton Boro and Block 1, Lot 1.01 Glen Gardner Boro, Block 46, Lot 2 Bethlehem Township, totaling approximately 86.3 gross acres hereinafter referred to as "Property" and as identified on the attached map (Schedule A); and

WHEREAS, the property is in the Highlands Preservation Area and has been owned by the family since before 2004 and appears to be eligible, and must be appraised, along with current zoning, under 01/01/04 zoning and environmental conditions pursuant to the enactment of P.L.2015, c.5, which extends the dual-appraisal provision only to farms in the Highlands region; and

WHEREAS, the Property is located in the County's Bethlehem East Project Area; and

WHEREAS, the Property is not located within the County Agriculture Development Area (ADA) however, the County is in the process of updating its comprehensive ADA plan and have confirmed this farm will be included; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.3 the Property is required to be included within the ADA, therefore, this waiver is conditioned upon County adoption and SADC certification, of an amended ADA which includes the Property prior to requesting SADC Final Approval; and

WHEREAS, the Property currently supports a corn, hay and beef operation; and

WHEREAS, the application for the Property submitted by the County includes:

- One(1), approximately 1-acre non-severable exception area for and limited to one future single family residential unit; and

- two (2), approximately 2-acre severable exception areas each for and limited to one future single family residential units; and
- one (1) 7-acre severable exception for future flexibility of use and zero residential uses, resulting in approximately 74.3 net acres to be preserved; and

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

WHEREAS, SADC staff has reviewed the application and determined that it is complete and accurate and meets the minimum standards as per N.J.A.C. 2:76-6.20 and has a quality score of 41.12 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(a)7 and 17.2 the SADC is responsible for establishing standards for determining an "eligible farm" by determining minimum score requirements in the County Planning Incentive Grant Program (PIG); and

WHEREAS, Pursuant to N.J.A.C. 2:76-17.2 an "eligible farm" means a targeted farm that qualifies for grant funding under subchapter (17) by achieving an individual rank score pursuant to N.J.A.C. 2:76-6.16 that is equal to or greater than 70 percent of the county's average quality score of all farms granted preliminary approval by the SADC through the County Easement Purchase Program and/or the County Planning Incentive Grant Program within the previous three fiscal years, as determined by the SADC ; and

WHEREAS, on July 28, 2016 Resolution #FY2017R7(5) was approved by the SADC memorializing standards for determining Eligible farms for the County PIG program, (effective January 1, 2017 – December 31, 2017); and

WHEREAS, the quality score for the property is 41.12 which is lower than the approved 70% Average Quality score for Hunterdon County of 47; and

WHEREAS, because the Property does not meet the minimum score, the SADC will consider on a case by case basis, a waiver of the minimum score criterion pursuant to N.J.A.C. 2:76-17.9(a)7 for applications submitted under the county planning incentive grant program; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(a)7i the Committee may grant a waiver of the minimum score criteria upon a finding that any of the following apply:

- (A) The conversion of the farm to non-agricultural use will likely cause a substantial negative impact on the public investment made in farmland preservation within the project area;
- (B) The subject property is of exceptionally high agricultural resource value based on soil characteristics; or
- (C) The subject property represents a unique and valuable agricultural resource to the surrounding community, and the Committee finds that it has a reasonable opportunity to remain agriculturally viable.

WHEREAS, the Hunterdon County Agriculture Development Board (CADB) has requested that the SADC provide a waiver of the minimum score criteria based on the following which meet the requirements of N.J.A.C. 2:76-17.9(a)7i (1)(B) and (C) above (Schedule C):

- The farm is a multi-generational operation providing a unique and valuable resource to the surrounding community.
- The farm is prominently located on the southbound side of State Highway 31 facilitating the farm's capacity for direct marketing and agricultural tourism in the area.
- The farm is situated within three municipalities and it would become the only preserved farm in both Glen Gardner and Hampton Boroughs where both municipalities are supportive of preservation and recognize the farm as one the last remaining tracts of farmland in their jurisdictions.
- The farm is adjacent to an elementary school where it serves as an educational backdrop, reflecting New Jersey's solvent agrarian industry for the students and staff.
- The physical characteristics of the farm otherwise qualify it as a high quality application including road frontage and access to the north and east of the property.
- The tillable acreage is high at almost 80% and 76% of the soils are classified as Prime and Statewide Important.
- The size of the farm, at 86 gross acres, make it well suited for a variety of agriculture.

WHEREAS, based on the factors presented by the CADB above SADC staff recommends the SADC provide a waiver for the Grochowicz Farm: and

NOW THEREFORE BE IT RESOLVED, pursuant to N.J.A.C. 2:76-17.9(a)7i (1) (C) the SADC finds that the subject property represents a unique and valuable agricultural resource to the surrounding community and the Committee finds that it has a reasonable opportunity to remain agriculturally viable based on the following:

- The tillable acreage is high at almost 80%.
- 76% of the soils are classified as Prime and Statewide Important.
- The Property, at 86 gross acres, make it well suited for a variety of agriculture uses
- The Property's accessible location provides a unique and valuable resource to the surrounding community.
- The Property is located in the Highlands Preservation area which is identified as an area most critically in need of protection by the Highlands Act and farmland preservation is one of the few protection tools for the landowner; and

BE IT FURTHER RESOLVED, the SADC grants a waiver of the minimum score criteria for the Grochowicz Farm; and

BE IT FURTHER RESOLVED, pursuant to N.J.A.C. 2:76-6.3 the Property is required to be included within the ADA, therefore, this waiver is conditioned upon County adoption and SADC certification, of an amended ADA which includes the Property prior to requesting SADC Final Approval; and

BE IT FURTHER RESOLVED, that the SADC shall notify the County in writing that the application has been granted a waiver and SADC staff will finalize the preliminary approval as per N.J.A.C. 2:76-17.9 ; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

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

10/26/17
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Thomas Stanuikynas (rep. DCA Commissioner Richman)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	YES
W. Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

Wetlands

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Application in the Highlands Preservation Area

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Grochowicz, Thomas and Michelle (Boro)
 Bethlehem Twp. - Block 46 Lot 2 (16.0 ac);
 Glen Gardner Boro - Block 1 Lots P/O 1.01 (27.8 ac) & P/O 1.01-ES (severable exception - 7.0 ac);
 Hampton Boro - Block 11 Lots P/O 1 (8.1 ac); P/O 1- ES (severable exception - 2.0 ac);
 P/O 2.2 (7.7 ac); P/O 2.2-EN (non-severable exception - 1.0 ac);
 P/O 2 (14.7 ac) & P/O 2-ES (severable exception - 2.0 ac)
 Gross Total = 86.3 ac
 Hunterdon County

500 250 0 500 1,000 Feet

Sources:
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 NJDEP Wetlands Data
 NJ Highlands Council Data
 NJOT/OGIS 2016 Digital Aerial Image

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

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

Preserved Farms and Active Applications Within Two Miles

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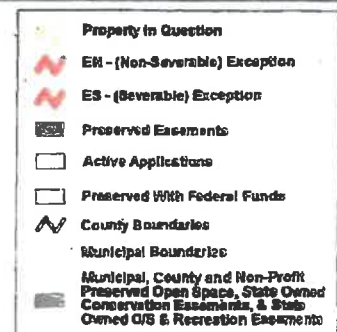


Application in the Highlands Preservation Area

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Grochowicz, Thomas and Michelle (Boro)
 Bethlehem Twp. - Block 46 Lot 2 (16.0 ac);
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 Hampton Boro - Block 11 Lots P/O 1 (8.1 ac); P/O 1-ES (severable exception - 2.0 ac);
 P/O 2.2 (7.7 ac); P/O 2.2-EN (non-severable exception - 1.0 ac);
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Gross Total = 86.3 ac
 Hunterdon County

2,500 1,250 0 2,500 5,000 7,500 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:
 N.J. Farmland Preservation Program
 Green Acres Conservation Easement Data
 N.J.OT/OGIS 2015 Digital Aerial Image

July 28, 2017

State of New Jersey
State Agriculture Development Committee
Farmland Preservation Program
Quality Ranking Score

GENERAL INFORMATION

COUNTY OF Hunterdon Glen Gardner Boro 1012

APPLICANT Grochowicz, Thomas & Michelle (Boro)

PRIORITIZATION SCORE

SOILS:	Other	27% *	0	=	.00
	Prime	33% *	.15	=	4.95
	Statewide	40% *	.1	=	4.00

SOIL SCORE: 8.95

TILLABLE SOILS:	Cropland Harvested	79% *	.15	=	11.85
	Wetlands	10% *	0	=	.00
	Woodlands	11% *	0	=	.00

TILLABLE SOILS SCORE: 11.85

BOUNDARIES AND BUFFERS:	Commercial	16% *	0	=	.00
	Farmland (Unrestricted)	9% *	.06	=	.54
	Parks (high use)	9% *	.05	=	.45
	Residential Development	60% *	0	=	.00
	Streams and Wetlands	3% *	.18	=	.54
	Woodlands	3% *	.06	=	.18

BOUNDARIES AND BUFFERS SCORE: 1.71

CONTIGUOUS PROPERTIES / DENSITY:	Grochowicz	Restricted Farm or Current Application	2
	Grochowicz	Restricted Farm or Current Application	2
	Bartnett	Restricted Farm or Current Application	2
	Bunting	Restricted Farm or Current Application	2

DENSITY SCORE: 8.00

LOCAL COMMITMENT: 100% * 9 = 9.00

LOCAL COMMITMENT SCORE: 9.00

SIZE: SIZE SCORE: 5.61

IMMIMENCE OF CHANGE: IMMINENCE OF CHANGE SCORE: .00

COUNTY RANKING:

EXCEPTIONS: Exceptions amount to more than 10% of Property EXCEPTION SCORE: -4.00

TOTAL SCORE: 41.12

Schedule C

Hunterdon County Agriculture Development Board

Hunterdon County Administration Building #1
Route 12 County Complex
PO Box 2900
Flemington, New Jersey 08822-2900

9/27/17

Mr. Douglas H. Fisher, Chairman
State Agriculture Development Committee
PO Box 330
Trenton, New Jersey 08625-0330

RE: County Planning Incentive Grant
Grochowicz, Thomas and Michelle (Grochowicz North Farm)
Block 46 Lot 2- Bethlehem Township
Block 1 Lot 1.01- Glen Gardner Borough
Block 11 Lots 1, 2, and 2.2- Hampton Borough

Dear Secretary Fisher,

Hunterdon County is in receipt of a County Planning Incentive Grant application for the Grochowicz North Farm. This farm is novel in ways which may not be reflected in the scoring parameters typical of the program. Because of this, Hunterdon County feels that the insufficient score that it has received utilizing State Agriculture Development Committee's criteria should not disqualify it from the program. This letter serves as a request for the SADC to waive the minimum score criterion for Grochowicz Farm pursuant to N.J.A.C. 2:27-17.9(a) 7.

The Grochowicz Farm is a multi-generational operation prominently located on the southbound side of State Highway 31 and it is primarily this location that makes it a unique and valuable resource to the surrounding community. The farm is situated within three municipalities and has consistently remained a viable and focal point of agricultural tourism in the area. It would become the only preserved farm in both Glen Gardner and Hampton Boroughs where both municipalities are supportive of preservation and recognize the farm as one the last remaining tracts of farmland in their jurisdictions. The farm surrounds the playground at Hampton Borough's Elementary School and draws the eye to the sweeping vistas of the highlands landscape. CADB members have remarked that although this farm's location is superficially atypical of the program, its value to the community is high, particularly for the elementary school children where it serves as an educational backdrop reflecting New Jersey's solvent agrarian industry.

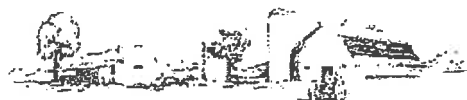
The physical characteristics of the farm otherwise qualify it as a high quality application including road frontage and access to the north and east of the property. Tillable acreage is high at almost 80%, 76% of the soils are classified as Prime and Statewide importance, and its sheer size of 86 acres make it well suited for a variety of agriculture. The inherent direct marketing capacity for local customers is extraordinary as is the proximity to the highway for ease of transport of farm products to further markets. This combination of quality land and strategic location clearly demonstrate the farm's future viability.

Thank you for taking the time to understand what makes the Grochowicz North Farm such a unique preservation application. I sincerely hope that Committee concurs that this is a valuable preservation endeavor and approves the minimum score waiver request for the Grochowicz Farm.

Sincerely,



Melanie J. Mason
Hunterdon County CADB and
Farmland Preservation Program Administrator



Telephone: (908) 788-1490 / Telecopier: (908) 788-1662
<http://www.co.hunterdon.nj.us/cadb.html>

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Grochowicz, Thomas & Michelle (Boro)
10- 0414-PG
County PIG Program
76 Acres

Block 1	Lot 1.01	Glen Gardner Boro	Hunterdon County
Block 46	Lot 2	Bethlehem Twp.	Hunterdon County
Block 11	Lot 1	Hampton Boro	Hunterdon County
Block 11	Lot 2.2	Hampton Boro	Hunterdon County
Block 11	Lot 2	Hampton Boro	Hunterdon County

SOILS:	Other	27% *	0	=	.00
	Prime	33% *	.15	=	4.95
	Statewide	40% *	.1	=	4.00

SOIL SCORE: 8.95

TILLABLE SOILS:	Cropland Harvested	79% *	.15	=	11.85
	Wetlands	10% *	0	=	.00
	Woodlands	11% *	0	=	.00

TILLABLE SOILS SCORE: 11.85

FARM USE:	Corn-Cash Grain	81 acres
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In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

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

Schedule C

[illegible]

Schedule D

State Agriculture Development Committee SADC Final Review: Development Easement Purchase

Grochowicz, Thomas & Michelle (Boro)
10- 0414-PG
County PIG Program
76 Acres

Block 1	Lot 1.01	Glen Gardner Boro	Hunterdon County
Block 46	Lot 2	Bethlehem Twp.	Hunterdon County
Block 11	Lot 2	Hampton Boro	Hunterdon County
Block 11	Lot 2.2	Hampton Boro	Hunterdon County
Block 11	Lot 1	Hampton Boro	Hunterdon County

SOILS:	Other	27% *	0	=	.00
	Prime	33% *	.15	=	4.95
	Statewide	40% *	.1	=	4.00
				SOIL SCORE:	8.95

TILLABLE SOILS:	Cropland Harvested	79% *	.15	=	11.85
	Wetlands/Water	10% *	0	=	.00
	Woodlands	11% *	0	=	.00
				TILLABLE SOILS SCORE:	11.85

FARM USE:	Corn-Cash Grain	81 acres
------------------	-----------------	----------

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

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2021R3(3)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
PITTSBURGH TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of JWP Properties, LLC ("Owner")
SADC ID#17-0219-PG
Pittsburgh Township, Salem County
N.J.A.C. 2:76-17A. et seq.**

MARCH 25, 2021

WHEREAS, on June 3, 2019, it was determined that the application for the sale of a development easement for the subject farm identified as Block 2003, Lot 17, Pittsburgh Township, Salem County, totaling approximately 29.2 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a) and the Township has met the Township Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

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

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

WHEREAS, the Property includes one (1), approximately 1 acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 28.2 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the 1 acre nonseverable exception area:

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

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

- 1) Zero (0) exceptions,
- 2) Zero (0) housing opportunities
- 3) Zero (0) agricultural labor units
- 4) No pre-existing non-agricultural uses; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on December 5, 2019, the SADC certified a development easement value of \$3,700 per acre based on zoning and environmental regulations in place as of the current valuation date August 14, 2019; and

WHEREAS, the SADC's Green Light Approval and certification of easement value were conditioned upon the operating agreement and certificate of formation for JWP Properties, LLC, being reviewed has been resolved and SADC counsel verified the authority of the members to accept the offer to sell the development rights; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township's offer of \$4,400 per acre for the purchase of the development easement on the Premises, which is higher than the certified easement, but equal to the highest appraised value of \$4,400; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on August 26, 2020, the Pittsgrove Township Committee approved the application for the sale of development easement and a funding commitment of \$1,240 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on October 28, 2020, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on November 4, 2020, the County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$540 per acre to cover the local cost share; and

WHEREAS, the Township has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 29.05 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 29.05 acres):

	Total	Per/acre
SADC	\$76,111	(\$2,620/acre) based on certified value
Pittsgrove Township	\$36,022	(\$1,240/acre) based on township offer of \$4,400
<u>Salem County</u>	<u>\$15,687</u>	<u>(\$540/acre) based on certified value</u>
Total Easement Purchase	\$127,820	(\$4,400/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 (d) (f), if there are insufficient funds available in a Township's base grant, the county may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the Township is requesting \$76,111 in base grant which is available at this time (Schedule B); and

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The prior condition to review the operating agreement and certificate of formation for JWP Properties, LLC, in order to verify the members and the authority to accept the offer and sell the development rights has been resolved and is no longer a condition.
3. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Premises, comprising approximately 29.05 net easement acres, at a State cost share of \$2,620 per acre, (70.81% of certified easement value and 59.55% of purchase price), for a total grant of approximately \$76,111 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
4. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
5. If unencumbered base grant funds become available subsequent to this final approval and prior to the Township's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.
6. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
7. The SADC will be providing its grant directly to Salem County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).
8. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Premises to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries as identified in Policy P-3-C.
9. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.

10. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
11. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

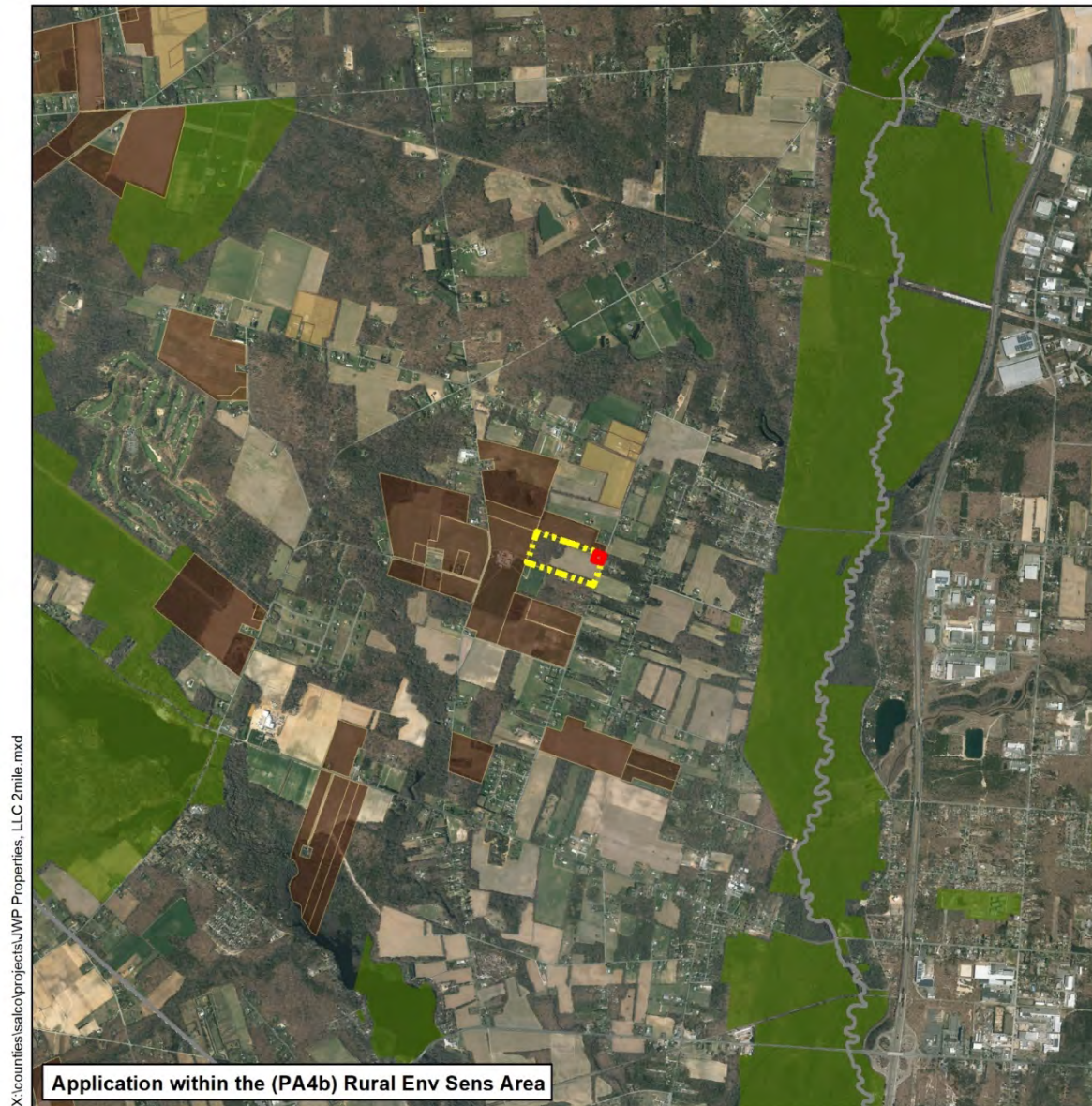
____3/25/2021_____
Date

_________
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	ABSENT
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Roger Kumpel	YES
James Waltman	NO
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Muoio)	ABSTAIN
Cecile Murphy(rep. DEP Commissioner McCabe)	YES
Douglas Fisher, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles

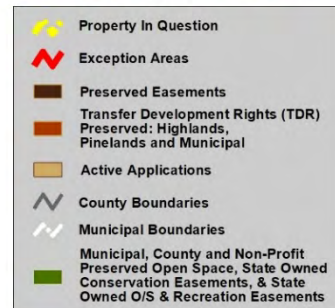


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

J.W.P. Properties, LLC
Block 2003 Lots P/O 17 (28.2 ac)
& P/O 17-EN (non-severable exception - 1.0 ac)
Gross Total = 29.2 ac
Pittsgrove Twp., Salem 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
NJOTROGIS 2015 Digital Aerial Image
May 7, 2019

Wetlands



X:\counties\salc\projects\JWP Properties, LLC fww.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

J.W.P. Properties, LLC
Block 2003 Lots P/O 17 (28.2 ac)
& P/O 17-EN (non-severable exception - 1.0 ac)
Gross Total = 29.2 ac
Pittsgrove Twp., Salem County



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

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



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

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

May 7, 2019

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Grant				Competitive Funds						
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year 09	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 19	Fiscal Year 21	Maximum Grant			Competitive Fund Balance	
																Fiscal Year 20	Fiscal Year 21	Fiscal Year 20	Fiscal Year 21	
										Encumbered	PV	Expended	Balance	Encumbered	PV	Expended	FY 20 Balance	FY 21 Balance		
													3,750,000.00				500,000.00	500,000.00		
17-0098-PG	Lin	18.5120	18.5120	5,900.00	3,850.00	109,220.80	71,271.20			71,271.20	71,271.20	71,271.20	2,992,876.64							
17-0100-PG	Wegner	18.6360	18.6270	6,850.00	4,325.00	127,594.95	80,561.78			80,561.78	80,561.78	80,561.78	2,912,314.86							
	Wegner ancillary											3,838.50	2,908,476.36							
	Lin ancillary											3,881.50	2,904,594.86							
17-0107-PG	Walters	19.3300	19.3300	4,900.00	3,340.00	94,717.00	64,562.20			64,562.20	64,562.20	64,562.20	2,840,032.66							
17-0095-PG	Schmidt	89.9000	89.9000	7,100.00	4,450.00	638,290.00	400,055.00	360,083.22	241,848.22	400,055.00	158,206.78	158,206.78	2,681,825.88							
17-0139-PG	Kupelian	36.4660	36.4660	8,100.00	4,950.00	295,374.60	180,506.70			180,506.70	180,506.70	180,506.70	2,501,319.18							
17-0145-PG	Dubois Farm Properties LLC	64.1180	64.1180	7,950.00	4,875.00	509,738.10	312,575.25			312,575.25	312,575.25	312,575.25	2,188,743.93							
17-0176-PG	CTI Solutions	86.0620	86.0620	3,700.00	2,620.00	318,429.40	225,482.44			221,390.00	225,482.44	225,482.44	1,963,261.49							
17-0139-PG	Kupelian ancillary											4,437.50	1,958,823.99							
17-0145-PG	Dubois ancillary											4,913.00	1,953,910.99							
17-0176-PG	CTI Solutions ancillary											5,958.50	1,947,952.49							
17-0095-PG	Schmidt ancillary											6,274.25	1,941,678.24							
17-0107-PG	Walters ancillary											3,750.00	1,937,928.24							
17-0200-PG	Rodriguez, Joanne L.	38.9510	38.9510	5,600.00	3,700.00	218,125.60	144,118.70			149,184.00	144,118.70	144,118.70	1,793,809.54							
17-0211-PG	Helig, Nolan R. & Devorah W.	36.7180	36.7180	7,100.00	4,450.00	258,440.00	163,395.10			161,980.00	163,395.10	163,395.10	1,630,414.44							
17-0208-PG	Rizzo, Jr., Anthony D. & Kathleen	30.8640	30.8320	4,700.00	3,220.00	144,910.40	99,279.04			90,707.40	99,279.04	99,279.04	1,531,135.40							
17-0213-PG	Mihalecz, Eric J. & Shelly R.	25.5000	22.5000	5,400.00	3,600.00	121,500.00	81,000.00			81,000.00	81,000.00		1,450,135.40							
17-0215-PG	Bauman, Anna L.	54.0750	54.0750	7,300.00	4,550.00	384,747.50	246,041.25			246,610.00	246,041.25		1,204,094.15							
	Helig Ancillary											4,692.50	1,109,401.65							
	Rizzo Ancillary											4,709.00	1,104,682.65							
17-0218-PG	JWP Properties LLC	28.2000	29.0500	4,400.00	2,620.00	127,820.00	76,111.00			76,111.00			1,118,581.65							
Closed	14	572.9130	573.0260			3,801,388.45	2,405,240.21	360,083.22	241,848.22											
Encumbered	3	107.7750	105.6250			644,067.50	403,152.25	-	-											
										Encumber/Expended FY09	-	-	750,000.00	-						
										Encumber/Expended FY11	-	-	500,000.00	-						
										Encumber/Expended FY13	-	-	500,000.00	-						
										Encumber/Expended FY17	-	175,254.10	324,745.90	-						
										Encumber/Expended FY19	76,111.00	151,787.15	153,520.20	618,581.65						
										Encumber/Expended FY20	-	-	-	-	-	-	500,000.00			
										Encumber/Expended FY21	-	-	-	500,000.00	-	-	-		500,000.00	
										Total				1,118,581.65				500,000.00	500,000.00	

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

JWP Properties, LLC
17- 0219-PG
PIG EP - Municipal 2007 Rule
28 Acres

Block 2003	Lot 17	Pittsgrove Twp.	Salem County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:		Cropland Harvested	62% * .15 = 9.30
		Woodlands	38% * 0 = .00
			TILLABLE SOILS SCORE: 9.30
FARM USE:		Corn-Cash Grain	15 acres

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

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2021R3(4)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
HOPE TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Gugel, George and Lorraine ("Owners")
SADC ID# 21-0493-PG
Hope Township, Warren County
N.J.A.C. 2:76-17A. et seq.**

MARCH 25, 2021

WHEREAS, on April 16, 2020, it was determined that the application for the sale of a development easement for the subject farm identified as Block 800, Lot 1100, Hope Township, Warren County, totaling approximately 48.5 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a) and the Township has met the Township Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

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

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

WHEREAS, the Property includes one (1), approximately one (1) acre nonseverable exception area for the existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 47.5 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the 1-acre nonseverable exception area:

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

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

- 1) Zero (0) housing opportunities
- 2) Zero (0) Residual Dwelling Site Opportunity (RDSO)
- 3) Zero (0) agricultural labor units
- 4) No pre-existing non-agricultural uses; and

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

WHEREAS, the Owners provided deeds showing that the property was originally acquired in 1983; therefore, the property is eligible for, and must be appraised under, zoning and

environmental conditions in place as of 01/01/2004 for farms in the Highlands region pursuant to N.J.S.A. 13:8B, as amended by the "Preserve New Jersey Act," P.L.2015, c.5; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 29, 2020, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$4,000 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$4,000 per acre based on zoning and environmental regulations in place as of the current valuation date June 2020; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12, the Owner accepted the Township's offer of \$4,000 per acre for the purchase of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on January 27, 2021, the Hope Township Committee approved the application for the sale of development easement and a funding commitment of \$600 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on December 17, 2020, the Warren County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on January 27, 2021, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$600 per acre to cover the local cost share; and

WHEREAS, the Municipality has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 48.925 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 48.925 acres):

	Total	Per/acre
SADC	\$136,990	(\$2,800/acre) based on certified value
Hope Township	\$ 29,355	(\$ 600/acre)
Warren County	\$ 29,355	(\$ 600/acre) based on township offer of \$-
Total Easement Purchase	\$195,700	(\$4,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76 17A.14 (d) (f), if there are insufficient funds available in a Municipality's base grant, it may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the Municipality is requesting \$195,700 in base grant which is available at this time (Schedule B); and

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

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Premises, comprising approximately 47.5 net easement acres, at a State cost share of \$2,800 per acre, (70% of certified easement value and purchase price), for a total grant of approximately \$136,990 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
4. If unencumbered base grant funds become available subsequent to this final approval and prior to the Municipality's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.
5. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
6. The SADC will be providing its grant directly to the County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).
7. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Premises to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries as identified in Policy P-3-C.
8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

____ 3/25/2021 ____
Date

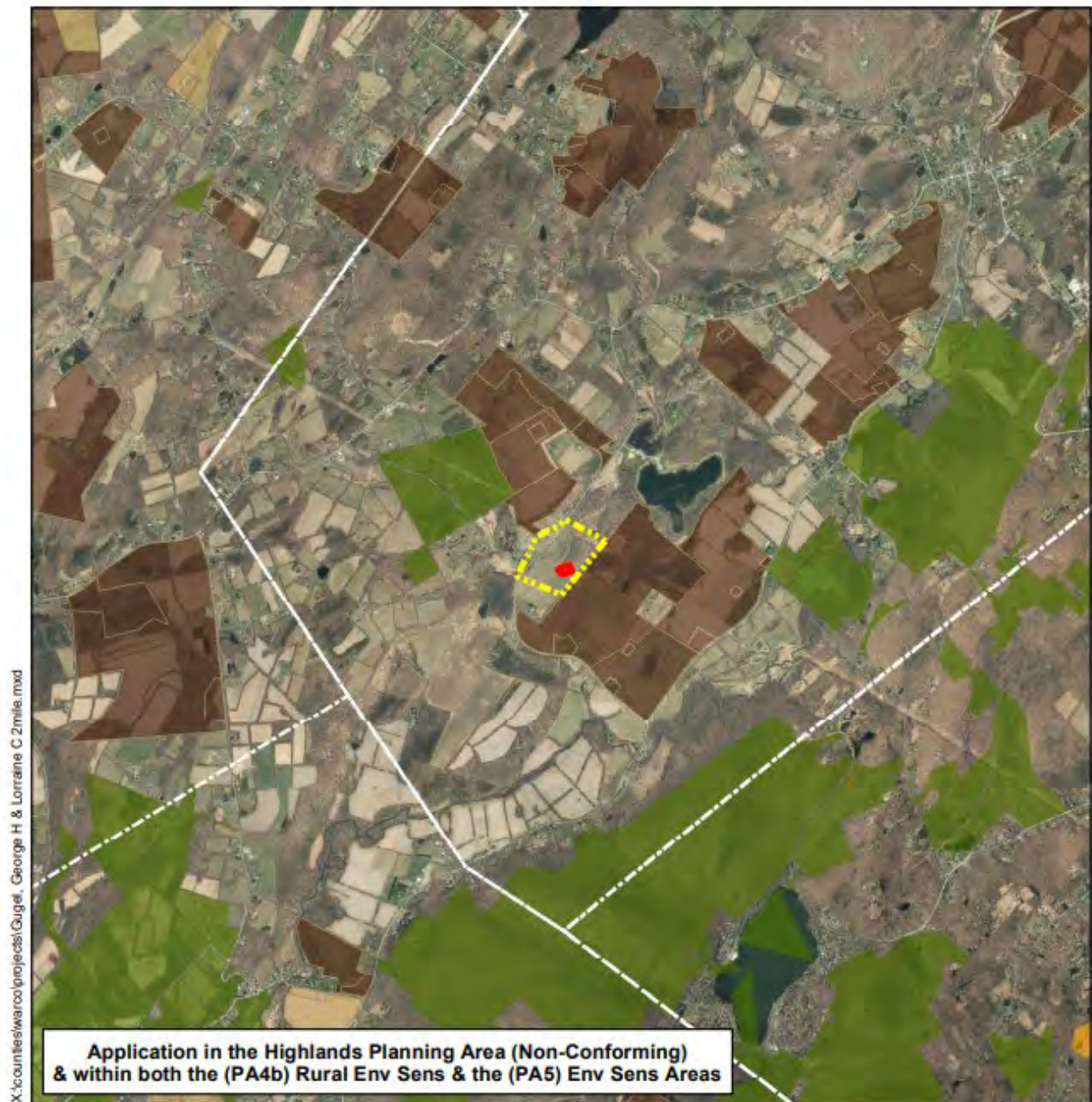
____  ____
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	ABSENT
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Roger Kumpel	YES
James Waltman	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Muoio)	ABSTAIN
Cecile Murphy(rep. DEP Commissioner McCabe)	YES
Douglas Fisher, Chairperson	YES

https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/21-0493-PG/Acquisition/Internal Closing Documents/Gugel_Municipal PIG Final Approval.docx

Preserved Farms and Active Applications Within Two Miles



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Gugel, George H. & Lorraine C.
Block 800 Lots P/O 1100 (47.5 ac);
P/O 1100-EN (non-severable exception - 1.0 ac)
Gross Total = 48.5 ac
Hope Twp., Warren 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.

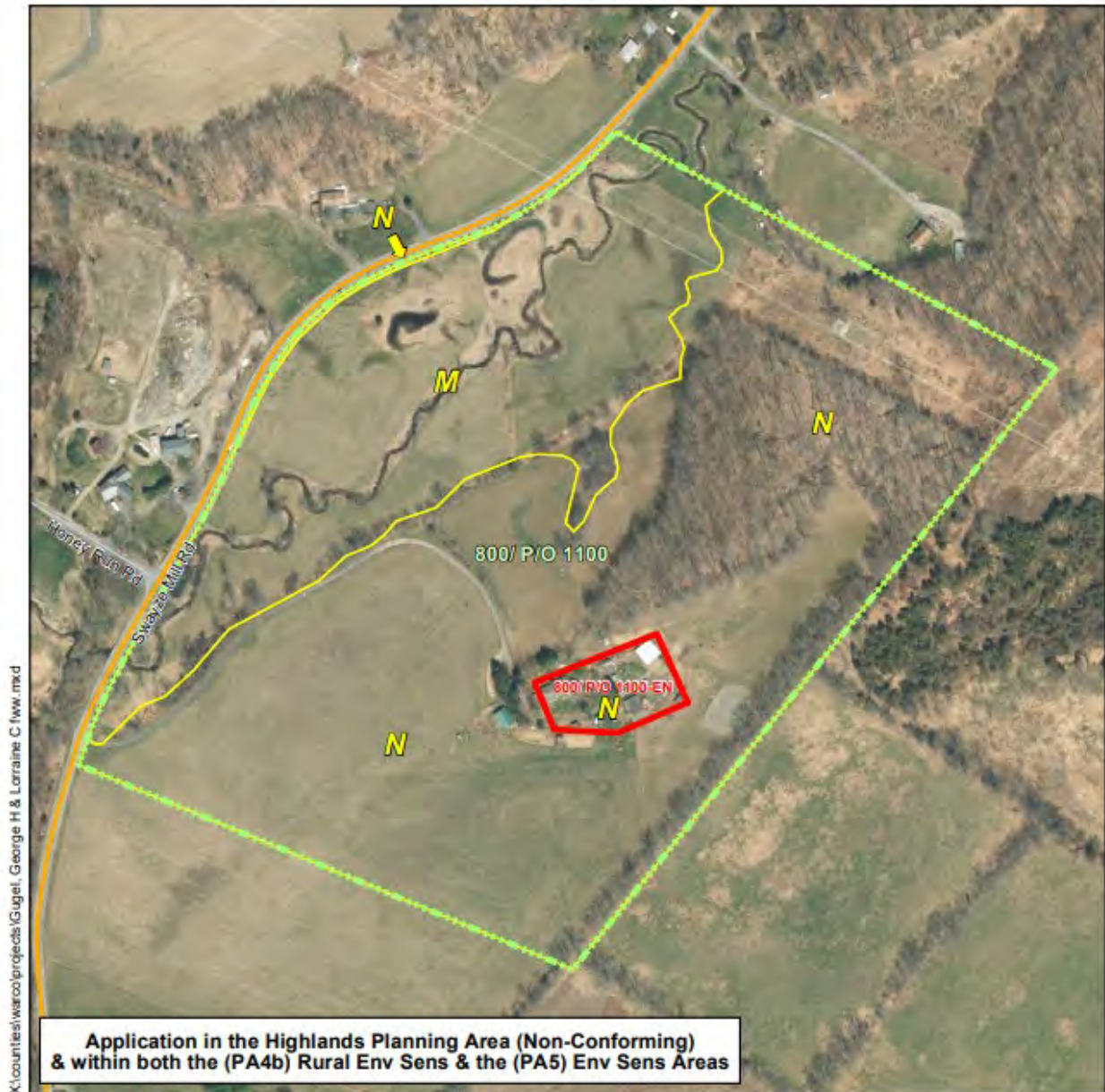


- Property In Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR)
- Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, &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

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

February 21, 2020

Wetlands



**Application in the Highlands Planning Area (Non-Conforming)
& within both the (PA4b) Rural Env Sens & the (PA5) Env Sens Areas**

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Gugel, George H. & Lorraine C.
Block 800 Lots P/O 1100 (47.5 ac);
P/O 1100-EN (non-severable exception - 1.0 ac)
Gross Total = 48.5 ac
Hope Twp., Warren County

250 125 0 250 500 Feet

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

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

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

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

February 21, 2020

Schedule B

[illegible]

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Gugel, George H. & Lorraine C.
21- 0493-PG
PIG EP - Municipal 2007 Rule
48 Acres

Block 800	Lot 1100	Hope Twp.	Warren County	
SOILS:		Other	62% * 0	= .00
		Prime	4% * .15	= .60
		Statewide	34% * .1	= 3.40
				SOIL SCORE: 4.00
TILLABLE SOILS:		Cropland Harvested	74% * .15	= 11.10
		Permanent Pasture	10% * .02	= .20
		Woodlands	16% * 0	= .00
				TILLABLE SOILS SCORE: 11.30
FARM USE:		Hay	23 acres	
		Other	10 acres	Permanent pasture
		Horse & Other Equine	7 acres	

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

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2021R3(5)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Risk It All Farm, LLC

March 25, 2021

Subject Property: **Risk It All Farm, LLC**
Block 56, Lots 1, 2, & 5, Mannington Township, Salem County
Block 15, Lot 1 & 2, Quinton Township, Salem County
Block 2, Lot 1 & 5, Alloway Township, Salem County
Approximately Net 202.4 Easement Acres

WHEREAS, on June 30, 2020, the State Agriculture Development Committee ("SADC") received a development easement sale application from Risk It All Farm, LLC, hereinafter "Owner," identified as Block 56, Lots 1, 2, & 5, in Mannington Township, Salem County; Block 15, Lot 1 & 2, in Quinton Township, Salem County; and Block 2, Lot 1 & 5, in Alloway Township, Salem County hereinafter "the Property," totaling approximately 202.4 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes no exception areas resulting in approximately 202.4 net acres to be preserved, hereinafter referred to as "the Premises;" and

WHEREAS, the Premises includes:

- 1) Zero (0) exceptions,
- 2) One (1) single family residential unit
- 3) One (1) Residual Dwelling Site Opportunity (RDSO)
- 4) Zero (0) agricultural labor units
- 5) No pre-existing non-agricultural uses; and

WHEREAS, at the time of application, the Property was in soybean production; 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 27, 2017, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 94 and minimum quality score of 63) because it is approximately 202.4 acres and has a quality score of 70.36; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on February 4, 2021, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$3,600 per acre based on zoning and environmental regulations in place as of the current valuation date December 1, 2020; and

WHEREAS, the Owners accepted the SADC's offer of \$3,600 acre for the purchase of the development easement on the Premises; 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:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$3,600 per acre for a total of approximately \$728,640 subject to the conditions contained in (Schedule B).
3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Premises to be preserved, 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 as identified in Policy P-3-C.
4. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
5. 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.
6. This approval is considered a final agency decision appealable to the Appellate

Division of the Superior Court of New Jersey.

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

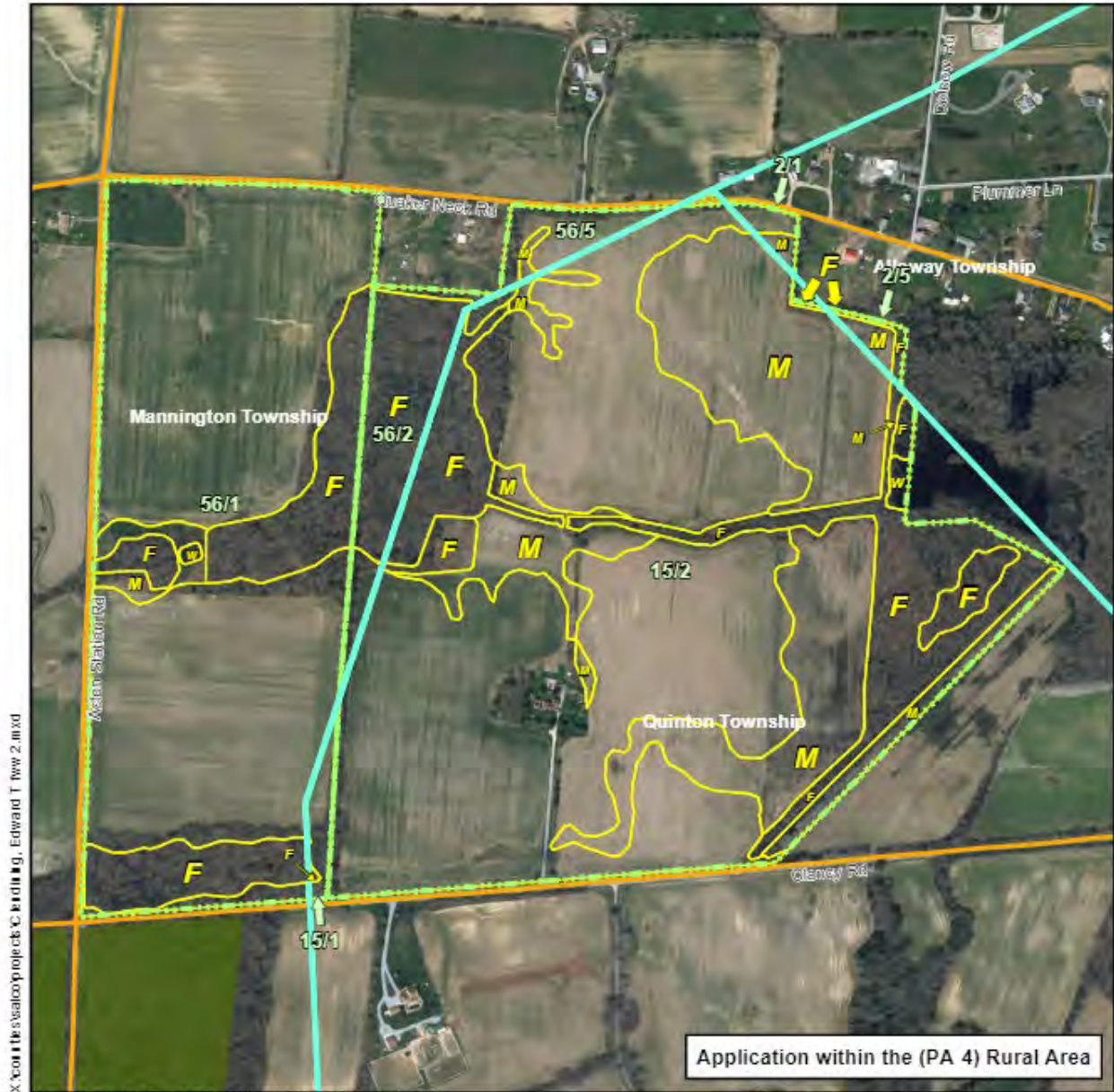
____ 3/25/2021 ____
Date

____  ____
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	ABSENT
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Roger Kumpel	YES
James Waltman	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Douglas Fisher, Chairperson	YES

Wetlands



X:\your\the\state\project\ck\c\k\m\kg, Edward T new 2.mxd

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Risk it All Farm LLC (Clendinning, Edward T)
Alloway Twp. - Block 2 Lots 1 (0.9 ac) & 5 (0.9 ac)
Mannington Twp. - Block 56 Lots 1 (68.0 ac); 2 (7.7 ac) & 5 (2.6 ac)
Quinton Twp. - Block 15 Lots 1 (1.3 ac) & 2 (121.0 ac)
Gross Acres - 202.4 ac
Salem County



Source:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJDEP Wetlands Claim Line, NJ Edition 2016/2014
NJDEP/GIS 2015 Digital Aerial Image

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- Property In Question
- Wetlands Boundaries
- Primary - Limited Access
- Federal or State Hwys
- County Roads
- Municipal/Local Roads
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements

Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 200' Buffer
W - Water

August 20, 2020

Preserved Farms and Active Applications Within Two Miles



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Clendining, Edward T.
 Alloway Twp. - Block 2 Lots 1 (0.9 ac) & 5 (0.9 ac)
 Mannington Twp. - Block 56 Lots 1 (68.0 ac); 2 (7.7 ac) & 5 (2.6 ac)
 Quinton Twp. - Block 15 Lots 1(1.3 ac) & 2 (121.0 ac)
 Gross Acres - 202.4 ac
 Salem 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
 Protected Areas Database of the United States (PAD-US)
 NJOT/OGIS 2015 Digital Aerial Image

August 20, 2020

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Risk It All Farm, LLC
Easement Purchase - SADC
202 Acres

Block 2	Lot 5	Alloway Twp.	Salem County				
Block 2	Lot 1	Alloway Twp.	Salem County				
Block 56	Lot 5	Mannington Twp.	Salem County				
Block 15	Lot 2	Quinton Twp.	Salem County				
Block 56	Lot 1	Mannington Twp.	Salem County				
Block 15	Lot 1	Quinton Twp.	Salem County				
Block 56	Lot 2	Mannington Twp.	Salem County				
SOILS:		Other	18% *	0	=	.00	
		Prime	61% *	.15	=	9.15	
		Statewide	20% *	.11	=	2.00	
						SOIL SCORE:	11.15
TILLABLE SOILS:		Cropland Harvested	76% *	.15	=	11.40	
		Wetlands/Water	18% *	0	=	.00	
		Woodlands	6% *	0	=	.00	
						TILLABLE SOILS SCORE:	11.40
FARM USE:		Soybeans-Cash Grain	82 acres				
		General Livestock NEC	13 acres				Pasture

This final approval is subject to the following:

1. Available funding.
2. The allocation of 1 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 Requested
 - 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.