

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

July 28, 2022

Secretary Fisher called the meeting to order at 9:09 a.m.

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.

Roll call indicated the following:

Members Present

Chairman Fisher
Pete Johnson
Scott Ellis
James Waltman
Gina Fischetti
Julie Krause
Cecile Murphy
Brian Schilling
Roger Kumpel, alternate for Martin Bullock

Members Absent

Martin Bullock
Denis Germano
Richard Norz

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

Minutes

SADC Regular Meeting of June 23, 2022 (Open and Closed Session)

It was moved by Mr. Schilling and seconded by Mr. Waltman to approve the Open and Closed Session minutes of the SADC regular meeting of June 23, 2022. Mr. Kumpel and Ms. Murphy abstained from the vote. The motion was unanimously approved by the remaining members.

Report of the Chairman

Chairman Fisher reported that the Governor's office is reviewing the Special Occasion Events legislation . The discussion on the proposed Soil Protection Standards will be postponed until September.

Report of the Executive Director

Ms. Payne reported the acquisition statistics for FY22. She stated SADC staff, partners and consultants had a productive year as we continued to recover from covid impacts and successfully closed 77 farms, totaling approximately 6200 acres. The key performance indicators for 2023 will be 90 farms and 6000 acres. The acquisition policy subcommittee will meet sometime next week to discuss program trends and how the SADC and its partners can achieve their conservation goals.

Ms. Payne reviewed the monthly delegation reports on certified market values, stewardship t, certified mediators , deer fencing and soil and water grants. Eight farms received certifications of value based on delegation authority granted the executive director by the committee.

Communications

Ms. Payne asked the committee to review an article in their binders from the *New York Times* that discusses the obstacles and opportunities for agriculture regarding climate change.

Public Comment

Ms. Patricia Springwell from Hunterdon County commented that the term "Farmland Preservation" should be changed to "Farm Soil Preservation" because the word "land" has an economic real estate tone to it, while "soil" is specific to the earth and emphasizes the importance of conservation. She commented that the committee needs to have integrity and be strong to protect the soil so that it is kept fertile for future farmers and most importantly for the community to have food. She also reiterated the need for restrictions on farmhouse sizes to ensure farmland affordability.

Mr. Kumpel commented that it hurts to think an operation like Sheppard Farms, Inc., which has been in business for 350 years, is losing \$1 million a year and has to sell a part of its farm. He stated that it is really scary for farmers who cannot sustain their own operations. Chairman Fisher stated that he has known the Sheppard family and their farm his entire life. He stated that they are one of the leading asparagus growers in the country and have been farming in Salem County since the 1600's. He reminded everyone to keep supporting these farmers by buying local products and supporting activities related to agriculture.

New Business

A. September 2022 to July 2023 Meeting Dates

Ms. Payne stated that meetings dates for September 2022 through July 2023 are scheduled to be held at Riverview Plaza, except for the January meeting. Mr. Schilling offered Rutgers University for the January meeting location, and Ms. Payne stated that would be appreciated.

Ms. Payne asked the committee for a motion to publish the dates as required by the Open Public Meetings Act.

It was moved by Mr. Kumpel and seconded by Mr. Schilling to approve the regular SADC meeting dates for September 2022 through July 2023. The motion was unanimously approved.

B. Election of Vice Chairman

Ms. Payne stated that Mr. Denis Germano has acted as Vice Chairman for a number of years, but he has retired from law practice, moved to Ocean City, NJ and has advised he does not seek renomination this year.

Mr. Johnson stated that he would like to nominate Mr. Scott Ellis as Vice Chairman .

It was moved by Mr. Schilling and seconded by Mr. Kumpel to close the nominations for Vice Chairman. The motion was unanimously approved.

It was moved by Mr. Johnson and seconded by Mr. Kumpel to elect Mr. Ellis as Vice Chairman . A roll call vote was taken. The motion was unanimously approved.

C. Resolution: Preliminary Approval- FY 2023 Nonprofit Program

Ms. Miller stated that the SADC received one eligible application for the FY2023 Nonprofit Program from the Land Conservancy of New Jersey for a 125-acre farm located in Hope Township, Warren County. The estimated 50% SADC cost share is \$386,5000 and it is anticipated that Warren County will provide the other 50% cost share and hold the easement. The recommendation is that the SADC grant preliminary approval , contingent on a subsequent appropriation recommendation for the project in the fall.

It was moved by Ms. Murphy and seconded by Mr. Johnson to approve Resolution FY2023R7(1), granting preliminary approval of the FY 2023 Nonprofit program. A roll call vote was taken. The motion was unanimously approved.

D. Resolutions: Preliminary Approval- Direct Easement Purchase Program

Ms. Miller referred the committee to one request for preliminary 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 preliminary approval.

It was moved by Mr. Kumpel and seconded by Mr. Johnson to approve Resolution

FY2023R7(2), granting preliminary approval to the following application under the Direct Easement Purchase Program, as presented, subject to any condition of said resolution.

1. Kenneth Clark and Laurie Duff, SADC ID#10-0128-DE, FY2023R7(2), Block 26, Lot 26, Holland Township, Hunterdon County, 15 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R7(2) is attached to and a part of these minutes.

Ms. Mazzella referred the committee to one request for preliminary 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 preliminary approval.

It was moved by Mr. Schilling and seconded by Mr. Johnson to approve Resolution FY2023R7(3), granting preliminary approval to the following application under the Direct Easement Purchase Program, as presented, subject to any condition of said resolution.

1. John Freas, SADC ID#17-0376-DE, FY2023R7(3), Block 5501, Lot 4, Pennsville Township, Salem County, 116 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R7(3) is attached to and a part of these minutes.

E. Resolutions: Final Approval – Direct Easement Purchase Program

Ms. Mazzella referred the committee to three requests for final approval under the Direct Easement Purchase 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. Kumpel and seconded by Ms. Murphy to approve Resolution FY2023R7(4) through FY2023R7(6), granting final approval to the following applications under the Direct Easement Purchase Program, as presented, subject to any condition of said resolution

1. John and Jerilyn Waters, SADC ID#17-0373-DE, FY2023R7(4), Block 31, Lot 4 and Block 24, Lot 6, Lower Alloways Creek Township, Salem County, 80.7 gross acres.
2. Michael Gallaher and Jill Muhlbaier, SADC ID# 17-0370-DE, FY2023R7(5), Block 31, Lot 9, Lower Alloways Creek Township, Salem County, 78.1 acres.
3. Michael and Veronica Harasta, SADC ID#17-0371-DE, FY2023R7(6), Block 24, Lot 1, Lower Alloways Creek Township, Salem County, 34.2 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R7(4) through FY2023R7(6) are attached to and a part of these minutes.

Chairman Fisher pointed out the location of these farms being next to each other and asked

how staff managed to have three applications in such proximity at the same time. Ms. Mazzella explained these applications were held up in the county program due to limited funding and quality scores, so they were unable to move forward. When the Direct Easement program received funds, Ms. Mazzella consulted with the county to identify any applications that could be moved into the Direct Easement program and these farms were chosen. The committee commended the staff on its outreach efforts and finding solutions that enable farms to get preserved.

F. Resolutions: Easement Donation and Enrollment

Note: Mr. Johnson recused on this discussion.

Ms. Miller referred the committee to one request under the Easement Donation Program requesting the approval of the enrollment of a farm, previously preserved by Burlington County without an SADC cost share grant, in the state Farmland Preservation Program. No compensation is provided by the SADC for such an enrollment but, once enrolled, the farm qualifies for all the benefits of a preserved farm, including grants for deer fencing and soil and water projects. She reviewed the specifics of the request with the committee and stated that staff recommendation is to grant approval.

It was moved by Mr. Schilling and seconded by Mr. Kumpel to approve Resolution FY2023R7(7), granting approval to the following application under the Easement Donation and Enrollment Program, as presented, subject to any condition of said resolution.

1. David and Deborah Hess, SADC ID#03-0002-DN, FY2023R7(7), Block 400, Lots 5, 6, 7, 11, 12 & 19, Moorestown Township, Burlington County, 35.5 net easement survey acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R7(7) is attached to and a part of these minutes.

G. Right to Farm and Agricultural Mediation Program Update

Alison Reynolds, Esq., and Dave Kimmel reported on the agency's recent activities related to Right to Farm Act (RTFA) outreach and the Agricultural Mediation Program.

Ms. Reynolds stated that the last RTFA report to the SADC was in 2019. Despite the pandemic over the last two years, staff still made presentations to the Rutgers Center for Governmental Services, the New Jersey Association of Planning & Zoning Administrators, the Foodshed Alliance, which was also attended by members of the public, and shellfish operators at the Haskins Shellfish Research Lab. She noted that effective in January 2021, the Right to Farm Act was amended to extend eligibility to year-round, full-time agricultural equine laborers.

Over the past few months, there has been activity in the legislature regarding Right to Farm amendments to better address shellfish operations. The issue is that the Right to Farm Act, as currently written, applies more to terrestrial agriculture operations and does not reflect the realities of a shellfish operation, which consists of practices both on riparian areas and

terrestrial land. Starting in April 2022, SADC staff began meeting with NJ Department of Agriculture staff and shellfish operators in order to propose Right to Farm Act amendments that better address shellfish operations within the current Right to Farm Act paradigm. Discussions are ongoing and heading in a positive direction.

Mr. Waltman asked for clarification as to what the shellfish operators are seeking.

Ms. Reynolds stated they are seeking protections for both production and marketing. The production aspect takes place in water bodies the operators do not own, but rather lease from DEP, and the marketing aspect typically takes place at locations distant from the production areas. Ms. Reynolds stated that, for example, the definition of farm market under the RTFA requires at least \$2,500 worth of agricultural production on a farm market parcel less than 5 acres, which does not fit the standard shellfish operation.

Mr. Johnson stated that he is aware of an oyster operation where they raise them in cages, and it had to shut down sorting and cleaning facilities because of the noise. Ms. Reynolds stated that odors are also an issue. Ms. Payne stated that staff wants to make sense of what the industry standard is in order to create an RTFA standard that effectively affords eligibility protection for the aquaculture industry. She noted that staff visited several shellfish operator sites, and the conversation has been very positive.

Mr. Kimmel stated that the Agricultural Mediation Program has been coordinated by the SADC for 20 years, helping farmers resolve agriculture-related issues quickly, amicably and in a cost-effective manner. Farmers can use mediation to help resolve issues related to Right to Farm, USDA, agricultural credits and leases, and any other issues Secretary Fisher considers appropriate to better serve the agricultural community.

Mr. Kimmel stated that the USDA rules were updated in the most recent farm bill to allow for more agricultural subject matters to be mediated. During the Covid-19 pandemic the availability to meet remotely was offered and continues to be offered. New Jersey hosted the 2022 Coalition of Agricultural Mediation Programs (CAMP) Conference. Ms. Reynolds and Ms. Payne stated that Mr. Kimmel did a great job organizing and facilitating the conference. Mr. Schilling stated that there is a number of new agricultural extension agents and requested a presentation to the extension agents on the Right to Farm and Ag mediation programs.

Ms. Reynolds advised the Committee that she's leaving the SADC effective August 12 and today is her last SADC meeting. Ms. Reynolds commended the SADC on its level of deliberation on issues before the Committee. She noted that the staff is top notch, that she looks forward to working with the staff in the future, and that she will miss everyone.

Ms. Payne stated that Ms. Reynolds has been a wonderful asset to the agency and always brought a "can-do" attitude to her work, a trait that staff appreciated the most about her. She stated that Ms. Reynolds was a wonderful team player and a great person to have on the staff and she wishes her all the best.

Public Comment

Ms. Patricia Springwell from Hunterdon County commented that the Browning-Hess farm should be commended for having a parking lot of gravel and not asphalt, as extensive roads

need to remain gravel. She stated that NJ needs healthy soil preserved and restrictions on farmhouse sizes and on permanent infrastructure to allow the soil to keep NJ growing green and keep food growing Jersey Fresh on Jersey soil.

CLOSED SESSION

At 10:13 a.m. Ms. Payne read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss certain matters including personal matters, any pending or anticipating litigation including the Quaker Valley Farms and Riewerts litigation matter or any matters falling within attorney client privilege, including attorney advice on the administrative process required for Right to Farm matters when the CADB lacks a quorum. The minutes of such meeting shall remain confidential until the Committee determines that the need for confidentiality no longer exists.

It was moved by Mr. Schilling and seconded by Ms. Murphy to go into Closed Session. The motion was unanimously approved.

ACTION AS A RESULT OF CLOSED SESSION

A. Litigation – Quaker Valley Farms

Mr. Stypinski stated the committee discussed the Quaker Valley matter and settlement negotiations and asked if the committee wanted to take any actions based on those closed session discussions.

Ms. Murphy stated that plan submitted by QVF does not meet the Stormwater Rules or the erosion control standards in the Soil Erosion and Sediment Control Act and the plan was unsigned and unsealed.

Ms. Murphy made a motion to reject the plan and terminate settlement negotiations. The motion was seconded by Ms. Fischetti. A roll call was taken. The motion was unanimously approved.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., September 22, 2022

Location: 200 Riverview Plaza, Trenton, NJ

ADJOURNMENT

The meeting was adjourned at 11:46p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

STEWARDSHIP SEMI-ANNUAL DELEGATION REPORT



To: SADC Members

From: Susan Payne, Executive Director

Date: July 28, 2022

There have been no delegated stewardship approvals since the last Stewardship Delegation Report on January 27, 2022.

<u>Request</u>	<u>Applicant</u>	<u>SADC ID#</u>	<u>Municipality</u>	<u>County</u>
Solar Approvals				
Total:				0
House Replacement				
Total:				0
RDSO Exercise				
Total:				0
Ag Labor				
Total:				0
Access to Non-Severable Exceptions				
Total:				0

AGRICULTURAL MEDIATION PROGRAM DELEGATION REPORT – FY 2023 MEDIATOR RECERTIFICATION



To: SADC Members
From: Susan Payne, Executive Director
Date: July 28, 2022

The SADC's Agricultural Mediation Program is designed to help farmers and others resolve agriculture-related disputes quickly, amicably, and in a cost-effective manner. Farmers can use mediation to help resolve Right to Farm, USDA, agricultural credit, agricultural lease, farm transition, and other farmer-neighbor issues, as well as any other issues Secretary Fisher considers appropriate for better serving the agricultural community. Mediation is voluntary and provided as a free service for farmers and others.

Pursuant to the Agricultural Mediation Program's regulations, N.J.A.C. 2:76-18.10, the agricultural mediators' certificates are to be renewed annually, provided the mediators continue to satisfy the program's regulations.

On July 13, 2022, nine (9) mediators' certificates were renewed for FY 2023.

- Megan Bucknum
- Liza R. Clancy
- Gaetano M. DeSapio, Esq.
- Michael Ennis
- Melvin Henninger
- Tara Kenyon
- Paul A. Massaro, Esq.
- Autherine Smith Scholl
- Loretta Yin, Esq

DEER FENCING PROGRAM SEMI-ANNUAL DELEGATION REPORT



To: SADC Members

From: Susan Payne, Executive Director

Date: July 28, 2022

Since the last Deer Fencing Program Delegation Report on January 27, 2022, the following actions have been taken:

- Two (2) applications have been approved.
- One (1) application has been denied.
- Two (2) grant reimbursement has been issued for a completed deer fence project.

Deer Fencing Grants – Two (2) New Application Approved

Zeng Farms LLC

10-0105-PG-DF1

129.82 acres

Raritan/Hunterdon

Proposed Project: 10,000 ft of fencing to enclose 124 acres

Crops Planned for Fenced Area: Organic corn

Maximum Cost Share Grant Approved: \$20,000



Deer Run Farm Inc.

10-0057-DE-DF1

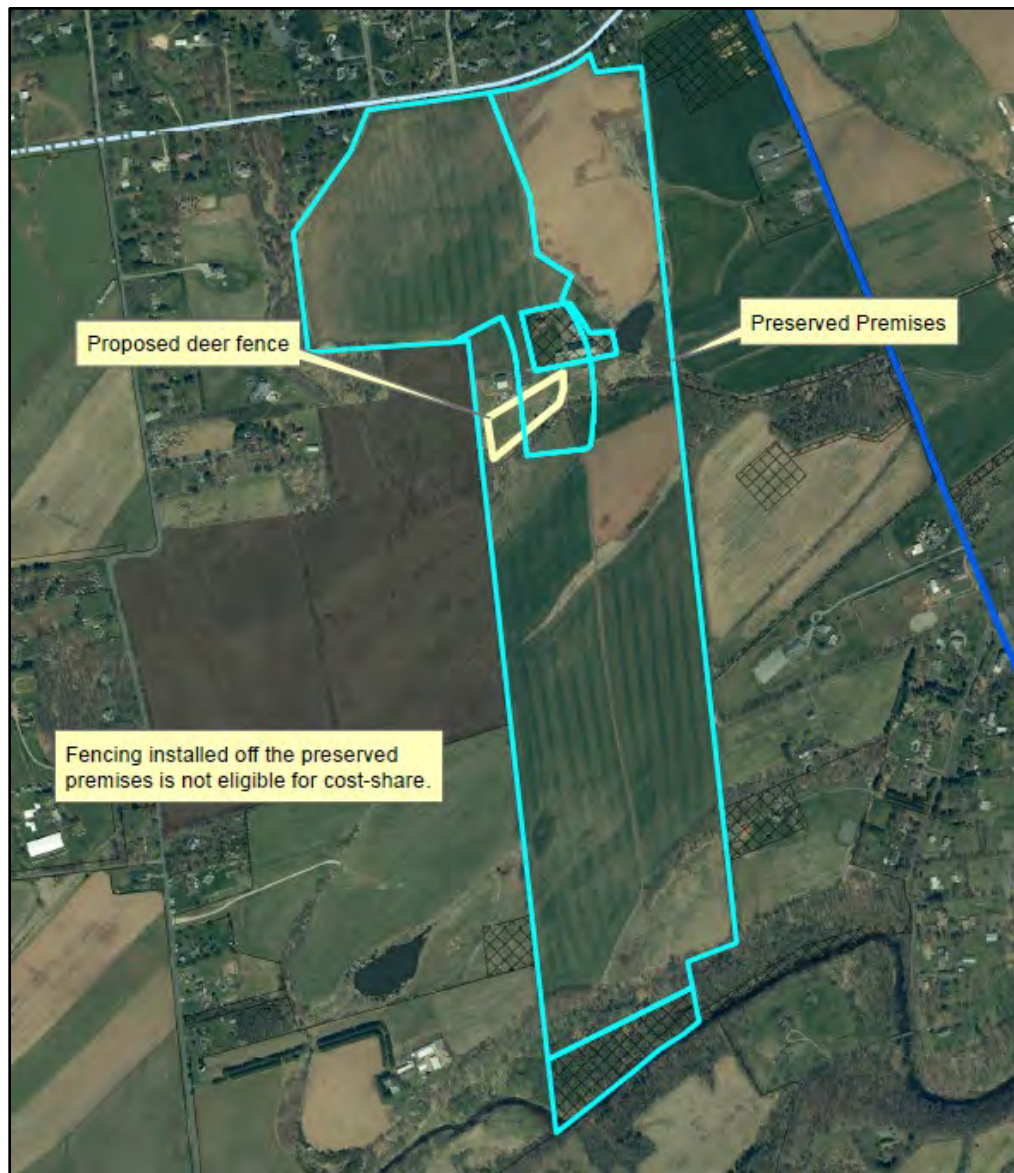
163.23 acres

East Amwell/Hunterdon

Proposed Project: 1,400 ft of fencing to enclose 2 acres

Crops Planned for Fenced Area: Pumpkins, pasture

Maximum Cost Share Grant Approved: \$20,000



Deer Fencing Grants – One (1) New Application Denied

Flipside Farm LLC

No SADC ID#

93.62 acres

Bedminster/Somerset

Proposed Project: 2,800 ft of fencing to enclose 15 acres

Crops Planned for Fenced Area: Fruits, Vegetables

Reason For Denial: Property was not enrolled in a “permanent farmland preservation program”

Deer Fencing Grants – Two (2) Projects Completed and Reimbursed

Terhune Orchards LLC

11-0007-EP-DF1

52.36 acres

Lawrenceville/Mercer County

Completed Project:

~6,441 ft of fencing installed

~53 acres enclosed

Cost Share Grant Paid:

\$10,471.20



Ditzels Farm LLC

10-0074-EP

90.4 acres

East Amwell/Hunterdon County

Completed Project:

~1,980 ft of fencing installed

~5.5 acres enclosed

Cost Share Grant Paid:

\$11,784.39



[https://sonj.sharepoint.com/sites/AG/SADC/General SADC Meeting/DelegatingApprovals/Reports To Committee/AG Development/20220728_DelegationReport_DeerFence.docx](https://sonj.sharepoint.com/sites/AG/SADC/General%20SADC%20Meeting/DelegatingApprovals/Reports%20To%20Committee/AG%20Development/20220728_DelegationReport_DeerFence.docx)

SOIL & WATER COST SHARE PROGRAM SEMI-ANNUAL REPORT



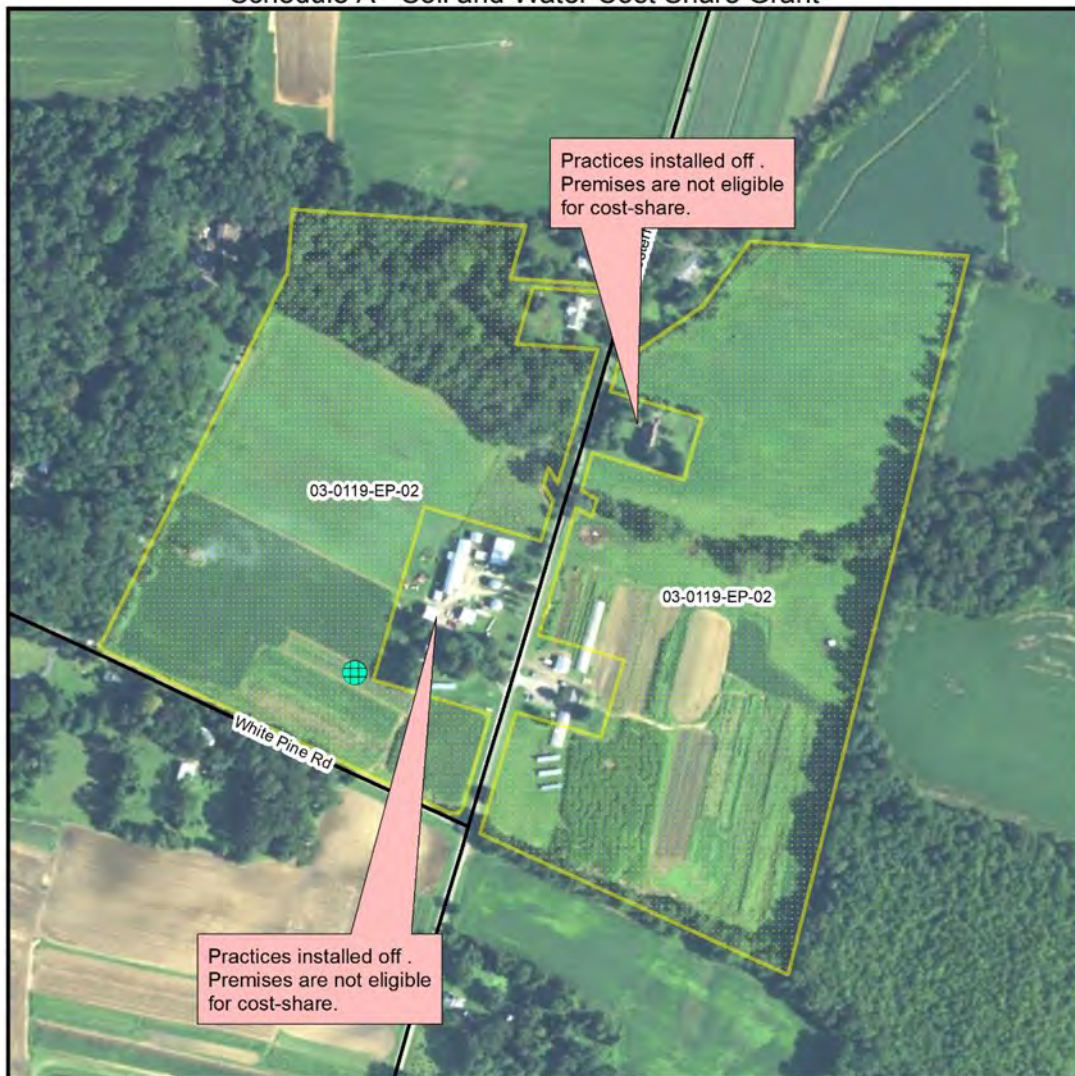
To: SADC Members
From: Susan Payne, Executive Director
Date: July 12, 2022

County	Municipality	Applicant	Application	Project Type	Approved Date	Cost-Share Obligated
Burlington	Chesterfield	Raymond and Gerald Hlubik	03-0119-EP-02	2:90-2.15 - Irrigation system	3/29/2022	\$ 8,919.34
			03-0092-EP-01	2:90-2.15 - Irrigation system	3/31/2022	\$ 16,506.90
		Wayne E. Bird	03-0023-TD-01	2:90-2.18 - Underground drainage system	5/13/2022	\$ 7,596.69
	North Hanover	David Forsyth	03-0023-FS-02	2:90-2.17 - Permanent open drainage system	3/30/2022	\$ 5,861.69
	Southampton	William J Raftery	03-0032-PN-02	2:90-2.11 - Stream Protection	January 13, 2022	\$ 1,540.70
	Tabernacle	Michael Wilk	03-0028-PG-02	2:90-2.23 - Animal Waste Control Facilities	7/6/2022	\$ 11,796.28
Camden	Voorhees	Saddlehill Holdings, LLC.	04-0001-FS-01	2:90-2.15 - Irrigation system	1/13/2022	\$ 16,699.70
Cumberland	Upper Deerfield	Myers Farms, LLC.	06-0025-EP-01	2:90-2.15 - Irrigation system	7/6/2022	\$ 51,445.76
	Greenwich///Stow Creek	Beverly P. Arnold	06-0064-DE-01	2:90-2.18 - Underground drainage system	4/1/2022	\$ 4,011.96
		David, Marcia, and Brianna Vioreck	08-0176-PG-01	2:90-2.15 - Irrigation system	7/6/2022	\$ 14,802.42
Gloucester	Logan	S&J Leone	08-0005-DE-01	2:90-2.15 - Irrigation system	1/26/2022	\$ 43,864.20
	Franklin//Upper Pittsgrove	Edward Olbrich	08-0039-EP-01	2:90-2.15 - Irrigation system	January 13, 2022	\$ 37,194.00
Mercer	Hamilton	Scott Ellis	11-0175-PG-02	2:90-2.18 - Underground drainage system	5/13/2022	\$ 23,526.10
Monmouth	Upper Freehold	Block 50, LLC.	13-0054-DE-01	2:90-2.9 - Sod Waterway	7/6/2022	\$ 40,808.31
Salem	Mannington	ZRH Farms, LLC.	17-0182-DE-01	2:90-2.15 - Irrigation system	3/3/2022	\$ 62,260.65
			17-0185-DE-01	2:90-2.15 - Irrigation system	3/3/2022	\$ 61,983.40
			17-0181-DE-01	2:90-2.15 - Irrigation system	5/17/2022	\$ 61,948.80
		Spina Farms, LLC.	17-0249-DE-01	2:90-2.15 - Irrigation system	7/6/2022	\$ 37,483.85
Somerset	Hillsborough	Abmas Farms, LLC.	18-0019-EP-01	2:90-2.17 - Permanent open drainage system	7/6/2022	\$ 11,991.81
	Pittsgrove//Upper Deerfield	Douglas Mehaffey D/B/A Parsonage Run Nursery	17-0160-DE-01	2:90-2.15 - Irrigation system	2/1/2022	\$ 33,840.00
Grand Total						\$ 554,082.55

Since the last SADC update on cost-share grants at the January 2022 SADC meeting, 20 cost-share project requests have been approved and a total of \$554,082.55 was obligated for project implementation.

Schedule A - Soil and Water Cost Share Grant

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: Raymond and Gerard Hlubik
Owner: HLUBIK, RAYMOND F & GERARD G.
Application Number: 03-0119-EP-02
Municipality: Chesterfield
County: Burlington



Legend

Practices

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3/24/2022

Image: NJDEP 2017 Natural Color

Schedule A - Soil and Water Cost Share Grant

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: Raymond and Gerard Hlubik
Owner: HLUBIK, MICHAEL J
Application Number: 03-0092-EP-01
Municipality: Chesterfield
County: Burlington



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Legend

Practices

Practice Code

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SW_Premises

3/24/2022

Image: NJDEP 2017 Natural Color

Schedule A - Soil and Water Cost Share Grant

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

Applicant: Wayne E. Bird
 Owner: Bird, Wayne E. and April L.
 Application Number: 03-0023-TD-01
 Municipality: Chesterfield
 County: Burlington



Legend

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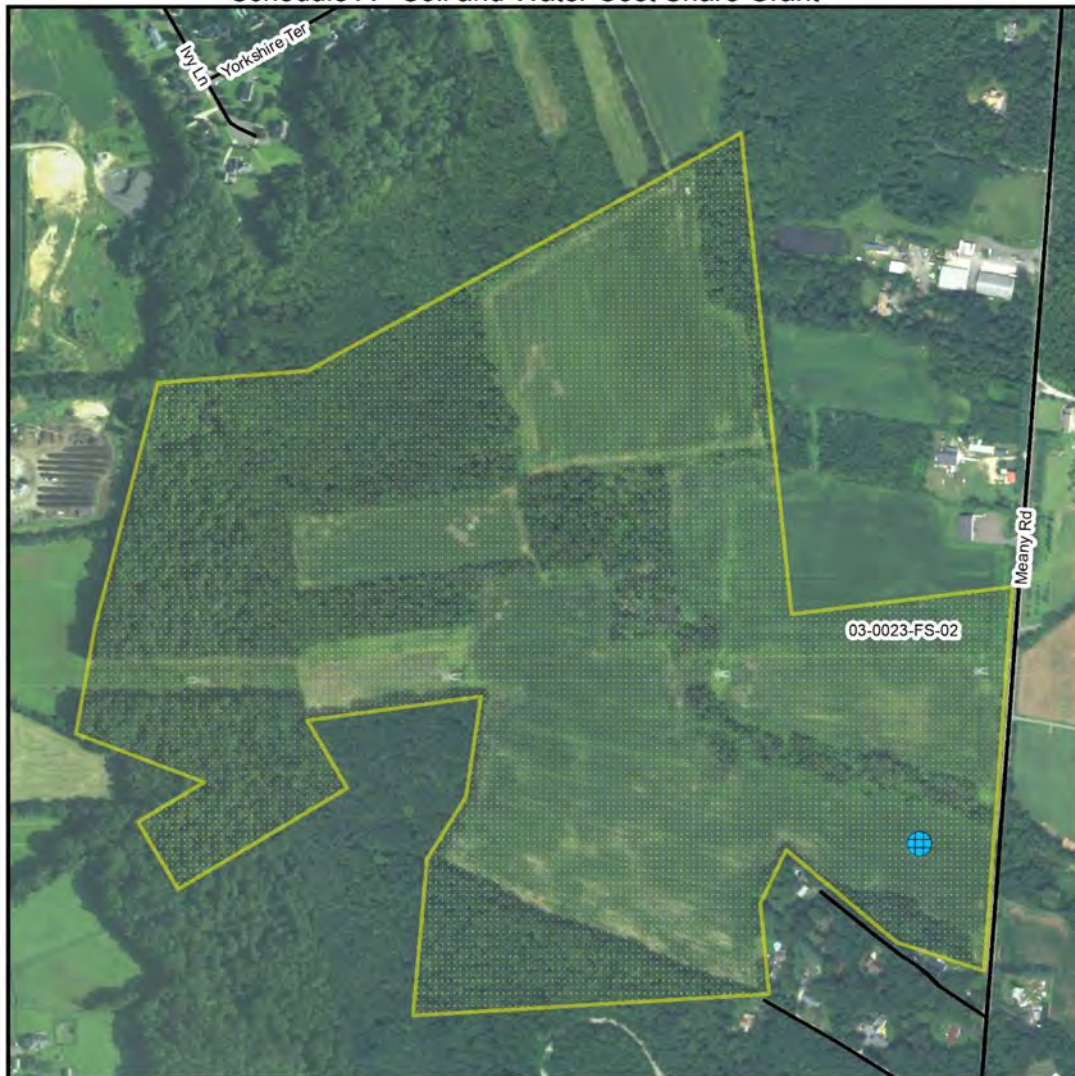
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5/3/2022

Image: NJDEP 2017 Natural Color

Schedule A - Soil and Water Cost Share Grant

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: David Forsyth
 Owner: FORSYTH DAVID; FORSYTH ASHLEY
 Application Number: 03-0023-FS-02
 Municipality: North Hannover
 County: Burlington

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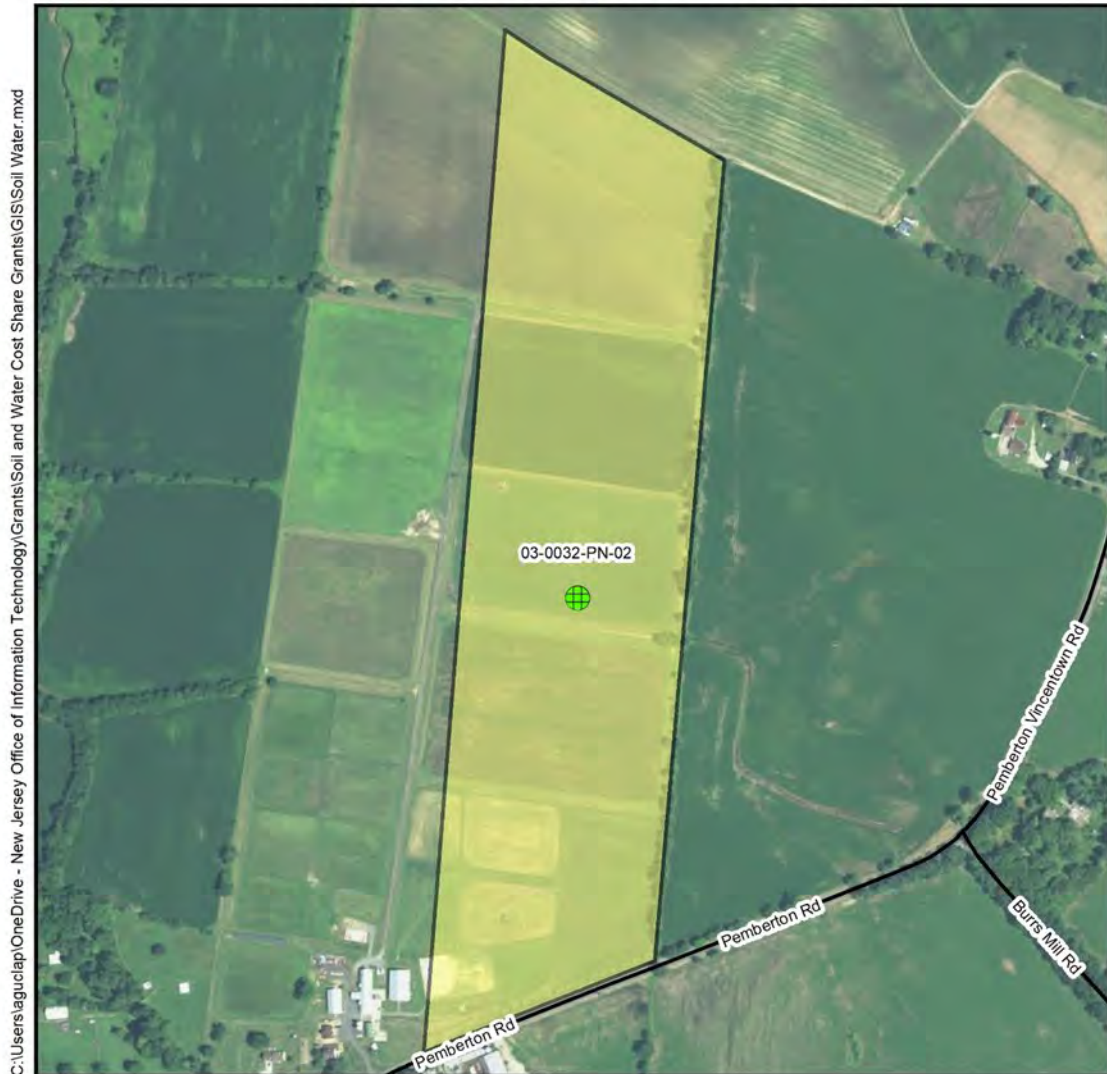
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Image: NJDEP 2017 Natural Color

Schedule A - Soil and Water Cost Share Grant



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: William Raftery
Owner: Raftery, Wm J & Runquist, Patti C
Application Number: 03-0032-PN-02
Municipality: Southampton
County: Burlington



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11/29/2021

Image: NJDEP 2017 Natural Color

Schedule A - Soil and Water Cost Share Grant

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: Michael Wilk
Owner: Michael Wilk
Application Number: 03-0328-PG-02
Municipality: Tabernacle
County: Burlington

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Practices



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7/1/2022

Image: NJDEP 2020 Natural Color

Schedule A - Soil and Water Cost Share Grant



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: Saddlehill Holdings, LLC.
Owner: Saddlehill Holdings, LLC.
Application Number: 04-0001-FS-01
Municipality: Voorhees
County: Camden



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Practices

Practice Code



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11/29/2021

Image: NJDEP 2017 Natural Color

Schedule A - Soil and Water Cost Share Grant

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: Myers Farms, LLC.
Owner: Ferguson Farm, LLC.
Application Number: 06-0025-EP-01
Municipality: Upper Deerfield
County: Cumberland

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Feet

7/1/2022

Legend

Practices

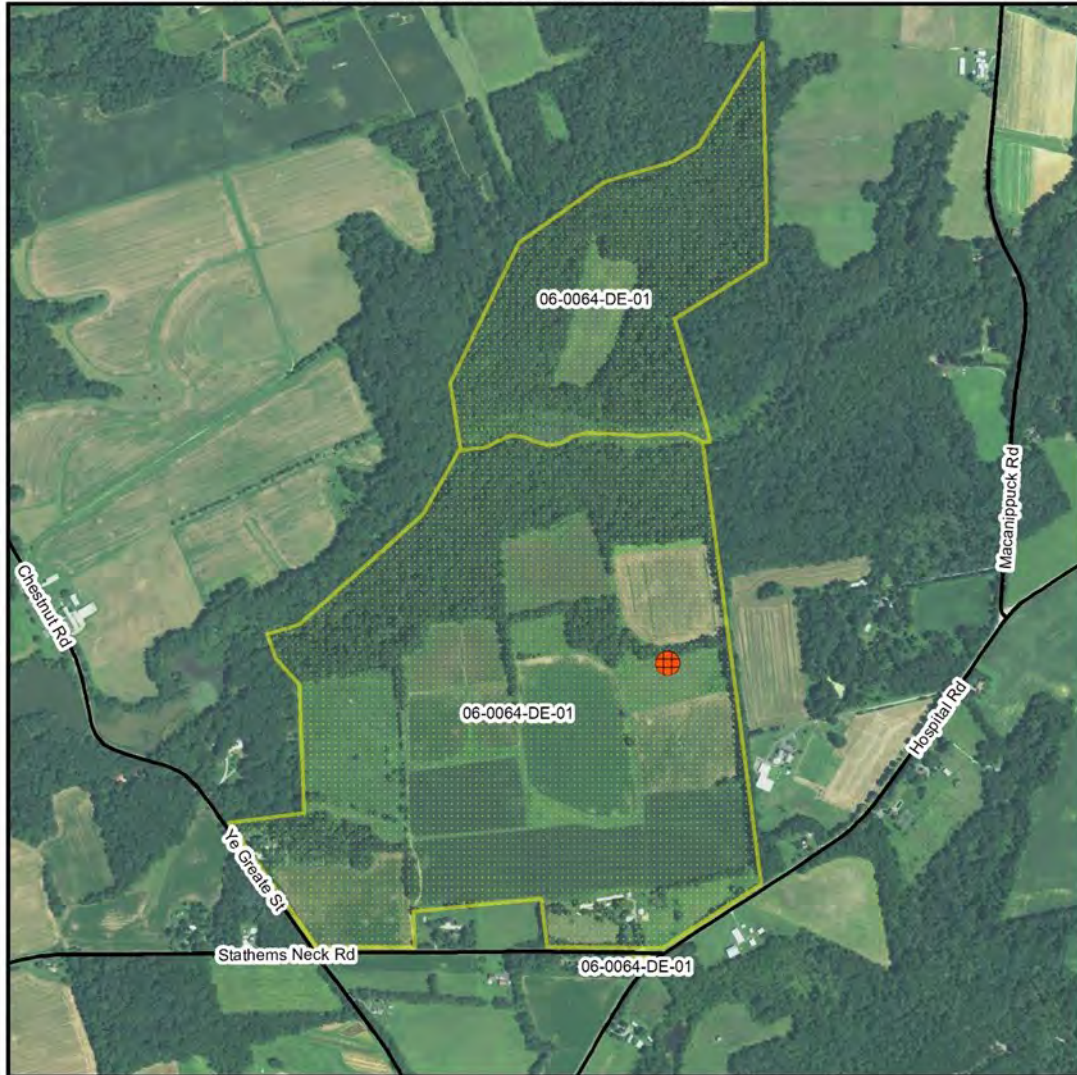
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	2:90-2.06		2:90-2.14
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	2:90-2.08		2:90-2.16
	2:90-2.09		2:90-2.17
	2:90-2.10		2:90-2.18
	2:90-2.11		2:90-2.19
			SW_Premises



Image: NJDEP 2020 Natural Color

Schedule A - Soil and Water Cost Share Grant

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: Beverly P. Arnold
 Owner: Arnold, Beverly P.
 Application Number: 06-0064-DE-01
 Municipality: Greenwich/Stow Creek
 County: Cumberland

N

0 500 1,000 2,000 3,000 Feet

Legend

Practices

Practice Code

-  2:90-2.18
-  SW_Premises

3/28/2022

Image: NJDEP 2017 Natural Color

Schedule A - Soil and Water Cost Share Grant

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: David, Marcia and Brianna Virecek
Owner: David and Marcia Virecek
Application Number: 08-0176-PG-01
Municipality: Logan
County: Gloucester

0 150 300 600 Feet

7/1/2022

Legend

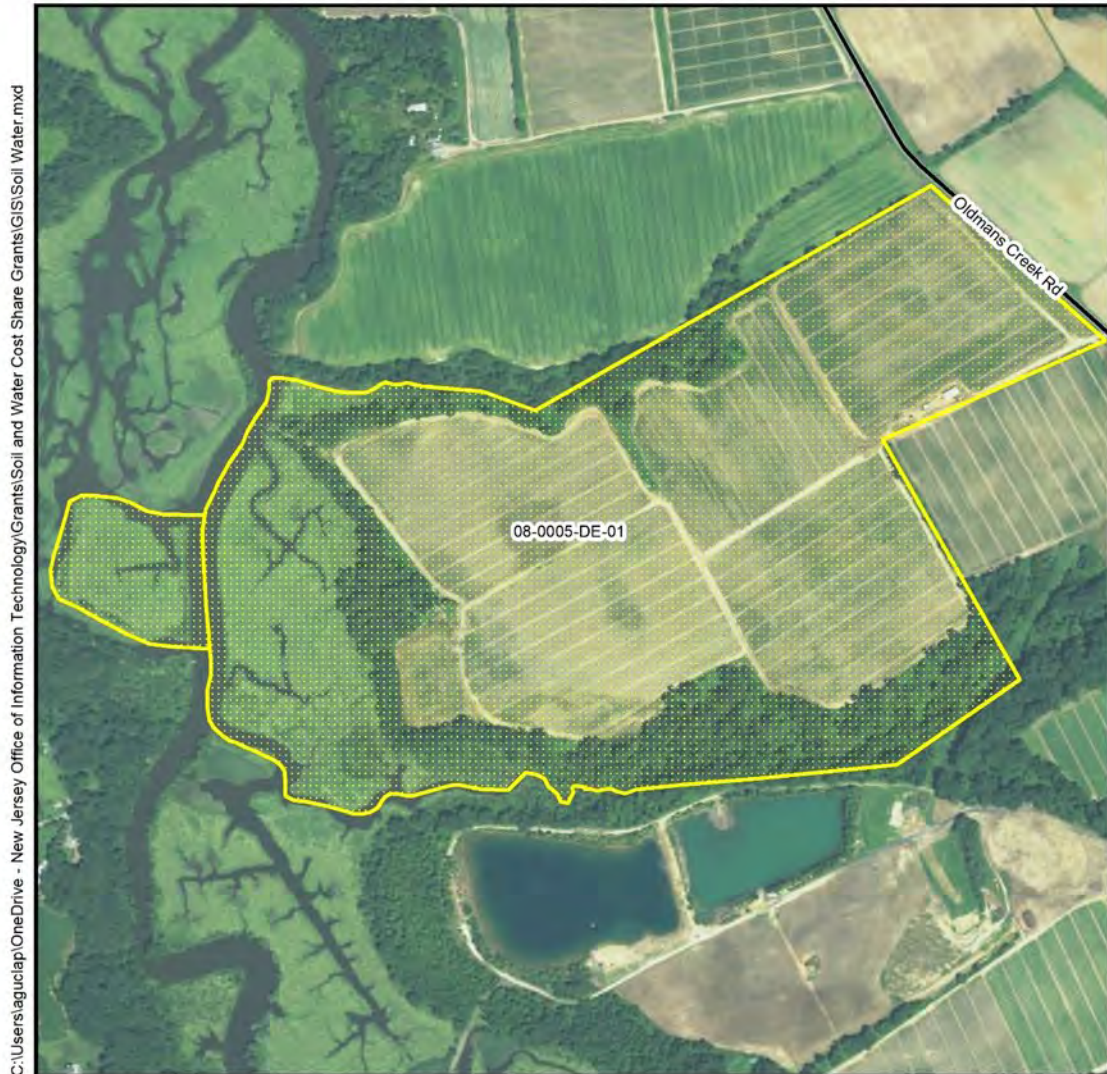
Practices

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2:90-2.06	2:90-2.13	2:90-2.21
2:90-2.07	2:90-2.14	2:90-2.22
2:90-2.08	2:90-2.15	2:90-2.23
2:90-2.09	2:90-2.16	2:90-2.24
2:90-2.10	2:90-2.17	SW_Premises
2:90-2.11	2:90-2.18	
	2:90-2.19	



Image: NJDEP 2020 Natural Color

Schedule A - Soil and Water Cost Share Grant



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: S&J Leone
Owner: Joseph A. Leone
Application Number: 08-0005-DE-01
Municipality: Franklin & Upper Pittsgrove
County: Gloucester

N

0 300 600 1,200 1,800 Feet

Legend

Practices

Practice Code

- 2:90-2.15
- SW_Premises

1/25/2022

Image: NJDEP 2017 Natural Color

Schedule A - Soil and Water Cost Share Grant



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: Edward Olbrich
 Owner: Edward Olbrich
 Application Number: 08-0039-EP-01
 Municipality: Franklin and Upper Pittsgrove
 County: Gloucester and Salem

N

0 300 600 1,200 1,800 Feet

Legend

Practices

Practice Code

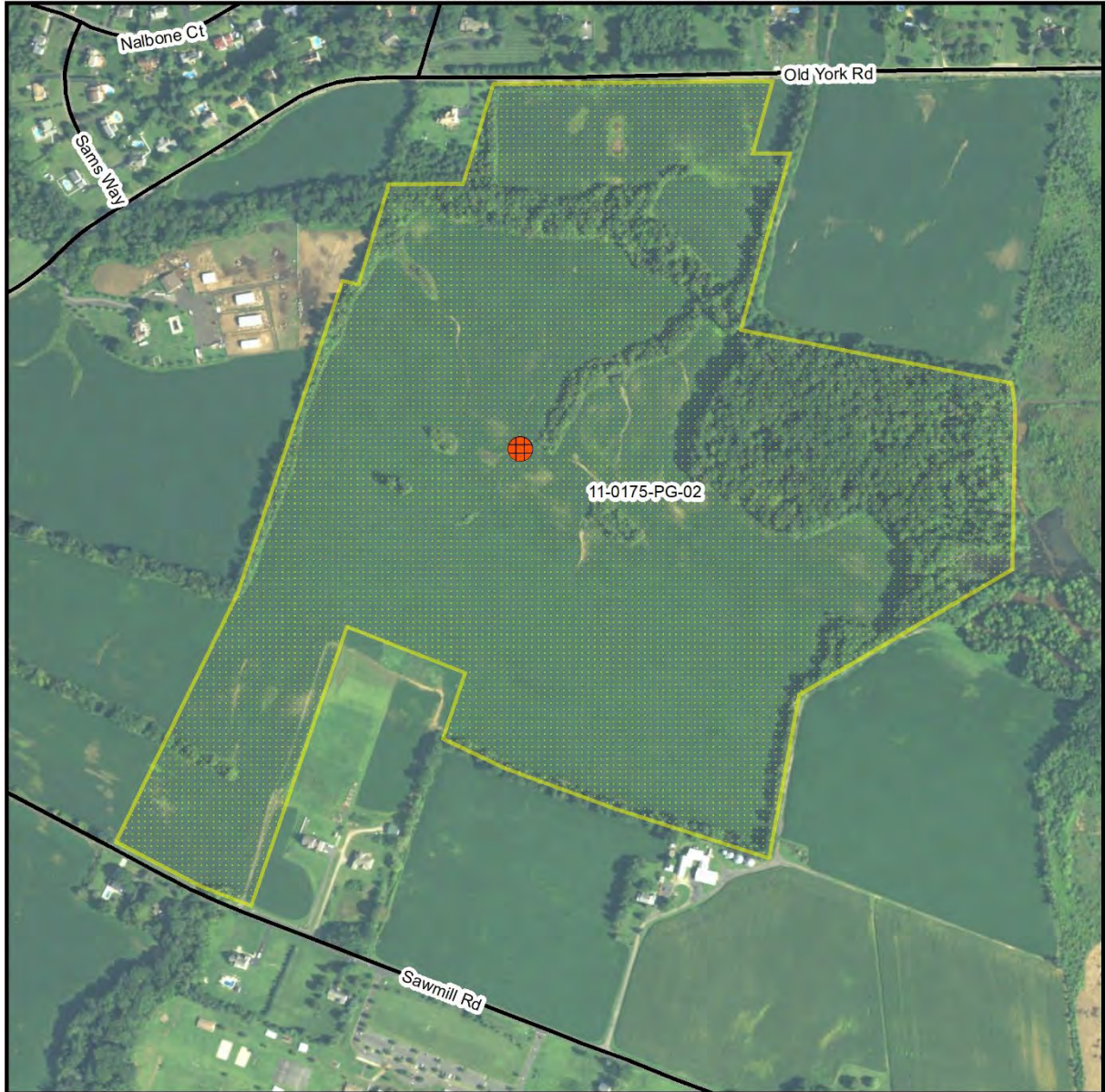
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-  SW_Premises

1/10/2022

Image: NJDEP 2017 Natural Color

Schedule A - Soil and Water Cost Share Grant

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: Scott Ellis
Owner: BLACK HORSE REALTY, LLC
Application Number: 11-0175-PG-02
Municipality: Hamilton
County: Mercer



0 300 600 1,200 1,800 Feet

A horizontal scale bar with markings at 0, 300, 600, 1,200, and 1,800 feet.

Legend

Practices

Practice Code



2:90-2.18



SW_Premises

5/2/2022

Image: NJDEP 2017 Natural Color

Schedule A - Soil and Water Cost Share Grant

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

Applicant: Block 50, LLC.
 Owner: Block 50, LLC.
 Application Number: 13-0054-DE-01
 Municipality: UPPER FREEHOLD
 County: MONMOUTH

0 300 600 1,200
 Feet

7/1/2022

Legend

	SW_Premises		2-90-2.11		2-90-2.19
Practices					
	2-90-2.05		2-90-2.12		2-90-2.20
	2-90-2.06		2-90-2.13		2-90-2.21
	2-90-2.07		2-90-2.14		2-90-2.22
	2-90-2.08		2-90-2.15		2-90-2.23
	2-90-2.09		2-90-2.16		2-90-2.24
	2-90-2.10		2-90-2.17		
			2-90-2.18		



Image: NJDEP 2020 Natural Color

Schedule A - Soil and Water Cost Share Grant



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: ZRH Farms, LLC.
Owner: Marino Brothers, a NJ General Partnership
Application Number: 17-0182-DE-01
Municipality: Mannington
County: Salem



0 500 1,000 2,000 3,000 Feet

Legend

Practices

Practice Code

-  2:90-2.15
-  SW_Premises

2/28/2022

Image: NJDEP 2017 Natural Color

Schedule A - Soil and Water Cost Share Grant



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: ZRH Farms, LLC.
Owner: Marino Brothers, A NJ General Partnership
Application Number: 17-0185-DE-01
Municipality: Mannington
County: Salem



0 500 1,000 2,000 3,000 Feet

Legend

Practices

Practice Code

-  2:90-2.15
-  SW_Premises

2/28/2022

Image: NJDEP 2017 Natural Color

Schedule A - Soil and Water Cost Share Grant

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: ZRH Farms, LLC.
Owner: MARINO BROTHERS LAND LLC
Application Number: 17-0181-DE-01
Municipality: Mannington
County: Salem



0 450 900 1,800 2,700 Feet

Legend

Practices

-  2:90-2.15
-  SW_Premises

5/16/2022

Image: NJDEP 2017 Natural Color

Schedule A - Soil and Water Cost Share Grant

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: Spina Farms, LLC.
Owner: Spina Farms, LLC.
Application Number: 17-0249-DE-01
Municipality: Mannington
County: Salem

0 150 300 600
Feet

7/1/2022

Legend

Practices

	2:90-2.05		2:90-2.12		2:90-2.20
	2:90-2.06		2:90-2.13		2:90-2.21
	2:90-2.07		2:90-2.14		2:90-2.22
	2:90-2.08		2:90-2.15		2:90-2.23
	2:90-2.09		2:90-2.16		2:90-2.24
	2:90-2.10		2:90-2.17		SW_Premises
	2:90-2.11		2:90-2.18		
			2:90-2.19		



Image: NJDEP 2020 Natural Color

Schedule A - Soil and Water Cost Share Grant

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: Abmas Farms, Inc.
Owner: Conard, Samuel G.
Application Number: 18-0019-EP-01
Municipality: Hillsborough
County: Somerset

0 250 500 1,000
Feet

Legend

Practices

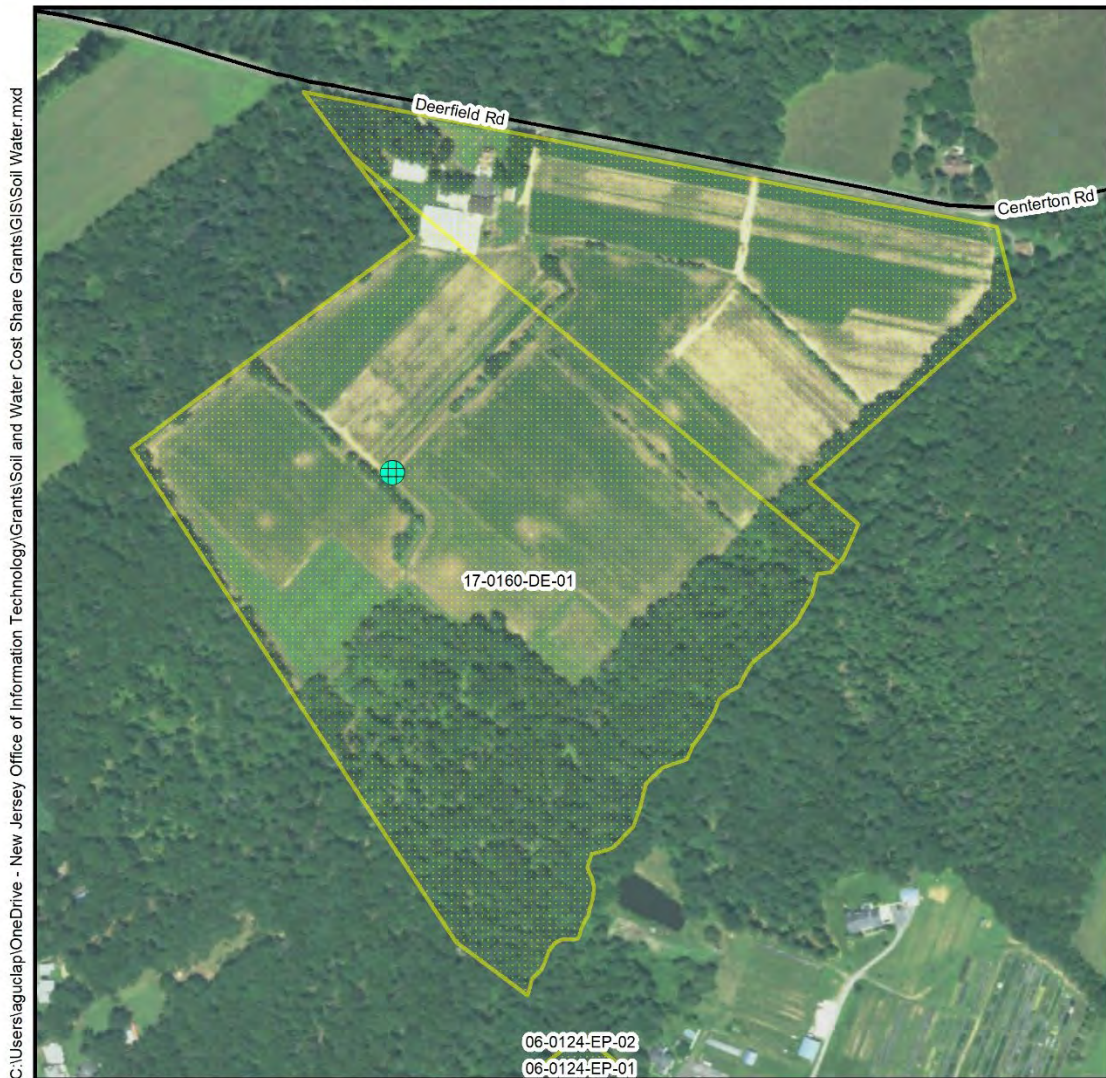
2:90-2.05	2:90-2.12	2:90-2.20
2:90-2.06	2:90-2.13	2:90-2.21
2:90-2.07	2:90-2.14	2:90-2.22
2:90-2.08	2:90-2.15	2:90-2.23
2:90-2.09	2:90-2.16	2:90-2.24
2:90-2.10	2:90-2.17	SW_Premises
2:90-2.11	2:90-2.18	
	2:90-2.19	



7/1/2022

Image: NJDEP 2020 Natural Color

Schedule A - Soil and Water Cost Share Grant



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: Douglas Mehaffey
 Owner: Mehaffey, Douglas and Michelle
 Application Number: 17-0160-DE-01
 Municipality: Pittsgrove and Upper Deerfield
 County: Salem and Cumberland



0 200 400 800 1,200
Feet

Legend

Practices

Practice Code

-  2:90-2.15
-  SW_Premises

1/31/2022

Image: NJDEP 2017 Natural Color

STATE AGRICULTURE DEVELOPMENT COMMITTEE

REGULAR MEETING DATES

SEPTEMBER 2022 thru JULY 2023

Time of Meetings: 9:00 a.m.

Meeting location: (unless otherwise noted)
200 Riverview Plaza, 200 Building 1st floor

Date	Location
<u>2022</u>	
Thursday, September 22, 2022	Riverview Plaza
Thursday, October 27, 2022	Riverview Plaza
Thursday, December 1, 2022	Riverview Plaza
<u>2023</u>	
Thursday, January 26, 2023	TBA
Thursday, February 23, 2023	Riverview Plaza
Thursday, March 23, 2023	Riverview Plaza
Thursday, April 27, 2023	Riverview Plaza
Thursday, May 25, 2023	Riverview Plaza
Thursday, June 22, 2023	Riverview Plaza
Thursday, July 27, 2023	Riverview Plaza

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2023R7(1)
PRELIMINARY REVIEW AND APPROVAL FY2023 FUNDING ROUND
NONPROFIT ACQUISITION OF DEVELOPMENT EASEMENT PROJECTS
JULY 28, 2022

WHEREAS, the State Agriculture Development Committee, "SADC" is authorized under the Garden State Preservation Trust Act, P.L. 1999, c.152, to provide a grant to qualified nonprofit organizations for up to 50 percent of the cost of acquisition, including eligible ancillary costs, of development easements or fee simple titles to farmland from willing sellers; and

WHEREAS, the SADC provided notice of available grants as published in the New Jersey Register on February 7, 2022, in a total amount to be determined by the SADC and an application deadline of May 15, 2022, for the FY2023 Nonprofit Grant Round; and

WHEREAS, one application was received from the Land Conservancy of New Jersey ("TLC-NJ") for FY2023 (Schedule A); and

WHEREAS, the application is located in the Warren County ADA; is greater or equal to 70% of the County average quality score as determined on September 2, 2021; and appears to qualify as eligible farms pursuant to N.J.A.C. 2:76-12.3 and N.J.A.C. 2:76-6.20; and

WHEREAS, as per N.J.A.C. 2:76-13.3 the total nonprofit costs submitted are \$384,220 based on estimated easement and ancillary costs; and

WHEREAS, SADC staff has reviewed the estimated costs submitted by TLC-NJ and finds them to be reasonable for purposes of calculating a 50% cost share match; and

WHEREAS, based on the cost estimates submitted by TLC-NJ, the SADC grant award representing a 50% cost share grant, including eligible ancillary costs as set forth more specifically in Schedule A, would be \$384,220 for an easement purchase;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants preliminary approval of the nonprofit projects and grant amounts identified in Schedule A and conditions contained in Schedule B; and
3. This approval is subject to N.J.A.C. 2:76-12, 13, 14, 15, and 16 and all other rules and regulations as established by the SADC; and
4. This preliminary approval is conditioned upon an SADC resolution appropriating \$384,220 to the FY2023 Nonprofit Round, Legislative appropriation of funds and funding availability as determined by the State Treasurer; and
5. Any funds that are not expended within two years of the date of the grant appropriation are subject to reappropriation and may no longer be available to the nonprofit; and
6. That this approval is considered a final agency decision appealable to the

Appellate Division of the Superior Court of New Jersey; and

7. The SADC's approval is conditioned upon the Governor's review period pursuant to N.J.S.A. 4:1C-4f.

_7/28/2022

Date



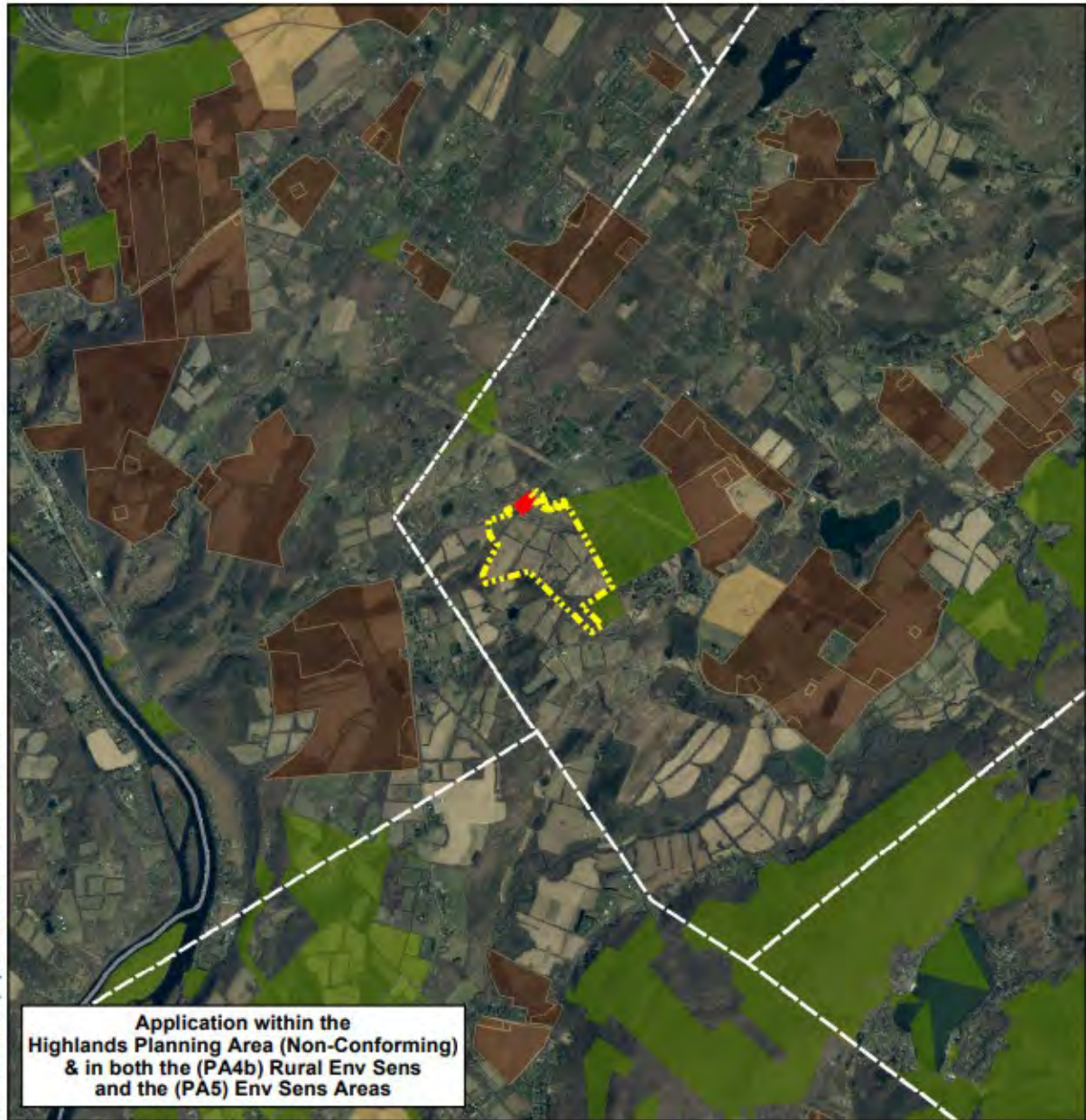
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	ABSENT
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner LaTourette)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	ABSENT
Douglas Fisher, Chairperson	YES

Schedule A - Spreadsheet[illegible]

Preserved Farms and Active Applications Within Two Miles



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

526 Delaware Rd, LLC
Block 700 Lots 400 (1.1 ac) & 503 (1.3 ac) &
Block 300 Lots P/O 600 (119.9 ac)
& P/O 600-EN (non-severable exception - 1.5 ac)
Gross Total = 123.8 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

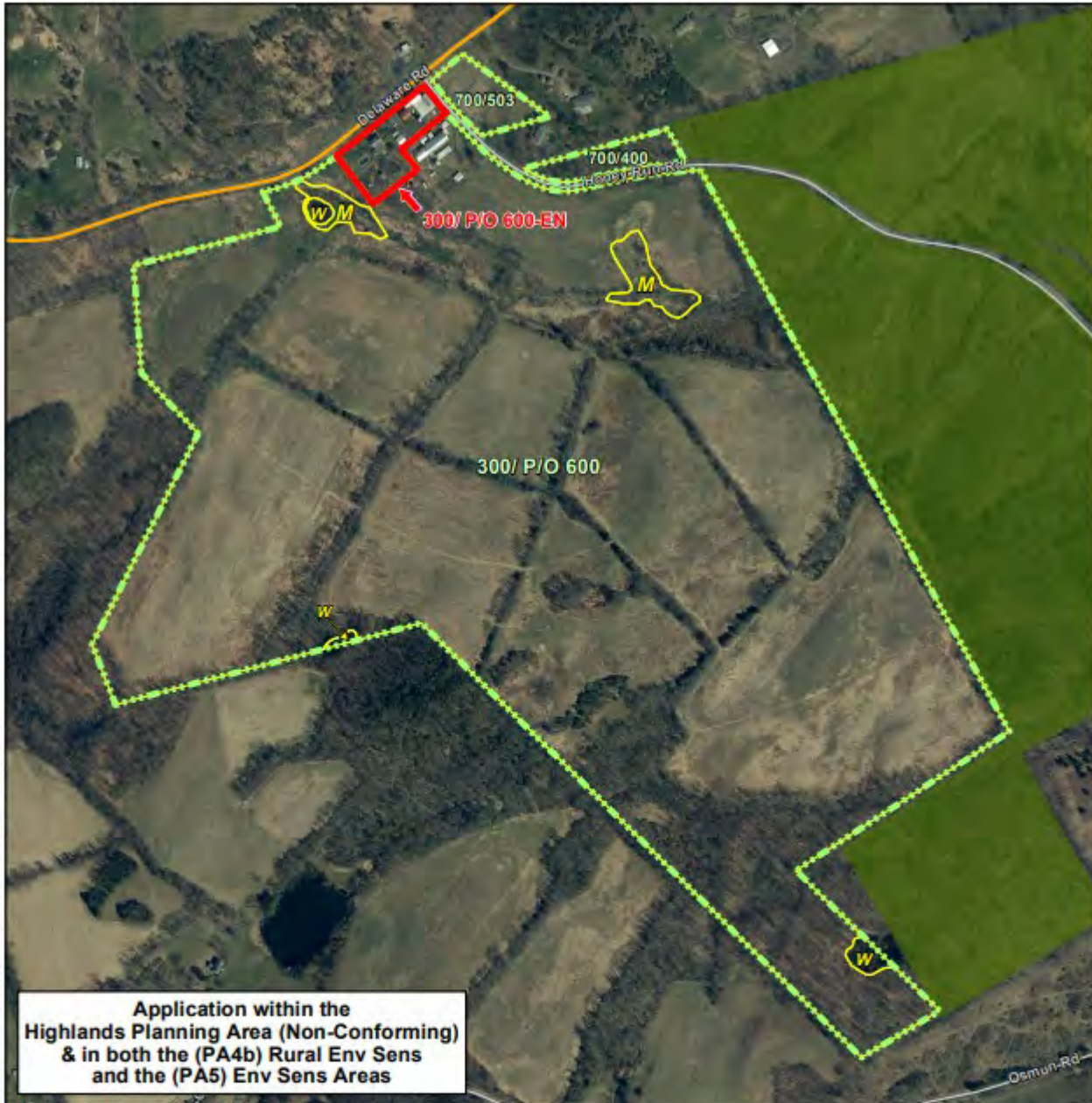


- Property in Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR)
- Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, &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

Sources:
NJ Farmland Preservation Program
NJOT Parcels edited from new tax data
NJDEP Conservation/Open Space Easement Data
NJOTIGIS 2020 Digital Aerial Image

May 25, 2022

Wetlands



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

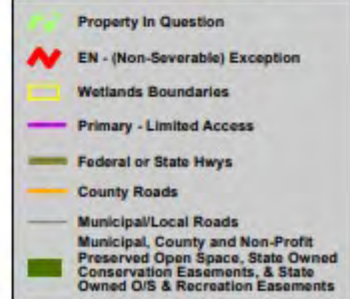
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

526 Delaware Rd, LLC
Block 700 Lots 400 (1.1 ac) & 503 (1.3 ac) &
Block 300 Lots P/O 600 (119.9 ac)
& P/O 600-EN (non-severable exception - 1.5 ac)
Gross Total = 123.8 ac
Hope Twp., Warren County

500 250 0 500 1,000 Feet

Sources:
NJ Farmland Preservation Program
NJDOT Parcel data
Green Acres Conservation Easement Data
NJDEP Open Space
NJDOT Road Data
NJ Highlands Council Data
NJDOT 2020 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.



Wetlands Legend:
F - Freshwater Wetlands
M - Wetlands Modified for Agriculture
T - Total Wetlands
N - Non-Wetlands
S - 300' Buffer
W - Water

May 25, 2022

State of New Jersey
State Agriculture Development Committee
Farmland Preservation Program
GreenLight Approval and Quality Score Report
Information subject to change/update as Application Proceeds to Final Approval and Closing

Preliminary Review Completed

THIS APPLICATION HAS PASSED GREENLIGHT ELIGIBILITY REQUIREMENTS

GENERAL INFORMATION

COUNTY OF	Warren	Hope Twp. 2111	
APPLICANT	526 Delaware Rd., LLC	SADC ID #	21-0057-NP
Address	526 Delaware Rd., Whippany, NJ 07825		

Blocks and Lots

Gross Acres on Application 123.8

Hope Twp.	2111	Block	700	Lot	400	1.1	ACRES
Hope Twp.	2111	Block	300	Lot	600	121.4	ACRES
Hope Twp.	2111	Block	700	Lot	502	1.3	ACRES

Exceptions

Exception Acres on Application 1.5

Acres	Reason	CADB Justification	Restrictions	Negative Impact	SADC Impact	Total Score
1.5	Existing single family residence & improvements				0	0
Location: War - Hope Twp. Block:300 Lot:600 - Northeast corner of lot around existing buildings						
Right to Farm Language will appear on the Deed.						
The Exception is Nonseverable.						
The Exception will be limited to 1 single family residential unit(s).						

NET ACRES

Net Acres on Application 122

HOUSING AND OTHER STRUCTURES ON PREMISES

<u>Structure</u>	<u>Aq Use</u>	<u>Leased</u>	<u>Notes</u>
Barn	N	N	
Silo	N	N	
Shed	N	N	5 five total - 3 three-sided & 2 four-sided
Other (Non Residence)	N	N	2 round metal corn cribs

SUMMARY OF HOUSING OPPORTUNITIES

Existing Single Family Residential Unit(s) on Easement	0
Existing Single Family Residential Unit(s) on Exception	1
Future Single Family Residential Unit(s) on Exception	
Eligible RDSOs	
Approved RDSOs	

Additional Conditions or Restrictions: NONE

TYPE OF AGRICULTURAL OPERATION

Hay	
Other	Cropland Pastured

SOILS:	Other	100.00%	*	0	= 0
					SOILS SCORE: 0

TILLABLE SOILS:	Cropland Harvested	73.00%	*	.15	= 10.95
	Wetlands/Water	.50%	*	0	= 0
	Woodlands	26.50%	*	0	= 0
					TILLABLE SOILS SCORE: 10.95

SEPTIC:	Very Limited	100.00%
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State of New Jersey
State Agriculture Development Committee
Farmland Preservation Program
GreenLight Approval and Quality Score Report
Information subject to change/update as Application Proceeds to Final Approval and Closing

WETLANDS:	Modified Ag	1.00%	C1-Stream:	No
	Uplands/Non-Wetlands	98.50%		
	Water Bodies	.50%		

SUBDIVISION OF THE PREMISES

<u>Status</u>	<u>Preliminary</u>	<u>Final Approval</u>	<u>Scale</u>
No Value Selected			

PRE-EXISTING NON-AG USES OR LEASES ON PREMISE - Determined During Application Review
** NONE LOGGED **

EASEMENTS AND RIGHT OF WAYS - Determined During Application Review
** NONE LOGGED **

ADDITIONAL CONCERNS/NOTES:

STATE DEVELOPMENT AND REDEVELOPMENT PLANNING AREA

(PA4b) Rural and Environmentally Sensitive
(PA5) Environmentally Sensitive

HIGHLANDS REGION ☒ YES ☐ NO **ELIGIBLE FOR 04 ZONING** ☐ YES ☒ NO
Highlands Planning Area
Conservation Land Use Capability Zone
Conservation Constrained Land Use Capability Zone

PINELANDS REGION ☐ YES ☒ NO

MINIMUM ELIGIBILITY CRITERIA ☒ YES ☐ NO

☐ 73 % Tillable	89.3 acres Tillable	☒ YES	☐ NO
☐ 73 % Soils Supporting Ag	89.3 acres Supporting Ag	☒ YES	☐ NO
☐ Development Potential?			
☒ Additional Development Possible		☒ YES	☐ NO
☒ Sufficient Legal Access to Property		☒ YES	☐ NO
☒ Additional Development via Development Credits		☐ YES	☒ NO

MINIMUM RANK SCORE ☒ YES ☐ NO

County's Average Score on Record	63.42
70% County's Average Rank Score	44
Quality Score of Application as determined by SADC	59.35

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2023R7(2)

Preliminary Approval of SADC Easement Purchase for an "OTHER" FARM

On the Property of Duff, Kenneth Clark & Stone, Laurie

JULY 28, 2022

Subject Property: **Duff, Kenneth Clark & Stone, Laurie**
Block 26, Lot 26 – Holland Township, Hunterdon County
SADC ID#: 10-0128-DE

WHEREAS, pursuant to N.J.A.C. 2:76-11.3, an owner of farmland may offer to sell to the State Agriculture Development Committee ("SADC") a development easement on the farmland; and

WHEREAS, on April 27, 2022, the SADC received a development easement sale application from Duff, Kenneth Clark & Stone, Laurie, hereinafter "Owner," identified as Block 26, Lot 26, Holland Township, Hunterdon County, hereinafter "the Property," totaling approximately 15 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes one (1), approximately 1acre non-severable exception area for and limited to two (2) single family residential units, one of which is limited to 800 square feet of heated living space and to afford future flexibility of uses resulting in approximately 14 net acres to be preserved; and

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

WHEREAS, the Property contains 73% Prime soils and 21% Statewide Important soils and at the time of application, the Property was in hay & pasture production; and

WHEREAS, the application has been evaluated for the sale of development easement pursuant to N.J.A.C. 2:76-11.5 and the State Acquisition Selection Criteria approved by the SADC on September 2, 2021, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property has a quality score of 67.58, which is higher than the minimum quality score of 57 needed for a "Priority" farm designation in Hunterdon County, however at approximately 15 acres, it does not meet the minimum acreage criteria for the "Priority" or "Alternate" categories which require at least 47 or 44 acres respectively, therefore, this farm is categorized as an "Other" farm, requiring SADC preliminary approval (Schedule B); and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and pursuant to N.J.A.C. 2:76-11.6(b)i. there are no "Priority" or "Alternate" ranked applications that have not already been selected for processing at this time; and

WHEREAS, Holland Township opted to amend its planning and regulatory documents for properties in the Highlands Planning Area to integrate the land use and resource management requirements of the Highlands Regional Master Plan; and

WHEREAS, the Property is in the Highlands Planning Area and the Township's decision to Opt-in to the Highlands Regional Master Plan impacted the Property's zoning and development potential; and

WHEREAS, on March 23, 2006 the SADC adopted the FY 2006 Highlands Preservation Appropriation Expenditure Policy - Amended, which approves the use of Highlands funds to support additional applications in all farmland preservation programs; the Property is a candidate for this funding source; and

WHEREAS, at this time there is approximately \$1 million of Highlands funding available;

NOW THEREFORE BE IT RESOLVED:

1. The SADC approves selecting the Property for processing as an "Other" farm, pursuant to N.J.A.C. 2:76-11.5 because the farm:
 - a. has a quality score of 67.58, which is above minimum ranking criteria for a "Priority" farm in Hunterdon County
 - b. has approximately 73% Prime soils and 21% Statewide Important soils
 - c. is within the County Agriculture Development Area
 - d. the Property is in the Highlands Planning Area and the Township's decision to Opt-in to the Highlands Regional Master Plan impacted the Property's zoning and development potential
2. The SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:
 - a. Enter into a 120 day option agreement with the Landowner
 - b. Secure two independent appraisals to estimate the fair market value of the Property
 - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC

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.

7/28/2022
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	ABSENT
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner LaTourette)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	ABSENT
Douglas Fisher, Chairperson	YES

https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/10-0128-DE/Acquisition/Application, Option & Offer drafts/Preliminary Approval for Other Farm_Duff & Stone.docx

Preserved Farms and Active Applications Within Two Miles



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Duff, Kenneth Clark & Stone, Laurie
Block 26 Lot 26 (15.0 ac)
Gross Total = 15.0 ac
Holland Twp., Hunterdon 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



Soils



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Duff, Kenneth Clark & Stone, Laurie
Block 26 Lots P/O 26 (14.0 ac) &
P/O 26-EN (non-severable exception - 1.0 ac)
Gross Total = 15.0 ac
Holland Twp., Hunterdon County

200 100 0 200 400 Feet



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

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

Sources:
NJ Farmland Preservation Program
NJDOT Parcel data
NRCS - SSURGO 2021 Soil Data
NJ Highlands Council Data
NJDOT Road Data
NJDOT/GIS 2020 Digital Aerial Image

July 6, 2022

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

GENERAL INFORMATION

COUNTY OF Hunterdon Holland Twp. 1015
APPLICANT Duff, Kenneth Clark & Stone, Laurie

PRIORITIZATION SCORE

SOILS:	Other	6% *	0	=	.00	
	Prime	73% *	.15	=	10.95	
	Statewide	21% *	.1	=	2.10	
						SOIL SCORE: 13.05
TILLABLE SOILS:	Cropland Harvested	75% *	.15	=	11.25	
	Wetlands/Water	2% *	0	=	.00	
	Woodlands	23% *	0	=	.00	
						TILLABLE SOILS SCORE: 11.25
BOUNDARIES AND BUFFERS:	Deed Restricted Farmland (Permanent)	20% *	.2	=	4.00	
	Farmland (Unrestricted)	23% *	.06	=	1.38	
	Highways and Railroads	23% *	.1	=	2.30	
	Residential Development	19% *	0	=	.00	
	Streams and Wetlands	15% *	.18	=	2.70	
						BOUNDARIES AND BUFFERS SCORE: 10.38
CONTIGUOUS PROPERTIES / DENSITY:	Duff/Stone	Restricted Farm or Current Application			2	
	Young	Restricted Farm or Current Application			2	
	LaFevre	Restricted Farm or Current Application			2	
	Phillips	Restricted Farm or Current Application			2	
	Borwegen	Restricted Farm or Current Application			2	
						DENSITY SCORE: 10.00
LOCAL COMMITMENT:		100% *	20	=	20.00	
						LOCAL COMMITMENT SCORE: 20.00
SIZE:						SIZE SCORE: 1.19
IMMIMENCE OF CHANGE:	SADC Impact factor = 1.71					
						IMMINENCE OF CHANGE SCORE: 1.71
COUNTY RANKING:						
EXCEPTIONS:						EXCEPTION SCORE: .00
	TOTAL SCORE:					67.58

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2023R7(3)

Preliminary Approval of SADC Easement Purchase on an "Other" FARM

On the Property of Freas, John Francis

July 28, 2022

Subject Property: **Freas, John Francis**
Block 5501, Lot 27 and Block 5601, Lot 4
Pennsville Township, Salem County
SADC ID#:17-0376-DE

WHEREAS, pursuant to N.J.A.C. 2:76-11.3, an owner of farmland may offer to sell to the State Agriculture Development Committee ("SADC") a development easement on the farmland; and

WHEREAS, on April 28, 2022, the SADC received a development easement sale application from John Freas, hereinafter "Owner," identified as Block 5501, Lot 27 and Block 5601, Lot 4, Pennsville Township, Salem County, hereinafter "the Property," totaling approximately 116 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes one (1), approximately 2 acre severable exception area for and limited to one (1) existing single family residential unit and to afford future flexibility of uses resulting in approximately 114 net acres to be preserved; and

WHEREAS, the portion of the Property outside the exception area includes one (1) 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 hay, beef, corn, and soy production; and

WHEREAS, the application has been evaluated for the sale of development easement pursuant to N.J.A.C. 2:76-11.5 and the State Acquisition Selection Criteria approved by the SADC on September 2, 2021, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, has a quality score of 43.10 and contains approximately 114 net acres (Schedule B); and

WHEREAS, the Property does not meet the SADC's Salem County minimum criteria for the "Alternate" category which requires a quality score of at least 48 combined with at least 69 acres, therefore, this farm is categorized as an "Other" farm, requiring SADC preliminary approval; and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and pursuant to N.J.A.C. 2:76-11.6(b)i. there are no "Priority" or "Alternate" ranked applications that have not already been selected for processing at this time; and

NOW THEREFORE BE IT RESOLVED:

1. The SADC approves selecting the Property for processing as an "Other" farm, pursuant to N.J.A.C. 2:76-11.5 because the farm:
 - a. is 116-acres, which is significantly larger than the average farm size and acreage criteria for a "Priority" farm in Salem County
 - b. has approximately 81% Prime soils and 14% Statewide Important soils
 - c. is adjacent to a large NJDEP Wildlife Management Area
2. The SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:
 - a. Enter into a 120 day option agreement with the Landowner
 - b. Secure two independent appraisals to estimate the fair market value of the Property
 - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC

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.

___7/28/2022___

Date

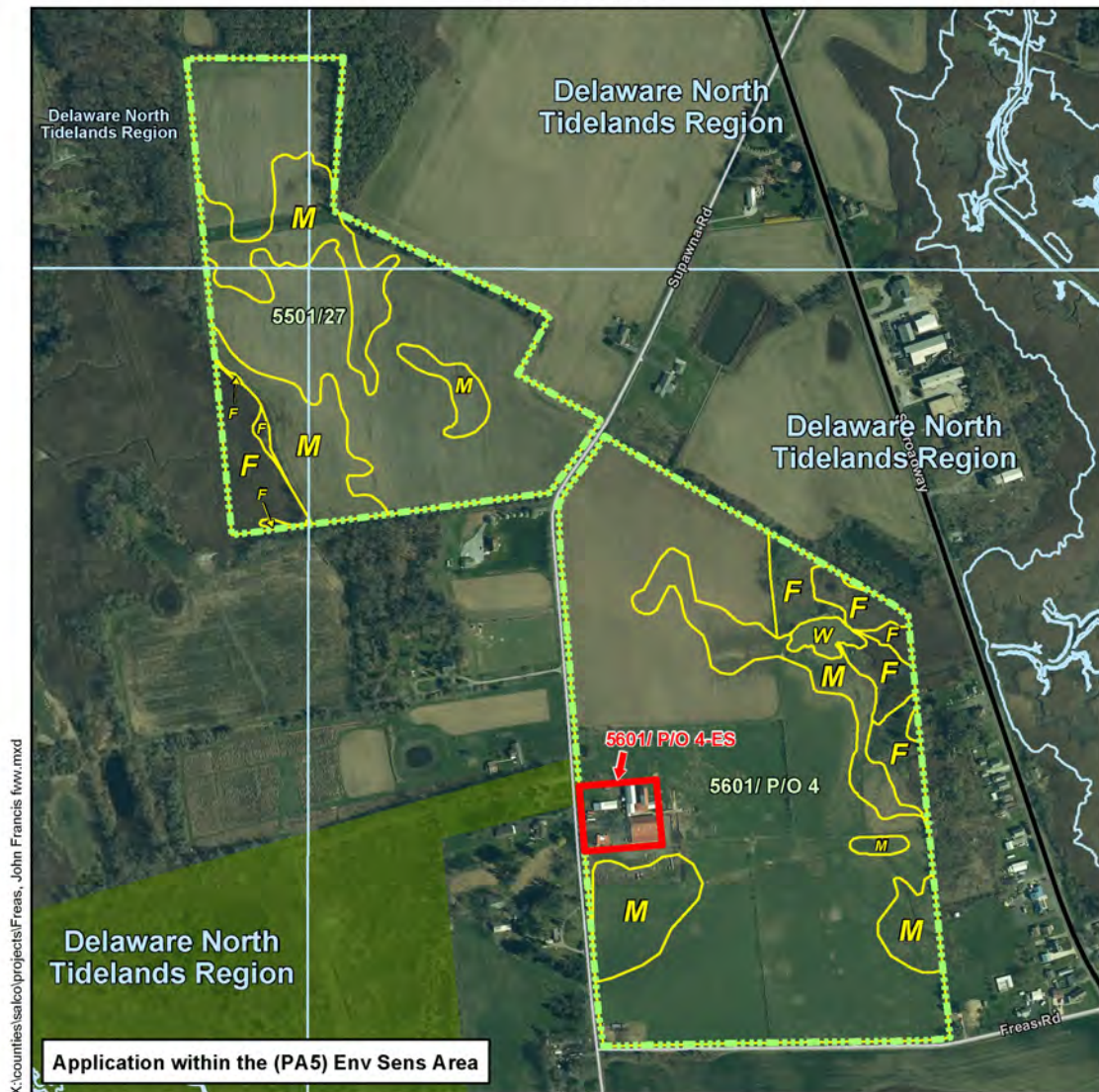


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	ABSENT
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner LaTourette)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	ABSENT
Douglas Fisher, Chairperson	YES

Wetlands



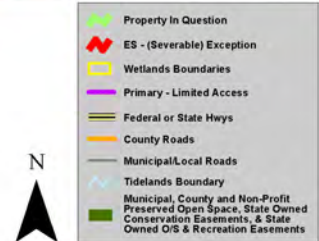
FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Freas, John Francis
 Block 5501 Lot 27 (44.6 ac) & Block 5601 Lots P/O 4 (69.4 ac)
 & P/O 4-ES (severable exception – 2.0 ac)
 Gross Total 116.0 ac
 Pennsville Twp. Salem County

500 250 0 500 1,000 Feet

TIDELANDS DISCLAIMER:
 The Tidelands depicted on this map were derived from NJDEP's Hydr. water, tidelands, claim downloadable file hosted on NJGIN. These features are not an official NJDEP delineation and should only be used as a general reference. Only NJDEP, Bureau of Tidelands Management can perform an official determination of Tidelands/Riparian claims.

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

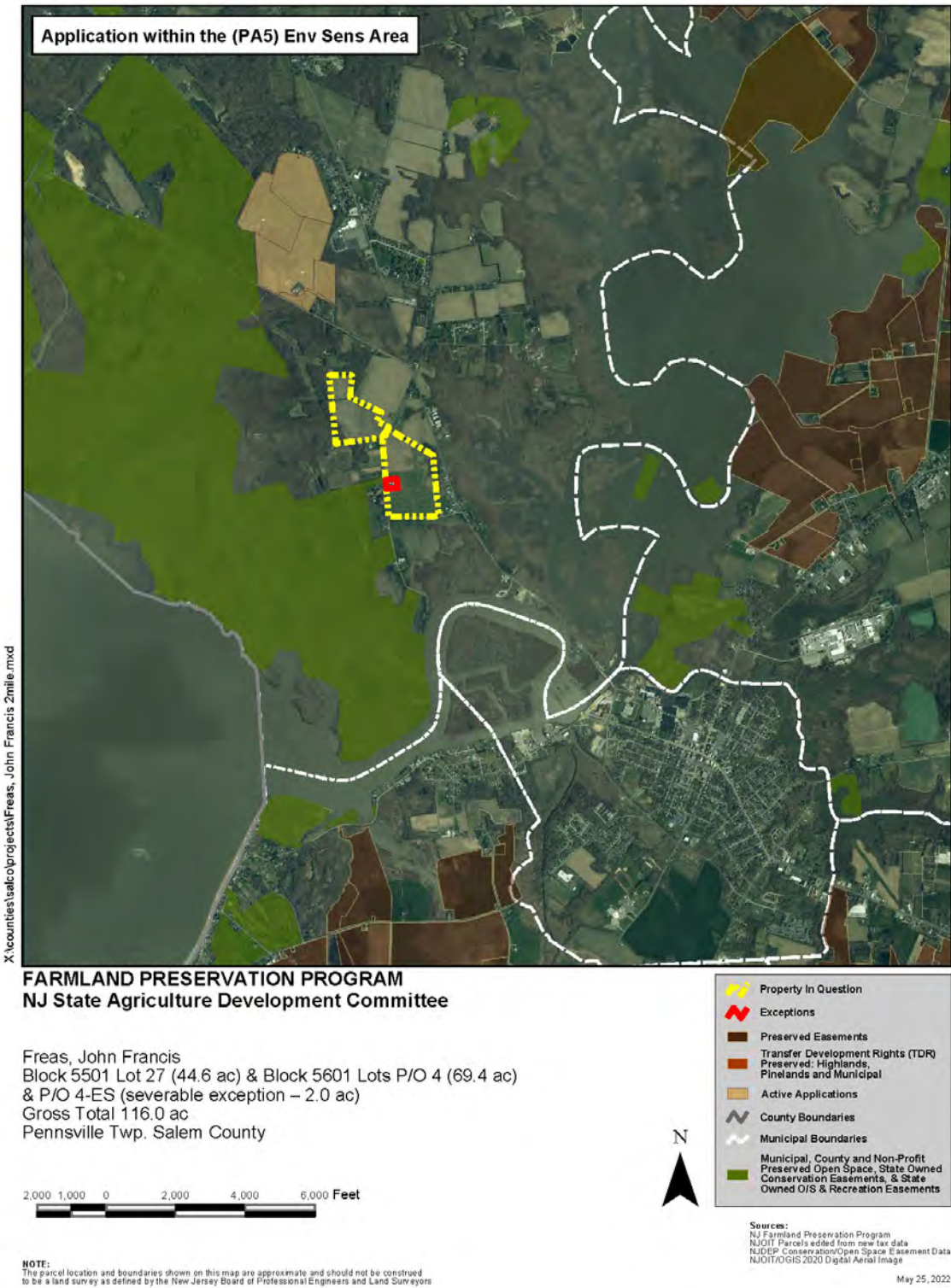


Wetlands Legend:
 F - Freshwater Wetlands
 M - Wetlands Modified for Agriculture
 T - Tidal Wetlands
 N - Non-Wetlands
 B - 300' Buffer
 W - Water

Sources:
 NJ Farmland Preservation Program
 NJOT Parcel data
 NJDEP Tidelands Claim Line
 NJDOT Road Data
 NJOT/OGIS 2020 Digital Aerial Image

May 25, 2022

Preserved Farms and Active Applications Within Two Miles



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

GENERAL INFORMATION

COUNTY OF Salem Pennsville Twp. 1708

APPLICANT Freas, John Francis

PRIORITIZATION SCORE

SOILS:		Other	8% *	0	=	.00	
		Prime	82% *	.15	=	12.30	
		Statewide	6% *	.1	=	.60	
		Unique zero	4% *	0	=	.00	
						SOIL SCORE:	12.90
TILLABLE SOILS:		Cropland Harvested	88% *	.15	=	13.20	
		Permanent Pasture	3% *	.02	=	.06	
		Wetlands/Water	9% *	0	=	.00	
						TILLABLE SOILS SCORE:	13.26
BOUNDARIES AND BUFFERS:	Farmland (Unrestricted)		37% *	.06	=	2.22	
	Residential Development		15% *	0	=	.00	
	Streams and Wetlands		36% *	.18	=	6.48	
	Woodlands		12% *	.06	=	.72	
						BOUNDARIES AND BUFFERS SCORE:	9.42
CONTIGUOUS PROPERTIES / DENSITY:	Freas	Restricted Farm or Current Application				2	
	Mecouch	Restricted Farm or Current Application				2	
						DENSITY SCORE:	4.00
LOCAL COMMITMENT:			100% *	0	=	.00	
						LOCAL COMMITMENT SCORE:	.00
SIZE:						SIZE SCORE:	4.52
IMMIMENCE OF CHANGE:		SADC Impact factor = 0					
						IMMINENCE OF CHANGE SCORE:	.00
COUNTY RANKING:							
EXCEPTIONS:						EXCEPTION SCORE:	-1.00
						TOTAL SCORE:	43.10

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2023R7(4)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Waters, John M. Jr. & Jerilyn A.

JULY 28, 2022

Subject Property: **Waters, John M. Jr. & Jerilyn A.**
 Block 31, Lot 4, Block 24, Lot 6
 Lower Alloways Creek Township, Salem County
 SADC ID#:17-0373-DE

WHEREAS, on November 17, 2021, the State Agriculture Development Committee ("SADC") received a development easement sale application from John & Jerilyn Waters, hereinafter "Owners," identified as Block 31, Lot 4, and Block 24, Lot 6 in Lower Alloways Creek Township, Salem County, hereinafter "the Property," totaling approximately 80.7 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 Owners 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 80.7 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) 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, 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 September 9, 2020, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Alternate" category for Salem County (minimum acreage of 69 and minimum quality score of 48) because it is approximately 80.7 acres and has a quality score of 62.95; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on, June 13, 2022, accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$3,300 per acre based on zoning and environmental regulations in place as of the current valuation date April 13, 2022; and

WHEREAS, the Owners accepted the SADC's offer of \$3,300 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 \$3,300 per acre for a total of approximately \$266,310 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 Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
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.

___7/28/2022___
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	ABSENT
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner LaTourette)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	ABSENT
Douglas Fisher, Chairperson	YES

<https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/17-0373-DE/Acquisition/Final Approval & Agreement to Sell/Waters Final Approval.docx>

Wetlands



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Waters, John M. Jr. & Jerilyn A.
 Block 31 Lot 4 (58.5 ac) & Block 24 Lot 6 (22.2 ac)
 Gross Total = 80.7 ac
 Lower Alloways Creek Twp., Salem County



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

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

Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 NJDEP Tidelands Claim Line, NJ, Edition 20161214
 NJOT/OGIS 2020 Digital Aerial Image

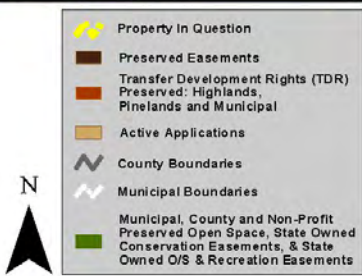
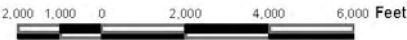
June 2, 2021

Preserved Farms and Active Applications Within Two Miles



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Waters, John M. Jr. & Jerilyn A.
Block 31 Lot 4 (58.5 ac) & Block 24 Lot 6 (22.2 ac)
Gross Total = 80.7 ac
Lower Alloways Creek Twp., Salem County



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 2015 2020 Digital Aerial Image

December 15, 2021

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Waters, John M. Jr., & Jerilyn A.
Easement Purchase - SADC
81 Acres

Block 24	Lot 6	Lower Alloways Creek	Salem County		
Block 31	Lot 4	Lower Alloways Creek	Salem County		
SOILS:		Other	31% *	0	= .00
		Prime	42% *	.15	= 6.30
		Statewide	27% *	.1	= 2.70
				SOIL SCORE:	9.00
TILLABLE SOILS:		Cropland Harvested	56% *	.15	= 8.40
		Other	44% *	0	= .00
				TILLABLE SOILS SCORE:	8.40
FARM USE:					

This final approval is subject to the following:

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2023R7(5)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Gallaher, Michael & Muhlbaier, Jill

JULY 28, 2022

Subject Property: **Gallaher, Michael & Muhlbaier, Jill**
 Block 31, Lot 9 - Lower Alloways Creek Township, Salem County
 SADC ID#: 17-0370-DE

WHEREAS, on December 2, 2021, the State Agriculture Development Committee ("SADC") received a development easement sale application from Michael Gallaher & Jill Muhlbaier, hereinafter "Owners," identified as Block 31, Lot 9, Lower Alloways Creek Township, Salem County, hereinafter "the Property," totaling approximately 78.1 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 Owners read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, Non-Agricultural Uses; and

WHEREAS, the original application included one (1), approximately 2.5-acre severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses; and

WHEREAS, during the appraisal review SADC staff noted the size of the severable exception area would not meet local zoning requirements and brought it to the attention of the landowner who then requested to increase the size of the severable exception area to 3.5 acres to meet current zoning requirements resulting in approximately 74.6 net acres to be preserved, hereinafter referred to as "the Premises;" and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, the 3.5-acre severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) may be severed or subdivided from the Premises
- 3) Shall be 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 outside the exception area includes:

- 1) One (1) single family residential unit
- 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; 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 September 9, 2020, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, at approximately 78.1 acres, has a quality score of 66.56, which is higher than the minimum quality score of 62 needed for a "Priority" farm designation in Salem County, but its size does not meet the minimum acreage criteria for the "Priority" category, which requires farm sizes of at least 94 acres, therefore, the Property is categorized as an "Alternate" farm (Schedule B), requiring SADC preliminary approval; and

WHEREAS, in accordance with Resolution #FY2022R12(10) which delegated certain routine Acquisition Program approval actions to the Executive Director, the Property was granted SADC preliminary approval by the Executive Director on January 25, 2022 because the farm's quality score is over 70% of the County's average quality score; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on June 13, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$2,600 per acre based on zoning and environmental regulations in place as of the current valuation date April 15, 2022; and

WHEREAS, the Owners accepted the SADC's offer of \$2,600 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 \$2,600 per acre for a total of approximately \$193,960 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 Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
4. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
5. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
6. 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.
7. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
8. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

____7/28/2022_____
Date



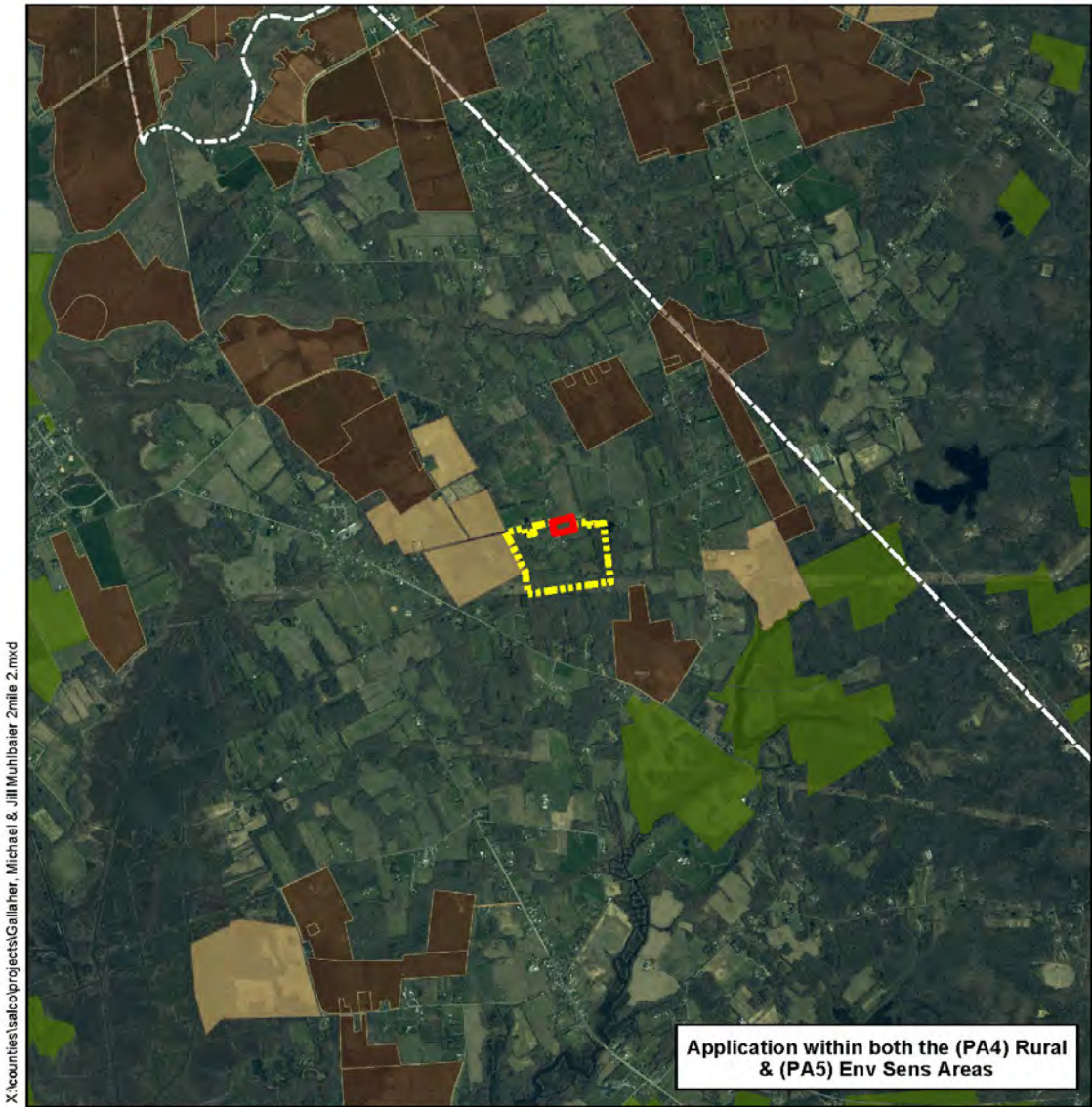
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	ABSENT
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner LaTourette)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	ABSENT
Douglas Fisher, Chairperson	YES

<https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/17-0370-DE/Acquisition/Final Approval & Agreement to Sell/Gallaher & Muhlbaier Final Approval.docx>

Preserved Farms and Active Applications Within Two Miles



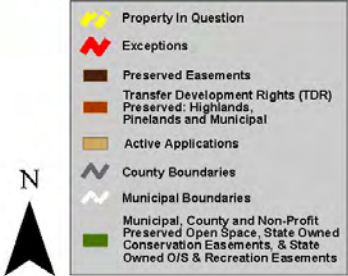
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FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Gallaher, Michael & Jill Muhlbaier
Block 31 P/O Lot 9 (74.6 ac)
& P/O Lot 9-ES (severable exception – 3.5 ac)
Gross Total 78.1 ac
Lower Alloways Creek Twp. Salem County



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)
NJOTTDGIS 2020 Digital Aerial Image
May 24, 2022

Project Map



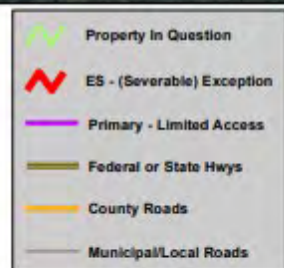
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Gallagher, Michael & Jill Muhlbaier
Block 31 P/O Lot 9 (74.6 ac)
& P/O Lot 9-ES (severable exception – 3.5 ac)
Gross Total 78.1 ac
Lower Alloways Creek Twp. Salem County

250 125 0 250 500 Feet

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Sources:
NJ Farmland Preservation Program
NJOTIT Parcel Data
Green Acres Conservation Easement Data
NJOTIT/OGIS 2020 Digital Aerial Image

May 24, 2022

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Gallagher, Michael & Mulhbaier, Jill
Easement Purchase - SADC
75 Acres

Block 31	Lot 9	Lower Alloways Creek	Salem County	
SOILS:		Other	22% * 0	= .00
		Prime	45% * .15	= 6.75
		Statewide	33% * .1	= 3.30
				SOIL SCORE: 10.05
TILLABLE SOILS:		Cropland Harvested	74% * .15	= 11.10
		Wetlands/Water	23% * 0	= .00
		Woodlands	3% * 0	= .00
				TILLABLE SOILS SCORE: 11.10
FARM USE:	Hay		35 acres	

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (3.5) acres for Future Single Family Residential Unit
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
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:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2023R7(6)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Harasta, Michael Joseph & Veronica

JULY 28, 2022

Subject Property: **Harasta, Michael Joseph & Veronica**
Block 24, Lot 1 - Lower Alloways Creek Township, Salem County
SADC ID#:17-0371-DE

WHEREAS, on November 30, 2022, the State Agriculture Development Committee ("SADC") received a development easement sale application from Michael & Veronica Harasta, hereinafter "Owners," identified as Block 24, Lot 1, Lower Alloways Creek Township, Salem County, hereinafter "the Property," totaling approximately 34.2 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 Owners 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 34.2 net acres to be preserved, hereinafter referred to as "the Premises;" and

WHEREAS, the Premises includes:

- 1) Zero (0) exceptions,
- 2) Zero (0) housing opportunities
- 3) Zero (0) 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 corn 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 September 9, 2021, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, at approximately 34.2 acres, has a quality score of 66.15, which is higher than the minimum quality score of 62 needed for a "Priority" farm designation in Salem County, but its size does not meet the minimum acreage criteria for the "Priority" or "Alternate" categories, which require farm sizes of at least 94 and 69 acres, respectively; therefore, the Property is categorized as an "Other" farm (Schedule B), requiring SADC preliminary approval; and

WHEREAS, in accordance with Resolution #FY2022R12(10) and supporting memorandum dated February 24, 2022 adopted and approved by the Committee, which delegated certain routine Acquisition Program approvals to the Executive Director under certain conditions, the Property was granted SADC preliminary approval by the Executive Director on January 25, 2022 because the farm's quality score exceeds ; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on May 13, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$2,700 per acre based on zoning and environmental regulations in place as of the current valuation date April 15, 2022; and

WHEREAS, the Owners accepted the SADC's offer of \$2,700 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 \$2,700 per acre for a total of approximately \$92,340 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 Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict

the affected area's availability for a variety of agricultural uses.

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.

____7/28/2022_____
Date

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

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	ABSENT
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner LaTourette)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	ABSENT
Douglas Fisher, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles



X:\counties\sallco\projects\Harasta, Michael Joseph & Veronica 2mile.mxd

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Harasta, Michael Joseph & Veronica
Block 24 Lot 1 (34.2 ac)
Gross Total 34.2 ac
Lower Alloways Creek Twp. Salem County



- Property In Question
- 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

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/IGIS 2020 Digital Aerial Image
January 11, 2022

Wetlands



X:\counties\sabco\projects\Harasta, Michael Joseph & Veronica fww.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Harasta, Michael Joseph & Veronica
Block 24 Lot 1 (34.2 ac)
Gross Total 34.2 ac
Lower Alloways Creek Twp. Salem County



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

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The 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.



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

Sources:
NJ Farmland Preservation Program
NJDOT Road Data

January 13, 2022

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Harasta, Michael J & Veronica
Easement Purchase - SADC
34 Acres

Block 24	Lot 1	Lower Alloways Creek	Salem County	
SOILS:		Other	3% * 0	= .00
		Prime	45% * .15	= 6.75
		Statewide	52% * .1	= 5.20
				SOIL SCORE: 11.95
TILLABLE SOILS:		Cropland Harvested	92% + .15	= 13.80
		Woodlands	8% + 0	= .00
				TILLABLE SOILS SCORE: 13.80
FARM USE:				

This final approval is subject to the following:

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2023R7(7)
APPROVAL FOR ENROLLMENT IN THE
NEW JERSEY AGRICULTURE RETENTION AND DEVELOPMENT PROGRAM

JULY 28, 2022

Subject Property: **Hess, David & Browning-Hess, Deborah**
Block 400, Lots 5, 6, 7, 11, 12 & 19
Moorestown Township, Burlington County
SADC ID#: 03-0002-DN
Approximately 35.5 Net Easement Survey Acres

WHEREAS, pursuant to N.J.A.C. 2:76-6.19, a board and/or county may request Committee approval of land from which a development easement was purchased by or donated to the board and/or county for the purpose of ensuring that the owner of the land is afforded all of the benefits available to lands from which a development easement has been conveyed pursuant to the Agriculture Retention and Development Act ("ARDA"), N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32 and N.J.A.C. 2:76; and

WHEREAS, the Board of Chosen Freeholders (now the Board of County Commissioners) of the County of Burlington acquired a development easement on the property described in attached Schedule A by deed of easement dated November 28, 2013, and recorded on December 11, 2013 in the Burlington County Clerk's Office in Deed Book OR13107, Page 3107, the terms, conditions and restrictions of which are incorporated herein by reference.

WHEREAS, the Board of County Commissioners acquired the development easement without a cost share grant from the State Agriculture Development Committee (SADC) pursuant to ARDA; and

WHEREAS, in order for a property subject to a development easement purchased by a county without an SADC cost share grant to be enrolled in ARDA pursuant to N.J.A.C. 2:76-6.19, the Board of County Commissioners and the County Agriculture Development Board (collectively, "County") agree to enter into an Enrollment and Grant Agreement ("Agreement"); and

WHEREAS, the County, pursuant to Resolution #2022-00447 dated July 13, 2022, has granted authorization for enrollment of the development easement under ARDA and applicable SADC regulations; and

WHEREAS, on July 1, 2019, the SADC received an enrollment application from the County, identified as Block 400, Lots 5, 6, 7, 11, 12 & 19, Moorestown Township, Burlington County, hereinafter "the Property," totaling approximately 35.5 net survey acres, identified in Schedule B); and

WHEREAS, the Property includes two (2) exception areas: one (1) non-severable exception area of approximately 1.185 surveyed acres for and limited to zero (0) single family residential units and to afford future flexibility of uses; and one (1) severable exception area of approximately 1.609 surveyed acres for and limited to two (2) future single family residential units that may be subdivided into two (2) separate lots, resulting in approximately 35.5 net surveyed acres of preserved premises; and

WHEREAS, the portion of the preserved premises includes one (1) single family residential unit and zero (0) agricultural labor units; and

WHEREAS the portion of the preserved premises includes pre-existing non-agricultural uses identified in Schedule B of the Deed of Easement and on the survey as being contained within an approximate 200 feet by 170 feet area for the parking and storage of various non-agricultural construction equipment, tree service equipment, a metal storage container, two fuel tanks, and stockpiles of stone and soil; and

WHEREAS, at the time of application, the Property was in hay, rye, bedding plants, flowers, horses, goats, and vegetables (cucumbers, eggplant, peppers, pumpkins, squash, and tomatoes) production; and

WHEREAS, the Property meets minimum eligibility criteria pursuant to N.J.A.C. 2:76-6.20; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants approval to the County for the enrollment of the development easement on the Property in the ARDA program, pursuant to N.J.A.C. 2:76-6.19, comprising approximately 35.5 net easement survey acres, conditioned upon the following:
 - a. All survey, title and any additional documents required for the enrollment in accordance with N.J.A.C. 2:76-6.19 shall be provided by the county and subject to review and approval by the SADC; and
 - b. The County shall enter into an Enrollment and Grant Agreement with the SADC pursuant to N.J.A.C. 2:76-6.19(b)9 and 10, containing such terms and conditions as the SADC shall reasonably require, and the SADC shall record the Agreement in the county clerk's office; and
 - c. The County shall comply with all other relevant provisions of N.J.A.C. 2:76-6.19.
3. Upon the SADC's recording of the Enrollment and Grant Agreement, the owner of the land shall be eligible for all of the benefits provided to lands from which a development easement has been conveyed pursuant to N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32; and
4. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and
5. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

___7/28/2022___
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Roger Kumpel	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	ABSENT
Pete Johnson	RECUSED
Cecile Murphy (rep. DEP Commissioner LaTourette)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	ABSENT
Douglas Fisher, Chairperson	YES

RECORDING INFORMATION SHEET		49 RANOCAS RD, MT. HOLLY, NJ 08060	
INSTRUMENT NUMBER: 5033026		DOCUMENT TYPE: EASEMENT	
Official Use Only		Document Charge Type	COUNTY - EASEMENT - NO CHARGE
TIMOTHY D. TYLER BURLINGTON COUNTY RECEIPT NUMBER 8150690 RECORDED ON December 11, 2013 3:02 PM INSTRUMENT NUMBER 5033026 BOOK: OR13107 PAGE: 3107		Return Address (for recorded documents) BURLINGTON CO SOLICITOR OFFICE 49 RANOCAS RD ATTN: JEFF RABIN MT HOLLY NJ 08060	
		No. Of Pages (Excluding Recording Information and/or Summary Sheet)	21
		Consideration Amount	\$0.00
		Recording Fee	\$0.00
		Realty Transfer Fee	\$0.00
		Total Amount Paid	\$0.00
		Municipality	MOORESTOWN TWP
		Parcel Information	Block: 400 Lot: 11
		First Party Name	DAVID HESS
		Second Party Name	BURLINGTON CO BRD OF CHN FREEHOLDERS
Additional Information (Official Use Only)			
 5033026			
Ctrl Id: 5186356 Recording Clerk: giones			
***** DO NOT REMOVE THIS PAGE. ***** COVER SHEET (DOCUMENT SUMMARY FORM) IS PART OF BURLINGTON COUNTY FILING RECORD ***** RETAIN THIS PAGE FOR FUTURE REFERENCE. *****			



**DEED OF EASEMENT - NO RDSO; ONE EXCEPTION
BURLINGTON COUNTY OF NEW JERSEY AND COUNTY OF BURLINGTON
AGRICULTURE RETENTION AND DEVELOPMENT PROGRAM**

RECEIVED
2013 DEC - 6 A 8:30
BURLINGTON COUNTY
CLERK

This Deed is made on this 26th day of November, 2013.

BETWEEN David Hess and Deborah Browning Hess, husband and wife, whose address is 834 North Lenola Rd, Moorestown, New Jersey 08507 and is referred to as the **Grantor**;

AND THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, a body politic and corporate of the State of New Jersey, whose address is 49 Rancocas Road, Mount Holly, New Jersey 08060, and is referred to as the **Grantee and/or Board**.

The Grantor, Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns grants and conveys to the Grantee a development easement and all of the nonagricultural development rights and credits on the Premises, located in the Township of Moorestown, County of Burlington, described in the attached Schedule A, and, for the limited purpose of the restrictions contained in Paragraph 13(b) and 13(c), the tract of land described in the attached Schedule C-1 and C-2, which schedules are incorporated by reference in this Deed of Easement, for and in consideration of the sum of **Two Million Two Hundred Forty-One Thousand Eight Hundred Twenty Five Dollars and Zero Cents (\$2,241,825.00)**.

Any reference in this Deed of Easement to "Premises" refers to the property described in Schedule A, and, for the limited purpose of the restrictions contained in Paragraph 13(b) and 13 (c), to the tract of land described in Schedule C-1 and Schedule C-2.

The tax map reference for the Premises is:
Township of Moorestown
Block 400, Lots 5,6,7,11,12 & p/o 19

WHEREAS, the legislature of the State of New Jersey has declared that the development of agriculture and the retention of farmlands are important to the present and future economy of the State and the welfare of the citizens of the State; and

WHEREAS, the Burlington County Board of Chosen Freeholders has endorsed the aforesaid declaration of policy by the State legislature and has established an Agriculture Retention and Development Program in a manner entirely consistent with State statutes, State administrative regulations and the policies and practices of the State Agriculture Development Committee;

WHEREAS, it is the intention of the Burlington County Board of Chosen Freeholders to acquire a development easement from Grantor in a fashion consistent with, and pursuant to, terms which will reserve a right and opportunity on the part of the Grantee to enroll the development easement in the State of New Jersey Agriculture Retention and Development Program at some future time according to rules, regulations and policies of the State Agriculture Development Committee then appertaining; and

WHEREAS, this Deed of Easement presently recites that the State Agriculture Development Committee ("Committee") may exercise certain rights and prerogatives with respect to the within easement in anticipation of, and solely in order to facilitate, the possible enrollment of this easement at a future date in the State of New Jersey Agriculture Retention and Development Program, it being explicitly understood that any such rights and prerogatives of said Committee are inchoate and shall not actually be exercised until such time as this Deed of Easement is in fact enrolled in the aforesaid State Program by: (1) the Committee providing a cost share grant to the Grantee for the acquisition of the Deed of Easement pursuant to N.J.S.A. 4:1C-11 et seq.; and (2) the Committee and Grantee entering into a cost sharing grant agreement;

Prepared by: _____

Jeffrey N. Rabkin Esq.
Attorney of the State of New Jersey

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NOW THEREFORE, THE GRANTOR, GRANTOR'S HEIRS, EXECUTORS, ADMINISTRATORS, PERSONAL OR LEGAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS PROMISES that the Premises will be owned, used and conveyed subject to, and not in violation of the following restrictions:

1. Any development of the Premises for nonagricultural purposes is expressly prohibited.
2. The Premises shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, and all other rules promulgated by the State Agriculture Development Committee, (hereinafter Committee). Agricultural use shall mean the use of the Premises for common farmsite activities including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management and grazing.
3. Grantor certifies that at the time of the application to sell the development easement to the Grantee and at the time of the execution of this Deed of Easement the nonagricultural uses indicated on attached Schedule (B) existed on the Premises. All other nonagricultural uses are prohibited except as expressly provided in this Deed of Easement.
4. All nonagricultural uses, if any, existing on the Premises at the time of the landowner's application to the Grantee as set forth in Section 3 above may be continued and any structure may be restored or repaired in the event of partial destruction thereof, subject to the following:
 - i. No new structures or the expansion of pre-existing structures for nonagricultural use are permitted;
 - ii. No change in the pre-existing nonagricultural use is permitted;
 - iii. No expansion of the pre-existing nonagricultural use is permitted; and
 - iv. In the event that the Grantor abandons the pre-existing nonagricultural use, the right of the Grantor to continue the use is extinguished.
5. No sand, gravel, loam, rock, or other minerals shall be deposited on or removed from the Premises excepting only those materials required for the agricultural purpose for which the land is being used.
6. No dumping or placing of trash or waste material shall be permitted on the Premises unless expressly recommended by the Committee as an agricultural management practice.
7. No activity shall be permitted on the Premises which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor shall any other activity be permitted which would be detrimental to the continued agricultural use of the Premises.
 - i. Grantor shall obtain within one year of the date of this Deed of Easement, a farm conservation plan approved by the local soil conservation district.
 - ii. Grantor's long term objectives shall conform with the provisions of the farm conservation plan.
8. Grantee and Committee and their agents shall be permitted access to, and to enter upon, the Premises at all reasonable times, but solely for the purpose of inspection in order to enforce and assure compliance with the terms and conditions of this Deed of Easement. Grantee agrees to give Grantor, at least 24 hours advance notice of its intention to enter the Premises, and further, to limit such times of entry to the daylight hours on regular business days of the week.


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9. Grantor may use the Premises to derive income from certain recreational activities such as hunting, fishing, cross country skiing and ecological tours, only if such activities do not interfere with the actual use of the land for agricultural production and that the activities only utilize the Premises in its existing condition. Other recreational activities from which income is derived and which alter the Premises, such as golf courses and athletic fields, are prohibited.

10. Nothing shall be construed to convey a right to the public of access to or use of the Premises except as stated in this Deed of Easement or as otherwise provided by law.

11. Nothing shall impose upon the Grantor any duty to maintain the Premises in any particular state, or condition, except as provided for in this Deed of Easement.

12. Nothing in this Deed of Easement shall be deemed to restrict the right of Grantor, to maintain all roads and trails existing upon the Premises as of the date of this Deed of Easement. Grantor shall be permitted to construct, improve or reconstruct any roadway necessary to service crops, bogs, agricultural buildings, or reservoirs as may be necessary.

13(a). At the time of this conveyance, Grantor has **One (1)** existing single family residential building on the Premises and **Zero (0)** residential buildings used for agricultural labor purposes. Grantor may use, maintain, and improve existing buildings on the Premises for agricultural, residential and recreational uses subject to the following conditions:

- i. Improvements to agricultural buildings shall be consistent with agricultural uses;
- ii. Improvements to residential buildings shall be consistent with agricultural or single and extended family residential uses. Improvements to residential buildings for the purpose of housing agricultural labor are permitted only if the housed agricultural labor is employed on the Premises; and
- iii. Improvements to recreational buildings shall be consistent with agricultural or recreational uses.

13(b). Grantor, their heirs, executors, administrators, personal or legal representatives, successors and assigns may use and maintain the Non-Severable Exception Area A, as described in the attached Schedule C-1, subject to the following conditions:

- i. Non-Severable Exception Area A shall not be moved to another portion of the Premises and shall not be swapped with other land;
- ii. Non-Severable Exception Area A shall not be severed or subdivided from the Premises;
- iii. Non-Severable Exception Area A shall be limited to **Zero (0)** residential units; and
- iv. Grantor, grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns or any person who is occupying or residing on the Exception Areas well as the heirs, executors, administrators, personal or legal representatives, successors and assigns of all such persons are hereby notified and made aware that Non-Severable Exception Area A is adjacent to a parcel ("Premises") permanently deed restricted under the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq. Such persons occupying or residing on the Exception Area are notified and made aware that agriculture is the accepted and preferred use of the adjacent Premises and that the adjacent Premises shall continue in agricultural use as defined in Section 2 of the Deed of Easement.

13(c). Grantor, their heirs, executors, administrators, personal or legal representatives, successors and assigns may use and maintain the Severable Exception Area B, as described in the attached Schedule C-2, subject to the following conditions:

- i. Severable Exception Area B may be severed and subdivided from the Premises.

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- ii. Severable Exception Area B may be subdivided into two separate lots;
- iii. Severable Exception Area B shall be limited to Two (2) single family residential units; and
- iv. Grantors, grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns or any person to whom title to Severable Exception Area B is transferred as well as the heirs, executors, administrators, personal or legal representatives, successors and assigns of all such persons are hereby notified and made aware that Severable Exception Area B is adjacent to a parcel ("Premises") permanently deed restricted under the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq. Such persons occupying or residing on the Exception Area are notified and made aware that agriculture is the accepted and preferred use of the adjacent Premises and that the adjacent Premises shall continue in agricultural use as defined in Section 2 of the Deed of Easement.

14. Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except as follows:

- i. To provide structures for housing of agricultural labor employed on the Premises but only with the approval of the Grantee and the Committee. If Grantee and the Committee grant approval for the construction of agricultural labor housing, such housing shall not be used as a residence for Grantor, Grantor's spouse, Grantor's parents, Grantor's lineal descendants, adopted or natural, Grantor's spouse's parents, Grantor's spouse's lineal descendants, adopted or natural;
- ii. To construct a single family residential building anywhere on the Premises in order to replace any single family residential building in existence at the time of conveyance of this Deed of Easement but only with the approval of the Grantee and Committee; and
- iii. No residual dwelling site opportunities have been allocated pursuant to the provisions of N.J.A.C. 2:76-6.17. No residential buildings are permitted on the Premises except as provided in this Deed of Easement.

For the purpose of this Deed of Easement:

"Residual dwelling site opportunity" means the potential to construct a residential unit and other appurtenant structures on the Premises in accordance with N.J.A.C. 2:76-6.17.

"Residual dwelling site" means the location of the residential unit and other appurtenant structures.

"Residential unit" means the residential building to be used for single family residential housing and its appurtenant uses. The construction and use of the residential unit shall be for agricultural purposes.

"Use for agricultural purposes" as related to the exercise of a residual dwelling site opportunity and the continued use of the residential unit constructed thereto, means at least one person residing in the residential unit shall be regularly engaged in common farmsite activities on the Premises including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage, water management and grazing.

15. The land and its buildings which are affected may be sold collectively or individually for continued agricultural use as defined in Section 2 of this Deed of Easement. However, no division of the land shall be permitted without the joint approval in writing of the Grantee and the Committee. In order for the Grantor to receive approval, the Grantee and Committee must

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find that the division shall be for an agricultural purpose and result in agriculturally viable parcels. Division means any division of the Premises, for any purpose, subsequent to the effective date of this Deed of Easement.

- i. For purposes of this Deed of Easement, "Agriculturally viable parcel" means that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from each parcel's agricultural output.

16. In the event of any violation of the terms and conditions of this Deed of Easement, Grantee or the Committee may institute, in the name of the State of New Jersey, any proceedings to enforce these terms and conditions including the institution of suit to enjoin such violations and to require restoration of the Premises to its prior condition. Grantee or the Committee do not waive or forfeit the right to take any other legal action necessary to insure compliance with the terms, conditions, and purpose of this Deed of Easement by a prior failure to act.

17. This Deed of Easement imposes no obligation or restriction on the Grantor's use of the Premises except as specifically set forth in this Deed of Easement.

18. This Deed of Easement is binding upon the Grantor, the Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns and the Grantee; it shall be construed as a restriction running with the land and shall be binding upon any person to whom title to the Premises is transferred as well as upon the heirs, executors, administrators, personal or legal representatives, successors and assigns of all such persons.

19. Throughout this Deed of Easement, the singular shall include the plural, and the masculine shall include the feminine, unless the text indicates otherwise.

20. The word 'Grantor' shall mean any and all persons who lawfully succeed to the rights and responsibilities of the Grantor, including but not limited to the Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns.

21. Wherever in this Deed of Easement any party shall be designated or referred to by name or general reference, such designation shall have the same effect as if the words, 'heirs, executors, administrators, personal or legal representatives, successors and assigns' have been inserted after each and every designation.

22. Grantor, Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns further transfers and conveys to Grantee all of the nonagricultural development rights and development credits appurtenant to the lands and Premises described herein. Nothing contained herein shall preclude the conveyance or retention of said rights by the Grantor as may be permitted by the laws of the State of New Jersey in the future. In the event that the law permits the conveyance of said development rights, Grantee agrees to reimburse the Committee at a certain percentage of the value of the development rights as determined at the time of the subsequent conveyance. The percentage of reimbursement shall be based on the respective funding contributions of the Grantee and Committee as set forth in the cost-sharing grant agreement entered into by Grantee and the Committee when these development rights are enrolled in the New Jersey Agriculture Retention and Development Program.

23. That portion of the net proceeds, representing the value of the land only (and not the value of the improvements), of a condemnation award or other disposition of the Premises following termination of this Deed of Easement, as permitted pursuant to N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, shall be distributed among the Grantor and the Grantee in shares in proportion to the fair market value of their interests in the Premises on the date of execution of this Deed of Easement. For this purpose, the Grantee's allocable share of the proceeds shall be the net proceeds multiplied by a fraction, the numerator of which is the fair market value of the development easement as certified by the Grantee at the time of the initial acquisition and the denominator of which is the full fair market value of the unrestricted Premises as certified by the Grantee at the time of the initial acquisition, which is identified as Ninety-Two and Ten Hundredths Percent (92.10%)(\$63,150/\$68,500). Furthermore, in the

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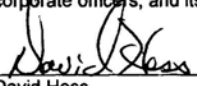
event that this Deed of Easement is enrolled in the New Jersey Agriculture Retention and Development Program by the Committee providing the Grantee with a cost share grant for the acquisition of this Deed of Easement, the Grantee's proceeds shall be distributed among the Grantee and the Committee in shares in proportion to their respective cost share grants as set forth in the aforementioned cost sharing grant agreement. The Grantee shall use its share of the proceeds in a manner consistent with the provisions of N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32.

24. Grantor understands and accepts that Grantee may, at its sole option, apply to have this easement enrolled for participation in the State of New Jersey Agriculture Retention and Development Program as administered by the State Agriculture Development Committee. It is the intention of Grantor to convey to Grantee, by this present instrument, all of the rights which would have to be conveyed under N.J.S.A. 4:1C-11, et seq. and under N.J.A.C. 2:76-1.1, et seq. in order to qualify this easement for participation in the State Program. Grantor hereby agrees and undertakes to cooperate with Grantee in any appropriate aspect of the State application process and to execute any necessary papers presented by the State or by Grantee in connection therewith. Grantor hereby consents to the participation or exercise of any of Grantee's rights and obligations hereunder by the State Agriculture Development Committee or any other State agency or political subdivision of the State of New Jersey.

Grantee stipulates that any rights and prerogatives that this Deed of Easement extends to the Committee (which entity is neither a party to this conveyance nor to any of the negotiations and agreements leading up to same) are inchoate and shall not be exercised unless and until the Committee provides a cost share grant to the County for the acquisition of the Deed of Easement pursuant to N.J.S.A. 4:1C-11 et seq. and enters into a cost sharing grant agreement with the County.

25. No historic building or structure located on the Premises may be demolished by the grantor or any other person without the prior approval of the State Agriculture Development Committee. Historic building or structure is a building or structure that, as of the date of this Deed of Easement, has been included in the New Jersey Register of Historic Places established pursuant to N.J.S.A. 13:1B-15.1 et seq.

The Grantor signs this Deed of Easement as of the date of the top of the first page. If the Grantor is a corporation, this Deed of Easement is signed and attested to by its proper corporate officers, and its corporate seal, if any, is affixed.


David Hess

11/26/13
Date


Deborah Browning Hess

11/26/13
Date


DH

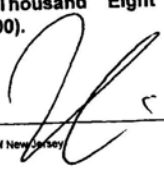

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INDIVIDUAL ACKNOWLEDGMENT

STATE OF NEW JERSEY, COUNTY OF Burlington SS.:

I CERTIFY that on November 26, 2013, David Hess and Deborah Browning Hess personally came before me and acknowledged under oath, to my satisfaction, that each person:

- (a) is named in and personally signed this DEED OF EASEMENT;
- (b) signed, sealed and delivered this DEED OF EASEMENT as his or her act and deed;
- (c) made this DEED OF EASEMENT for and in consideration of mutual obligations and benefits to each party; and
- (d) the actual and true consideration paid for this instrument is **Two Million Two Hundred Forty-One Thousand Eight Hundred Twenty Five Dollars and ~~Two~~ Cents (\$2,241,825.00)**.



Jeffrey N. Rabin, Esq.
Attorney of the State of New Jersey

Unofficial Document


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COUNTY AGRICULTURE DEVELOPMENT BOARD

THE UNDERSIGNED, being Chairperson of the Burlington County Agriculture Development Board, hereby accepts and approves the foregoing restrictions, benefits and covenants.

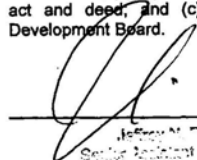
ACCEPTED AND APPROVED this 21st day of November, 2013.


 Phillip D. Prickett, Chairman
 Burlington County Agriculture Development Board

STATE OF NEW JERSEY, COUNTY OF BURLINGTON SS.:

I CERTIFY that on November 21, 2013,

Phillip D. Prickett personally came before me and acknowledged under oath, to my satisfaction that this person: (a) is named in and personally signed this DEED OF EASEMENT, (b) signed, sealed and delivered this DEED OF EASEMENT as the Board's act and deed, and (c) is the Chairperson of the Burlington County Agriculture Development Board.


 Jeffrey M. Rubin, Esq.
 Senior Assistant County Solicitor
 Secretary of the State of New Jersey

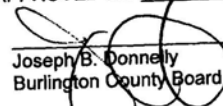
Unofficial Document


 DBH

BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS

THE UNDERSIGNED, being Director of the Burlington County Board of Chosen Freeholders, hereby accepts and approves the foregoing restrictions, benefits and covenants.

ACCEPTED AND APPROVED this 27 day of November, 2013.

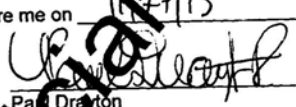

Joseph B. Donnelly
Burlington County Board of Chosen Freeholders - Director

STATE OF NEW JERSEY
COUNTY OF BURLINGTON SS.

I CERTIFY that on November 27, 2013,
Joseph B. Donnelly personally came before me and acknowledged under oath, to my satisfaction that this person:

- (a) is named in and personally signed this Deed of Easement;
- (b) signed, sealed and delivered this Deed of Easement as the Freeholder Board's act and deed; and
- (c) Is the Freeholder Director of the Burlington County Board of Chosen Freeholders.
- (d) the actual and true consideration paid for this instrument is **Two Million Two Hundred Forty-One Thousand Eight Hundred Twenty Five Dollars and Zero Cents (\$2,241,825.00)**.

Signed and sworn to before me on 11/27/13


Paul Drayton
Clerk of the Board and County Administrator


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ACKNOWLEDGMENT

STATE OF NEW JERSEY :
 : S.S.:
 COUNTY OF BURLINGTON :

I certify that on this date, Paul Drayton, personally appeared before me and acknowledged under oath to my satisfaction that:

(a) he is the Burlington County Administrator and Clerk of the Burlington County Board of Chosen Freeholders (the "Board"), Grantee named in this Deed of Easement;

(b) he is the attesting witness to the signing of this Deed of Easement by the Freeholder-Director;

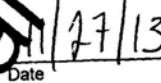
(c) this Deed was executed by the Freeholder-Director as the voluntary act and deed of the Board for the uses and purposes therein expressed, as authorized by resolution;

(d) he knows the proper seal of the Board, and the seal which has been affixed to this Deed is the seal of the Board and

(e) he signed this Acknowledgment to attest to the truth of these facts.


 Signature: Paul Drayton


 Notary Signature


 Date 11/27/13

ERIN M. KELLY
 NOTARY PUBLIC - NEW JERSEY
 Commission Expires 12/27/2014


 DH


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SCHEDULE A - TO BE ATTACHED
DESCRIPTION OF PREMESIS TO BE PRESERVED

Unofficial Document


DH
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Schedule A



**DESCRIPTION OF
FARMLAND PRESERVATION EASEMENT**

MOORESTOWN TOWNSHIP
BURLINGTON COUNTY
VARGO ASSOC. PROJECT #11089-FS
PROPERTY OF:

DAVID HESS & DEBORAH BROWNING-HESS
834 N. LENOLA ROAD, MOORESTOWN, NJ 08057

DATE: NOVEMBER 18, 2013
BLOCK: 400
TAX LOTS: 5, 6, 7, 11, 12, and part of 19
PROPERTY ADDRESS:
834 N. LENOLA ROAD
MOORESTOWN, NJ 08057

ALL THAT CERTAIN tract or parcel of land located at 834 North Lenola Road in the Township of Moorestown, County of Burlington and State of New Jersey, bounded and described as follows:

BEGINNING at a set iron pin in the division line between lots 19 and 20, said point being in the proposed future southwesterly right-of-way line of North Lenola Road (66' wide existing, 76' wide proposed - Burlington County Route No. 608), said point being a distance of 43.00 feet, when measured at right angles, from the centerline of North Lenola Road, also said beginning point having New Jersey State Plane Coordinate System (NAD '83) grid coordinates N 413,213.6907, E 355,500.1571 (ground coordinates N 413,213.6954, E 355,500.2385; combined scale factor 0.999925876), and commencing in said bearing datum, running; thence

1. South 43°08'05" West along said division line a distance of 181.91 feet to a point in same witnessed by an iron pipe found; thence
2. South 41°09'25" East still along said division line a distance of 100.49 feet to a point for a corner witnessed by a set iron pin at the division line between tax lots 19, 20 and 21, said point having ground coordinates N 413,006.9363, E 355,441.9987 (combined scale factor 0.999925876) in the New Jersey State Plane Coordinate System (NAD '83); thence
3. South 43°08'05" West along said division line between tax lots 19, 21 and 22 a distance of 783.17 feet to a point witnessed by a set iron pin at the division line between tax lots 17, 19 and 22, said point having ground coordinates N 412,433.7721, E 354,906.5360 (combined scale factor 0.999925876) in the New Jersey State Plane Coordinate System (NAD '83); thence
4. North 26°56'48" West along said division line between tax lots 17 and 19 a distance of 167.39 feet to a point witnessed by a set iron pin; thence
5. North 18°58'02" West still along said division line a distance of 239.63 feet to a point in same witnessed by a set iron pin; thence
6. North 26°56'19" East still along said division line a distance of 106.93 feet to a point witnessed by a set iron pin at the division line between tax lots 12, 17 and 19; thence
7. South 43°08'05" West along said division line between tax lots 12 and 17 a distance of 355.10 feet to a point in same witnessed by a set iron pin; thence
8. North 42°57'55" West still along said division line a distance of 646.60 feet to a point witnessed by a set iron pin at the division line between tax lots 6, 12 and 17; thence



MAILING ADDRESS: P.O. Box 647, Franklinville, NJ 08322-0647 • P.856.694.1716 • F.856.694.3102
DELIVERIES: 2771 Delsea Drive, Franklinville, NJ 08322

9. South 50°12'14" West along said division line between tax lots 5, 6 and 17 (passing over an iron pin set 125 feet, more or less, from the centerline of the North Branch of the Pennsauken Creek), a distance of 673.2 feet, more or less, to a point in the centerline of the North Branch of the Pennsauken Creek; thence
10. In a northwestwardly direction along the centerline of the North Branch of the Pennsauken Creek a distance of 668', more or less, to a point in the division line between tax lots 4 and 5 (Tie Line=North 31°58'48" West, 567.13 feet); thence
11. North 40°18'32" East along said division line between tax lots 1 through 7 (passing over an iron pin set 290 feet from the centerline of the North Branch of the Pennsauken Creek), a distance of 1,056.2 feet, more or less, to a point witnessed by a set iron pin at the division line between tax lots 2, 7 and 8; thence
12. South 59°43'54" East along said division line between tax lots 7 and 8 a distance of 175.00 feet to a point in same witnessed by a set iron pin; thence
13. South 85°29'14" East still along said division line a distance of 220.11 feet to a point in same witnessed by a set iron pin; thence
14. South 39°50'15" East still along said division line a distance of 12.93 feet to a point in same witnessed by a set iron pin; thence
15. South 44°11'46" East still along said division line a distance of 163.18 feet to a point witnessed by a set iron pin at the division line between tax lots 7, 8 and 11; thence
16. North 50°12'05" East along said division line between tax lots 8 and 11 a distance of 392.14 feet to a point witnessed by a set iron pin in the aforementioned proposed future southwesterly right-of-way line of North Lenola Road; thence
17. South 42°57'55" East along said line of North Lenola Road a distance of 457.51 feet to an angle point witnessed by a set iron pin; thence
18. South 47°02'05" West, crossing into tax lot 11, a distance of 42.68 feet to an angle point witnessed by a set iron pin; thence
19. South 42°57'55" East, still crossing within tax lot 11, a distance of 57.32 feet to an angle point witnessed by a set iron pin; thence
20. South 87°57'55" East crossing through tax lot 11 and into tax lot 19 a distance of 25.00 feet to an angle point witnessed by a set iron pin; thence
21. North 47°02'05" East, crossing through tax lot 19, a distance of 25.00 feet to a point witnessed by a set iron pin in the aforementioned proposed future southwesterly right-of-way line of North Lenola Road; thence
22. South 42°57'55" East along said line of North Lenola Road a distance of 161.27 feet to an angle point in same; thence
23. South 41°09'23" East, still along said line of North Lenola Road a distance of 119.48 feet to the point and place of **BEGINNING**.

CONTAINING within said bounds 39.8 Acres, more or less.

TOGETHER WITH a right of ingress and egress over a portion of tax lot 8, block 400 as described in deed book 5140, page 085.


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EXCEPTING from the Farmland Preservation Easement a parcel of land described as follows:

Non-Severable Exception Area A

BEGINNING at an iron pin set in the division line between tax lots 19 and 20, said point being in the southwesterly proposed future right-of-way line of North Lenola Road (66' wide existing, 76' wide proposed - Burlington County Route No. 608), said point being a distance of 43.00 feet, when measured at right angles, from the centerline of North Lenola Road, also said beginning point having NJ State Plane Coordinate System (NAD '83) grid coordinates N 413,213.6907, E 355,500.1571 (ground coordinates N 413,213.6954, E 355,500.2385; combined scale factor 0.999925876), and commencing in said bearing datum running; thence

1. South 43°08'05" West along said division line between lots 19 and 20, and extending into lot 19 a total distance of 213.68 feet to a point witnessed by a set iron pin; thence
2. North 46°51'55" West a distance of 298.99 feet to a point witnessed by a set iron pin along the division line between tax lots 11 and 19; thence
3. North 73°59'27" East crossing through tax lot 19 a distance of 260.81 feet to a point witnessed by a set iron pin at the aforementioned southwesterly proposed future right-of-way line of North Lenola Road; thence
4. South 42°57'55" East, along said line of North Lenola Road a distance of 43.67 feet to an angle point in same witnessed by a set iron pin; thence
5. South 41°09'25" East still along said line of North Lenola Road a distance of 119.48 feet to the point and place of **BEGINNING**.

CONTAINING within said excepted area 1.185 Acres, more or less.

ALSO EXCEPTING from the Farmland Preservation Easement a parcel of land described as follows:

Severable Exception Area B

BEGINNING at an iron pin set within lot 19, said point being North 61°46'00" West a distance of 162.45 feet from the division line between tax lots 19, 20 and 21, said point also being the northeasterly corner of Exception B, said beginning point having NJ State Plane Coordinate System (NAD '83) grid coordinates N 413,082.1345, E 355,298.8790 (ground coordinates N 413,082.1396, E 355,298.8125; combined scale factor 0.999925876) in the, and commencing in said bearing datum; thence

1. South 43°08'05" West, through lot 19, a distance of 135.00 feet to a point, witnessed by a set iron pin; thence
2. North 46°51'55" West, through lot 19, a distance of 60.33 feet to a point, witnessed by a set iron pin; thence
3. South 43°08'05" West, through lot 19, a distance of 216.00 feet to a point, witnessed by a set iron pin; thence
4. North 40°34'59" West, through lot 19, a distance of 182.77 feet to a point in the division line between tax lots 12 and 19, witnessed by a set iron pin; thence


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Description of Farmland Preservation Easement
Block 400, Tax Lots 5, 6, 7, 11, 12, and part of 19
Moorestown Twp., Burlington Co.
Page 4 of 4

5. North 43°08'05" East, along the division line of lot 19 with lot 12 and then lot 11, a distance of 331.00 feet to a point, witnessed by a set iron pin; thence
6. South 46°51'55" East a distance of 242.00 feet to the point and place of **BEGINNING**.

CONTAINING within said excepted area 1.609 acres.

SUBJECT to a claim by the State of New Jersey for lands now or formerly flowed by mean high water containing within said bounds 1.5 acres, more or less.

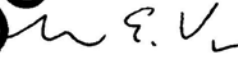
CONTAINING a Net Farmland Preservation Easement Area of 35.5 acres, more or less.

Being known as the Farmland Preservation Easement within Tax Map Block 400, Lots 5, 6, 7, 11, 12, and 19 in the Township of Moorestown, Burlington County, New Jersey.

Pursuant to a survey of the Farmland Preservation Easement on the property of The Board of Chosen Freeholders of Burlington County, known and designated as Block 400, Lots 5, 6, 7, 11, 12, and part of 19 on the municipal tax map of the Township of Moorestown, said survey prepared by Vargo Associates, 2771 Delsea Drive, Franklinville N.J., dated 12/02/11, revised 11/18/13 and marked as File No. 11089-FS.

November 18, 2013

Prepared by:


Robert E. Vargo
Professional Land Surveyor
N.J. License #GS43261



DH



DBH

**STATE OF NEW JERSEY AND COUNTY OF BURLINGTON
AGRICULTURE RETENTION AND DEVELOPMENT PROGRAM**

**SCHEDULE B TO DEED OF EASEMENT
CERTIFICATION CONCERNING NONAGRICULTURAL USES**

Premises: Block 400, Lots 5,6,7,11,12 & p/o 19
Moorestown Township, Burlington County

Owner: David Hess & Deborah Browning Hess

The undersigned, Grantor in the foregoing Deed of Easement, do hereby certify as follows:

1. At the time application was made to sell the development easement to the Grantor the following nonagricultural use of the Premises existed.

An approximate 200' X 170' area of the Premises was used for the parking and storage of various non-agricultural construction equipment, tree service equipment, a metal storage container and two fuel tanks. In addition stockpiles of stone and soil were located within this area.

2. At the time of the execution of this Deed of Easement the above referenced nonagricultural use of the property existed.

Grantor


David Hess

Date: 11/26/13


Deborah Browning Hess

Date: 11/26/13


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SCHEDULE C-1 - TO BE ATTACHED
DESCRIPTION OF NON-SEVERABLE EXCEPTION AREA A

Unofficial Document


DH
DBH

Schedule C-1



**DESCRIPTION OF
NON-SEVERABLE EXCEPTION AREA A**

MOORESTOWN TOWNSHIP
BURLINGTON COUNTY
VARGO ASSOC. PROJECT #11089-FS
PROPERTY OF:
DAVID HESS & DEBORAH BROWNING-HESS
834 N. LENOLA ROAD, MOORESTOWN, NJ 08057

DATE: NOVEMBER 18, 2013
BLOCK: 400
PART OF TAX LOT: 19
PROPERTY ADDRESS:
834 N. LENOLA ROAD
MOORESTOWN, NJ 08057

ALL THAT CERTAIN tract or parcel of land located at North Lenola Road in the Township of Moorestown, County of Burlington and State of New Jersey, bounded and described as follows:

BEGINNING at an iron pin set in the division line between tax lots 19 and 20, said point being in the southwesterly proposed future right-of-way line of North Lenola Road (66' wide existing, 76' wide proposed - Burlington County Route No. 608), said point being a distance of 43.00 feet, when measured at right angles, from the centerline of North Lenola Road, also said beginning point having NJ State Plane Coordinate System (NAD '83) grid coordinates: N 413,213.6907, E 355,500.1571 (ground coordinates N 413,213.6954, E 355,500.2385; combined scale factor 0.999925876), and commencing in said bearing datum running; thence

1. South 43°08'05" West along said division line between lots 19 and 20 and extending into lot 19 a total distance of 213.68 feet to a point witnessed by a set iron pin; thence
2. North 46°51'55" West a distance of 298.99 feet to a point witnessed by a set iron pin along the division line between tax lots 11 and 19; thence
3. North 73°59'27" East crossing through tax lot 19 a distance of 266.21 feet to a point witnessed by a set iron pin at the aforementioned southwesterly proposed future right-of-way line of North Lenola Road; thence
4. South 42°57'55" East, along said line of North Lenola Road a distance of 43.67 feet to an angle point in same witnessed by a set iron pin; thence
5. South 41°09'25" East still along said line of North Lenola Road a distance of 119.48 feet to the point and place of **BEGINNING**.

CONTAINING within said excepted area 1.185 Acres, more or less.

Being known as part of Tax Map Block 400, Lot 19 in the Township of Moorestown, Burlington County, New Jersey as shown on a survey of the Farmland Preservation Easement on the property of The Board of Chosen Freeholders of Burlington County, known and designated as Block 400, Lots 5, 6, 7, 11, 12, and part of 19 on the municipal tax map of the Township of Moorestown, said survey prepared by Vargo Associates, 2771 Delsea Drive, Franklinville N.J., dated 12/02/11, revised 11/18/13 and marked as File No. 11089-FS.

November 18, 2013

Prepared by:

Robert E. Vargo
Professional Land Surveyor
N.J. License #GS43261



MAILING ADDRESS: P.O. Box 647, Franklinville, NJ 08322-0647 • P.856.694.1716 • F.856.694.3102
DELIVERIES: 2771 Delsea Drive, Franklinville, NJ 08322

SCHEDULE C-2 - TO BE ATTACHED
DESCRIPTION OF SEVERABLE EXCEPTION AREA B

Unofficial Document


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DBH

Schedule C-2



**DESCRIPTION OF
SEVERABLE EXCEPTION AREA B**

MOORESTOWN TOWNSHIP
BURLINGTON COUNTY
VARGO ASSOC. PROJECT #11089-FS
PROPERTY OF:

DAVID HESS & DEBORAH BROWNING-HESS
834 N. LENOLA ROAD, MOORESTOWN, NJ 08057

DATE: NOVEMBER 18, 2013
BLOCK: 400
PART OF TAX LOT: 19
PROPERTY ADDRESS:
834 N. LENOLA ROAD
MOORESTOWN, NJ 08057

ALL THAT CERTAIN tract or parcel of land located at North Lenola Road in the Township of Moorestown, County of Burlington and State of New Jersey, bounded and described as follows:

BEGINNING at an iron pin set within lot 19, said point being North 51°46'00" West a distance of 162.45 feet from the division line between tax lots 19, 20 and 21, said point also being the northeasterly corner of Exception B, said beginning point having NAD 83 State Plane Coordinate System (NAD 83) grid coordinates N 413,082.1345, E 355,298.8790 (ground coordinates N 413,082.1396, E 355,298.8125; combined scale factor 0.999925876) in the and commencing in said bearing datum; thence

1. South 43°08'05" West, through lot 19, a distance of 135.00 feet to a point, witnessed by a set iron pin; thence
2. North 46°51'55" West, through lot 19, a distance of 60.33 feet to a point, witnessed by a set iron pin; thence
3. South 43°08'05" West, through lot 19, a distance of 216.00 feet to a point, witnessed by a set iron pin; thence
4. North 40°34'59" West, through lot 19, a distance of 182.77 feet to a point in the division line between tax lots 12 and 19, witnessed by a set iron pin; thence
5. North 43°08'05" East, along the division line of lot 19 with lot 12 and then lot 11, a distance of 331.00 feet to a point, witnessed by a set iron pin; thence
6. South 46°51'55" East a distance of 242.00 feet to the point and place of **BEGINNING**.

CONTAINING within said excepted area 1.609 acres.

Being known as part of Tax Map Block 400, Lot 19 in the Township of Moorestown, Burlington County, New Jersey as shown on a survey of the Farmland Preservation Easement on the property of The Board of Chosen Freeholders of Burlington County, known and designated as Block 400, Lots 5, 6, 7, 11, 12, and part of 19 on the municipal tax map of the Township of Moorestown, said survey prepared by Vargo Associates, 2771 Delsea Drive, Franklinville N.J., dated 12/02/11, revised 11/18/13 and marked as File No. 11089-FS.

November 18, 2013

Prepared by:

Robert E. Vargo
Professional Land Surveyor
N.J. License #GS43261



MAILING ADDRESS: P.O. Box 647, Franklinville, NJ 08322-0647 • P.856.694.1716 • F.856.694.3102
DELIVERIES: 2771 Delsea Drive, Franklinville, NJ 08322

DEED OF EASEMENT

November ____, 2013

David Hess & Deborah Browning Hess

Grantor,

TO

BOARD OF CHOSEN FREEHOLDERS
OF THE COUNTY OF BURLINGTON,

Grantee.

Record and Return to:

JEFFREY N. RABIN
SENIOR ASSISTANT SOLICITOR
BURLINGTON COUNTY
Room 225
49 Rancocas Road
Mount Holly, NJ 08060

Unofficial Document


DH
DBH

Preserved Farms and Active Applications Within Two Miles



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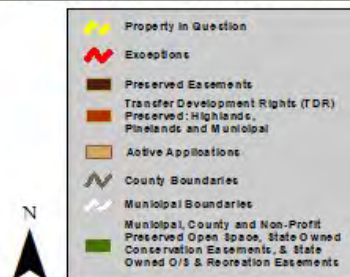
Application within the (PA1) Metro Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Hess, David and Browning-Hess, Deborah
Block 400 Lots 5 (4.3 ac); 6 (4.4 ac); 7 (8.9 ac); 11 (10.4 ac);
12 (4.0 ac) P/O 19 (0.3 ac & 4.6 ac); P/O 19-ES (severable exception - 1.6 ac)
and P/O 19-EN (non-severable exception - 1.2 ac)
Gross Total - 39.7 ac
Moorestown Twp., Burlington Co.

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 (PAAD-US)
NOAA/GS 2015 Digital Aerial Image

July 3, 2016

Project Map



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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
NJOT/OGIS 2015 Digital Aerial Image

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

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.
The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed
primarily for planning purposes. The 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



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 8, 2019

Memo



To: **SADC Members**

From: **Alison Reynolds, Esq., Legal Specialist**
David Kimmel, Agricultural Resource Specialist

Date: **7/28/2022**

Re: **Right to Farm and Agricultural Mediation Programs update**

The purpose of this memo is to provide the Committee with recent developments within the Right to Farm and Agricultural Mediation programs. The most recent Right to Farm/Agricultural Mediation programs report was provided to the Committee on April 26, 2019.

Right to Farm Program

Outreach

Despite the COVID-19 pandemic, SADC staff made presentations to the following organizations on the noted dates:

Rutgers Center for Governmental Services – December 8, 2020: Remote presentation providing an overview of the Right to Farm and Agricultural Mediation programs was provided as a continuing education class for municipal officials.

NJ Association of Planning & Zoning Administrators – February 8, 2022: Remote presentation providing an overview of the Right to Farm and Agricultural Mediation programs was provided to planning and zoning officials.

Foodshed Alliance – March 18, 2022: Webinar open to the public organized by the Foodshed Alliance, the first in a series of webinars regarding farming in New Jersey to be hosted by the Foodshed Alliance. The presentation provided an overview of the Right to Farm and Agricultural Mediation programs with a particular focus on the “single enterprise” requirement for commercial farm eligibility.

Shellfish Operators – April 1, 2022: Meeting between staff and approximately ten shellfish operators at the Haskins Shellfish Research Lab in Bivalve, NJ. The focus of the presentation was to go through an overview of the Right to Farm Act and highlight the difficulties in its application to shellfish operations.

Right to Farm Act amendment – Equine Agriculture Labor housing

Effective in January 2021, P.L. 2020, c. 154 amended the Right to Farm Act to extend eligibility to year-round, full-time agricultural equine laborers, the first time that Right to Farm protection was afforded for any type of agricultural labor housing. The law only applies to full-time laborers on equine operations that are housed in the same building or facility as the horses. Further, the law directs SADC to adopt implementing regulations, but does not set a deadline. Although the SADC has been unable to adopt such regulations due to the press of other work, it was advised by the Office of Attorney General that CADBs may still accept Right to Farm applications under the new law because the law is very detailed, and the legislation did not disturb the existing Right to Farm procedures for issuing an SSAMP wherein CADBs may hear and decide matters that are not the subject of adopted Agricultural Management Practices. The CADBs were advised by the SADC in April 2021 that these cases could be heard.

Pending activity in the legislature re: shellfish operators

Over the past few months, there has been activity in the legislature regarding Right to Farm amendments to better address shellfish operations. The issue is that the Right to Farm Act, as currently written, applies more to terrestrial agriculture operations and does not reflect the realities of a shellfish operation, which consists of practices both on riparian and terrestrial land. Basic Right to Farm protection eligibility requirements like location on lands where agriculture is a permitted use under local zoning, farmland assessment eligibility, minimum lot sizes, and contiguity of agricultural operations effectively prevent shellfish operations from enjoying the benefits of Right to Farm protection since they cannot meet those eligibility requirements.

Starting in April 2022, SADC staff began meeting with NJ Department of Agriculture staff and shellfish operators in order to propose Right to Farm Act amendments that better address shellfish operations within the current Right to Farm Act paradigm. Discussions are ongoing and heading in a positive direction.

Right to Farm website updates

For various reasons, including work from home orders during the COVID-19 pandemic and changes in protocols for updating the SADC's website, recent Right to Farm decisions at the county level have not been uploaded to the website for a couple of years. However, after a more formal back-to-office schedule was established, SADC staff fully updated the Right to Farm decisions pages in March 2022.

Updating Agricultural Management Practices (AMP)

Finally, there are a few AMPs containing references to outdated information, such as publications, regulatory citations, and factsheet numbers. Therefore, staff intends to begin

the rulemaking process in order to address these outdated references in the AMPs for commercial vegetable production, commercial tree fruit production, aquaculture, fencing installation for wildlife control, and on-farm compost operations on commercial farms.

Agricultural Mediation Program

The Agricultural Mediation Program continues to be used by farmers and others to help resolve agriculture-related disputes quickly, amicably, and in a cost-effective manner. Farmers can use mediation to help resolve Right to Farm, USDA, agricultural credit, agricultural lease, farm transition, and other farmer-neighbor issues, as well as any other issues Secretary Fisher considers appropriate to better serve the agricultural community. Mediation is voluntary and provided as a free service for farmers and others.

Over the past three fiscal years, mediation has been requested in thirty-seven (37) cases. A mediation session was subsequently held in fifteen (15) of these cases.

State FY	USDA-related cases	Right-to-Farm and Farmer-Neighbor cases	Other cases	Total cases
2020	2	13	1 (ag credit)	16
2021	2	5	1 (lease)	8
2022	3	7	3 (2 lease, 1 access easement issue)	13
Totals	7	25	5	37

Expanded Use of the Program Through the Farm Bill

The most recent Federal Farm Bill (December 20, 2018) expanded the list of acceptable case types for which the USDA cost-share grant for agricultural mediation could be used. The Farm Bill specifically added lease issues, family farm transition, farmer-neighbor disputes, and other issues as determined by state Secretaries of Agriculture. Previously, the grant could only be used for USDA and agricultural credit issues. As noted in the chart above, lease issues are beginning to appear more frequently in mediation requests.

Mediation Sessions During COVID-19

Prior to the pandemic, all mediation sessions were conducted in-person. This changed during COVID-19, however, due to limitations on meeting in-person and the availability of remote technology. Now, when a mediation session is being scheduled, the participants have the option of meeting in-person, meeting remotely, or using a hybrid approach with both in-person and remote participation. It appears that most participants still prefer to meet in-person, while others are comfortable with and appreciate the flexibility of meeting remotely.

Updating Agricultural Mediation Program Rules

The Agricultural Mediation Program's rules, N.J.A.C. 2:76-18 et seq., should be updated to have the list of issues that can be mediated match what is permitted by the 2018 Farm Bill. A continuing education requirement for mediators also could be added to better match the Federal agricultural mediation program rules, 7 CFR 785, and the rules governing complementary dispute resolution programs in the New Jersey courts, Rule 1:40-1 et seq. Along with updating the AMPs, staff intends to update the mediation rules in order to address these items.

Coalition of Agricultural Mediation Programs (CAMP) Conference

New Jersey hosted the 2022 Coalition of Agricultural Mediation Programs (CAMP) Conference from April 11-13 at the Chauncey Conference Center in Princeton, NJ. The conference brought together 35 people from around the country representing the agricultural mediation programs from 30 states. About 50% of the programs are run by nonprofits, 30% by state departments of agriculture, and 20% by extension/university. The goal of the conference was to foster information sharing, program development, and networking among the programs. Attendees' feedback and comments suggested the conference was a success.

Some highlights included the following speakers and discussion:

- Dr. Brian Schilling (Rutgers) and Brian Wilson (Burlington County Agriculture Development Board) discussed farmer-neighbor issues, the context of farm viability challenges and opportunities, and resolving disputes at the local level.
- Dr. David Robinson (Rutgers/State Climatologist) made a presentation on climate change and impacts to agriculture.
- Gary, Pam, and Reuwai Mount (Terhune Orchards) provided a farm tour, discussed the farm's story, and talked about how they have navigated direct marketing opportunities/challenges, COVID-19 impacts, working with multiple generations, and maintaining farm viability in general.
- Tobias Fox (Newark Science and Sustainability) and Nagisa Manabe (River Stoan Farm) presented on urban and suburban agriculture and diversity and accessibility issues.
- Secretary Fisher welcomed the conference participants and delivered remarks about New Jersey agriculture.
- Bob Andrzejczak (USDA Farm Service Agency, New Jersey director) discussed mediation and FSA.
- Bill Cobb (USDA Farm Service Agency in D.C.) provided FSA updates on foreclosures/debt collection, debt assistance, and equitable relief.