

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

September 22, 2022

Secretary Fisher called the meeting to order at 9:12 a.m.

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

Roll call indicated the following:

Members Present

Chairman Fisher
Pete Johnson
Scott Ellis
James Waltman
Julie Krause
Martin Bullock (arrived at 9:16 a.m.)
Gina Fischetti (arrived at 9:21 a.m.)
Renee Jones
Brian Schilling
Denis Germano
Richard Norz

Members Absent

None

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

Minutes

SADC Regular Meeting of July 28, 2022 (Open and Closed Session)

It was moved by Mr. Ellis and seconded by Mr. Schilling to approve the Open and Closed Session minutes of the SADC regular meeting of July 28, 2022. A roll call vote was taken. Ms. Fischetti and Mr. Bullock were absent for the vote. Mr. Germano, Mr. Norz and Ms. Jones abstained from the vote. The motion was unanimously approved by the remaining members.

Report of the Chairman

Chairman Fisher stated that there is a lot of progress being made with Special Occasion Events (SOEs) legislation and asked Ms. Payne to expand on that topic.

Report of the Executive Director

NOTE: Ms. Fischetti and Mr. Bullock arrived during this agenda item.

Ms. Payne reported that today is the deadline for the Governor to issue the conditional veto for the Special Occasion Events legislation. If one is issued, both houses of the legislature need to concur by October 3rd and then the Governor would have until October 13 to sign the law.

Ms. Payne stated the draft Soil Protection Standards (SPS) rules are still being reviewed by the Governor's office and staff expects to have the proposed rules on the agenda next month. Ms. Payne mentioned that she and senior staff members attended the County Agriculture Development Board (CADB) administrators' meeting earlier this week. She stated that it was a well-attended meeting which provided an opportunity to review significant aspects of the SPS rules. An important item of discussion was how to provide disturbance maps to landowners who are within 50% of the proposed soil disturbance limit and how to engage with landowners who are potentially eligible for a waiver. Ms. Payne stressed the importance of reaching those landowners early in the process so that they understand their map and have opportunities to discuss things ahead of time. Staff encouraged the administrators to think about what works best for their specific counties and how the SADC can assist in this process.

Ms. Payne suggested the Acquisition subcommittee change its name to the Future Program subcommittee since its focus is on the future of the farmland preservation program. The subcommittee met once and approved a survey that was sent to public and private entities with whom the SADC interacts daily. The subcommittee will be meeting today to review the results and determine what should be focused on going forward. Ms. Payne stated the intent is to develop a second survey targeted to a broader agricultural audience.

Ms. Payne stated that she and Mr. Roohr attended the New Jersey Agriculture Leadership Program meeting last week at Farm Bureau to make a presentation on Farmland Preservation and Right to Farm Program. She noted that it was a great meeting with the future leaders.

Ms. Payne stated that The Land Conservancy of New Jersey (TLCNJ) received the NJ Planning Achievement Award for a comprehensive farmland preservation plan the organization created for Hope and Blairstown townships. TLCNJ has been working as a consultant for 40 municipalities and counties to help with their comprehensive farmland preservation plans. Staff sent TLCNJ a congratulatory letter on behalf of the SADC.

Ms. Payne stated that the existing farmland preservation database is antiquated, and staff has been working on creating a new database with the IT department that could allow users to upload documents, photographs and submit applications with ease.

Mr. Johnson asked if staff could clarify rules pertaining to the ability to construct solar facilities on preserved farms when the farm has multiple meters. Ms. Payne indicated the planning staff would look into the issue and report back.

Ms. Payne brought to the committee's attention the information in their packets, including the monthly certification value report, 2023 standards for the State Acquisition and County PIG programs, term easements, and the litigation spreadsheet.

Communications

Ms. Payne encouraged the committee to read the articles included in the committee's meeting packets.

Public Comment

Ms. Patricia Springwell from Hunterdon County emphasized the importance of preserving farms for food production without jeopardizing the soil.

Mr. Ryck Suydam, farmer in Somerset County and President of the NJ Farm Bureau (NJFB), read excerpts from a statement from NJFB objecting to certain parts of the proposed SPS regulations: Farm Bureau's statement on the draft rules will be made part of the official record during the rulemaking process:

"We appreciate the opportunity to comment today. We also appreciate the work that Farm Bureau staff has done with SADC staff on developing Soil Protection Standards (SPS). We would have preferred to be able to recommend an unqualified endorsement of the draft of the SPS but unfortunately, we cannot do that because the proposal is seriously flawed. As written, we believe it will do more harm than good for the shared goal of promoting agricultural preservation. The NJFB has some concerns; the first being the application of SPS to Deed of Easements (DOEs) placed on the premises prior to the date of the adoption of these rules; the second being the failure to include adequate and simple variance procedure; and lastly, a definition of premise as to exception areas.

The Farm Bureau has been an active supporter of the state's agriculture preservation program and is concerned that the proposed SPS rules, if not revised, will seriously discourage additional landowners from participating and damage the programs future success. Secretary Fisher recently observed that agriculture in NJ is at a crossroads.

There are many factors that impact the industry viability going forward, some that can be controlled and some that cannot. One of those factors within our control is the weight and burden of regulations adopted by the department. It can tip the balance between whether land is preserved in agriculture or become the site of a monster warehouse. To ensure that individual farmers and their organizations can continue to support the preservation of the program it is essential that the SADC treats the landowners currently in the program in a fair and equitable manner. This is not the message that I am hearing from farm bureau members and others in the broader agricultural community who are familiar with the draft rules. I am hearing that there is a serious disconnect as to what the landowners thought they were getting into when they sold their developmental rights and these proposed rules. They are saying that they agreed to and are complying with the terms included in their easements and the SADCs promulgated rules at the time of preservation and now the SADC is unfairly and unilaterally attempting to change the terms of a settled real estate deal. Had the landowners known that the state would come along years later and in some cases, decades later, and promulgate new rules they never

would have entered into such an open-ended deal. It would be impermissible for a private party to attempt something similar, clearly the government should be held to a higher standard. Farm Bureau believes that the proposed rules should be applied only to premises preserved after the adoption of the proposed rules. It is fundamentally unfair for the SADC to apply proposed rules retroactively to a premises preserved prior to the adoption of the new rules.”

Mr. Suydam stated that NJFB recommends two revisions to the proposed rules: the definition of premises should be revised, and a simple variance procedure should be included. First, the definition of premises should clearly state that exception areas and exclusion areas would not be included when determining the amount of soil disturbance. Second, landowners should have the ability to request a variance from the rules. The NJFB recognizes that the proposed rules include a limited waiver procedure that applies solely to premises preserved prior to the date of the adoption of the rules. This cumbersome practice should be simplified so the SADC can grant relief for particular and exceptional difficulties that result in hardships for owners of preserved farms.

Mr. Suydam stated that he understands the efforts made by SADC staff and the committee but thinks more time needs to be taken with drafting the rules because they are currently a violation of trust between the state and the landowner, and it will kill the farmland preservation program.

Chairman Fisher thanked Mr. Suydam for his comments and asked him if Farm Bureau is suggesting that no soil protection rules be promulgated for already preserved farms. Mr. Suydam stated that in the event the new rules were applied to farms preserved before and after the adoption of those rules, a variance procedure be put in place so landowners can request an additional disturbance allotment.

Mr. Johnson asked if there is a procedure in the current draft that allows a landowner to request a waiver. Ms. Payne stated for farms that are within 50% of the limit the date the rule is adopted, those farms can apply for a waiver to go from a maximum of 12% to a maximum of 15% or, alternatively, from 4 acres to 6 acres. Based on the currently available mapping, there are currently 38 farms within 50% of the 12% limit, and a smaller subset of those farms are over the proposed 12% limit. Rowan University is providing final data to staff, so the numbers may change slightly.

Mr. Suydam asked if exception areas are excluded from the rules. Ms. Payne stated that was correct, and there’s never been any consideration of applying soil protection standards to exception areas. Mr. Norz suggested there could be some form of variance if it’s related to supporting agriculture. Ms. Payne stated that the essence of the QVF case was the Supreme Court’s acknowledgement that the deed of easement and SADC regulations must achieve a proper balance between permitted agricultural uses and protecting the soil for use by future landowners.

Mr. Germano stated that the rule may not address soil disturbance associated with the exercise of RDSOs and further research needs to be done on that issue. Mr. Johnson suggested that the transfer of disturbance between noncontiguous farms could be beneficial.

New Business**A. FY2023 Budget Approval**

Mr. Distaulo reviewed a memorandum presenting the Fiscal Year 2023 Farmland Preservation Program budget request. Staff is requesting a budget of \$5,572,000, which is an increase of \$122K from the FY22 budget. The main reason for the increase is based on estimates of having all FTE positions filled as well as anticipating another increase in the federal fringe benefit rate. Staff is asking the Committee to set the maximum budget amount and the total request anticipates all potential expenditures. Staff is estimating a salary expense of \$2.85M. This will also result in a fringe and social security charge of \$1.85M. Costs for the Farmland Preservation Program budget come from the dedicated Corporate Business Tax (CBT) funds.

Mr. Norz asked if the requested budget increase will be sufficient to cover everything in light of inflation and the cost of materials. Mr. Distaulo stated that he believes the recommended budget will be sufficient.

With regard to the Right to Farm (RTF) Program, funding for the program comes directly from the state budget, not from the CBT funds. Staff recommends maintaining the prior year's RTF budget at \$83,000, the majority of which is used to offset staff time spent on RTF matters (\$45,000), reimbursement to other agencies (\$20,000) and costs associated with the work of Office of the Attorney General (\$14,000).

It was moved by Mr. Norz and seconded by Mr. Waltman to approve the FY23 budgets. The motion was unanimously approved.

B. Stewardship**1. Resolution: House Replacement Request – Charles and Rebecca Joyce**

Mr. Willmott referred the committee to a request for a house replacement from Charles and Rebecca Joyce. He stated the owners are proposing to construct a one story, 3-bedroom, 2.5-bathroom single family residence consisting of 2,200 square feet of heated living space, with an unfinished and unheated basement, to be used as a residence for themselves and their family. The home will have a two-car garage and require a new septic system.

The existing house was built in 1840 and is not structurally sound, with water damage, termite damage, and outdated electric and plumbing. The SADC received confirmation from the State Historic Preservation Office that this house is not listed on the National and NJ Registers of historic places. The Alloway Township Agricultural Advisory Committee also stated that it is familiar with the house and that the structure does not appear to have any historical significance.

Mr. Willmott stated that staff finds that the existing residence is deteriorated and recommends approval with one condition. There was a prior approval by Salem County to divide the farm and exercise an RDSO. Staff met with the landowner to discuss options, and the owner stated that the goal is a house replacement. Staff will require verification from the county that it rescinded the prior approval to divide the farm and exercise the RDSO before approval of the house replacement application can be deemed effective.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve Resolution FY2023R9(1), granting approval to the following application, as presented, subject to any condition of said resolution.

1. Charles and Rebecca Joyce, SADC ID#17-0015-EP, FY2023R9(1), Block 38, Lot 4, Alloway Township, Salem County, 202.572 easement acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R9(1) is attached to and a part of these minutes.

Chairman Fisher asked what would happen if this house was on the State Historic Preservation list. Mr. Roohr advised that the deed of easement provides that if the house was on the list at the time the farm was preserved, the committee would have to decide whether it would allow the house to be demolished. The committee express its position that New Jersey is a historic state with a lot of historic structures. These cases need to be looked at more carefully to determine the potential historic loss related to house replacement applications.

Mr. Norz stated that many historic barns are not useful and can be dangerous and an added expense to the landowner. Chairman Fisher stated that it takes research, balance and understanding to make decisions about these historic structures.

C. Resolution of Final Approval – County PIG Program County Plan Update Cape May, Middlesex, Monmouth, Morris, Salem, and Somerset Counties

Mr. Allen stated that at the May 2022 SADC meeting, the committee approved the fiscal year 2023 planning incentive grants for county and municipal applicants. Specifically, the SADC granted approval to Cape May, Middlesex, Monmouth, Morris, Salem, and Somerset counties, conditioned upon them completing and adopting a 10-year update to their farmland preservations plans. These six counties have successfully completed their farmland preservation plan updates for SADC approval in order to continue to be eligible for planning incentive grants.

Mr. Allen explained to the committee the important details of each preservation plan, and how the counties compare their previous plans and reevaluate their goals and objectives to establish a plan for their program's future. Staff reviews each plan and works with each partner on designation criteria and minimum eligibility criteria for targeted farms. Mr. Bruder stated that the county plans, targeted farms, project areas and ADAs will be placed on the SADC website.

It was moved by Mr. Schilling and seconded by Mr. Waltman to adopt Resolution FY2023R9(2) approving the County PIG Program Plan Update. The motion was unanimously approved.

D. Resolutions: Review of Non-Agricultural Development in the ADA (N.J.S.A. 4:1C-19) Bridge Replacement County of Somerset, Townships of Bedminster and Bridgewater

Mr. Bruder reviewed a draft resolution finding, pursuant to Section 19 of the Agriculture Retention and Development Act (ARDA), that a bridge replacement in Bedminster and

Bridgewater townships, Somerset County does not result in unreasonably adverse effects on preserved farmland, ADAs or state agricultural preservation and development policies. The project will affect a preserved farm; however, the only area of disturbance will occur in a non-severable exception area and, therefore, no condemnation of preserved farm property is necessary. Mr. Bruder stated that staff met with the landowner on the site to discuss the project. Mr. Bruder stated that staff recommends approval.

It was moved by Mr. Germano and seconded by Mr. Bullock to approve Resolution FY2023R9(3) for the Bridge Replacement in Bedminster and Bridgewater Townships in Somerset County. The motion was unanimously approved.

E. Resolutions: Final Approval – County PIG Program

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

It was moved by Mr. Germano and seconded by Mr. Norz to approve Resolutions FY2023R9(4) and FY2023R9(5), granting approval to the following applications under the County PIG Program, as presented, subject to any condition of said resolution

1. Richard Lore, SADC ID#06-0221-PG, FY2023R9(4), Block 21, Lot 5, Hopewell Township, Cumberland County, 36.45 gross acres.
2. Gerard and Janet McEvoy, SADC ID# 21-0623-PG, FY2023R9(5), Block 13, Lots 11, and 17.01, and Block 18, Lot 58, White Township, Warren County, 98.6 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2023R9(4) and FY2023R9(5) is attached to and a part of these minutes.

F. Resolutions: Final Approval- Direct Easement Program

Ms. Miller and Ms. Mazzella referred the committee to nine requests for approval under the Direct Easement Purchase Program. They reviewed the specifics of the requests with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Germano and seconded by Mr. Ellis to approve Resolutions FY2023R9(6) through FY2023R9(14), granting approval to the following application under the Direct Easement Purchase Program, as presented, subject to any condition of said resolution.

1. Barrettstown Joy, LLC (Baron), SADC ID#10-0149-DE, FY2023R9(6), Block 14, Lots 3.01, 5.06 and 51, Readington Township, Hunterdon County, 102.6 gross acres.
2. Merrywind Farm, LLC, SADC ID#10-0285-DE, FY2023R9(7), Block 64, Lot 1, Washington Township, Morris County, 44.9 gross acres.
3. Louis, Barbara and Brandon Damato, SADC ID#10-0284-DE, FY2023R9(8), Block 19, Lot 26.01, Delaware Township, Hunterdon County, 34.1 gross acres.

4. Donald and Fey Tinsman, SADC ID#10-0282-DE, FY2023R9(9), Block 19, Lot 11, Kingwood Township, Hunterdon County, 34.9 gross acres.
5. Suzanne Smith, SADC ID#10-0283-DE, FY2023R9(10), Block 15, Lots 1.01 and 1.02, Holland Township, Hunterdon County, 41.2 gross acres.
6. Jamal and Kathleen Kadri, SADC ID#18-0036-DE, FY2023R(11), Block 5, Lot 38, Hillsborough Township, Somerset County, 26.7 gross acres.
7. Benjamin Patten, SADC ID#17-0363-DE, FY2023R9(12), Block 11, Lot 3, Pilesgrove Township, Salem County, 91.8 gross acres.
8. Virginia Patten, SADC ID#17-0364-DE, FY2023R9(13), Block 11, Lot 5, Pilesgrove Township, Salem County, 77.2 gross acres.
9. Carol Verechia, SADC ID#17-0368, FY2023R9(14), Block 14, Lot 6 and Block 39, Lot 15, Pilesgrove Township, Salem County, 58.4 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2023R9(6) through FY2023R9(14) is attached to and a part of these minutes.

Public Comment

There was no public comment.

CLOSED SESSION

At 11:07 a.m. Ms. Payne read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss pending or anticipated litigation and any matters falling within the attorney-client privilege, including attorney general advice concerning the retroactivity of the proposed soil protection rules, the Quaker Valley Farms and Riewerts litigation matters, and any matters under N.J.S.A. 10:4-12(b) that have arisen during the public portion of the meeting. The minutes of such meeting shall remain confidential until the committee determines that the need for confidentiality no longer exists.

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

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters - Certification of Values

It was moved by Mr. Ellis and seconded by Mr. Germano to approve the Certification of Values as a result of closed session for farms in the county PIG and fee simple purchase programs, as set forth below. A roll call vote was taken. The motion was unanimously approved.

1. County Planning Incentive Grant Program
 - a. Barnes, Maia & David, SADC ID #10-0427-PG, Block 6, Lot 23.02, Kingwood Twp., Hunterdon Co., 20.0 Net Acres.
2. Fee Simple Purchase Program
 - a. Gulyas, Veronica F. – Estate of, et al (2790 Federal City Road) SADC ID #11-0030-FS, Block 75, Lots 5.01 & 5.02, Hopewell Twp., Mercer Co., Net Acres 67.8 Net Acres.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., October 27, 2022
Location: 200 Riverview Plaza, Trenton, NJ

ADJOURNMENT

The meeting was adjourned at 12:04 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2023R9(1)
Request to Replace a Single-Family Residence
Charles and Rebecca Joyce

September 22, 2022

Subject Property:

Block 38, Lot 4
Alloway Township, Salem County
202.572 Acres
SADC ID# 17-0015-EP

WHEREAS, Charles and Rebecca Joyce, hereinafter “Owners”, are the record owners of Block 38, Lot 4, in the Township of Alloway, Salem County, by deed dated February 1, 2013, and recorded on February 6, 2013, in the Salem County Clerk’s office in Deed Book 3555, Page 373, totaling approximately 202.572 easement acres, hereinafter referred to as the “Premises” (as shown in Schedule “A”); and

WHEREAS, the development easement on the Premises was conveyed to the Salem County Agriculture Development Board (SCADB) by Oscar A. Simkins and Peggy B. Simkins on November 26, 1996, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq., as a Deed of Easement recorded on November 27, 1996, in the Salem County Clerk’s Office, in Deed Book 948, Page 96; and

WHEREAS, the Deed of Easement identifies one (1) single-family residence, no agricultural labor units, one (1) Residual Dwelling Site Opportunity (RDSO), and no exception areas; and

WHEREAS, the farm’s current operation is managed by the Owners and consists of vegetables and grain production; and

WHEREAS, on August 15, 2022, the SADC received an application from the SCADB, on behalf of the Owners, to construct a single-family residence on the Premises for themselves and their family, as shown in Schedule “B”; and

WHEREAS, the Owners propose to demolish the approximately 2,400 sq./ft., two-story, existing single-family residence at 155 Canhouse Road, built in 1840, as shown in Schedules “B” and “C” because, according to the Owner, the residence is not structurally sound, has extensive termite damage, water damage, and outdated electric and plumbing; and

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

WHEREAS, the existing residence is uninhabited; and

WHEREAS, SADC staff received confirmation from the State Historic Preservation Office that the residence is not listed on the New Jersey or National Register of Historic Places; and

WHEREAS, the residence is not located in a local historic district; and

WHEREAS, the Owners are proposing to construct a new, one (1) story, three (3) bedroom, 2.5 bathroom, single family residence consisting of 2,200 sq./ft. of heated living space with an unfinished and unheated basement, hereinafter referred to as the "Proposed Residence", to be used as a residence for the Owners and their family, in the location shown on Schedule "B and C"; and

WHEREAS, the Proposed Residence will have an attached 576 sq./ft., two-car garage; and

WHEREAS, the Proposed Residence will require installation of a new septic system, as shown in Schedule "B"; and

WHEREAS, the location of the Proposed Residence was chosen to minimize impacts to the agricultural operation; and

WHEREAS, the Proposed Residence will utilize the existing utility line and driveway as shown in Schedule "B"; and

WHEREAS, the Owners plan to continue to raise grain and vegetables on the Premises; and

WHEREAS, on July 14, 2022, the SADC received an application from the SCADB, on behalf of the Owners, to divide the Premises and to exercise the RDSO; and

WHEREAS, at its July 27, 2022, meeting, the SCADB approved the request from the Owners to divide the Premises and to exercise the RDSO; and

WHEREAS, after discussions with SADC staff, the Owners decided to revise their application and to request replacement of the residence on the Premises; and

WHEREAS, on August 15, 2022, the Owners submitted the new application to the SCADB solely for the house replacement; and

WHEREAS, at its August 24, 2022, meeting, the SCADB approved the Owners' request to replace the residence on the Premises and rescinded the July 27, 2022, approval.

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC, pursuant to the restrictions as contained in the Deed of Easement, finds that the construction of a single-family residence on the Premises will have

a positive impact on the continued agricultural operations of this farm by replacing the existing deteriorated residence with a new home which shall serve as the primary residence for the Owners/Operators of the farm.

3. The Committee approves the construction of a new single-family residence not to exceed 2,200 sq./ft. of heated living space, along with a new septic system, to replace the existing single-family residence on the Premises in the location as shown in Schedule "B".
4. The existing residence must be removed within 60 days of the receipt of the certificate of occupancy for the new residence.
5. This approval is valid for a period of three years from the date of this resolution, during which the Owners shall initiate the requested action; for the purpose of this provision "initiate" means applying for applicable local, state, or federal approvals necessary to effectuate the approved SADC action.
6. This approval is conditioned upon and shall not become effective until the SADC's receipt, review and confirmation that the Salem CADB properly rescinded its division of premises and RDSO approval, dated July 27, 2022.
7. This action is non-transferable.
8. The construction of the new residence and any other structures as described in the application, as appropriate, is subject to all applicable local, State and Federal regulations.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9/22/2022

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

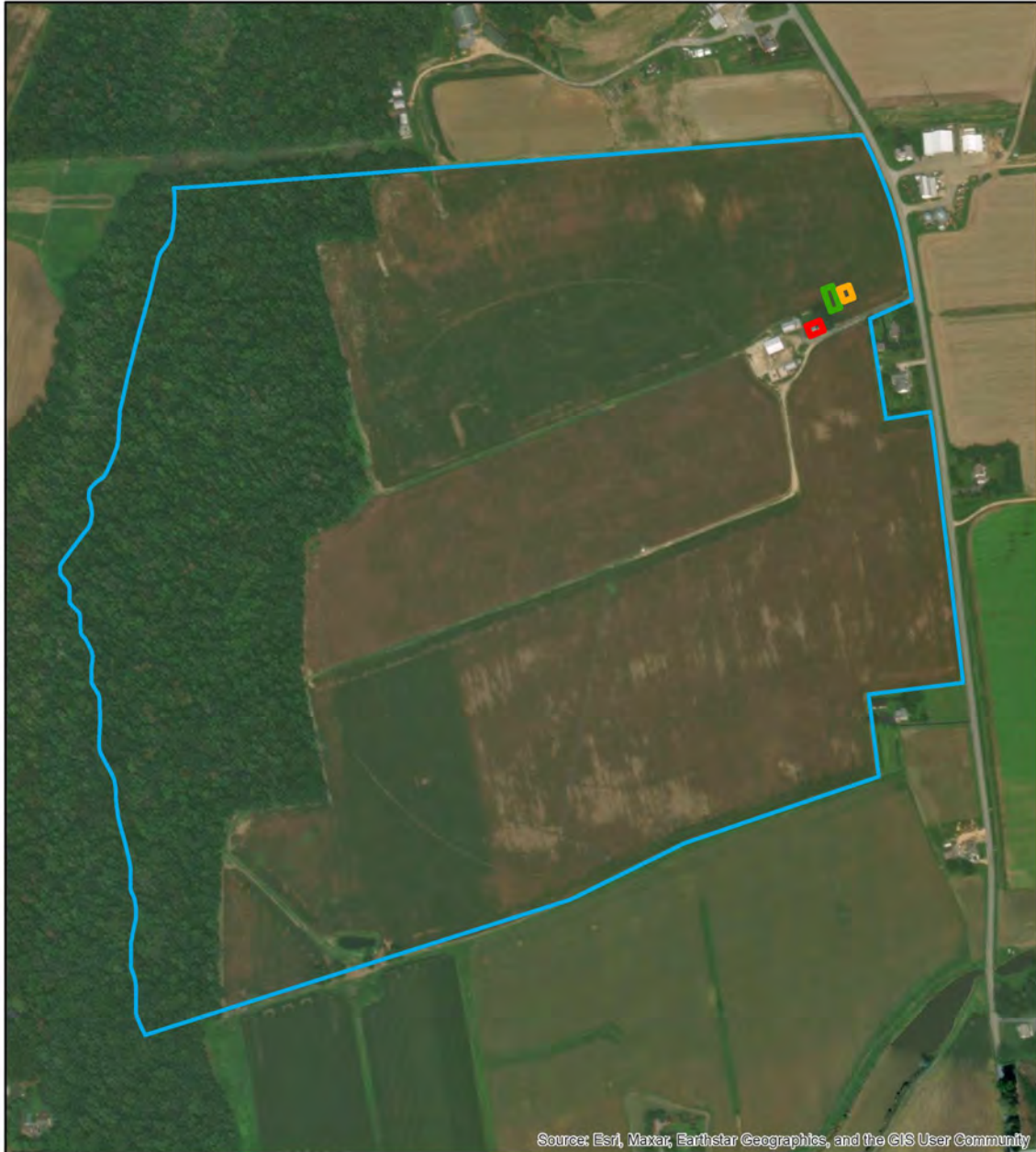
VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A

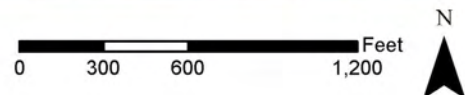


Simkins - Joyce Farm 17-0015-EP **Alloway Twp. Block 38 Lot 4** **New Jersey Farmland Preservation Program**



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

For Planning Purposes Only
Date: August 15, 2022



Schedule B



Simkins - Joyce Farm 17-0015-EP **Alloway Twp. Block 38 Lot 4** **New Jersey Farmland Preservation Program**



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

For Planning Purposes Only
Date: August 15, 2022

0 50 100 200 Feet



Schedule C
Existing Residence



Proposed Area of New Residence



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2023R9(2)

FINAL APPROVAL

of the

**COUNTY PLANNING INCENTIVE GRANT APPLICATIONS INCLUDING UPDATE TO THE
COMPREHENSIVE FARMLAND PRESERVATION PLANS
FY 2023 PIG PROGRAM**

September 22, 2022

WHEREAS, the State Agriculture Development Committee ("SADC") is authorized under the Farmland Preservation Planning Incentive Grant Act, P.L. 1999, c.180 (N.J.S.A. 4:1C-43.1), to provide a grant to eligible counties and municipalities for farmland preservation purposes based on whether the identified project area provides an opportunity to preserve a significant area of reasonably contiguous farmland that will promote the long term viability of agriculture as an industry in the municipality or county; and

WHEREAS, to be eligible for a grant, a county shall:

1. Identify project areas of multiple farms that are reasonably contiguous and located in an agriculture development area authorized pursuant to the "Agriculture Retention and Development Act," P.L. 1983, c.32 (C.4:1C-11 et seq.); and
2. Establish a county agriculture development board (CADB), pursuant to N.J.S.A. 4:1C-14, to serve as the agricultural advisory committee; and
3. Prepare a comprehensive farmland preservation plan; and
4. Establish and maintain a dedicated source of funding for farmland preservation pursuant to P.L. 1997, c.24 (C.40:12-15.1 et seq.), or an alternative means of funding for farmland preservation, including, but not limited to, a dedicated tax, repeated annual appropriations or repeated issuance of bonded indebtedness; and

WHEREAS, the SADC adopted amended rules, effective July 2, 2007, under Subchapter 17 (N.J.A.C. 2:76-17) to implement the Farmland Preservation Planning Incentive Grant Act, P.L. 1999, c.180 (N.J.S.A. 4:1C-43.1) by establishing a county farmland preservation planning incentive grant program; and

WHEREAS, recent amendments to Subchapter 17 (N.J.A.C. 2:76-17), effective August 3, 2020, were made to enhance the planning incentive grant program; and

WHEREAS, as a condition of eligibility for a grant, a county's comprehensive farmland preservation plan must now be reviewed and readopted at least every 10 years pursuant to N.J.A.C. 2:76-17.4(c); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.6, a county, in submitting an application to the SADC shall include a copy of the comprehensive farmland preservation plan; a project area inventory for each project area designated within the plan in accordance with N.J.A.C. 2:76-17.5; and a report

summarizing the status of the purchase of development easements on farms identified in prior year's applications and expenditure of Committee funds previously allocated ; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.4, the SADC specified that a county comprehensive farmland preservation plan shall, at a minimum, include the following components:

1. The adopted farmland preservation plan element of the county master plan;
2. A map and description of the county's agricultural resource base including, at a minimum, the proposed farmland preservation project areas and the location and extent of important farmland soils;
3. A description of the land use planning context for the county's farmland preservation initiatives including identification and detailed map of the county's adopted Agricultural Development Area (ADA), consistency of the county's farmland preservation program with regional and State land use planning and conservation efforts;
4. A description of the county's past and future farmland preservation program activities, including program goals and objectives, and a summary of available county funding and approved funding policies in relation to the county's one-, five- and ten-year preservation projections;
5. A discussion of the actions the county has taken, or plans to take, to promote agricultural economic development in order to sustain the agricultural industry;
6. Other farmland preservation techniques being utilized or considered by the county;
7. A description of the policies, guidelines or standards used by the county in conducting its farmland preservation efforts, including any minimum eligibility criteria or standards used by the county for solicitation and approval of farmland preservation program applications in relation to SADC minimum eligibility criteria as described at N.J.A.C. 2:76-6.20, adopted ranking criteria in relation to SADC ranking factors at N.J.A.C. 2:76-6.16, and any other policies, guidelines or standards that affect application evaluation or selection;
8. A description of county staff and/or consultants used to facilitate the preservation of farms; and
9. Any other information as deemed appropriate by the county; and

WHEREAS, on July 25, 2019 the SADC updated its 2007 adopted *Guidelines for Developing County Comprehensive Farmland Preservation Plans* which supplement N.J.A.C. 2:76-17A and provide uniform, detailed plan standards, update previous planning standards, and incorporate recommendations from the 2006 edition of the Agricultural Smart Growth Plan for New Jersey and the Planning Incentive Grant Statute (N.J.S.A. 4:1C-43.1); and

WHEREAS, the *Guidelines* emphasize that these county comprehensive farmland preservation plans should be developed in consultation with the agricultural community including the CADB,

county planning board and the county board of agriculture, and where appropriate, in conjunction with surrounding counties, with at least two public meetings including a required public hearing prior to planning board adoption as an element of the county master plan; and

WHEREAS, the SADC established cost share grant funding for the preparation or update of comprehensive farmland preservation plans as detailed in SADC Policy #55, effective July 25, 2019; and

WHEREAS, nine (9) counties that applied for funding under the 2023 County Planning Incentive Grant round, Burlington, Cape May, Cumberland, Hunterdon, Middlesex, Monmouth, Morris, Salem and Somerset Counties, had comprehensive farmland preservation plans that were greater than 10 years old; and

WHEREAS, on May 26, 2022, these nine (9) counties' 2023 County Planning Incentive Grant Applications were approved, conditioned upon the readoption of their comprehensive farmland preservation plans prior to the SADC's approval of its FY2023 appropriation request; and

WHEREAS, these nine (9) counties, with the exception of Cape May County, have executed grant agreements with the SADC for funding comprehensive farmland preservation plan updates; and

WHEREAS, six (6) counties, Cape May, Middlesex, Monmouth, Morris, Salem, and Somerset Counties, have updated and readopted their comprehensive farmland preservation plans consistent with the SADC's adopted *Guidelines*; and

WHEREAS, per N.J.S.A. 4:1C-18 and N.J.A.C. 2:76-1.3, counties may identify and recommend areas to be designated as Agricultural Development Areas; and

WHEREAS, Agricultural Development Areas are areas where agriculture is the preferred, but not necessarily the exclusive, use of the land and it is within these areas that farmland preservation efforts will be focused; and

WHEREAS, Cape May, Middlesex, Monmouth, Morris, Salem, and Somerset Counties updated their Agricultural Development Area designations in connection with the development of and update to their comprehensive farmland preservation plans; and

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval of the Cape May, Middlesex, Monmouth, Morris, Salem, and Somerset Counties Planning Incentive Grant applications submitted under the FY2023 program planning round, including recently adopted comprehensive farmland preservation plans; and

BE IT FURTHER RESOLVED, that the SADC certifies the amendments to the Agricultural Development Area designations of Cape May, Middlesex, Monmouth, Morris, Salem, and Somerset Counties consistent with N.J.S.A. 4:1C-18 and N.J.A.C. 2:76-1.3; and

BE IT FURTHER RESOLVED, that the SADC authorizes release of cost share funding for the update of these comprehensive farmland preservation plans pursuant to SADC Policy #55 and the executed agreements; and

BE IT FURTHER RESOLVED, that the SADC will continue to assist counties with planning for agricultural retention, the promotion of natural resource conservation efforts, county and municipal coordination, and agricultural economic development and in strengthening of Right to Farm protections; 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 the SADC's approval is conditioned upon the Governor's review period pursuant to N.J.S.A 4:1C-4f.

9/22/2022

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
REVIEW OF A NON-AGRICULTURAL DEVELOPMENT PROJECT IN AN
AGRICULTURAL DEVELOPMENT AREA**

**MEADOW ROAD BRIDGE REPLACEMENT PROJECT
BEDMINSTER AND BRIDGEWATER TOWNSHIPS, SOMERSET COUNTY**

RESOLUTION #FY2023R9(3)

September 22, 2022

WHEREAS, pursuant to the Agriculture Retention and Development Act (ARDA), N.J.S.A. 4:1C-19, any public body or public utility which intends to exercise the power of eminent domain within an Agricultural Development Area (ADA), or which intends to advance a grant, loan, interest subsidy or other funds within an ADA for the construction of dwellings, commercial or industrial facilities, transportation facilities or water or sewer facilities to serve nonfarm structures, shall file a Notice of Intent (NOI) with the County Agriculture Development Board (CADB) and the State Agriculture Development Committee (SADC) 30 days prior to the initiation of the action; and

WHEREAS, CADBs and the SADC are charged with the responsibility, pursuant to N.J.S.A. 4:1C-19, to review the proposed action to determine its effect upon the preservation and enhancement of agriculture in the ADA, the municipally approved program, and overall State agriculture preservation and development policies; and

WHEREAS, the Somerset County Division of Engineering – Bridge Section (County) filed a Notice of Intent with the Somerset CADB and the SADC informing both agencies of the County's intent to reconstruct County Bridge No. E1002 (Project) which carries Meadow Road over Chambers Brook in the townships of Bedminster and Bridgewater (Schedule A); and

WHEREAS, the Meadow Road right-of-way containing County Bridge No. E1002 is bordered to the north by the Staats Farm (Block 443, Lot 19 in Bridgewater Township and Block 62, Lot 13 in Bedminster Township) which is located within the Somerset County ADA and was preserved through the County Easement Purchase program in 2002; and

WHEREAS, according to the NOI, Bridge No. E1002, built in 1931, is now considered structurally deficient due to the condition of the superstructure which includes large areas of deteriorated and spalled concrete with exposed rusted reinforcing steel in the underside of the deck at the abutments; and

WHEREAS, bridge reconstruction will necessitate access to Chambers Brook via a 2,355 S.F. temporary construction easement located on a non-severable exception area on Block 443, Lot 19 as well as two bridge easements (1,085 S.F. on Block 443, Lot 19 and 733 S.F. on Block 62, Lot 13) each located on riparian severable exception areas along either side of Chambers Brook (Schedule B); and

WHEREAS, aside from a small area of fenced pastureland (<750 S.F.) on the non-severable exception, no production areas on the Staats farm will be utilized by the County; and

WHEREAS, the County will ensure any fence movement and repair associated with the temporary construction easement is performed in coordination with the landowner; and

WHEREAS, the Project will not necessitate condemnation of the preserved farmland; and

WHEREAS, at its August 22, 2022 meeting, the Somerset CADB found the Project, as described in the NOI, would not cause unreasonably adverse effects on preserved farms, the ADA, or State agricultural preservation and development policies; and

WHEREAS, the SADC has reviewed the NOI documents submitted and determined that the County has adequately addressed all requirements and information about the project pursuant to N.J.S.A. 4:1C-19 and N.J.A.C. 2:76-7.1, et seq.

NOW, THEREFORE, BE IT RESOLVED that the SADC has reviewed the proposed action to determine its effect upon the preservation and enhancement of agriculture in the ADAs, the municipally approved program, and upon overall State agriculture preservation and development policies, and finds that the Meadow Road Bridge Replacement Project, as described in the NOI submitted by Somerset County Division of Engineering, would not cause unreasonably adverse effects on preserved farmland, ADAs or State agricultural preservation and development policies pursuant to N.J.S.A. 4:1C-19 for the following reasons:

1. The Project is necessary to improve the safety and function of County Bridge No. E1002 and will not add additional roads or utilities within the ADA.
2. Somerset County evaluated multiple design options and proposed improvements that are almost exclusively within the existing road right-of-way and designed to avoid preserved farmland and minimize impacts to non-preserved agricultural land.

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

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.

9/22/2022
Date

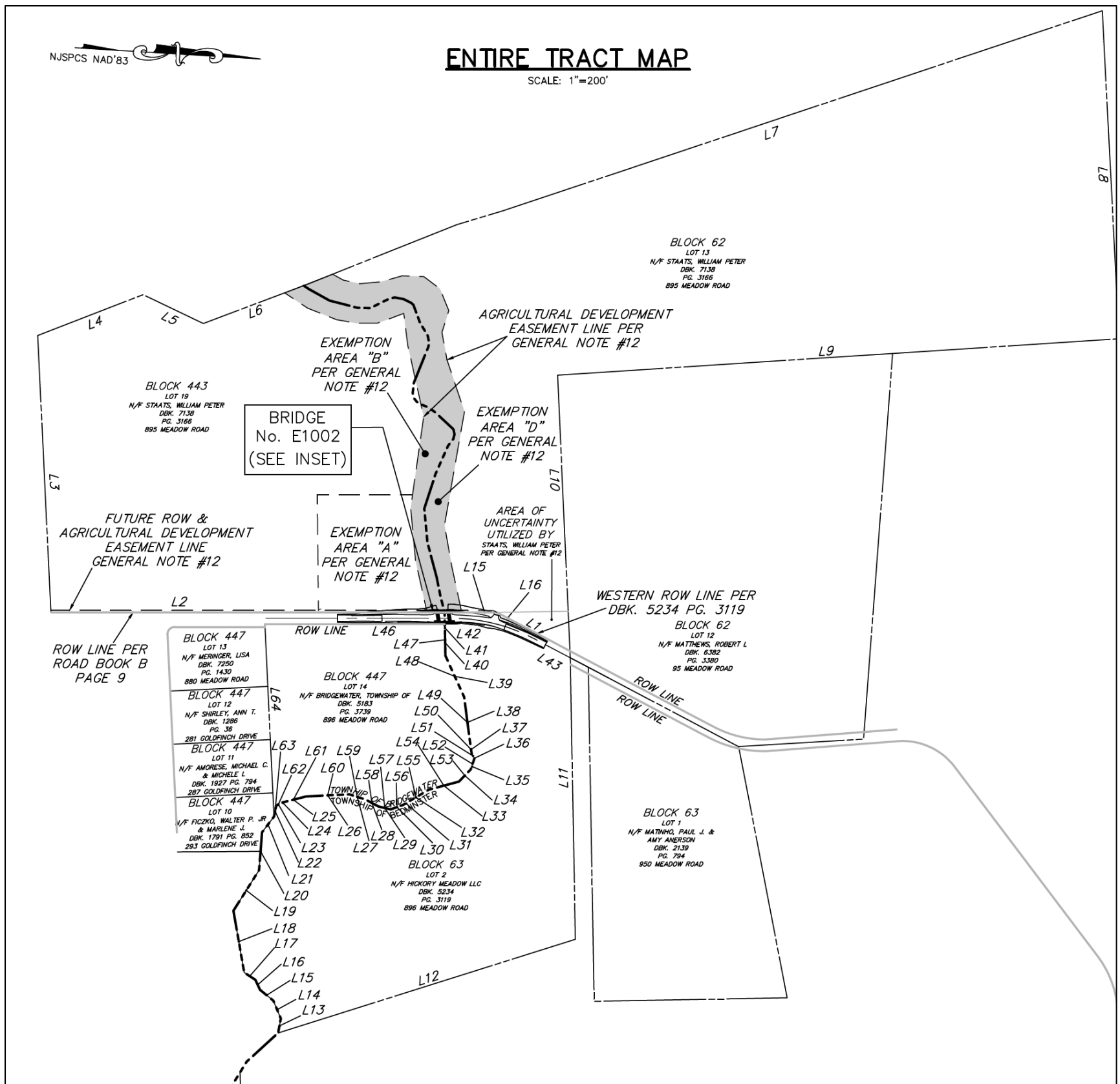


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

SCALE: 1"=200'



STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2023R9(4)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
CUMBERLAND COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Lore, Richard E. Sr. ("Owner")
SADC ID#06-0221-PG
Hopewell Township, Cumberland County
N.J.A.C. 2:76-17 et seq.

SEPTEMBER 22, 2022

WHEREAS, on May 13, 2021 it was determined that the application for the sale of a development easement for the subject farm identified as Block 21, Lot 5, Hopewell Township, Cumberland County, totaling approximately 36.4 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

WHEREAS, the targeted Property is located in the County's Shiloh- Hopewell Project Area; and

WHEREAS, the Property includes one (1) approximately 1.5-acre severable exception area for the existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 34.9 net acres to be preserved, hereinafter referred to as "the Premises"; and

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

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

WHEREAS, the 1.5 acre severable exception area:

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

WHEREAS, the Premises includes:

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

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

WHEREAS, the Property has a quality score of 71.82 which exceeds 42, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, on August 4, 2021, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$5,200 per acre based on zoning and environmental regulations in place as of the current valuation date of January 1, 2021; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,200 per acre for the purchase of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on June 21, 2022, the Hopewell Township Committee approved the application for the sale of development easement but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 20, 2022, the Cumberland County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 24, 2022, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$1,700 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, 35.95 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 35.95 acres):

	Total	Per/acre
SADC	\$125,825	(\$3,500/acre)
<u>Cumberland County</u>	<u>\$ 61,115</u>	<u>(\$1,700/acre)</u>
Total Easement Purchase	\$186,940	(\$5,200/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$125,825 in base grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Premises, comprising approximately 35.95 net easement acres, at a State cost share of \$3,500 per acre, (67.31% of certified easement value and purchase price), for a total grant of approximately \$125,825 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
4. 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.
5. The SADC's cost share grant to the county for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
6. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
7. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.

8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9/22/2022
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

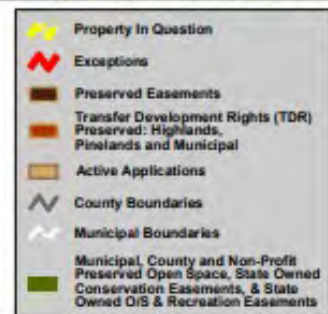
Preserved Farms and Active Applications Within Two Miles



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Lore, Sr., Richard E.
Block 21 Lots P/O 5 (34.9 ac)
& P/O 5-ES (severable exception - 1.5 ac)
Gross Total = 36.4 ac
Hopewell Twp., Cumberland County

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

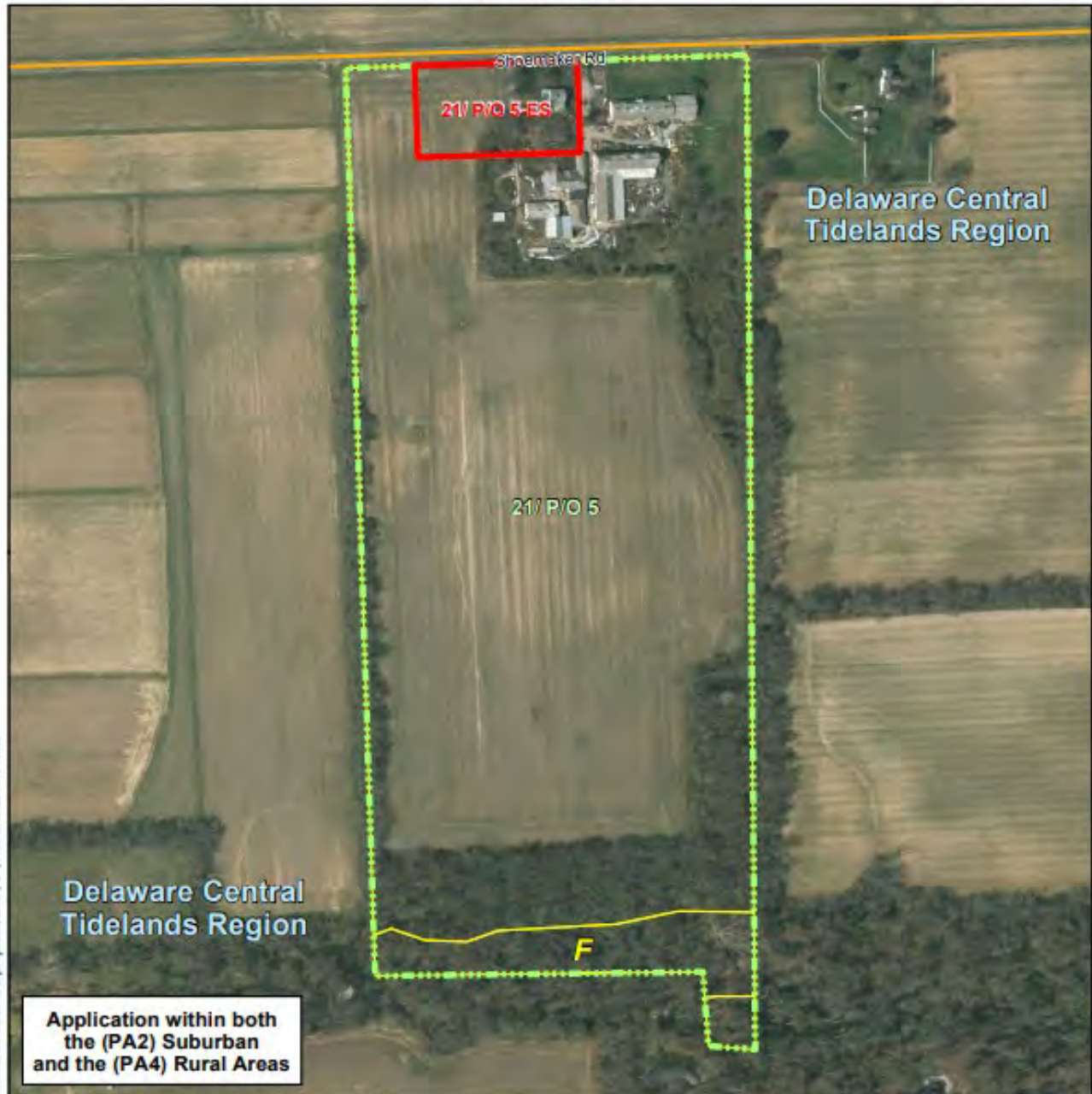


Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NODITIGIS 2015 Digital Aerial Image

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

August 8, 2022

Wetlands



X:\counties\counm\projects\Lore, Sr., Richard E fww.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Lore, Sr., Richard E.
Block 21 Lots P/O 5 (34.9 ac)
& P/O 5-ES (severable exception - 1.5 ac)
Gross Total = 36.4 ac
Hopewell Twp., Cumberland County

250 125 0 250 500 Feet

Sources:
NJ Farmland Preservation Program
Green Acres Conservation E
NJDOT/OGIS 2015 Digital Aerial Image

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

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



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

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

August 8, 2022

SADC County Pig Financial Status
Schedule B

Cumberland County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Base Grant				Competitive Funds																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 20	Fiscal Year 21	Fiscal Year 22	Maximum Grant			Fund Balance																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
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State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Lore, Sr., Richard E.
06-0221-PG
County PIG Program
35 Acres

Block 21	Lot 5	Hopewell Twp.	Cumberland County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:		Cropland Harvested	74% * .15 = 11.10
		Wetlands/Water	6% * 0 = .00
		Woodlands	20% * 0 = .00
			TILLABLE SOILS SCORE: 11.10
FARM USE:		Soybeans-Cash Grain	28 acres
		Dairy	acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st (1.5) acres for Existing Single Family Residence
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2023R9(5)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
WARREN COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of McEvoy, Gerard and Janet #1 ("Owners")
SADC ID# 21-0623-PG
White Township, Warren County
N.J.A.C. 2:76-17 et seq.**

SEPTEMBER 22, 2022

WHEREAS, on July 26, 2021, it was determined that the application for the sale of a development easement for the subject farm identified as Block 13, Lots 11 and 17.01, and Block 18, Lot 58, White Township, Warren County, totaling approximately 98.6 gross acres hereinafter referred to as "the Property" (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant ("PIG") criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

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

WHEREAS, the Property includes:

- one (1) approximately 4.75-acre severable exception area for the existing single family residential unit and to afford future flexibility for nonagricultural uses
- one (1), approximately 7-acre non-severable exception area for the existing single family residential unit and to afford future flexibility for nonagricultural uses; and
 - o The 7-acre exception also contains three (3) structures that were previously used as part of a retreat and recreational business. These structures are not to be considered single family residential units and while currently dilapidated, may be improved for non-residential uses.
- one (1) 2.5-acre non-severable exception area for the existing single family residential unit and to provide future flexibility for nonagricultural uses, resulting in approximately 84.35 net acres to be preserved, hereinafter referred to as "the Premises"; and

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

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

WHEREAS, the 4.75-acre severable exception area:

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

WHEREAS, the 7-acre non-severable exception area:

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

WHEREAS, the 2.5-acre non-severable exception area:

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

WHEREAS, the Premises includes:

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

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

WHEREAS, the Property has a quality score of 63.87 which exceeds 44, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, the Property is in the Highlands Planning Area and, pursuant to N.J.S.A. 13:8C-38j., as amended by P.L. 2016, Chapter 136, applications are eligible to be appraised based on zoning and environmental conditions in place as of 01/01/2004 if the landowners, or an immediate family member, owned the property on 01/01/2004 and continuously thereafter; and

WHEREAS, the chain of title to Block 13, Lot 11 and Block 18, Lot 58 reflects that: (a) Elizabeth M. Johnson purchased the said parcels by deed dated 12/14/2002 and recorded on 02/24/2003; Richard Johnson, as Executor of the Estate of Elizabeth M. Johnson conveyed the said parcels to Janet McEvoy and Gerard V. McEvoy by deed dated 08/01/2013 and recorded 08/02/2013; (b) Janet McEvoy represents that she is the granddaughter of Elizabeth M. Johnson; and

WHEREAS, the chain of title to Block 13, Lot 17.01 reflects that the Owner purchased the said parcel by deed dated 07/12/1999; and

WHEREAS, the Owner is, therefore, considered to be the landowner or an immediate family member of a landowner who owned the Property as of 01/01/2004, making the Property eligible for appraisal under zoning and environmental conditions in place as of 01/01/2004; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on February 23, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$4,800 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$1,000 per acre based on zoning and environmental regulations in place as of the current valuation date October 12, 2021; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$4,800 per acre for the purchase of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on July 13, 2022, the White Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 21, 2022, the Warren County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on August 10, 2022, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$1,520 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, 86.88 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 86.88 acres):

	Total	Per/acre
SADC	\$284,966.40	(\$3,280/acre)
County	\$132,057.60	(\$1,520/acre)
Total Easement	\$417,024.00	(\$4,800/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$284,966.40 in base grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Premises, comprising approximately 86.88 net easement acres, at a State cost share of \$3,280 per acre, (68.33% of certified easement value and purchase price), for a total grant of approximately \$284,966.40 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
4. 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.
5. The SADC's cost share grant to the county for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
6. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
7. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

____9/22/2022_____
Date

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

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

McEvoy, Gerard & Janet (Lot 11 #1)

Block 13 Lots P/O 11 (47.1 ac); P/O 11-EN (non-severable exception - 7.0 ac);

P/O 17.01 (19.1 ac); P/O 17.01-ES (severable exception - 4.7 ac);

Block 18 Lot P/O 58 (18.2 ac) & P/O 58-EN (non-severable exception - 2.5 ac)

Gross Total = 98.6 ac

White Twp., Warren County

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

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



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NHDOTGIS 2020 Digital Aerial Image

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

July 9, 2021

Wetlands



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

McEvoy, Gerard & Janet (Lot 11 #1)
Block 13 Lots P/O 11 (47.1 ac); P/O 11-EN (non-severable exception - 7.0 ac);
P/O 17.01 (19.1 ac); P/O 17.01-ES (severable exception - 4.7 ac);
Block 18 Lot P/O 58 (18.2 ac) & P/O 58-EN (non-severable exception - 2.5 ac)
Gross Total = 98.6 ac
White Twp., Warren County

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Assessment Data
NJ Highlands Council Data
NJ Office of State Planning and Development

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 as they were developed primarily for planning purposes. The geographic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring definition and location of the ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

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

Wetlands Legend:
F - Freshwater Wetlands
L - Lotic Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - Bull Wetlands
W - Water

July 9, 2021

SADC County PIG Financial Status
Schedule B

Warren County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Base Grant				Competitive Funds						
										Fiscal Year 11 Fiscal Year 13 Fiscal Year 17 - Fiscal Year 20 Fiscal Year 21 Fiscal Year 22		1,500,000.00 1,000,000.00 1,000,000.00 - - -	Maximum Grant		Fund Balance		0.00			
													Fiscal Year 11 Fiscal Year 13 Fiscal Year 17 Fiscal Year 18 Fiscal Year 20	3,000,000.00 5,000,000.00 5,000,000.00 2,000,000.00 2,000,000.00	Fiscal Year 11 Fiscal Year 13 Fiscal Year 17 Fiscal Year 18 Fiscal Year 20	317,215.12 15,881.64 7,002,926.77 10,000,000.00				
Encumbered	PV	Expended	Balance	Encumbered	PV	Expended	FY11 Balance	FY13 Balance	FY17 Balance	FY18 Balance	FY20 Balance									
4,500,000.00																				
21-0530-PG	JJ Smith North	78.9860	78.9860	4,600.00	3,160.00	363,335.60	249,595.76						260,384.00	249,595.76	249,595.76		3,448,369.54			
21-0558-PG	JJ Smith South	42.3440	42.3440	6,000.00	3,900.00	254,064.00	165,141.60						170,235.00	165,141.60	165,141.60		3,283,227.94			
21-0543-PG	Klimas	197.4750	197.1190	3,700.00	2,620.00	729,340.30	516,451.78						512,734.00	516,451.78	516,451.78		2,766,776.16			
21-0559-PG	Thompson	34.6210	34.6210	3,600.00	2,560.00	124,635.60	88,629.76						95,462.40	88,629.76	88,629.76		2,678,146.40			
21-0572-PG	RLL Enterprises	47.7350	47.7350	7,600.00	4,700.00	362,786.00	224,354.50						230,441.00	224,354.50	224,354.50	2,716,111.98	2,662,173.25			
21-0560-PG	Burke & Dinsmore (51.01)	78.735	78.7330	3,500.00	2,500.00	275,565.50	196,832.50						206,000.00	196,832.50	196,832.50		2,465,340.75			
21-0561-PG	Burke & Dinsmore (51.02)	18.106	18.1060	7,800.00	4,800.00	141,226.80	86,908.80						92,448.00	86,908.80	86,908.80		2,378,431.95			
21-0570-PG	Race	85.566	85.5660	5,700.00	3,750.00	487,726.20	320,872.50						333,742.50	320,872.50	320,872.50		2,057,559.45			
21-0574-PG	Unangst	84.0410	84.0410	3,625.00	2,575.00	304,648.63	216,405.58						229,149.25	216,405.58	216,405.58	2,709,245.56	1,848,020.29			
21-0568-PG	Barton #1	34.5188	33.9604	4,500.00	2,952.27	152,821.80	100,260.20						100,260.20	100,260.20	100,260.20		1,747,760.09			
21-0564-PG	Barton #2	69.8326	69.8326	4,800.00	3,266.02	335,196.48	228,074.80						228,074.80	228,074.80	228,074.80		1,519,685.29			
21-0565-PG	Barton #3	26.6195	26.6195	5,800.00	3,800.00	154,393.10	101,154.10						103,918.60	101,154.16	101,154.16		1,418,531.13			
21-0557-PG	O'Dowd East	91.7830	91.7830	6,300.00	4,050.00	578,232.90	371,721.15						401,213.25	371,721.15	371,721.15		1,046,809.98			
21-0554-PG	O'Dowd West	104.7370	104.7370	5,600.00	3,700.00	586,527.20	387,526.90						402,234.40	387,526.90	387,526.90		659,283.08			
21-0553-PG	Bartha	40.5150	40.5150	4,500.00	3,100.00	182,317.50	125,596.50						130,913.00	125,596.50	125,596.50		533,686.58			
21-0602-PG	Shandor, Riddle, West, Spade	100.1900	100.1900	3,100.00	2,260.00	310,589.00	226,429.40			243,628.00	226,427.14	226,429.40	1,773,570.60							
21-0609-PG	Haydu, S & J, and Potter, D	43.9860	42.9330	4,900.00	3,340.00	210,371.70	143,396.22			146,208.50	143,396.22	143,396.22	1,630,174.38							
21-0605-PG	LaBarre Family LMTD Partnership	101.4830	100.5600	3,200.00	2,320.00	324,745.60	233,299.20			233,299.20	233,299.20	233,299.20	1,396,875.18							
21-0604-PG	Hoffmann-LaRoche Inc.	92.7160	92.7160	5,100.00	3,450.00	472,851.60	319,870.20			333,063.00	319,870.20	319,870.20	1,077,004.98							
21-0612-PG	Anema, Kristopher	19.6560	18.8700	4,000.00	2,800.00	75,480.00	52,836.00			43,801.30	43,801.30	43,801.30	1,033,203.68	13,598.70	9,034.70	9,034.70		4,990,965.30		
21-0613-PG	Route 57 Partnership	69.5790	69.5730	3,200.00	2,320.00	222,633.60	161,409.36							165,121.36	161,409.36	161,409.36		4,829,555.94		
21-0370-PG	CDEK LLC & Stampone, Edward	32.7640	32.7300	4,650.00	3,190.00	152,194.50	104,156.68							104,156.69	104,156.69	104,156.69		4,725,399.25		
21-0615-PG	Beatty, Carol A. (South)	49.9250	49.0900	9,500.00	5,700.00	466,355.00	279,813.00							296,514.00	279,813.00			4,445,586.25		
21-0614-PG	Beatty, Carol A. (North)	84.1710	84.1710	8,800.00	5,300.00	740,704.80	446,106.30			30,391.40	30,391.40		1,002,812.28	428,164.60	415,714.90			4,029,871.35		
21-0608-PG	Dykstra Properties, LLC	286.3810	286.3810	3,900.00	2,740.00	1,116,885.90	784,683.94							815,333.58	784,683.94	784,683.94		3,245,187.41		
21-0619-PG	7 Old Orchard Rd, LLC	74.2190	70.3360	4,000.00	2,440.00	281,344.00	171,619.84							189,243.96	171,619.84	171,619.84		3,073,567.57	2,000,000.00	
21-0624-PG	McEvoy, Gerard & Janet (Lot 11.01 #2)	20.6000	21.2200	5,200.00	3,500.00	110,344.00	74,270.00			2,812.28			1,000,000.00	71,457.72				3,053,697.97	1,948,411.88	
21-0625-PG	Ferri, Alexander & Ashley	65.0000	66.9500	4,200.00	2,920.00	281,190.00	195,494.00			195,494.00										
21-0623-PG	McEvoy, Gerard & Janet #1	84.3500	86.8800	4,800.00	3,280.00	417,024.00	284,966.40			284,966.40			519,539.60							
Closed	38	3,031.2709	3,018.6245			14,061,463.23	9,501,586.20	89,686.77	38,717.25											
Encumbered	5	304.0460	308.3110			2,015,617.80	1,280,649.70													
								Encumber/Expended FY09	-	-	-	-								
								Encumber/Expended FY11	-	-	1,500,000.00	-	-	290,754.44	2,709,245.56					
								Encumber/Expended FY13	-	-	1,000,000.00	-	-	4,466,313.42		533,686.58				
								Encumber/Expended FY17	2,812.28	30,391.40	966,796.32	-	19,869.60	695,527.90	1,230,904.53		3,053,697.97			
								Encumber/Expended FY18				-	51,588.12	-	-			1,948,411.88		
								Encumber/Expended FY20	-	-	-	-	-	-	-				2,000,000.00	
								Encumber/Expended FY21	-	-	-	-	-	-	-					
								Encumber/Expended FY22	480,460.40	-	-	-	519,539.60							
								Total				519,539.60			2,709,245.56	533,686.58	3,053,697.97	1,948,411.88	2,000,000.00	

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

McEvoy, Gerard & Janet (Lot 11 #1)
21-0623-PG
County PIG Program
84 Acres

Block 13	Lot 11	White Twp.	Warren County
Block 18	Lot 58	White Twp.	Warren County
Block 13	Lot 17.01	White Twp.	Warren County

SOILS:	Other	22% * 0	=	.00
	Prime	9% * .15	=	1.35
	Statewide	69% * .1	=	6.90

SOIL SCORE: 8.25

TILLABLE SOILS:	Cropland Harvested	61% * .15	=	9.15
	Wetlands/Water	5% * 0	=	.00
	Woodlands	34% * 0	=	.00

TILLABLE SOILS SCORE: 9.15

FARM USE:	Hay	acres	
	Cash Grains	acres	Oats
	Poultry & Eggs	acres	Ducks and Chicken

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st seven (7) acres for single family residence, 3 recreational cabins & future flexibility
Exception is not to be severed from Premises
Exception is to be limited to one existing single family residential unit(s)
Exception contains and is restricted to 3 existing recreational use cabins
 - 2nd (2.5) acres for single family residence & flexibility
Exception is not to be severed from Premises
Exception is to be limited to one existing single family residential unit(s)
 - 3rd (4.7) acres for single family residence & flexibility
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2023R9(6)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Barrettstown Joy Farm, LLC

SEPTEMBER 22, 2022

Subject Property: **Barrettstown Joy Farm, LLC**
Block 14, Lots 3.01, 5.06, and 51
Readington Township, Hunterdon County
SADC ID#: 10-0149-DE

WHEREAS, on March 7, 2022, the State Agriculture Development Committee ("SADC") received a development easement sale application from Barrettstown Joy Farm, LLC, hereinafter "Owner," identified as Block 14, Lots 3.01, 5.06, and 51, Readington Township, Hunterdon County, hereinafter "the Property," totaling approximately 102.6 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes:

- one (1), approximately 4-acre non-severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses; and
- one (1) approximately 1.8-acre severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses, resulting in approximately 96.8 net acres to be preserved, hereinafter referred to as "the Premises"; and

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

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

WHEREAS, the 4-acre non-severable exception area:

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

WHEREAS, the 1.8-acre severable exception area:

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

WHEREAS, the Premises outside the exception area includes:

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

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 2, 2021 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Hunterdon County (minimum acreage of 63 and minimum quality score of 57) because it is approximately 102.6 acres and has a quality score of 66.83; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on August 8, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$7,900 per acre based on zoning and environmental regulations in place as of the current valuation date July 1, 2022; and

WHEREAS, the Owners accepted the SADC's offer of \$7,900 acre for the purchase of the development easement on the Premises; and

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$7,900 per acre for a total of approximately \$764,720 subject to the conditions contained in (Schedule B).

3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
4. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
5. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
6. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
7. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
8. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

____9/22/2022_____
Date

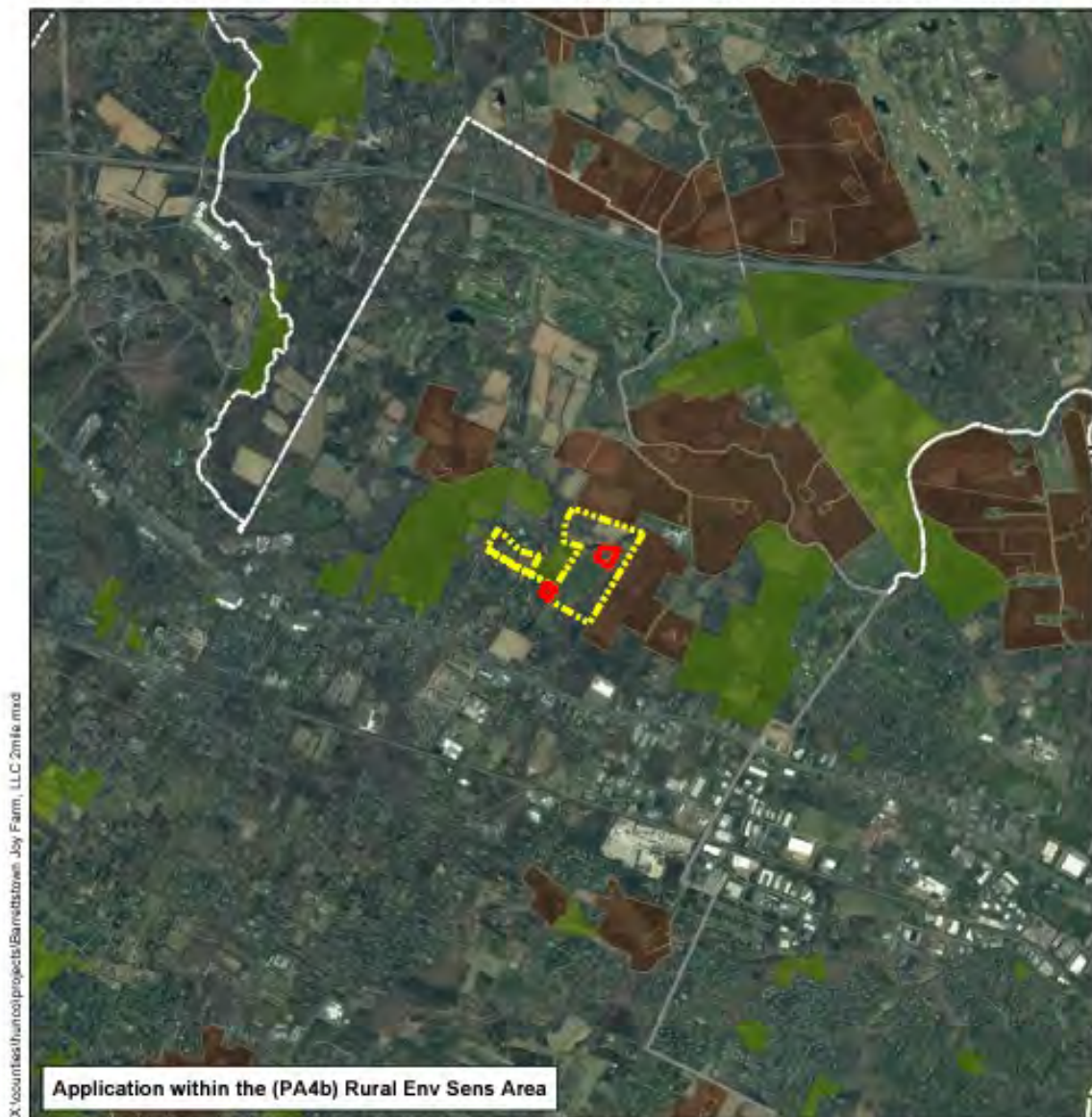


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles

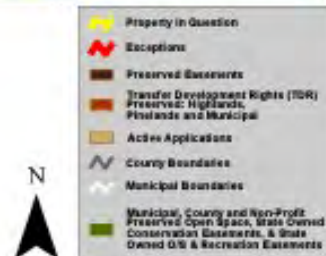


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Barrettstown Joy Farm, LLC
Block 14 Lots 3.01(14.1 ac);
P/O 5.06-ES (severable exception - 1.8 ac);
P/O 51 (82.7 ac) & P/O 51-EN (non-severable exception - 4.0 ac)
Gross Total = 102.6 ac
Readington Twp., Hunterdon County

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

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



Sources:
NJ Farmland Preservation Program
NJDOT Parcel Data
NJDEP Conservation/Open Space Assessment Data
NJDOT Road Data
NJ Highlands Council Data
NJDOT 2020 Digital Aerial Image

March 9, 2022

Wetlands



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Barrettstown Joy Farm, LLC
Block 14 Lots 3.01(14.1 ac);
P/O 5.08-ES (severable exception - 1.8 ac);
P/O 51 (82.7 ac) & P/O 51-EN (non-severable exception - 4.0 ac)
Gross Total = 102.6 ac
Readington Twp., Hunterdon County

500 250 0 500 1,000 Feet

Sources:
NJ Farmland Preservation Program
NJOT Parcel data
Green Acres Conservation Easement Data
NJDEP Tidelands Claim Line, NJ, Edition 20161214
NJDEP Open Space
NJOT Road data
NJOT/NOGIS 2020 Digital Aerial Image

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

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

Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
W - Wetlands Modified for Agriculture
M - Marsh
N - Non-Wetlands
S - 300' Buffer
W - Water

March 9, 2022

Barrettstown Joy Farm, LLC
Easement Purchase - SADC
97 Acres

Block 14	Lot 5.06	Readington Twp.	Hunterdon County
Block 14	Lot 51	Readington Twp.	Hunterdon County
Block 14	Lot 3.01	Readington Twp.	Hunterdon County

SOILS:	Other	36% * 0	=	.00	
	Prime	48% * .15	=	7.20	
	Statewide	16% * .1	=	1.60	
				SOIL SCORE:	8.80
TILLABLE SOILS:	Cropland Harvested	44% * .15	=	6.60	
	Wetlands/Water	19% * 0	=	.00	
	Woodlands	37% * 0	=	.00	
				TILLABLE SOILS SCORE:	6.60

FARM USE:

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st four (4) acres for Existing primary SFR & improvements
Exception is not to be severable from Premises
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
 - 2nd (1.8) acres for Existing SFR
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Cottage - possible garage
 - 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 #FY2023R9(7)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Merrywind Farm, LLC

SEPTEMBER 22, 2022

Subject Property: **Merrywind Farm, LLC**
Block 7.01, Lot 1 – Tewksbury Township, Hunterdon County
Block 64, Lot 1 – Washington Township, Morris County
SADC ID#: 10-0285-DE

WHEREAS, on March 30, 2022, the State Agriculture Development Committee (“SADC”) received a development easement sale application from Merrywind Farm, LLC, hereinafter “Owners,” identified as Block 7.01, Lot 1, Tewksbury Township, Hunterdon County and Block 64, Lot 1, Washington Township, Morris County hereinafter “the Property,” totaling approximately 44.9 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes no exception areas, resulting in approximately 44.9 net acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the Premises includes:

- 1) Zero (0) exceptions,
- 2) One (1) single family residential unit and one (1) duplex residential unit, the duplex may be replaced with a single family residential unit or a duplex unit
- 3) Zero (0) Residual Dwelling Site Opportunity (RDSO)
- 4) Zero (0) agricultural labor units
- 5) No pre-existing non-agricultural uses; and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 2, 2021 which categorized applications into “Priority”, “Alternate” and “Other” groups; and

WHEREAS, the Property, at approximately 44.9 acres, has a quality score of 62.13, which:

- Which is higher than the minimum acreage of 26 and minimum quality score of 55 needed for a “Priority” farm in Morris County
- Which is higher than the minimum quality score of 57 needed for a “Priority” farm in Hunterdon County, but its size does not meet the minimum acreage criteria for the “Priority” category, which requires farm sizes of at least 47 acres, therefore, the

Property is categorized as an “Alternate” farm, requiring SADC preliminary approval; and

WHEREAS, in accordance with Resolution #FY2022R12(10) which delegated certain routine Acquisition Program approval actions to the Executive Director, the Property was granted SADC preliminary approval by the Executive Director on April 12, 2022 because the farm’s quality score is over 70% of the County’s average quality score; and

WHEREAS, the Property is in the Highlands Preservation Area and, pursuant to N.J.S.A. 13:8C-38j., as amended by P.L. 2016, Chapter 136, applications are eligible to be appraised based on zoning and environmental conditions in place as of 01/01/2004 if the landowners, or an immediate family member, owned the property on 01/01/2004 and continuously thereafter; and

WHEREAS, the chain of title reflects that: (a) Block 7.01, Lot 1 was purchased by Kenneth G. McDermott and Kathleen McDermott by deed from Merrywind Farm, a New Jersey partnership, dated 01/02/2001 and recorded on 12/09/2002; (b) Block 64, Lot 1 was purchased by Kenneth G. McDermott and Kathleen McDermott by deed from Merrywind Farm, a New Jersey partnership, dated 01/02/2001 and recorded on 12/10/2002; (c) in May 2011 Kenneth G. McDermott formed a Delaware limited liability company names Merrywind Farm, LLC, with Mr. McDermott as the managing member; (d) Kenneth G. McDermott and Kathleen McDermott reconveyed the properties to Merrywind Farm, LLC by deed dated May 27, 2011 and recorded June 17, 2011; (e) currently the sole member of Merrywind Farm, LLC is Grass Lake, LLC whose sole managing member is Kenneth G. McDermott; and

WHEREAS, the continuous ownership of the Property by Kenneth G. McDermott, individually or as managing member of Merrywind Farm, LLC and Grass Lake, LLC, makes the Property eligible for appraisal under zoning and environmental conditions in place as of 01/01/2004; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on August 8, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$25,000 per acre based on zoning and environmental regulations in place as of January 1, 2004, and \$4,000 per acre based on zoning and environmental regulations in place of the current valuation date June 28, 2022; and

WHEREAS, the Owners accepted the SADC’s offer of \$25,000 per acre for the purchase of the development easement on the Premises; and

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$25,000 per acre for a total of approximately \$1,122,500 subject to the conditions contained in (Schedule B).
3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
4. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
5. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
6. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
7. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

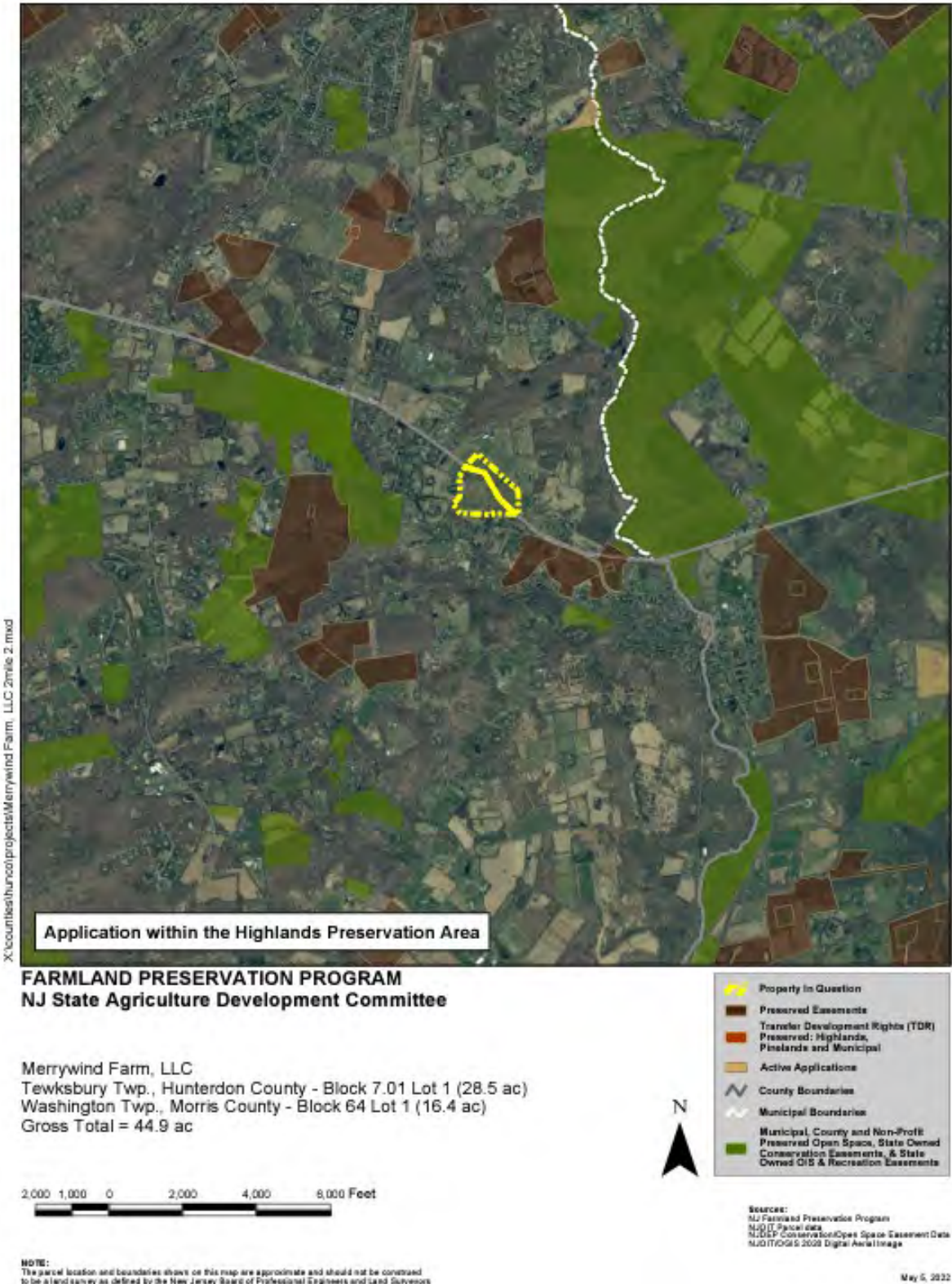
____9/22/2022_____
Date

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

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles



Wetlands



X:\counties\huncot\projects\Merrywind Farm, LLC hww 2.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Merrywind Farm, LLC
Tewksbury Twp., Hunterdon County - Block 7.01 Lot 1 (28.5 ac)
Washington Twp., Morris County - Block 64 Lot 1 (16.4 ac)
Gross Total = 44.9 ac

200 100 0 200 400 Feet

Sources:
NJ Farmland Preservation Program
NJDOT Parcel data
Green Acres Conservation Easement Data
NJDOT Open Space
NJDOT Road Data
NJ Highlands Council Data
NJDOT GIS 2008 Digital Aerial Image

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- Property In Question
- Wetlands Boundaries
- 300 ft Buffered Wetlands
- Primary - Limited Access
- Federal or State Hwys
- County Roads
- Municipal/Local Roads
- County Boundary

Wetlands Legend:
F - Freshwater Wetlands
S - Linear Wetlands
B - Wetlands Modified for Agriculture
N - Non-Wetlands
B - 300 ft Buffer
W - Water

May 5, 2022

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Merrywind Farm, LLC
Easement Purchase - SADC
45 Acres

Block 64	Lot 1	Washington Twp.	Morris County
Block 7.01	Lot 1	Tewksbury Twp.	Hunterdon County
SOILS:		Other	28% * 0 = .00
		Prime	72% * .15 = 10.80
			SOIL SCORE: 10.80
TILLABLE SOILS:		Cropland Harvested	90% * .15 = 13.50
		Other	3% * 0 = .00
		Woodlands	7% * 0 = .00
			TILLABLE SOILS SCORE: 13.50
FARM USE:			

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Requested
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 - Standard Single Family
 - Duplex - May be replaced with a single family or duplex
 - 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 #FY2023R9(8)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

**On the Property of Damato, Louis, Barbara and Brandon
SEPTEMBER 22, 2022**

Subject Property: **Damato, Louis, Barbara and Brandon**
Block 19, Lot 26.01- Delaware Township, Hunterdon County
SADC ID#: 10-0284-DE

WHEREAS, on March 29, 2022, the State Agriculture Development Committee ("SADC") received a development easement sale application from Louis, Barbara and Brandon Damato, hereinafter "Owners," identified as Block 19, Lot 26.01, Delaware Township, Hunterdon County, hereinafter "the Property," totaling approximately 34.1 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1), approximately 2-acre severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 32.1 net acres to be preserved, hereinafter referred to as "the Premises"; and

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

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

WHEREAS, the 2-acre severable exception area:

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

WHEREAS, the Premises includes:

- 1) One (1) existing single family residential unit

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

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 2, 2021, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, at approximately 34.1 acres, has a quality score of 71.07, which is higher than the minimum quality score of 57 needed for a "Priority" farm designation in Hunterdon County, but its size does not meet the minimum acreage criteria for the "Priority" category, which requires farm sizes of at least 47 acres, therefore, the Property is categorized as an "Alternate" farm, requiring SADC preliminary approval; and

WHEREAS, in accordance with Resolution #FY2022R12(10) which delegated certain routine Acquisition Program approval actions to the Executive Director, the Property was granted SADC preliminary approval by the Executive Director on April 12, 2022 because the farm's quality score is over 70% of the County's average quality score; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on August 19, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$5,900 per acre based on zoning and environmental regulations in place as of the current valuation date July 22, 2022; and

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

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$5,900 per acre for a total of approximately \$189,400 subject to the conditions contained in (Schedule B).
3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or

water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.

4. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
5. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
6. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
7. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
8. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9/22/2022
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles

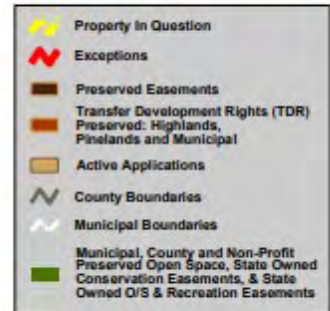


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Damato, Louis, Barbara & Brandon
Block 19 P/O Lot 26.01 (32.1 ac)
& P/O Lot 26.01-ES (severable exception 2.0 ac)
Gross Total – 34.1 ac
Delaware Twp., Hunterdon County

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

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



Sources:
NJ Farmland Preservation Program
Parcel in from survey
NJDEP Conservation/Open Space Easement Data
NJCI/IGIS 2020 Digital Aerial Image

April 25, 2022

Wetlands



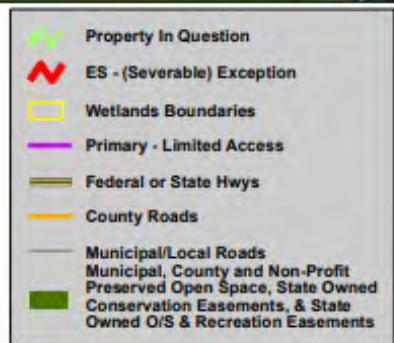
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Damato, Louis, Barbara & Brandon
Block 19 P/O Lot 26.01 (32.1 ac)
& P/O Lot 26.01-ES (severable exception 2.0 ac)
Gross Total – 34.1 ac
Delaware Twp., Hunterdon County

200 100 0 200 400 Feet

Sources:
NJ Farmland Preservation Program
Parcel in from survey data
NJDOT Road Data
NJCHIT/GIS 2020 Digital Aerial Image

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

April 23, 2022

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Damato, Louis, Brandon & Barbara
Easement Purchase - SADC
32 Acres

Block 19	Lot 26.01	Delaware Twp.	Hunterdon County	
SOILS:		Other	6% * 0	= .00
		Statewide	94% * .1	= 9.40
				SOIL SCORE: 9.40
TILLABLE SOILS:		Cropland Harvested	71% * .15	= 10.65
		Other	2% * 0	= .00
		Woodlands	27% * 0	= .00
				TILLABLE SOILS SCORE: 10.65
FARM USE:				

This final approval is subject to the following:

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2023R9(9)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Tinsman, Donald and Fay

SEPTEMBER 22, 2022

Subject Property: **Tinsman, Donald and Fey**
Block 19, Lot 11 – Kingwood Township, Hunterdon County
SADC ID#: 10-0282-DE

WHEREAS, on March 7, 2022, the State Agriculture Development Committee (“SADC”) received a development easement sale application from Donald and Fay Tinsman, hereinafter “Owners,” identified as Block 19, Lot 11, Kingwood Township, Hunterdon County, hereinafter “the Property,” totaling approximately 34.9 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1), approximately 1.2-acre non-severable exception area for one (1) existing single family residential unit, one (1) future single family residential unit limited to 1,500 sq. ft. of heated living space, and to afford future flexibility for nonagricultural uses resulting in approximately 33.7 net acres to be preserved, hereinafter referred to as “the Premises”; and

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

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

WHEREAS, the 1.2-acre non-severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises
- 3) Shall be limited to two (2) single family residential units, one of the single family residential shall be restricted to 1,500 square feet of heated living space
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Premises outside the exception area includes:

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

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 2, 2021 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, at approximately 34.9 acres, has a quality score of 66.13, which is higher than the minimum quality score of 57 needed for a "Priority" farm designation in Hunterdon County, but its size does not meet the minimum acreage criteria for the "Priority" category, which requires farm sizes of at least 47 acres, therefore, the Property is categorized as an "Alternate" farm, requiring SADC preliminary approval; and

WHEREAS, in accordance with Resolution #FY2022R12(10) which delegated certain routine Acquisition Program approval actions to the Executive Director, the Property was granted SADC preliminary approval by the Executive Director on April 12, 2022 because the farm's quality score is over 70% of the County's average quality score; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on July 21, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$5,900 per acre based on zoning and environmental regulations in place as of the current valuation date June 13, 2022; and

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

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$5,900 per acre for a total of approximately \$198,830 subject to the conditions contained in (Schedule B).

3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
4. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
5. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
6. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
7. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
8. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

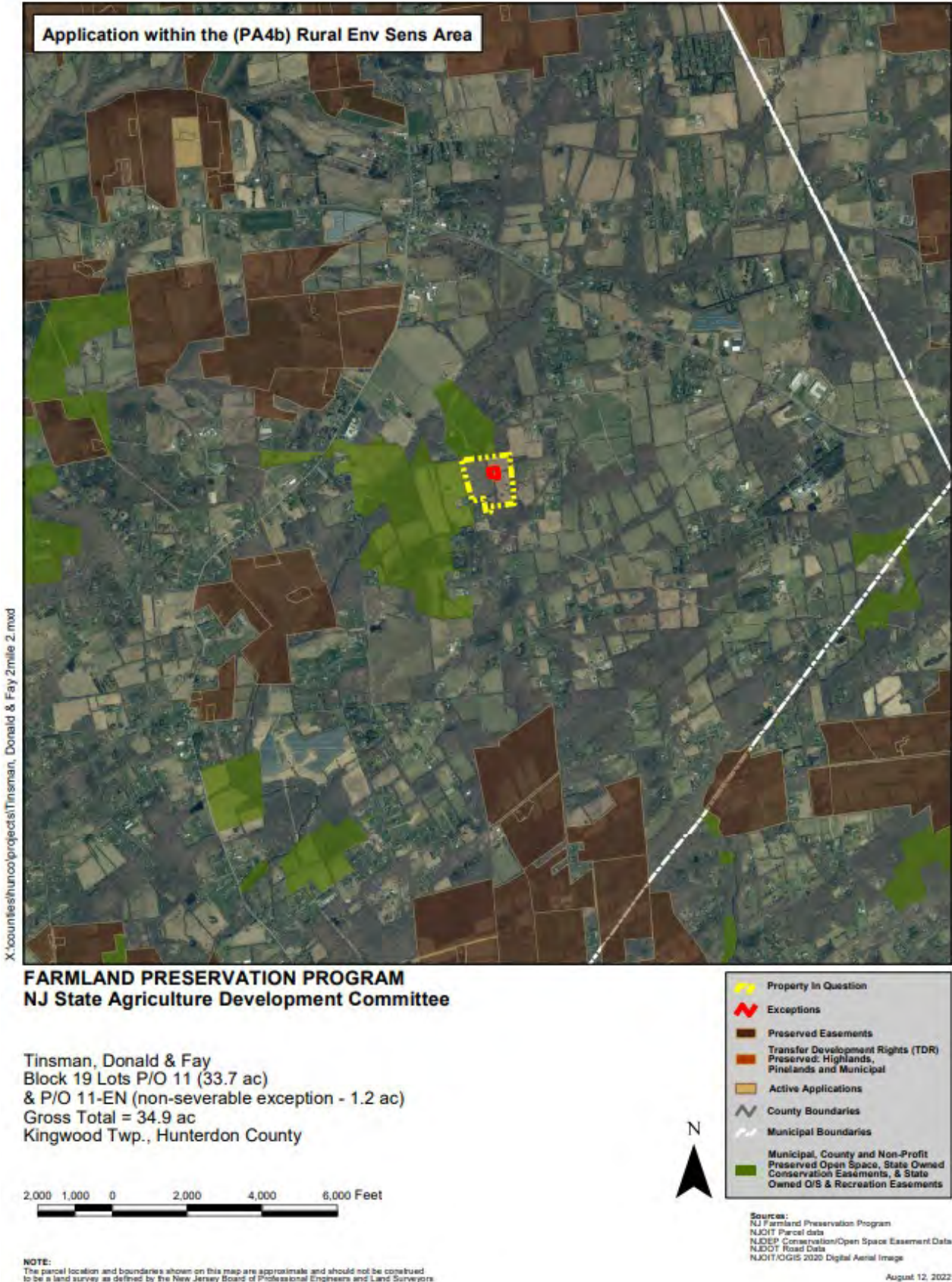
___9/22/2022___
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles



Wetlands



X:\counties\huncoc\projects\Tinsman, Donald & Fay\fw 2.mxd

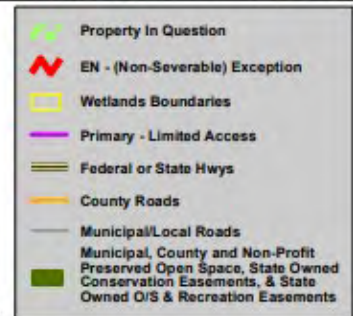
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Tinsman, Donald & Fay
Block 19 Lots P/O 11 (33.7 ac)
& P/O 11-EN (non-severable exception - 1.2 ac)
Gross Total = 34.9 ac
Kingwood Twp., Hunterdon County



Sources:
NJ Farmland Preservation Program
NJGIT Parcel data
Green Acres Conservation Easement Data
NJDEP Open Space
NJDOT Road Data
NJGIT/GIS 2020 Digital Aerial Image

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



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

March 12, 2022

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Tinsman, Donald & Fay
Easement Purchase - SADC
34 Acres

Block 19	Lot 11	Kingwood Twp.	Hunterdon County	
SOILS:		Other	5% * 0	= .00
		Statewide	95% * .1	= 9.50
			SOIL SCORE:	9.50
TILLABLE SOILS:		Cropland Harvested	89% * .15	= 13.35
		Woodlands	11% * 0	= .00
			TILLABLE SOILS SCORE:	13.35
FARM USE:	Hay		30 acres	

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (1.2) acres for For existing and future single family
Exception is not to be severable from Premises
Exception is to be limited to one existing single family residential unit(s) and one future single family residential unit(s)
one single family residence shall be restricted to 1500 square feet of heated living space
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2023R9(10)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Smith, Suzanne J.

SEPTEMBER 22, 2022

Subject Property: **Smith, Suzanne J.**
Block 15, Lots 1.01 & 1.02- Holland Township, Hunterdon County
SADC ID#: 10-0283-DE

WHEREAS, on March 21, 2022, the State Agriculture Development Committee ("SADC") received a development easement sale application from Suzanne J. Smith, hereinafter "Owner," identified as Block 15, Lots 1.01 and 1.02, Holland Township, Hunterdon County, hereinafter "the Property," totaling approximately 41.2 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1), approximately 3-acre non-severable exception area for one (1) existing single family residential unit, an apartment over an existing veterinary practice in the barn, and to afford future flexibility for nonagricultural uses resulting in approximately 38.2 net acres to be preserved, hereinafter referred to as "the Premises"; and

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

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

WHEREAS, the 3-acre non-severable exception area:

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

WHEREAS, the Premises outside the exception area includes:

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

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 2, 2021 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, at approximately 41.2 acres, has a quality score of 77.26, which is higher than the minimum quality score of 57 needed for a "Priority" farm designation in Hunterdon County, but its size does not meet the minimum acreage criteria for the "Priority" category, which requires farm sizes of at least 63 acres, therefore, the Property is categorized as an "Alternate" farm requiring SADC preliminary approval; and

WHEREAS, in accordance with Resolution #FY2022R12(10) which delegated certain routine Acquisition Program approval actions to the Executive Director, the Property was granted SADC preliminary approval by the Executive Director on April 12, 2022 because the farm's quality score is over 70% of the County's average quality score; and

WHEREAS, the Property is in the Highlands Planning Area and, pursuant to N.J.S.A. 13:8C-38j., as amended by P.L. 2016, Chapter 136, applications are eligible to be appraised based on zoning and environmental conditions in place as of 01/01/2004 if the landowners, or an immediate family member, owned the property on 01/01/2004 and continuously thereafter; and

WHEREAS, the chain of title to Lot 1.01 reflects that: (a) Constance Smith and her late husband purchased the parcel by deed dated 05/05/1982 and recorded on 05/10/1982; (b) Constance Smith reconveyed the said parcel to herself with 5% interest and Suzanne Julia Smith with 95% interest by deed dated 06/18/2008 and recorded 06/23/2008; (c) Constance Smith and Suzanne Julia Smith conveyed the parcel to Suzanne J. Smith by deed dated 07/18/2013 and recorded 07/23/2013; (d) the Owner, Suzanne J. Smith represents that she is the daughter of Constance Smith; and

WHEREAS, the Owner is, therefore, an immediate family member of a landowner who owned the property as of 01/01/2004, making Lot 1.01 eligible for appraisal under zoning and environmental conditions in place as of 01/01/2004; and

WHEREAS, Lot 1.02 was acquired by the Owner in 2015 and, therefore, as the Owner is not eligible for an appraisal of the subject property pursuant to N.J.S.A. 13:8C-38j.,

Lot 1.02 must be appraised only under current zoning and environmental conditions; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on July 21, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$4,900 per acre based on zoning and environmental regulations in place as of January 1, 2004 and \$3,600 per acre based on zoning and environmental regulations in place as of the current valuation date June 15, 2022; and

WHEREAS, the Owners accepted the SADC's offer of \$4,900 acre for the purchase of the development easement on the Premises; and

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$4,900 per acre for a total of approximately \$187,200 subject to the conditions contained in (Schedule B).
3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
4. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
5. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.

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

____9/22/2022_____
Date

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

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles



X:\counless\huncol\projects\Smith, Suzanne J 2miles.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Smith, Suzanne J.
Block 15 Lots P/O 1.01 (20.5 ac)
& P/O 1.01-EN (non-severable exception - 3.0 ac) & 1.02 (17.7 ac)
Gross Total = 41.2 ac
Holland Twp., Hunterdon County

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

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



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

Sources:
NJ Farmland Preservation Program
NJDOT Parcel data selected adjacent survey data
NJDEP Conservation/Open Space Easement Data
NJDOT Road Data
NJ Highlands Council Data
NJDOTGIS 2008 Digital Aerial Image

March 31, 2022

Wetlands



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Smith, Suzanne J.
Block 15 Lots P/O 1.01 (20.5 ac)
& P/O 1.01-EN (non-severable exception - 3.0 ac) & 1.02 (17.7 ac)
Gross Total = 41.2 ac
Holland Twp., Hunterdon County

200 100 0 200 400 Feet

Sources:
NJ Farmland Preservation Program
NJDOT Parcel data edited to adjacent survey data
NJDOT Road Data
NJ Highlands Council Data
NJDOT GIS 2020 Digital Aerial Image

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



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

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

August 24, 2023

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Smith, Suzanne J.
Easement Purchase - SADC
38 Acres

Block 15	Lot 1.02	Holland Twp.	Hunterdon County
Block 15	Lot 1.01	Holland Twp.	Hunterdon County
SOILS:		Other	6% * 0 = .00
		Prime	53% * .15 = 7.95
		Statewide	41% * .1 = 4.10
			SOIL SCORE: 12.05
TILLABLE SOILS:		Cropland Harvested	95% * .15 = 14.25
		Wetlands/Water	3% * 0 = .00
		Woodlands	2% * 0 = .00
			TILLABLE SOILS SCORE: 14.25
FARM USE:		Hay	24 acres
		Horse & Other Equine	10 acres
			Permanent pasture

This final approval is subject to the following:

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2023R9(11)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

**On the Property of Kadri, Jamal and Kathleen
September 22, 2022**

Subject Property: **Kadri, Jamal and Kathleen**
 Block 5, Lot 38 - Hillsborough Township, Somerset County
 SADC ID#: 18-0036-DE

WHEREAS, on March 29, 2022, the State Agriculture Development Committee ("SADC") received a development easement sale application from Jamal and Kathleen Kadri, hereinafter "Owners," identified as Block 5, Lot 38, Hillsborough Township, Somerset County, hereinafter "the Property," totaling approximately 26.7 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1), approximately 2-acre non-severable exception area for the existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 24.7 net acres to be preserved, hereinafter referred to as "the Premises"; and

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

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

WHEREAS, the 2-acre non-severable exception area:

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

WHEREAS, the Premises includes:

- 1) Zero (0) housing opportunities

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

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 2, 2021, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, staff found that the Property has a quality score of 67.57 and contains approximately 26.7 acres; and

WHEREAS, the Property has a quality score of 67.57, which is higher than the minimum quality score of 60 needed for a "Priority" farm designation in Somerset County, however at approximately 26.7 acres, it does not meet the minimum acreage criteria for the "Priority" or "Alternate" categories which require at least 59 or 43 acres respectively, therefore, this farm is categorized as an "Other" farm, requiring SADC preliminary approval; and

WHEREAS, on April 28, 2022, the SADC granted Preliminary Approval to this Application (Schedule B);

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on August 19, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$7,500 per acre based on zoning and environmental regulations in place as of the current valuation date July 18, 2022; and

WHEREAS, the Owners accepted the SADC's offer of \$7,500 per acre for the purchase of the development easement on the Premises; and

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$7,500 per acre for a total of approximately \$185,300 subject to the conditions contained in (Schedule C).

3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
4. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
5. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
6. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
7. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
8. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

____9/22/2022_____
Date



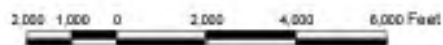
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Application within the (PA4b) Rural Env Sens Area

Kadri, Jamal & Kathleen
Block 5 Lots P/O 38 (24.7 ac)
& P/O 38-EN (non-severable exception - 2.0 ac)
Gross Total = 26.7 ac
Hillsborough Twp., Somerset County



NOTE:
The parcel location and boundaries shown on this map are approximately as shown and are not intended to be a legal survey as defined by the New Jersey Board of Professional Engineering and Land Surveyors.

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

Sources:
NJ Partnership Preservation Program
NJ Office of Child Welfare
NJ Office of Social Services
NJ Office of Family Intervention
NJ Office of Family Support

Wetlands



X:\countrains\projects\Kadri, Jamal & Kathleen\New.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Kadri, Jamal & Kathleen
Block 5 Lots P/O 38 (24.7 ac)
& P/O 38-EN (non-severable exception - 2.0 ac)
Gross Total = 26.7 ac
Hillsborough Twp., Somerset County



Source:
NJ Farmland Preservation Program
NJDOT Parcel data related to adjacent survey data
NJDOT Digitized Data
NJDOT Parcel Data
NJDOT 2000 Digital Aerial Image

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The cartographer and georeferenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The product accuracy and precision of the GIS data contained in this file and map shall not be relied upon for use in matters requiring certification and location of true ground. No official or other wetland controls are shown on this map. Ground survey conducted by a licensed Professional Land Surveyor.



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

Wetlands Legend:
F - Freshwater Wetlands
M - Wetlands Modified for Agriculture
S - Salt Wetlands
W - Water

April 11, 2022

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2022R4(12)
Preliminary Approval of SADC Easement Purchase
on an "OTHER" FARM

On the Property of
Kadri, Jamal & Kathleen

APRIL 28, 2022

Subject Property: **Kadri, Jamal & Kathleen**
Block 5, Lot 38 – Hillsborough Township, Somerset County
SADC ID#: 18-0036-DE

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

WHEREAS, on March 29, 2022, the SADC received a development easement sale application from Jamal and Kathleen Kadri, hereinafter "Owners," identified as Block 5, Lot 38, Hillsborough Township, Somerset County, hereinafter "the Property," totaling approximately 26.7 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes one (1), approximately 2-acre non-severable exception area for and limited to one (1) existing single family residential unit and to afford future flexibility of uses resulting in approximately 24.7 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 hay production; and

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

WHEREAS, the Property, has a quality score of 67.57 and contains approximately 24.7 net acres (Schedule B); and

WHEREAS, the Property does not meet the SADC's Somerset County minimum criteria for the "Priority" category which requires a quality score of at least 60 combined with at least 59 acres and it does not meet the "Alternate" category which requires a quality score of at least 47 combined with at least 43 acres, therefore, this farm is categorized as an "Other" farm, requiring SADC preliminary approval; and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and pursuant to N.J.A.C. 2:76-11.6(b), there are no "priority" nor "alternate" ranked applications that have not already been selected for processing at this time; and

NOW THEREFORE BE IT RESOLVED:

1. Because this 24.7-acre farm has a minimum quality score of 67.57, which is above minimum ranking criteria for a "Priority" farm in Somerset County, has approximately 45% Prime soils, 17% Statewide Important soils, 11% Local Important soils, and is within the County Agriculture Development Area and Project Area, the SADC approves selecting the Property for processing as an "Other" farm, pursuant to N.J.A.C. 2:76-11.5; and
2. The SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:
 - a. Enter into a 120-day option agreement with the Landowner
 - b. Secure two independent appraisals to estimate the fair market value of the Property
 - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC

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

4/28/2022
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Renee Jones (rep. DEF Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	ABSENT
Julie Krause (rep. State Treasurer Mucio)	ABSENT
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

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

GENERAL INFORMATION

COUNTY OF Somerset Hillsborough Twp. 1810
APPLICANT Kadri, Jamal & Kathleen

PRIORITIZATION SCORE

SOILS:		Local	11% *	.05	=	.55	
		Other	27% *	0	=	.00	
		Prime	45% *	.15	=	6.75	
		Statewide	17% *	.1	=	1.70	
						SOIL SCORE:	9.00
TILLABLE SOILS:		Cropland Harvested	94% *	.15	=	14.10	
		Woodlands	6% *	0	=	.00	
						TILLABLE SOILS SCORE:	14.10
BOUNDARIES AND BUFFERS:		Deed Restricted Farmland (Permanent)	18% *	.2	=	3.60	
		Farmland (Unrestricted)	61% *	.06	=	3.66	
		Residential Development	11% *	0	=	.00	
		Streams and Wetlands	10% *	.18	=	1.80	
						BOUNDARIES AND BUFFERS SCORE:	9.06
CONTIGUOUS PROPERTIES / DENSITY:		Kadri	Restricted Farm or Current Application			2	
		Kanach, T	Restricted Farm or Current Application			2	
		Kanach, L Estate	Restricted Farm or Current Application			2	
		Kanach	Restricted Farm or Current Application			2	
		Kanach/Somerset Co	Restricted Farm or Current Application			2	
						DENSITY SCORE:	10.00
LOCAL COMMITMENT:			100% *	20	=	20.00	
						LOCAL COMMITMENT SCORE:	20.00
SIZE:						SIZE SCORE:	1.58
IMMINENCE OF CHANGE:		SADC Impact factor = 3.83					
						IMMINENCE OF CHANGE SCORE:	3.83
COUNTY RANKING:							
EXCEPTIONS:						EXCEPTION SCORE:	.00
TOTAL SCORE:						67.57	

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Kadri, Jamal & Kathleen
Easement Purchase - SADC
25 Acres

Block 5	Lot 38	Hillsborough Twp.	Somerset County		
SOILS:		Local	11% *	.05	= .55
		Other	27% *	0	= .00
		Prime	45% *	.15	= 6.75
		Statewide	17% *	.1	= 1.70
				SOIL SCORE:	9.00
TILLABLE SOILS:		Cropland Harvested	94% *	.15	= 14.10
		Woodlands	6% *	0	= .00
				TILLABLE SOILS SCORE:	14.10
FARM USE:	Hay			22 acres	

This final approval is subject to the following:

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2023R9(12)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Patten, Benjamin P.

SEPTEMBER 22, 2022

Subject Property: **Patten, Benjamin P.**
Block 11, Lot 3 - Pilesgrove Township, Salem County
SADC ID#: 17-0363-DE

WHEREAS, on September 9, 2021, the State Agriculture Development Committee ("SADC") received a development easement sale application from Benjamin P. Patten, hereinafter "Owner," identified as Block 11, Lot 3, Pilesgrove Township, Salem County, hereinafter "the Property," totaling approximately 91.8 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1), approximately 3-acre non-severable exception area for the existing single family residential unit, one (1) dormitory-style building for seasonal agricultural labor, and to afford future flexibility for nonagricultural uses resulting in approximately 88.8 net acres to be preserved, hereinafter referred to as "the Premises"; and

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

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

WHEREAS, the 3-acre non-severable exception area:

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

WHEREAS, the Premises outside the exception area includes:

- 1) Zero (0) housing opportunities

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

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 9, 2020, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property has a quality score of 68.06, which is higher than the minimum quality score of 62 needed for a "Priority" farm designation in Salem County, however at approximately 85 acres, it does not meet the minimum acreage criteria for the "Priority" category which require at least 94 acres, therefore, this farm is categorized as an "Alternate" farm, requiring SADC preliminary approval; and

WHEREAS, on October 28, 2021, the SADC granted Preliminary Approval to this Application (Schedule B);

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on June 13, 2022, the SADC certified a development easement value \$5,000 per acre based on zoning and environmental regulations in place as of the current valuation date April 15, 2022; and

WHEREAS, the Owners accepted the SADC's offer of \$5,000 per acre for the purchase of the development easement on the Premises; and

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$5,000 per acre for a total of approximately \$444,000 subject to the conditions contained in (Schedule C).
3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B

Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.

4. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
5. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
6. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
7. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
8. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9/22/2022
Date

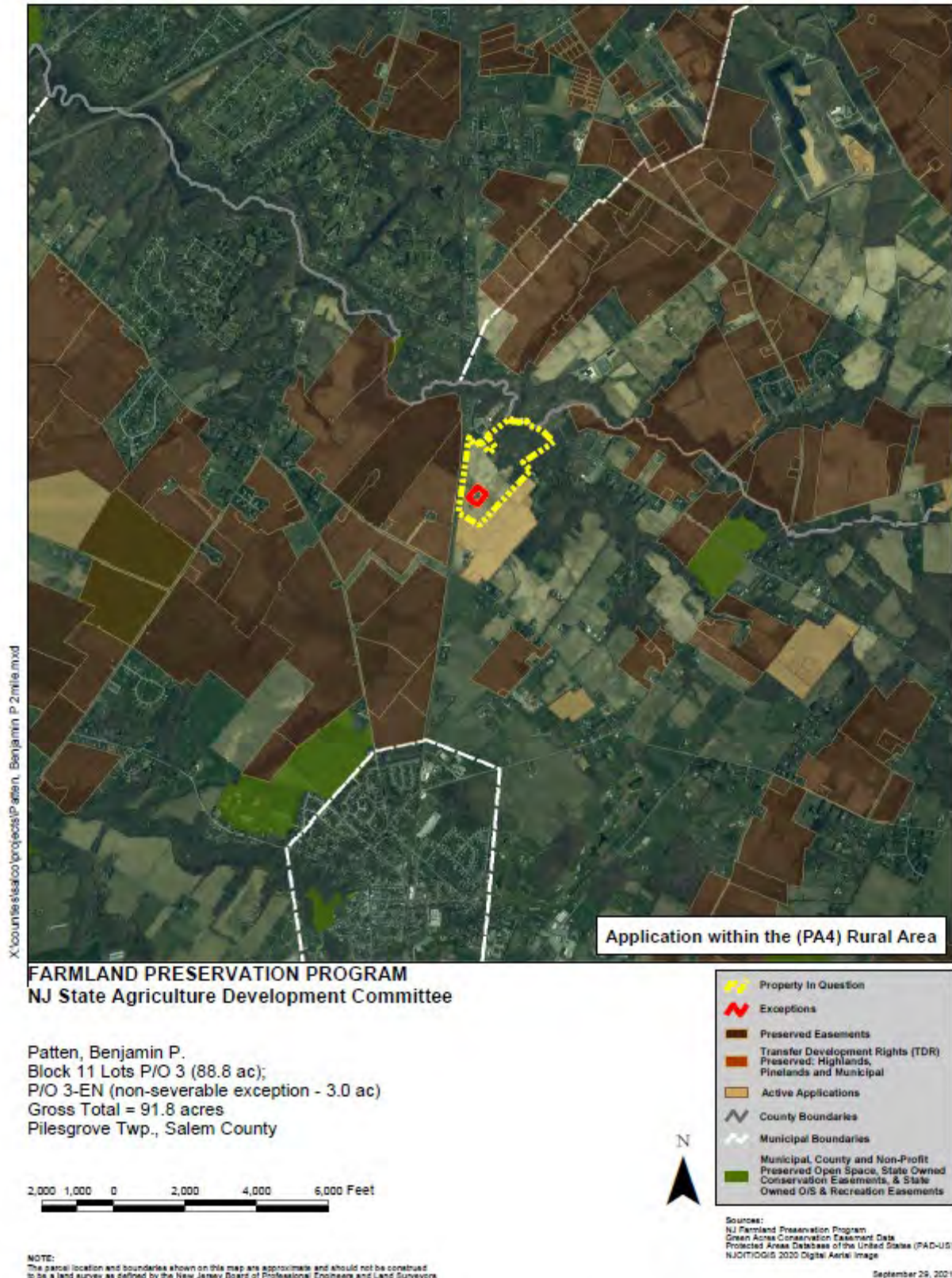


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles



Wetlands



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Patten, Benjamin P.
Block 11 Lots P/O 3 (88.8 ac);
P/O 3-EN (non-severable exception - 3.0 ac)
Gross Total = 91.8 acres
Pilesgrove Twp., Salem County

500 250 0 500 1,000 Feet

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

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

Application within the (PA 4) Rural Area

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

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

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJDEP Tidelands Claims Line, NJ, Edition 20161214
NJGIS/IGIS 2020 Digital Aerial Image

September 29, 2021

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2022R10(8)
Preliminary Approval of SADC Easement Purchase on an "ALTERNATE" FARM
On the Property of Patten, Benjamin P.**

OCTOBER 28, 2021

Subject Property: Patten, Benjamin P.
Block 11, Lot 3 - Pilesgrove Township, Salem County
SADC ID# 17-0363-DE

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

WHEREAS, on September 9, 2021, the SADC received a development easement sale application from Benjamin P. Patten, hereinafter "Owner," identified as Block 11, Lot 3, Pilesgrove Township, Salem County, hereinafter "the Property," totaling approximately 91.8 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes one (1), approximately 3-acre non-severable exception area for one existing single-family residential unit, a seasonal agricultural labor dormitory for 11 people, and to afford future flexibility of uses resulting in approximately 88.8 net acres to be preserved; and

WHEREAS, the 3-acre non-severable exception area:

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

WHEREAS, the Premises outside the exception area includes:

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

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

WHEREAS, the application has been evaluated for the sale of development easement pursuant to N.J.A.C. 2:76-11.5 and the State Acquisition Selection Criteria approved by the SADC on September 9, 2020, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, has a quality score of 68.06 and contains approximately 88.8 net acres (Schedule B); and

WHEREAS, the Property does not meet the SADC's Salem County minimum criteria for the "Priority" category which requires a quality score of at least 62 combined with at

least 94 acres, however, it is higher than the minimum quality score of 48 and 69 acres needed for an "Alternate" farm designation, therefore, this farm is categorized as an "Alternate" farm, requiring SADC preliminary approval; and

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

NOW THEREFORE BE IT RESOLVED:

1. Because this 88.8-acre farm has a quality score of 68.06, which is above minimum ranking criteria for a "Priority" farm in Salem County, has approximately 84% Prime soils, and is within the County Agriculture Development Area and Project Area, the SADC approves selecting the Property for processing as an "Alternate" farm, pursuant to N.J.A.C. 2:76-11.5; and
2. The SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:
 - a. Enter into a 120-day option agreement with the Landowner
 - b. Secure two independent appraisals to estimate the fair market value of the Property
 - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC

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

____10/28/21____
Date

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

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles



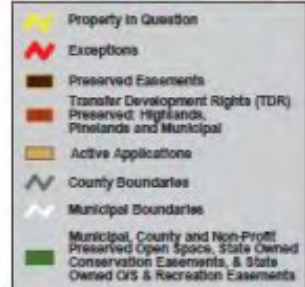
X:\towns\lra\color\pds\Patten, Benjamin P. 2mle.mxd

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

Patten, Benjamin P.
Block 11 Lots P/O 3 (88.8 ac);
P/O 3-EN (non-severable exception - 3.0 ac)
Gross Total = 91.8 acres
Pilesgrove Twp., Salem County

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

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



Source:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NACI/ADG06 2020 (light Aerial image)

September 28, 2021

Soils



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Patten, Benjamin P.
Block 11 Lots P/O 3 (88.8 ac);
P/O 3-EN (non-severable exception - 3.0 ac)
Gross Total = 91.8 acres
Pilesgrove Twp., Salem County

500 250 0 500 1,000 Feet

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

Sources:
NRCS - SSURGO 2021 Soil Data
NJDOT Road Data
Aerial Imagery 2020 Digital Aerial Image

September 20, 2021

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

GENERAL INFORMATION

COUNTY OF Salem Pilesgrove Twp. 1709
APPLICANT Patten, Benjamin P.

PRIORITIZATION SCORE

SOILS:	Other	15%	*	0	=	.00
	Prime	84%	*	.15	=	12.60
	Unique zero	1%	*	0	=	.00

SOIL SCORE: 12.60

TILLABLE SOILS:	Cropland Harvested	53%	*	.15	=	7.95
	Wetlands/Water	17%	*	0	=	.00
	Woodlands	30%	*	0	=	.00

TILLABLE SOILS SCORE: 7.95

BOUNDARIES AND BUFFERS:	Commercial	18%	*	0	=	.00
	Deed Restricted Farmland (Permanent)	21%	*	.2	=	4.20
	EP Applications	25%	*	.13	=	3.25
	Residential Development	2%	*	0	=	.00
	Streams and Wetlands	23%	*	.18	=	4.14
	Woodlands	11%	*	.06	=	.66

BOUNDARIES AND BUFFERS SCORE: 12.25

CONTIGUOUS PROPERTIES / DENSITY:	Patten, B	Restricted Farm or Current Application	2
	Sorbello	Restricted Farm or Current Application	2
	Kelly/Tighe 5	Restricted Farm or Current Application	2
	Licciardello	Restricted Farm or Current Application	2
	Leone	Restricted Farm or Current Application	2

DENSITY SCORE: 10.00

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

SIZE:					SIZE SCORE: 3.53
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IMMINENCE OF CHANGE: SADC Impact factor = 1.73

IMMINENCE OF CHANGE SCORE: 1.73

COUNTY RANKING:

EXCEPTIONS:		EXCEPTION SCORE: .00
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TOTAL SCORE: 68.06

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Patten, Benjamin P.
Easement Purchase - SADC
89 Acres

Block 11	Lot 3	Pilesgrove Twp.	Salem County	
SOILS:		Other	15% * 0	- .00
		Prime	84% * .15	- 12.60
		Unique zero	1% * 0	- .00
			SOIL SCORE:	12.60
TILLABLE SOILS:		Cropland Harvested	53% * .15	- 7.95
		Wetlands/Water	17% * 0	- .00
		Woodlands	30% * 0	- .00
			TILLABLE SOILS SCORE:	7.95
FARM USE:		Corn-Cash Grain	23 acres	
		Vegetable & Melons	44 acres	Asparagus, cucumbers, beets

This final approval is subject to the following:

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2023R9(13)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

**On the Property of Patten, Virginia
SEPTEMBER 22, 2022**

Subject Property: **Patten, Virginia**
Block 11, Lot 5 – Pilesgrove Township, Salem County
SADC ID#: 17-0364-DE

WHEREAS, on September 9, 2021, the State Agriculture Development Committee (“SADC”) received a development easement sale application from Virginia Patten, hereinafter “Owner,” identified as Block 11, Lot 5, Pilesgrove Township, Salem County, hereinafter “the Property,” totaling approximately 77.2 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the original application included one (1), approximately 2-acre severable exception area for and limited to one future single-family residence and to afford future flexibility of uses; and

WHEREAS, in preparation for certification of value, the landowner requested to increase the size of the exception to 3 acres to meet current zoning, which was taken into consideration in the certification report; and

WHEREAS, the Property includes one (1), approximately 3-acre severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 74.2 net acres to be preserved, hereinafter referred to as “the Premises”; and

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

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

WHEREAS, the 3-acre severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land

- 2) May be severed or subdivided from the Premises
- 3) Shall be limited to one (1) single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Premises outside the exception area includes:

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

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 9, 2020 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property has a quality score of 69.44, which is higher than the minimum quality score of 62 needed for a "Priority" farm designation in Salem County, however at approximately 77.2 acres, it does not meet the minimum acreage criteria for the "Priority" category which requires at least 94 acres, therefore, the Property is categorized as an "Alternate" farm, requiring SADC preliminary approval; and

WHEREAS, on October 28, 2021, the SADC granted Preliminary Approval to this Application (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on June 23, 2022, the SADC certified a development easement value of \$5,500 per acre based on zoning and environmental regulations in place as of the current valuation date April 15, 2022; and

WHEREAS, the Owners accepted the SADC's offer of \$5,500 acre for the purchase of the development easement on the Premises; and

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$5,500 per acre for a total of approximately \$408,100 subject to the conditions contained in (Schedule C).

3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
4. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
5. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
6. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
7. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
8. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

____ 9/22/2022 _____
Date

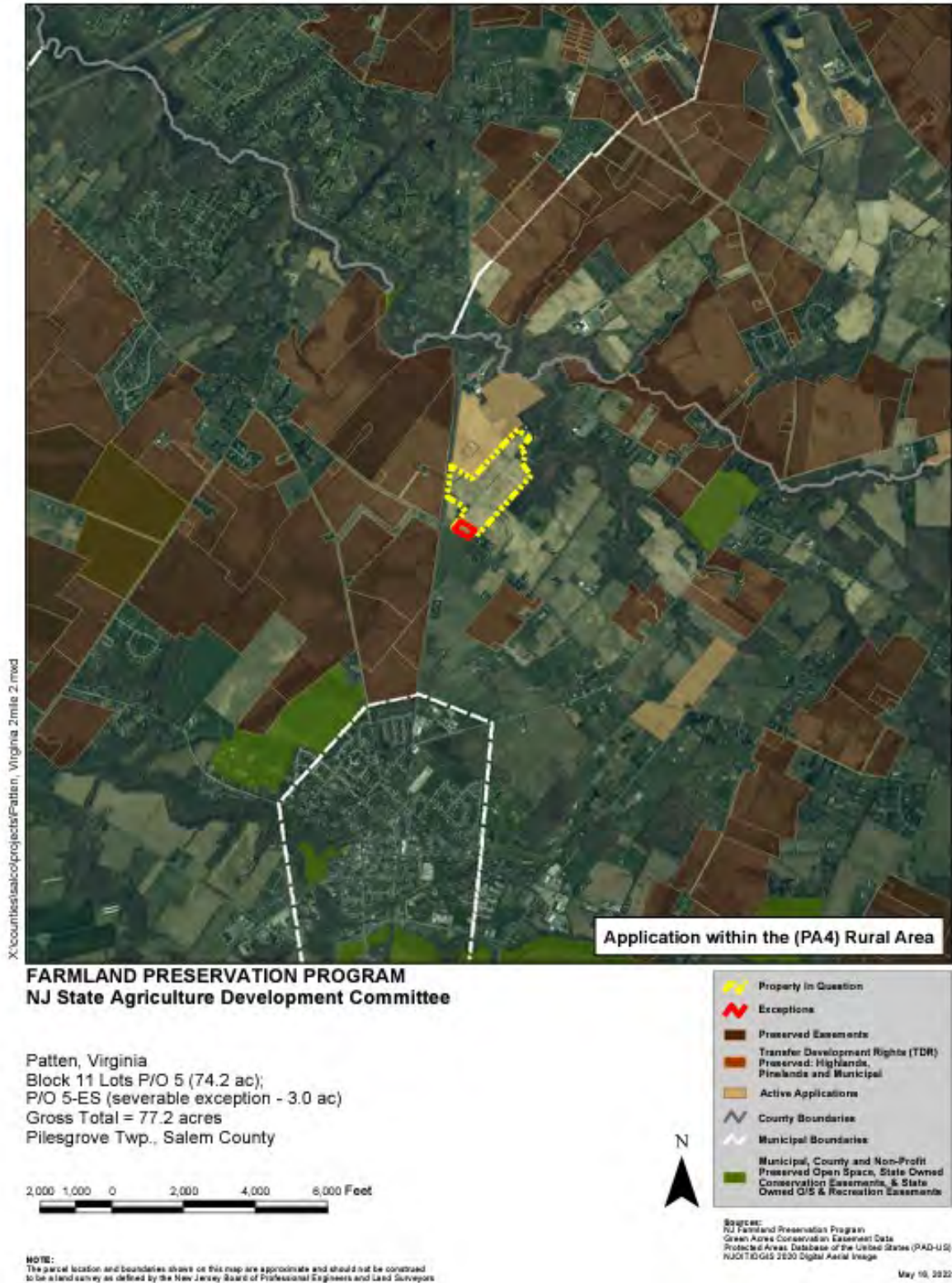


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles



Wetlands

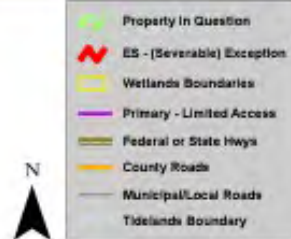


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Patten, Virginia
Block 11 Lots P/O 5 (74.2 ac);
P/O 5-ES (severable exception - 3.0 ac)
Gross Total = 77.2 acres
Pilesgrove Twp., Salem County

500 250 0 500 1,000 Feet

DISCLAIMER: Any use of this product with respect to accuracy and precision, shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The product's 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 boundary and/or vertical control as would be obtained by an actual ground survey conducted by a Licensed Professional Land Surveyor.



Wetlands Legend:
P - Potential Wetlands
M - Wetlands Modified for Agriculture
T - Total Wetlands
N - Non-Wetlands
S - 200' Buffer
W - Water

Source:
NJ Farmland Preservation Program
NJDOT Parcel data
NJDEP Tideland Chain Line, NJ
NJDOT Road Data
NJOTISGIS 2020 Digital Aerial Image
May 06, 2022

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2022R10(7)
Preliminary Approval of SADC Easement Purchase on an "ALTERNATE" FARM
On the Property of Patten, Virginia**

OCTOBER 28, 2021

Subject Property: **Patten, Virginia**
Block 11, Lot 5 – Pilesgrove Township, Salem County
SADC ID#:17-0364-DE

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

WHEREAS, on September 9, 2021, the SADC received a development easement sale application from Virginia Patten, hereinafter "Owner," identified as Block 11, Lot 5, Pilesgrove Township, Salem County, hereinafter "the Property," totaling approximately 77.2 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes one (1), approximately 2-acre severable exception area for and limited to one future single family residential unit and to afford future flexibility of uses resulting in approximately 75.2 net acres to be preserved; and

WHEREAS, the 2-acre severable exception area:

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

WHEREAS, the Premises outside the exception area includes:

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

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

WHEREAS, the application has been evaluated for the sale of development easement pursuant to N.J.A.C. 2:76-11.5 and the State Acquisition Selection Criteria approved by the SADC on September 9, 2020, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, has a quality score of 69.44 and contains approximately 75.2 net acres (Schedule B); and

WHEREAS, the Property does not meet the SADC's Salem County minimum criteria for the "Priority" category which requires a quality score of at least 62 combined with at

least 94 acres, however it is higher than the minimum quality score of 48 and 69 acres needed for an "Alternate" farm designation, therefore, this farm is categorized as an "Alternate" farm, requiring SADC preliminary approval; and

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

NOW THEREFORE BE IT RESOLVED:

1. Because this 75.2-acre farm has a quality score of 69.44, which is above minimum ranking criteria for a "Priority" farm in Salem County, has approximately 70% Prime soils and 30% Unique Important soils, and is within the County Agriculture Development Area and Project Area, the SADC approves selecting the Property for processing as an "Alternate" farm, pursuant to N.J.A.C. 2:76-11.5; and
2. The SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:
 - a. Enter into a 120 day option agreement with the Landowner
 - b. Secure two independent appraisals to estimate the fair market value of the Property
 - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC

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

____10/28/21____
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles

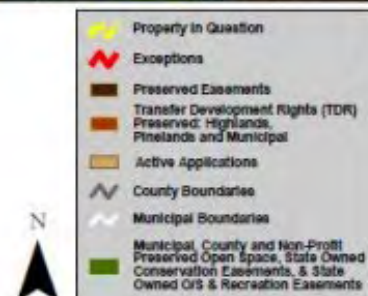


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Patten, Virginia
Block 11 Lots P/O 5 (75.2 ac);
P/O 5-ES (severable exception - 2.0 ac)
Gross Total = 77.2 acres
Pilesgrove Twp., Salem County

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

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



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJGIS/OGIS 2020 Digital Aerial Image

September 26, 2021

Soils



X:\counrte\visual\projects\Patten, Virginia.sld.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Patten, Virginia
Block 11 Lots P/O 5 (75.2 ac);
P/O 5-ES (severable exception - 2.0 ac)
Gross Total = 77.2 acres
Pilesgrove Twp., Salem County



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

Sources:
USGS - SRTM30 2021 Soil Data
Protected Areas Database of the United States (PAD-US)
NADOT Road Data
AUXTIOGIS 2020 Digital Aerial Image

September 28, 2021

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

GENERAL INFORMATION

COUNTY OF Salem Pilesgrove Twp. 1709

APPLICANT Patten, Virginia

PRIORITIZATION SCORE

SOILS:	Prime	71% *	.15	=	10.65
	Unique zero	29% *	0	=	.00

SOIL SCORE: 10.65

TILLABLE SOILS:	Cropland Harvested	97% *	.15	=	14.55
	Woodlands	2% *	0	=	.00

TILLABLE SOILS SCORE: 14.55

BOUNDARIES AND BUFFERS:	Deed Restricted Farmland (Permanent)	9% *	.2	=	1.80
	Farmland (Unrestricted)	28% *	.06	=	1.68
	Streams and Wetlands	18% *	.18	=	3.24
	Residential Development	13% *	0	=	.00
	Woodlands	5% *	.06	=	.30
	EP Applications	27% *	.13	=	3.51

BOUNDARIES AND BUFFERS SCORE: 10.53

CONTIGUOUS PROPERTIES / DENSITY:	Patten, Virginia	Restricted Farm or Current Application	2
	Patten Benjamin	Restricted Farm or Current Application	2
	Sorbello	Restricted Farm or Current Application	2
	Licciardello	Restricted Farm or Current Application	2
	Clovervale	Restricted Farm or Current Application	2

DENSITY SCORE: 10.00

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

SIZE:				SIZE SCORE: 2.98
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IMMINENCE OF CHANGE: SADC Impact factor = 1.73

IMMINENCE OF CHANGE SCORE: 1.73

COUNTY RANKING:

EXCEPTIONS:		EXCEPTION SCORE: -1.00
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TOTAL SCORE: 69.44

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Patten, Virginia
Easement Purchase - SADC
74 Acres

Block 11	Lot 5	Piles Grove Twp.	Salem County		
SOILS:		Prime	71% * .15	=	10.65
		Unique zero	29% * 0	=	.00
SOIL SCORE:					10.65
TILLABLE SOILS:		Cropland Harvested	97% * .15	=	14.55
		Woodlands	3% * 0	=	.00
TILLABLE SOILS SCORE:					14.55
FARM USE:		Corn-Cash Grain	34 acres		
		Vegtable & Melons	28 acres	Asparagus, cucumbers, potatoes	

This final approval is subject to the following:

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2023R9(14)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Verechia, Carol L.

SEPTEMBER 22, 2022

Subject Property: **Verechia, Carol L.**
Block 14, Lot 6 and Block 39, Lot 15
Pilesgrove Township, Salem County
SADC ID#: 17-0368-DE

WHEREAS, on October 14, 2021, the State Agriculture Development Committee ("SADC") received a development easement sale application from Carol L. Verechia, hereinafter "Owner," identified as Block 14, Lot 6 and Block 39, Lot 15, Pilesgrove Township, Salem County, hereinafter "the Property," totaling approximately 58.4 gross acres identified in (Schedule A); and

WHEREAS, Block 14, Lot 6 is owned by Carol L. Verechia by deed dated 4/15/2014, and Block 28, Lot 15 is owned by Ronald A. Bianco Trust U/W FBO Carol Verechia as to 50%, and by Carol Verechia, individually, as to 50%, by deed dated 01/23/2017; therefore, the certification of easement value and this final approval are conditioned on the Property being in common ownership prior to the easement closing; and

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

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

WHEREAS, the Property includes one (1), approximately 3-acre severable exception area for one (1) future single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 55.4 net acres to be preserved, hereinafter referred to as "the Premises"; and

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

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

WHEREAS, the 3-acre severable exception area:

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

WHEREAS, the Premises outside the exception area includes:

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

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 9, 2020 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, at approximately 58.4 acres, has a quality score of 64.79, which is higher than the minimum quality score of 62 needed for a "Priority" farm designation in Salem County, but its size does not meet the minimum acreage criteria for the "Priority" or "Alternate" category, which requires farm sizes of at least 94 or 69 acres respectively, therefore, the Property is categorized as an "Other" farm, requiring SADC preliminary approval; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on June 13, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$5,500 per acre based on zoning and environmental regulations in place as of the current valuation date February 28, 2022; and

WHEREAS, the Owners accepted the SADC's offer of \$5,500 per acre, or a total of approximately \$304,700, for the purchase of the development easement on the Premises; and

WHEREAS, the Owner requested phased principal payments of the purchase price in five installments as follows, subject to final survey acreage:

- 1) 2023 Closing date: approximately \$60,940
- 2) January 26, 2024: approximately \$60,940
- 3) January 31, 2025: approximately \$60,940
- 4) January 30, 2026: approximately \$60,940
- 5) January 29, 2027: approximately \$60,940

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

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

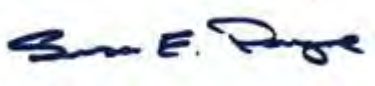
NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$5,500 per acre for a total of approximately \$304,700 subject to the conditions contained in (Schedule B).
3. The certification of easement value and this final approval are conditioned on the Property being in common ownership prior to the easement closing
4. The payments as set forth above will be memorialized in the recorded Deed of Easement.
 - a. The deed of easement shall include a paragraph 26 pursuant to N.J.A.C. 2:76-6.15(b), which will state, "Grantor has requested and agrees to receive the consideration for this Deed of Easement in phased payments from the Grantee. Grantor agrees that its conveyance of the Deed of Easement shall be irrevocable and that Grantor's only remedy in the event of a default in payment by Grantee shall be a money judgment against the Grantee and not against any successor in title to the Deed of Easement. Notwithstanding the foregoing, Grantee reserves any defenses available to it under applicable law, including but not limited to those defenses available under the New Jersey Tort Claim Act, N.J.S.A. 59:1-1, et seq. and New Jersey Contractual Liability Act, N.J.S.A. 59:13-1, et seq. Grantor further agrees that it shall make no attempt to rescind or otherwise terminate this Deed of Easement for any reason whatsoever." Notwithstanding the foregoing, the SADC Chief of Legal Affairs, in consultation with the Office of the Attorney General, may make modifications to the language contained herein as necessary and appropriate.
 - b. Owner shall, as a condition of closing on the sale of the development easement, execute an agreement under which she shall hold the SADC harmless for, from and against any losses of any kind Grantor incurs should the consequences of proceeding with the phased payment schedule do not result as Owner intended or anticipated.
5. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B

Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.

6. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
7. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
8. 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.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

9/22/2022
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles



X:\counties\sa\object\Verachia_Carol L 2.mxd

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

Verachia, Carol L.
Block 14 Lot 6 (36.01 ac);
Block 39 Lot P/O 15 (19.41 ac) & P/O Lot 15-ES (severable exception – 3.0 ac)
Gross Total = 58.42 acres
Pilesgrove Twp., Salem County



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

SOURCE:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NCEIT/ODG 2020 Digital Aerial Image
February 26, 2022

Wetlands



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Verechia, Carol L.
Block 14 Lot 6 (36.02 ac);
Block 39 Lot P/O 15 (19.42 ac) &
P/O Lot 15-ES (severable exception - 2.98 ac)
Gross Total = 58.42 acres
Pilesgrove Twp., Salem County



Sources:
NJ Farmland Preservation Program
N.JDOT Road Data
N.JDOT/USGS 2020 Digital Aerial Image

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

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

February 24, 2022

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Verechia, Carol L.
Easement Purchase - SADC
58 Acres

Block 39	Lot 15	Pilesgrove Twp.	Salem County	
Block 14	Lot 6	Pilesgrove Twp.	Salem County	
SOILS:		Prime	47% * .15	= 7.05
		Statewide	50% * .1	= 5.00
		Unique zero	3% * 0	= .00
				SOIL SCORE: 12.05
TILLABLE SOILS:		Cropland Harvested	85% * .15	= 12.75
		Other	15% * 0	= .00
				TILLABLE SOILS SCORE: 12.75
FARM USE:		Hay	34 acres	
		Beef Cattle Feedlots	24 acres	

This final approval is subject to the following:

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