

STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC)

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

REGULAR MEETING

February 27, 2020

Chairman Fisher called the meeting to order at 9:13 a.m. The flag salute was conducted.

Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

Members Present

Chairman Fisher
Cecile Murphy
Gina Fischetti
Martin Bullock
Scott Ellis
Roger Kumpel (alternate farmer member for Mr. Johnson)
Brian Schilling
Denis Germano
Ralph Siegel
Richard Norz

Members Absent

Pete Johnson
James Waltman

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

Others present as recorded on the attendance sheet: Bob Hornby, Hunterdon County Agriculture Development Board (CADB); Sean Pizzio, Monmouth CADB; Tim Willmott, Burlington CADB; Tom Thorsen, Ocean CADB; Katherine Coyle, Morris CADB; Emily Blackman, Mercer CADB; Kurt Alstede, Alstede Farms; Amy Hansen, New Jersey Conservation Foundation; Katherine Fullerton, East Amwell and Delaware Township.

Minutes

A. SADC Regular Meeting of January 23, 2020 (Open and Closed Sessions)

It was moved by Mr. Siegel and seconded by Mr. Germano to approve the Open and Closed Session minutes of the SADC regular meeting of January 23, 2020. Ms. Murphy abstained from the vote. The motion was approved.

Report of the Chairman

Chairman Fisher welcomed Mr. Roger Kumpel, the alternate farmer member, who is serving on the Committee today in Pete Johnson's absence. Chairman Fisher noted that Mr. Kumpel is an outstanding farmer and has been president of the State Board of agriculture twice. Mr. Kumpel stated that he is from Burlington County, has been a member of the Burlington County Board of Agriculture for more than 30 years, served on the Board of Managers for Rutgers University for six years, served as President of the State Board of Agriculture, and is a Farm Bureau Director. He noted that he has been involved in agriculture his entire life and he is willing to do whatever it takes to make the farming industry healthy.

Chairman Fisher noted that Special Occasion Events (SOEs) will be discussed today and it is a very intricate and involved topic that has an extraordinary impact on the farming community. He noted that agriculture is changing across the country and the world. In NJ's case the sector has changed from decade to decade, and we're adjusting to how farms operate, ag tourism being a prime example. Staff has spent many years working on SOEs, starting with the preserved farm winery bill. It's important that legislation be put in place because it helps farmers know what they can and can't do and avoid uncertainty. The non-farming community also has expectations of what's going to happen on these farms, so their rights need to be kept intact as well. Staff will be making recommendations to the legislature based on the discussion here today.

Report of the Executive Director

Ms. Payne introduced new appraisal staff member, Ms. Jolyn Czerniecki, who will be working with Mr. Martin. .

Ms. Payne noted that the SADC will be holding a Farm Succession Planning Workshop with guest speaker Keith Dickinson from Farm Credit East. The workshop will be an informal discussion with local farmers regarding their farm transition experiences.

Ms. Payne noted that the Committee members received an invitation from Casey Jansen to Holland Ridge Farm for a naming ceremony for a brand-new tulip variety. She encouraged the Committee members to attend the event as it is an amazing place to visit in the spring.

Ms. Payne noted that there has been a lot of legislative activity going on lately. She noted that last week the Assembly Agriculture Committee released four bills related to the SADC . One bill reintroduced special occasion events legislation from last session, A2773, which allows special occasions on farms except for wineries. The second bill, A2775, would make the winery program permanent for wineries. The third bill was an assembly concurrent resolution finding that the rules the SADC adopted to implement the winery SOE law are inconsistent with statutory intent. Ms. Payne stated that she doesn't agree with that assessment and that the proposed legislation can be discussed further if this bill continues. Lastly, A2774 requires the Executive Director of the SADC be appointed by the governor based on recommendation of the State Board of Agriculture.

Communications

Ms. Payne encouraged the Committee to take the communications packet with them as there are interesting articles to read regarding solar technology , the Penn East pipeline project, and soccer tournaments on preserved farms.

Public Comment

Mr. John Diet, a farmer , asked the Committee how he could move an exception area on his farm from one area to another so that he could have an opportunity to build a house. Ms. Payne stated that this issue has come up before, but there is no legal way for the Committee to approve that because there is no statutory authority to unreserved land in order to move the exception area . Mr. Diet noted that there is soil erosion associated with the exception area making it an inappropriate location for a future house.

Mr. Norz stated that agriculture is changing, so what would have to take place for this to happen. Ms. Payne answered that this would have to go to the legislature. Mr. Norz asked for staff to investigate this more closely. Chairman Fisher stated that legislation is not done to solve all issues, and that it depends on how egregious the situation is.

Old Business

A. Approval of SADC Final Report- Special Occasion Events

Note: Ms. Payne stated that three of the present farmer members of the SADC, Richard Norz, Martin Bullock and Scott Ellis, are recused from the discussion because current SADC ethics rules prevent them from participating at the SADC level given that they discussed and authorized official action on SOE's at the CADB level. Mr. Kumpel is the only farmer member that can act today as he is not a member of his local CADB.

Ms. Payne stated that the SADC is required to submit to the Governor and the legislature a final report on the winery special occasion events law, including recommendations for the program to be amended, extended or made permanent. Based on the Committee's feedback at the last meeting, staff has drafted the final report for the Committee's consideration.

Ms. Payne stated that the report contains an executive summary which recommends that SOEs be allowed on all farms and that standards be applied to their frequency and size, and further recommends that the legislature consider that agritourism be allowed for all farms, not just preserved farms.

Ms. Payne gave an overview of the preserved farm winery pilot program and noted that the SADC's working group consisted of representatives of several CADBs, the NJ Farm Bureau, the SADC, Rutgers University and the NJ League of Municipalities. She explained that the CADBs gave feedback and comments which included concerns that all preserved farms should be given the opportunity for SOEs, the potential administrative burdens, and the need for clarity as to SOEs and Right to Farm protection.

Committee members expressed concern that the definition of an SOE needs to be clarified. Ms. Payne agreed that an SOE should be described more clearly, and the on-farm direct marketing AMP definitions provide some guidance. She noted that the report characterizes the types of events held, and that they are broken down into four categories which include private events with a meal served (wedding receptions) which accounts for 54% to 60% of all SOEs reported; public events with a meal served (wine festivals); public events with no meal served (farmers market) and public recreational events which is a subset of public events with no meal.

Ms. Payne explained that a provision in the statute requires that wineries can only derive 50% of their income from SOEs, not including the sale of wine. As far as grape production and use in wine production, wineries must produce 50% of their grapes that they use from their own farm management unit. The report also addresses food and other beverage

services, as the SADC recognizes if there is an event, food will be served, but there should be no restaurants or food establishments on the property. The winery law requires that SOEs be conducted in an enclosed area or open canopy, and the recommendation is that the legislature provide a distinction as to how much of the property can be used to host events.

Ms. Payne stated that the report lists recommendations for future legislative action. The first recommendation is that the overriding goal of the SOE law be to enable all preserved farms, not just wineries, to hold an appropriate number and scale of SOEs over and above the events and activities already permitted on preserved farms in NJ in order to attract more members of the public to their farms, thereby increasing the opportunity to market their agricultural output, and provide an opportunity for supplemental, farm-based income.

Ms. Payne stated that the Committee has before them a chart that contains fifteen evaluation factors with parameters for SOEs on Preserved Farmland along with the summary of legislative recommendation, and suggested the Committee go through each evaluation factor and vote to amend, extend or make permanent the parameters for the SOEs and decide whether these parameters be allowed for all farms and not just wineries.

Ms. Murphy stated that her concern lies with the IRS and the impact of allowing SOEs on farms preserved by non-profits organizations .

Mr. Schilling stated that the deed of easement (DOE) needs to be looked at, but the changing agricultural industry needs to be taken into consideration.

Mr. Siegel stated his concern is the potential jeopardy with conservation easements, tax deductions and donations of easements to non-profits. Mr. Germano stated that he agreed with Mr. Siegel and Ms. Murphy's points .

Chairman Fisher asked for a motion that the SOE parameters outlined in the report include all farms, not just wineries.

It was moved by Mr. Germano and seconded by Mr. Kumpel to approve the parameters that all preserved farms, not just wineries, be allowed to have SOEs. Ms. Murphy voted against the motion.. Mr. Ellis, Mr. Norz and Mr. Bullock recused. The motion was approved.

Ms. Payne stated that the tax implications of having SOEs on farms preserved nonprofit organizations may be the landowner's responsibility to address . Ms. Payne suggested that this issue be raised in the report. She noted that the second concern in the nonprofit community is the limited resources it has available to monitor and enforce easements.

Ms. Payne asked if the Committee wishes to require that in order to qualify to hold SOEs, the farm must be owned and operated by the farmer, as is the standard under the rural microenterprise law that was passed. Such a requirement would disallow landowner who

rent their farms out to the farming community to hold SOEs on the farm, and would similarly disallow a farmer who rents land from being able to conduct an SOE on that land. Mr. Schilling suggested a motion to strike this parameter from the report.

It was moved by Mr. Schilling and seconded by Mr. Kumpel to strike from the SOE report the text that reads “farm owner must be a farmer (like RME law/rules)”. Ms. Murphy voted against the motion. Mr. Ellis, Mr. Norz and Mr. Bullock recused. The motion was approved.

Ms. Payne addressed the next evaluation factor of the report that defines SOEs. The Committee discussed in detail the RTF process and how it could apply to SOEs. Mr. Germano stated that he would like to change the text in the report from “SOEs are in addition to events that **receive** Right to Farm (RTF) protection” to “SOEs are in addition to events that **are eligible** for Right to Farm protection” because it is avoiding a situation where permissible things don’t get counted as SOEs. The concern is that SOEs, RTF issues, AMPs and things that are allowed by the deed overlap. Chairman Fisher concluded that the term “eligible” would be used instead of “receive”.

The next evaluation factor was size and frequency of events for all farms. Ms. Payne that under current law a farmer’s income determines whether SOEs can be held, and staff’s recommendation instead is to utilize size and frequency of events as the bases for approval. Farm Bureau recommended that farms have \$10,000 in minimum income in order to have 15 SOEs per year, and farms with \$100,000 or more in income can have 26 SOEs per year. The SADC’s working group recommended that for farms holding up to 15 events per year, up to 4 large events could be “large”, i.e., greater than 250 people.

Ms. Payne noted that the report says there should be some limit on what is considered a large event so as not to disrupt the surrounding community. Mr. Schilling stated that this pilot program was predicated on wineries and feels that the number of people allowed at the event should be 300 and not 250. Chairman Fisher stated that the law must follow all the zoning and parking rules regarding these numbers and feels that the number “250” should be removed from the report and the number should be larger, and a limit of 4 shows may be problematic as well. Ms. Murphy stated that the evaluation factor for the size and frequency of the SOE events for farms should remain as written.

Chairman Fisher asked for a motion from the Committee as to whether it wants to limit the number of large events to 4, or not limit it at all, or change the number.

It was moved by Mr. Germano and seconded by Ms. Murphy to maintain the size and frequency of all farms as it stands in the report. Chairman Fisher suggested the number be changed from 4 to 6 large events. Mr. Germano withdrew his original motion. It was moved by Mr. Germano and seconded by Mr. Kumpel to increase the number from 4 to 6 large shows for farms with over \$100,000 in income. Mr. Ellis, Mr. Norz and Mr. Bullock were recused. Ms. Murphy and Mr. Siegel voted against the motion. The motion was approved.

Ms. Payne noted that the next evaluation factor in the report involves the ag production requirement for processing the output of the farm, which states that at least 50% of raw agricultural commodity used at the SOE must be grown on the farm management unit. The SADC will recommend that the legislature not disturb this parameter.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve the parameters for the agriculture production requirement for processed output on the farm for SOEs. The motion was unanimously approved. Mr. Ellis, Mr. Norz and Mr. Bullock recused

Ms. Payne noted that the evaluation factor of the duration of the SOE states that an event would be considered 1 day or less and a 2-day event counts as 2 separate events.

Chairman Fisher explained that one event can last more than 1 day so he thinks this number is restrictive. Ms. Payne clarified that the definition of an event should be expanded to read that a single event should not last more than 2 consecutive days.

It was moved by Chairman Fisher and seconded by Mr. Germano that the definition of an “event” be expanded such that an event cannot last more than two consecutive days Mr. Kumpel, Ms. Fischetti, Mr. Germano and Secretary Fisher voted in favor of the motion. Mr. Schilling, Ms. Murphy and Mr. Siegel voted against it. The motion was approved. Mr. Ellis, Mr. Norz and Mr. Bullock recused

Ms. Payne touched on the topic of eligibility for RTF protection and stated that this is not a topic that needs a vote as it is a statement rather than a recommendation.

Ms. Payne addressed the evaluation factor of local approvals, which provides that the “law should enable SOE use without the need for municipal zoning/land use approval and that the landowner is required to secure all necessary public health and safety approvals. If a site plan is required, a copy should be provided to the grantee and SADC”.

Mr. Germano stated that the language that reads “If a site plan is required, a copy should be provided to the grantee and SADC” should be removed because a site plan can have lots of requirements and become complicated and expensive.

Ms. Payne noted that the parameters state that the “legislature may consider extending SOE use to all farms, not just preserved farms” and asked if the Committee is comfortable with this recommendation.

Mr. Schilling stated that this falls outside of the SADC’s authority. Ms. Payne stated if all farms have the right to SOEs it allows a preserved piece of farmland to do things not permitted on unpreserved pieces of farmland. Mr. Siegel stated that there is no harm in making the recommendation. Ms. Fischetti stated that this is an incentive for people to

preserve their farms. Ms. Payne stated that these parameters recommend to the legislature that SOEs are permitted, subject to the limitations. This would result in removal municipal authority to prohibit these uses, so the preserved farms have an opportunity to conduct SOEs that non-preserved farms do not.

The Committee agreed that the wording in the report should read “legislature **may** consider extending SOE use to all farms, not just preserved farms” to make it appear as an option rather than mandatory and that the parameter that reads “If a site plan is required, a copy should be provided to the grantee and SADC” should be removed entirely from the report.

It was moved by Mr. Germano to have the wording for local approvals remain as they are worded in the report. There was no second . It was moved by Mr. Siegel and seconded by Secretary Fisher to change the word “should” to “may” in the report for local approvals and remove “If a site plan is required, a copy should be provided to the grantee and SADC”. The motion was unanimously approved. Mr. Ellis, Mr. Norz and Mr. Bullock recused

Ms. Payne addressed the parameters for the occupied area for an SOE and stated that there is a minimum of 2.5 acres or up to 5% of the premises with a maximum of 5 acres to support SOE use which includes, for example, parking, vendors, tents and porta-potties . Portions of a farm where attendees just walk around are not included in occupied area. As far as utilities, no new utilities are permitted for SOEs, just the use of temporary structures such as generators and porta-potties. Regarding parking, the legislature used the parking standards that the SADC adopted in its on-farm direct marketing AMP because that deals with safety standards . As far as vendors and food offerings are concerned, only catering, food vendors and the sale of farm output is permitted.

Ms. Payne stated that the report talks about administrative burdens on the CADBs . The goal is to have a one-time approval process in which the landowner submits to the deed of easement grantee a plan for hosting SOEs . The recommendation for large events would be reviewed by the CADB staff. A “permit by rule” approach would be considered that authorizes grantees to delegate approvals to CADB staff as appropriate. Ms. Murphy asked if there can be a limit of delegation to CADB staff for only smaller events and not large events. Chairman Fisher asked for a motion to Ms. Murphy’s recommendation. There was no second, so the motion died.

It was motioned by Chairman Fisher and seconded by Mr. Germano to follow the grantee approval/registration process. The motion was unanimously approved. Mr. Ellis, Mr. Norz and Mr. Bullock recused.

Ms. Payne discussed enforcement of the current SOE law, pointing out that the enforcement provisions are unworkable and not a deterrent. There needs to be an administrative process where a warning is issued, the CADB can bring non-compliant farmers into a meeting, and a hearing is held on a monetary penalty.

Ms. Payne reviewed the 'Relationship to On Farm Direct Marketing (OFDM) AMP' which recognizes that some SOE type events can be eligible for RTF protection, and she noted that earlier in the meeting when the definition of SOE was discussed a determination was made that SOEs did not need to receive, but that they could be eligible for, RTF protection. She suggested that this piece could be removed from the report since it was addressed earlier in defining an SOE.

It was motioned by Mr. Schilling and seconded by Mr. Siegel to remove 'Relationship to On Farm Direct Marketing (OFDM) AMP' from the SOE report. The motion was unanimously approved. Mr. Ellis, Mr. Norz and Mr. Bullock recused.

Ms. Payne went on to address all alcohol-based agricultural operations for an SOE and noted that many people wanted to know if the same standards would be recognized for breweries and distilleries as they were for wineries. She recommended that all alcohol-based operations be included in future legislation and AMPs adopted by the SADC and that all alcohol-based agriculture be treated equally.

It was moved by Mr. Germano and seconded by Ms. Murphy to accept staff recommendation regarding all alcohol-based agriculture operations for an SOE. The motion was unanimously approved. Mr. Ellis, Mr. Norz and Mr. Bullock recused.

Chairman Fisher noted that many of the provisions of the SOEs discussed today were voted on by the Committee as stand-alone provisions; however, there were several that were not voted on. He asked for a motion to approve all the other provisions of the SOE report that did not receive separate votes.

It was moved by Mr. Kumpel and seconded by Mr. Germano to approve all the other provisions of the SOE report that were not voted on separately. The motion was unanimously approved. Mr. Ellis, Mr. Norz and Mr. Bullock recused.

Amy Hansen of the New Jersey Conservation Foundation (NJCF) commented that the NJCF helped start the Farmland Preservation Program in 1983 and helped market, promote and secure funding for the program. She stated that over the years, the Farmland Preservation Program, which had been originally intended to promote agriculture, has transformed to recognize more non-ag commercial rights such as cell phone towers, rural microenterprises and solar installations. She noted that as the owner of a working preserved farm, she does not think it is right to have SOEs permitted for those who have no connection to preserved farmland and where the public has paid for these commercial rights.

The NJCF urges the SADC to reduce the amount of permitted SOEs to 6 to 12 events a year for 1 day only, and to no more than 250 people per event, on preserved farmland, and nonprofit easement holders should be exempt from having to approve these events on

farmland The NJCF must meet rigorous standards as a non-profit and must do regular monitoring and address violations, and the SOEs increase the potential for violations of NJCF-held easements. In addition, the League of Municipalities does not support RTF protection for SOEs and the NJCF urges SADC to not extend RTF protection to SOEs and remove the language in the report that says so.

Mr. Siegel reiterated that the request of the NJCF is that the easement holders for the land trusts, be built into the statute and be allowed to prevent SOEs on their easement properties. Ms. Hansen stated that was correct.

Chairman Fisher noted that would be the decision of the legislature and not the SADC. Ms. Hansen stated that she has had discussions with the legislature about this. Ms. Payne noted that the report says the grantee that holds the easement must approve the SOEs, including the SADC. Ms. Payne reiterated that while the SADC spends most of its time on farmland preservation and RTF, from a statutory standpoint, SADC is obligated to be an advocate for all farms in NJ and that's why there are certain standing recommendations made to the legislature.

B. Resolution: Delegation of Authority – Post Closing Stewardship Actions

Ms. Payne noted there was a chart prepared for the Committee that Mr. Roohr would review that outlines the proposal to delegate certain stewardship matters.

Chairman Fisher stated that the Committee previously discussed a proposal to delegate approval of certain routine matters to the Executive Director so that they would not have to be brought to an SADC meeting for action. This delegation would speed up the approval process for applicants and partners and reduce staff resources needed to prepare materials for SADC meetings . He stated that staff has done a great job and put a lot of hard work and effort into putting this together, but in the interest of time asked that only those items Committee members had questions about should be addressed today.

Mr. Roohr stated that he would just review minor clarifications and edits and noted that if the landowner does not like a staff decision in any case, they can appeal the decision to the Committee . Mr. Roohr stated that in the resolution, the very last 'whereas' in the resolution that reads "...this resolution amends and supersedes any prior resolutions delegating review and approval authority to the Executive Director", will be corrected to say "...this resolution amends and supersedes any prior resolutions related to actions as requested in Schedule D of this document" . There are two edits that need to be made on the chart. The first edit is for the description listed under Agricultural Mediation Program Roster of Mediators, which will say "certification of all mediators". The second edit comes under the agenda item for Non

ARDA Preserved farms and should say approval of non-ARDA deeds to qualify “and have the ability to approve, revise or amend”.

Chairman Fisher asked for a motion to approve the Delegation of Authority for Post-Closing Stewardship Actions.

It was moved by Mr. Ellis and seconded by Ms. Murphy to approve Resolution FY2020R2(1) granting approval for the Delegation of Authority for Post-Closing Stewardship Actions, as presented, subject to any conditions of said resolution. The motion was unanimously approved. The motion was unanimously approved. A copy of resolution FY2020R2(1) is attached to and is a part of these minutes.

New Business

A. Resolution for Certification – Agricultural Development Area (ADA) Map Amendment- Hunterdon County

Mr. Bruder stated that there is an amendment to the Hunterdon ADA to accommodate a farmland preservation application received by the SADC for a parcel that was not included in a recent 2018 map amendment. The landowner cleared previously wooded land, the CADB reviewed the application, and the board has requested an ADA amendment to allow for the preservation of the property, which meets minimum eligibility criteria. The property to be preserved includes two additional lots, 3.10 and 3.11, so that the lots can be adjacent to the existing ADA area. Staff’s recommendation is to approve the resolution authorizing the ADA map amendment.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve Resolution FY2020R2(2) for the Agricultural Development Area Map Amendment for Hunterdon County, as presented, subject to any conditions of said resolution. The motion was unanimously approved. A copy of resolution FY2020R2(2) is attached to and is a part of these minutes.

B. Review of a Non-Agricultural Development Project in an ADA on Preserved Farmland- Medford Township Temporary Construction Access; Jennings Farm, Medford Township, Burlington County

Ms. Payne stated that this item was removed from the agenda at the request of Medford Township and will be presented at the March SADC meeting.

C. Resolutions: Final Approval – Municipal PIG Program

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

It was moved by Mr. Kumpel and seconded by Mr. Germano to approve Resolution FY2020R2(3) granting approval to the following application under the Municipal PIG Program, as presented, subject to any conditions of said resolution.

1. ABNC Enterprise LLC, SADC ID #08-0206-PG, Resolution FY2020R2(3), Block 5802, Lot 21, Franklin Township, Gloucester County, 87.972 acres.

The motion was unanimously approved. A copy of Resolutions FY2020R2(3) is attached to and is a part of these minutes.

D. Resolutions: Final Approval – Direct Easement Purchase Program

Ms. Mazzella referred the Committee to five requests for final approval under the Direct Easement Purchase Program. She reviewed the specifics of the applications with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Kumpel and seconded by Mr. Germano to approve Resolutions FY2020R2(4) through FY2020R2(8) granting approval to the following applications under the Direct Easement Purchase Program, as presented, subject to any conditions of said resolution.

1. Donald & Lillis Bowlby- Estate of (Lot 19), SADC ID#10-0270-DE, Resolution FY2020R2(4), Block 71, Lot 198, 19.01 and 81, Raritan Township, Hunterdon County, 49.1 net acres.
2. Donald & Lillis Bowlby- Estate of (Lot 81), SADC ID#10-0271-DE, Resolution FY2020R2(5), Block 72.07, Lot 81, Raritan Township, Hunterdon County, 94.9 net acres.
3. Donald & Lillis Bowlby- Estate of (Lot 19.02), SADC ID# 10-0269-DE, Resolution FY2020R2(6), Block 71, Lot 19.02, Raritan Township, Hunterdon County, 18.8 net acres.
4. Carl & Mickele Mehaffey, SADC ID# 17-343-DE, Resolution FY2020R2(7), Block 110, Lots 2 and 5.01, Alloway Township, Salem County, 97.3 net acres.

5. Hitchner Land Holdings, LLC (CP- Mehaffey Sunset Farm LLC), SADC ID #17-0344-DE, Resolution FY2020R2(8), Block 105, Lots 5.01, 9, and 11; Block 107, Lots 2 and 3; Block 108, Lots 1 & 1.02, Alloway Township, Salem County, and Block 3, Lots 2 & 7; Block 4, Lots 1 & 1.01, Hopewell Township, Cumberland County, 259.3 net acres.

The motion was unanimously approved. A copy of Resolutions FY2020R2(4) through FY2020R2(8) is attached to and is a part of these minutes.

E. Soil Protection Standards- Best Management Practices (BPMs) (Discussion Only)

Mr. Clapp and Ms. Doyle continued the discussion of BMPs in connection with the soil protection standards being drafted by staff . They reviewed three preliminary BMPs related to hoop houses and run sheds, temporary parking and storage areas, and semi-permanent parking and storage areas. The BMPs set forth standards for the proper installation of certain practices so that if followed, the property owner can avoid or minimize certain practices counting as a disturbance of the farm's soil resources.

Mr. Clapp noted that the BMP for Temporary Structures and temporary parking and storage areas would be listed under the yellow (low intensity use) land use area and would not count as disturbance limits if they met the requirements of the BMP and were installed in a way that would minimize erosion. Things that would be considered temporary structures would be high tunnels or low tunnels, temporary tents, movable structures, run-in and turn- out sheds, and garden-type utility sheds. Mr. Clapp specified that the use of temporary tents for more than 120 days in a 12-month period does not qualify for BMP certification as a temporary structure. Mr. Norz stated that the 120 day period is very stringent and suggested that time frame be extended due to public health and safety. Mr. Siegel stated that the 120 days is a standard to say this should not be added to the acreage inventory of disturbed soil. Mr. Clapp stated that they are looking at relatively small surfaces and the intent is to preserve the integrity of the soil.

Mr. Clapp reviewed the BMPs for Semi-Permanent Parking and Storage areas, stating that the land use area would be orange indicating medium intensity use. The purpose is to provide guidance for the use, maintenance, and restoration of semi-permanent vegetated parking and storage. The use of semi-permanent parking and storage areas shall be compliant with the deed of easement and applicable local and state regulations. Mr. Clapp stated that for semi-permanent vegetated parking and storage areas, at least once per 30 days of active use during the growing season, the area shall be aerated utilizing a hollow core aerator to alleviate soil compaction, except where mats or coarse mulch are used.

Mr. Norz stated that 30 days is not enough time and noted that in the case of his own farm, he has an area of land that he uses to chop hay 2 times a year to feed his cattle. He suggested extending the period to 60 days. Mr. Clapp stated the days are cumulative and not consecutive. Mr. Norz stated that 60 days is the better option.

Chairman Fisher suggested that the number be extended in the interest of the farmers since this is just a draft proposal that can be changed. Mr. Siegel stated that the basis of these BMPs is about the soil and what's going to damage the soil, not the duration of the farmers' season, and if a farmer is going to use land as a parking lot it's got to be counted as disturbed soil. Mr. Ellis stated that temporary parking is not a problem as the soil gets fixed and people move on. Chairman Fisher noted that the den Hollander case was an extreme example of this. Mr. Schilling stated that these BMPs are a guide not a regulation and are more of a practice to be followed. Mr. Everett stated that these are all performance-based practices that will help farmers comply with the soil protection rules.

Mr. Clapp stated that draft versions of the BMPs would be drafted every month and then brought to the Committee for comment. The Committee comments will be reviewed and revised, and the next step would be to publish the document and issue it for comment from the public. Ms. Payne stated that each month as the staff and Committee review these drafts, they get posted to the web. Chairman Fisher thanked staff for their hard work on this effort.

F. Policy 48- Soil and Water Conservation Project Cost-Sharing Amendment

Mr. Roohr and Mr. Clapp reviewed an amendment to Policy P-48, "Soil and Water Conservation Project Cost-Sharing", explaining that it establishes the maximum cost-share reimbursement rate for grants awarded through the Soil and Water Conservation Cost-Sharing Program (SW). Applicants to the program are eligible to receive up to 50% of the actual costs expended to install a project, not to exceed the estimated cost-share grant obligated at the time an application is approved. Currently, grants are obligated based on 50% of the estimated cost to install the project, as determined by NRCS cost records for similar projects.

Several applicants to the SW program, as well as some Soil Conservation Districts, have noted the estimated per-unit cost to install wells and occasionally other practices, based on these NRCS figures, is substantially lower than the actual cost to install these projects. Staff has discussed amending the cost rates with NRCS; however, NRCS policy makes it difficult to modify the data used to estimate project costs.

State Soil Conservation Committee (SSCC) rules require that NRCS cost data be used for estimating project costs and it is not feasible in the short term to amend the rules to address this shortfall between estimated and actual costs .

In order to reimburse farmers for as close to 50% of the actual cost of projects as possible, staff recommends a modification to P-48, allowing SADC to obligate funding for an application based on 75% of the NRCS cost estimate in compliance with SSCC rules and to reimburse up to 50% of the actual cost of installing the project. Obligating based on 75% of the estimated project cost will increase the base of funding available for a project, and reimbursing on 50% of the actual costs will allow SADC to continue to offer funding to as many farmers as possible without being in direct competition with NRCS programs that offer a roughly 75% cost share.

To be fair to prior applicants to the program, staff recommends the Committee allow staff to increase, when necessary, the amount of cost share obligated to existing, unpaid projects when actual costs exceed 50% of the original estimate. The increase would be limited to the proposed 75% estimate. Staff proposes payments be limited to the actual extent of a project installed and staff recommends the Committee adopt the changes proposed in P-48.

It was moved by Mr. Germano and seconded by Mr. Bullock to approve the amendment to Policy 48 Soil and Water Conservation Project Cost Sharing. The motion was unanimously approved.

NOTE: Mr. Norz left the meeting at 2:45 p.m.

G. Resolutions of Approval: Soil and Water Conservation Project Cost- Sharing

Mr. Clapp referred the Committee to three requests for approval under the Soil and Water Conservation Project Cost Sharing Program. He reviewed the specifics of the applications with the Committee and stated that staff recommendation is to grant approval.

It was moved by Mr. Kumpel and seconded by Mr. Bullock to approve Resolutions FY2020R2(9) through FY2020R2(11) granting approval to the following applications under the Soil and Water Conservation Project Cost-Sharing Program, as presented, subject to any conditions of said resolution. Mr. Ellis and Mr. Siegel recused from the vote as they know Mr. Hart.

1. TD Farms, LLC (Time Doyle), SADC ID #17-0024-EP, Resolution FY2020R2(9), Block 37, Lot 4, and Block 38, lots 5, 6, 7, 8, Upper Pittsgrove Township, Salem County, 301.37 acres.
2. John Hart, SADC ID #11-0002-EP, Resolution FY2020R2(10), Block 37, Lot 23, Hopewell Township, Mercer County (1), 15.004 acres.

3. John Hart, SADC ID #11-0038-EP, Resolution FY2020R2(11), Block 37, Lot 23.01, Hopewell Township, Mercer County (2), 58.821 acres.

The motion was approved. A copy of Resolutions FY2020R2(9) through FY2020R2(11) is attached to and is a part of these minutes.

Public Comment

There was no public comment.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., Thursday March 26, 2019

200 Riverview Plaza, Trenton NJ

200 Building, 1st Floor

CLOSED SESSION

At 2:48 p.m. Ms. Payne read the following resolution to go into Closed Session:

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

It was moved by and seconded by Mr. Schilling and seconded by Ms. Murphy to approve the resolution to go into closed session. A roll call vote was conducted. All Committee members present were in favor of moving into closed session.

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters – Certification of Values

Note: Mr. Kumpel recused from the Giberson Farm discussion and Mr. Schilling recused from the Lee Ware discussion.

It was moved by Mr. Schilling and seconded by Mr. Germano to approve the Certification of Values for the following applications, except for the Giberson and Ware Farms as discussed in closed session. The motion was approved.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve the Certification of Value for the Giberson Farm application. Mr. Kumpel recused. The motion was approved.

It was moved by Mr. Germano and seconded by Mr. Siegel to approve the Certification of Value for the Ware Farm application. Mr. Schilling recused. The motion was approved.

1. County Planning Incentive Grant Program

- a. RTE, III Farms, LLC (Eckert East), SADC ID# 03-0433-PG, Block 903, Lot 22.01, Tabernacle Township, Burlington County, 54 acres.
- b. Edward Allen (Pointville), SADC ID #03-0434-PG, Block 812, Lot 5.05, Pemberton Township, Burlington County, 28 net acres.
- c. Daniel and Pamela Giberson, SADC ID #03-0430-PG, Block 1601, Lots 11, 12, 13.01, and 14, Southampton, Burlington County, 52 acres.
- d. Dennis and Nancy Dare, SADC ID #17-0223-PG, Block 43, Lot 13, Upper Pittsgrove Township, Salem County, 70.9 net acres.
- e. Donald Stimpson, SADC ID #17-0221-PG, Block 42, lot 8 and Block 43, Lot 4, Upper Pittsgrove Township, 39.86 acres.
- f. Henry Raab, SADC ID #17-0222-PG, Block 19, Lot 3, Mannington Township, Salem County, 84.2 acres.
- g. Mary Durkin and Catherine Larose, SADC ID #08-0202-PG, Block 5802, Lot 1, Franklin Township, Gloucester County, 18.56 acres.
- h. Martin and Cathleen DeSapio, SADC ID #10-0430-PG, Block 6, Lot 11, Kingwood Township, Hunterdon County, 45.6 net acres.

2. Municipal Planning Incentive Grant Program

- a. Brook Hollow Winery, LLC (Lot 6), SADC ID #21-0617-PG, Block 10, Lot 6, Knowlton Township, Warren County, 12.5 net acres.
- 3. Direct Easement Purchase
 - a. Lee Ware, SADC ID #17-0345-DE, Block 34, Lots 12 & 12.04, Elsinboro Township, Salem County, 86.4 net acres.

ADJOURNMENT

The meeting was adjourned at 3:35 p.m.

Respectfully Submitted,

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

Susan E. Payne, Executive Director
State Agriculture Development Committee

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2020R2(1)

Delegation of Routine SADC Actions

February 27, 2020

WHEREAS, at its September 26, 2019, meeting, the State Agriculture Development Committee (SADC) discussed delegating certain routine actions of the SADC to the Executive Director to review, approve, deny, or alternatively, when deemed appropriate, to bring the matter to the SADC to review, approve or deny; and

WHEREAS, in order to maximize efficiency in reviewing and processing certain routine actions and applications, the SADC requested staff to develop parameters for each proposed delegation so only actions falling within the prescribed parameters are eligible for delegation; and

WHEREAS, the Right to Farm Act (Act), which also created the SADC, contains language at N.J.S.A. 4: 1C-5e. enabling the Committee to "perform any act or thing necessary, convenient, or desirable for the purposes of the committee to carry out any power expressly given" in the Act, which would include the authority to delegate certain actions to the Executive Director; and

WHEREAS, Part IV, Section 3 of the SADC By-Laws states that "The Executive Director shall have all the power and authority delegated to him/her in accordance with these By-Laws, actions of the Committee or otherwise pursuant to the 'Right to Farm Act' and the "Agriculture Retention and Development Act"; and

WHEREAS, the SADC previously delegated approval for appraised and final values for conveyances of development easements on farms subject to eminent domain actions (Schedule "A"), roof mounted solar installation applications on existing buildings (Schedule "B") and deer fence grants (Schedule "C"); and

WHEREAS, SADC staff has developed the parameters for certain other routine actions (Schedule D); and

WHEREAS, the Executive Director shall not be precluded from bringing any application to the SADC for review, approval or denial if deemed necessary; and

WHEREAS, at the request of the applicant, any applications, including those denied or approved with conditions by the Executive Director, shall be reviewed by the SADC, which may either uphold, modify or reverse the Executive Director's decision; and

WHEREAS, this resolution amends and supersedes any prior resolutions, as described in Schedule "D", delegating review and approval authority to the Executive Director.

NOW, THEREFORE, BE IT RESOLVED that:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC has determined that circumstances warrant the delegation of, and it so delegates, authority to the Executive Director to review and approve, approve with conditions, or deny any applications listed on and under the conditions set forth in Schedule A.
3. Such approvals may be issued without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director.
4. At an applicant's request, the SADC shall review any applications, including those denied or approved with conditions by the Executive Director, and the SADC may either uphold, modify or reverse the Executive Director's decision.
5. SADC staff shall provide notification of all such approvals and/or denials in the form of a written report at SADC regular monthly meetings as outlined in Schedule D.
6. The denial of any approval, or conditional approval, by the Executive Director may be appealed by the applicant to the SADC within 30 days of the receipt of the Executive Director's decision; and
7. This Resolution shall not be effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

2/27/2020
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule "A"

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R2(14)

Delegating Approval of Appraised and Final Values and Conveyances of Development Easements of Farm Properties Acquired Through Eminent Domain Actions by Public Bodies and Public Utilities

WHEREAS, public bodies, public utilities and interstate natural gas transmission companies have initiated or plan to initiate right-of-way expansions, and utility service and natural gas pipeline projects (the "public works projects") necessitating eminent domain takings of portions of preserved farmland and unpreserved farmland in agricultural development areas (ADAs); and

WHEREAS, public bodies and public utilities must comply with the provisions of N.J.S.A. 4:1C-19 and 25 of the Agriculture Retention and Development Act ("ARDA") governing condemnation of preserved and ADA farms (the "ARDA condemnation statutes"); and

WHEREAS, pipeline companies engaging in the interstate transmission of natural gas must comply with the condemnation provisions of the Natural Gas Act, 15 U.S.C.A. § 717, et seq. ("NGA"); and

WHEREAS, the SADC requested and received advice from the Attorney General's Office regarding the scope and authority of various utility companies and natural gas transmission companies to acquire an interest in preserved farmland; and

WHEREAS, not all public works projects necessitating eminent domain takings of preserved farmland are subject to the ARDA condemnation statutes because of overriding federal law, and in such cases the role of the SADC is limited to reviewing and approving the appraised value of the property acquired through the eminent domain proceedings; and

WHEREAS, there are ongoing eminent domain takings in connection with public works projects affecting preserved farms, and there will continue to be additional public works projects of this nature in the future; and

WHEREAS, in accordance with the ARDA condemnation statutes, the State Agriculture Development Committee (SADC) reviews, conducts hearings and issues written reports on eminent domain takings of preserved farmlands by public bodies and public utilities; and

WHEREAS, with regard to eminent domain takings of preserved farms by public bodies, such takings are permitted only if the Governor declares that the public works project is necessary for the public health, safety and welfare and there is no immediately apparent feasible alternative; and

WHEREAS, in compliance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. (the "EDA"), requiring the offer of fair market value compensation to landowners and other property interest holders whose ownership rights are being acquired, public bodies and public utilities are required to appraise and establish fair and just compensation for the properties impacted by their projects whose development rights were conveyed to counties, municipalities and non-profits with the assistance of SADC cost share grants, or whose development rights or title were directly acquired by the SADC; and

WHEREAS, the SADC has established a protocol for the review of appraisal reports by, and the receipt of comments from, SADC appraisal staff with respect to the final amount of compensation to be offered preserved farm owners and holders of development easements; and

WHEREAS, pursuant to the ARDA condemnation statutes, the EDA and the NGA, public bodies, public utilities and interstate natural gas transmission companies advise the SADC that the construction of their respective projects are of critical public importance, requiring either landowner and interest holder agreement on the appraised values of eminent domain takings or the initiation of condemnation suits against those parties as promptly as possible; and

WHEREAS, given the number of appraisals which have been and will be generated by the public bodies, public utilities and interstate natural gas transmission companies in connection with the eminent domain takings of many portions of preserved farms, and in view of the SADC's meeting schedule and the time constraints associated with approval of meeting minutes, establishing a mechanism for more timely approvals of the final values of such takings would further the public interest by allowing public bodies, public utilities and interstate natural gas transmission companies to proceed with construction activities as soon as reasonably possible and as required by the courts; and

WHEREAS, pursuant to N.J.S.A. 4:1C-5e. and g., and upon the advice of the Attorney General's Office, the Committee possesses the authority to delegate, by resolution, authority or discretion to the Executive Director, in appropriate circumstances, to carry out the purposes of the ARDA;

NOW, THEREFORE, BE IT RESOLVED that the SADC has determined that circumstances warrant the delegation of, and it so delegates, joint authority to

the Executive Director and the Secretary of Agriculture, in his capacity as Chairman of the SADC, and upon the positive recommendation of the SADC Review Appraiser, to approve the final appraised values of preserved farm parcels, or parts thereof, subject to eminent domain takings in connection with public works projects as described herein; and

BE IT FURTHER RESOLVED that such approvals may be issued without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director and the Secretary of Agriculture, and notification of all such approvals shall be provided to the SADC at its regular monthly meetings in the form of a written report submitted by the Executive Director; and

BE IT FURTHER RESOLVED that, upon the Executive Director and Secretary of Agriculture's joint approval, as aforesaid, the Executive Director be and hereby is authorized to execute any and all documents necessary or appropriate to convey the development easement or other interests held by the SADC on farm parcels subject to eminent domain takings in connection with the public works projects described herein from this date forward and until such authority is revoked or modified by the SADC; and

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

2.28.13
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones, (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
James Waltman	YES
Peter Johnson	YES
Torrey Reade	YES
Jane R. Brodhecker	ABSENT
Denis C. Germano, Esq.	ABSENT
Alan A. Danser, Vice Chairman	ABSENT

Schedule "B"

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2014R9(5)

Delegating Approval of Certain Applications for Solar Energy Generation Facilities on Existing Buildings or Structures on Preserved Farmland

WHEREAS, pursuant to N.J.A.C. 2:76-24.1 et seq., the SADC has established a protocol for the review of Applications for Solar Energy Generation Facilities on Existing Buildings or Structures on Preserved Farmland pursuant to N.J.S.A. 4:1C-32.4; and

WHEREAS, pursuant to N.J.A.C. 2:76-24.9(b), the Committee may delegate review and approval authority to the Executive Director pursuant to N.J.S.A. 4:1C-5e. and 5f. for applications for solar energy facilities where a board or nonprofit organization has not submitted comments concerning negative impacts from the application, the solar energy facilities will not result in any new impervious cover, and the application is in conformance with all provisions of N.J.S.A. 4:1C-32.4 and N.J.A.C. 2:76-24.1 et seq.; and

WHEREAS, pursuant to N.J.A.C. 2:76-24.9(b), the Executive Director shall not be precluded from bringing any application before the Committee for review and approval, if deemed appropriate; and

WHEREAS, at the request of the applicant, the Committee shall review an application that has been denied by the Executive Director and approve, approve with conditions, or disapprove the application, in accordance with N.J.A.C. 2:76-24.9(b); and

NOW, THEREFORE, BE IT RESOLVED that the SADC has determined that circumstances warrant the delegation of, and it so delegates, authority to the Executive Director to review and approve, approve with conditions, or deny Applications for Solar Energy Generation Facilities on Existing Buildings or Structures on Preserved Farmland provided that: (1) no new impervious cover is created from the installation of the solar energy generation facilities, structures and equipment; and (2) the system supplies power through "net metering" as defined in N.J.A.C. 2:76-24.3 or supplies power or heat directly to the farm outside the meter; and

BE IT FURTHER RESOLVED, that such approvals may be issued without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director, and notification of all such approvals shall be provided to the SADC at its regular monthly meetings in the form of a written report submitted by the Executive Director; and

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

9-26-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

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Schedule "C"

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2019R10(1)

Delegating Approval of Farmland Stewardship Deer Fencing Program Grant Awards

WHEREAS, the Farmland Stewardship Program rules promulgated at N.J.A.C. 2:76-20.1 et seq. provide 50% cost-share grants to eligible applicants of eligible preserved farmland for eligible projects deemed necessary to improve the profitability, efficiency, and farm income of farm operations for which an approved feasibility plan has been prepared; and

WHEREAS, implementation projects, as defined by the Farmland Stewardship Program rules, are projects recommended in approved feasibility plans that may feasibly result in enhancing the economic viability of the farm operation; and

WHEREAS, the Farmland Stewardship Program rules establish program areas for various implementation projects that are eligible for grant awards; and

WHEREAS, fencing is categorized as a capital fixed asset in accordance with N.J.A.C. 2:76-20.16(b)1 and, therefore, is considered a program area eligible for implementation project grant awards; and

WHEREAS, the Farmland Stewardship Deer Fencing Program was adopted as Policy P-53 by the State Agriculture Development Committee (SADC) on January 26, 2017, to effectuate the use of fencing to preclude deer and protect farmers' investment in crops, which is critical to the economic viability of preserved farmland; and

WHEREAS, the Preserve New Jersey Act authorizes the use of Corporate Business Tax revenues for a "stewardship activity," which, for the purposes of the farmland preservation program, "means an activity which is beyond routine operation and maintenance, undertaken by the landowner, or a farmer operator as an agent of the landowner, to repair, restore, or improve lands preserved for farmland preservation purposes, including but not limited to soil and water conservation projects approved pursuant to section 17 of P.L.1983, c.32 (C.4:1C-24)."

WHEREAS, the SADC has requested appropriations for stewardship funds received from its allocation of the Corporate Business Tax to fund eligible Farmland Stewardship Deer Fencing Program projects as an approved stewardship activity; and

WHEREAS, when funding is appropriated for the Farmland Stewardship Deer Fencing Program, the SADC has announced the availability of funding and solicited applications for same; and

WHEREAS, the SADC must determine eligibility for applications received in accordance with Policy P-53 and Farmland Stewardship Program rules; and

WHEREAS, the funding requested in eligible applications may, in certain years, exceed the availability of appropriated funds and the SADC will find it necessary to rank the eligible

applications (highest to lowest scoring) by means of a numeric rating scale incorporated as Exhibit in Policy P-53 until available funding has been exhausted; and

WHEREAS, to maximize efficiency in reviewing and ranking complete applications received by a prescribed deadline and making funding awards, the SADC finds it appropriate to delegate to the Executive Director the authority to rank said complete applications; and

WHEREAS, to maximize efficiency in instances where grant recipients wish to deviate from the fencing specifications in accordance with Policy P-53 and to obtain approval from the SADC, in writing, prior to installing the fence, the SADC finds it appropriate to delegate such authority to the Executive Director; and

WHEREAS, pursuant to N.J.S.A. 4:1C-5e. and g., and Article IV, Section 3 of SADC By-Laws, the SADC possesses the authority to delegate, by resolution, authority or discretion to the Executive Director, in appropriate circumstances, to carry out the purposes of the Agriculture Retention and Development Act (ARDA); and

NOW, THEREFORE, BE IT RESOLVED that:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC hereby delegates the following authority to the Executive Director in relation to administration of Policy P-53:
 - a. Review applications and determine whether they are complete and meet the eligibility criteria for issuance of a grant award; and
 - b. Score and rank complete and eligible applications when requested funding exceeds the availability of appropriated funds; and
 - c. Issue grant awards, in rank order, for complete and eligible applications; and
 - d. Approve or deny requests for deviations from the fencing specifications in accordance with Policy P-53; and
 - e. Make payment to grantees.
3. Such approvals may be issued without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director, and notification of all such approvals shall be provided to the SADC at its regular monthly meetings in the form of a written report submitted by the Executive Director.
4. The denial of any approval by the Executive Director may be appealed by the applicant to the SADC within 30 days of the receipt of the Executive Director's denial; and

5. This Resolution shall not be effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

10/25/18
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

All delegated approvals subject to appeal to the Committee at the request of the landowner

Agenda Item	Description	Area of Business	Parameters for Delegation	Applicable Provisions (Policy, Rule, Law)	Report to Committee	Approved by Committee
Agricultural Mediation Program Roster of Mediators	All certifications	Ag Development	• Certification of new mediators • Annual renewal of mediator certificates (by June 30 each year) <i>Exception: mediators with unique circumstances that warrant the Committee's review or attention as determined by Executive Director.</i>	• N.J.A.C. 2:76-18 et.seq. requirements	Semi-Annually	
Deer Fence	Extensions of existing approval	Ag Development	• Allows for extension of eligibility for 1 year.	• N.J.A.C. 2:76-20.18 • Policy P-53	Semi-Annually	• Resolution FY#2019R10(1) • Approved 10/25/18
Solar Approvals	Roof mounted on existing buildings or with site disturbance less than 500 sq/ft	Stewardship	• Less than 500 sq/ft of site disturbance • The original delegation resolution references impervious cover only: "NOW, THEREFORE, BE IT RESOLVED that the SADC has determined that circumstances warrant the delegation of.. Provided that: (1) no new impervious cover is created from the installation of the solar energy generation facilities, structures and equipment; and (2) the system supplies power through "net metering" as defined in N.J.A.C. 2:76-24.3 or supplies power or heat directly to the farm outside the meter; and."	• N.J.A.C. 2:76-24	Semi-Annually	• Resolution FY#2014R9(5) • Approved 9/16/13
Soil and Water Cost Share Grants (Traditional Programs - County EP, Municipal EP, Direct and Fee Simple)	All Approvals (Revisions & Extensions)	Stewardship	• Committee shall review applications when available program funding is less than \$200,000 or when funding will be allocated by ranking criteria rather than on a "first come first served" basis.	• 2:76-5.7(e) • Policy P-48	Semi-Annually	

All delegated approvals subject to appeal to the Committee at the request of the landowner

Agenda Item	Description	Area of Business	Parameters for Delegation	Applicable Provisions (Policy, Rule, Law)	Report to Committee	Approved by Committee
Stewardship Program Grant Eligibility for Non-ARDA Preserved Farms (Pinelands, Highlands, TDR, Municipal Cluster)	All Approvals (Revisions & Extensions) Approval of non-ARDA deeds to qualify lands for SADC Stewardship Grants	Stewardship	- Approval of all deeds substantially similar to SADC DOE. - Review of farms preserved through Highlands and Pinelands development credit programs. - SADC Legal staff review of deeds as substantially similar to SADC Deed of Easement. - Review of farms preserved through the Transfer of Development Rights (TDR) programs. - Review of farms preserved through the Municipal Cluster Ordinance program. - All denials or deeds with incompatible terms shall be reviewed by the Committee.	c. 13:8C-50 "Preserve New Jersey Act (P.L. 2019, Chapter 136)." - N.J.S.A. 40:55D-113 et. seq. - N.J.S.A. 40:55D-137 et.seq. - N.J.S.A. 40:55D-39.1 et. seq. - Policy P-48 - Policy P-53	Semi-Annually	
House Replacement	All Approvals (Applications, Revisions, Extensions)	Stewardship	- Utilizes the existing driveway. - Will be constructed within existing farmstead complex. - Is no more than 110% of the sq/ft of the heated living space of the the home being replaced or which existed at the time of preservation, or, up to 3,500 sq/ft. for a new unit. - Existing home not listed on any historic register or historic district (New Jersey, National Register of Historic Places, or local register). - Existing home is less then 100 years old. - CADB approved (if necessary).	N.J.A.C. 2:76-6.15(a)	Semi-Annually	
RDSO Exercise	All Approvals (Applications, Revisions, Extensions)	Stewardship	- Utilizes the existing driveway. - Will be constructed within existing farmstead complex. - Is no more than 110% of the sq/ft of the heated living space of the the RDSO being replaced, or, up to 3,500 sq/ft for a new RDSO unit. - CADB approved (if necessary). - Clear evidence that the construction and use is for an agricultural purpose and the location minimizes any adverse impact on the agricultural operation.	- N.J.A.C. 2:76-6.17 - Policy P-31	Semi-Annually	

All delegated approvals subject to appeal to the Committee at the request of the landowner

Agenda Item	Description	Area of Business	Parameters for Delegation	Applicable Provisions (Policy, Rule, Law)	Report to Committee	Approved by Committee
Ag Labor	All Approvals (Applications, Revisions, Extensions)	Stewardship	• Replacement of existing unit(s) only, with similar sized unit(s). • Replacement within the existing farmstead complex. • Expansion of existing approved unit(s). • CADB approved (if necessary). • Demonstrated existing need for agricultural production laborers on the farm management unit.	• N.J.A.C. 2:76-6.15(a)	Semi-Annually	
Access to non-severable exception	All Approvals (Applications, Revisions, Extensions)	Stewardship	• Utilizes existing farm lanes when practical. • Takes the least amount of farmland out of production as is feasible. • Does not unnecessarily bifurcate fields. • Minimizes impact to the agricultural operation. • approved (if necessary).	• Policy P-41 • CADB	Semi-Annually	

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2020R2(2)

CERTIFICATION OF AMENDED AGRICULTURAL DEVELOPMENT AREA MAP

HUNTERDON COUNTY

February 27, 2020

WHEREAS, the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, provides for the identification of Agricultural Development Areas (ADAs) by county agriculture development boards; and

WHEREAS, pursuant to N.J.S.A. 4:1C-18, the Hunterdon County Agriculture Development Board (HCADB) adopted, after a public hearing, ADA criteria and a map identifying areas where agriculture shall be the preferred, but not necessarily exclusive use of land, documenting that the area:

1. Encompasses productive agricultural lands which are currently in production or have a strong potential for future production and in which agriculture is a permitted use under the current municipal zoning ordinance or in which agriculture is permitted as a nonconforming use;
2. Is reasonably free of suburban and conflicting commercial development;
3. Comprises not greater than 90% of the agricultural land mass of the county;
4. Incorporates any other characteristics deemed appropriate by the Board; and

WHEREAS, pursuant to N.J.A.C. 2:76-1.4, the HCADB incorporated the following other requirements into the County ADA criteria:

1. A minimum area of at least 250 acres of contiguous land which is enrolled under Farmland Assessment;
2. A predominance of soils that are either prime or of statewide importance;
3. Clusters of productive farm operations that are reasonably free of conflicting non-farm development;
4. No land within a borough, town or city unless the local governing body or landowner expressly requests inclusion and can give evidence that the land has a reasonable chance of long-term continued agricultural production;
5. No land within a one-mile radius of interstate exchanges unless the local governing body or landowner expressly requests inclusion and can give

evidence that the land has a reasonable chance of long-term continued agricultural production;

6. No land with access to existing excess capacity of publicly provided sewer;
7. No land on which a development application for a non-farm use has received major subdivision or site plan approval; and
8. When an ADA amendment is proposed both a municipal and CADB resolution approving the inclusion is required; and

WHEREAS, the State Agriculture Development Committee (SADC) last certified Hunterdon County's designated ADA criteria pursuant to N.J.S.A. 4:1C-18, and N.J.A.C. 2:76-1.4 on April 28, 2017; and

WHEREAS, in 2018 a comprehensive revision of the ADA map was performed by the HCADB and certified by the SADC on May 24, 2018; and

WHEREAS, on November 1, 2019 the SADC received an application to the Direct Easement Program from the owners of the "Strober Farm", Block 37, Lot 3 in Kingwood Township; and

WHEREAS, review of the Strober Farm application revealed that the parcel was proximate to, but not included within, the Hunterdon ADA as amended in 2018; and

WHEREAS, SADC staff forwarded the Strober Farm application to HCADB staff for review against the ADA criteria set forth at N.J.S.A. 4:1C-18 and N.J.A.C. 2:76-1.4 and the certified CADB criteria; and

WHEREAS, HCADB staff deemed the Strober Farm eligible for ADA inclusion and proposed amendment to the Hunterdon ADA which included additional parcels Block 37, Lots 3.10 and 3.11 to connect the Strober Farm to the existing ADA; and

WHEREAS, on January 9, 2020, the HCADB held a public hearing to consider comment on the proposed amendment to its ADA map pursuant to N.J.A.C. 2:76-1.5; and

WHEREAS, on January 9, 2020, the HCADB approved amendment of the ADA to include Block 37, Lots 3. 3.10 and 3.11 in Kingwood Township and requested the SADC's certification of the amended ADA map; and

WHEREAS, pursuant to N.J.A.C. 2:76-1.5, the CADB submitted its certification request, including copies of the agenda and minutes of its January 9, 2020 meeting, to the SADC; and

WHEREAS, the SADC has reviewed the CADB's submissions and determined that the analysis of factors and resultant criteria is reasonable and consistent and in compliance with the provisions of N.J.A.C. 2:76-1.6;

NOW THEREFORE BE IT RESOLVED that the SADC certifies that the amendment to the Hunterdon County Agriculture Development Board's Agricultural Development Area Map (Schedule A) is consistent with N.J.S.A. 4:1C-18, and the County ADA criteria last certified by the SADC on April 28, 2017; and

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

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

2/27/2020
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

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

Handwritten signature or scribble.



TUMBLE IDELL RD

CREAMERY LA

PICNIC GROVE RD

Existing
Agriculture Development Area
(ADA)

MILLTOWN RD

ARNWINE LA

Lot 3

Lot 3.10

Lot 3.11

OLD RD

BYRAM - KINGWOOD RD

TUMBLE FALLS RD

FEDERAL TWIST RD

RMH:12/19/19

0 0.05 0.1 0.2 0.3 0.4
Miles

Proposed ADA Expansion
Kingwood Township
Block 37 Lots 3, 3.10, & 3.11

Appendix A

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2020R2(3)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
FRANKLIN TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of ABNC Enterprises LLC ("Owner")
SADC ID# 08-0206-PG
Franklin Township, Gloucester County
N.J.A.C. 2:76-17A. et seq.**

February 27, 2020

WHEREAS, on July 6, 2018 it was determined that the application for the sale of a development easement for the subject farm identified as Block 5802, Lot 21, Franklin Township, Gloucester County, totaling 87.972 gross surveyed acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the Township has met the Township Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

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

WHEREAS, the targeted Property is located in the Township's Main Rd-Piney Hollow Project Area; and

WHEREAS, the Property includes two (2), approximately one acre non-severable exception areas each for a future single family residential unit and to afford future flexibility for nonagricultural uses resulting in 85.971 net surveyed acres to be preserved; and

WHEREAS, each Exception Area:

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

WHEREAS, the portion of the Property outside the exception areas include:

- 1) zero (0) housing opportunities
- 2) no 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 vegetable and melon production; and

WHEREAS, the SADC's Green Light Approval and certification of easement value were conditioned upon the receipt of the operating agreement for ABNC Enterprises, LLC; and WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on March 28, 2019 the SADC certified a development easement value of \$6,050 per acre based on zoning and environmental regulations in place as of the current valuation date November 26, 2018; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township's offer of \$6,050 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on January 13, 2020, the Franklin Township Committee approved the application for the sale of development easement and a funding commitment of \$1,062.50 per acre, and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on May 16, 2019, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on January 22, 2020, the County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$1,062.50 per acre to cover the local cost share; and

WHEREAS, the estimated cost share breakdown is as follows (based on 85.971 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$337,436.18	(\$3,925.00/acre)
Franklin Township	\$ 91,344.19	(\$1,062.50/acre)
Gloucester County	\$ 91,344.18	(\$1,062.50/acre)
Total Easement Purchase	\$520,124.55	(\$6,050/acre)

WHEREAS, Franklin Township is requesting \$3,925 per acre or approximately \$337,436.18 and sufficient funds are available (Schedule B); and

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

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

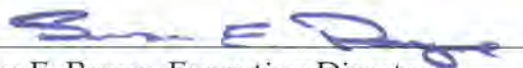
WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Property, comprising 85.971 surveyed easement acres, at a State cost share of \$3,925 per acre, (64.87% of certified easement value and purchase price), for a total grant of approximately \$337,436.18 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. Should additional funds be needed and grant funding be available, the grant may be adjusted to utilize unencumbered grant funds.
4. The prior condition to provide a copy of the operating agreement for ABNC Enterprises, LLC has been resolved and is no longer a condition.
5. The SADC will be providing its grant directly to Gloucester County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).
6. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries as identified in Policy P-3-C.
7. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
8. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
9. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

2/27/2020

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

1890

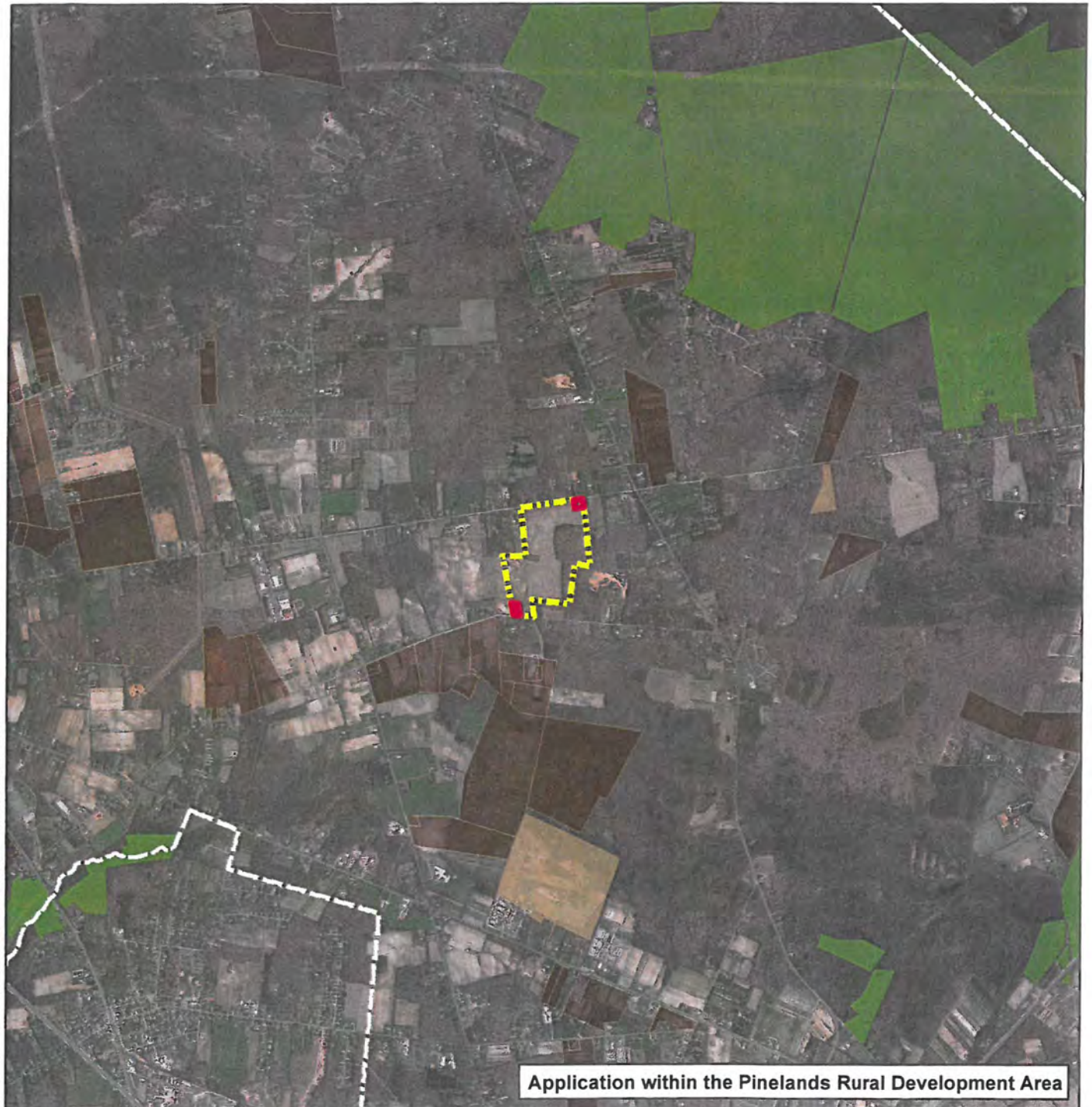
1891

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles

X:\counties\gloco\projects\ABNC Enterprises, LLC 2mile.mxd



Application within the Pinelands Rural Development Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

ABNC Enterprises, LLC
Block 5802 Lots P/O 21 (86.2 ac);
P/O 21-EN (non-severable exceptions - 1.0 & 1.0 ac)
Gross Total = 88.2 ac
Franklin Twp., Gloucester County

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



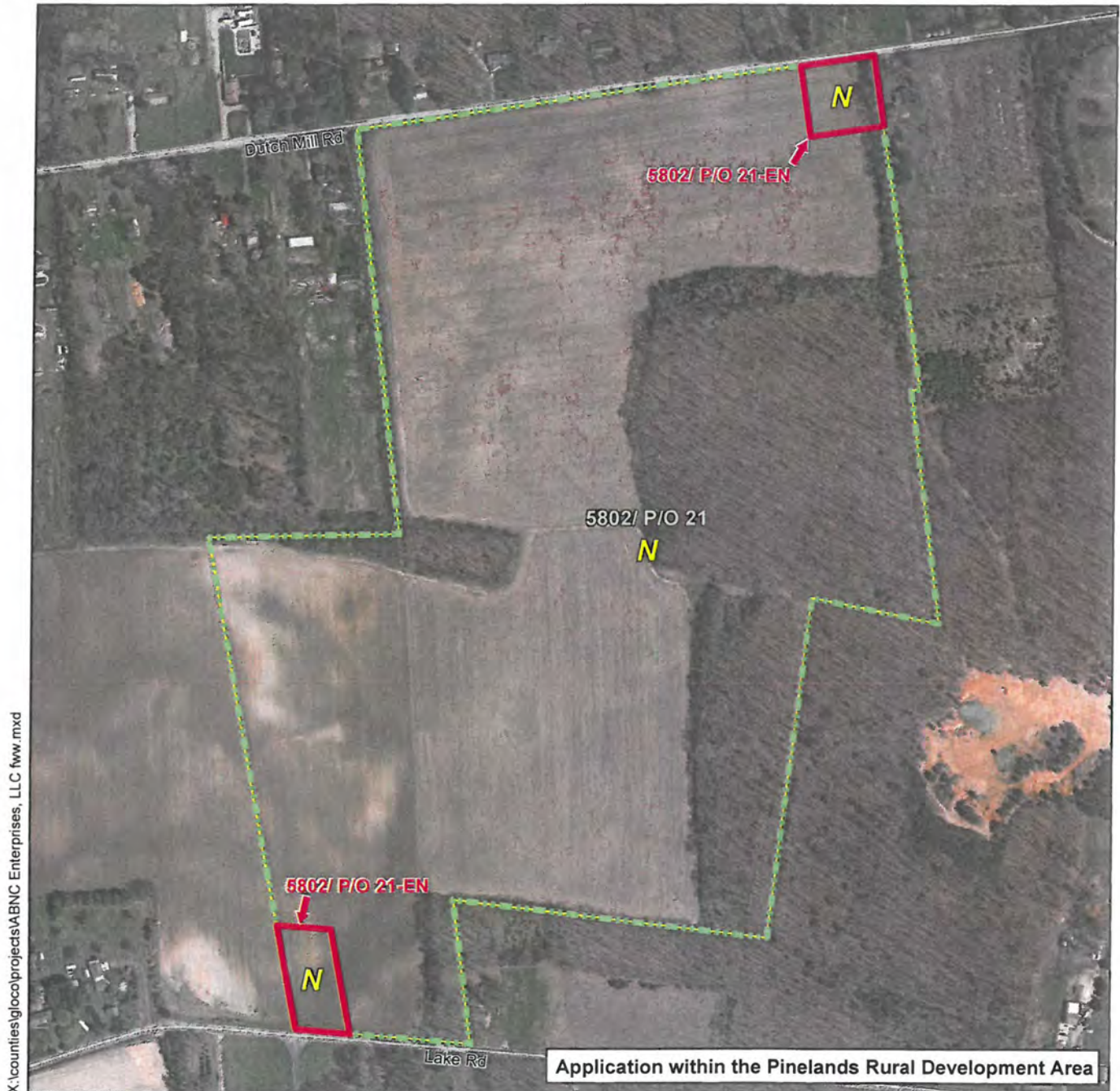
- Property In Question
- EN - (Non-Severable) Exception
- ES - (Severable) Exception
- Preserved Easements
- Transfer Development Rights (TDR)
- Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved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

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

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

July 3, 2018

Wetlands



X:\counties\gloucester\projects\ABNC Enterprises, LLC fww.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

ABNC Enterprises, LLC
Block 5802 Lots P/O 21 (86.2 ac);
P/O 21-EN (non-severable exceptions - 1.0 & 1.0 ac)
Gross Total = 88.2 ac
Franklin Twp., Gloucester County

500 250 0 500 1,000 Feet

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJDEP Wetlands Data
NJ Pinelands Commission PDC Data
NJ017/OGIS 2015 Digital Aerial Image

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



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

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

SADC Municipal Financial Status
Schedule B

Franklin Township, Gloucester County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Grant			
										Fiscal Year 09		750,000.00	
						Fiscal Year 11		500,000.00					
						Fiscal Year 13		500,000.00					
Fiscal Year 17		500,000.00											
Fiscal Year 19		500,000.00											

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

ABNC Enterprises, LLC
08- 0206-PG
PIG EP - Municipal 2007 Rule
86 Acres

Block 5802	Lot 21	Franklin Twp.	Gloucester County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:		Cropland Harvested	70% * .15 = 10.50
		Woodlands	30% * 0 = .00
			TILLABLE SOILS SCORE: 10.50
FARM USE:	Vegetable & Melons	65 acres	Snap peas

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

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2020R2(4)
FINAL REVIEW AND APPROVAL OF A SADC EASEMENT PURCHASE**

On the Property of Bowlby, Donald & Lillis - Estate of (Lot 19) ("Owner")

FEBRUARY 27, 2020

Subject Property: **Bowlby, Donald & Lillis - Estate of (Lot 19)**
Block 71, Lot 19
SADC ID#: 10-0270-DE
Approximately 49.1 Net Easement Acres

WHEREAS, on April 1, 2019, the SADC received three (3) individual development easement sale applications from the Estate of Donald and Lillis Bowlby, identified as Block 71, Lot 19, 19.02 and 81, Raritan Township, Hunterdon County, totaling approximately 174 gross acres, identified in (Schedule A); and

WHEREAS, due to the need for partnership funding on Lot 19.02 and uncertainty of funding for Lot 19 and Lot 81, the SADC staff forwarded the 3 individual applications to Hunterdon County to determine if the County would be interested in providing a cost share contribution and on May 9, 2019 the County Agriculture Development Board (CADB) granted preliminary approval during its annual application "Planting Round" and on July 2, 2019 the County Board of Chosen Freeholders granted preliminary approval for a 20 percent County cost share on the three Bowlby farms; and

WHEREAS, Bowlby, Donald & Lillis - Estate of (Lot 19), is identified as Block 71, Lot 19, Raritan Township, Hunterdon County, hereinafter "the Property," totaling approximately 55.8 gross acres, identified in (Schedule B); and

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

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

WHEREAS, the Property includes one (1), approximately 6.7 acre non-severable exception area for an existing single family residential unit with an attached apartment and to afford future flexibility for nonagricultural uses resulting in approximately 49.1 net acres to be preserved; and

WHEREAS, the Exception Area:

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

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

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

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 26, 2018, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Hunterdon County (minimum acreage of 49 and minimum quality score of 58) because it is approximately 55.8 acres and has a quality score of 69.03; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on December 5, 2019 the SADC certified a development easement value of \$13,200 per acre based on zoning and environmental regulations in place as of the current valuation date of September 2019; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$13,200 per acre; and

WHEREAS, on January 9, 2020, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property and on February 4, 2020, the County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$2,640 per acre; and

WHEREAS, the estimated cost share breakdown is as follows (based on 49.1 net acres):

	Total	Per/acre
SADC	\$518,496	(\$10,560/acre)
<u>County</u>	<u>\$129,624</u>	<u>(\$2,640/acre)</u>
Total Easement Purchase	\$648,120	(\$13,200/acre)

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 \$13,200 per acre or approximately \$648,120, which includes funding from the SADC for \$10,560 per acre for a total of approximately \$518,496 and a grant from the County of Hunterdon for \$2,640 per acre or approximately \$129,624, subject to the conditions contained in (Schedule C).
3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C.
4. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
5. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
6. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

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

2/27/2020

Date



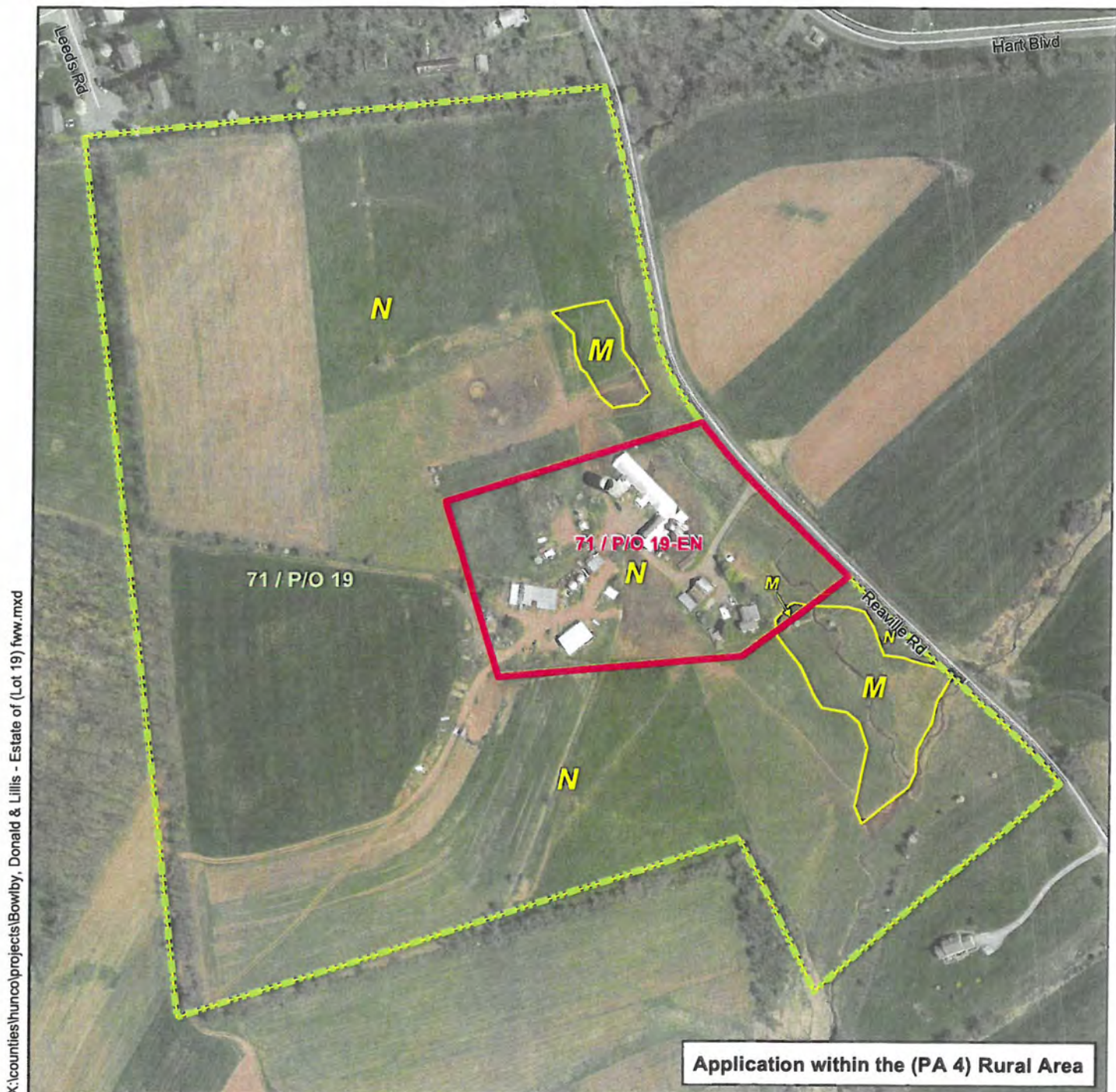
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

2000-2001

Wetlands



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Bowlby, Donald & Lillis - Estate of (Lot 19)
Block 71 Lots P/O 19 (49.1 ac)
& P/O 19-EN (non-severable exception - 6.7 ac)
Gross Total = 55.8 ac
Raritan Twp., Hunterdon County

250 125 0 250 500 Feet

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

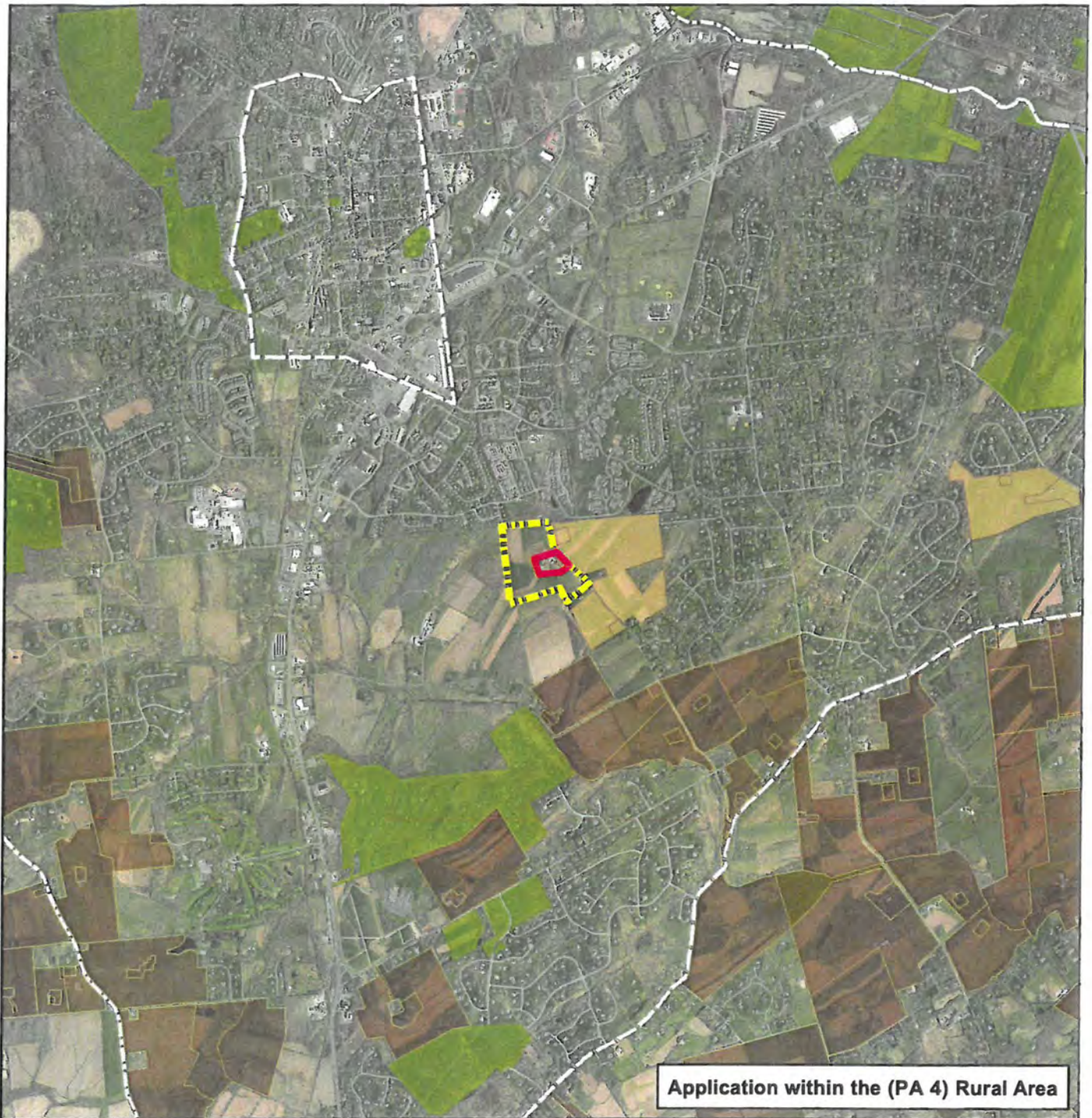
DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision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

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

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

Preserved Farms and Active Applications Within Two Miles

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Bowlby, Donald & Lillis - Estate of (Lot 19)
Block 71 Lots P/O 19 (49.1 ac)
& P/O 19-EN (non-severable exception - 6.7 ac)
Gross Total = 55.8 ac
Raritan Twp., Hunterdon County

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

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



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

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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Bowlby, Donald & Lillis - Estate of (Lot 19)
Easement Purchase - SADC
49 Acres

Block 71	Lot 19	Raritan Twp.	Hunterdon County
SOILS:		Other	22% * 0 = .00
		Prime	58% * .15 = 8.70
		Statewide	20% * .1 = 2.00
			SOIL SCORE: 10.70
TILLABLE SOILS:		Cropland Harvested	91% * .15 = 13.65
		Other	9% * 0 = .00
			TILLABLE SOILS SCORE: 13.65
FARM USE:		Wheat-Cash Grain	8 acres
		Soybeans-Cash Grain	7 acres
		Agriculture Production Livestock	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 (6.7) acres for Residence & future flexibility
Exception is not to be severable from Premises
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2020R2(5)
FINAL REVIEW AND APPROVAL OF A SADC EASEMENT PURCHASE**

On the Property of Bowlby, Donald & Lillis - Estate of (Lot 81) ("Owner")

FEBRUARY 27, 2020

Subject Property: **Bowlby, Donald & Lillis - Estate of (Lot 81)**
Block 72.07, Lot 81
Raritan Township, Hunterdon County
SADC ID#: 10-0271-DE
Approximately 94.9 Net Easement Acres

WHEREAS, on April 1, 2019, the SADC received an individual application for the sale of a development easement from the Estate of Donald and Lillis Bowlby, identified as Block 72.07, Lot 81, Raritan Township, Hunterdon County, hereinafter "the Property" totaling approximately 174 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1), approximately 3 acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 94.9 net acres to be preserved; and

WHEREAS, the Exception Area:

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

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

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

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State

Acquisition Selection Criteria approved by the SADC on July 26, 2018, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Hunterdon County (minimum acreage of 49 and minimum quality score of 58) because it is approximately 97.9 acres and has a quality score of 62.64; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on December 5, 2019 the SADC certified a development easement value of \$13,200 per acre based on zoning and environmental regulations in place as of the current valuation date of September 2019; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$13,200 per acre; and

WHEREAS, on January 9, 2020, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property and on February 4, 2020, the County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$2,640 per acre; and

WHEREAS, the estimated cost share breakdown is as follows (based on 94.9 net acres):

	Total	Per/acre
SADC	\$1,002,144	(\$10,560/acre)
County	\$250,536	(\$2,640/acre)
Total Easement Purchase	\$1,252,680	(\$13,200/acre)

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 at a value of \$13,200 per acre or approximately \$1,252,680, which includes funding from the SADC for \$10,560 per acre for a total of approximately \$1,002,144 and a grant from the County of Hunterdon for \$2,640 per acre or approximately \$250,536 subject to the conditions contained in (Schedule B).

3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C.
4. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
5. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
6. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
7. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

2/27/2020

Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

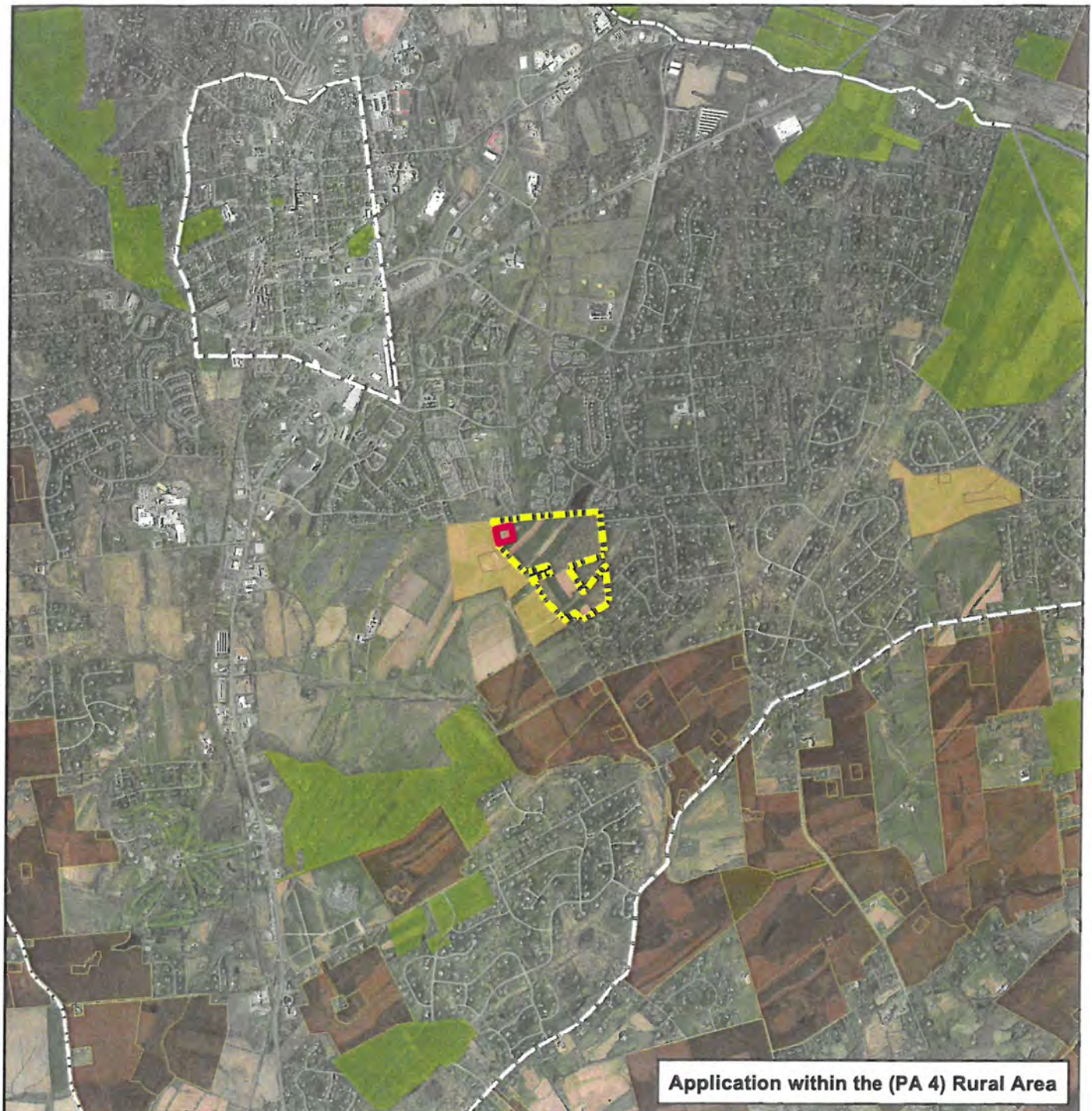
Douglas Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Ralph Siegel (rep. State Treasurer Muoio)	YES
Martin Bullock	YES
Richard Norz	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Roger Kumpel	YES
Brian Schilling (rep. Executive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

20-10-1918

10-10-1918

Preserved Farms and Active Applications Within Two Miles

X:\counties\hunco\projects\Bowlby, Donald & Lillis - Estate of (Lot 81) 2mile.mxd



Application within the (PA 4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Bowlby, Donald & Lillis - Estate of (Lot 81)
Block 72.07 Lots P/O 81 (94.9 ac)
& P/O 19.02-EN (non-severable exception - 3.0 ac)
Gross Total = 97.9 ac
Raritan Twp., Hunterdon County

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



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

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

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

April 11, 2019

Wetlands



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Bowlby, Donald & Lillis - Estate of (Lot 81)
 Block 72.07 Lots P/O 81 (94.9 ac)
 & P/O 19.02-EN (non-severable exception - 3.0 ac)
 Gross Total = 97.9 ac
 Raritan Twp., Hunterdon County

500 250 0 500 1,000 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

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

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

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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Bowlby, Donald & Lillis - Estate of (Lot 81)
Easement Purchase - SADC
95 Acres

Block 72.07	Lot 81	Raritan Twp.	Hunterdon County
SOILS:		Other	15% * 0 = .00
		Prime	31% * .15 = 4.65
		Statewide	54% * .1 = 5.40
			SOIL SCORE: 10.05
TILLABLE SOILS:		Cropland Harvested	55% * .15 = 8.25
		Wetlands/Water	7% * 0 = .00
		Woodlands	38% * 0 = .00
			TILLABLE SOILS SCORE: 8.25
FARM USE:		Corn-Cash Grain	41 acres
		Soybeans-Cash Grain	8 acres
		Hay	12 acres

This final approval is subject to the following:

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2020R2(6)
FINAL REVIEW AND APPROVAL OF A SADC EASEMENT PURCHASE**

On the Property of Bowlby, Donald & Lillis - Estate of (Lot 19.02) ("Owner")

FEBRUARY 27, 2020

Subject Property: **Bowlby, Donald & Lillis - Estate of (Lot 19.02)**
Block 71, Lot 19.02
Raritan Township, Hunterdon County
SADC ID#: 10-0269-DE
Approximately 18.8 Net Easement Acres

WHEREAS, on April 1, 2019, the SADC received an application for the sale of a development easement from the Estate of Donald and Lillis Bowlby, for Block 71, 19.02 Raritan Township, Hunterdon County, hereinafter "the Property," totaling approximately 20.8 gross acres, identified in (Schedule A); and

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 26, 2018, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, staff finds that Lot 19.02 has a quality score of 65.42 and contains approximately 20.8 acres; and

WHEREAS, the Property does not meet the SADC's Hunterdon County minimum ranking criteria for size in the "Priority" (49 acres) or "Alternate" (36 acres) categories, although it's quality score is higher than 58, which is the minimum score required to be considered a "Priority" farm, therefore the Property is categorized as an "Other" farm, requiring SADC preliminary approval; and

WHEREAS, on July 25, 2019 the SADC authorized Preliminary Approval to proceed with the selection and processing of the application conditioned upon the preservation of two adjacent farms in application with the same Owner which both meet SADC's "Priority" criteria (Lot 19 and Lot 81) (Schedule B); and

WHEREAS, as per selection procedures approved by the SADC on September 20, 2017, SADC's "Partnership Pool" funding may be utilized for Direct Easement Purchase program applications that leverage SADC funds by utilizing non-SADC funding, including those that do not meet SADC's "Priority" criteria; and

WHEREAS, on July 25, 2019 the SADC also authorized the use of SADC's "Partnership Pool" funding conditioned upon securing non-SADC funding for the easement purchase; and

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

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

WHEREAS, the Property includes one (1), approximately 2 acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 18.8 net acres to be preserved; and

WHEREAS, the Exception Area:

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

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

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on December 5, 2019 the SADC certified a development easement value of \$11,700 per acre based on zoning and environmental regulations in place as of the current valuation date of September 2019; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$11,700 per acre; and

WHEREAS, on January 9, 2020, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property and on February 4, 2020, the County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$2,340 per acre; and

WHEREAS, the estimated cost share breakdown is as follows (based on 18.8 net acres):

	Total	Per/acre
SADC	\$175,968	(\$9,360/acre)
County	\$ 43,992	(\$2,340/acre)
Total Easement Purchase	\$219,960	(\$11,700/acre)

WHEREAS, this final approval of Lot 19.02, is conditioned upon the receipt of a grant from the County of Hunterdon equal to \$2,340 per acre (20 percent of the easement cost); 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 \$11,700 per acre or approximately \$219,960, which includes funding from the SADC for \$9,360 per acre for a total of approximately \$175,968 and a grant from the County of Hunterdon for \$2,340 per acre or approximately \$43,992, subject to the conditions contained in (Schedule C).
3. The easement purchase is conditioned upon the receipt of a grant from the County of Hunterdon equal to approximately 20 percent of the easement cost.
4. The easement purchase is conditioned upon the preservation of both Block 71 Lot 19 and Block 72.07 Lot 81 either prior to or simultaneous with the closing on the subject farm; and.
5. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C.
6. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
7. 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.
8. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

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

2/27/2020

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

1875

Wetlands



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Bowlby, Donald & Lillis - Estate of (Lot 19.02)
 Block 71 Lots P/O 19.02 (18.8 ac)
 & P/O 19.02-EN (non-severable exception - 2.0 ac)
 Gross Total = 20.8 ac
 Raritan Twp., Hunterdon County



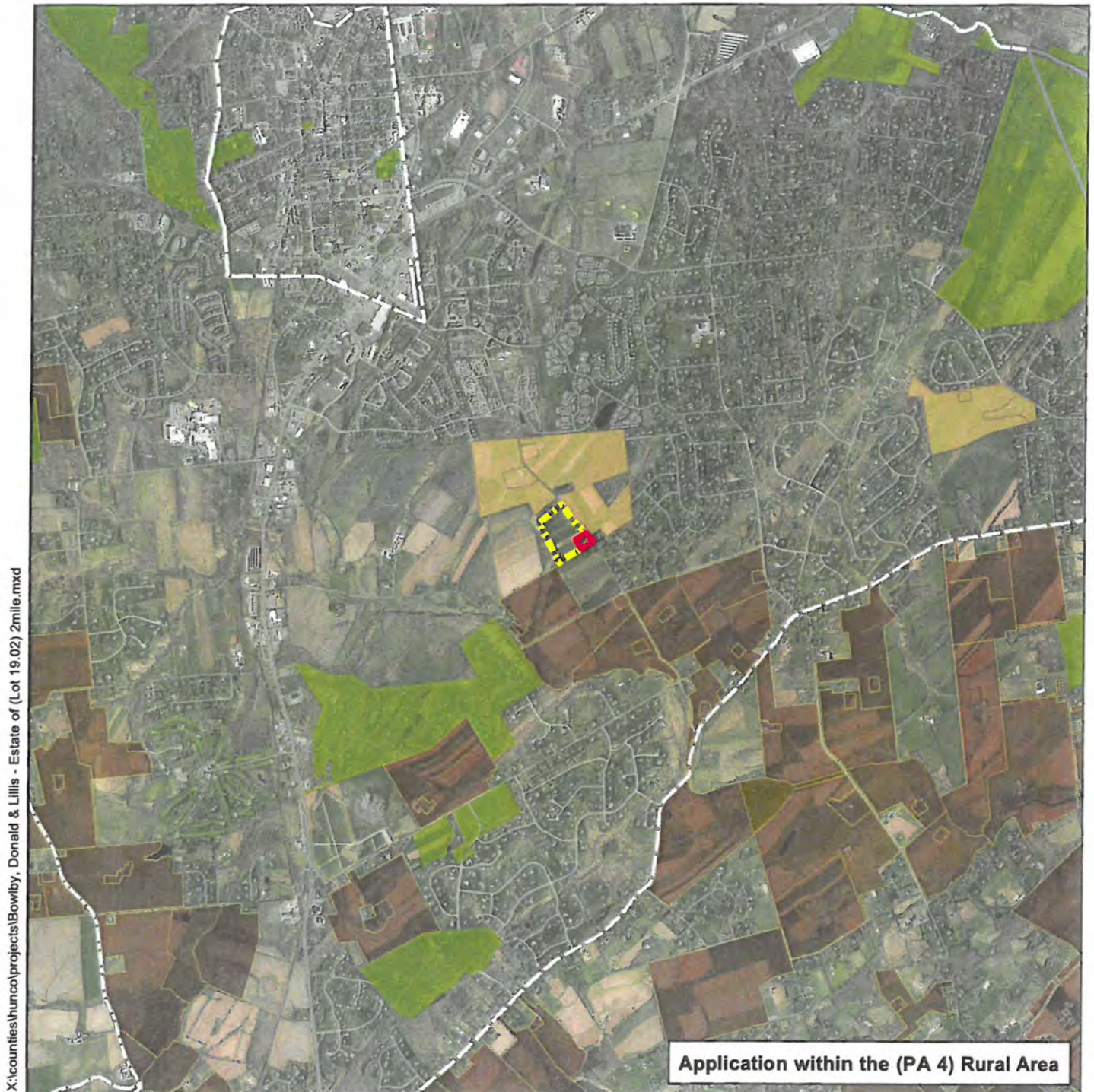
Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 Protected Areas Database of the United States (PAD-US)
 NJDEP Wetlands Data
 NJOT/OGIS 2015 Digital Aerial Image

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

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

Preserved Farms and Active Applications Within Two Miles



X:\counties\huncol\projects\Bowlby, Donald & Lillis - Estate of (Lot 19.02) 2mile.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Bowlby, Donald & Lillis - Estate of (Lot 19.02)
Block 71 Lots P/O 19.02 (18.8 ac)
& P/O 19.02-EN (non-severable exception - 2.0 ac)
Gross Total = 20.8 ac
Raritan 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



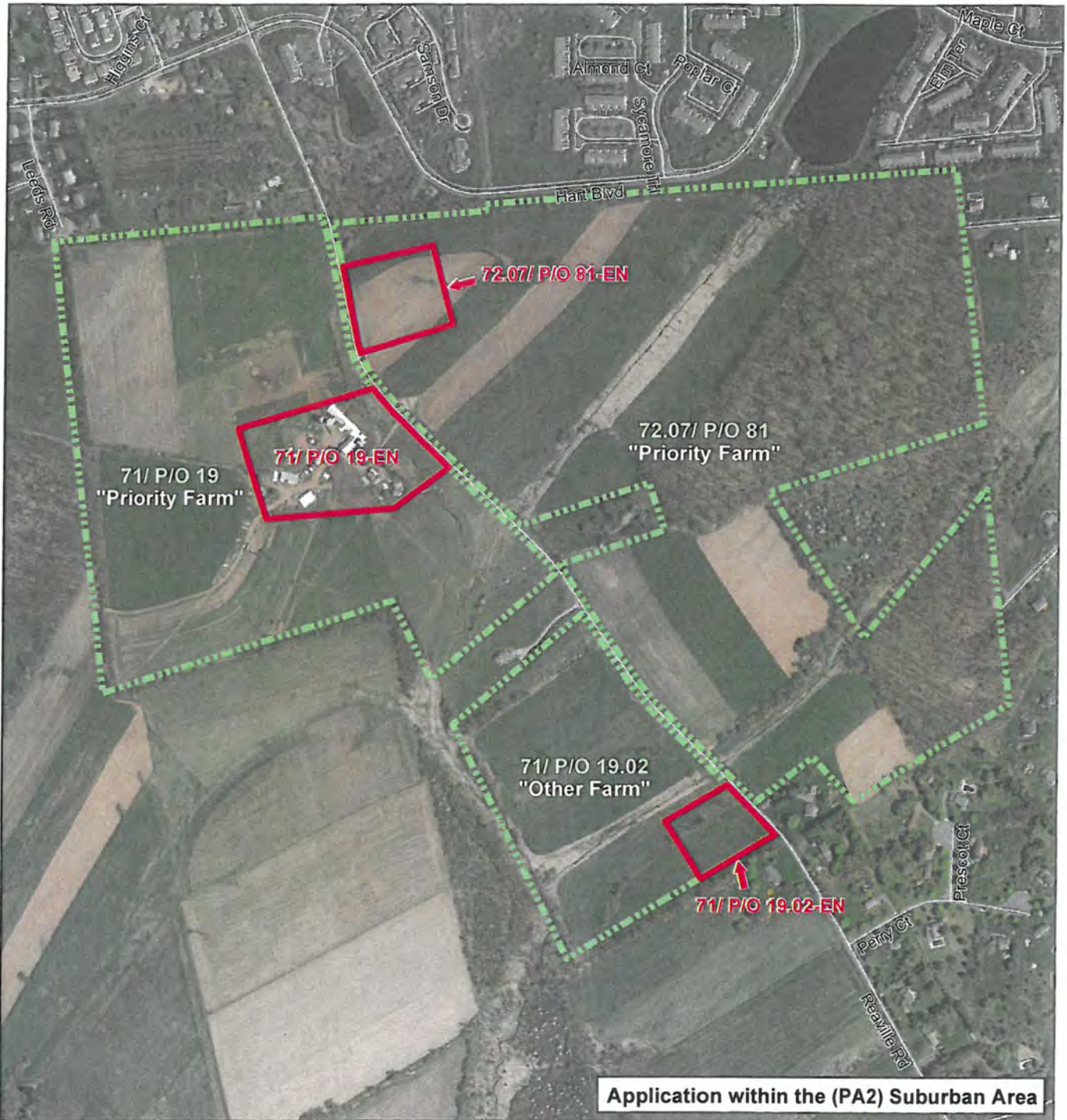
- Property In Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR)
Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit
Preserved Open Space, State Owned
Conservation Easements, & State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

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

April 11, 2019

Schedule B - Bowlby Properties - Raritan Twp., Hunterdon County

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Application within the (PA2) Suburban Area

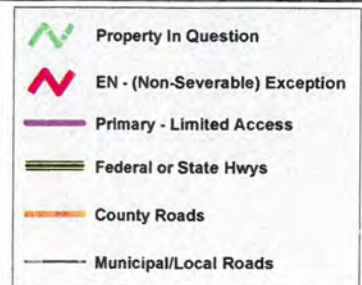
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Bowlby, Donald & Lillis - Estate of (Lot 81)
Block 72.07 Lots P/O 81 (94.9 ac)
& P/O 19.02-EN (non-severable exception - 3.0 ac)
Gross Total = 97.9 ac

Bowlby, Donald & Lillis - Estate of (Lot 19)
Block 71 Lots P/O 19 (49.1 ac)
& P/O 19-EN (non-severable exception - 6.7 ac)
Gross Total = 55.8 ac

Bowlby, Donald & Lillis - Estate of (Lot 19.02)
Block 71 Lots P/O 19.02 (18.8 ac)
& P/O 19.02-EN (non-severable exception - 2.0 ac)
Gross Total = 20.8 ac

Raritan Twp., Hunterdon County



Sources:
Green Acres Conservation Easement Data
NJOT/OGIS 2015 Digital Aerial Image

250 125 0 250 500 Feet

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

January 9, 2020

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2020R7(18)

Preliminary Approval
SADC Easement Purchase
of an
"OTHER" FARM

On the Property of
Bowlby, Donald and Lillis - Estate of (Lot 19.02)

JULY 25, 2019

Subject Property: **Bowlby, Donald and Lillis - Estate of**
Block 71, Lot 19.02 - Raritan Township, Hunterdon County
SADC ID#:10-0269-DE
Approximately 18.8 Net Easement Acres

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 1, 2019, the SADC received three (3) individual development easement sale applications from the Estate of Donald and Lillis Bowlby, hereinafter "Owner," identified as Block 71, Lot 19, 19.02 and 81, Raritan Township, Hunterdon County, totaling approximately 174 gross acres, identified in (Schedule A); and

WHEREAS, staff evaluated this application 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 July 27, 2017, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the applications for Lot 19 and Lot 81 rank as "Priority Farms" and have been selected for appraisal in the Direct Easement Program; and

WHEREAS, staff finds that Lot 19.02 (herein after "the Property"), has a quality score of 65.42 and contains approximately 20.8 acres (Schedule B); and

WHEREAS, the Property includes one (1), approximate 2-acre non-severable exception area for and limited to one (1) future single family residential unit, resulting in approximately 18.8 net acres to be preserved (Schedule C); and

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

WHEREAS, at the time of application, the Property was devoted to corn and hay production; and

WHEREAS, the Property does not meet the SADC's Hunterdon County minimum ranking criteria for size in the "Priority" (49 acres) or "Alternate" (36 acres) categories, although it's quality score is higher than 58, which is the minimum score required to be considered a "Priority" farm, therefore the Property is categorized as an "Other" farm, requiring SADC preliminary approval; and

WHEREAS, because this 18.8 acre farm has a quality score higher than the County minimum for a "Priority" farm and is contiguous with 2 other Direct Easement application selections from the same Owner, SADC staff recommends selecting the Property for processing as an "other" farm to expedite and promote consistency with the application process; and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and 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" ranked applications that have not already been selected for processing at this time; and

WHEREAS, as per selection procedures approved by the SADC on September 20, 2017, SADC's "Partnership Pool" funding may be utilized for Direct Easement Purchase program applications that leverage SADC funds by utilizing non-SADC funding, including those that do not meet SADC's "Priority" criteria; and

WHEREAS, due to the need for partnership funding on Lot 19.02 and uncertainty of funding for the other 2 farms, the SADC staff forwarded the 3 individual applications to Hunterdon County to determine if the County would be interested in providing a cost share contribution and on May 9, 2019 the County Agriculture Development Board (CADB) granted preliminary approval during its annual application "Planting Round" and on July 2, 2019 the County Board of Chosen Freeholders granted preliminary approval for a 20 percent County cost share on the three Bowlby farms; and

WHEREAS, because this Property is an "Other Farm" and County funding has been preliminarily secured to leverage SADC funding, this farm will utilize SADC's "Partnership Pool" as per the Direct Easement selection procedures approved by the SADC on September 20, 2017; and

WHEREAS, this preliminary approval of Lot 19.02, is conditioned upon:

- 1) receipt of a grant from the County of Hunterdon equal to approximately 20 percent of the easement cost; and
- 2) the preservation of Lot 19 and Lot 81 either prior to or simultaneous with the closing on the subject farm.

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:
 - a) Utilize SADC's "Partnership Pool" funding used only for transactions that leverage SADC funds through the use of non-SADC funding;
 - b) Enter into a 120 day option agreement with the Landowner;
 - c) Secure two independent appraisals to estimate the fair market value of the Property;
 - d) Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC.
3. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

7/25/19
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

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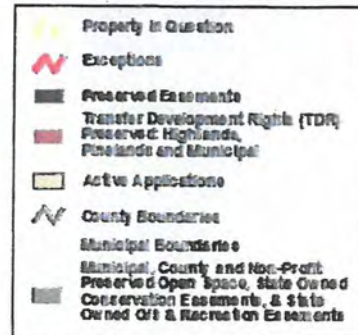


Application within the (PA 4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Bowlby, Donald & Lillis - Estate of (Lot 19.02)
Block 71 Lots P/O 19.02 (18.8 ac)
& P/O 19.02-EN (non-severable exception - 2.0 ac)
Gross Total = 20.8 ac
Raritan Twp., Hunterdon County

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



Source:
NJ Farm and Forest Land Inventory
Green Acres, Conservation Easement Data
National Wetlands Inventory, National Wetlands Inventory
NJDC 1995-2010 Scale: As Shown

NOTES:
This parcel boundary was derived from aerial imagery and is not a legal description. It is not a legal description and should not be used as such. It is not a legal description and should not be used as such.

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

Schedule B

GENERAL INFORMATION

COUNTY OF Hunterdon Raritan Twp. 1021
APPLICANT Bowlby, Donald & Lillis - Estate of (Lot 19.02)

PRIORITIZATION SCORE

SOILS:	Other	14% *	0	=	1.00
	Prime	14% *	.15	=	2.10
	Statewide	72% *	.1	=	7.20

SOIL SCORE: 9.30

TILLABLE SOILS:	Cropland Harvested	83% *	.15	=	12.45
	Other	17% *	0	=	1.00

TILLABLE SOILS SCORE: 12.45

BOUNDARIES AND BUFFERS:	EP Applications	24% *	.13	=	3.12
	Farmland (Unrestricted)	18% *	.06	=	1.08
	Residential Development	29% *	0	=	1.00
	Streams and Wetlands	26% *	.18	=	4.68
	Woodlands	3% *	.06	=	.18

BOUNDARIES AND BUFFERS SCORE: 9.06

CONTIGUOUS PROPERTIES / DENSITY:	Bowlby (Lot 19.02)	Restricted Farm or Current Application	2
	Kuhl Makarick Props	Restricted Farm or Current Application	2
	Kuhl Rubin Props	Restricted Farm or Current Application	2
	Quick River/Whitehall	Restricted Farm or Current Application	2
	Lee	Restricted Farm or Current Application	2

DENSITY SCORE: 10.00

LOCAL COMMITMENT:	100% *	20	=	20.00
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LOCAL COMMITMENT SCORE: 20.00

SIZE:	SIZE SCORE: 1.36
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IMMIMENCE OF CHANGE: SADC Impact factor = 3.25

IMMINENCE OF CHANGE SCORE: 3.25

COUNTY RANKING:

EXCEPTIONS:	EXCEPTION SCORE: .00
--------------------	-----------------------------

TOTAL SCORE: 65.42

Wetlands



X:\counties\huncoc\projects\Bowlby, Donald & Lillis - Estate of (Lot 19.02) fww.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Bowlby, Donald & Lillis - Estate of (Lot 19.02)
Block 71 Lots P/O 19.02 (18.8 ac)
& P/O 19.02-EN (non-severable exception - 2.0 ac)
Gross Total = 20.8 ac
Raritan Twp., Hunterdon County

200 100 0 200 400 Feet

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

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

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

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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Bowlby, Donald & Lillis - Estate of (Lot 19.02)
Easement Purchase - SADC
19 Acres

Block 71	Lot 19.02	Raritan Twp.	Hunterdon County	
SOILS:		Other	15% * 0	= .00
		Prime	14% * .15	= 2.10
		Statewide	71% * .1	= 7.10
			SOIL SCORE:	9.20
TILLABLE SOILS:		Cropland Harvested	85% * .15	= 12.75
		Other	15% * 0	= .00
			TILLABLE SOILS SCORE:	12.75
FARM USE:	Hay		15 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 two (2) acres for Future residential & use flexibility
 - Exception is not to be severable from Premises
 - Right to Farm language is to be included in Deed of Easement
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 - No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2020R2(7)
FINAL REVIEW AND APPROVAL OF A SADC EASEMENT PURCHASE**

On the Property of Mehaffey, Carl J. Jr. & Mickle A. ("Owners")

February 27, 2020

Subject Property: **Mehaffey, Carl J. Jr. & Mickle A. ("Owners")**
Block 110, Lots 2 and 5.01, Alloway Township, Salem County
SADC ID#:17-0343-DE
Approximately 97.3 Net Easement Acres

WHEREAS, on March 15, 2019, the State Agriculture Development Committee ("SADC") received a development easement sale application from Carl J. Jr. & Mickle A. Mehaffey, hereinafter "Owners," identified as Block 110, Lots 2 & 5.01, Alloway Township, Salem County, hereinafter "the Property," totaling approximately 99.3 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 one (1), approximately 2 acre severable exception area for a future single family residential unit resulting in approximately 97.3 net acres to be preserved; and

WHEREAS, the Exception Area:

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

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

- 1) zero (0) housing opportunities
- 2) zero (0) agricultural labor units
- 3) no pre-existing non-agricultural uses; and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 26, 2018, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 92 and minimum quality score of 62) because it is approximately 97.3 acres and has a quality score of 64.96; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 23, 2020 the SADC certified a development easement value of \$6,200 per acre based on zoning and environmental regulations in place as of the current valuation date October 16, 2019; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$6,200 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED:

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 \$6,200 per acre for a total of approximately \$603,260 subject to the conditions contained in (Schedule B).
3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C.
4. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
5. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the

professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.

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

2/27/2020

Date



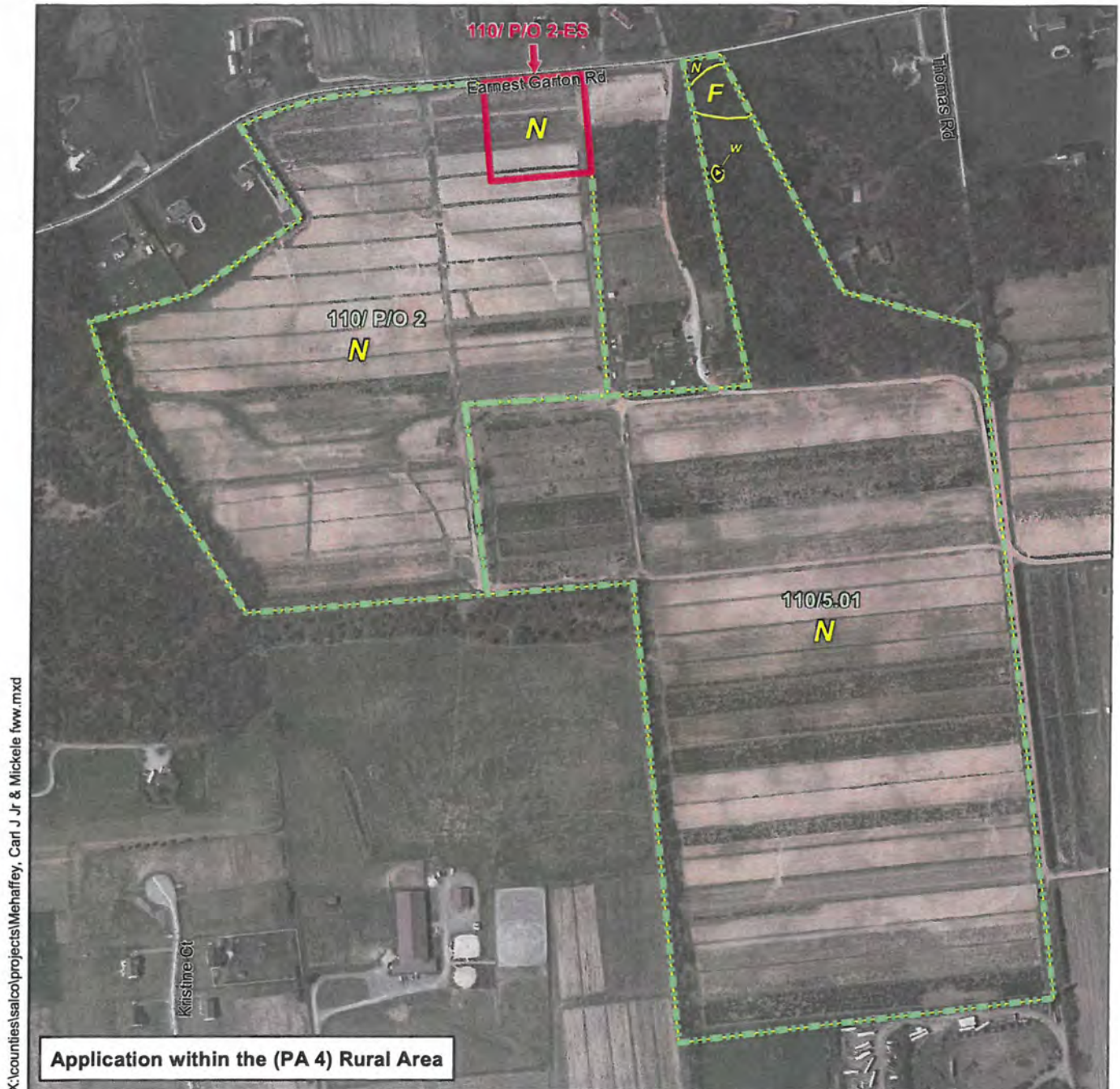
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

1871

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mehaffey, Carl J. Jr. & Micklele
Block 110 Lots P/O 2 (35.0 ac);
P/O 2-ES (severable exception - 2.0 ac) & 5.01 (62.3 ac)
Gross Total = 99.3 ac
Alloway Twp., Salem County



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

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



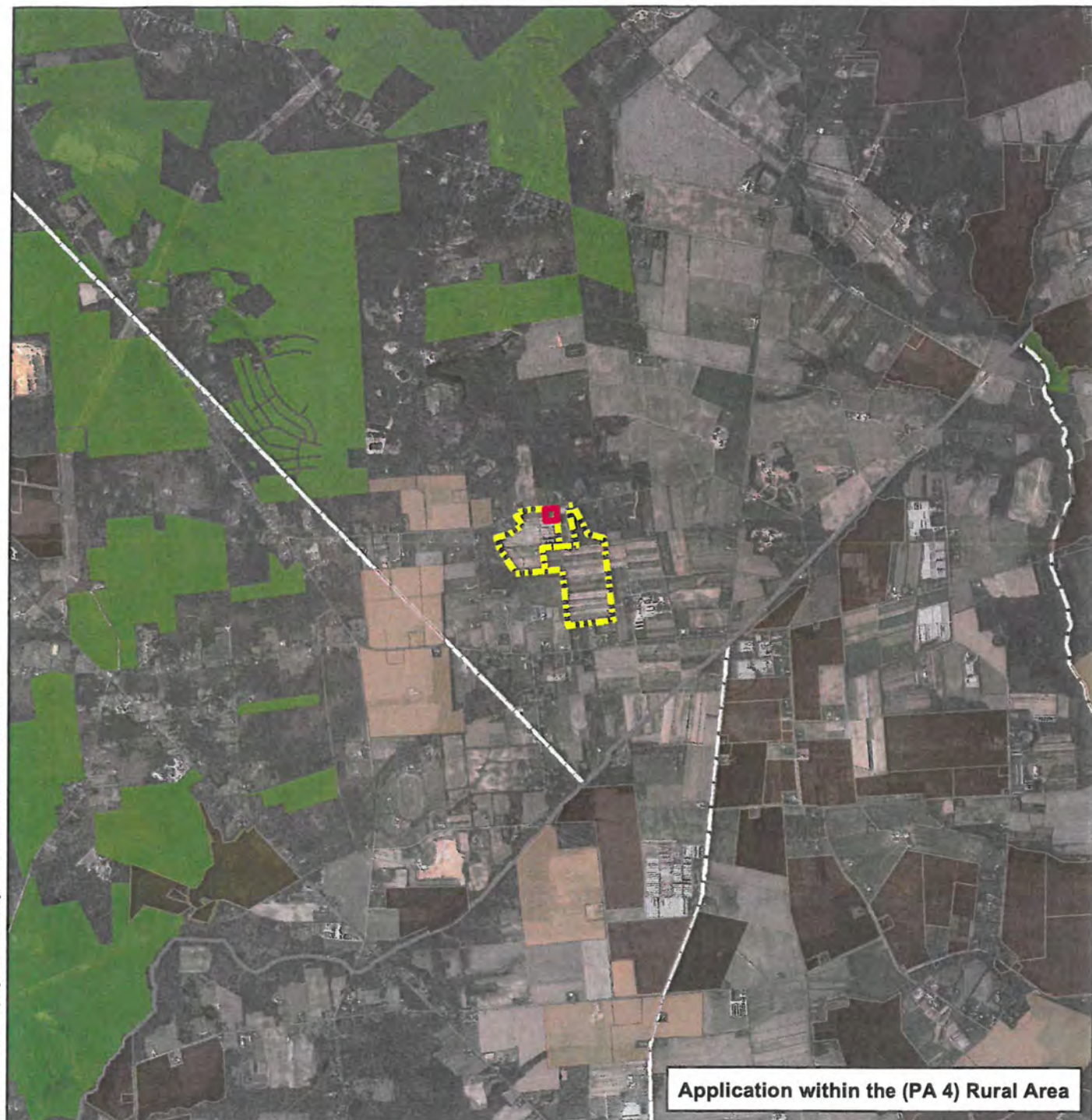
- Property In Question
- ES - (Severable) Exception
- Wetlands Boundaries
- Primary - Limited Access
- Federal or State Hwys
- County Roads
- Municipal/Local Roads

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

Schedlett

Preserved Farms and Active Applications Within Two Miles

X:\counties\salco\projects\Mehaffey, Carl J Jr & Mickle 2mile.mxd



Application within the (PA 4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mehaffey, Carl J. Jr. & Mickle
Block 110 Lots P/O 2 (35.0 ac);
P/O 2-ES (severable exception - 2.0 ac) & 5.01 (62.3 ac)
Gross Total = 99.3 ac
Alloway Twp., Salem County

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

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

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



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

March 21, 2019

Schedule B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Mehaffey, Carl J. Jr. & Mickle
Easement Purchase - SADC
97 Acres

Block 110	Lot 2	Pittsgrove Twp.	Salem County
Block 110	Lot 5.01	Pittsgrove Twp.	Salem County
SOILS:			
	Other	1% * 0	= .00
	Prime	93% * .15	= 13.95
	Unique .125	6% * .125	= .75
		SOIL SCORE:	14.70
TILLABLE SOILS:			
	Cropland Harvested	90% * .15	= 13.50
	Wetlands/Water	.5% * 0	= .00
	Woodlands	9.5% * 0	= .00
		TILLABLE SOILS SCORE:	13.50
FARM USE:	Ornament Nursery Products	94 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 two (2) acres for Future single family residential unit
 - Exception is severable
 - Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2020R2(8)
FINAL REVIEW AND APPROVAL OF A SADC EASEMENT PURCHASE**

**On the Property of Hitchner Land Holdings LLC (CP-Mehaffey's Sunset Farms LLC)
("Owner")**

February 27, 2020

Subject Property: Hitchner Land Holdings LLC (CP-Mehaffey's Sunset Farms LLC) ("Owner")
 Block 105, Lots 5.01, 9, & 11; Block 107, Lots 2 & 3; Block 108, Lots 1 & 1.02
 Alloway Township, Salem County
 Block 3, Lots 2 & 7; Block 4, Lots 1 & 1.01,
 Hopewell Township, Cumberland County
 Approximately 259.3 Net Easement Acres
 SADC ID#:17-0344 -DE

WHEREAS, on March 15, 2019, the State Agriculture Development Committee ("SADC") received a development easement sale application from Mehaffey's Sunset Farm LLC, hereinafter "Owner," identified as Block 105, Lots 5.01, 9, & 11; Block 107, Lots 2 & 3; Block 108, Lots 1 & 1.02 in Alloway Township, Salem County and Block 3, Lots 2 & 7; Block 4, Lots 1 & 1.01, in Hopewell Township, Cumberland County hereinafter "the Property," totaling approximately 262.3 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1), approximately 3 acre non-severable exception area to afford future flexibility for nonagricultural uses resulting in approximately 259.3 net acres to be preserved; and

WHEREAS, the Exception Area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises
- 3) Shall be restricted to no housing opportunities
- 4) Right-to-Farm language will be included in the Deed of Easement; and

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

- 1) Two (2) single family residential units
- 2) zero (0) agricultural labor units
- 3) no pre-existing non-agricultural uses; and

WHEREAS, at the time of application, the Property was in corn, soybeans, potatoes, & spinach production; and

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 26, 2018, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 92 and minimum quality score of 62) because it is approximately 259.3 acres and has a quality score of 76.09; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 23, 2020 the SADC certified a development easement value of \$5,900 per acre based on zoning and environmental regulations in place as of the current valuation date October 16, 2019; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$5,900 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED:

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 \$5,900 per acre for a total of approximately \$1,529,870 subject to the conditions contained in (Schedule B).
3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-C.

4. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
5. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
6. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
7. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

2/27/2020

Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

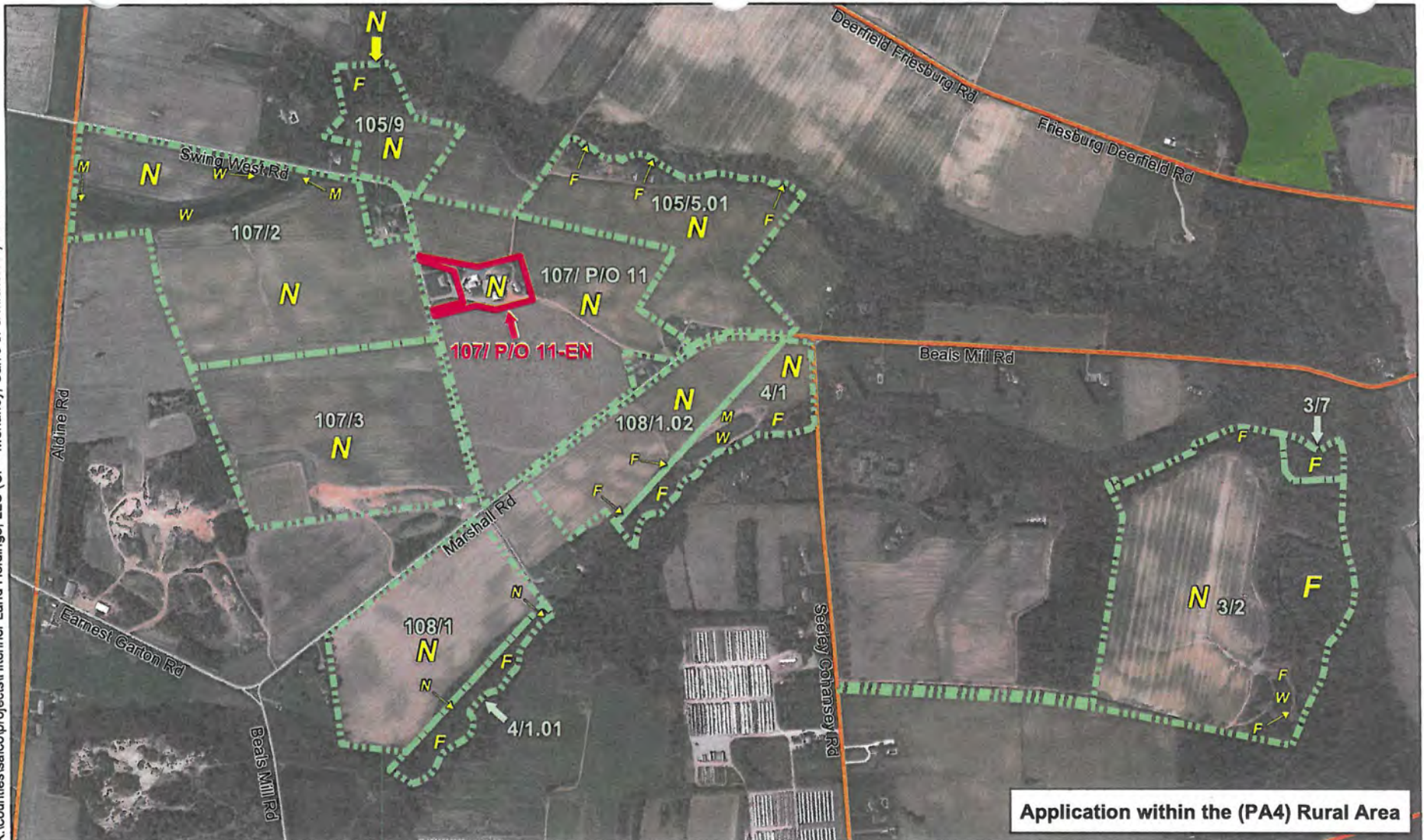
VOTE WAS RECORDED AS FOLLOWS:

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

— 2 —

Wet ds

X:\counties\saico\project\Hitchner Land Holdings, LLC (CP - Mehaffey, Carl J Jr & Michele A) fww.mxd



Application within the (PA4) Rural Area

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

Hitchner Land Holdings, LLC (CP - Mehaffey, Carl J. Jr. & Michele A.)

Alloway Twp., Salem County - Block 105 Lots 5.01 (24.5 ac); 9 (8.3 ac); P/O 11 (37.5 ac);
 & P/O 11-EN (non-severable 3.0 ac);
 Block 107 Lots 2 (46.5 ac) & 3 (33.6 ac); Block 108 Lots 1 (23.8 ac) & 1.02 (16.1 ac)

Hopewell Twp., Cumberland County - Block 3 Lots 2 (53.8 ac); & 7 (1.9 ac)
 & Block 4 Lots 1 (8.8 ac) & 1.01 (4.5 ac)
 Gross Total = 262.3 ac

500 250 0 500 1,000 Feet

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



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

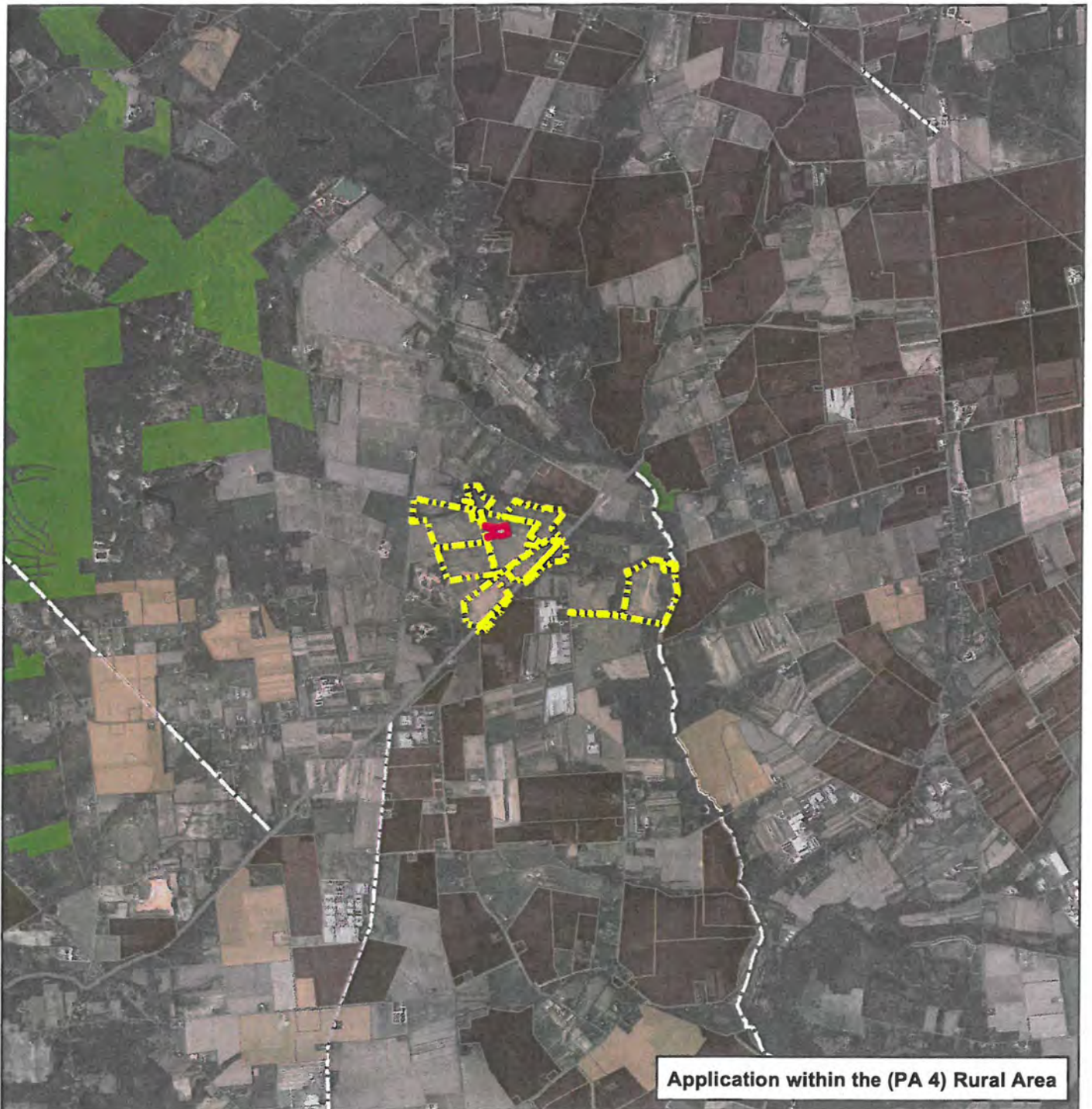
Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 NJDEP Wetlands Data
 NJDOT Road Data
 NJOTIS 2015 Digital Aerial Images

May 21, 2019

Sheet A

Preserved Farms and Active Applications Within Two Miles

X:\counties\alco\projects\Hitchner Land Holdings, LLC (CP - Mehaffey, Carl J Jr & Michele A) 2mile.mxd



Application within the (PA 4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Hitchner Land Holdings, LLC (CP - Mehaffey, Carl J. Jr. & Michele A.)

Alloway Twp., Salem County - Block 105 Lots 5.01 (24.5 ac); 9 (8.3 ac); P/O 11 (37.5 ac);
& P/O 11-EN (non-severable 3.0 ac);
Block 107 Lots 2 (46.5 ac) & 3 (33.6 ac); Block 108 Lots 1 (23.8 ac) & 1.02 (16.1 ac)

Hopewell Twp., Cumberland County - Block 3 Lots 2 (53.8 ac); & 7 (1.9 ac)
& Block 4 Lots 1 (8.8 ac) & 1.01 (4.5 ac)
Gross Total = 262.3 ac

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

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

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

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

Schedule B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Hitchner Land Holdings, LLC (CP-Mehaffey's Sunset Farm LLC
Easement Purchase - SADC
259 Acres

Block 105	Lot 5.01	Alloway Twp.	Salem County
Block 105	Lot 9	Alloway Twp.	Salem County
Block 105	Lot 11	Alloway Twp.	Salem County
Block 107	Lot 2	Alloway Twp.	Salem County
Block 107	Lot 3	Alloway Twp.	Salem County
Block 108	Lot 1	Alloway Twp.	Salem County
Block 108	Lot 1.02	Alloway Twp.	Salem County
Block 3	Lot 2	Hopewell Twp.	Cumberland County
Block 3	Lot 7	Hopewell Twp.	Cumberland County
Block 4	Lot 1	Hopewell Twp.	Cumberland County
Block 4	Lot 1.01	Hopewell Twp.	Cumberland County

SOILS:	Other	9% * 0	=	.00
	Prime	71% * .15	=	10.65
	Statewide	12% * .1	=	1.20
	Unique zero	8% * 0	=	.00

SOIL SCORE: 11.85

TILLABLE SOILS:	Cropland Harvested	83% * .15	=	12.45
	Other	2% * 0	=	.00
	Wetlands/Water	10% * 0	=	.00
	Woodlands	5% * 0	=	.00

TILLABLE SOILS SCORE: 12.45

FARM USE:	Corn-Cash Grain	30 acres	
	Irish Potatoes-Field Crop	104 acres	Potatoes
	Soybeans-Cash Grain	73 acres	
	Vegetable & Melons	33 acres	Spinach

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st three (3) acres for To contain all ag buildings and driveways
 - Exception is not to be severable from Premises
 - Exception is to be limited to zero 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 - 2
 - 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 #FY2020R2(9)

SOIL AND WATER CONSERVATION COST SHARE GRANT

NEW REQUEST

SALEM COUNTY

TD Farms, LLC., Agent for Larry D. Coles

February 27, 2020

WHEREAS, TD Farms, LLC., hereinafter "Applicant", is the agent for Larry D. Coles (ID# 17-0024-EP), the current record owner of Block 37, Lot 4 and Block 38, Lots 5,6,7,8, Upper Pittsgrove Township, Salem County, hereinafter referred to as the "Premises", by deeds dated March 12, 2015, and recorded in the Salem County Clerk's Office in Deed Book 3932, Pages 394, 421, 431, 436, and 441; and

WHEREAS, the Premises totals approximately 301.37 acres, as shown in Schedule "A"; and

WHEREAS, the development easement on the Premises was conveyed to Salem County on July 24, 1998 by the previous owners, Elmer and Ellen Coles, as recorded in Deed Book 991, Page 001; and

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

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

WHEREAS, the Applicant is eligible for a cost share grant of up to \$60,137.00 expiring April 20, 2022; and

WHEREAS, at the time of application, the Premises is in grain production; and

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

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED:

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

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

<u>APPLICANT</u>	<u>S&W ID#</u>	<u>COST SHARE</u>	<u>PROJECT TYPE</u>
TD Farms, LLC., Agent for Larry Coles	17-0024-EP-01	\$60,137.00*	2:90-2.15 Irrigation System

*C/S limited to maximum Eligibility

PROJECT DESCRIPTION:

Install the following practices:

525 Foot Center Pivot

400 Foot Center Pivot

(2) High Volume Wells, 8-inch or greater, each 250 feet deep.

(2) Electric Powered Pumping Plants, 10-40 HP each

1320 feet of 8-inch PVC irrigation pipeline

3. Payment shall be contingent upon the completion of the project as verified by the SSCC and availability of funds.
4. Construction of the project is subject to all applicable local, State, and Federal regulations.
5. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
6. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

02/27/2020
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A - Soil and Water Cost Share Grant



S:\SW\GIS\Soil Water.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: TD Farms, LLC., Agent for Larry D. Coles
Owner: Larry D. Coles
Application Number: 17-0024-EP-01
County: Salem
Municipality: Upper Pittsgrove

Legend

Practices

Practice Code



2:90-2.15



SW_Premises

N



0 400 800 1,600 2,400 Feet

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2020R2(10)

SOIL AND WATER CONSERVATION COST SHARE GRANT

NEW REQUEST

MERCER COUNTY

JOHN HART

February 27, 2020

WHEREAS, John Hart, hereinafter "Applicant" (ID# 11-0002-EP), is the current record owner of Block 37, Lot 23, Hopewell Township, Mercer County, hereinafter referred to as the "Premises", by deed dated August 08, 2000, and recorded in the Mercer County Clerk's Office in Deed Book 3886, Page 27; and

WHEREAS, the Premises totals approximately 15.004 acres, as shown in Schedule "A"; and

WHEREAS, the development easement on the Premises was conveyed to Mercer County on April 20, 1990 by the previous owner, John R. Hart and Pamela Hart as recorded in Deed Book 2525, Page 435; and

WHEREAS, a corrective deed of easement was recorded on August 28, 1991 as recorded in Deed Book 2583, Page 249; and

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

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

WHEREAS, the Applicant is eligible for a cost share grant of up to \$9,002.40 expiring April 20, 2022; and

WHEREAS, at the time of application, the Premises is in livestock, hay and grain production; and

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

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED:

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

<u>APPLICANT</u>	<u>S&W ID#</u>	<u>COST SHARE</u>	<u>PROJECT TYPE</u>
John Hart	11-0002-EP-01	\$4,211.80	2:90-2.23 Animal Waste Control Facilities

PROJECT DESCRIPTION:

Install 80 feet of roof gutter with fascia, 400 feet of underground outlet, 8-12 inch diameter, and 540 square feet of heavy use area protection, concrete slab reinforced with gravel foundation.

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

4. Construction of the project is subject to all applicable local, State, and Federal regulations.
5. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
6. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

02/27/2020
Date



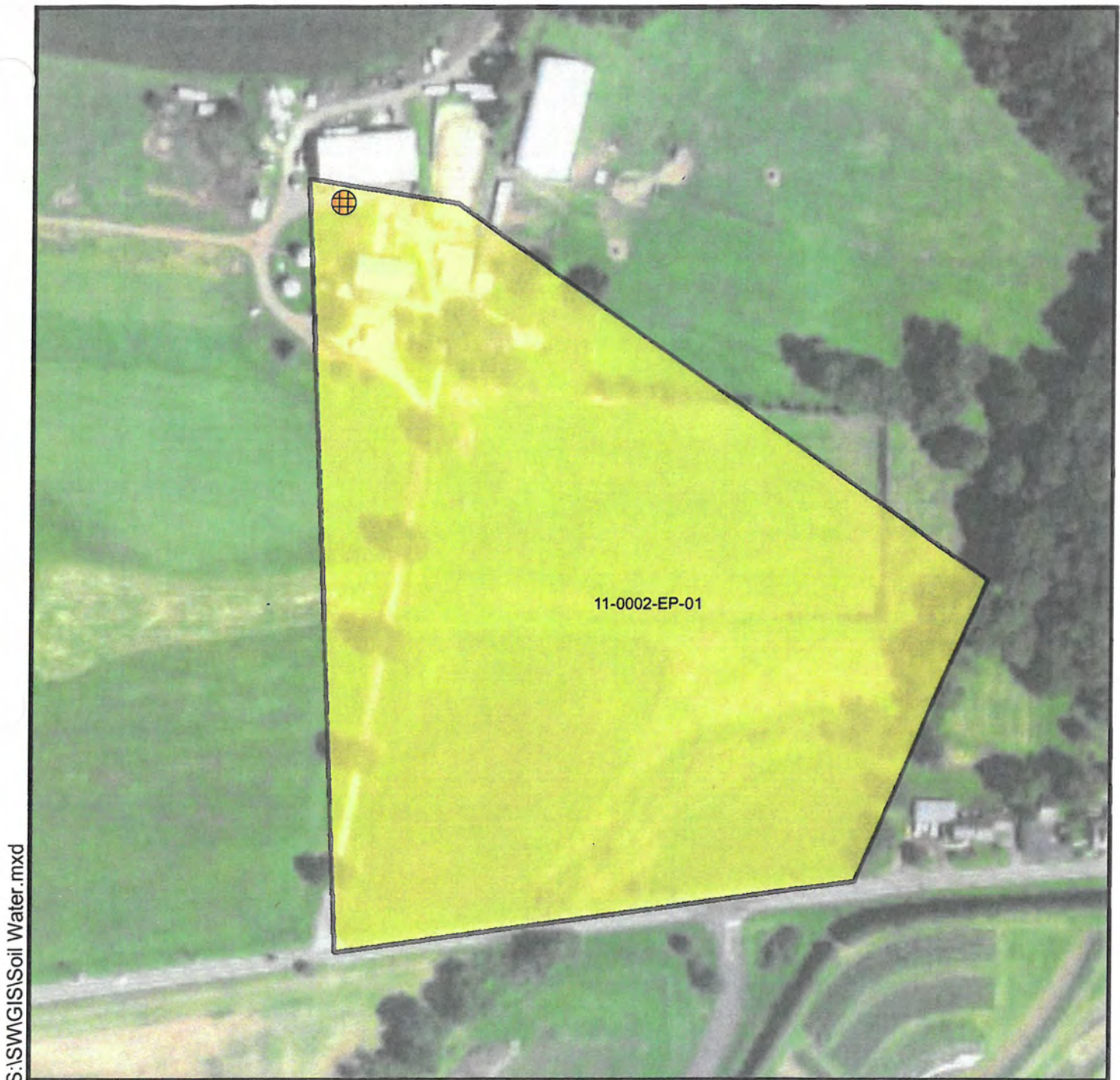
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

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Schedule A - Soil and Water Cost Share Grant



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: John Hartt
Owner: John Hart
Application Number: 11-0002-EP-01
County: Mercer
Municipality: Hopewell

Legend

Practices

Practice Code



2:90-2.23



SW_Premises

N

0 100 200 400 600 Feet

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2020R2(11)

SOIL AND WATER CONSERVATION COST SHARE GRANT

NEW REQUEST

MERCER COUNTY

JOHN HART

February 27, 2020

WHEREAS, John Hart, hereinafter "Applicant" (ID# 11-0038-EP), is the current record owner of Block 37, Lot 23.01, Hopewell Township, Mercer County, hereinafter referred to as the "Premises", by deed dated August 08, 2000, and recorded in the Mercer County Clerk's Office in Deed Book 3886, Page 27; and

WHEREAS, the Premises totals approximately 58.821 acres, as shown in Schedule "A"; and

WHEREAS, the development easement on the Premises was conveyed to Mercer County on April 20, 1990 by the previous owner, Country Day School of the Sacred Heart, Princeton, Inc. as recorded in Deed Book 2525, Page 409; and

WHEREAS, a corrective deed of easement was recorded on August 30, 1991 as recorded in Deed Book 2583, Page 239; and

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

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

WHEREAS, the Applicant is eligible for a cost share grant of up to \$31,764.20 expiring April 20, 2022; and

WHEREAS, at the time of application, the Premises is in livestock, hay and grain production; and

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

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED:

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

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

<u>APPLICANT</u>	<u>S&W ID#</u>	<u>COST SHARE</u>	<u>PROJECT TYPE</u>
John Hart	11-0038-EP-01	\$31,764.20*	2:90-2.23 Animal Waste Control Facilities

*C/S limited to maximum Eligibility

PROJECT DESCRIPTION:

Install a 3172 square foot composted bedded pack, concrete floor, and concrete wall and a 3618 square foot timber frame roof.

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

4. Construction of the project is subject to all applicable local, State, and Federal regulations.
5. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
6. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

02/27/2020

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Handwritten text, possibly a signature or date, located in the upper center of the page.

Schedule A - Soil and Water Cost Share Grant



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Applicant: John Hartt
Owner: John Hart
Application Number: 11-0038-EP-01
County: Mercer
Municipality: Hopewell

Legend

Practices

Practice Code

 2:90-2.23

 SW_Premises

N

0 250 500 1,000 1,500 Feet