

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

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

**REGULAR MEETING**

**July 28, 2016**

Chairman Fisher called the meeting to order at 9:15 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

The flag salute was conducted at the start of the meeting.

Roll call indicated the following:

**Members Present**

Douglas H. Fisher, Chairperson  
Brian Schilling (rep. Executive Dean Goodman)  
Thomas Stanuikynas (rep. DCA Commissioner Richman)  
Cecile Murphy (rep. NJDEP Commissioner Martin)  
Ralph Siegel (rep. Acting State Treasurer Scudder)  
Denis C. Germano, Esq.  
Alan Danser, Vice Chairman  
James Waltman  
Jane Brodhecker

**Members Absent**

Scott Ellis  
Peter Johnson

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Susan Payne  
John Doyle, Esq., Deputy Attorney General

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**Others present as recorded on the attendance sheet:** Stefanie Miller, Paul Burns, Richard Martin, Dan Knox, Heidi Winzinger, Jeffrey Everett, David

Kimmel, Charles Roohr, David Clapp, Matthew DiStaulo, Pat O'Connell, Steven Bruder, Hope Gruzlovic, Sandy Giambrone and Patricia Riccitello, SADC staff; Michael Collins, Esq., Governor's Authorities Unit; Daniel Pace, Mercer County Agriculture Development Board; Brad Lanute, New Jersey Pinelands Commission; Donna Rue, landowner, Monmouth County; Katherine Fullerton, East Amwell Township representative; Adam Bradford, Hunterdon County Agriculture Development Board; and Mark Villinger, Tom Thorsen, Jenny Jimenez and Stephanie Specht, Ocean County Agriculture Development Board.

### **Minutes**

#### **A. SADC Regular Meeting of June 23, 2016 (Open and Closed Sessions)**

It was moved by Mr. Germano and seconded by Ms. Murphy to approve the Open Session and Closed Session minutes of the SADC regular meeting of June 23, 2016. The motion was approved. (Mr. Danser and Mr. Waltman abstained from the vote.)

### **REPORT OF THE CHAIRPERSON**

- Chairman Fisher deferred comments and asked for the report of the Executive Director

### **REPORT OF THE EXECUTIVE DIRECTOR**

- New SADC Ex-Officio Designee – Department of Community Affairs

Ms. Payne introduced Tom Stanuikynas, the new designee to the Committee for the Department of Community Affairs. Mr. Stanuikynas has replaced James Requa on the Committee since Mr. Requa recently retired from State service.

Mr. Stanuikynas stated that he is a planner with the Department of Community Affairs. He has been with that agency for approximately eight years. Prior to that he was employed by the New Jersey Highlands Commission and the New Jersey Water Supply in the Watershed Protection Unit.

- Corporate Business Tax (CBT) Legislation

Ms. Payne stated that the Governor has signed the Corporate Business Tax

dedication and enabling legislation. The SADC's share of those proceeds is 31 percent of the amount that goes to the preservation programs. That is consistent with what was in the bills that the State Board of Agriculture and the farm community had endorsed so we were very happy to see that. Now we will move on to appropriations. The process is going to stay the same as it has been for all of our bond funds, where the SADC will make a recommendation and that will have to go the Garden State Preservation Trust (GSPT) for approval and then funds will have to be appropriated through the appropriations process. Staff will be working with the GSPT and the Administration to figure out the timing of those steps.

- Agricultural Land Easement (ALE) Program

Ms. Payne stated that recently she, Brian Smith, Alison Reynolds and Deputy Attorney General Jason Stypinski went to Washington, D.C. to meet with Natural Resources Conservation Service (NRCS) staff to discuss the ALE Program deed of easement. She thought it was time well spent in developing a face-to-face relationship with their staff. Ms. Payne stated it was a very substantive two-and-one-half hour meeting, walking through every provision of the deed. She is optimistic that much, though not all, of what staff has been asking for will be agreed upon. The ball is back in our court; in light of the conversation that staff had with the NRCS, staff will update our preferred deed and send it back to them for final approval. Ms. Payne stated that the two big sticking issues continue to be their position on the prohibition on sod and bag-and-burlap operations and their sort of claw-back position when it comes to enforcement in terms of financial reimbursement. They spent a lot of time there talking about both of those items. Hopefully by the next meeting of the Committee staff will have a final deed and we can begin to move forward to fund farms.

### **COMMUNICATIONS**

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders.

### **PUBLIC COMMENT**

None

## **OLD BUSINESS**

### **A. Cluster Development Bill (P.L. 2013, Ch. 106) Agricultural Deed Restriction**

Ms. Payne stated that this deed template is still under review by the Governor's office so staff is not asking for any formal approval today but did want to highlight the changes from the last time the Committee reviewed this agenda item to make sure that there is a consensus among the Committee on some of these provisions. Staff then will continue to move forward to get approval.

Mr. Bruder stated that the Committee previously reviewed the deed template in April and then again in May 2016. Since that time staff solicited comments from the county agriculture development boards (CADBs), the League of Municipalities, a number of municipalities that are looking at noncontiguous clustering and the New Jersey Farm Bureau. Staff received approximately seven comments back and those comments have been provided to the Committee by way of the SADC member portal and also in the meeting binders.

Mr. Bruder stated that generally the comments had to do with formatting and we tried to keep the template as consistent with our standard deed of easement as we could, except where it had to be changed because they are coming from two different statutes. So formatting was a general comment and consistency with the standard deed of easement was mentioned as to why certain things were different from the standard template. Then there was some language clarification. Mr. Bruder stated that staff went through and made those amendments as applicable and that is reflected in the template provided in the meeting packets.

Mr. Bruder stated that the major changes that staff would like to talk about are in paragraphs 16 and 18 of the template as outlined in his June 7<sup>th</sup> memorandum. There is a provision in the statute for "inclusion of existing dwelling units or limited additional future housing opportunities." This provision is addressed in Paragraph 16. Paragraph 18 deals with division of the deed-restricted premises. In the last draft version that the Committee saw, staff contemplated the municipality having ordinances defining what they would find as acceptable for allowance of future housing opportunities and future division of a deed-restricted farm. The current template provides four options for municipalities to choose from for Paragraphs 16 & 18. The first option in each paragraph would be a set density figure standard in the agricultural restriction template. The number, an established gross density of one dwelling unit or subdivision per 50 acres,

was chosen based on our minimum eligibility criteria, which require at least 50 percent, or a minimum of 25 acres, of tillable land. The second option allows the municipality to put a gross density figure, which would be approved by the SADC, in the deed. The statute says towns can use the SADC template or they can come with an amended template to the SADC and get that template approved. The SADC has 60 days to approve it. Any of the provisions in the template can be amended by the municipality, pending our approval. Option 3 would be for the municipality to insert reference in the deed to an ordinance they would have at the time of their template approval. We would approve the initial ordinance and amendments to the ordinance, but only if the amendments increased the number of housing opportunities or the number of future subdivision opportunities. The last option would be that the municipality could choose to not allow any future housing opportunities on, or further division of, the deed- restricted farm going forward. So this section allows a number of options for a town to choose, depending on their own situation. These tools can be used in a lot of different areas around the state hopefully in a lot of different situations.

Mr. Bruder stated that staff changed the template in Paragraph 18 from the last version the Committee saw. This paragraph deals with division of premises. Again, staff followed a similar methodology here with the first option providing for subdivisions not to exceed a gross density of one division per 50 acres where there is at least a minimum of 25 acres capable of sustaining a variety of agricultural operations. That somewhat mimics the SADC minimum standards requiring 50 percent tillable or a minimum of 25 acres of tillable. Option 2 is where the municipality would put a number into the deed and that deed template would be approved by the SADC. Option three is where the template would reference a municipal ordinance and then we would not see that again unless the ordinance was amended to allow for additional divisions. The last option is that they choose not to permit additional divisions on preserved land.

Ms. Payne stated that staff wanted to get feedback from the Committee to find out whether it is comfortable with those options and what the template would include. If a municipality finds any provision in the deed inconsistent with its noncontiguous ordinance, they could amend it but they would have to get the SADC's approval. For these two housing and subdivision sections, we are trying to provide different options for them to consider up front as they go through their ordinance process. She thinks that is what the template will highlight for them. Staff thought that the 50-acre minimum on subdivision was a reasonable default position. Again, if that is entirely too large the municipality can ask for a different number and we will review it on a case-by-case basis. The same goes for the housing opportunities.

Ms. Murphy asked why is it 50 acres for the housing opportunities and not like a Residual Dwelling Site Opportunity (RDSO) at 100 acres. Ms. Payne stated that the RDSO at 100 acres is very restrictive in staff's thinking. When we are processing an application for acquisition landowners have the opportunity to take exceptions at the time of preservation to allow for additional housing opportunities. We don't know the things that are going to take place in this noncontiguous cluster environment so we did think that a municipality is not going to get into exception areas and surveys. They are probably going to just use a number so we thought 1 per 100 acres was way too restrictive. If they were not going to have exceptions and subdivisions that occur prior to that 1 to 50 acres, which is the old RDSO standard of the SADC, it was a more reasonable standard across the state. The average size of a farm that we preserve in our program now is about 75 acres so 1 per 100 acres wouldn't allow any housing opportunity on those farms. That is another reason that we went to the 1 to 50 recommendation.

Mr. Bruder stated that staff is not looking to have the Committee approve this today but will come to the Committee next month with a recommendation. Mr. Germano commented that one division per 50 acres, the subdivision part, he is reading it that the intent is, on an 80-acre farm, there is one subdivision and that you need 100 acres to do two. He asked do you want to say that? Mr. Bruder stated that staff did talk about that and will take another look at that.

Mr. Danser asked whether a municipality would have the option of using different options for different clusters. Mr. Bruder stated that he thinks the idea is that they would set a policy that would apply and then have that policy or template approved by the SADC. Then if for some reason they wanted to amend it they could come back to the SADC and we would look at the amended document.

Mr. Siegel asked were you able to apply this in a real-world scenario to see if there is regional imbalance where it would work in some areas and in other areas it would essentially prohibit housing? Mr. Bruder stated that he thought it was a flexible enough tool that it could be applied to a variety of different situations for historic, open space or farmland preservation. It really lends itself to anywhere in the state.

Mr. Schilling stated that it seems to him that a town could set what they want in terms of gross density options for subdivisions and housing permissibility to cater to their local market environment. The 1-50, to Mr. Siegel's point, might not apply or work so well for a town where the farms are smaller. Ms. Payne stated that in that case they would select option 2 and they would tell us what they want. For example, they may say the average

property size is 45 acres in their sending district and they want to allow up to one division resulting in parcels not less than whatever so they have to fill in those blanks and then come in and get the approval of the SADC. Mr. Schilling stated that he thinks this addresses the concern he had last month about having no flexibility for housing that is linked to the farm. He wonders if the tendency will be to say no future housing opportunities because it is kind of viewed as more of an open space set-aside, so he is hoping there is some outreach to explain the merits of having agricultural-related housing opportunities. It's not a subdivision; it is to support the operation. Ms. Payne stated that if Woolwich Township is any indicator, this conversation has been front and center at the municipal level in the past two years in preparation of their adopting a TDR ordinance – what can I do with my property after it is preserved; can I put a house on it; what is the minimum lot size if I want to divide; how many divisions can I do? Those are all of the things that the township is going to have to resolve in building their noncontiguous cluster program and then this would be tailored to reflect that. She cannot imagine the SADC disapproving something unless the provisions were so generous as to just result in 6-acre farmettes all across the town. This was staff's goal – to provide some different things for them to look at, stimulate their thinking in terms of different ways they could approach it. If a town came in and just wanted to use the template and prohibit subdivisions and housing opportunities, they could, but then that becomes a local issue between the township and their farmers and landowners, as to whether that is appropriate for the town to adopt or not. Ms. Murphy stated that even if it was prohibited the landowner has the option to participate partially and transfer some of their development potential. They can maintain some development potential on their sending parcel. Ms. Payne stated that would be driven by the township's ordinance. She cannot imagine a town adopting an ordinance where you're not allowed to at least build one house on each lot but we will have to see as it comes along.

Mr. Waltman asked if this was intended, after a subdivision takes place, to provide housing opportunities on the new lot created or is the housing opportunity capped on the initial property? Ms. Payne stated that let's say the township says they will allow a gross of 1 house for every 35 acres and they think that is a reasonable farm size for their town. They are going to have to express that in this deed so that when it gets recorded against the 200-acre farm we understand how many subdivisions can occur and how many additional housing sites can occur on those subdivided parcels through title. It is a permanent restriction so they will have to nail down some of this up front or they are going to have to deal with it through ordinance as this provides for, and if over time they need to change their ordinance then their ordinance will change to a newer thinking. It is really hard to write this – it is a mixing of a static thing, which is a deed of easement template, that you are trying to say how does this apply across the state from north to

south, and then the fact that the municipalities are in the driver seat as to what their noncontiguous cluster program is going to include. It is driven locally so we are trying to blend those two concepts in a template to give them options to proceed.

Mr. Germano stated that regarding the provision that deals with the language “directly support agricultural operations and appropriate to the scale of the farm,” you have a definition for it on page 4 up at the top of the page. He stated that the town that he works with has been doing an ordinance on farm labor housing and came up with something very similar to what is listed on page 4 in this document to allow year-round housing, but the ordinance requires verification that they are actually working for a certain amount of time. He doesn’t see any of that here but he doesn’t know that it could be. You cannot write the ordinance for them. What he is getting at is, is there any potential for us looking at that ordinance and saying that this ordinance doesn’t work – it is too lax, so how do you verify that? Mr. Bruder stated that this is an RDSO situation and this language is the RDSO language that we deal with and it is a difficult for enforcement for whoever is at the local level. Mr. Germano commented but that is what we are doing? We are leaving it up to them. Mr. Bruder stated correct. He stated that was one of the comments received, that this continues that potential RDSO situation where you have someone who is initially working for a property and living in the unit and then they either retire or get sick and then it becomes a very sticky situation. He wasn’t sure how you get around that but it is an enforcement area and he isn’t sure how you would put that in the ordinance or the deed. Mr. Danser stated maybe there should be some sort of a memorandum that goes with this as part of a packet to the potential municipality that suggested that and other things that need to be considered but don’t have to be part of the deed restriction. Ms. Payne stated that based on the Committee’s last conversation staff thinks that a memo or guidance or something to sort of open everyone’s eyes about these issues is something that we are going to prepare. Mr. Danser stated that all the things that the Committee deals with every month might not be something that someone who is just starting out would have thought of. Ms. Payne stated that staff definitely wants to produce that document. She stated that she thinks the guidance documents that are used for acquisition have been greatly helpful in helping landowners understand things but this one would be aimed at the towns and it would say these are the things you need to make sure you consider in your noncontiguous cluster ordinance.

Mr. Schilling commented that the town interacts with the SADC, not the CADB at all, in terms of approval authority? Ms. Payne stated that is correct. The statute says the SADC’s authority is to develop a template or to approve their alternative deed. That is it. As far as approval of RDSOs or subdivisions, that doesn’t get reviewed by the county or the state. That is going to be entirely a local process. One of the comments that Dan Pace

from the Mercer CADB brought up was our deed says that this property has to be maintained in compliance with all SADC regulations; that is what our standard deed says. This does not say that because that is not what the statute said. The statute didn't say every farm that gets preserved in noncontiguous cluster is exactly the equivalent to a farm preserved through the Agriculture Retention and Development Act (ARDA). It said for the SADC to have some oversight in what those deed restrictions say but not to assume all of the administrative approvals that go along with these preserved farms.

Mr. Siegel stated that the municipality has to do an enabling ordinance. We don't have anything to say about that, we just have something to say about the easement. Ms. Payne stated correct. Mr. Siegel stated that if the easement has some kind of restrictive agricultural provision, we can say no, you cannot do that, it isn't in compliance with ARDA. Ms. Payne stated correct. Mr. Siegel stated but if they do it in their ordinance and say no chicken farms, what then? Ms. Payne stated then farmers can seek right to farm protection from that ordinance. Mr. Siegel stated except that it is in the clustering ordinance. Ms. Payne stated that is why this deed restriction is so important and that is why the SADC has oversight authority. If a township came in and said they want the ordinance to say no chicken farms, no pig farms, no greenhouses, etc., then we would say we are not approving that because it is so restrictive on agriculture. Now if their ordinance says no chicken farms, no pig farms, then a farmer could come in and seek right to farm protection to override that ordinance. What right to farm protection cannot do is override a deed of easement provision, an interest in the land.

Mr. Waltman stated that this legislation is about noncontiguous density transfer, whether it is woods, farms or a lawn. That is the big umbrella so where is the distinction made between something being an agricultural easement versus whatever they are thinking for nonagricultural? Ms. Payne stated that the statute allows for three different categories of easements. One is if you are going to preserve this for agriculture you need the SADC's approval. If you are going to preserve it for open space you can develop a deed restriction consistent with the standard Green Acres enabling statutes, or if you are going to do it for historic preservation you are going to use standard historic preservation program deed restrictions. The statute contemplated that there are going to be those three basic categories. The SADC contemplates that we may have a town that says it is preserving farmland but we are really interested in historic structures so that is where we are going to see towns coming in to us and saying they want this historic preservation restriction in here and then the Committee will decide whether it is permitted. Mr. Waltman stated that his point is that we have a lot of preserved open space with agriculture and we have a lot of preserved farms with woods, so it is the town's decision how to preserve it? Ms. Payne stated correct but if they are going to preserve it for agriculture and they want an

agricultural easement then it has to come here.

Ms. Payne thanked the Committee for all their comments.

## **NEW BUSINESS**

### **A. Reorganization**

#### **1. Appointment of Vice Chairman**

Chairman Fisher called for nominations for Vice Chair of the Committee. Mr. Germano motioned to nominate Alan Danser to serve as Vice Chair of the Committee. The motion was seconded by Mr. Waltman. Chairman Fisher stated that if there were no other nominations he would ask for a motion to close the nominations.

There were no other nominations made.

Ms. Brodhecker moved to close the nominations. The motion was seconded by Ms. Murphy and unanimously approved.

It was moved by Mr. Germano and seconded by Mr. Waltman to approve Alan Danser to serve as Vice Chair of the Committee. The motion was unanimously approved.

#### **2. August 2016 to July 2017 Meeting Dates**

Ms. Payne referred the Committee to the Regular Meeting Dates for the SADC from August 2016 through July 2017. She stated that the months of October and November are combined for meeting purposes, and that the Committee will meet the first Thursday in November and December this year due to the holiday season. Ms. Payne stated that typically the SADC does not hold a meeting in August. It was also noted that the April 2017 meeting will be held on a Friday (April 28<sup>th</sup>) due to Take Your Child to Work Day on Thursday (April 27<sup>th</sup>).

It was moved by Ms. Murphy and seconded by Mr. Danser to accept the 2016-2017 SADC meeting dates from August 2016 through July 2017. The motion was unanimously approved. (A copy of the SADC Meeting Dates – August 2016 through July 2017 is attached to and is a part of these minutes.)

### **3. Program Deadline Dates – 2016/17**

Ms. Winzinger referred the Committee to a list of County Planning Incentive Grant Program deadline dates for FY2017. She stated that this is being provided to the Committee for informational purposes only and no action is required. She stated that County PIG final approval requests typically need to be to the SADC by the first working day of the month prior to the SADC meeting. That gives staff time to get through the meeting of that month, figure out how much funding is left and then get the applications on the agenda for the following meeting. Counties are competing for competitive pot funding so we are very strict about having everything in by the specified dates. We are more flexible with the municipalities. This information will be sent to all of the SADC's program participants so they are well aware of the process.

### **B. Eight-Year Farmland Preservation Program – Terminations**

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

#### **1. Gray and Karen Smith, Frankford Township, Sussex County**

Mr. Clapp referred the Committee to the Eight-Year Program Summary showing one termination of an eight-year program for the Gary and Karen Smith farm, SADC # 19-0008-8F, in Frankford Township, Sussex County, comprising 15.37 acres. Mr. Clapp reviewed the specifics with the Committee and stated that this is informational for the Committee and that no action is required.

Ms. Payne stated that she wanted to mention that for Corporate Business Tax (CBT) appropriations, the goal on the staff level is to allocate some funds toward soil and water cost-share grants in this first batch of funding to breathe life back into this program. She would like to make that a component of the funding request that staff brings back to the Committee. Staff is assessing what the backlog is and will try to assess some level of demand and what would be needed to get us through for at least a year.

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

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

Municipal Planning Incentive Grant Program. She reviewed the specifics with the Committee and stated that the recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2017R7(1) granting final approval to the following application under the Municipal Planning Incentive Grant program, as presented and discussed, subject to any conditions of said Resolution:

1. Bruce Bishop (Bishop Brothers Properties, LLC), SADC # 17-0137-PG Block 38, Lot 13, Upper Pittsgrove Township, Salem County, 81 Gross Acres State cost share of \$3,800 per acre (65.52% of the certified easement value and purchase price) for a total grant need of \$307,800 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The SADC will utilize any remaining Agricultural Land Easement (ALE) grant funds (estimated at \$72,900) to offset SADC grant needs on the property. The owners have agreed to the additional restrictions associated with the ALE grant, including a 6.67% maximum impervious coverage restriction (approximately 5.4 acres) for the construction of agricultural infrastructure on the property outside of the exception area, which is the maximum allowable for this property through the ALE program at this time. The property includes zero exceptions, one existing single-family residential unit, zero agricultural labor units and no nonagricultural uses. This approval is conditioned upon receipt of ALE funds sufficient to cover the Township and County's cost share or, in absence of ALE funding, a resolution by the Township and the County Board of Chosen Freeholders to commit the funds needed to cover the Township's and County's cost share. Should alternate ALE funding become available from other funding years or through other qualified entities such as the SADC, a nonprofit organization or the County, it may be utilized if such funding benefits the easement acquisition and/or the successful use of ALE funding. The use of ALE funding is conditioned upon the satisfactory resolution of any changes to the deed of easement language with the NRCS, prompted by the Agricultural Conservation Easement Program (ACEP) and the FY14 Farm Bill.

Discussion: A parcel application was submitted by the New Jersey Conservation foundation (NJCF) to the Natural Resources Conservation Service (NRCS) ACEP for an ALE grant. The NRCS has determined that the property and landowner qualified for ALE grant funds and the owner has agreed to the additional restrictions associated with the ALE grant, including a 6.67% maximum impervious coverage restriction (approximately 5.4 acres) for the construction of agricultural infrastructure on the property outside of the exception area, which is the maximum allowable for this property through the ALE

program at this time. Due to a shortage of funds from the Township and Salem County, ALE grant funds will cover the entire local cost share and any remaining funds will be used to offset the SADC grant need. The use of ALE funding is conditioned upon the satisfactory resolution of any changes to the deed of easement language with the NRCS, prompted by ACEP and FY14 Farm Bill.

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (A copy of Resolution FY2017R7(1) is attached to and is a part of these minutes.)

**D. Resolutions for Final Approval – County Planning Incentive Grant Program**

Ms. Winzinger and Ms. Miller referred the Committee to two requests for final approval under the County Planning Incentive Grant Program. They reviewed the specifics with the Committee and stated that the recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2017R7(2) and Resolution FY2017R7(3), granting final approval to the following applications under the County Planning Incentive Grant (PIG) Program, as presented and discussed, subject to any conditions of said Resolutions:

1. Kevin and Jessica Bishop, SADC # 17-0157-PG (Resolution FY2017R7(2))  
Block 50, Lot 2.01, Upper Pittsgrove Township, Salem County, 31 Gross Acres  
State cost share of \$3,100 per acre (68.89% of the certified easement value and purchase price) for a total grant need of \$98,983 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property has zero exceptions, zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses.

Discussion: The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 31.93 acres will be utilized to calculate the grant need.

2. Thomas Bartha, SADC # 21-0553-PG (Resolution FY2017R7(3))  
Block 15, Lot 1, White Township; Block 2, Lot 16, Oxford Township,  
Warren County, 47 Gross Acres

State cost share of \$3,100 per acre (68.88% of the certified easement value and purchase price) for a total grant need of \$130,913 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 1-acre nonseverable exception area for and limited to one future single-family residential unit and for future flexibility of use, and one approximately 5-acre severable exception for and limited to one future single-family residential unit and for future flexibility of use. The portion of the property outside of the exception area includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses on the area to be preserved outside of the exception areas.

Discussion: The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 42.23 acres will be utilized to calculate the grant need.

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (Copies of Resolution FY2017R7(2) and Resolution FY2017R7(3) are attached to and are a part of these minutes.)

#### **E. Resolutions for Final Approval – State Acquisition Program**

Ms. Winzinger referred the Committee to one request for final approval under the State Acquisition Program. Staff reviewed the specifics with the Committee and stated the recommendation is to grant final approval, as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2017R7(4) granting final approval to the following application under the State Acquisition Program, as presented and discussed, subject to any conditions of said Resolution:

1. Still Run Properties, LLC (Steven Brown), SADC #17-0296-DE (Resolution FY2017R7(4))  
Block 61, Lots 30, 33.01, 33.02, 33.03, 34.03, Upper Pittsgrove Township, Salem County, 128.6 Easement Acres  
Acquisition of the development easement at a value of \$4,600 per acre for a total of approximately \$591,560 subject to the conditions contained in Schedule B. The property has been allocated one Residual Dwelling Site Opportunity, zero

exceptions, zero existing single-family residential units, zero agricultural labor units and no pre-existing nonagricultural uses on the area to be preserved.

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (A copy of Resolution FY2017R7(4) is attached to and is a part of these minutes.)

**F. Minimum Standards for Acquisitions**

1. County PIG Program
2. State Acquisition Program

Mr. Knox referred the Committee to two resolutions for minimum standards for acquisitions under 1) the County Planning Incentive Grant Program (Resolution FY2017R7(5)) and 2) the State Acquisition Program (Resolution FY2017R7(6)). Mr. Knox reviewed the specifics of each resolution with the Committee and stated that the recommendation is to adopt the minimum standards for each program as presented and discussed.

It was moved by Mr. Germano and seconded by Mr. Siegel to approve Resolution FY2017R7(5) adopting the Average Quality Scores for each county and the 70 percent average quality score values for determining an "eligible farm" pursuant to N.J.A.C. 2:76-17.2 for the County Planning Incentive Grant Program, as identified on the attached Schedule A. The 70 percent of average quality scores for determining an "eligible farm" pursuant to N.J.A.C. 2:76-17.2 shall be effective as of January 1, 2017, and shall apply to an application for the sale of a development easement that is received by the SADC pursuant to N.J.A.C. 2:76-17.9 through December 31, 2017. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (A copy of Resolution FY2017R7(5) is attached to and is a part of these minutes.)

It was moved by Mr. Germano and seconded by Mr. Siegel to approve Resolution FY2017R7(6) adopting the Average Quality Scores for each county as identified on the attached Schedule A for State acquisitions. The SADC adopts the Average Acres for each county as identified on the attached Schedule A. The SADC adopts the individual scores for determining a "priority farm" and an "alternate farm" as identified on the attached Schedule A for State Acquisition programs pursuant to N.J.A.C. 2:76-8 and 11. The

individual scores pursuant to N.J.A.C. 2:76-8 and 11 shall be effective as of July 1, 2016, for all applications that have not had option agreements authorized by that date. The standards established in this resolution and Schedule A shall remain in effect through June 30, 2017. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (A copy of Resolution FY2017R7(6) is attached to and is a part of these minutes.)

**G. Stewardship**

**1. Agricultural Labor Housing Request**

**a. Forte Farm, Chester Township, Morris County**

Mr. Roohr referred the Committee to Resolution FY2017R7(7) for a request by Phillip Forte, owner of Block 40, Lot 14, and Block 46, Lot 19, in Chester Township, Morris County, comprising 194.57 acres, to construct agricultural labor units on the second floor of the two former dairy barns on the property.

Mr. Roohr stated that this was discussed in detail with the Committee back in May. This is an approximately 200-acre farm. The Township bought it in fee in 2002 and sold it at public auction as preserved in 2003, and Mr. Forte purchased it. Since acquiring the property he has worked to convert the old dairy buildings into equine stables and training arenas as well as build new equine stables and indoor/outdoor training arenas. He has converted it into an equine farm. He rents the property to two independent equine operations that do primarily hunter/jumper training for horses they own and resell, and also for clients. In 2001, as the property has developed and the operations have matured, Mr. Forte requested to the CADB to put agricultural labor housing into the second floor of two equine barns along the road. At that time the CADB and the SADC found that the typical Paragraph 14 in the deed of easement that allows for agricultural labor housing didn't exist in this deed of easement for some reason so the SADC could not entertain the request because there was no ability to do so.

Mr. Forte went to Superior Court in Morris County and had the language under Paragraph 14 inserted into the deed of easement and then came back in early 2015 to make the request again. In January/February, the CADB approved the request and then it came to the SADC. We heard the request and heard from the owner and his representative at the May meeting and received some feedback from the Committee. Basically they are asking for housing for the grooms and trainers who work at the two

equine facilities, as well as two laborers who work for Stony Hill Orchards, which farms about 70 acres in fruits and vegetables. The total request is for 17 people. The way that Mr. Forte would like to lay out these apartments is 5 two-bedroom apartments, with two beds in each apartment so the total ultimate capacity would be for 20 people but right now the request is for 17. There is also a request for Mr. Forte himself for a general property caretaker so that would be 18.

Mr. Roohr stated that the Committee at the May meeting was generally supportive of the equine operations. There were a couple of interesting things that are unique to this application. One is that he has never had a request before for someone who wanted to build agricultural labor units on a farm that weren't for his own workers. In this case Mr. Forte doesn't have a stake in either of these equine businesses or the vegetable business but he is willing to put these apartments in and the presumption is that he would be able to charge more rent to the clients for that extra ability. The other thing was with the vegetable operation, that is pretty cut and dry as we get those all the time, but with the equine operation, this is a combination of they raise horses for themselves and they train and resell and they also train horses for clients. What staff found was that each horse that goes through that training program, the company that trains it is entitled to a 10 to 15 percent commission when the horse gets sold. So staff looked at that and the language in the right to farm definition of production for equine, which states that commissions on horses that are raised and trained on the property for 120 days or more are considered production. That would lead you to believe that the commission structure on this makes these horses production animals and as such the people who work with those animals are eligible for agricultural labor housing. Ms. Payne stated that the Committee has been provided the resolution and attached to that is Schedule B, which is the SADC's Right to Farm regulations regarding equine. On Page 5 at the top of the page it lists item 4(e), which is the regulation that lays out what types of activities satisfy the production requirements for commercial farms, so that is what we are leaning on. Just to clarify what Mr. Roohr stated, if you go down to item #3 under (e), it says what counts is income from the sale of a horse that was trained or raised on the commercial farm for at least 120 days prior to the time of sale. So what staff is saying in the decision is, and it is kind of a new piece here, we accept that commissions on the sale of horses also count as that same category of income, and income from the lease of the horses is being considered production income here too. The regulation just says income from the sale. We are just clarifying that we are including commission on that sale and we are including commission on leases as well as sales. We are expanding that a little bit, applying the specifics of this case to this regulation, which is a precedent for this Committee so she wanted to make sure everyone understood it.

Mr. Roohr stated that overall the staff recommendation is to approve the agricultural labor housing for the folks who work in the two equine businesses and the two people who work for the fruit/vegetable operation on this farm, with a condition that for a minimum of at least the next five years, the owner provide a list of the residents of these units and what their function is on the farm, as well as for the equine operations, the receipts for sales, commissions or leases of horses, when Morris County does its regular monitoring. Staff would recommend approving it under that condition. Staff recommendation is also to deny the request for the general property caretaker. That person, although working on the farm, has no link to production and staff has consistently gotten requests from people who have asked for property caretakers. Most of the time we have gotten requests to have someone keep the fences nice and keep the grass mowed and we have consistently said that because those folks are not directly tied to production agriculture we do not approve them. That remains the recommendation here.

Ms. Payne stated that the thinking has been production that is requiring a daily presence, sometimes it is seasonal but these people are there full-time, so that is different from someone who is fixing a fence and painting the barns. That is just not directly related to the production aspects of the property. Chairman Fisher stated that if the caretaker was also the production manager that may be a different thing. Ms. Payne stated it might be. Mr. Roohr stated that in this case, Mr. Forte was very specific that there are employees who would work for the two equine operations and the vegetable operation and then he himself wanted an employee, and he acknowledges full well that he is a landlord not a farmer by any means so this is basically a caretaker.

It was moved by Mr. Germano and seconded by Mr. Siegel to approve Resolution FY2017R7(7) granting a request by Phillip Forte, owner of Block 40, Lot 19, and Block 46, Lot 19, in Chester Township, Morris County, comprising 194.57 acres, to utilize the second floor of two existing equine stables, consisting of approximately 4,508 square feet, in the locations shown on Schedule A2 of said Resolution, to house up to 17 full-time, year round agricultural laborers associated with Glen Eden, Stormfront and Stony Hill Gardens. The SADC denies the request to utilize one of the second floor units for purposes of housing the laborer associated with maintenance of the Premises. The five two-bedroom units are designed to house a maximum of 20 individuals. At this time, the Owner is requesting to utilize the housing for the 9 grooms and 6 of the trainers involved with the equine operations as well as 2 laborers related to the fruit and vegetable operation. This approval is based on a minimum 10% commission arrangement as described by the applicant for Glen Eden and Stormfront. Only agricultural labor employed on the Premises, in production aspects of the operation, and their immediate family, may live in the agricultural labor units. The agricultural laborers shall be engaged

in the day-to-day production activities on the Premises, which at this time include feeding, watering, turnout, exercise and training of horses, field preparation, planting, cultivation and harvest of fruit and vegetable crops. As a condition of this approval, for a period of not less than the next five years, the Owner shall provide production records, which shall include breeding receipts, birth records, competition results, appraisals or lease/sales contracts for animals owned by the resident equine operations – currently Glenn Eden and Stormfront – born, raised or trained on the Premises, as well as documentation of commissions received on horses leased or sold that have been trained onsite by each entity operating from the Premises that houses laborers onsite, to the Morris CADB and the SADC as part of those entities' annual monitoring visits of the Premises. The Owner shall provide a list of names of all residents of the agricultural labor units, and their job functions on the Premises, to the Morris CADB and the SADC as part of those entities' annual monitoring visits of the Premises. Production and commission records as well as the list of residents shall be evaluated by the SADC to ensure that there is sufficient equine production activity occurring on the farm to continue to warrant use of the agricultural labor units. The Owner's use of any structures for housing agricultural laborers shall be in compliance with all applicable federal, State, county and local regulations. This approval is non-transferable. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (A copy of Resolution FY2017R7(7) is attached to and is a part of these minutes.)

b. Maino Farm, Lebanon Township, Hunterdon County

Mr. Roohr referred the Committee to Resolution FY2017R7(8) for a request by Robert Maino, owner of Block 57, Lot 22, and Block 36, Lot 26, in Lebanon Township, Hunterdon County, comprising 93.67 acres, to utilize an existing structure on the property – originally built as a duplex home but abandoned for many years – as an agricultural labor housing unit for three agricultural laborers. Due to the condition of the structure and years of abandonment the SADC did not recognize this structure as a residential unit of any kind at the time of acquisition. The renovated structure is a two-story duplex-style unit, approximately 2,500 square feet in size. The owner had renovated it over the past year to make it habitable for up to three migrant laborers who are coming from Ecuador, with the first arriving in September.

Mr. Roohr stated that the current arrangement involves the laborers working on the property for about six months at a time with the anticipation that year-round employment will be available for one or more of the laborers as the operation increases in intensity.

The owner is currently renovating an existing barn to convert it into a permanent farm market in order to replace the current roadside wagon farm stand. The migrant laborers will be directly involved with the day-to-day production activities of planting, crop maintenance, irrigation and hay production as well as the daily care of the egg-laying poultry flock, turkeys, goats, sheep and cattle raised as meat livestock and horses. The owner has also planted about an acre of evergreens to start a choose-and-cut Christmas tree operation and he has purchased equipment and made arrangements with a local wholesale flower producer to custom grow cut flowers. The owner finds that having on-site employees is necessary to properly manage the livestock, and manage and harvest the crops, to maximize use of the property for production and direct-market sale of the farm's output and to expand the operation. Mr. Roohr stated that staff finds that the construction and use of the agricultural labor unit is consistent with the requirements of the deed of easement and recommends approval of the request.

Mr. Germano stated that he saw in the resolution that the approval would be good only for three years and he was wondering why. Mr. Roohr stated that is a standard provision that staff puts in in case the owner didn't follow through with utilizing the agricultural labor unit. He has three years to put someone in there. If he doesn't he has to come back and ask for it again. Once he gets it going initially it will be good as long as he continues to meet the requirements. It isn't like every three years he has to get it approved. Mr. Germano stated that the language doesn't really convey that so he suggested that staff look at the language to clarify that.

It was moved by Mr. Waltman and seconded by Mr. Danser to approve Resolution FY2017R7(8) with the above-noted amendment made by Mr. Germano, granting a request by Robert Maino, owner of Block 57, Lot 22, and Block 36, Lot 26, in Lebanon Township, Hunterdon County, comprising 93.67 acres, to utilize a renovated pre-existing structure as a duplex-style agricultural labor unit, consisting of approximately 2,500 square feet in size, as depicted on Schedule A of said Resolution, to house up to three agricultural laborers subject to municipal, State and federal requirements. The current arrangement involves the men residing on the Premises seasonally at this time, with anticipation that this may change to a year-round arrangement for one or more of the laborers as the intensity of the operation increases. Only agricultural labor employed on the Premises, in production aspects of the operation, and their immediate family may live in the agricultural labor units. The agricultural labor shall be engaged in the day-to-day production activities on the Premises, which at this time include the planting, crop maintenance, irrigation and sale of vegetable crops and hay as well as daily care of the egg-laying poultry flock, turkeys, goats, sheep and cattle raised as meat livestock and horses. This approval is valid for a period of three years from the date of approval during

which period the Owner may initiate the requested action; initiate means obtaining applicable local, state or federal approvals. Failure to initiate the requested action within three years of the date of approval shall result in expiration of this approval. This approval is not transferrable. The Owner's use of any structures for housing agricultural laborers shall be in compliance with all applicable federal, State, county and local regulations. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (A copy of Resolution FY2017R7(8) is attached to and is a part of these minutes.)

2. House Replacement Request
  - a. Warmke Farm, Hillsborough Township, Somerset County

Mr. Roohr referred the Committee to Resolution FY2017R7(9) for a request by John and Diane Warmke, owners of Block 202, Lot 9, Hillsborough Township, Somerset County, comprising 99.9 acres, to replace the existing single-family residence on the property. The deed of easement allows for the replacement of any existing single-family residential building anywhere on the property with the approval of the Grantee and the Committee. The residence that existed on the property at the time of preservation has since been removed. The owners propose to replace the previous residence with a new single-family residence for themselves. The proposed new residence will be built approximately 75 feet behind the location of the previously existing residence and the new residence will utilize the existing driveway. The proposed new residence will be approximately 2,500 square feet of heated living space. The deed of easement does not set forth a specific house size limitation and the property was not preserved using federal funding. Mr. Roohr stated that staff recommendation is to approve the request, as presented and discussed.

It was moved by Mr. Waltman and seconded by Mr. Germano to approve Resolution FY2017R7(9) granting a request by John and Diane Warmke, owners of Block 202, Lot 9, Hillsborough Township, Somerset County, comprising 99.9 acres, finding that pursuant to the restrictions as contained in the deed of easement, the replacement of the single-family residence on the Premises with a new single-family residence will have a positive impact on the continued agricultural operations of this farm by replacing the deteriorated residence with a new residence, which shall serve as the primary residence for the owners. The Committee approves the construction of a single-family residence, consisting of approximately 2,500 square feet of heated living space, in the location shown in Schedule A of said Resolution, to replace the former residence that existed on the Premises at the time of preservation and has since been removed. This approval may

be exercised for a period for three years from the date of this resolution and is non-transferable. The construction of the new residence is subject to all applicable local, State and federal regulations. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (A copy of Resolution FY2017R7(9) is attached to and is a part of these minutes.)

3. Renewable Energy

a. B & C Gibbs Farm, Allamuchy Township, Warren County

Mr. Roohr referred the Committee to Resolution FY2017R7(10) for a request by Brant and Cristianna Gibbs, owners of Block 303, Lot 5; Block 304, Lot 4; and Block 401, Lot 2, in Allamuchy Township, Warren County, comprising 289.96 acres, for a solar energy generation facility. The facility will be owned by the landowners. The solar energy generation facility will provide power to the farm directly through net metering to reduce energy costs on the farm. The energy demand for this ground-mounted facility is from the residence, barns and other dairy infrastructure on the premises. The energy demand for the previous calendar year was approximately 51,799 kWh's and the rated capacity of the proposed new solar energy generation facility is 50,960 kWh's per year. The new system will supply approximately 98 percent of the current energy demand for the property. The owners have provided evidence that the annual solar energy generation does not exceed 110 percent of the previous calendar year's energy demand. The proposed facility comprises approximately 5 square feet of impervious cover and it will be located alongside an existing dairy barn on the property. The proposed ground-mounted facility consists of the area around the panels themselves, including a 20-foot perimeter buffer, and the underground trenches that connect the panels to the meters on the residence, which together comprise an occupied area of approximately 13,185 square feet. The proposed facility will be installed with screw-in posts. The proposed facility requires site disturbance of approximately 333 square feet. The Warren CADB has reviewed the application and submitted comments in support of the project. Mr. Roohr stated that the staff recommendation is to approve the request as presented and discussed.

It was moved by Ms. Murphy and seconded by Ms. Brodhecker to approve Resolution FY2017R7(10) finding that the owners have complied with all of the provisions of N.J.A.C. 2:76-24.1 et seq. concerning the installation of a photovoltaic solar energy generation facility, structures and equipment on the Premises. The SADC approves the construction, installation, operation and maintenance of the photovoltaic energy generation facilities, structures and equipment consisting of approximately 13,185 square

feet of occupied area alongside an existing barn and having a rated capacity of 50,960 kWh's of energy as identified in Schedule A of said Resolution, and as described further herein. The total electrical energy demand for the residence, barns and farm infrastructure is 51,799 kWh's annually. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (A copy of Resolution FY2017R7(10) is attached to and is a part of these minutes.)

Mr. Roohr stated that for the Committee's information there were also two administrative approvals that staff was able to do this month, both in Mercer County – one for the Gary Mount farm in Lawrence Township and the other for the McConaughy farm in Hopewell Township. Both are 100 percent roof-mounted; nothing is disturbing the ground. A couple years ago the Committee gave the Executive Director approval to administratively approve systems that had no issues like that. Mr. Mount's property was preserved through the County Easement Purchase program and the Mercer CADB had no issues with it. Mr. McConaughy's farm was a Direct Easement Purchase so we didn't have to run it by the County. This information was also provided to the Committee on the member website and also under the Executive Director tab in the meeting binders.

#### 4. Winery Special Occasion Events Audit Procedures (Discussion Only)

Mr. Everett referred the Committee to his memo dated July 26<sup>th</sup> regarding the draft winery special occasion events regulation as follows:

P.L. 2014, c.16 (N.J.S.A. 4:1C-32.7, et seq.) permits special occasion events, under certain conditions, to be conducted at wineries located on preserved farmland as part of a 44-month pilot program. The statute tasks the SADC with adopting pursuant to the Administrative Procedure Act such rules and regulations as may be necessary for the implementation of this pilot program. Because the pilot program is of such a limited duration (expiring in March 2018), coupled with the inherently prescriptive language of the statute, developing regulations initially focused primarily on specifying audit procedures, which was one section of the statute that was not fleshed out in great detail.

Staff has worked with a New Jersey-based winery accounting firm with expertise in these matters (Matthews, Panariello P.C.) to develop audit procedures. During this process, it became clear to staff that audits, the cost of which could be significant, should only be the last recourse for determining program compliance. Staff suggests it would be prudent

to develop regulations that clearly spell out what is expected of wineries in a tiered approach, whereby more information is requested only when the lower tier of requested information is not furnished or when the information provided gives rise to additional questions. An audit would not be ordered indiscriminately and only when compliance with the pilot program otherwise cannot be determined.

Accordingly, staff requests the Committee's input on a phased compliance approach with these characteristics:

### **Phase I - Registration, Certification of Compliance, and Certification of Income Procedures**

This subchapter of the regulations would formalize the information currently required of wineries conducting special occasion events on preserved farmland, including a list of all events being conducted in a given calendar year, and other pertinent information concerning the farm winery (name, address, grape acreage, etc.), all of which is submitted annually to the SADC by March 31. Further, the registered winery must certify to the SADC by March 31 that it complies with all of the conditions set forth in the statute, such as compliance with applicable municipal ordinances concerning litter, solid waste, traffic, and public health and safety, among other requirements. Finally, the registered winery must certify to the CADB by March 31 of each calendar year that annual gross income from special occasion events accounted for less than 50 percent of the annual gross income of the winery for the prior calendar year. The CADB in turn must forward this information to the SADC.

### **Phase II - Financial Reporting Procedures**

If this registration and certification process results in further questions as to compliance, staff envisions that the winery would then be required to provide additional documentation prepared in accordance with Generally Accepted Accounting Principles (GAAP) as established by the Financial Accounting Standards Board (FASB). This documentation could consist of the winery's most recent federal income tax return along with copies of accounting records and financial statements, with reconciliation of any differences between these documents.

### **Phase III - Financial Audit Procedures**

If the production of Phase II tax returns and related accounting records and financial statements still does not adequately answer whether the preserved farm winery is in

compliance with the special occasion events law, then a financial audit of the winery may be ordered, which cannot occur more than once per calendar year pursuant to the law. More detailed financial and supporting information would be required of the winery at this point, which would be reviewed by an independent certified public accountant approved by the CADB or SADC, with the cost of the audit paid for by the winery. The SADC's regulations will spell out what is required to be supplied to the auditor, in addition to what analysis the audit will entail.

If the Committee finds the approach outlined above satisfactory, staff will finalize the draft regulations in the coming weeks with the assistance of the winery accounting firm. Staff would then come back to the Committee with a completed draft for consideration.

Mr. Danser stated that he felt that it was all fine up to the point where it says that we cannot ask for more than one audit per year. He would say that if we request an audit and the winery goes through the audit procedure and passes, we shouldn't ask for another one for a couple of years. To ask someone for another one the next year would be onerous. Mr. Everett stated that is the statutory language that we are instructed to follow. Mr. Danser stated yes, but we can be less restrictive than the statute and he doesn't have a problem asking someone for one every three years because if it is like \$3,000 to \$5,000 per audit that could be onerous and that person, if asked for one every year, could feel like they are being picked on. Ms. Payne stated that staff can incorporate that into the drafting of the regulations if everyone thinks that is a good idea. Mr. Siegel asked to clarify what we are adding. Ms. Payne stated that then we wouldn't request an audit be done more than once every three years. Mr. Siegel felt you shouldn't do that because a standard private sector audit is going to include a deficiencies report and there may be massive deficiencies and the auditor is done now. You may want those deficiencies remediated and you want another audit to document that it has been remediated. Mr. Danser stated yes, but then at that point we are going to have to make a determination as to whether or not they qualify for special occasion events or not. All he said was that if the auditor presents whatever evidence and we determine that they do qualify then they shouldn't have to do it again. Mr. Siegel stated he wouldn't put that into policy because an audit could come back that very specifically says we are asking them to adopt certain accounting procedures and you should audit them again in 12 months to make sure they are doing it. It has nothing to do with whether their application is valid and we go ahead and approve the special occasion events. If you pay the amount for the audit like \$5,000, one of the theories is you implement the financial accounting improvements that the auditors have recommended; that is part of what you are paying for.

Mr. Waltman asked if there could be a middle ground here, for example, if it is a clean audit with no reportable deficiencies. Mr. Siegel stated he would just say give yourself the option of another audit. He stated that a lot of audits come back with recommendations and most of them are cosmetic but sometimes they are not. Chairman Fisher stated that you don't know that once someone gets an audit that says they made their percentage basis, you don't know that in 18 months whether they go hog-wild the other way and start selling whatever it is they want to sell and you have nothing to say. Mr. Schilling stated that the other phases can sort of winnow out some of those issues. For example in Phase II for the financial reporting procedures, if those are acceptable and they show compliance or the eligibility is met or if they don't, it ends there. The audit is if there are questions about the legitimacy of the winery being eligible. He thinks the audit could raise a lot of things outside the scope of why you are doing the audit, which is to effectively make sure the income thresholds are met. Chairman Fisher stated that an audit is like a cardiogram – you have it and then you walk out of the office and drop dead. What he is getting at is that you do it and it satisfies the requirement and then you just have the right, without saying “shall be” every year and they may not have to have another one.

Ms. Payne stated that the inability of the SADC to call for an audit if something egregious was going on ties your hands. Let's say we get to the bottom of an audit and 90 percent of their income is coming from special occasion events. Then the SADC would have to take that person to court and the statute lays out for their first offense there is a fine and up to a six-month suspension of those activities. Then the next year they do it again. We would need to audit them probably to generate a report that you could take to a judge and say they are not in compliance. She thinks if you prevent yourself from being able to audit within a certain period of time you are limiting your ability to enforce the statute. The Committee has to approve an audit; it is not something that staff just decides to do, so the appropriateness of calling for an audit is always going to be before the Committee.

Mr. Schilling stated that he would like to suggest that it is something we use judiciously. It is sort of a hammer provision. You submit something to us in Phase II and it is not clear enough and it is not acceptable enough, he is assuming there is an ability to go back and say to clarify this and basically ask for more information and then if it is still not clear then we consider moving on. His hope is that it is sort of a hammer clause that makes people inclined to give good documentation for the financial reporting process. Ms. Payne stated that is the goal. She stated that she wanted to bring this to the Committee for its input and any comments.

**H. Right to Farm and Agricultural Mediation**

1. Summary Report for State Fiscal Year 2016
2. Certification of Roster of Mediators for Fiscal Year 2017

Mr. Kimmel referred the Committee to various booklets and fact sheets regarding the Right to Farm Program and the Agricultural Mediation Program that are in their meeting books and discussed in his memorandum dated July 28<sup>th</sup>. He stated that the overview packet is designed to provide a synopsis of program activities for FY 2016 and to facilitate the renewal of the certificates of the Agricultural Mediation Program's roster of mediators, as the program's regulations require the SADC to renew the certificates annually.

Mr. Kimmel reviewed the various attachments with the Committee and provided the Committee with an update on the various program activities as outlined in his memorandum.

Mr. Kimmel stated that at the November 12, 2015 meeting the SADC recertified its roster of 11 mediators. Since that time the SADC has added one new mediator to the roster, Caroline Petrilla, and two mediators have passed away. To update the program's roster of mediators, staff is recommending that the following 10 individuals have their certifications renewed because they have continued to satisfy program requirements, as outlined in Resolution FY2017R7(11) before the Committee today, as follows:

Lisa Clancy  
Gaetano DeSapio  
Michael Ennis  
Gordon Geiger  
Melvin Henninger  
Tara Kenyon  
Paul Massaro  
Cari Rincker  
Caroline Petrilla  
Loretta Yin

Mr. Kimmel stated that staff recommendation is to renew the certificates of the above-referenced certified mediators.

It was moved by Mr. Danser and seconded by Mr. Germano to approve Resolution FY2017R7(11) renewing the certificates of the following certified mediators pursuant to

N.J.A.C. 2:76-18.10:

Lisa Clancy  
Gaetano DeSapio  
Michael Ennis  
Gordon Geiger  
Melvin Henninger  
Tara Kenyon  
Paul Massaro  
Cari Rincker  
Caroline Petrilla  
Loretta Yin

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (A copy of Resolution FY2017R7(11) is attached to and is a part of these minutes.)

**PUBLIC COMMENT**

None

**TIME AND PLACE OF NEXT MEETING**

SADC Regular Meeting: Thursday, September 22, 2016, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

**CLOSED SESSION**

At 10:50 a.m., Mr. Siegel moved the following resolution to go into Closed Session. The motion was seconded by Mr. Danser and unanimously approved.

"Be it resolved, in order to protect the public interest in matters involving minutes, real estate, and attorney-client matters, pursuant to N.J.S.A. 10:4-12, the N.J. State Agriculture Development Committee declares the next one-half hour to be private to discuss these matters. The minutes will be available one year from the date of this meeting."

## **ACTION AS A RESULT OF CLOSED SESSION**

### **A. Real Estate Matters - Certification of Values**

#### **Municipal Planning Incentive Grant Program**

It was moved by Mr. Siegel and seconded by Mr. Danser to approve the following Certifications of Value for the following applicants as discussed in Closed Session:

1. Alexandria Township CP/Diocese of Metuchen, SADC # 10-0369-PG  
Block 11, Lot 16, Alexandria Township, Hunterdon County, 78.2 Net Acres (both appraisers)
2. Richard and Jonathan Kerr, SADC # 10-0363-PG  
Block 15, Lot 1, Holland Township, Hunterdon County, 35.6 Net Acres (AOC);  
38.6 Gross Acres (AOC)

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (Copies of the Certification of Value Reports are attached to and are a part of the Closed Session minutes.)

### **B. Attorney/Client Matters**

#### **1. Litigation**

##### **a. Right to Farm – Proposed OAL Final Decision – Ciufo v. Somerset CADB and Branchburg Township**

In the matter of Ciufo v. Somerset CADB and Branchburg Township, this case is before the SADC as a preliminary decision of the Office of Administrative Law Judge (ALJ). SADC staff has reviewed the decision and is recommending approval in part and modification in part. The SADC adopts the ALJ's determination that the Ciufo farm is a commercial farm. We also adopt the ALJ's decision allowing Branchburg Township to intervene in the section of the case called Ciufo 2. We clarify and modify the decision to make sure it is explicit that the dump truck that has farmer plates on it is protected. That was inferred but not particularly clear in the ALJ's decision. We adopt the ALJ's factual and legal conclusions with respect to the 4 pickup trucks on the property that their off-site use for the landscaping business significantly predominates over their use on the farm itself. However, based on the record submitted, we think there is sufficient evidence that

at least one pickup truck does have legitimate need and use on the agricultural operation, albeit on a part-time basis. Therefore, the staff recommendation in this decision is to protect one pickup truck in addition to the already-protected dump truck. The motion to approve the staff recommendations was moved by Mr. Germano, seconded by Mr. Danser and unanimously approved. (A copy of the Proposed OAL Final Decision – Ciufo v. Somerset CADB and Branchburg Township – is attached to and is a part of the Closed Session minutes.)

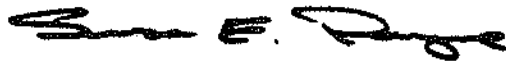
#### **PUBLIC COMMENT**

None

#### **ADJOURNMENT**

There being no further business, it was moved by Mr. Siegel and seconded by Mr. Danser and unanimously approved to adjourn the meeting at 11:35 a.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Susan E. Payne", written in a cursive style.

Susan E. Payne, Executive Director  
State Agriculture Development Committee

Attachments

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2017R7(1)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

UPPER PITTSBGROVE TOWNSHIP  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Bishop, Bruce ("Owner")  
Bishop Brothers Properties, LLC  
Upper Pittsgrove Township, Salem County

N.J.A.C. 2:76-17A. et seq.  
SADC ID# 17-0137-PG

July 28, 2016

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Upper Pittsgrove Township received SADC approval of its FY2017 PIG Plan application annual update on May 26, 2016; and

WHEREAS, on August 1, 2014 the SADC received an application for the sale of a development easement from Upper Pittsgrove Township for the subject farm identified as Block 38, Lot 13, Upper Pittsgrove Township, Salem County, totaling approximately 81 gross acres hereinafter referred to as "the Property" (Schedule A); and

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

WHEREAS, the Property includes zero (0) exceptions, one (1) existing single family residential unit, zero (0) agricultural labor units and no non-agricultural uses; and

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

WHEREAS, the Property is currently in soybean production; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on December 1, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on January 28, 2016 the SADC certified a development easement value of \$5,800 per acre based on current zoning and environmental regulations in place as of June 5, 2015 ; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12, the Owner accepted the Township's offer of \$5,800 per acre for the development easement for the Property; and

WHEREAS, a parcel application was submitted by the New Jersey Conservation Foundation (NJCF) to the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), Agriculture Conservation Easement Program (ACEP) for an Agricultural Land Easement (ALE) grant; and

WHEREAS, the NRCS has determined that the Property and Landowner qualified for ALE grant funds; and

WHEREAS, the Owner has agreed to the additional restrictions associated with the ALE Grant, including a 6.67% maximum impervious coverage restriction (approximately 5.4 acres) for the construction of agricultural infrastructure on the Property outside of exception area, which is the maximum allowable for this property through the ALE program at this time; and

WHEREAS, due to a shortage of available funds from the Township and Salem County the ALE grant funds be cover the entire local cost share and any remaining funds will be used to offset the SADC grant need; and

WHEREAS, the ALE grant will be based on an estimated current easement value of \$5,800 per acre equating to an ALE grant of \$2,900 per acre (50% of \$5,800) or approximately \$234,900 in total ALE funds; and

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

WHEREAS, the use of ALE funding is conditioned upon the satisfactory resolution of any changes to the Deed of Easement language with the NRCS, prompted by ACEP and FY14 Farm Bill; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on June 14, 2016 the Upper Pittsgrove Township Committee approved the application for the sale of development, but is not participating financially in the easement purchase due to the anticipated receipt of ALE funds; and

WHEREAS, the Salem County Agriculture Development Board approved the application on April 27, 2016 and the Salem County Board of Chosen Freeholders approved the application on May 18, 2016 but is not participating financially in the easement purchase due to the anticipated receipt of ALE funds; and

WHEREAS, this final approval is conditioned upon ALE funding in an amount sufficient enough to cover the County and Township's cost share; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 81 net easement acres):

Cost share breakdown prior to FRPP Grant:

|                         | Total            |                       |
|-------------------------|------------------|-----------------------|
| SADC                    | \$ 307,800       | (\$3,800/acre)        |
| Upper Pittsgrove Twp.   | \$ 81,000        | (\$1,000/acre)        |
| <u>Salem County</u>     | <u>\$ 81,000</u> | <u>(\$1,000/acre)</u> |
| Total Easement Purchase | \$ 469,800       | (\$5,800/acre)        |

Cost share breakdown after estimated \$234,900 FRPP Grant is applied:

|                   | Total     |                | FRPP \$   | New Cost Share                  |
|-------------------|-----------|----------------|-----------|---------------------------------|
| SADC              | \$307,800 | (\$3,800/acre) | \$ 72,900 | \$234,900 (\$2,900/acre)        |
| Alloway Twp.      | \$ 81,000 | (\$1,000/acre) | \$ 81,000 | \$0                             |
| Salem County      | \$ 81,000 | (\$1,000/acre) | \$ 81,000 | \$0                             |
| <u>FRPP Grant</u> |           |                |           | <u>\$234,900 (\$2,900/acre)</u> |
|                   | \$469,800 |                | \$234,900 | \$469,800 (\$5,800/acre)        |

WHEREAS, because the ALE grant amount has not been solidified Upper Pittsgrove Township is requesting the SADC encumber the full grant amount \$307,800 from the available municipal FIG funding 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; and

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Upper Pittsgrove Township for the purchase of a development easement on the Property, comprising approximately 81 easement acres, at a State cost share of \$3,800 per acre, (65.52% of certified easement value and purchase price), for a total grant need of \$307,800 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

BE IT FURTHER RESOLVED, that the SADC will utilize any remaining ALE grant funds (estimated \$ 72,900) to offset SADC grant needs on the Property; and

BE IT FURTHER RESOLVED, the Owners have agreed to the additional restrictions associated with the ALE Grant, including a 6.67% maximum impervious coverage restriction (approximately 5.4 acres) for the construction of agricultural infrastructure on the Property outside of exception area, which is the maximum allowable for this property through the ALE program at this time; and

BE IT FURTHER RESOLVED, the Property includes zero (0) exceptions, one (1) existing single family residential unit, zero (0) agricultural labor units and no non-agricultural uses; and

BE IT FURTHER RESOLVED, this approval is conditioned upon receipt of ALE funds sufficient enough to cover the Township and County's cost share or in absence of ALE funding a resolution by the Township and the County Board of Chosen Freeholder's to commit the funds needed to cover the Township's and County's cost share; and

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

BE IT FURTHER RESOLVED, the use of ALE funding is conditioned upon the satisfactory resolution of any changes to the Deed of Easement language with the NRCS, prompted by ACEP and FY14 Farm Bill; and

BE IT FURTHER RESOLVED, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development easement; and

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

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

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

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

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

7-28-16

Date

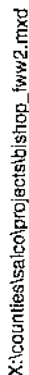


Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

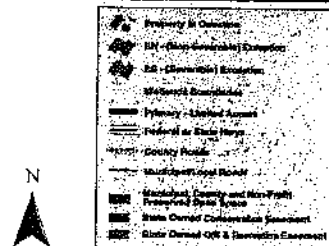
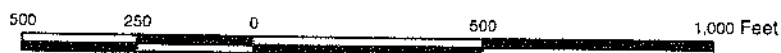
|                                                    |        |
|----------------------------------------------------|--------|
| Douglas H. Fisher, Chairperson                     | YES    |
| Cecile Murphy (rep. NJDEP Commissioner Martin)     | YES    |
| Brian Schilling (rep. Executive Dean Goodman)      | YES    |
| Ralph Siegel (rep. Acting State Treasurer Scudder) | YES    |
| Tom Stanuikynas (rep. DCA Commissioner Richman)    | YES    |
| Jane Brodhecker                                    | YES    |
| Alan Danser, Vice Chairman                         | YES    |
| Scott Ellis                                        | ABSENT |
| Denis Germano, Esq.                                | YES    |
| Peter Johnson                                      | ABSENT |
| James Waltman                                      | YES    |

## Schedule A



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

Bruce and Tom Bishop/Bishop Brothers Properties, LLC  
Block 38 Lot 13 (81.3 ac)  
Gross Total = 81.3 ac  
Upper Pittsgrove Twp., Salem County

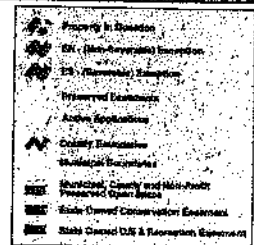


**Wetlands Legend:**  
F - Freshwater Wetlands  
L - Linear Wetlands  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
N - Non-Wetlands  
B - 300' Buffer  
W - Water

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

**Sources:**  
 NJ Farmland Preservation Program  
 Green Acres Conservation Easement Data  
 NJDEP Wetlands Data  
 NJOT/OGIS 2012 Digital Aerial Image

November 20, 2015



November 20, 2015

**Municipal Planning Incentive Grant  
Upper Pittsgrove Township, Salem County**

**Schedule B**

| Farm                     | SADC ID#   | Acres   | Pay Acres | SADC               |                     |              | Federal Grant |                     |                    |            |            |              |
|--------------------------|------------|---------|-----------|--------------------|---------------------|--------------|---------------|---------------------|--------------------|------------|------------|--------------|
|                          |            |         |           | Certified Per Acre | SADC Grant Per Acre | Cost Basis   | Cost Share    | Total Federal Grant | SADC Federal Grant | Encumbered | Expended   | Balance      |
| Kernan                   | 17-0096-PG | 75.305  | 75.305    | 4,200.00           | 2,920.00            | 316,281.00   | 219,890.60    |                     |                    | 221,920.00 | 219,890.60 | 1,750,000.00 |
| Newkirk                  | 17-0097-PG | 59.622  | 59.048    | 6,500.00           | 4,150.00            | 383,812.00   | 245,049.20    | 191,906.00          | 53,143.20          | 191,906.00 |            | 1,530,109.40 |
| Schmid                   | 17-0108-PG | 22.845  | 22.179    | 6,000.00           | 3,900.00            | 133,074.00   | 86,498.10     |                     |                    | 86,498.10  | 191,906.00 | 1,338,203.40 |
| Lewis                    | 17-0111-PG | 19.116  | 18.542    | 6,050.00           | 3,925.00            | 112,179.10   | 72,777.35     |                     |                    | 72,777.35  | 86,498.10  | 1,122,042.90 |
| Madosky                  | 17-0112-PG | 16.000  | 16.000    | 6,000.00           | 3,900.00            | 96,000.00    | 62,400.00     |                     |                    | 62,400.00  |            | 1,049,265.55 |
| Kramme                   | 17-0113-PG | 30.872  | 30.872    | 6,600.00           | 4,200.00            | 203,755.20   | 129,662.40    |                     |                    | 129,662.40 |            | 986,965.55   |
| Sottile                  | 17-0120-PG | 57.534  | 57.534    | 4,800.00           | 3,280.00            | 276,163.20   | 188,711.52    | 166,848.60          | 79,396.92          | 109,314.60 | 109,314.60 | 1,208,541.00 |
| Newkirk/Kernan ancilcost |            |         |           |                    |                     |              | 10,737.50     |                     |                    |            |            |              |
| Jasper                   | 17-0136-PG | 93.300  | 93.300    | 5,300.00           | 3,550.00            | 494,490.00   | 331,215.00    |                     |                    | 331,215.00 |            | 877,550.95   |
| Bishop Bros              | 17-0137-PG | 81.000  | 81.000    | 5,800.00           | 3,800.00            | 469,800.00   | 307,800.00    | 234,900.00          | 72,900.00          | 307,800.00 |            | 535,598.45   |
|                          |            |         |           |                    |                     |              |               |                     |                    |            |            | 227,798.45   |
| Total Encumbered         | 2          | 190.300 |           |                    |                     | 1,060,290.00 | 701,415.00    |                     |                    | 701,415.00 |            |              |
| Closed/Expended          | 6          | 265.294 | 263.480   |                    |                     | 1,521,264.50 | 942,589.17    | 358,554.60          | 132,540.12         |            | 820,786.55 |              |
| Total                    |            |         |           |                    |                     |              |               |                     |                    |            |            |              |
| Reprogram Out            |            |         |           |                    |                     |              |               |                     |                    |            |            | 227,798.45   |

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase  
July 28, 2016

Bishop Brothers Properties, LLC  
17- 0137-PG  
PIG EP - Municipal 2007 Rule  
81 Acres

Block 38

Lot 13

Upper Pittsgrove Twp. Salem County

**SOILS:**

|           |       |     |   |       |
|-----------|-------|-----|---|-------|
| Other     | 15% * | 0   | = | .00   |
| Prime     | 72% * | .15 | = | 10.80 |
| Statewide | 13% * | .1  | = | 1.30  |

**SOIL SCORE: 12.10**

**TILLABLE SOILS:**

|                    |       |     |   |       |
|--------------------|-------|-----|---|-------|
| Cropland Harvested | 83% * | .15 | = | 12.45 |
| Wetlands           | 16% * | 0   | = | .00   |
| Woodlands          | 1% *  | 0   | = | .00   |

**TILLABLE SOILS SCORE: 12.45**

**FARM USE:**

Soybeans-Cash Grain

67 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use:
  - b. Exceptions: No Exceptions Requested
  - c. Additional Restrictions:
    1. ALE monies via NJCF subject to 6.67% maximum impervious cover restriction on the Premises.
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
Standard Single Family
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2017R7(2)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

SALEM COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Bishop, Kevin and Jessica ("Owners")

Upper Pittsgrove Township, Salem County

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

SADC ID# 17-0157-PG

July 28, 2016

WHEREAS, on December 15, 2007 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Salem County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Salem County received SADC approval of its annual PIG Plan update for FY2017 on May 26, 2016; and

WHEREAS, on November 18, 2015 the SADC received an application for the sale of a development easement from Salem County for the subject farm identified as Block 50, Lot 2.01, Upper Pittsgrove Township, Salem County, totaling approximately 31 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Salem County's Cohansey-Pole Tavern-Pine Tavern (1) Project Area; and

WHEREAS, the Property has zero (0) exceptions, zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

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

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

WHEREAS, the Property has a quality score of 67.67 which exceeds 47, which is 70% of the County's average quality score as determined by the SADC on July 24, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on February 10, 2016 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on April 22, 2016 the SADC certified a development easement value of \$4,500 per acre based on zoning and environmental regulations in place as of the current valuation date March 24, 2016;

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$4,500 per acre for the development easement for the Property; and

WHEREAS, on May 24, 2016 the County submitted its application to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on May 10, 2016 the Upper Pittsgrove Township Committee approved the Owner's application for the sale of development easement and a commitment of funding for \$700 per acre to cover the municipal cost share; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on April 27, 2016 the Salem CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 4, 2016, the Board of Chosen Freeholders of the County of Salem passed a resolution granting final approval and a commitment of funding for \$700 per acre to cover the county cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 31.93 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 31.93 acres); and

|                         |                     |                      |
|-------------------------|---------------------|----------------------|
| SADC                    | \$ 98,983.00        | (\$3,100/acre)       |
| Upper Pittsgrove        | \$ 22,351.00        | (\$ 700/acre)        |
| <u>Salem County</u>     | <u>\$ 22,351.00</u> | <u>(\$ 700/acre)</u> |
| Total Easement Purchase | \$143,685.00        | (\$4,500/acre)       |

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Salem County Agriculture Development Board is requesting \$ 98,983.00 in competitive grant funding which is available at this time (Schedule B); and

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Salem County for the purchase of a development easement on the Property, comprising approximately 31.93 gross easement acres, at a State cost share of \$3,100 per acre, (68.89% of certified easement value and purchase price), for a total grant need of \$98,983.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has zero (0) exceptions, zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

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

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the 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-B Supplement; and

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

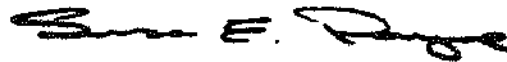
BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

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

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

7-28-16

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

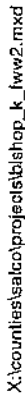
VOTE WAS RECORDED AS FOLLOWS:

|                                                    |        |
|----------------------------------------------------|--------|
| Douglas H. Fisher, Chairperson                     | YES    |
| Cecile Murphy (rep. NJDEP Commissioner Martin)     | YES    |
| Brian Schilling (rep. Executive Dean Goodman)      | YES    |
| Ralph Siegel (rep. Acting State Treasurer Scudder) | YES    |
| Tom Stanuikynas (rep. DCA Commissioner Richman)    | YES    |
| Jane Brodhecker                                    | YES    |
| Alan Danser, Vice Chairman                         | YES    |
| Scott Ellis                                        | ABSENT |
| Denis Germano, Esq.                                | YES    |
| Peter Johnson                                      | ABSENT |
| James Waltman                                      | YES    |

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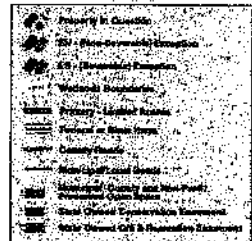
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## Schedule A



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

Kevin and Jessica Bishop  
Block 50 Lot 2.01 (31.1 ac)  
Gross Total = 31.1 ac  
Upper Pittsgrove Twp., Salem County



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

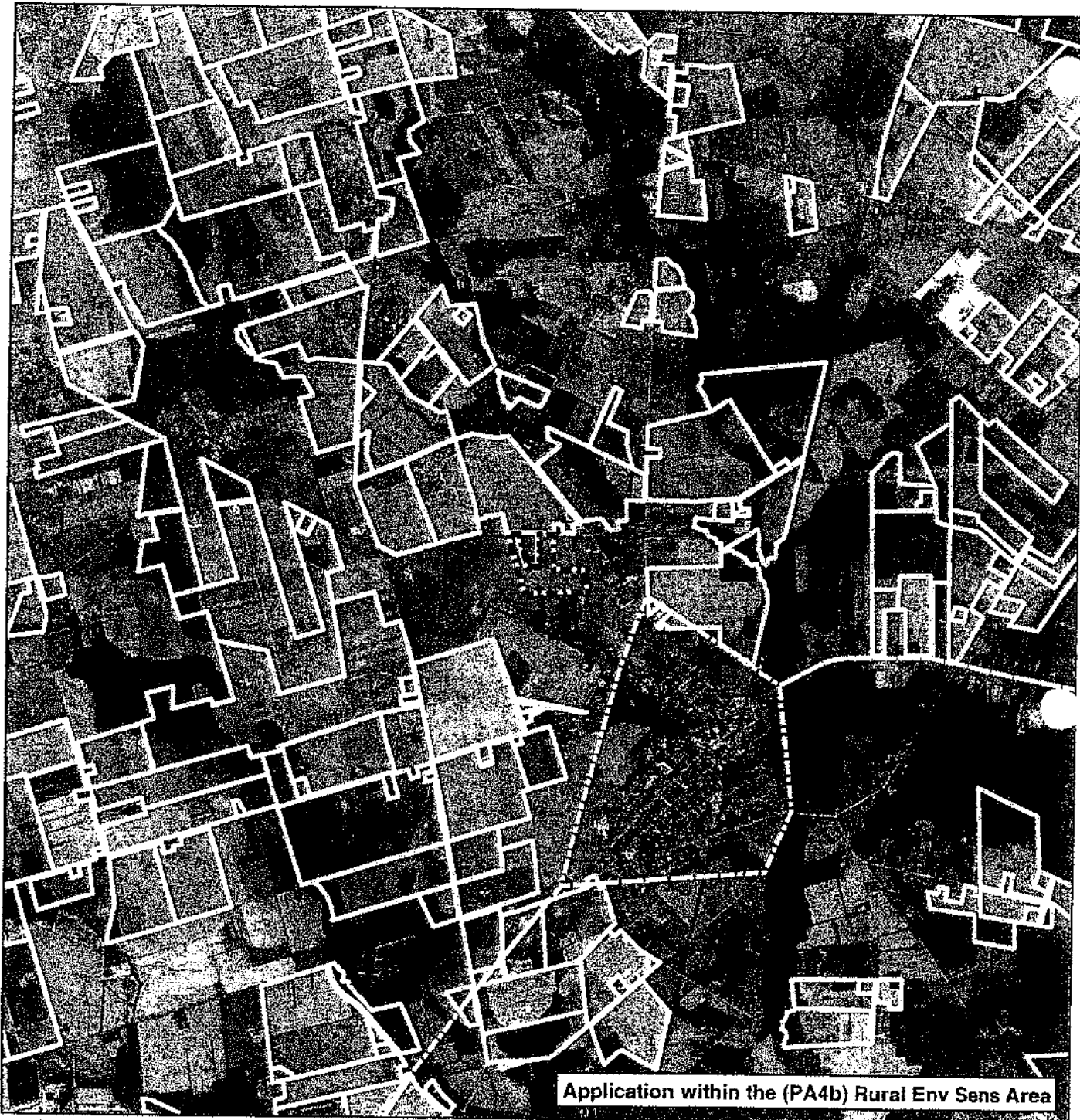
**Sources:**  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJDEP Wetlands Data  
OGIS 2012 Digital Aerial Image

**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 the vertices of the polygons in the data have not been opportunistically 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 27, 2016

# Schedule A (continued)

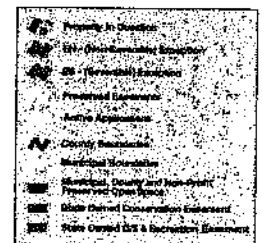
X:\counties\calco\projects\bishop\_k\_2mile2.mxd



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kevin and Jessica Bishop  
Block 50 Lot 2.01 (31.1 ac)  
Gross Total = 31.1 ac  
Upper Pittsgrove Twp., Salem County

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



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJ017/OGIS 2012 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

January 27, 2016

## tag.state.nj.us\AgrData\SADCIPlanning Incentive Grant -2007 rules County\Fund tracking\2013cityfinancialstatus.xls

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase  
July 28, 2016

Bishop, Kevin & Jessica  
17- 0157-PG  
County PIG Program  
31 Acres

Block 50                      Lot 2.01                      Upper Pittsgrove Twp. Salem County

**SOILS:**

|           |       |     |   |      |
|-----------|-------|-----|---|------|
| Other     | 2% *  | 0   | = | .00  |
| Prime     | 59% * | .15 | = | 8.85 |
| Statewide | 39% * | .1  | = | 3.90 |

**SOIL SCORE: 12.75**

**TILLABLE SOILS:**

|                    |       |     |   |       |
|--------------------|-------|-----|---|-------|
| Cropland Harvested | 88% * | .15 | = | 13.20 |
| Other              | 1% *  | 0   | = | .00   |
| Wetlands           | 3% *  | 0   | = | .00   |
| Woodlands          | 8% *  | 0   | = | .00   |

**TILLABLE SOILS SCORE: 13.20**

**FARM USE:**

Wheat-Cash Grain  
Hay

20 acres  
7 acres

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2017R7(3)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

WARREN COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Bartha, Thomas ("Owner")

Oxford & White Townships, Warren County

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

SADC ID# 21-0553-PG

July 28, 2016

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Warren County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Warren County received SADC approval of its FY2017 PIG Plan application annual update on May 26, 2016; and

WHEREAS, on January 24, 2014 the SADC received an application for the sale of a development easement from Warren County for the subject farm identified as Block 15, Lot 1, White Township and Block 2, Lot 16, Oxford Township, Warren County, totaling approximately 47 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Warren County's West Project Areas and in the Highlands Preservation Area; and

WHEREAS, the Property includes one (1), approximately 1-acre non-severable exception area for and limited to one (1) future single family residential unit and for future flexibility of use; and one (1) approximately 5-acre severable exception for and limited to one (1) future single family residential unit and for future flexibility of use, resulting in approximately 41 net acres to be preserved; and

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

WHEREAS, at the time of application the Property was in corn production; 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 has a quality score of 44.71 which exceeds 41, which is 70% of the County's average quality score as determined by the SADC July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on January 12, 2015 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 24, 2015 the SADC certified a development easement value of \$4,500 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$300 per acre based on zoning and environmental regulations in place as of the current valuation date of June 28, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$4,500 per acre for the development easement for the Property; and

WHEREAS, on November 30, 2015 the County submitted its application to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on November 4, 2015 the Oxford Township Committee approved the Owner's application for the sale of development easement followed by approval from White Township on November 12, 2015; neither are participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on November 19, 2015 the Warren County Agriculture Development Board (CADB) passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on November 24, 2015, the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and a commitment of funding for \$1,400 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 42.23 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 42.23 acres); and

|                         |           |                |
|-------------------------|-----------|----------------|
| SADC                    | \$130,913 | (\$3,100/acre) |
| Warren County           | \$ 59,122 | (\$1,400/acre) |
| Total Easement Purchase | \$190,035 | (\$4,500/acre) |

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Warren CADB is requesting \$130,913 in competitive grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Warren County for the purchase of a development easement on the Property, comprising approximately 42.23 net easement acres, at a State cost share of \$3,100 per acre, (68.88% of certified easement value and purchase price), for a total grant need of \$130,913 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 1-acre non-severable exception area for and limited to one (1) future single family residential unit and for future flexibility of use; and one (1) approximately 5-acre severable exception for and limited to one (1) future single family residential unit and for future flexibility of use; and

BE IT FURTHER RESOLVED, the portion of the Property outside of the exception area includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area; and

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

BE IT FURTHER RESOLVED, that if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the 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-B Supplement; and

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

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

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

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

7-28-16



Date

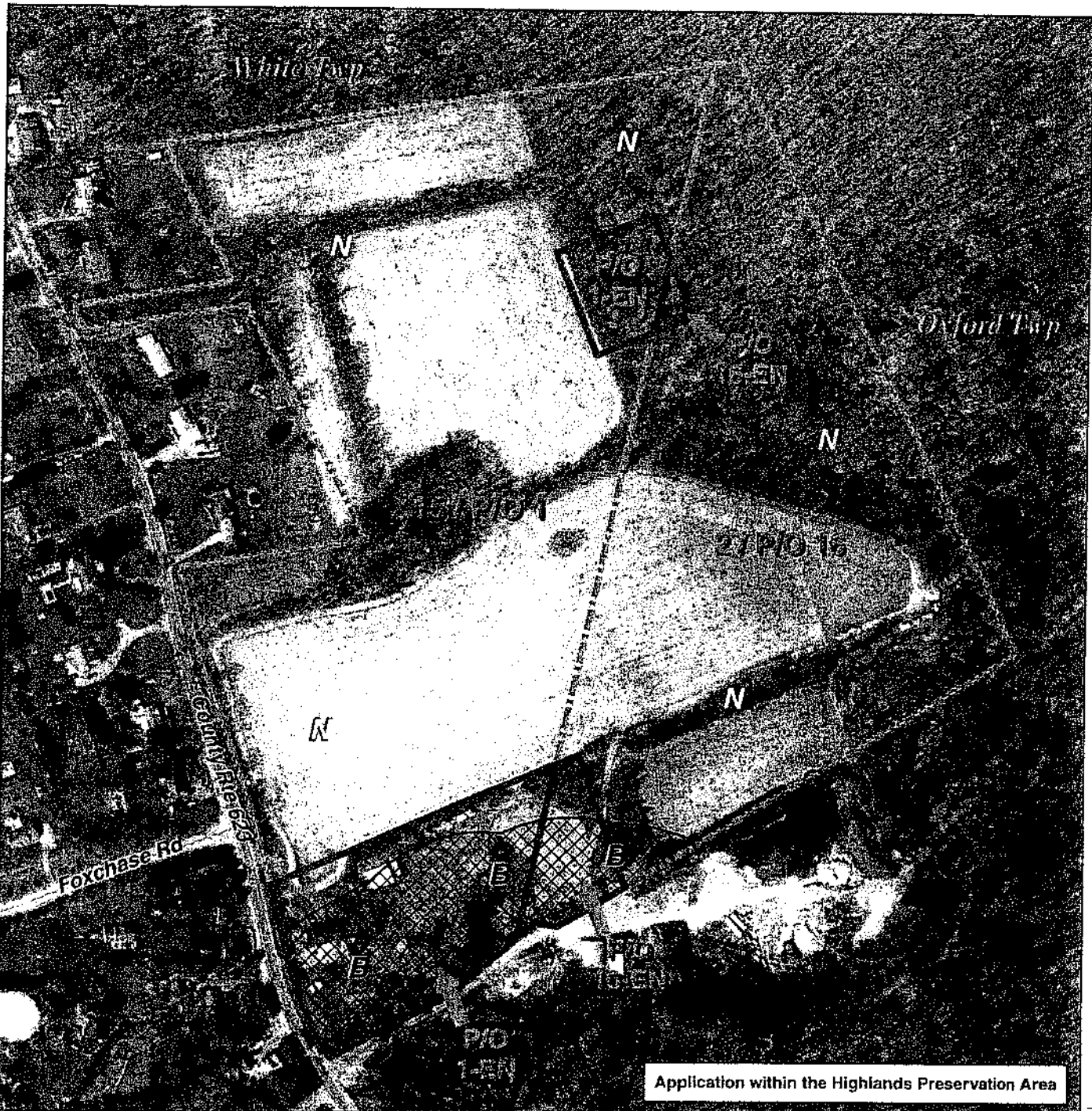
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

|                                                    |        |
|----------------------------------------------------|--------|
| Douglas H. Fisher, Chairperson                     | YES    |
| Cecile Murphy (rep. NJDEP Commissioner Martin)     | YES    |
| Brian Schilling (rep. Executive Dean Goodman)      | YES    |
| Ralph Siegel (rep. Acting State Treasurer Scudder) | YES    |
| Tom Stanuikynas (rep. DCA Commissioner Richman)    | YES    |
| Jane Brodhecker                                    | YES    |
| Alan Danser, Vice Chairman                         | YES    |
| Scott Ellis                                        | ABSENT |
| Denis Germano, Esq.                                | YES    |
| Peter Johnson                                      | ABSENT |
| James Waltman                                      | YES    |

# Schedule A

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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

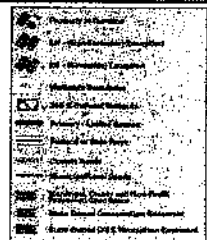
Bartha, Thomas

Block 2 P/O Lot 16 (16.89 ac), P/O Lot 16-EN (non-severable exception - .11 ac)  
& P/O lot 16-ES (severable exception - .9 ac) Oxford Twp.

Block 15 P/O Lot 1 (23.62 ac), P/O Lot 15-EN (non-severable exception - .89 ac)  
& P/O Lot 1-ES (severable exception - 3.92 ac)

Gross Total - 46.33 ac

Warren County



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

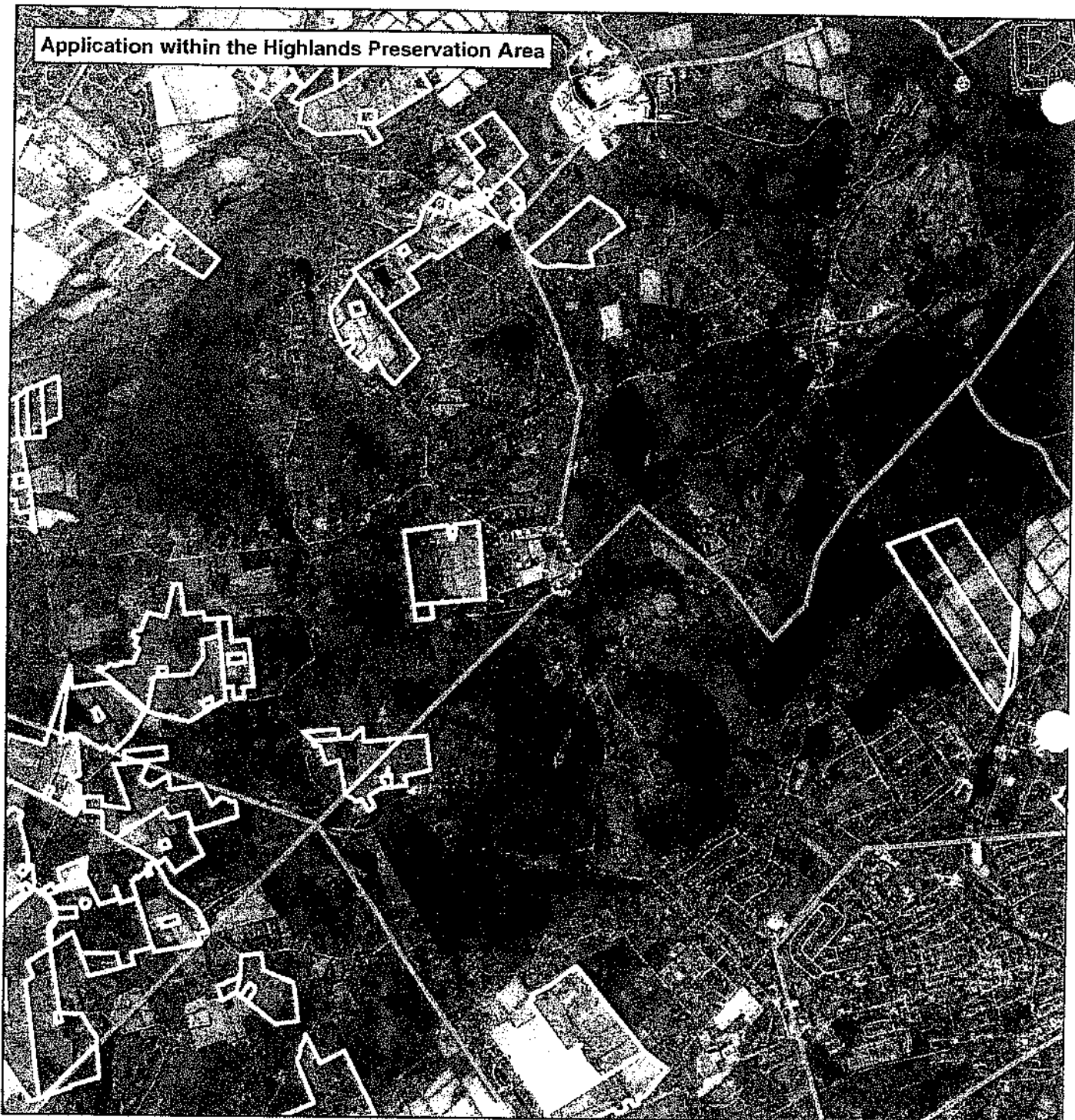
**Sources:**  
NJDEP Freshwater Wetlands Data  
Green Acres Conservation Easement Data  
NJDOT/OGIS 2012 Digital Aerial Image

Date 6/30/2016

**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.

# Schedule A - Continued

X:\counties\warco\projects\Bartha\_Thomas\_3\_2Mile.mxd



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Bartha, Thomas

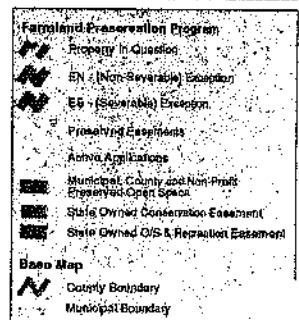
Block 2 P/O Lot 16 (16.89 ac), P/O Lot 16-EN (non-severable exception - .11 ac)  
& P/O lot 16-ES (severable exception - .9 ac) Oxford Twp.

Block 15 P/O Lot 1 (23.62 ac), P/O Lot 15-EN (non-severable exception - .89 ac)  
& P/O Lot 1-ES (severable exception - 3.92 ac)

Gross Total - 46.33 ac

Warren County

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



### NOTE:

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

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJOT/OGIS 2012 Digital Aerial Image

Date: 6/30/2016

## Warren County

Warren County

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase  
July 28, 2016

Bartha, Thomas  
21- 0553-PG  
County PIG Program  
41 Acres

|                        |        |                    |                                   |
|------------------------|--------|--------------------|-----------------------------------|
| Block 15               | Lot 1  | White Twp.         | Warren County                     |
| Block 2                | Lot 16 | Oxford Twp.        | Warren County                     |
| <b>SOILS:</b>          |        |                    |                                   |
|                        |        | Other              | 16% * 0 = .00                     |
|                        |        | Prime              | 34% * .15 = 5.10                  |
|                        |        | Statewide          | 50% * .1 = 5.00                   |
|                        |        |                    | <b>SOIL SCORE: 10.10</b>          |
| <b>TILLABLE SOILS:</b> |        | Cropland Harvested | 57% * .15 = 8.55                  |
|                        |        | Other              | 3% * 0 = .00                      |
|                        |        | Woodlands          | 40% * 0 = .00                     |
|                        |        |                    | <b>TILLABLE SOILS SCORE: 8.55</b> |
| <b>FARM USE:</b>       |        | Corn-Cash Grain    | 22 acres                          |
|                        |        | Other              | 1 acres                           |
|                        |        |                    | cover crop - clover               |

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 a future single family residential unit  
Exception is not to be severed from Premises  
Right to Farm language is to be included in Deed of Easement  
Exception is to be limited to one future single family residential unit(s)
    - 2nd five (5) acres for for a future single family residential unit  
Exception is severable  
Right to Farm language is to be included in Deed of Future Lot  
Exception is to be limited to one future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2017R7(4)

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

On the Property of  
Still Run Properties, LLC (Brown, Steven) ("Owner")

July 28, 2016

Subject Property: Still Run Properties, LLC ("Owner")  
Block 61, Lots 30, 33.01, 33.02, 33.03 & 34.03 (the "Property")  
Upper Pittsgrove Township, Salem County  
SADC ID# 17-0296-DE  
Approximately 128.6 Easement Acres

WHEREAS, on August 21, 2015, the State Agriculture Development Committee ("SADC") received a development easement sale application from Still Run Properties, LLC, hereinafter "Owner," identified as Block 61, Lots 30, 33.01, 33.02, 33.03 & 34.03 Upper Pittsgrove Township, Salem County, hereinafter "the Property," totaling approximately 128.6 gross easement 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, 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 24, 2014, 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 128.6 easement acres and has a quality score of 68.69; and

WHEREAS, the Property has been allocated one (1) Residual Dwelling Site Opportunity (RDSO), has no exceptions, zero (0) existing single family residential units, zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the area to be preserved; and

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

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

WHEREAS, on May 26, 2016, the SADC certified the development easement value at \$4,600 per acre based on current zoning and environmental conditions as of March 6, 2016; and

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

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval for its acquisition of the development easement at a value of \$4,600 per acre for a total of approximately \$591,560 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the Property has been allocated one (1) Residual Dwelling Site Opportunity (RDSO), zero (0) exceptions, zero (0) existing single family residential units, zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the area to be preserved;

BE IT FURTHER RESOLVED, that 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-B Supplement; and

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

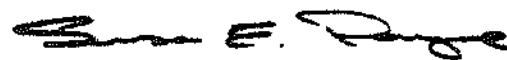
BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development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

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

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

7-28-16

\_\_\_\_\_  
Date



\_\_\_\_\_  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

|                                                    |        |
|----------------------------------------------------|--------|
| Douglas H. Fisher, Chairperson                     | YES    |
| Cecile Murphy (rep. NJDEP Commissioner Martin)     | YES    |
| Brian Schilling (rep. Executive Dean Goodman)      | YES    |
| Ralph Siegel (rep. Acting State Treasurer Scudder) | YES    |
| Tom Stanuikynas (rep. DCA Commissioner Richman)    | YES    |
| Jane Brodhecker                                    | YES    |
| Alan Danser, Vice Chairman                         | YES    |
| Scott Ellis                                        | ABSENT |
| Denis Germano, Esq.                                | YES    |
| Peter Johnson                                      | ABSENT |
| James Waltman                                      | YES    |

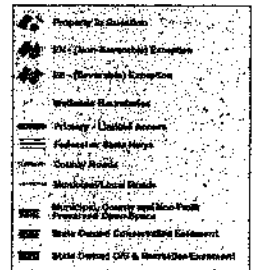
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## Schedule A



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

Still Run Properties, LLC  
Block 61 Lots 30 (88.8 ac); 33.01 (10.4); 33.02 (14.3 ac);  
33.03 (6.9 ac) & 34.03 (8.2 ac)  
Gross Total = 128.6 ac  
Upper Pittsgrove Twp., Salem County



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

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

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJDEP Wetlands Data  
NJOT/OGIS 2012 Digital Aerial Image

September 9, 2015

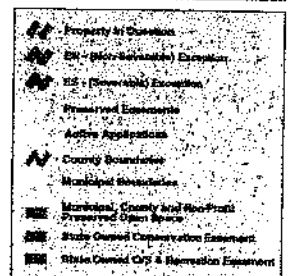
# Schedule A (continued)



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Still Run Properties, LLC  
Block 61 Lots 30 (88.8 ac); 33.01 (10.4); 33.02 (14.3 ac);  
33.03 (6.9 ac) & 34.03 (8.2 ac)  
Gross Total = 128.6 ac  
Upper Pittsgrove Twp., Salem County

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



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJOT/OGIS 2012 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

September 5, 2015

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Still Run Properties, LLC  
Easement Purchase - SADC  
129 Acres

|          |           |                                    |
|----------|-----------|------------------------------------|
| Block 61 | Lot 30    | Upper Pittsgrove Twp. Salem County |
| Block 61 | Lot 33.01 | Upper Pittsgrove Twp. Salem County |
| Block 61 | Lot 33.02 | Upper Pittsgrove Twp. Salem County |
| Block 61 | Lot 33.03 | Upper Pittsgrove Twp. Salem County |
| Block 61 | Lot 34.03 | Upper Pittsgrove Twp. Salem County |

|        |           |       |     |   |       |
|--------|-----------|-------|-----|---|-------|
| SOILS: | Prime     | 80% * | .15 | = | 12.00 |
|        | Statewide | 20% * | .1  | = | 2.00  |

SOIL SCORE: 14.00

|                 |                    |       |     |   |      |
|-----------------|--------------------|-------|-----|---|------|
| TILLABLE SOILS: | Cropland Harvested | 65% * | .15 | = | 9.75 |
|                 | Wetlands           | 14% * | 0   | = | .00  |
|                 | Woodlands          | 21% * | 0   | = | .00  |
|                 |                    |       |     |   |      |

TILLABLE SOILS SCORE: 9.75

|           |                     |          |
|-----------|---------------------|----------|
| FARM USE: | Soybeans-Cash Grain | 73 acres |
|           | Hay                 | 10 acres |

**This final approval is subject to the following:**

1. Available funding.
2. The allocation of 1 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions: No Exceptions Requested
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
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 #FY2017R7(5)

Memorializing Standards for determining Eligible Farms Pursuant  
to the County Planning Incentive Grant (PIG) Program

July 28, 2016

WHEREAS, pursuant to N.J.A.C. 2:76-1 et seq. (County Planning Incentive Grant Program) the SADC is responsible for establishing the standards for what constitutes an "eligible farm" by annually determining minimum score requirements, of the County Planning Incentive Grant program; and

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

WHEREAS, since there were no applications during the past three fiscal years to establish average quality scores in Atlantic, Bergen and Camden Counties, the SADC will consider a waiver of the minimum score criterion pursuant to N.J.A.C. 2:76-17.9(a)7 for applications submitted under the county planning incentive grant program in those counties; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(a)7, if a farm fails to meet the minimum score requirements and the County wishes to preserve the farm using Committee funds, the County may request a waiver of the minimum score criterion;

NOW THEREFORE BE IT RESOLVED, that the SADC adopts the Average Quality Scores for each county and the 70 percent average quality score values for determining an "eligible farm" pursuant to N.J.A.C. 2:76-17.2 for the County Planning Incentive Grant Program, as identified on the attached ( Schedule A); and

BE IT FURTHER RESOLVED, that the 70 percent of average quality scores for determining an "eligible farm" pursuant to N.J.A.C. 2:76-17.2 shall be effective as of January 1, 2017, and shall apply to an application for the sale of a development easement that is received by the SADC pursuant to N.J.A.C. 2:76-17.9 prior to December 31, 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, this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

7-28-16

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS**

|                                                    |        |
|----------------------------------------------------|--------|
| Douglas H. Fisher, Chairperson                     | YES    |
| Cecile Murphy (rep. NJDEP Commissioner Martin)     | YES    |
| Brian Schilling (rep. Executive Dean Goodman)      | YES    |
| Ralph Siegel (rep. Acting State Treasurer Scudder) | YES    |
| Tom Stanuikynas (rep. DCA Commissioner Richman)    | YES    |
| Jane Brodhecker                                    | YES    |
| Alan Danser, Vice Chairman                         | YES    |
| Scott Ellis                                        | ABSENT |
| Denis Germano, Esq.                                | YES    |
| Peter Johnson                                      | ABSENT |
| James Waltman                                      | YES    |

SADC County PIG "Eligible" Farm Standard  
Effective 1.01.17 - 12.31.17

| SADC Minimum Standards for "Eligible" Farm                                                                                       |                                     |                                        |                                        |                                        |                                        |                                        |                                        |                                        |                                         |                                       |
|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|-----------------------------------------|---------------------------------------|
|                                                                                                                                  | 2009<br>Average<br>Quality<br>Score | FY 2010<br>Average<br>Quality<br>Score | FY 2011<br>Average<br>Quality<br>Score | FY 2012<br>Average<br>Quality<br>Score | FY 2013<br>Average<br>Quality<br>Score | FY 2014<br>Average<br>Quality<br>Score | FY 2015<br>Average<br>Quality<br>Score | FY 2016<br>Average<br>Quality<br>Score | *FY 2017<br>Average<br>Quality<br>Score | 70% of<br>Average<br>Quality<br>Score |
| Atlantic                                                                                                                         | 47.61                               | 47.94                                  | 52.61                                  | ***                                    | 64.91                                  | 59.9                                   | 59.9                                   | 52.08                                  | ***                                     | ***                                   |
| Bergen                                                                                                                           | 35.91                               | 20.57                                  | ***                                    | ***                                    | ***                                    | 43.4                                   | 43.4                                   | 43.40                                  | ***                                     | ***                                   |
| Burlington                                                                                                                       | 64.12                               | 63.49                                  | 65.06                                  | ***                                    | 64.54                                  | 68.2                                   | 68.94                                  | 69.37                                  | ***                                     | 48                                    |
| Camden                                                                                                                           |                                     | ***                                    | ***                                    | ***                                    | ***                                    | 58.64                                  | 58.64                                  | 58.64                                  | ***                                     | ***                                   |
| Cape May                                                                                                                         | 51.6                                | 51.32                                  | 54.69                                  | 45.77                                  | 49.35                                  | 49.89                                  | 58.36                                  | 56.59                                  | 57.98                                   | 40                                    |
| Cumberland                                                                                                                       | 60.56                               | 60.83                                  | 61.55                                  | 59.53                                  | 58.97                                  | 61.98                                  | 64.69                                  | 64.20                                  | 63.81                                   | 44                                    |
| Gloucester                                                                                                                       | 53.22                               | 58.11                                  | 59.69                                  | 62.14                                  | 62.65                                  | 67.38                                  | 67.6                                   | 66.48                                  | 61.33                                   | 42                                    |
| Hunterdon                                                                                                                        | 57.6                                | 61.26                                  | 62.64                                  | 65.52                                  | 64.97                                  | 64.25                                  | 63.36                                  | 61.70                                  | 68.55                                   | 47                                    |
| Mercer                                                                                                                           | 70.66                               | 72.05                                  | 77.19                                  | 72.42                                  | 68.52                                  | 70.69                                  | 71.52                                  | 72.64                                  | 68.69                                   | 48                                    |
| Middlesex                                                                                                                        | 53.25                               | 58.02                                  | 59.49                                  | 63.03                                  | 57.98                                  | 62.06                                  | 56.81                                  | 60.17                                  | 60.17                                   | 42                                    |
| Monmouth                                                                                                                         | 69.01                               | 69.56                                  | 71.75                                  | 68.95                                  | 70                                     | 73.47                                  | 76.65                                  | ***                                    | 78.46                                   | 54                                    |
| Morris                                                                                                                           | 63.55                               | 61.45                                  | 60.01                                  | 60.42                                  | 60.65                                  | 60.5                                   | 62                                     | 68.40                                  | 66.72                                   | 46                                    |
| Ocean                                                                                                                            | 46.85                               | 48.58                                  | 56.69                                  | 61.39                                  | 71.17                                  | 71.17                                  | ***                                    | 67.20                                  | 59.06                                   | 41                                    |
| Passaic                                                                                                                          |                                     | ***                                    | ***                                    | ***                                    | 34.11                                  | 34.11                                  | 34.11                                  | 54.37                                  | 54.37                                   | 38                                    |
| Salem                                                                                                                            | 68.61                               | 71.13                                  | 69.77                                  | 69.77                                  | 65.86                                  | 66.26                                  | 67.65                                  | 69.93                                  | 68.54                                   | 47                                    |
| Somerset                                                                                                                         | 67.31                               | 66.98                                  | 66.93                                  | 67.09                                  | 67                                     | 60.58                                  | 56.43                                  | 58.61                                  | 65.01                                   | 45                                    |
| Sussex                                                                                                                           | 50.39                               | 48.2                                   | 51.24                                  | 57.02                                  | 54.9                                   | 53.66                                  | 54.6                                   | 54.74                                  | 56.30                                   | 39                                    |
| Warren                                                                                                                           | 55.52                               | 56.66                                  | 57.51                                  | 61.57                                  | 60.99                                  | 59.89                                  | 63.17                                  | 62.70                                  | 63.40                                   | 44                                    |
| * Based on preliminary approval or Green Light quality scores for County Planning Incentive Grant Fiscal Years '14, '15, and '16 |                                     |                                        |                                        |                                        |                                        |                                        |                                        |                                        |                                         |                                       |
| N.J.A.C. 2:76-17.9 (a) and 17.2 (County Planning Incentive Grant Program)                                                        |                                     |                                        |                                        |                                        |                                        |                                        |                                        |                                        |                                         |                                       |
| These standards are effective January 1, 2017 through December 31, 2017                                                          |                                     |                                        |                                        |                                        |                                        |                                        |                                        |                                        |                                         |                                       |
| ** all numbers are rounded down to the nearest whole number                                                                      |                                     |                                        |                                        |                                        |                                        |                                        |                                        |                                        |                                         |                                       |
| N.J.A.C. 2:76-17.9 -7: any farm not meeting this standard may seek a waiver                                                      |                                     |                                        |                                        |                                        |                                        |                                        |                                        |                                        |                                         |                                       |
| *** Independent review and approval by SADC required to receive Green Light.                                                     |                                     |                                        |                                        |                                        |                                        |                                        |                                        |                                        |                                         |                                       |

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2017R7(6)

Memorializing Standards for determining Priority and Alternate Farms  
Pursuant to the State Acquisition Programs

July 28, 2016

WHEREAS, pursuant to N.J.A.C. 2:76-8.5(c) and N.J.A.C. 2:76-11.5 (c) the SADC is responsible for prioritizing farms for purposes of acquiring lands in fee simple title or acquiring development easements on eligible farms as a "Priority farm", "Alternate farm" and "Other farm"; and

WHEREAS, a "priority farm" means a farm that meets or exceeds both 75 percent of the average farm size in the county in which it is located and its quality score is at least 90 percent of the average quality score in the county in which it is located; and

WHEREAS, an "alternate farm" means a farm that does not meet the criteria for "priority farm", but meets or exceeds both 55 percent of the average farm size in the county in which it is located and its quality score is at least 70 percent of the average quality score in the county in which it is located; and

WHEREAS an "other farm" means a farm that does not meet the criteria for "priority" or "alternate" farms (Schedule A); and

WHEREAS, the average quality score in a county shall be based on the average quality score determined pursuant to N.J.A.C. 2:76-6.16 for all farms granted preliminary approval by the SADC through the county easement purchase program and/or county planning incentive grant program within the previous three fiscal years, as determined by the SADC; and

WHEREAS, since there were no applications during the past three fiscal years to establish average quality scores in Atlantic, Bergen and Camden Counties, the SADC reserves the right to specifically review and approve any applications submitted under the State Acquisitions program in those counties; and

WHEREAS, the average farm size in a county shall be based on the average farm size of farms using the 2012 US Census data;

NOW THEREFORE BE IT RESOLVED, that the SADC adopts the Average Quality Scores for each county as identified on the attached (Schedule A) for State acquisitions; and

BE IT FURTHER RESOLVED, that the SADC adopts the Average Acres for each county as identified on the attached (Schedule A); and

BE IT FURTHER RESOLVED, that the SADC adopts the individual scores for determining a "priority farm" and an "alternate farm" as identified on the attached (Schedule A) for State acquisition programs pursuant to N.J.A.C. 2:76-8 and 11; and

BE IT FURTHER RESOLVED, the individual scores pursuant to N.J.A.C. 2:76-8 and 11 shall be effective as of July 1, 2016, for all applications which have not had option agreements authorized by that date; and

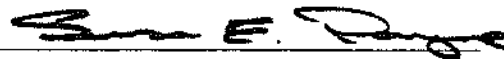
BE IT FURTHER RESOLVED, the standards established in this resolution and (Schedule A) shall remain in effect through June 30, 2017; and

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

7-28-16

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

|                                                    |        |
|----------------------------------------------------|--------|
| Douglas H. Fisher, Chairperson                     | YES    |
| Cecile Murphy (rep. NJDEP Commissioner Martin)     | YES    |
| Brian Schilling (rep. Executive Dean Goodman)      | YES    |
| Ralph Siegel (rep. Acting State Treasurer Scudder) | YES    |
| Tom Stanuikynas (rep. DCA Commissioner Richman)    | YES    |
| Jane Brodhecker                                    | YES    |
| Alan Danser, Vice Chairman                         | YES    |
| Scott Ellis                                        | ABSENT |
| Denis Germano, Esq.                                | YES    |
| Peter Johnson                                      | ABSENT |
| James Waltman                                      | YES    |

[illegible]

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION #FY2017R7(7)**

**Construction of Onsite Agricultural Labor Housing**

**Forte Farm**

**July 28, 2016**

Subject Property: Block 40, Lot 14  
Block 46, Lot 19  
Chester Township, Morris County  
194.57 Acres

WHEREAS, Phillip Forte, hereinafter ("Owner") is the current record owner of Block 40, Lot 14 and Block 46, Lot 19, as identified in the Township of Chester, County of Morris, as recorded in the Morris County Clerk's office by deed dated September 1, 2003, in Deed Book 5928, Page 196, totaling 194.57 acres, hereinafter referred to as "Premises", see attached Schedule A1; and

WHEREAS, the Premises was acquired in fee by the Township of Chester from the former owner, William Schmitz, on June 20, 2002, by deed recorded in Deed Book 5646, Page 293; and

WHEREAS, the Township of Chester held a public auction on September 1, 2003, to sell the property as a deed-restricted premises; and

WHEREAS, in addition to the Premises, the Township also conveyed three adjacent, non-preserved, residential lots in conjunction with the Premises; and

WHEREAS, the development easement on the Premises was conveyed to Morris County on February 3, 2005, pursuant to the Agriculture and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, c. 32 as recorded in Deed Book 6265, Page 223; and

WHEREAS, the farmland preservation Deed of Easement identifies no existing single family residences, no Residual Dwelling Site Opportunities, no units used for agricultural labor purposes and one 4.09-acre, non-severable exception area; and

WHEREAS, since acquiring the Premises, the Owner has renovated the existing former dairy barns to make them suitable for equine uses and constructed new indoor and outdoor equine training facilities; and

WHEREAS, in January 2011, the Owner made an initial request to the CADB and SADC to construct agricultural labor units on the second floor of the two former dairy barns on the Premises; and

WHEREAS, during the review process, the CADB and SADC determined that standard paragraph 14, specifying the terms by which agricultural labor housing is permitted, did not exist in the Deed of Easement for the Premises, resulting in the inability for the CADB or SADC to process the request; and

WHEREAS, the Owner subsequently filed suit against the SADC, CADB, and the Township to have paragraph 14 language inserted into the Deed of Easement; and

WHEREAS, the Morris County Superior Court, by order dated November 14, 2014, modified the Deed of Easement to insert language to allow for the opportunity to provide structures for the housing of agricultural labor employed on the Premises with approval of the CADB and SADC; and

WHEREAS, the court order modified the Deed of Easement for the Premises as follows :

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

*i. To provide structures for the housing of agricultural labor employed on the Premises, but only with approval of the Board and the Committee. If the Board and Committee grant approval for the construction of the agricultural labor housing, such housing shall not be used for a residence for Grantee, Grantee's spouse, Grantee's parents, Grantee's lineal descendants, adopted or natural, Grantee's spouse's parents, Grantee's spouse's lineal descendants, adopted or natural."*; and

WHEREAS, on April 5, 2016, the SADC received a request from the Owner's attorney, on behalf of the Owner, to construct 5 new, two-bedroom apartments, which would total approximately 4,508 sq./ft., for use as agricultural labor units on the Premises in the locations shown on Schedule A2; and

WHEREAS, each bedroom would be capable of housing two people, creating a maximum occupancy, if fully utilized, of up to 20 people; and

WHEREAS, the 5 new units would be located on the second floor of two existing equine stables and would range from 763 sq./ft. to 998 sq./ft. in size; and

WHEREAS, the farm consists of three separately-owned businesses operating from the Premises including two equine operations, Glen Eden Farm and Stormfront Stables, utilizing the stables, barns, training areas and paddocks on approximately 40 acres and Stony Hill Gardens, which raises fruits, vegetables and grain on about 70 acres of the Premises; and

WHEREAS, the Owner of the Premises has no ownership interest in any of the three businesses operating from the Premises and does not himself operate a business on the Premises; and

WHEREAS, Glen Eden Farms, hereinafter "Glen Eden," and Stormfront Stables, hereinafter "Stormfront," operate similar equine businesses consisting of raising and training young, primarily hunter/jumper horses they own for sale and lease; boarding and training hunter/jumper horses owned by clients, and receiving a commission on the sale or lease of any client horses that are sold; and providing lessons to those clients; and

WHEREAS, both equine operations also have small scale (1 horse/year) breeding components; and

WHEREAS, Glen Eden currently has 22 horses onsite, of which it owns 6 and the remaining 16 are in training programs for clients; and

WHEREAS, Glen Eden has 4 grooms, and 3 trainers managing the horses under its care, a 1:3 ratio of staff to horses; and

WHEREAS, Stormfront currently has 19 horses onsite, of which it owns 5 and the remaining 14 are in training programs for clients; and

WHEREAS, Stormfront has 5 grooms and 3 trainers managing the horses under its care, a 1:2.4 ratio of staff to horses; and

WHEREAS, Glen Eden and Stormfront have represented that each of the client-owned horses onsite are in training programs run by the agricultural operations and as a result, Glen Eden and Stormfront are entitled to commissions ranging from 10-15% on the sale or lease of any horse that is being trained by them; and

WHEREAS, Glen Eden and Stormfront provided receipts documenting commissions on sales or leases of horses they have trained for clients; and

WHEREAS, the Committee promulgated regulations at N.J.A.C. 2:76-2B.3(e) ("regulation") pursuant to the Right to Farm Act ("RTFA"; N.J.S.A. 4:1C-1 et seq.) that define what types of equine-related revenue constitute agricultural production income that can be used to satisfy the production requirements in the definition of "commercial farm" set forth in the RTFA (Schedule B); and

WHEREAS, said regulations include as production income monies received from breeding, including income from the sale of a horse that has been bred from a mare owned by the farm operator or owner; and income from the sale of a horse that was trained or raised on the commercial farm for at least 120 days prior to the time of sale;

WHEREAS, application of the said regulations to the Glen Eden and Stormfront operations results in the SADC finding that the following sources of revenue constitute production income: the commission stake of 10-15% due on the sale of any horse trained by those operations; the proceeds received from leasing such trained horses; and the proceeds received from sale or lease of horses bred from a mare owned by the farm operator, collectively referred to as "equine production activities"; and

WHEREAS, the SADC finds that the labor activities conducted in connection with the equine production activities identified above are eligible for agricultural labor housing on the Premises ; and

WHEREAS, all of the horses onsite require daily care related to feeding, watering, stall maintenance, bathing, turn-out and training; and

WHEREAS, during foaling season pregnant mares often require a 24-hour watch to ensure there are no problems delivering the foal; and

WHEREAS, Glen Eden and Stormfront have asserted that onsite labor is necessary to properly care for and tend to the needs of the horses and is critical to the continuation and expansion of their operations; and

WHEREAS, Stony Hill Gardens, hereinafter "Stony Hill," is a diversified fruit, vegetable, greenhouse, ag-tourism, community supported agriculture (CSA) and farm market operation in existence in Chester since 1988; and

WHEREAS, the 70 acres of the Premises used by Stony Hill is a portion of the approximately 500 total acres that it has under cultivation in its overall operation; and

WHEREAS, Stony Hill currently employs eight(8) full-time, year-round agricultural laborers which it houses on one of its rented farms; and

WHEREAS, in order to further intensify its production on the Premises, by planting higher-dollar fruit and vegetable crops to supply its expanding CSA membership, Stony Hill requires additional laborers; and

WHEREAS, Stony Hill proposes to house two (2) new full-time, year-round, employees on the Premises to primarily assist with day-to-day duties associated with the fruit and vegetable production on the Premises; and

WHEREAS, Glen Eden, Stormfront and Stony Hill each cite the lack of affordable housing in the Chester area as a major reason to seek onsite housing on the Premises; and

WHEREAS, the Owner has requested the ability to house one general laborer on the Premises who would be employed as a full-time, year-round laborer involved in the daily upkeep, repair and maintenance of the Premises and associated infrastructure, including electrical, plumbing, carpentry and painting of barns and stables, equine fence repair, indoor and outdoor training arena maintenance, landscaping and farm equipment maintenance; and

WHEREAS, the SADC has reviewed the Owner's request to convert the second floor of two (2) existing equine stables on the Premises for the purpose of housing agricultural labor and has determined that the size and location of the units minimizes any adverse impact on the agricultural operation by virtue of the units being situated in pre-existing agricultural buildings; and

WHEREAS, the primary duties of the agricultural laborers employed by Glen Eden and Stormfront who would reside on the Premises are directly related to equine production and include feeding, watering, turnout, exercise, monitoring of breeding conditions, stall and paddock cleaning, stable maintenance, emergency foaling, 24-hour checks during foaling season, as well as care and development of all foals born at the farm; and

WHEREAS, the primary duties of the agricultural laborers employed by Stony Hill who would reside on the Premises are directly related to the production of fruits and vegetables and include planting, cultivation and harvest of fruit and vegetable crops; and

WHEREAS, the SADC finds that the Owner's proposal to convert the second floor of two (2) existing equine stables to agricultural labor apartments associated with Glen Eden, Stormfront, and Stony Hill is consistent with the requirements of the Deed of Easement; and

WHEREAS, the SADC finds that the amount of labor needed to sustain these highly labor-intensive equine operations on the Premises warrants the need for the requested equine related agricultural labor units on the Premises; and

WHEREAS, the SADC finds that the amount of labor needed to sustain this highly labor-intensive fruit and vegetable operation on the Premises warrants the need for the requested agricultural labor units on the Premises but finds that laborers working on other parcels associated with Stony Hill Gardens' farm management unit shall be housed on parcels other than the Premises; and

WHEREAS, the SADC finds that the Owner's proposal to convert one of the second floor units to an apartment for a laborer engaged in the upkeep, repair and maintenance of the Premises' infrastructure is not engaged in an agricultural production capacity and therefore the housing is inconsistent with the requirements of the Deed of Easement; and

WHEREAS, on February 11, 2016, the Morris CADB reviewed and approved the Owner's request for all requested agricultural labor units as well as the labor unit associated with maintenance of the Premises.

NOW THEREFORE BE IT RESOLVED, that the SADC approves the request to utilize the second floor of two (2) existing equine stables, consisting of approximately 4,508 sq./ft., in the locations shown on Schedule A2, to house up to 17 full-time, year round agricultural laborers associated with Glen Eden, Stormfront, and Stony Hill Gardens and denies the request to utilize one of the second floor units for purposes of housing the laborer associated with maintenance of the Premises;

BE IT FURTHER RESOLVED, that the five (5), two-bedroom units are designed to house a maximum of 20 individuals; and

BE IT FURTHER RESOLVED, that at this time, the Owner is requesting to utilize the housing for the 9 grooms and 6 of the trainers involved with the equine operations as well as 2 laborers related to the fruit and vegetable operation; and

BE IT FURTHER RESOLVED, that this approval is based on a minimum 10% commission arrangement as described by the applicant for Glen Eden and Stormfront; and

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

BE IT FURTHER RESOLVED, that the agricultural laborers shall be engaged in the day-to-day production activities on the Premises, which at this time include feeding, watering, turnout, exercise, and training of horses, field preparation, planting, cultivation and harvest of fruit and vegetable crops; and

BE IT FURTHER RESOLVED, that as a condition of this approval, for a period of not less than the next five (5) years, the Owner shall provide production records, which shall include breeding receipts, birth records, competition results, appraisals or lease/sales contracts for animals owned by the resident equine operations, currently Glen Eden and Stormfront, born, raised or trained on the Premises, as well as documentation of commissions received on horses leased or sold that have been trained onsite by each entity operating from the Premises which houses laborers onsite, to the Morris CADB and SADC as part of those entities' annual monitoring visits of the Premises; and

BE IT FURTHER RESOLVED, that the Owner shall provide a list of names of all residents of the agricultural labor units, and their job functions on the Premises, to the Morris CADB and SADC as part of those entities' annual monitoring visits of the Premises and

BE IT FURTHER RESOLVED, that production and commission records as well as the list of residents shall be evaluated by the SADC to ensure that there is sufficient equine production activity occurring on the farm to continue to warrant use of the agricultural labor units; and

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

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

BE IT FURTHER RESOLVED, that this approval is 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.

7-28-16

DATE



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

|                                                    |        |
|----------------------------------------------------|--------|
| Douglas H. Fisher, Chairperson                     | YES    |
| Cecile Murphy (rep. NJDEP Commissioner Martin)     | YES    |
| Brian Schilling (rep. Executive Dean Goodman)      | YES    |
| Ralph Siegel (rep. Acting State Treasurer Scudder) | YES    |
| Tom Stanuikynas (rep. DCA Commissioner Richman)    | YES    |
| Jane Brodhecker                                    | YES    |
| Alan Danser, Vice Chairman                         | YES    |
| Scott Ellis                                        | ABSENT |
| Denis Germano, Esq.                                | YES    |
| Peter Johnson                                      | ABSENT |
| James Waltman                                      | YES    |

# Schedule A1

S:\EP\2003CountyEP\Morris\schmitz-Forte\Stewardship-Post Closing\Ag Labor\Schedule A1.mxd



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Forte Farm  
Block 40, Lot 14  
Block 49, Lot 19  
Chester Township, Morris County  
194-Acres



0 387.5 775 1,550 2,325 Feet

7/12/2016

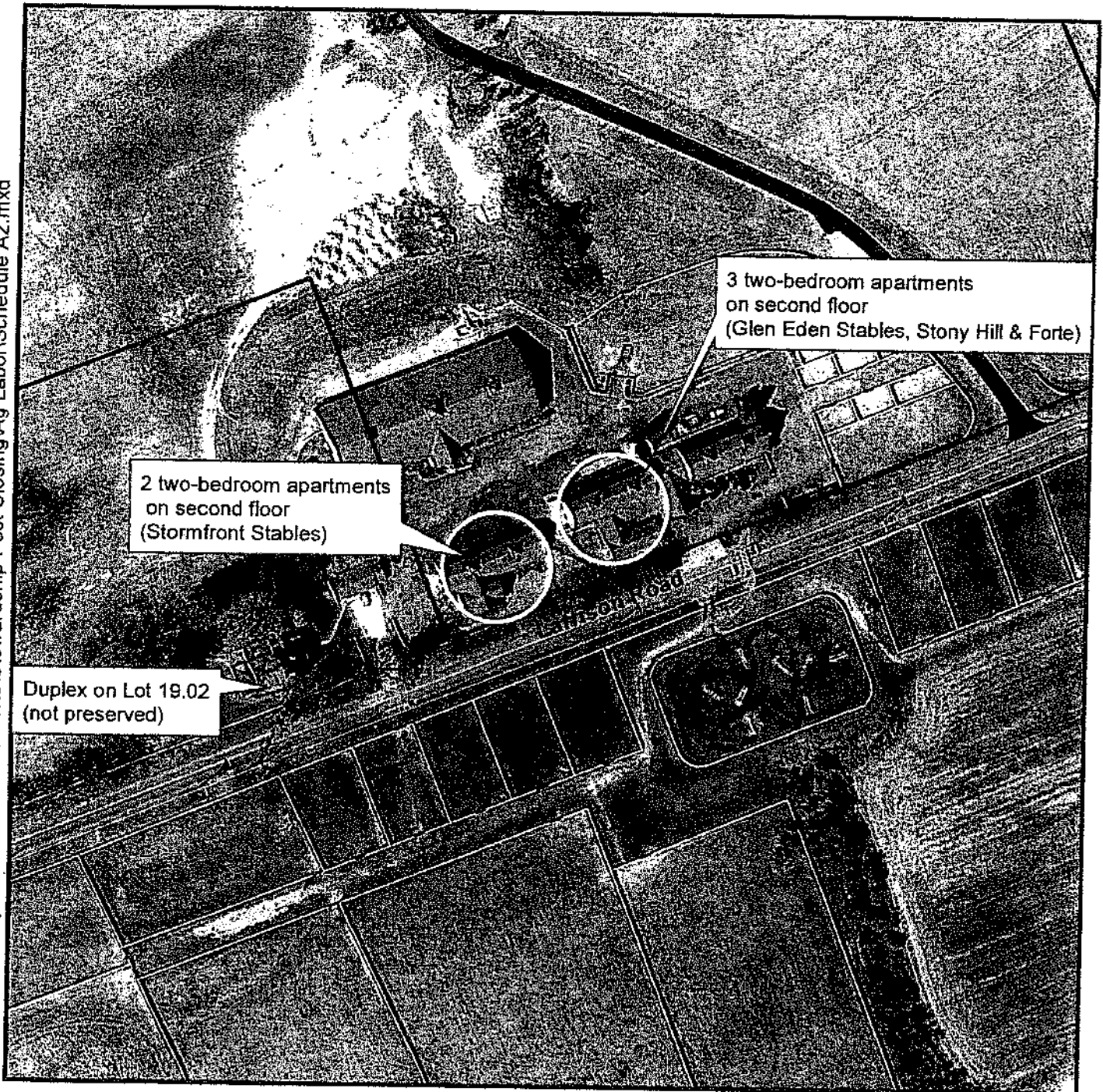
### Farmland Preservation Program

|  |                         |
|--|-------------------------|
|  | PRESERVED EASEMENT      |
|  | EXCEPTION AREA          |
|  | PRESERVED EASEMENT / NR |
|  | EXCEPTION AREA / NR     |
|  | FINAL APPROVAL          |
|  | PRELIMINARY APPROVAL    |
|  | ACTIVE APPLICATION      |
|  | 8 YEAR PRESERVED        |
|  | TARGETED FARM           |
|  | INACTIVE APPLICATION    |
|  | NO CORRESPONDING DATA   |

|  |                                 |
|--|---------------------------------|
|  | State Planning Areas            |
|  | (PA1) METRO                     |
|  | (PA2) SUBURBAN                  |
|  | (PA3) FRINGE                    |
|  | (PA4) RURAL                     |
|  | (PA5) RURAL ENV. SENS.          |
|  | (PA6) ENV. MON.                 |
|  | (PA7) ENV. SENSITIVE BARRETS II |
|  | (PA8) PINELANDS                 |
|  | PARK                            |
|  | MILITARY                        |
|  | NEW JERSEY MEADOWLANDS          |
|  | WATER                           |
|  | ELLIS ISLAND-NJ                 |
|  | ELLIS ISLAND-NY                 |
|  | Basic Map                       |
|  | County Boundaries               |
|  | Municipal Boundaries            |
|  | Highlands Planning Area         |
|  | Highlands Preservation Area     |
|  | Pinelands Area                  |
|  | Quadrant Preserved Easements    |

# Schedule A2

S:\EP\2003CountyEPI\Morris\schmitz-Forte\Stewardship-Post Closing\Ag Labor\Schedule A2.mxd



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Forte Farm  
Block 40, Lot 14  
Block 49, Lot 19  
Chester Township, Morris County  
194-Acres



0 80 160 320 480 Feet

7/12/2016

### Farmland Preservation Program

|  |                         |
|--|-------------------------|
|  | PRESERVED EASEMENT      |
|  | EXCEPTION AREA          |
|  | PRESERVED EASEMENT / NR |
|  | EXCEPTION AREA / NR     |
|  | FINAL APPROVAL          |
|  | PRELIMINARY APPROVAL    |
|  | ACTIVE APPLICATION      |
|  | 8 YEAR PRESERVED        |
|  | TARGETED FARM           |
|  | INACTIVE APPLICATION    |
|  | NO CORRESPONDING DATA   |

|  |                                 |
|--|---------------------------------|
|  | Scale Planning Areas            |
|  | (PA1) METRO                     |
|  | (PA2) SUBURBAN                  |
|  | (PA3) FRIDGE                    |
|  | (PA4) RURAL                     |
|  | (PA5) RURAL ENV SENS            |
|  | (PA6) ENV SENS                  |
|  | (PA7) ENV SENSITIVE BARRIER IS  |
|  | (PA8) FARMLAND                  |
|  | PA9                             |
|  | MILITARY                        |
|  | NEW JERSEY MEADOWLANDS          |
|  | WATER                           |
|  | ELLIS ISLAND-NJ                 |
|  | ELLIS ISLAND-NY                 |
|  | Base Map                        |
|  | County Boundaries               |
|  | Municipal Boundaries            |
|  | Highlands Planning Area         |
|  | Highlands Preservation Area     |
|  | Preservation Area               |
|  | Green Acres Preserved Easements |

# **Schedule B**

NEW JERSEY ADMINISTRATIVE CODE  
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\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 48, No. 12, June 20, 2016 \*\*\*

## **TITLE 2. AGRICULTURE CHAPTER 76. STATE AGRICULTURE DEVELOPMENT COMMITTEE SUBCHAPTER 2B. SUPPLEMENTAL AGRICULTURAL ACTIVITIES**

**N.J.A.C. 2:76-2B.3 (2016)**

### **§ 2:76-2B.3 Eligibility of equine activities for right to farm protections**

(a) As used in this section, the following words and terms shall have the following meanings:

"All other land not devoted to agricultural or horticultural use" means land other than that used in connection with the farmhouse that is not devoted to an agricultural or horticultural use nor is necessary to support or enhance land actively devoted to an agricultural or horticultural use. This land is assessed and taxed in accordance with the true value standard.

"Appurtenant woodland" means woodland that is part of a farm qualified for farmland assessment. Usually this land is restricted to woodlots because of slope, drainage capability, soil type or topography. Such land has limited productive use but it provides a windbreak, watershed, buffers or controls soil erosion.

"Boarding" means providing horses that are not owned by the owner or operator of a commercial farm with shelter, feed, and care on a continuing basis. "Boarding" shall not be construed to mean "raising" as defined in this section.

"Concrete and asphalt area" means the area of the farm occupied by buildings, or the portions of buildings, which have permanent concrete or asphalt flooring and are used in support of equine activities; and paved parking, driveway, and other paved areas used in support of equine activities.

"Contiguous" means parcels or lots sharing common boundaries. Parcels or lots separated by roads shall be deemed contiguous.

"Cropland harvested" means land that is the heart of a farming enterprise and represents the highest use of land in agriculture. All land from which a crop was harvested in the current year falls into this category.

"Cropland pastured" means land that can be and often is used to produce crops, but its maximum income may not be realized in a particular year. Land that is fallow or in cover crops as part of a rotational program falls in this classification.

"Equine-related infrastructure" means buildings and other related structures used to conduct equine activities, and paved areas, including parking and driveway areas, used in support of equine activities and any appurtenant non-production areas immediately adjacent to or between such buildings, structures, and parking and driveway areas. Equine-related infrastructure shall include agricultural labor housing used to conduct equine activities but shall not include race tracks, the land under and land used in connection with a farmhouse, and all other land not devoted to agricultural or horticultural use, as defined in this section.

"Keeping" means providing horses owned by the owner or operator of a commercial farm with shelter, feed, and care on a continuing basis. "Keeping" shall not be construed to mean "raising" as defined in this section.

"Land under and land used in connection with farmhouses" means land on which a farmhouse is located, together with such land area as may be devoted to lawns, flower gardens, shrubs, swimming pools, tennis courts and like purposes related to the use and enjoyment of the farmhouse. This is land not deemed to be in agricultural or horticultural use and, therefore, is assessed and taxed in accordance with the true value standard, that is at its residential value.

"Non-appurtenant woodland" means woodland which can only qualify for farmland assessment on the basis of being in compliance with a woodland management plan filed with the Department of Environmental Protection. It is actively devoted to the production for sale of tree and forest products.

"Non-contiguous" means parcels or lots not sharing common boundaries.

"Permanent pasture" means land that is not cultivated because its maximum economic potential is realized from grazing or as part of erosion control programs. Animals may or may not be part of a farm operation for land to fall in this category.

"Production area" means the area of the farm, not including the area occupied by equine-related infrastructure, that is in or available for agricultural production and falls within the land use classes "cropland harvested," "cropland pastured," "permanent pasture," "non-appurtenant woodland," or "appurtenant woodland" as established by the State Farmland Evaluation Advisory Committee, and defined in this section, not including freshwater wetlands that have not been modified for agriculture, as determined pursuant to (d) below.

"Raising" means promoting the physical growth of horses to their full-grown stage for the purpose of selling the horses for a profit.

"Rehabilitation" means the care of horses for the purposes of returning them to good health

or useful condition.

"Total usable area" means the sum of the production area and the area occupied by equine-related infrastructure, as defined in this section.

"Training" means educating horses to increase their salable value as well as enhance their ability to perform specific tasks and interact productively with people for the purpose of selling the horses for a profit.

(b) The following activities are eligible for the protections and benefits of the Right to Farm Act, subject to the requirements set forth in (c), (d), (e), and (f) below:

1. The raising, breeding, keeping, boarding, training, and rehabilitation of horses;
2. Complementary equine activities that are associated with the activities specified in (b)1 above, including, but not limited to, clinics, open houses, demonstrations, educational camps, farm events, competitions, and rodeos, as long as these activities are related to the marketing of horses that are raised, bred, kept, boarded, trained or rehabilitated on the farm, and are in compliance with municipal requirements; and
3. The sale and distribution of manure and composted products produced on the farm to off-farm users, subject to the following:
  - i. The manure must be generated on the farm, and composted products must be generated on the farm from materials generated on the farm, with the exception of soil amendments such as lime or super-phosphates that may be necessary;
  - ii. Vehicular activity occurring on the farm for the purposes of the sale and distribution of manure and composted products described in (b)3i above is eligible for the protections of the Right to Farm Act; and
  - iii. The sale or distribution of manure not generated on the farm, or of compost generated from either some or all off-farm components, is not eligible for the protections of the Right to Farm Act.

(c) The production area of a commercial farm must be greater than the area occupied by equine-related infrastructure in proportions set forth in (c)3 and 4 below.

1. The sum of the production area and the area occupied by equine-related infrastructure, as defined in this section, shall be referred to as the total usable area.
2. If a farm management unit consists of noncontiguous parcels of land, the total usable area shall be determined individually for each non-contiguous parcel.
3. For farms where the total usable area is 150 acres or less, the area occupied by equine-related infrastructure shall not exceed 15 percent to 25 percent of the total usable area.

i. It shall be the responsibility of each county agriculture development board (CADB) to determine the maximum permissible percentage of total usable area occupied by equine-related infrastructure based on the level of, or proximity of the farm to, non-agricultural development. In counties where no CADB exists, it shall be the responsibility of the Committee to make this determination. This maximum permissible percentage shall not be less than 15 percent nor more than 25 percent.

4. For farms where the total usable area is greater than 150 acres, the area occupied by equine-related infrastructure may not exceed the sum of 15 percent to 25 percent of the first 150 acres of total usable area, as determined by the CADB or Committee pursuant to (c)3(i) above, plus 10 percent of all additional acres of total usable area above the first 150 acres of total usable area.

5. Concrete and asphalt area shall not exceed 15 percent of the total usable area of each non-contiguous parcel of the farm management unit.

(d) Evaluation of the calculations under (c) above shall be based on the following:

1. Geographical Information Systems (GIS) aerial mapping and New Jersey Freshwater Wetlands Data provided by the New Jersey Department of Environmental Protection (NJDEP), which will be used to determine the total usable area, the area occupied by equine-related infrastructure, and the concrete and asphalt area.

i. If NJDEP wetlands maps are in dispute, further investigation and onsite analysis may be conducted by a licensed engineer or qualified wetlands consultant and/or a letter of interpretation may be issued by NJDEP to provide a more accurate assessment of the site conditions;

2. The farm's Form FA-1 filed pursuant to the Farmland Assessment Act of 1964, P.L. 1964, c. 48 (N.J.S.A. 54:4-23.1 et seq.), which will be used to determine the area occupied by land under and land used in connection with farmhouses, and all other land not devoted to agricultural or horticultural use;

3. A visual on-site inspection of existing equine-related infrastructure and concrete and asphalt areas to verify NJDEP GIS mapping, FA-1 form information, and CADB or Committee determinations.

i. Equine-related infrastructure and concrete and asphalt areas existing on the farm but not on NJDEP GIS maps shall be measured either on-site or through certified engineering drawings obtained from the farmer.

ii. If a matter involves proposed construction, the farmer shall provide written estimates of the area on which equine-related infrastructure would be constructed, as well as any proposed concrete and asphalt areas; and

4. The Committee retains final jurisdiction in any dispute regarding a CADB's evaluation under this subsection.

(e) The following income may be used to satisfy the production requirements in the definition of "commercial farm" set forth in N.J.S.A. 4:1C-3:

1. Income from breeding, which may include:

i. Income from insemination fees, which involves the collection of semen from horses owned by the farm operator or owner, preparation of semen for insemination, and insemination;

ii. Income from selling semen collected from horses owned by the farm operator or owner;

iii. Income from stallion fees; and

iv. Income from the sale of a horse that has been bred from a mare owned by the farm operator or owner;

2. Imputed income from pasturing horses, as determined by the productivity values set annually by the State Farmland Evaluation Advisory Committee;

3. Income from the sale of a horse that was trained or raised on the commercial farm for at least 120 days prior to the time of sale; and

4. Income from fees associated with raising a horse on the commercial farm for at least 120 days.

(f) The following income cannot be used to satisfy the production requirements in the definition of "commercial farm" set forth in N.J.S.A. 4:1C-3:

1. Fees from boarding;

2. Fees from riding and driving lessons;

3. Fees from equine assisted therapy;

4. Monetary proceeds from racing; and

5. Fees from training horses.

(g) To receive the protections of the Right to Farm Act, N.J.S.A. 4:1C-1 et seq., a commercial equine operation must be in compliance with a farm conservation plan prepared in accordance with the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG), incorporated herein by reference, as amended and supplemented, available at [http://efotg.nrcs.usda.gov/efotg\\_locator.aspx?map=NJ](http://efotg.nrcs.usda.gov/efotg_locator.aspx?map=NJ) and must meet the eligibility criteria set forth in the Act, including the following:

1. The commercial farm must be located in an area, in which, as of December 31, 1997, or thereafter, agriculture is a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan or which commercial farm is in operation as of July 2, 1998;
2. The operation or agricultural activity at issue shall conform to the agricultural management practice set forth in N.J.A.C. 2:76-2A.10 or in the event that N.J.A.C. 2:76-2A.10 does not completely address an agricultural activity being considered for protection under the Right to Farm Act, the activity shall comply with generally accepted agricultural operations or practices;
3. The operation or agricultural activity shall be in compliance with relevant Federal or State statutes or rules and regulations adopted thereto; and
4. The operation or agricultural activity shall not pose a direct threat to public health and safety.

HISTORY:

New Rule, R.2008 d.229, effective August 4, 2008.

See: 39 N.J.R. 2561(a), 40 N.J.R. 4503(a).



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2017R7(8)

Construction of Agricultural Labor Housing  
Maino Farm

July 28, 2016

Subject Property: Block 57, Lot 22  
Block 36, Lot 26  
Lebanon Township, Hunterdon County  
93.67 - Acres

WHEREAS, Robert Maino, hereinafter ("Owner") is the current record owner of Block 57, Lot 22, and Block 36, Lot 26, as identified in the Township of Lebanon, County of Hunterdon, as recorded in the Hunterdon County Clerk's Office in Deed Book 2238, Page 656, by deed dated September 29, 2009, totaling 93.67 acres, hereinafter referred to as the "Premises," (Schedule "A"); and

WHEREAS, the Premises was conveyed to the State Agriculture Development Committee on May 5, 2006, by the former owner the NJ Water Supply Authority, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c. 32, recorded in Deed Book 2155, Page 291; and

WHEREAS, the farmland preservation Deed of Easement identifies one existing single family residential building, no residential building used for agricultural labor purposes, no residual dwelling site opportunities (RDSOs) and no exception areas; and

WHEREAS, on June 3, 2016, the SADC received an agricultural labor housing request from the Owner to utilize an existing structure on the premises, originally built as a duplex home, but abandoned for many years, as an agricultural labor housing unit for three agricultural laborers; and

WHEREAS, due to the condition of the structure and years of abandonment the SADC did not recognize this structure as a residential unit of any kind at the time of acquisition; and

WHEREAS, the renovated structure is a two story, duplex style unit, approximately 2,500 sq./ft. in size, in the location as shown on Schedule "A"; and

WHEREAS, the Owner renovated the structure over the past year to make it habitable for up to three migrant laborers from Ecuador, the first of which will arrive in September; and

WHEREAS, the current arrangement involves the laborers working on the Premises for approximately six months at a time, with the anticipation that year-round employment will be available for one or more of the laborers as the operation increases in intensity; and

WHEREAS, upon acquiring the Premises, the Owner began repairing existing barns and structures on the farm, installing livestock fencing and shelters and diversifying the crops and livestock raised on the Premises; and

WHEREAS, the Owner has approximately 500 laying hens as well as numerous other livestock raised for meat, including approximately eight beef cattle, ten sheep & goats, 25 turkeys and three of his own horses on-site; and

WHEREAS, in addition to the livestock the Owner has approximately 25 acres of hay, 25 acres of grain and 5 acres of vegetables including garlic, peppers, tomatoes, squash, eggplant and pumpkins used to supply an onsite farmstand; and

WHEREAS, the Owner is currently renovating an existing barn to convert it into a permanent farm market in order to replace the current roadside wagon farmstand; and

WHEREAS, the Owner recently planted approximately one acre of evergreens to start a choose and cut Christmas tree operation; and

WHEREAS, the Owner has purchased equipment and made arrangements with a local wholesale flower producer to custom grow cut flowers; and

WHEREAS, paragraph 13 of the Deed of Easement allows for the construction of housing for agricultural labor employed on the Premises but only with the approval of the SADC; and

WHEREAS, the migrant laborers the Owner has arranged to hire will be directly involved with the day-to-day production activities of planting, crop maintenance, irrigation and hay production as well as the daily care of the egg laying poultry flock, turkeys, goats, sheep and cattle raised as meat livestock and horses; and

WHEREAS, the Owner finds that having on-site employees is necessary to properly manage the livestock and manage and harvest the crops and to maximize use of the Premises for production and direct-market sale of the farm's output and to expand the operation; and

WHEREAS, the SADC has reviewed the Owner's request to utilize the renovated existing structure for purposes of agricultural labor housing and has determined that the size and location of the proposed unit minimizes adverse impacts on the agricultural operation; and

WHEREAS, the SADC finds that the construction and use of the agricultural labor unit is consistent with the requirements of the Deed of Easement.

NOW THEREFORE BE IT RESOLVED, that the SADC approves the request to utilize a renovated pre-existing structure as a duplex style agricultural labor unit, consisting of approximately 2,500 square feet in size, as depicted on Schedule "A", to house up to three agricultural laborers subject to municipal, state and federal requirements; and

BE IT FURTHER RESOLVED, that the current arrangement involves the men residing on the Premises seasonally at this time, with anticipation that this may change to a year-round arrangement for one or more of the laborers as the intensity of the operation increases; and

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

BE IT FURTHER RESOLVED, that the agricultural labor shall be engaged in the day-to-day production activities on the Premises, which at this time include the planting, crop maintenance, irrigation and sale of vegetable crops and hay as well as daily care of the egg laying poultry flock, turkeys, goats, sheep and cattle raised as meat livestock and horses; and

BE IT FURTHER RESOLVED, that this approval is valid for a period of three years from the date of approval, during which period the Owner may initiate the requested action; initiate means obtaining applicable local, state or federal approvals; and

BE IT FURTHER RESOLVED, that failure to initiate the requested action within three years of the date of approval shall result in expiration of this approval; and

BE IT FURTHER RESOLVED, that this approval is not transferrable; and

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

BE IT FURTHER RESOLVED, that this approval is 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.

7-28-16

DATE



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

|                                                    |        |
|----------------------------------------------------|--------|
| Douglas H. Fisher, Chairperson                     | YES    |
| Cecile Murphy (rep. NJDEP Commissioner Martin)     | YES    |
| Brian Schilling (rep. Executive Dean Goodman)      | YES    |
| Ralph Siegel (rep. Acting State Treasurer Scudder) | YES    |
| Tom Stanuikynas (rep. DCA Commissioner Richman)    | YES    |
| Jane Brodhecker                                    | YES    |
| Alan Danser, Vice Chairman                         | YES    |
| Scott Ellis                                        | ABSENT |
| Denis Germano, Esq.                                | YES    |
| Peter Johnson                                      | ABSENT |
| James Waltman                                      | YES    |

# Schedule "A"

## Maino Farm

Existing Structure for  
Proposed Ag Labor Unit

G:\SADC\Maino\Maino - 1.mxd

### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Maino Farm  
Block 57, Lot 22  
Block 36, Lot 26  
Lebanon Township, Hunterdon County  
93.67 - Acres



0 325 650 1,300 1,950 Feet

7/11/2016

#### Farmland Preservation Program

- PRESERVED EASEMENT
- EXCEPTION AREA
- PRESERVED EASEMENT / NR
- EXCEPTION AREA / NR
- FINAL APPROVAL
- PRELIMINARY APPROVAL
- ACTIVE APPLICATION
- 8 YEAR PRESERVED
- TARGETED FARM
- EXCEPTION AREA TARGETED
- INACTIVE APPLICATION
- INACTIVE/FEDERALLY FUNDED
- NO CORRESPONDING DATA
- PRESERVED/FEDERALLY FUNDED

#### State Planning Areas

- (PA1) METRO
- (PA2) SUBURBAN
- (PA3) FRINGE
- (PA4) RURAL
- (PA4a) RURAL, ENV SENS
- (PA6) ENV SENS
- (PA6a) ENV SENSITIVE BARRIER IS
- (PA10) FINGLANDS
- PARK
- MILITARY
- NEW JERSEY MEADOWLANDS
- WATER
- ELLIS ISLAND- NJ
- ELLIS ISLAND- NY

#### Base Map

- County Boundaries
- Municipal Boundaries
- Highlands Planning Area
- Highlands Preservation Area
- Farmlands Area
- Green Acres Preserved Easements



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2017R7(9)

Request to Replace a Single-Family Residence

John & Diane Warmke

July 28, 2016

Subject Property: Block 202, Lot 9  
Hillsborough Township, Somerset County  
99.9 - Acres

WHEREAS, John and Diane Warmke, hereinafter "Owners," are the record owners of Block 202, Lot 9, in Hillsborough Township, Somerset County, by Deed dated February 14, 2012, and recorded in the Somerset County Clerk's Office in Book 6493, Page 3258, totaling approximately 99.9 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the Township of Hillsborough by the former owner, the Estate of Sara Warmke, by Deed dated September 5, 2002, and recorded in the Somerset County Clerk's Office in Book 5204, Page 3848, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, and the Garden State Preservation Trust Act, N.J.S.A. 13:8C, et seq.; and

WHEREAS, the development easement on the Premises was assigned to the County of Somerset by assignment dated May 8, 2006, and recorded in the Somerset County Clerk's Office in Book 5892, Page 1154; and

WHEREAS, on May 24, 2016, the SADC received a request to replace the existing single family residence on the Premises from the Owners; and

WHEREAS, the Deed of Easement identifies one single family residence on the Premises, no agricultural labor residential units, no RDSOs, and one, one-acre, non-severable exception area; and

WHEREAS, paragraph 14ii of the Deed of Easement allows for the replacement of any existing single family residential building anywhere on the Premises with the approval of the Grantee and Committee; and

WHEREAS, the residence that existed on the Premises at the time of preservation has since been removed; and

WHEREAS, the Owners propose to replace the previous residence on the Premises with a new single family residence for themselves; and

WHEREAS, the proposed new residence will be built approximately 75 feet behind the location of the previously existing residence as shown on Schedule "A"; and

WHEREAS, the new residence will utilize the existing driveway; and

WHEREAS, the Owners propose to build a residence with approximately 2,500 sq./ft. of heated living space to replace the original residence; and

WHEREAS, the Deed of Easement does not set forth a specific house size limitation and the Premises was not preserved using Federal funding; and

WHEREAS, on June 20, 2016, the Somerset CADB reviewed and approved the replacement of the existing residence on the Premises; and

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to the restrictions as contained in the Deed of Easement, finds that the replacement of the single-family residence on the Premises with a new single-family residence will have a positive impact on the continued agricultural operations of this farm by replacing the deteriorated residence with a new residence which shall serve as the primary residence for the Owners; and

BE IT FURTHER RESOLVED, that the Committee approves the construction of a single family residence, consisting of approximately 2,500 sq./ft. heated living space, in the location shown in Schedule "A", to replace the former residence which existed on the Premises at the time of preservation that has since been removed; and

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

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

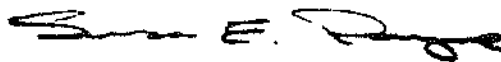
BE IT FURTHER RESOLVED, that the construction of the new residence is subject to all applicable local, State and Federal regulations; and

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

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

7-28-16

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE TO BE RECORED AS FOLLOWS:

|                                                    |        |
|----------------------------------------------------|--------|
| Douglas H. Fisher, Chairperson                     | YES    |
| Cecile Murphy (rep. NJDEP Commissioner Martin)     | YES    |
| Brian Schilling (rep. Executive Dean Goodman)      | YES    |
| Ralph Siegel (rep. Acting State Treasurer Scudder) | YES    |
| Tom Stanuikynas (rep. DCA Commissioner Richman)    | YES    |
| Jane Brodhecker                                    | YES    |
| Alan Danser, Vice Chairman                         | YES    |
| Scott Ellis                                        | ABSENT |
| Denis Germano, Esq.                                | YES    |
| Peter Johnson                                      | ABSENT |
| James Waltman                                      | YES    |

S:\PLANINCENTGRANT\SOMERSET\Hillsborough\conard warmke\Stewardship-Post Closing\Replacement of Residence Reso.doc

# Schedule "A"

Warmke Farm

New House Location

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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Warmke Farm  
Block 202, Lot 9  
Hillsborough Township, Somerset County  
99.9 Acres



0 310 620 1,240 1,860 Feet

7/7/2016

### Farmland Preservation Program

- PRESERVED EASEMENT
- EXCEPTION AREA
- PRESERVED EASEMENT / NR
- EXCEPTION AREA / NR
- FINAL APPROVAL
- PRELIMINARY APPROVAL
- ACTIVE APPLICATION
- 8 YEAR PRESERVED
- TARGETED FARM
- EXCEPTION AREA TARGETED
- INACTIVE APPLICATION
- INACTIVE/FEDERALLY FUNDED
- NO CORRESPONDING DATA
- PRESERVED/FEDERALLY FUNDED

### State Planning Areas

- (PA1) METRO
- (PA2) SUBURBAN
- (PA3) FRINGE
- (PA4) RURAL
- (PA4B) RURAL ENV SENS
- (PA6) ENV SENS
- (PA6S) ENV SENSITIVE BARRIER IS
- (P10) PINELANDS
- PARK
- MILITARY
- NEW JERSEY MEADOWLANDS
- WATER
- ELLIS ISLAND- NJ
- ELLIS ISLAND- NY

### Base Map

- County Boundaries
- Municipal Boundaries
- Highlands Planning Area
- Highlands Preservation Area
- Pinelands Area
- Green Acres Preserved Easements

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2017R7(10)

Installation of Ground-Mounted Solar Energy Generation Facility, Structures and Equipment on a Preserved Farm

Brant & Cristianna Gibbs Farm

Subject Property: Gibbs Farm  
Block 303, Lot 5  
Block 304, Lot 4  
Block 401, Lot 2  
Allamuchy Township, Warren County  
289.96-Acres

July 28, 2016

WHEREAS, Brant & Cristianna Gibbs, hereinafter "Owners", are the record owners of Block 303, Lot 5, Block 304, Lot 4 and Block 401, Lot 2 in the Township of Allamuchy, by Deed April 18, 2013, and recorded in the Warren County Clerk's Office in Deed Book 2483, Page 209, totaling approximately 289.96 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the original Premises was conveyed to the County on August 29, 1989, by the former owners, James & Frank Gibbs, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, as a Deed of Easement recorded in Deed Book 1159, Page 154; and

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

WHEREAS, on June 3, 2013, the regulations (N.J.A.C. 2:76-24.1 et seq.) implementing the legislation allowing owners of preserved farms to install solar energy systems on preserved farms became effective; and

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

1. The facilities will not interfere significantly, as set forth in N.J.A.C. 2:76-24.6, with the use of the land for agricultural or horticultural production;

2. The facilities are owned by the landowner, or will be owned by the landowner upon the conclusion of the term of an agreement with the installer or operator of the solar energy generation facilities, structures, or equipment by which the landowner uses the income or credits realized from the solar energy generation to purchase the facilities, structures, or equipment;
3. The facilities will be used to provide power or heat to the farm, either directly or indirectly, or to reduce, through net metering or similar programs and systems, energy costs on the farm;
4. Solar energy facilities on the farm are limited in total annual energy generation to:
  - i. The farm's previous calendar year's energy demand plus 10 percent, in addition to energy generated from facilities, structures, or equipment existing on roofs of buildings or other structures on the farm on January 16, 2010; or
  - ii. Alternatively at the option of the landowner, to an occupied area consisting of no more than one percent of the area of the farm;
5. If wind or biomass energy generation systems are located on the farm, the limits in (a) 4i and ii above shall apply to the cumulative total energy generated or area occupied by all the solar, wind, and biomass energy facilities;
6. The owner(s) of the farm and the solar energy facilities will sell energy only through net metering, or as otherwise permitted under an agreement pursuant to (a)2 above, and/or directly to the electric distribution system provided that the solar energy facilities occupy no greater than one percent of the farm;
7. The land occupied by the solar energy facilities is eligible for valuation, assessment, and taxation pursuant to P.L. 1964, c. 48 (N.J.S.A. 54:4-23.1 et seq.) and will continue to be eligible for such valuation after construction of the solar energy facilities;
8. The solar energy facilities do not exceed the one acre of impervious cover on the premises; and
9. A solar energy facility located in the Pinelands Area, as defined and regulated by the Pinelands Protection Act, P.L. 1979, c. 111 (N.J.S.A. 13:18A-1 et seq.), complies with the standards of P.L. 1979, c. 111 and the comprehensive management plan for the Pinelands Area adopted pursuant to P.L. 1979, c. 111; and

WHEREAS, the Owners submitted an "Application for Energy Generation Facilities on Preserved Farmland" pursuant to N.J.A.C 2:76-24.5; and

WHEREAS, the solar energy generation facility will be owned by the Owners; and

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

WHEREAS, the energy demand for this ground mounted solar energy facility is from the residence, barns and other dairy infrastructure on the Premises; and

WHEREAS, the energy demand for the previous calendar year for the Premises was approximately 51,799 kWh's as confirmed by the Owner's submission 12 months of utility bills; and

WHEREAS, the rated capacity of the proposed new solar energy generation facility is 50,960 kWh's per year; and

WHEREAS, the new solar energy generating system will supply approximately 98% of the current energy demand for Premises; and

WHEREAS, the Owner provided evidence that the annual solar energy generation does not exceed 110% of the previous calendar year's energy demand; and

WHEREAS, N.J.A.C. 4:76-24.4 prohibits solar energy facilities from exceeding one acre of impervious cover on the Premises; and

WHEREAS, N.J.A.C. 2:76-24.3. defines impervious cover as any structure or surface that prevents the infiltration of precipitation into the land including, but not limited to, the inverter, pilings, poles, concrete, asphalt, machine-compacted soil, compacted stone areas, plastic or other impermeable ground cover, and foundations; and

WHEREAS, the proposed ground mounted solar energy facility comprises approximately 5 square feet of impervious cover; and

WHEREAS, N.J.A.C 2:76-24.6 requires that the solar energy facilities, structures, and equipment not interfere significantly with the use of the land for agricultural and horticultural production; and

WHEREAS, the proposed ground mounted solar energy facility will be located alongside an existing dairy barn on the Premises as identified on Schedule "A"; and

WHEREAS, N.J.A.C. 2:76-24.6 requires that any solar energy facility with an occupied area larger than one-acre be constructed, installed, operated, and maintained in accordance with a farm conservation plan; and

WHEREAS, N.J.A.C. 2:76-24.6 requires that the occupied area of any solar energy facility located outside of a non-severable exception area primarily servicing nonagricultural or nonresidential uses within the non-severable exception shall not exceed one acre or 1% of the farm, whichever is less; and

WHEREAS, N.J.A.C. 2:76-24.3 defines occupied area as the total contiguous or noncontiguous area(s) supporting the solar facilities and related infrastructure, including all areas of land that are devoted to or support the solar energy facilities; any areas of land no longer available for agricultural or horticultural production due to the presence of the solar energy facilities; nonfarm roadways including access roads; any areas of the farm used for underground piping or wiring to transmit solar energy or heat where the piping or wiring is less than three feet from the surface; the square footage of solar energy facilities mounted on buildings; areas consisting of other related facilities, structures, and equipment, including any other buildings or site amenities, deemed necessary for the production of solar energy on the farm; and the total contiguous or noncontiguous area(s) supporting any wind or biomass energy generation facilities and related infrastructure on the farm; and

WHEREAS, the proposed ground mounted solar energy facility consists of the area around the panels themselves, including a 20ft perimeter buffer, and the underground trenches that connect the panels to the meters on the residences, which together comprise an occupied area of approximately 13,185 square feet; and

WHEREAS, N.J.A.C. 2:76-24.6 requires ground mounted solar energy facilities be installed with screws, pilings, or similar systems that do not require a footing, concrete, or permanent mounting; and

WHEREAS, the proposed ground mounted solar energy facility will be installed with screw-in posts; and

WHEREAS, N.J.A.C. 2:76-24.6 requires site disturbance associated with the solar energy facility, including but not limited to, grading, topsoil, and subsoil removal, excavation, and soil compaction, shall not exceed one acre on the Premises; and

WHEREAS, the proposed ground mounted solar energy facility requires site disturbance of approximately 333 square feet; and

WHEREAS, the Warren CADB has reviewed the application and on July 20, 2016, and submitted comments in support of the project.

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the Owners have complied with all of the provisions of N.J.A.C. 2:76-24.1 et seq. concerning the installation of a photovoltaic solar energy generation facility, structures and equipment on the Premises; and

BE IT FURTHER RESOLVED, that the SADC approves of the construction, installation, operation and maintenance of the photovoltaic energy generation facilities, structures and equipment consisting of approximately 13,185 square feet of occupied area alongside an existing barn and having a rated capacity of 50,960 kWh's of energy as identified in Schedule "A", and as described further herein; and

BE IT FURTHER RESOLVED, that total electrical energy demand for the residence, barns and farm infrastructure is 51,799 kWh's annually; and

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

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

7-28-16

DATE



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

|                                                    |        |
|----------------------------------------------------|--------|
| Douglas H. Fisher, Chairperson                     | YES    |
| Cecile Murphy (rep. NJDEP Commissioner Martin)     | YES    |
| Brian Schilling (rep. Executive Dean Goodman)      | YES    |
| Ralph Siegel (rep. Acting State Treasurer Scudder) | YES    |
| Tom Stanuikynas (rep. DCA Commissioner Richman)    | YES    |
| Jane Brodhecker                                    | YES    |
| Alan Danser, Vice Chairman                         | YES    |
| Scott Ellis                                        | ABSENT |
| Denis Germano, Esq.                                | YES    |
| Peter Johnson                                      | ABSENT |
| James Waltman                                      | YES    |

# Schedule "A"

G:\SADC\B & C Gibbs-solar\Gibbs - 1.mxd



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

B & C Gibbs Farm  
Block 303, Lot 5  
Block 304, Lot 4  
Block 401, Lot 2  
Allamuchy Township, Warren County



0 475 950 1,900 2,850 Feet

7/7/2016

### Farmland Preservation Program

- PRESERVED EASEMENT
- EXCEPTION AREA
- PRESERVED EASEMENT / NR
- EXCEPTION AREA / NR
- FINAL APPROVAL
- PRELIMINARY APPROVAL
- ACTIVE APPLICATION
- 8 YEAR PRESERVED
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- NO CORRESPONDING DATA
- PRESERVED/FEDERALLY FUNDED

### State Planning Areas

- (PA1) METRO
  - (PA2) SUBURBAN
  - (PA3) FRINGE
  - (PA4) RURAL
  - (PA4B) RURAL ENV BENIS
  - (PA4C) ENV BENIS
  - (PA4D) ENV SENSITIVE BARRIER IS
  - (PA5) PAINELANDS
  - PA6C
  - MILITARY
  - NEW JERSEY MEADOWLANDS
  - WATER
  - ELLIS ISLAND- NJ
  - ELLIS ISLAND- NY
- Base Map
- County boundaries
  - Municipal boundaries
  - Highlands Planning Area
  - Highlands Preservation Area
  - PaineLand Area
- Green Acres Preserved Easements

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION FY2017R7(11)**

**Renewal of Certification of Agricultural Mediation Program Mediators**

**July 28, 2016**

WHEREAS, the State Agriculture Development Committee (SADC) coordinates the New Jersey Agricultural Mediation Program to help farmers and others resolve agricultural disputes quickly, amicably, and in a cost-effective manner; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.10, the SADC shall annually review and renew the certificates of the program's certified mediators to insure satisfactory performance of mediation responsibilities; and

WHEREAS, the SADC last reviewed and renewed the certificates of the program's certified mediators on November 12, 2015; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.10(a)1, in order to have his or her certification renewed, a certified mediator, if assigned a case during the fiscal year, must have satisfied the requirements of the program's regulations; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.10(a)2, if a certified agricultural mediator has not been assigned a case during the fiscal year, his or her certification shall be renewed; and

WHEREAS, the mediators listed below have satisfied the requirements of the program's regulations and therefore warrant certification as mediators for FY 2016.

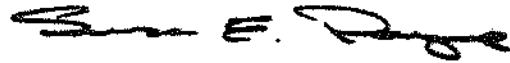
NOW THEREFORE BE IT RESOLVED, that the SADC renews the certificates of the following certified mediators pursuant to N.J.A.C. 2:76-18.10: Liza Clancy, Gaetano DeSapio, Michael Ennis, Gordon Geiger, Melvin Henninger, Tara Kenyon, Paul Massaro, Cari Rincker, Caroline Petrilla, and Loretta Yin.

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

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

7-28-16

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

|                                                    |        |
|----------------------------------------------------|--------|
| Douglas H. Fisher, Chairperson                     | YES    |
| Cecile Murphy (rep. NJDEP Commissioner Martin)     | YES    |
| Brian Schilling (rep. Executive Dean Goodman)      | YES    |
| Ralph Siegel (rep. Acting State Treasurer Scudder) | YES    |
| Tom Stanuikynas (rep. DCA Commissioner Richman)    | YES    |
| Jane Brodhecker                                    | YES    |
| Alan Danser, Vice Chairman                         | YES    |
| Scott Ellis                                        | ABSENT |
| Denis Germano, Esq.                                | YES    |
| Peter Johnson                                      | ABSENT |
| James Waltman                                      | YES    |