

STATE AGRICULTURE DEVELOPMENT COMMITTEE

Department of Agriculture

Market and Warren Streets, 1st Floor Auditorium

Trenton, NJ 08625

REGULAR MEETING

February 22, 2018

Chairman Fisher called the meeting to order at 9:07 a.m. The flag salute was conducted.

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

Roll call indicated the following:

Members Present

Chairman Douglas H. Fisher

Scott Ellis

Pete Johnson

Ralph Siegel (rep. Acting Treasurer Elizabeth Maher Muoio)

Renee Jones (rep. acting NJDEP Commissioner Catherine R. McCabe)

Jane Brodhecker

Brian Schilling (rep. Executive Dean Goodman)

Thomas Stanuikynas (rep. DCA Commissioner/Lt. Governor Sheila Y. Oliver)

James Waltman

Alan Danser

Denis Germano, Esq.

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

Others present as recorded on the attendance sheet: Dan Pace, Mercer County Agriculture Development Board (CADB); Donna Rue, general public; Sandy Howland, New Jersey Department of Agriculture, and Katherine Fullerton, East Amwell Township.

Minutes

A. SADC Regular Meeting of January 25, 2018 (Open and Closed Sessions)

It was moved by Mr. Siegel and seconded by Mr. Stanuikynas to approve the Open Session and Closed Session minutes of the SADC regular meeting of January 25, 2018.

Discussion: Mr. Ellis noted that page 3 of the Open Session minutes should be revised to correctly state the name of the owner of Fernbrook Farms, who is Larry Kuser.

The motion was approved with the correction. Mr. Germano and Mr. Danser abstained from the vote.

Report of the Chairman

Chairman Fisher expressed condolences to State Agriculture Development Committee (SADC) member Jane Brodhecker on the passing of her daughter. He stated that Mrs. Brodhecker's presence at the meeting today is a testament to her family's strength.

Chairman Fisher stated that Governor Murphy spoke at the State Agricultural Convention last week and was very well received. He has an extraordinary interest in the enterprise of agriculture.

Report of the Executive Director

Ms. Payne stated that she would like to acknowledge for the record that Ed Caulfield has called in from the Governor's Authorities Unit to represent Craig Ambrose.

Staff is currently preparing for the next round of appropriations. As part of that process, a letter is being drafted to municipal partners requesting information on the status of current applications and future funding needs under the Municipal Planning Incentive Grant Program.

Ms. Payne stated that she and Brian Smith, Esq., are scheduled to appear in Sussex County on February 26 for a Right to Farm presentation. Mr. Smith and Alison Reynolds, Esq. gave a Right to Farm presentation in Monmouth County last month as well. This type of outreach is part of the SADC's Right to Farm outreach plan for the year, and staff welcomes suggestions for other groups who may benefit from such presentations.

The law that permits wineries to conduct special occasion events on preserved farms under certain conditions is scheduled to expire on March 1, 2018. That will mark the end of the 44-month pilot program. SADC staff has been meeting with a working group consisting of farmer, CADB and municipal interests. Pete Johnson and Brian Schilling are both members of the working group. There has been good progress. Her goal is to wrap up deliberations over the next several meetings and bring the working group's feedback to the Committee. A bill has been introduced to extend the pilot program by two years. At the working group level there was a general consensus that an extension of at least one year was advisable to allow the working group more time to finish its deliberations, engage the winery community and develop reasonable recommendations.

Chairman Fisher asked what happens if the pilot program expires on March 1st. Ms. Payne stated that wineries holding special occasion events that are otherwise not permitted on preserved farms technically will be in violation of the deed. From her perspective, she thinks the Legislature is trying to provide some transition, so her approach would be to give the legislation some time, see where it is heading and deal with it accordingly. However, the CADBs cannot grant approval of events once the statute expires because they have no statutory authority to do so. Chairman Fisher stated that if someone wants to schedule a wedding 16 months from now at a winery on preserved farmland, they could not be guaranteed at this point that the wedding could happen. Ms. Payne replied that this is true. Chairman Fisher stated that he wanted to be sure everyone understands the uncertainty that will exist.

Ms. Payne stated that the PennEast Pipeline project has received approval from the Federal Energy Regulatory Commission (FERC), which would give PennEast the power of condemnation over properties in its right of way. The Attorney General's office has been engaged and the Department of Environmental Protection (DEP) filed to request a stay of the FERC approval. SADC staff in the past has sent correspondence to owners of preserved farms in the proposed alignment to let them know that the SADC will have to be a party to any condemnation proceeds. Staff will send another letter to be sure the landowners are clear on that point and are not surprised. There are about 25 preserved farmland owners along that alignment.

Communications

Ms. Payne directed the Committee to the first item under the Communications tab, which is the Ocean CADB's submission to the SADC regarding their observations on the winery pilot program. The Ocean CADB is on the SADC working group, so they are very much at the table in discussions of special occasion events.

Public Comment

There was no public comment.

New Business

A. Presentation on the New Jersey Conservation Blueprint Project

Ms. Payne introduced John Hasse from Rowan University and stated that Rowan University has undertaken a project to create a very exciting computer mapping tool. SADC staff has been working with Rowan and other conservation organizations that are interested in creating this tool to make sure that agricultural priorities and the agricultural land base are characterized in a way that is reflective of the Farmland Preservation Program. The mapping tool is very easy to use. Staff believes it has real potential to be an important conservation tool for the state and wanted the Committee to see it first-hand.

Mr. Hasse stated that he is a professor of geography at Rowan University in the Department of Geography, Planning and Sustainability, and director of the Geospatial Research Lab. The Geospatial Research Lab conducts GIS projects, focusing particularly on mapping that helps to foster environmental understanding, environmental protection and environmental sustainable planning.

The project he is demonstrating today is part of their platform for web mapping. The New Jersey Map Project is their online platform for creating mapping that can be delivered through the web. They are particularly focused on environment, environmental planning and public interest. He noted that the project was developed in large part with student labor. The Conservation Blueprint is the major project in Rowan University's web mapping platform. Rowan was approached by New Jersey Conservation Foundation and The Nature Conservancy and created a core committee. That committee then reached out to two dozen stakeholders, including the SADC, to come up with a set of mapping tools that can help New Jersey with the conservation process. The project is trying to communicate a story about the conservation process. It shows not just spatial information, but also how things change over time. For example, Mr. Hasse showed maps indicating that New Jersey has urbanized 331,000 acres from 1986 to 2012. The mapping tool demonstrates why land conservation will continue to be so important in New Jersey. If

New Jersey develops 331,000 acres every 26 years, it is only a matter of a few more decades before the state is built out. In fact, he stated that New Jersey is on track to reach effectual buildout in the next couple of decades.

Mr. Hasse stated that the mapping animation also shows the loss and fragmentation of New Jersey's agricultural lands over time. From 1986 to 2012, New Jersey lost 211,000 acres of agricultural land. It makes clear that preserving farmland and preserving farming as an industry has to happen now or New Jersey will lose the opportunity. He stated that what has been preserved – some 227,000 acres of farmland – is a remarkable story as well. Farmland preservation mapping shows that there is still a lot of farmland left to preserve. The idea of the New Jersey Conservation Blueprint is to create mapping tools that can help identify as New Jersey builds out over the next couple of decades the most valuable lands that are remaining for agricultural purposes. Mr. Hasse demonstrated how the maps can be used to help identify priority farmland by summarizing many of the key variables that are utilized in farmland preservation for ranking applicant farms, including soils, agricultural land use, and proximity to existing farmland preservation parcels. Mr. Hasse stated that the Conservation Blueprint has four main themes – in addition to preserving farmland for agricultural purposes, it also focuses on wildlife habitat/ecological priorities; water quality and community green space – preserving open space for parks and passive/active recreation, particularly focusing on urban/suburban areas. The project can be accessed by private citizens, municipalities, nonprofits and State agencies, and allows for maps that are created to be shared via email. He thanked the SADC for allowing him to present the New Jersey Conservation Blueprint and stated that he hopes this tool is helpful to the Farmland Preservation Program.

Chairman Fisher stated that the New Jersey Conservation Blueprint is an extraordinary effort. Mr. Schilling stated that it is great work and asked how often the layers would be updated. Mr. Hasse stated that updating is not a small task and limited funding does not support a full-time salary for someone to do this. Their aim, however, is to update the information layers quarterly. Mr. Hasse acknowledged that there will be some data issues because there are only a couple of part-time people working on this project, so there will be limitations. Chairman Fisher stated that money will play a role in the process. Mr. Hasse stated that Rowan was asked if they would start charging a fee for the Conservation Blueprint, however, they are not thinking about that now because they would like it to be accessible to everyone. Ms. Payne stated that the New Jersey Conservation Blueprint is a powerful tool that SADC staff is using in the office now and it is helping to identify financial partners in acquisitions. Chairman Fisher thanked Mr. Hasse and congratulated his students at Rowan for their work in creating the mapping tool.

B. Resolution of Final Approval: County Planning Incentive Grant Program (PIG)

Cindy Roberts referred the Committee to one request for final approval under the County Planning Incentive Grant Program. Ms. Roberts reviewed the specifics of the application with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Schilling and seconded by Mr. Danser to approve Resolution FY2018R2(1) granting final approval to the following application under the County Planning Grant Program, as presented and discussed, subject to any conditions of said resolution:

1. Timothy and Michelle Doyle, SADC ID #08-0180-PG (Resolution FY2018R2(1) Block 1902, Lots 8, 9 and 10, Clayton Borough, Gloucester County, 43.43 Net Surveyed Acres

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. A copy of Resolution FY2018R2(1) is attached to and a part of these minutes.

C. Resolutions of Final Approval: Municipal Planning Incentive Grant Program (PIG)

Stefanie Miller and Katie Mazzella referred the Committee to two requests for final approval under the Municipal Planning Incentive Grant Program and reviewed the specifics of the applications with the Committee. They stated that staff recommendation is to grant final approval.

Ms. Miller noted that the Vartikar-McCullough property will be conditioned on no further division in the deed as part of the federal Agricultural Land Easement program. Mr. Stypinski recommended then that the Committee require consolidation of all the lots to prevent problems in the future should a lien be placed on one of the lots, such as what occurred in the Birch Investments v. Keymer case currently in the Appellate Division. Ms. Payne stated that Mr. Stypinski is suggesting that if the deed says no further subdivision, his recommendation is to require consolidation of the lots so that no one can place a tax lien on a portion of a farm that is not allowed to be subdivided in the future. Mr. Germano noted that the farm includes two housing opportunities and questioned whether that would affect the ability to consolidate all the lots. Ms. Miller stated that the northernmost exception area is severable. Ms. Payne stated that the Committee can still require consolidation of all four lots – including the lot with the severable exception. There would still be the opportunity for a future severable exception; the severable exception does not need to occur prior to closing. It was the consensus of the Committee to amend the Resolution to approve consolidation of the four lots with a specific

understanding that there is no negative impact on the landowner's ability to subdivide the severable exception in the future.

It was moved by Mr. Waltman and seconded by Mr. Germano to amend Resolution FY2018R2(2) to condition final approval of the following application on consolidation of the four lots. The motion was unanimously approved.

It was moved by Mr. Germano and seconded by Mr. Danser to approve Resolution FY2018R2(2), as amended, granting final approval to the following application under the Municipal Planning Incentive Grant program:

1. Jason R. and Sarah C. Vartikar-McCullough, SADC ID #10-0375-PG (Resolution FY2018R2(2))
Block 23, Lots 8.01, 8.20, 8.21 and 8.22, Franklin Township, Hunterdon County, 62 Net Acres

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. A copy of Resolution FY2018R2(2) is attached to and is a part of these minutes.

It was moved by Mr. Siegel and seconded by Mrs. Brodhecker to approve Resolution FY2018R2(3) granting final approval to the following application under the Municipal Planning Grant Program, as presented and discussed, subject to any conditions of said resolution:

2. Joseph H. Robbins and Chloe L. Williams, SADC ID #17-0142-PG (Resolution FY2018R2(3))
Block 12, Lot 2, Alloway Township, Salem County, 48.5 Net Acres

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. A copy of Resolution FY2018R2(3) is attached to and is a part of these minutes.

D. Resolution of Final Approval: Direct Easement

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

It was moved by Mr. Siegel and seconded by Mr. Germano to approve Resolution FY2018R2(4) granting final approval to the following application under the Direct

Easement Program, as presented and discussed, subject to any conditions of said resolution:

1. Joseph P. Ayars, SADC ID #17-0309-DE, (Resolution FY2018R2(4))
Block 4, Lot 7; Block 5, Lots 4.01 and 8; Block 29, Lot 1; Block 31, Lot 13 and 16,
Elsinboro Township; and Block 115, Lot 1, Salem City, Salem County.
Approximately 281.86 Net Acres

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. A copy of Resolution FY2018R2(4) is attached to and is a part of these minutes.

Public Comment

There was no public comment.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, March 22, 2018, 9 a.m.

Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 10:31 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 matters falling within the attorney-client privilege; the certification of values for property acquisitions under the Farmland Preservation Program; personnel matters; any pending or anticipated litigation, and/or any matters falling within with attorney-client privilege, including the Glassboro v. SADC and Desiderio v. SADC, et al. cases, pursuant to N.J.S.A. 10:4-12b.(7). 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. Danser and seconded by Ms. Jones to approve the resolution to go into Closed Session. The motion was unanimously approved.

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters - Certification of Values

1. County Planning Incentive Grant Program

It was moved by Mr. Danser and seconded by Mr. Germano to approve the Certification of Values for the following applications as discussed in Closed Session:

- a. Estate of Lotte Schregenberger, SADC ID #18-0218-PG
Block 8, Lot 18, Hillsborough Township, Somerset County, 57.48 Net Acres
- b. Robert G. Michisk, SADC ID #10-0412-PG
Block 43, Lot 22, and Block 44, Lot 5, Franklin Township; and Block 12, Lot 8,
Raritan Township, Hunterdon County, 41.9 Net Acres

2. Direct Easement Purchase

- a. Douglas and Susan Tack, SADC ID #10-0228-DE
Block 56, Lot 13, Lebanon Township, Hunterdon County, 31.5 Net Acres

3. Nonprofit Easement Purchase

- a. Robin De Groot et al (MCF), SADC ID #13-0016-NP
Block 7.30, Lot 4, Colts Neck Township, Monmouth County, 42 Acres

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

B. Attorney/Client Matters

1. Litigation

- a. Right to Farm – Application for Emergent Relief, Summit City Farms
(Glassboro Borough, Gloucester County)

Mr. Danser stated that on advice of counsel, he moved that the Committee conduct a de novo hearing of the Summit City Farms matter at the March 2018 meeting. The motion was seconded by Mr. Schilling and unanimously approved.

2. Winery Special Occasion Events Law

The Committee had questions in Closed Session regarding legislation that would extend the winery special occasion events law, which were reserved for Open Session on the advice of Mr. Stypinski. Ms. Payne stated that A-2787, introduced to extend the winery pilot program by two years, requires the SADC to develop a report with recommendations to the Legislature on how to handle special occasion events at wineries. Special occasion events apply to more than just wineries, and that is what the SADC working group is addressing. Hope Gruzlovic noted that the legislation also requires the SADC to provide an interim report to the Legislature within 30 days of enactment of the bill. Mr. Siegel asked Chairman Fisher about the Department of Agriculture's position on the legislation. Chairman Fisher stated that the Department of Agriculture does not oppose the extension. Mr. Ellis asked if the State Board of Agriculture has taken a position. Chairman Fisher stated that the State Board has not yet had an opportunity to take a position on the legislation. If the pilot program does lapse, the State Board likely will consider the matter.

ADJOURNMENT

Chairman Fisher adjourned the meeting at 11:21 a.m.

Respectfully Submitted,



Susan E. Payne, Executive Director

State Agriculture Development Committee

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2018R2(1)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

GLOUCESTER COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

**On the Property of
Doyle, Timothy & Michelle ("Owner")
Clayton Borough, Gloucester County**

**N.J.A.C. 2:76-17 et seq.
SADC ID#08-0180-PG**

February 22, 2018

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Gloucester County received SADC approval of its FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on June 3, 2016, the SADC received an application for the sale of a development easement from Gloucester County for the subject farm identified as Block 1902, Lots 8, 9, and 10, Clayton Borough, Gloucester County, totaling 45.14 gross surveyed acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Gloucester County's Still Run Project Area; and

WHEREAS, the original application included three non-severable exception areas to afford flexibility of uses, limited to zero residential opportunities (one exception area includes an existing agricultural labor unit, approximately 1,500 square feet and 3 bedrooms); and

WHEREAS, in preparation of closing the County had a survey prepared which revealed a 0.05 acre deed overlap with Block 1812, Lot 3;

WHEREAS, to resolve the deed overlap the landowner is requesting a 0.05 acre severable exception limited to zero future residential opportunities;

WHEREAS, it is the opinion of the SADC staff Review Appraiser that this change does not impact the per acre SADC certified value; and

WHEREAS, the Property now includes three (3), non-severable exception areas totaling 1.66 acres (0.83, 0.67 and 0.16 acres) to afford flexibility in connection with existing

operations. The 0.67 acre exception is being utilized for a composting operation, which includes material from off site. The 0.83 acre exception is being utilized for the sale of landscape material (soil, mulch, rock) and an array of solar panels and an existing agricultural labor unit, approximately 1,500 square feet and 3 bedrooms. The 0.16 acre exception is around a garden supply store. All three exceptions are limited to zero residential opportunities. The Property further includes one (1), 0.05 acre severable exception to allow the landowner to correct a deed overlap with Block 1812, Lot 3, limited to zero future residential opportunities resulting in 43.43 net surveyed acres to be preserved; and

WHEREAS, the portion of the Property outside the exception areas includes one (1) existing single family residential unit, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

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

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

WHEREAS, the Property has a quality score of 48.23 which exceeds 46, which is 70% of the County's average quality score as determined by the SADC July 23, 2015; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on April 27, 2015, it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on November 3, 2016, the SADC certified a development easement value of \$11,600 per acre based on zoning and environmental regulations in place as of the current valuation date August 2, 2016; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$11,600 per acre for the development easement for the Property; and

WHEREAS, on December 27, 2017, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on March 10, 2016, the Borough of Clayton approved the Owner's 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 June 21, 2017, the Board of Chosen Freeholders of the County of Gloucester passed a resolution granting final approval and a commitment of funding for \$11,600 per acre to cover the easement pre-acquisition; and

WHEREAS, the Gloucester County Board of Chosen Freeholders closed on the development

easement on July 13, 2017 for \$503,440.00 (\$11,600 per acre) which was recorded on July 26, 2017 in the Gloucester County Clerk's Office in Deed Book 5698, page 122; and

WHEREAS, on August 31, 2017, the Gloucester CADB passed a resolution confirming the submission to SADC for final approval and a cost share for the development easement acquisition on the Property; and

WHEREAS, the cost share breakdown is as follows (based on 43.40 surveyed acres County paid on); and

	<u>Total</u>	<u>Per/acre</u>
SADC	\$302,064	(\$ 6,960/acre)
<u>Gloucester County</u>	<u>\$201,376</u>	<u>(\$ 4,640/acre)</u>
Total Easement Purchase	\$503,440	(\$11,600/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 Gloucester County Agriculture Development Board is requesting \$302,064 in FY17 competitive grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Gloucester County for the purchase of a development easement on the Property, comprising 43.43 net surveyed easement acres, payment based on 43.40 acres at a State cost share of \$6,960 per acre, (60% of certified easement value and purchase price), for a total grant not to exceed \$302,064 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes three (3), non-severable exception areas totaling 1.66 acres (0.83, 0.67 and 0.16 acres) to afford flexibility in connection with existing operations. The 0.67 acre exception is being utilized for a composting operation, which includes material from off site. The 0.83 acre exception is being utilized for the sale of landscape material (soil, mulch, rock) and an array of solar panels and an existing agricultural labor unit, approximately 1,500 square feet and 3 bedrooms. The 0.16 acre exception is around a garden supply store. All three exceptions are limited to zero residential opportunities. The Property further includes one (1), 0.05 acre severable exception to allow the landowner to correct a deed overlap with Block 1812, Lot 3, limited to zero future residential opportunities resulting in 43.43 net surveyed acres to be preserved; and

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

BE IT FURTHER RESOLVED, at the time of closing any unused funds encumbered from base grant funds shall be returned to the County base grant and unused competitive funds shall be returned to the most currently legislatively authorized competitive grant fund; and

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

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

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

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

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

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

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

2-22-18

Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

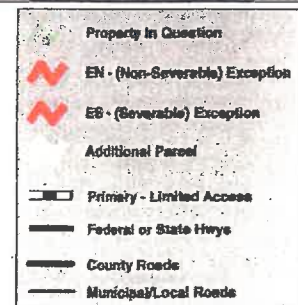
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Doyle, Timothy & Michelle
Block 1902 Lot 10 (21.9 ac), Lot P/O 9 (13.57 ac), P/O Lot 8 (8.02 ac),
P/O 8-EN (non-severable exceptions – "A" - 0.66 ac; "B" - 0.16 ac & "C" - 0.83 ac)
& P/O 9-ES (severable exception - .05 ac)
Gross Total = 45.19 ac
Clayton Boro, Gloucester County



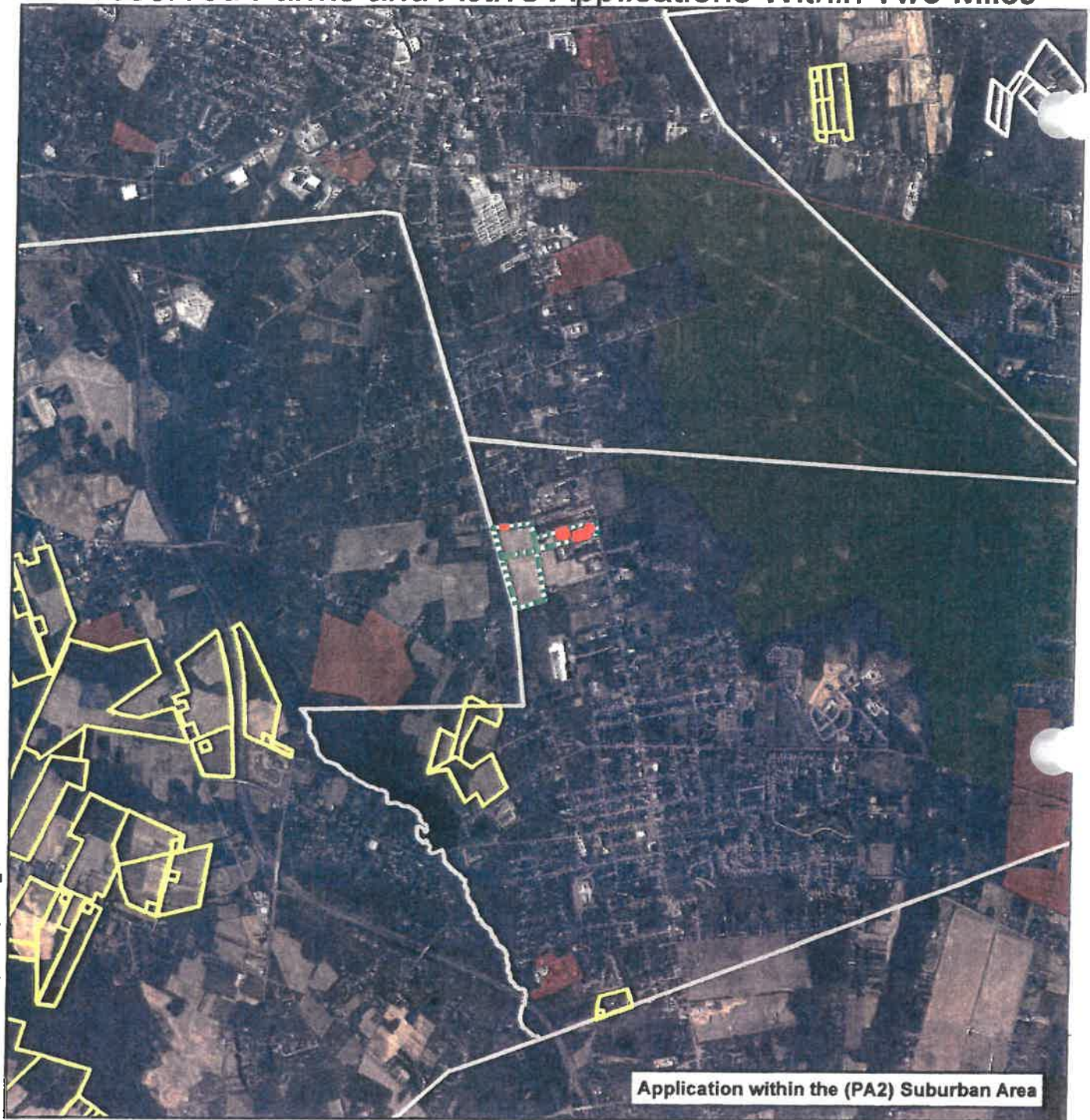
Sources:
Green Acres Conservation Easement Data
NJGIT/OGIS 2015 Digital Aerial Image

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

January 31, 2018

Preserved Farms and Active Applications Within Two Miles

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Doyle, Timothy & Michelle

Block 1902 Lot 10 (21.9 ac), Lot P/O 9 (13.57 ac), P/O Lot 8 (8.02 ac)

, P/O 8-EN (non-severable exceptions – "A" - 0.66 ac; "B" - 0.16 ac & "C" - 0.83 ac)

& P/O 9-ES (severable exception - .05 ac)

Gross Total = 45.19 ac

Clayton Boro, Gloucester 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
NJ Pinelands Commission PDC Data
NJOT/OGIS 2012 Digital Aerial Image
Date: 4/10/2017

SADC County Financial Status
Schedule B

Gloucester County

SADC ID#	Farm	SADC		Federal Grant		Base Grant			Competitive Funds				
		Cost Basis	Cost Share	Total	SADC	Encumbered	PV	Expended	Maximum Grant	Encumbered	PV	Expended	Fund Balance
					Federal Grant	Fiscal Year 11 Fiscal Year 13 Fiscal Year 17	Fiscal Year 11 Fiscal Year 13 Fiscal Year 17	Fiscal Year 11 Fiscal Year 13 Fiscal Year 17	Fiscal Year 11 Fiscal Year 13 Fiscal Year 17	Fiscal Year 11 Fiscal Year 13 Fiscal Year 17	Fiscal Year 11 Fiscal Year 13 Fiscal Year 17	Fiscal Year 11 Fiscal Year 13 Fiscal Year 17	Fiscal Year 11 Fiscal Year 13 Fiscal Year 17
08-0171-PG	Piercel Homes at County Bridge Estates	1,434,931.20	754,804.80			771,275.52	754,804.80			224,224.80			4,775,775.20
08-0175-PG	Previtera et al.	766,400.00	469,420.00			245,195.20				165,600.00			4,810,175.20
08-0185-PG	Bartholomew, Claire	287,040.00	165,600.00							41,602.50			4,568,572.70
08-0189-PG	Disario, Marco	58,243.50	41,602.50							226,940.85			4,341,631.85
08-0184-PG	Shulte, Mark et al.	383,562.00	226,940.85							364,061.25			3,977,570.60
08-0187-PG	Cobawkin Road, LLC	506,768.75	364,061.25							357,125.85			3,691,085.17
08-0181-PG	Harian Corporation	477,509.05	286,505.43							262,200.00			3,450,525.17
08-0172-PG	Austin, Jeanette	400,900.00	240,540.00							295,941.00			3,154,584.17
08-0173-PG	Still Run Properties, LLC #4	453,235.00	295,941.00							357,012.00			2,797,572.17
08-0174-PG	Still Run Properties, LLC #3	595,020.00	357,012.00							296,172.00			2,501,400.17
08-0170-PG	Leone, Russell & April	530,425.00	296,172.00							338,340.00			2,166,438.17
08-0169-PG	Sleyton, Herbert & Stylades, George	603,458.00	334,962.00							164,476.08			2,001,982.09
08-0176-PG	Musumeci, Joseph, Victoria & Anna	274,126.80	164,476.08							307,695.00			1,894,267.09
08-0167-PG	Hazelton, Shirley (Estate)	512,825.00	307,695.00							292,515.30			1,243,988.15
08-0165-PG	Raposa, Mollie	485,278.50	291,167.10							159,141.84			867,011.15
08-0188-PG	Bez Homes, LLC	265,236.40	159,141.84							260,820.00			564,947.15
08-0194-PG	Testerman, Diane E. (Trust)	434,700.00	260,820.00							116,127.00			
08-0193-PG	Snyder, Linda	191,268.00	116,127.00							302,064.00			
08-0180-PG	Doyle, Timothy & Michelle	503,440.00	302,064.00										
Closed	21	20,076,405.65	11,246,594.23	0.00	0.00								
Encumbered	15	8,089,936.90	4,706,362.27	0.00	0.00								
				Encumber/Expended FY09									
				Encumber/Expended FY11									
				Encumber/Expended FY13									
				Encumber/Expended FY17									
				Total		245,195.20	754,804.80			1,653,378.74	2,052,882.53	728,690.58	564,947.15
										0.00	0.00	0.00	564,947.15

JCM:dlp

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Doyle, Timothy & Michelle
08- 0180-PG
County PIG Program
43 Acres

Block 1902	Lot 8	Clayton Boro	Gloucester County
Block 1902	Lot 9	Clayton Boro	Gloucester County
Block 1902	Lot 10	Clayton Boro	Gloucester County

SOILS:	Prime	96% *	.15	=	14.40
	Statewide	4% *	.1	=	.40

SOIL SCORE: 14.80

TILLABLE SOILS:	Cropland Harvested	96% *	.15	=	14.40
	Other	4% *	0	=	.00

TILLABLE SOILS SCORE: 14.40

FARM USE:	Corn-Cash Grain	35 acres
	Ornament Nursery Products	4 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 (.67) acres for composting operation
Exception is not to be severed from Premises restricted to zero residential housing opportunities
 - 2nd (.16) acres for Garden store
Exception is not to be severed from Premises restricted to zero residential housing opportunities
 - 3rd (.83) acres for Ag labor unit 1500SF, 3 bedroom; Sale of landscape materials; soil, mulch, rock. Solar panels
Exception is not to be severed from Premises restricted to zero residential housing opportunities
 - 4th (.05) acres for resolve overlap with adjacent property Block 1812, Lot 3
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
restricted to zero residential housing opportunities
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2018R2(2)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
FRANKLIN TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of
Vartikar-McCullough, Jason R. & Sarah C. ("Owner")
Franklin Township, Hunterdon County**

**N.J.A.C. 2:76-17A. et seq.
SADC ID# 10-0375-PG**

February 22, 2018

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Franklin Township received SADC approval of its FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on August 27, 2015 the SADC received an application for the sale of a development easement from Franklin Township for the subject farm identified as Block 23, Lots 8.01, 8.20, 8.21, 8.22, Franklin Township, Hunterdon County, totaling approximately 69.7 gross acres hereinafter referred to as "the Property" (Schedule A); and

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

WHEREAS, the Property includes one (1), approximately 1.5-acre nonseverable exception area for and limited to one (1) existing single family residential unit and one (1), approximately 6.1-acre severable exception area for and limited to one (1) future single family residential unit and to afford future flexibility of uses resulting in approximately 62 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 (0) non-agricultural uses; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on April 18, 2016 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 22, 2016 the SADC certified a development easement value of \$9,800 per acre based on zoning and environmental regulations in place as of the current valuation date June 2016; and

WHEREAS, the Owner accepted the Township's offer of \$9,800 per acre for the development easement for the Property; and

WHEREAS, a parcel application was submitted by the Hunterdon Land Trust (HLT) to the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), Regional Conservation Partnership Program (RCPP) for an Agricultural Land Easement (ALE) grant; and

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

WHEREAS, at this time the ALE approved current easement value has not been finalized, therefore, the ALE grant will be calculated based on the highest appraised current easement value of \$10,100 per acre equating to an ALE grant of \$5,050 per acre (50% of \$10,100) or approximately \$313,100 in total ALE funds; and

WHEREAS, the landowner has agreed to the additional restrictions associated with the ALE Grant, including zero (0) future Divisions of the Premises and a 6% maximum impervious coverage restriction (approximately 3.72 acres) for the construction of agricultural infrastructure on the Property outside of exception area, which is the maximum allowable for this property for the ALE at this time; and

WHEREAS, since the property is made up of multiple lots and the ALE easement prohibits future divisions, all of the lots in application shall be consolidated simultaneously with the sale of the development rights in order to minimize the risk that a future division of premises would be effectuated in violation of the deed of easement; and

WHEREAS, the landowner and Township shall take any necessary actions to complete a lot merger at the time of closing and record all necessary documents in appropriate order immediately after the deed of easement is recorded; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on December 14, 2017 the Franklin Township

Committee approved the application, but is not participating financially in the easement purchase due to the anticipated receipt of the RCPP funds; and

WHEREAS, the Hunterdon County Agriculture Development Board approved the application on February 8, 2018 and secured approval from the Hunterdon County Board of Chosen Freeholders on February 20, 2018, but is not participating financially in the easement purchase due to the anticipated receipt of ALE funds; and

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

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 62 net easement acres):

	<u>Total</u>
SADC	\$364,560 (\$5,880 per acre)
Hunterdon County	\$121,520 (\$1,960 per acre)
<u>Franklin Twp.</u>	<u>\$121,520 (\$1,960 per acre)</u>
Total Easement Purchase	\$ 607,600 (\$9,800 per acre)

Estimated Cost share breakdown if the \$313,100 ALE Grant is finalized and applied:

	<u>Total</u>	<u>RCPP \$</u>	<u>New Cost Share</u>
SADC	\$364,560	\$ 69,960	\$294,500 (\$4,750 / acre)
Hunterdon County	\$121,520	\$121,520	\$ 0
Franklin Township	\$121,520	\$121,520	\$ 0
<u>RCPP Grant</u>			<u>\$313,100 (\$5,050 / acre)</u>
TOTAL	\$607,600	\$313,100	\$607,600 (\$9,800/acre)

WHEREAS, Franklin Township is requesting \$4,750 per acre or approximately \$294,500 and sufficient funds are available (Schedule B); and

WHEREAS, the County has agreed to hold the development easement; and

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Franklin Township for the purchase of a development easement on the Property, comprising approximately 62 net easement acres, at a State cost share of \$4,750

per acre, (48.47% of certified easement value and purchase price), for a total grant need of \$294,500 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 1.5-acre nonseverable exception area for and limited to one (1) existing single family residential unit and one (1), approximately 6.1-acre severable exception area for and limited to one (1) future single family residential unit and to afford future flexibility of uses resulting in approximately 62 net acres; and

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

BE IT FURTHER RESOLVED, that since the property is made up of multiple lots and the ALE easement prohibits future divisions, all of the lots in application shall be consolidated simultaneously with the sale of the development rights in order to minimize the risk that a future division of premises would be effectuated in violation of the deed of easement; and

BE IT FURTHER RESOLVED, that the landowner and Township shall take any necessary actions to complete a lot merger at the time of closing and record all necessary documents in appropriate order immediately after the deed of easement is recorded; and

BE IT FURTHER RESOLVED, that after applying to the County and Municipal cost shares, the SADC will utilize any remaining ALE grant funds (estimated \$294,500) to offset SADC grant needs on the Property; and

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

BE IT FURTHER RESOLVED, should additional funds be needed and grant funding be available the grant may be adjusted to utilize unencumbered grant funds; and

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

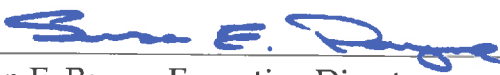
BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way,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

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

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

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

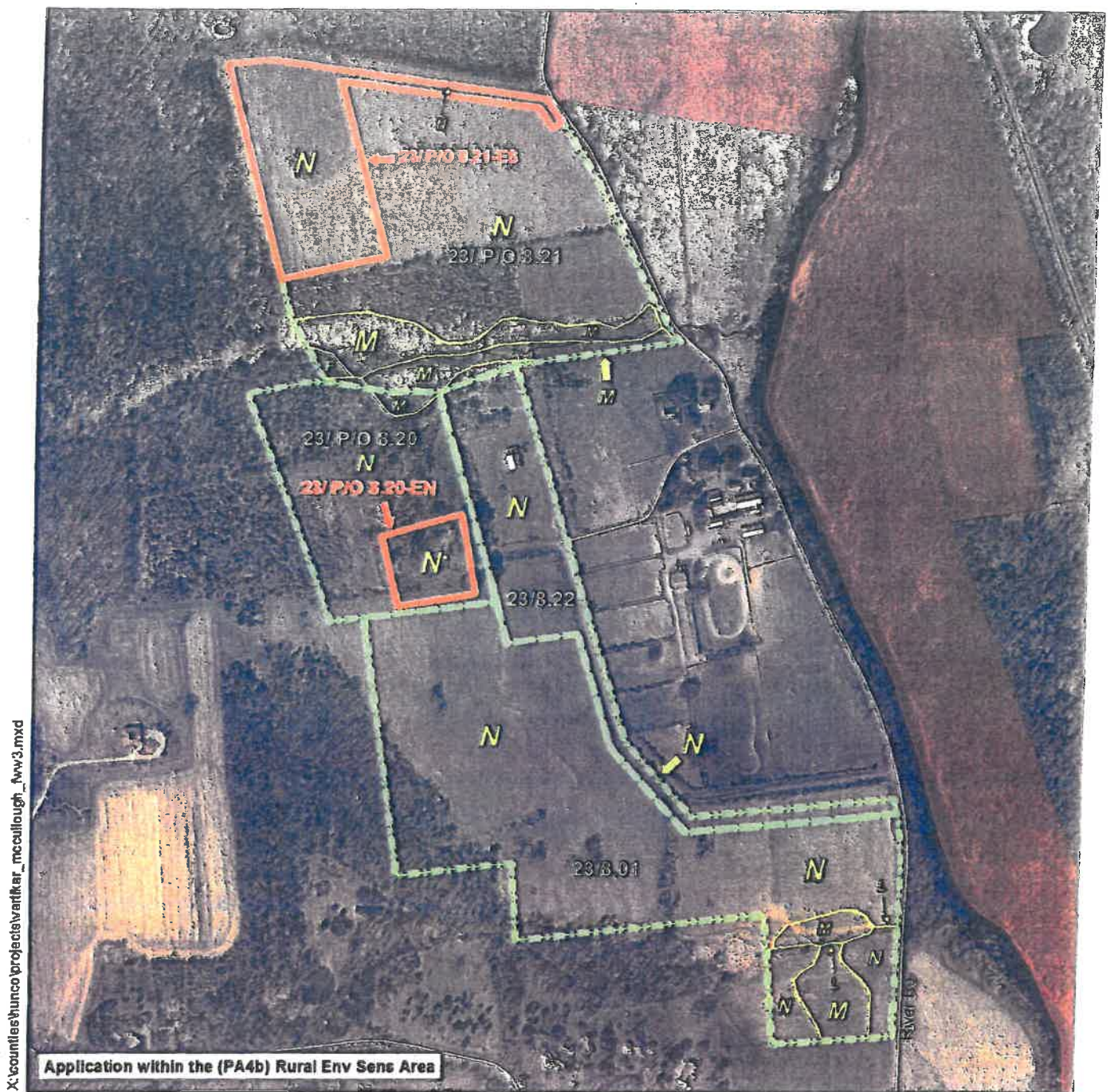
2-22-18
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

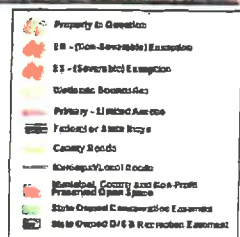
Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Vartikar-McCullough, Jason R. & Sarah C.
Block 23 Lots 8.01 (27.4 ac); P/O 8.20 (8.6 ac);
P/O 8.20-EN (non-severable exception - 1.5 ac); P/O 8.21 (18.9 ac);
P/O 8.21-ES (severable exception - 6.1 ac) & 8.22 (7.2 ac)
Gross Total = 69.7 ac
Franklin Twp., Hunterdon County



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

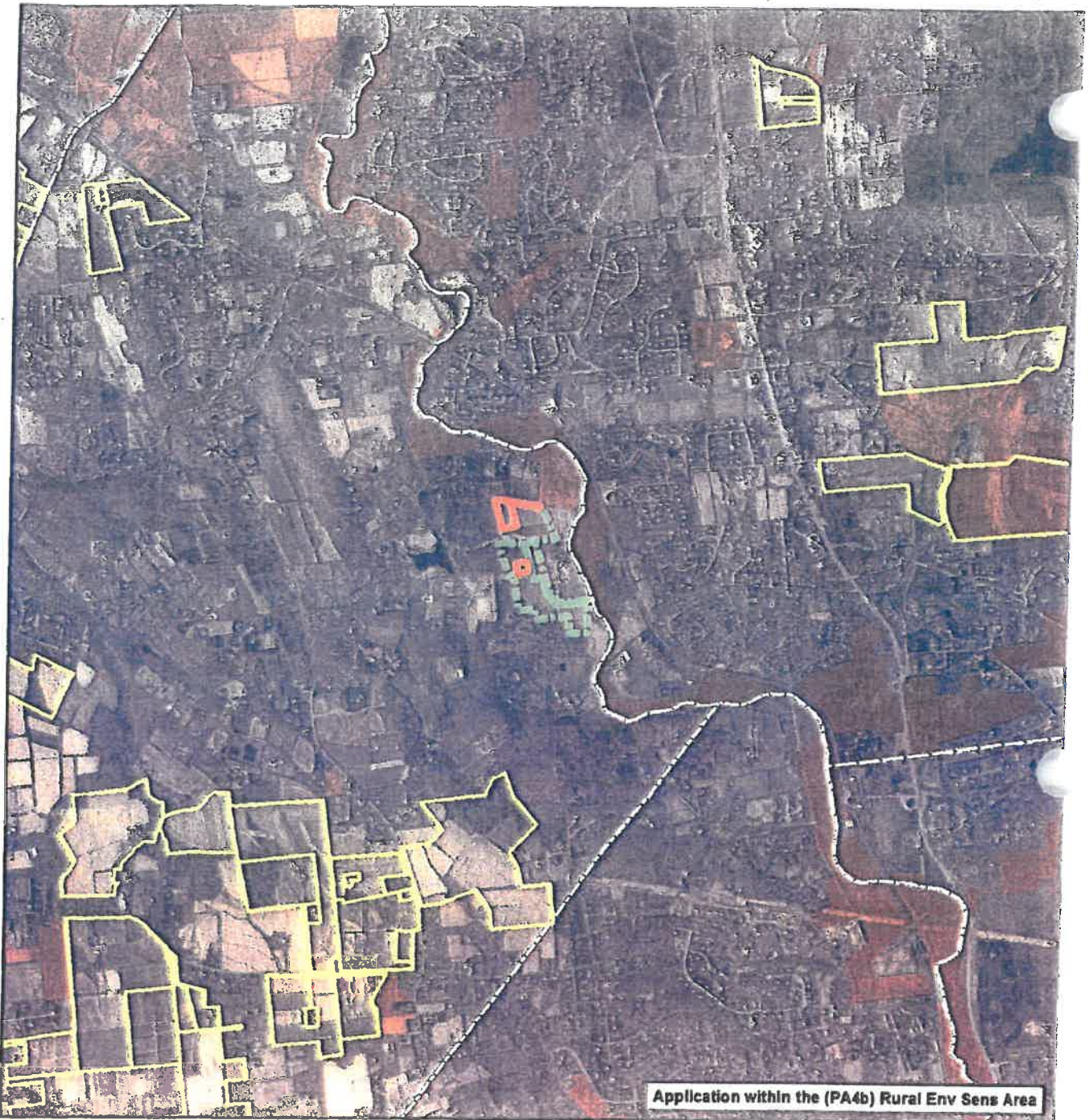
Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJDEP Wetlands Data
NJOTISGIS 2012 Digital Aerial Image

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of 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 definition and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

April 6, 2016

Preserved Farms and Active Applications Within Two Miles

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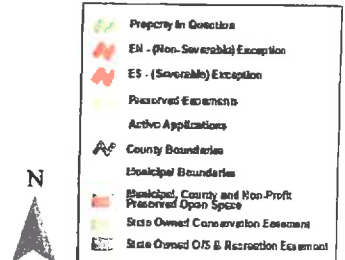


Application within the (PA4b) Rural Env Sens Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Vartikar-McCullough, Jason R. & Sarah C.
Block 23 Lots 8.01 (27.4 ac); P/O 8.20 (8.6 ac);
P/O 8.20-EN (non-severable exception - 1.5 ac); P/O 8.21 (18.9 ac);
P/O 8.21-ES (severable exception - 6.1 ac) & 8.22 (7.2 ac)
Gross Total = 69.7 ac
Franklin Twp., Hunterdon County

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



Source:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
OGIS 2012 Digital Aerial Image

NOTE:

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

April 6, 2016

Franklin Township, Hunterdon County

[illegible]

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Vartikar-McCullough, Jason R. & Sarah C.
10- 0375-PG
PIG EP - Municipal 2007 Rule
62 Acres

Block 23	Lot 8.01	Franklin Twp.	Hunterdon County
Block 23	Lot 8.20	Franklin Twp.	Hunterdon County
Block 23	Lot 8.21	Franklin Twp.	Hunterdon County
Block 23	Lot 8.22	Franklin Twp.	Hunterdon County

SOILS:	Other	26% *	0	=	.00
	Prime	7% *	.15	=	1.05
	Statewide	67% *	.1	=	6.70

SOIL SCORE: 7.75

TILLABLE SOILS:	Cropland Harvested	74% *	.15	=	11.10
	Woodlands	26% *	0	=	.00

TILLABLE SOILS SCORE: 11.10

FARM USE:	Hay	48 acres
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In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st (1.5) acres for Existing single family residential unit and future flexibility.
Exception is not to be severed from Premises
Right to Farm language is to be included in Deed of Easement
 - 2nd (6.1) acres for Potential future single family residential unit
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2018R2(3)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

**ALLOWAY TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
Robbins, Joseph H. & Williams, Chloe L. ("Owners")
Alloway Township, Salem County**

**N.J.A.C. 2:76-17A. et seq.
SADC ID#17-0142-PG**

February 22, 2018

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Alloway Township received SADC approval of its FY2018 PIG Plan application annual update on May 25, 2017; and

WHEREAS, on October 17, 2014, the SADC received an application for the sale of a development easement from Alloway Township for the subject farm identified as Block 12, Lot 2, Alloway Township, Salem County, totaling approximately 54.5 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Alloway Township's North Central Project Area; and

WHEREAS, the Property includes one (1), approximately 6-acre non-severable exception area for and limited to one (1) future single-family residence and to afford future flexibility of uses resulting in approximately 48.5 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 (0) non-agricultural uses; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on August 21, 2017, it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on December 7, 2017, the SADC certified a development easement value of \$5,000 per acre based on zoning and environmental regulations in place as of the current valuation date October 24, 2017; and

WHEREAS, the Owner accepted the Township's offer of \$5,000 per acre for the development easement for the Property; and

WHEREAS, the New Jersey Conservation Foundation (NJCF) submitted a parcel application to the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) Federal Farm and Ranch Lands Protection Program (FRPP) for consideration of a grant for the easement purchase on the Property; and

WHEREAS, the NRCS has determined that the Property and Owners qualified for FRPP grant funds; and

WHEREAS, at this time the FRPP approved current easement value has not been finalized, therefore, the FRPP grant will be calculated based on the per acre value of the FRPP appraisal submitted for approval on November 27, 2017 equating to an FRPP grant of \$2,650 per acre (50% of \$5,300) or approximately \$128,525 in total FRPP funds; and

WHEREAS, the landowner has agreed to the additional restrictions associated with the FRPP Grant, a 6.33% maximum impervious coverage restriction (approximately 3 acres) for the construction of agricultural infrastructure on the Property, which is the maximum allowable for this property through the FRPP program at this time; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on January 18, 2018, the Alloway Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase due to the anticipated receipt of the FRPP funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on December 6, 2017, the Salem County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on January 17, 2018, the Board of Chosen Freeholders of the County of Salem passed a resolution granting final approval, but is not participating financially in the easement purchase due to the anticipated receipt of FRPP funds; and

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

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 48.5 net easement acres):

	<u>Total</u>	
SADC	\$164,900	(\$3,400/acre)
Salem County	\$ 38,800	(\$800/acre)
Alloway Twp.	\$ 38,800	(\$800/acre)
Total Easement Purchase	\$242,500	(\$5,000/acre)

Estimated Cost share breakdown when the \$128,525.00 FRPP Grant is finalized and applied:

	<u>Total</u>	<u>ALE \$</u>	<u>New Cost Share</u>	
SADC	\$164,900	\$ 50,925	\$113,975	(\$2,350/acre)
Salem County	\$ 38,800	\$ 38,800	\$0	(\$0/acre)
Alloway Township	\$ 38,800	\$ 38,800	\$0	(\$0/acre)
FRPP Grant			\$128,525	(\$2,650/acre)
Total Easement Purchase	\$242,500	\$128,525	\$242,500	(\$5,000/acre)

WHEREAS, Alloway Township is requesting \$2,350 per acre or approximately \$113,975 and sufficient funds are available (Schedule B); and

WHEREAS, the County has agreed to hold the development easement; and

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a

cost share grant to Alloway Township for the purchase of a development easement on the Property, comprising approximately 48.5 net easement acres, at a State cost share of \$2,350 per acre, (47% of certified easement value and purchase price), for a total grant of approximately \$113,975.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 6-acre non-severable exception area for and limited to one (1) future single-family residence and to afford future flexibility of uses; and

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

BE IT FURTHER RESOLVED, that BE IT FURTHER RESOLVED, that after being applied to the County and Municipal cost share, the SADC will utilize any remaining FRPP grant funds (estimated \$50,925) to offset SADC grant needs on the Property; and

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

BE IT FURTHER RESOLVED, should additional funds be needed and grant funding be available the grant may be adjusted to utilize unencumbered grant funds; and

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

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

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

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

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

2-22-18

Date



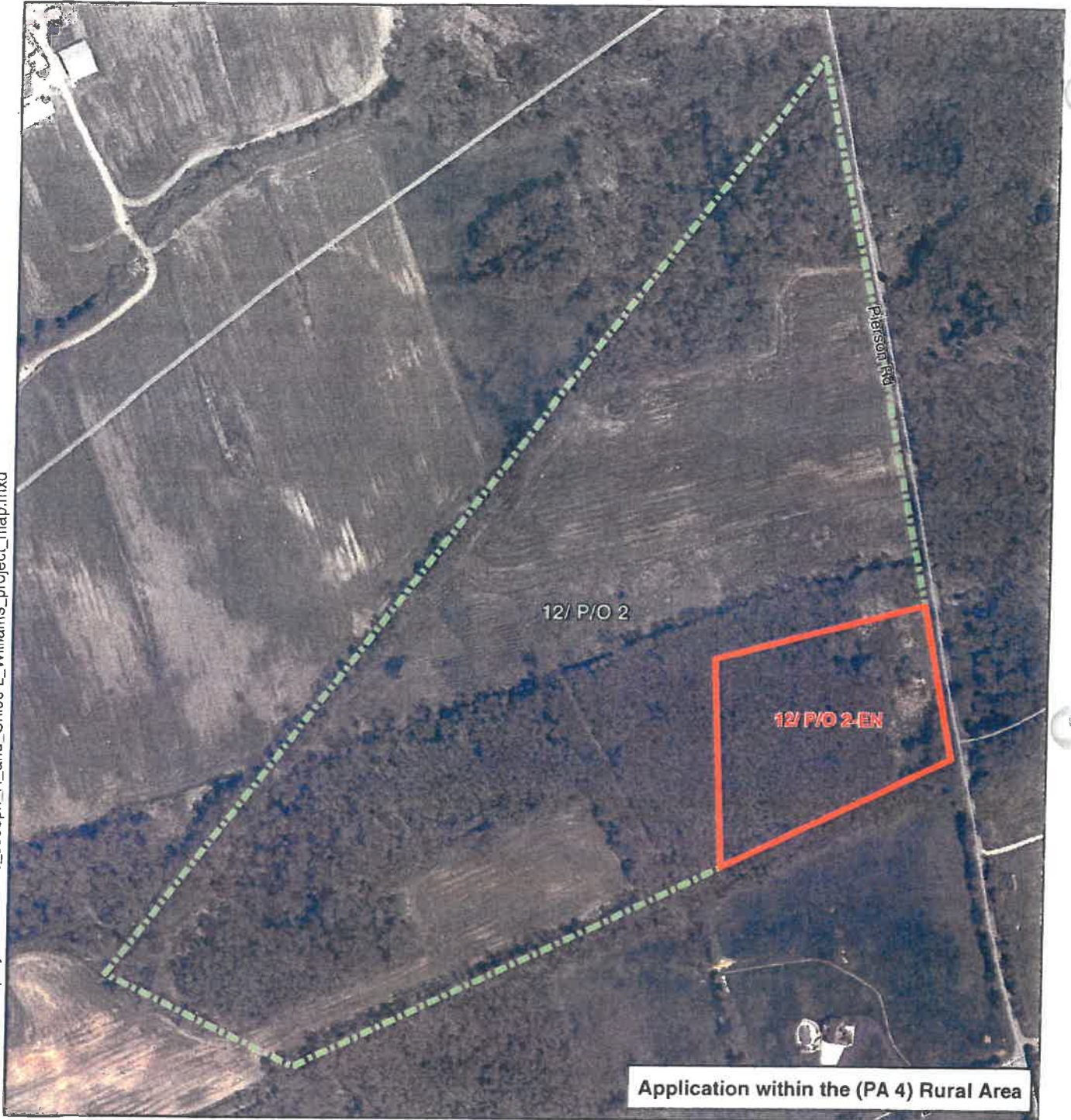
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

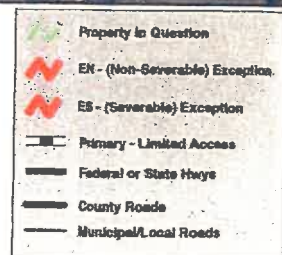
Project Map

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Robbins, Joseph H. & Chloe L. Williams
Block 12 Lots P/O 2 (48.4 ac)
& P/O 2-EN (non-severable exception - 6.1 ac)
Gross Total = 54.5 ac
AllowayTwp., Salem County



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

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

March 13, 2017

SADC Municipal Pig Financial Status Schedule B

Alloway Township, Salem County

SADC ID#	Farm	Acres	SADC		Federal Grant		Grant			
			Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance
17-0116-PG	Yanus	81.0470	461,523.30	303,633.75			303,633.75	303,633.75	303,633.75	1,250,000.00
17-0115-PG	Sickler Yanus ancillary Sickler ancillary	11.4920	75,847.20	48,266.40			48,266.40	48,266.40	48,266.40	946,366.25
17-0132-PG	Chard	24.0670	168,469.00	105,894.80	84,234.50	21,660.30	105,894.80		3,245.50	898,099.85
17-0140-PG	Ray Ray ancillary Reprogram FY17 Chard ancillary	63.4350	386,172.70	195,848.04	190,324.66	54,214.61	250,062.65	196,232.07	195,848.04	891,389.85
17-0171-PG	McAlonan, Raymond A. & Regina M. (Lot 3.01)	13.2410	92,687.00	41,945.90	50,741.04	16,314.44	41,945.96		5,100.00	888,144.35
17-0172-PG	McAlonan, Raymond A. & Regina M. (Lot 10.01)	28.5460	185,549.00	83,952.93	101,596.07	34,512.97	83,952.93		84,234.50	803,909.85
17-0142-PG	Robbins, Joseph & Williams, Chloe L.	48.5000	242,500.00	113,975.00	128,525.00	50,925.00	113,975.00		195,848.04	608,061.81
									5,100.00	602,961.81
									107,677.78	495,284.03
									7,585.00	487,699.03
										445,753.07
										361,800.14
										247,825.14
Closed	4	180.0410	1,092,012.20	653,642.99	274,559.16	75,874.91				
Encumbered	3	90.2870	520,736.00	239,873.83	280,862.11	101,752.41				
							Encumber/Expended FY09	-	750,000.00	-
							Encumber/Expended FY11	-	12,300.97	247,825.14
							Encumber/Expended FY13	-	-	-
							Encumber/Expended FY17	-	-	-
							Total			247,825.14

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Robbins, Joseph H. & Williams, Chloe L.
17- 0142-PG
PIG EP - Municipal 2007 Rule
48 Acres

Block 12	Lot 2	Alloway Twp.	Salem County
SOILS:		Other	44% * 0 = .00
		Prime	31% * .15 = 4.65
		Statewide	25% * .1 = 2.50
			SOIL SCORE: 7.15
TILLABLE SOILS:		Cropland Harvested	52% * .15 = 7.80
		Wetlands	37% * 0 = .00
		Woodlands	11% * 0 = .00
			TILLABLE SOILS SCORE: 7.80
FARM USE:	Corn-Cash Grain	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 (6.1) acres for Future dwelling
Exception is not to be severed from Premises
Exception is to be limited to zero existing single family residential unit(s) and one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2018R2(4)

Final Review and Approval

**On the Property of
Ayars, Joseph P. ("Owner")**

February 22, 2018

Subject Property: Ayars, Joseph P. ("Owner")
Block 4 Lot 7; Block 5, Lots 4.01 & 8; Block 29, Lot 1; Block 31, Lot 13 & 16
in Elsinboro Township and Block 115, Lot 1 in Salem City
SADC ID #17-0309-DE
Approximately 281.86 Net Easement Acres

WHEREAS, on January 10, 2017, the State Agriculture Development Committee ("SADC") received a development easement sale application from Joseph P. Ayars, hereinafter "Owner," identified as Block 4 Lot 7; Block 5, Lots 4.01 & 8; Block 29, Lot 1; Block 31, Lot 13 & 16 in Elsinboro Township and Block 115, Lot 1 in Salem City, Salem County hereinafter "the Property," totaling approximately 295.86 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 Property includes one (1), approximate 12-acre severable exception area limited to one (1) existing single family residential unit and one (1) two-bedroom apartment above the garage, and one (1) approximately 2-acre severable exception area limited to one (1) future single family residential unit, resulting in approximately 281.86 net acres to be preserved; and

WHEREAS, the Property has been allocated one (1) Residual Dwelling Site Opportunity (RDSO), zero (0) single family residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the area outside of the exception areas; and

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 25, 2013, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 92 and minimum quality score of 61) because it is approximately 281.86 net easement acres and has a quality score of 67.42; and

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

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

WHEREAS, the Property includes approximately 8.86 acres of tidelands, therefore the appraisals were based on an adjusted net acreage of 273.00 upland and/or wetland acres as per the SADC Appraisal Handbook; and

WHEREAS, on January 25, 2018, the SADC certified the development easement value at \$3,300 per acre based on current zoning and environmental conditions as of November 15, 2017; and

WHEREAS, the Owners accepted the SADC's offer to purchase the development easement for \$3,300 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval for its acquisition of the development easement at a value of \$3,300 per acre for a total of approximately \$900,900 subject to the conditions contained in (Schedule B); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximate 12-acre severable exception area limited to one (1) existing single family residential unit and one (1) two-bedroom apartment above the garage, and one (1) approximately 2-acre severable exception area limited to one (1) future single family residential unit, resulting in approximately 281.86 net acres to be preserved; and

BE IT FURTHER RESOLVED, the Property has been allocated one (1) Residual Dwelling Site Opportunity (RDSO), zero (0) single family residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the area outside of the exception areas; and-

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

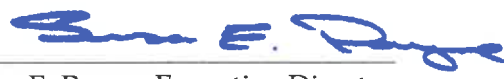
BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

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

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

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

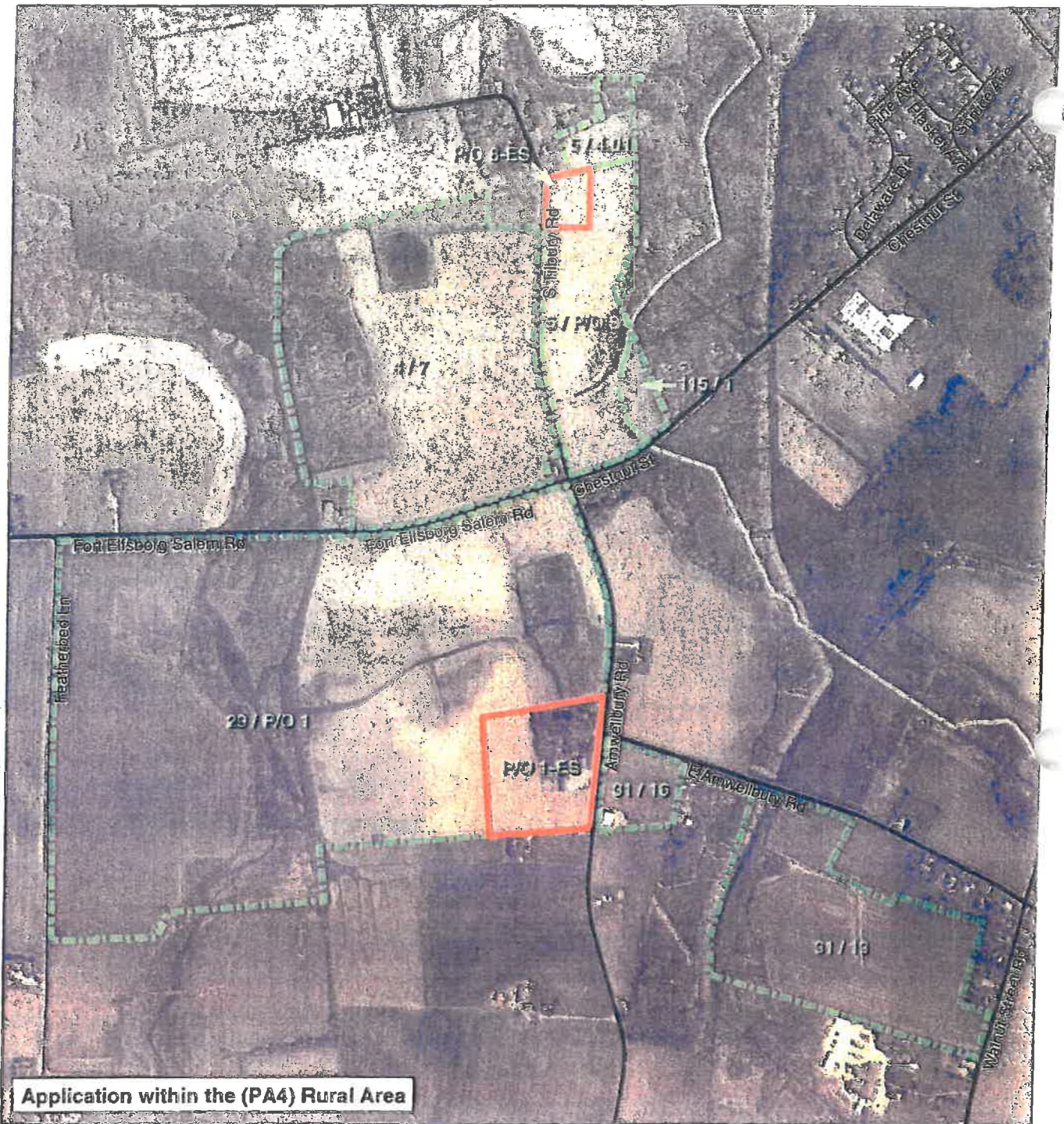
2-22-18
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

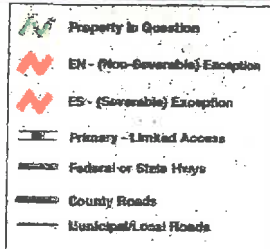
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Ayars, Joseph P.
Block 29 P/O Lot 1 (153.52 ac) & P/O Lot 1-ES (Severable exception – 12.01 ac)
Block 31 Lot 13 (35.63 ac) & Lot 16 (5.21 ac)
Block 4 Lot 7 (62.77 ac)
Block 5 Lot 4.01 (3.81 ac), P/O Lot 8 (18.04 ac) & P/O Lot 8-ES (severable exception – 2.01 ac) Elsinboro Twp.
Block 115 Lot 1 (2.40 ac) Salem City, Salem County
Gross Total – 295.86 ac

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



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

Sources:
Green Acres Conservation Easement Data
NJOT/OGIS 2012 Digital Aerial Image

Date: 2/13/2017

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Ayars, Joseph P.
Easement Purchase - SADC
272 Acres

Block 115	Lot 1	Salem City	Salem County
Block 29	Lot 1	Elsinboro Twp.	Salem County
Block 31	Lot 13	Elsinboro Twp.	Salem County
Block 31	Lot 16	Elsinboro Twp.	Salem County
Block 4	Lot 7	Elsinboro Twp.	Salem County
Block 5	Lot 4.01	Elsinboro Twp.	Salem County
Block 5	Lot 8	Elsinboro Twp.	Salem County

SOILS:	Other	6% *	0	=	.00
	Prime	61% *	.15	=	9.15
	Statewide	15% *	.1	=	1.50
	Unique zero	18% *	0	=	.00

SOIL SCORE: 10.65

TILLABLE SOILS:	Cropland Harvested	74% *	.15	=	11.10
	Wetlands	24% *	0	=	.00
	Woodlands	2% *	0	=	.00

TILLABLE SOILS SCORE: 11.10

FARM USE:	Corn-Cash Grain	28 acres
	Soybeans-Cash Grain	105 acres

This final approval is subject to the following:

1. Available funding.
2. The allocation of 1 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st twelve (12) acres for Flexabiity of use
Exception is severable
Exception is restricted to one single family residential unit and one garage apartment.
 - 2nd two (2) acres for Future single family dwelling
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.