

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

March 23, 2023

Mr. Frank Minch called the meeting to order at 9:09 a.m.

Mr. Roohr 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

Frank Minch, Acting Chairman

Martin Bullock

Scott Ellis

Charles Rosen

Brian Schilling

Gina Fischetti (arrived at 9:20am)

Renee Jones

Julie Krause

Roger Kumpel, Alternate Farmer Member for Richard Norz

Members Absent

Pete Johnson

James Waltman

Richard Norz

Chairman Fisher

Charles Roohr, Deputy Executive Director

Jason Stypinski, Esq., Deputy Attorney General

Minutes

SADC Regular Meeting of February 23, 2023 (Open Session)

It was moved by Mr. Schilling and seconded by Mr. Bullock to approve the Open Session minutes of the SADC regular meeting of February 23, 2023. Mr. Kumpel abstained from the vote. The motion was approved.

Report of the Chairman

Mr. Frank Minch, Director of the NJDA, Division of Agriculture and Natural Resources, introduced himself and announced that he is presiding over the meeting in Chairman Fisher's absence. Mr. Minch noted that Secretary Fisher announced his retirement effective July 1, 2023, and he will be leaving as SADC chairperson. Mr. Minch then introduced Mr. Charles Roohr, SADC Deputy Director, filling in for Executive Director Payne today.

Report of the Executive Director

Mr. Roohr invited the committee to review the monthly CMV report, litigation spreadsheet and communications in their meeting materials.

Mr. Roohr stated the new Special Occasion Events (SOE) law delegates the authority to approve or deny an event request to the easement holder, which in most cases is a county or nonprofit entity. SADC staff has prepared a document to guide easement holders on the implementation of the law, a draft application and checklist for counties to use.

Mr. Roohr noted one requirement to be eligible for an SOE is that the preserved farm must generate \$10,000 worth of products per year. Staff developed an Excel spreadsheet to calculate production values based on acreage and agriculture uses.

Mr. Kimmel demonstrated the spreadsheet and calculation tool available to estimate the values of production for SOE applicants. Mr. Roohr stated SADC staff is preparing a webinar for partners to help them understand the law and the process for accepting and approving applications. Staff is also preparing an online seminar for the public, including municipal officials. Mr. Roohr stated the guidance documents and sample application will be posted on the SADC website and distributed to our partners shortly.

Mr. Roohr stated that the SADC subcommittee and the State Board of Agriculture subcommittee met on March 15th to discuss the proposed soil protection regulations, and it was a productive meeting. The State Board held its monthly meeting yesterday and its subcommittee reported a similar sentiment. Mr. Roohr stated the SADC subcommittee will be meeting again in April to continue reviewing the draft rule proposal. Mr. Ellis stated that he also believes the meeting was positive.

Mr. Roohr announced that SADC has hired a new legal specialist. Mr. Brian Smith introduced Kristine Walsh, Esq. as the newest member of the SADC legal department. He stated that she is a Burlington County native who was most recently in private practice. She is a former Mercer County Agriculture Development Board member.

NOTE: Ms. Fischetti arrived at the meeting.

Public Comment

Mr. Paul Hlubik, a State Board of Agriculture member, thanked the SADC's soil protection subcommittee for its work and the continued dialogue between the State Board and the SADC. He reiterated the importance of finding an appropriate balance between agricultural viability and soil protection.

Ms. Patricia Springwell, a Hunterdon County resident, expressed concern about a proposed increase in the soil disturbance allocation of the draft regulations.

Old Business

A. Stewardship

1. Review of Activities

a. Hunter Farms, Montgomery Township, Somerset County

Note: Mr. Schilling recused himself from discussion on this matter.

Mr. Roohr reviewed the history of the Hunter Farms/Princeton Show Jumping (PSJ) case. He reminded the committee that it previously granted PSJ conditional approvals for its horse shows while it continued to address DOE compliance issues. In 2022, the DOE issues were corrected, while the issue of agricultural production is outstanding. SADC staff is now researching the scope and definition of horse “production” as related to this agricultural activity.

Mr. Roohr also reminded the committee that a Right to Farm (RTF) complaint had been previously filed but could not be heard due to the outstanding DOE violations. One issue raised in the RTF complaint was the amount of time the temporary tents were up for the horse shows. When the committee gave conditional approval, it also stipulated the length of time the tents could be up to address the neighbors’ concerns while their RTF case was pending.

In December 2022, the SADC approved PSJ’s show calendar and tent schedule for the 2023 season for 64 days and a total of 14 shows. In March 2023, Mr. Roohr received a call from Mary Babick, PSJ compliance officer, who informed him the United States Equine Federation (USEF) approved most of the dates with a few exceptions for which minor changes to the SADC approval was requested. These date changes compress the season and, therefore, require the tents to remain erect during the entire 2023 season.

PSJ is now seeking approval to increase the total show days from 64 days to 70 and to allow the show tents to remain up for the entire season – from April 19th through October 1st – a total of 166 days. Mr. Roohr reminded the committee the erected tents are not a DOE compliance issue if they are removed after 180 days, in order to avoid the impervious cover limit which exists on this farm. Because PSJ has resolved all DOE compliance issues except for the production requirement, the Somerset CADB can now hear the RTF case and decide as to whether the tents are a nuisance. Staff’s recommendation is to approve the amended show schedule, but to refer the tent schedule issue to the Somerset CADB, as it is related to the active RTF case before it.

Nicole Voigt, Esq., representing Hunter Farms/PSJ, and Ms. Babick, PSJ compliance officer, spoke before the committee. Ms. Voigt claimed that an SSAMP was first reviewed by the SADC which added conditions relevant to the production standard, so there is a document (the SSAMP) that has been in place for over ten years on which Hunter Farms has relied. She also noted that Hunter Farms had previously provided a letter from its accountant regarding production. This resulted in a discussion of how production is measured, which is an industry-wide question and not a site-specific one.

Ms. Voigt explained the changes to the show schedule were requested by USEF after they reviewed the show calendar approved by the SADC. She stated the timing of approvals do not coincide and, therefore, require adjustments. She suggested the committee consider a delegation of approval to avoid a multi-step calendar approval process. Ms. Voigt, again referring to the alleged SSAMP, stated s that it allows for the schedule being adjusted when a need is shown. As a result of the review by the USEF, the 14 shows the SADC approved in December remain the same but the total number of show days has been increased to 70 days.

Ms. Voigt discussed the tent schedule. PSJ has upgraded its tents to “clear-span” tents which require more time to erect and dismantle. The brief periods of time between shows on the amended schedule do not provide adequate time for the tents to be assembled and disassembled. Ms. Voigt stated that the alleged SSAMP has a 180-day limitation which will be met even if the tents remain up during the entire 2023 season. Ms. Voigt argued that this is consistent with applicable rules and regulations for these structures.

Mr. Roohr asked Mr. Smith to comment on the SSAMP or the RTF case. Mr. Smith addressed the committee and stated that his comments are limited to the so-called SSAMP referred to by Ms. Voigt. An SSAMP is a farmer-initiated application for an agricultural management practice under the RTF Act so that those activities are protected from nuisance claims and preemption of local ordinances. There was no SSAMP issued by the SADC ten years ago. There was a series of resolutions that were adopted finding the farm in violation of the deed. These resolutions were not SSAMPs. The SSAMP is something that would be heard and decided-upon by the Somerset CADB if PSJ applied for one. Mr. Smith stated that he wanted to correct the record, as the SADC did not issue an SSAMP and that there has never been a RTF case before the committee.

Ms. Voigt agreed with Mr. Smith. She was referring to what was first reviewed by the SADC, which developed standards that were attached as an exhibit in an earlier SSAMP resolution by the Somerset CADB. In other words, according to Ms. Voigt, the SADC, under its Agriculture Retention and Development Act jurisdiction, reviewed this matter and established an industry specific set of conditions which included the 10 horses or 10% numbers related to PSJ’s agricultural production compliance under the DOE from hosting shows as marketing events. That standard was utilized by the CADB and added as a part of the conditions of its review. In that respect, the SADC set an industry standard. Ms. Voigt argued that is analogous to regulations under RTF which provide that if an issue comes before the CADB that is novel enough such as needing to develop a production standard for an industry that does not have a codified AMP, that can be referred to the SADC for review.

Mr. Smith clarified that under the SADC regulations if there is a complaint against a farmer for activities that are not addressed by the AMP, the matter is referred to the SADC. That has not occurred in this case. Ms. Voigt stated that because there is no AMP, discussions about what the production standards are should continue.

Ms. Voigt suggested the committee consider a standing approval that encompasses what is repetitively occurring at PSJ and would alleviate the need for the committee to annually approve these schedules. Mr. Roohr stated this suggestion is being discussed at staff level and could be presented to the committee for consideration at a later meeting. The committee agreed to staff drafting a proposal.

Mr. Ellis asked Mr. Roohr if staff recommends the committee approve a 70-day schedule and allow the tents to stay up for the 2023 season. Mr. Roohr confirmed staff is suggesting approving the 70 days and leaving nuisance issues related to the tents as an RTF matter for the CADB. Mr. Ellis stated that he is comfortable with that.

Mr. Kumpel asked if PSJ was able to receive a schedule from USEF first and then seek SADC approval. Ms. Babick stated that the USEF makes the schedule based on a rolling calendar where one cannot apply for more shows unless the prior shows are finished. USEF rules preclude what Mr. Kumpel has suggested.

It was moved by Mr. Ellis and seconded by Mr. Kumpel to approve the amended show schedule of 70 show days, but to refer the issue of the tent schedule back to the Somerset CADB, as that dispute is related to an active Right to Farm (RTF) case before the board. A roll call was taken. Mr. Rosen abstained from the vote. The motion was approved.

2. Resolution: Review of Activities

a. Pleasantdale Farms, Inc. Hammonton, Atlantic County

Mr. Roohr stated that at the January 2023 meeting the SADC reviewed an illegal division of premises where Pleasantdale Farms conveyed a 5+-acre lot to a Mr. Mendez and then took back a 99-year lease on the blueberry production area on the lot. The Committee concurred with a proposal which would have the 5-acre lot conveyed back to Pleasantdale, and then Pleasantdale could grant a life estate to Mr. Mendez. That proposal has been rejected by Mr. Mendez. Therefore, despite the SADC's year-long attempt to find an amicable solution to the matter, staff is recommending the Committee pass a resolution finding Pleasantdale in violation of the deed of easement and authorizing enforcement proceedings by the Attorney General's (AG) office.

Mr. Smith advised that the resolution authorizing the Attorney General's office to take action does not necessarily mean the AG's office will file a lawsuit. It only means the matter is now with Mr. Stypinski, deputy attorney general. His office can continue discussions with Mr. Plackter, the attorney for Pleasantdale.

Mr. Plackter noted that there are three interested parties in this matter, the SADC as the easement holder, Mr. Mendez as the homeowner, and Pleasantdale Farm. Mr. Plackter stated that he does not represent Mr. Mendez, but that Pleasantdale Farm is concerned about Mr. Mendez and protecting his interest in the property. The intent of Pleasantdale Farm is to correct the mistake that was made and reach an agreement with Mr. Mendez.

Mr. Kumpel stated that he understands that Pleasantdale Farm is trying to offer lifetime rights to Mr. Mendez. He asked Mr. Plackter if that is the extent of the offer or if Mr. Mendez will be compensated. Mr. Plackter stated Mr. Mendez was offered a 99-year lease and reimbursement for what he originally paid for the home. The idea is to protect Mr. Mendez's interest to the maximum extent possible.

Ms. Fischetti asked if negotiations could still take place even if the committee sent this matter to the AG's office. Mr. Stypinski stated that negotiations could still take place even after it is transferred to the AGs office. Ms. Fischetti stated that given the facts of the situation, the best-case scenario is to avoid litigation. Mr. Roohr stated staff agrees that it would be best to avoid

litigation and that forwarding the case to the AG's office does not mean a lawsuit will be filed; however, this matter has reached a point where assistance from the AG's office is needed. Mr. Stypinski stated that he understands the matter needs to be elevated to the AG's office to give it more attention. Mr. Kumpel stated that he would like to see negotiations continue to take place between Pleasantdale Farm and Mr. Mendez.

Mr. Rosen stated that he has an existing relationship with Mr. Plackter's firm and is abstaining from the vote.

It was moved by Mr. Bullock and seconded by Mr. Kumpel to approve resolution FY2023R3(1) finding Pleasantdale in violation of the deed of easement and authorizing enforcement proceedings with the Attorney General's office. A roll call was taken. Mr. Rosen abstained from the vote. The motion was approved.

B. Acquisition

NOTE: Julie Krause left the meeting during this discussion.

1. Review of Contamination: (Discussion Only)

Lynne Compari, Block 125.01, Lot 1

City of Millville, Cumberland Co.

SADC ID#01-0046-DE

Ms. Roberts stated that at its January 2023 meeting the Committee reviewed a request for preliminary approval of the 89-acre Compari farm, which is adjacent to a known hazardous spill and ongoing remediation of groundwater contamination. The property is zoned for residential development and public water and sewer are available. Therefore, the groundwater remediation does not have an impact on development potential. As a result of the questions and concerns expressed at the January meeting, preliminary approval was conditioned on the committee receiving additional information on the environmental status of the property.

Representatives from the environmental consultant attended the meeting to make a presentation about the contamination cleanup and answer the committee's questions.

Kathy Stetser introduced herself. She is the Licensed Site Remediation Professional (LSRP) of record for the property. Tyler Schott, senior consultant and Jason Kohl, project manager, were also introduced.

Ms. Stetser displayed a map showing where the Compari Farm is located in comparison to the contamination site and provided a history of the contamination and the remediation that has taken place.

Mr. Kohl explained the geology of the location and described the purpose of the monitoring wells and their depth and location. Ms. Stetser noted that the wells are only sampled periodically to understand the extent of the plume and to measure remediation progress. Until September 2022, the LSRP believed the Compari well was not operational based on information obtained from the prior owner. However, since the well turned out to be operational, it will be sampled when the farmer connects his equipment for this season. Ms. Stetser also stated the prior owner did not allow access to the Compari parcel and no

monitoring wells were placed on the farm.

Ms. Jones asked if the prior landowner had allowed access, would the LSRP have placed monitoring wells on the Compari parcel. Ms. Stetser showed on the map the areas where wells would have been placed, if allowed. Ms. Stetser stated if the results of the irrigation well tests are clean, she will continue to sample it periodically for monitoring. If the well does not test clean, her client would have an obligation to supply clean water to the site.

Mr. Roohr reminded the committee that it adopted the preliminary approval resolution for the Compari farm at its January meeting with the condition that the environmental concerns and questions raised at that meeting be addressed. The committee members indicated they were satisfied with the presentation and allowed the conditional approval previously granted to remain in place.

New Business

A. Stewardship

NOTE: Julie Krause returned to the meeting.

1. Review of Activities

a. Atlantic Gardens Vineyards, Inc., Lower Township, Cape May County.

Mr. Willmott reviewed a memo with the committee related to the ongoing compliance issues at Atlantic Gardens Vineyards, Inc. The 81-acre property was acquired by the SADC in fee simple in 2000 and then sold to the current owner who started a vineyard operation on the site. Starting in 2012, staff identified concerns related to the property becoming overgrown and have worked unsuccessfully with the landowner to bring the farm into compliance with the deed of easement. The farm no longer maintains farmland assessment. The corporation's status has been revoked due to not filing annual reports. Mr. Willmott advised that staff reaffirms its prior determinations that the premises has not been retained for agricultural use and production, the current conditions are detrimental to the continued agricultural use of the Premises, and the premises is in violation of DOE paragraphs two and six.

After discussion, the Committee concurred with staff that the farm is in violation of the DOE. Staff will prepare a resolution for consideration at the April SADC meeting finding a violation of the deed and elevating the matter to the AG's office for appropriate action.

It was moved by Mr. Ellis and seconded by Mr. Kumpel to have staff prepare a resolution for consideration at the April SADC meeting finding Atlantic Gardens Vineyards, Inc. in violation of the deed and authorizing the AG's office to take appropriate action. The motion was unanimously approved.

B. Resolutions: Final Approval- Municipal PIG Program

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

It was moved by Mr. Schilling and seconded by Mr. Kumpel to approve Resolution FY2023R3(2) granting final approval to the following application under the Municipal PIG Program, as presented, subject to any condition of said resolution.

1. James and Dianne Valentine, SADC ID# 14-0246-PG, FY2023R3(2), Block 13, Lots 21.01 and 21.02, Upper Pittsgrove Township, Salem County, 23 gross acres.

A vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R3(2) is attached to and a part of these minutes.

C. Resolutions: Preliminary Approval – Direct Easement Purchase Program

Ms. Roberts referred the committee to a request for preliminary approval under the Direct Easement Purchase Program. She reviewed the specifics of the request with the committee and stated that the staff recommendation is to grant final approval.

It was moved by Mr. Kumpel and seconded by Mr. Rosen to approve Resolution FY2023R3(3) granting preliminary approval to the following application under the Direct Easement Purchase Program, as presented, subject to any condition of said resolution.

1. Bruno and Georgeanne DelPalazzo, SADC ID# 03-0034-DE, FY2023R3(3), Block 110, Lot 9, Hainesport Township, Burlington County, 38.9 net acres.

A vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R3(3) is attached to and a part of these minutes.

D. Resolution: Final Approval – County PIG Program

1. **County Plan Updates: Burlington, Cumberland and Hunterdon Counties**

Note: Mr. Kumpel recused himself from this discussion.

Mr. Bruder presented the updated County PIG plans for Burlington, Cumberland and Hunterdon counties and also provided an overview of the county plans and emerging trends.

Mr. Bruder reminded the committee that the 2020 revisions of the program's rules require counties and municipalities to readopt their preservation plans at least every ten years, which allows our partners to reevaluate their targets lists, land bases and mapping. He stated many of these plans were completed recently and he will be discussing our partners' findings and recommendations.

Mr. Bruder noted the cumulative acres in all the ADAs has decreased since 2020 from approximately 1.146 million acres to 1.064 million acres, which is a 7.2% decrease, but still constitutes approximately 20% of the state. One reason for this decrease is more accurate parcel-based mapping and the removal of non-agricultural land.

In terms of target trends, there is approximately 197,000 acres targeted among all the county PIGs. This is a decrease in nearly 30,000 acres, or 15%, from 10 years ago, and during that time almost 50,000 acres have been preserved through the program. Mr. Bruder stated it is

important to note that part of the decrease in targeted farms is due to the preservation that has occurred and there is still a considerable amount of acreage targeted. The municipal PIGS are targeting approximately 94,000 acres and there is a 64% overlap between the two programs. In total, approximately 257,000 acres are being targeted by our partners.

Mr. Bruder discussed the specifics of three plans on the agenda for approval today. Burlington County's plan update shows the county targeting 187 farms totaling approximately 12,000 acres, and 12,500 acres have been preserved since its 2008 plan. Cumberland County's plan shows 327 target farms totaling 14,000 acres which accounts for nearly half of the ag land base in the county. Cumberland County has preserved approximately 8,600 acres since its 2009 plan. Hunterdon County's plan shows 543 targeted farms totaling 22,000 acres. The county has preserved approximately 14,000 acres since its 2008 plan. Mr. Bruder stated Hunterdon County has revised its traditional 40-acre minimum and has incorporated a three-tiered approach and SADC minimum criteria, which has increased its target acres significantly.

Mr. Bruder reviewed several recommendations received from the partners. The first recommendation was to re-evaluate how easement values are determined. Burlington County specifically called for a statewide easement value formula similar to the Pinelands formula. The second recommendation was to expand and increase funding for farm stewardship programs, including efforts to address climate change. Partners also recommended an increased focus on economic development and ag viability. The county plans demonstrated local level strategies to highlight ag tourism and ag businesses. Other recommendations included more insight into deed interpretation and expediting the acquisition process.

Mr. Bruder stated that all the plans are posted on the SADC website and encouraged everyone to look at them.

1. County Plan Updates: Burlington, Cumberland, and Hunterdon Counties

It was moved by Mr. Schilling and seconded by Mr. Bullock to approve Resolution FY2023R3(4) granting approval to the County PIG Plan Updates for Burlington, Cumberland, and Hunterdon Counties, as presented, subject to any condition of said resolution. The motion was unanimously approved. A copy of Resolution FY2023R3(4) is attached to and a part of these minutes.

E. Resolution: Final Approval - Municipal PIG Program

Mr. Bruder presented the updated Municipal PIG plan for West Amwell Township, Hunterdon County and provided an overview of the plan and the emerging trends. West Amwell has targeted 53 farms, totaling nearly 3,000 acres.

1. Municipal Plan Update: West Amwell Township, Hunterdon County

It was moved by Mr. Kumpel and seconded by Mr. Rosen to approve Resolution FY2023R3(5) granting approval to the Municipal PIG Program Plan Update for West Amwell Township, Hunterdon County, as presented, subject to any condition of said resolution. The motion was unanimously approved. A copy of Resolution FY2023R3(5) is attached to and a part of these minutes.

Public Comment

There was no public comment.

CLOSED SESSION

At 12:41 p.m. Mr. Roohr 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; any matters falling within the attorney-client privilege; 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. Ellis and seconded by Mr. Kumpel to go into Closed Session. The motion was unanimously approved.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., April 27, 2023

Location: 200 Riverview Plaza, Trenton, NJ

ADJOURNMENT

The meeting was adjourned at 12:54 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2023R3(1)

Review of Activities Occurring on Preserved Farm

Pleasantdale Farms, Inc.

March 23, 2023

Subject Property:

Block 4901, Lots 9 and 27

Block 5402, Lot 3

Block 5501, Lots 14 and 15

Block 5504, Lot 4

Town of Hammonton, Atlantic County

125.50 acres

WHEREAS, by Deed of Easement dated May 2, 2003, and recorded on June 20, 2003, in the Atlantic County Clerk's Office in Deed Book 7494, Instrument #3069242, Pleasantdale Farms, Inc. (Pleasantdale) conveyed a development easement and all of the Pinelands Development Credits on the following parcels to the State Agriculture Development Committee (SADC or Grantee) pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq.: Block 4901, Lots 9 and 27; Block 5501, Lots 14 and 15; Block 5504, Lot 4; and Block 5402, Lot 3, totaling approximately 126 acres and hereinafter referred to as the "Premises", as shown in Schedule "A"; and

WHEREAS, paragraph 15 of the Deed of Easement provides as follows [emphasis in original]:

15. The land and its buildings which are affected may be sold collectively or individually for continued agricultural use as defined in Section 2 of this Deed of Easement. However, no division of the land shall be permitted without the approval in writing of the Grantee **and the Pinelands Commission**. In order for the Grantor to receive approval, the Grantee **and the Pinelands Commission** must find that the division shall be for an agricultural purpose and result in agriculturally viable parcels. Division means any division of the Premises, for any purpose, subsequent to the effective date of this Deed of Easement.

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

WHEREAS, paragraph 16 of the Deed of Easement provides as follows [emphasis in original]:

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

WHEREAS, by deed dated September 16, 2004, and recorded on September 21, 2004, in the Atlantic County Clerk's Office in Deed Book 7844, Instrument #4094447, a copy of which is attached as Schedule "B", Pleasantdale conveyed a part of the Premises, Block 5501, Lot 15, a 5.4-acre parcel which contains a residence and fields devoted to berry crops, to Mr. Rafael Mendez; and

WHEREAS, Pleasantdale did not obtain advance written approval from the SADC and Pinelands Commission for the division of Block 5501, Lot 15 prior to the conveyance of the lot to Mr. Mendez; and

WHEREAS, in February 2021 the SADC became aware of the sale of Lot 15, immediately notified a Pleasantdale representative that the conveyance was improper, and advised that rectifying the illegal division would entail either reconveying the parcel back to Pleasantdale or applying for division approval in accordance with paragraph 15 of the Deed of Easement; and

WHEREAS, in January 2022 Pleasantdale's attorney advised the SADC that Lot 15 was still actively farmed, that the house on the property was occupied by Mr. Mendez, and that Mr. Mendez was leasing the cultivated portion of the parcel to Pleasantdale pursuant to a 99-year lease; and

WHEREAS, by letter dated May 23, 2022, the SADC reiterated to Pleasantdale's attorney that the sale of Lot 15 constituted an illegal division of the preserved farm under the Deed of Easement and that correcting the violation would entail reconveying the parcel back to Pleasantdale or applying to the SADC and Pinelands Commission for division approval, and

WHEREAS, Pleasantdale's attorney responded in a letter dated June 2, 2022, that the 99-year lease of Lot 15 constituted Pleasantdale's fee ownership of the lot and, therefore, no division of the Premises had occurred; and

WHEREAS, at its January 26, 2023, meeting the Committee heard testimony from Pleasantdale's principal and attorney, including proposed remedies, and the Committee made recommendations to Pleasantdale to resolve the matter; and

WHEREAS, on February 17, 2023, the SADC received correspondence from Pleasantdale's attorney, a copy of which is attached as Schedule "C"; and

WHEREAS, the SADC and Pleasantdale's attempts to arrive at a remedy to cure the illegal division in a manner consistent with the Deed of Easement have been unsuccessful,

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC finds that Pleasantdale's conveyance of Lot 15 violated paragraph 15 of the Deed of Easement by dividing the Premises without the advance written approval of the SADC and Pinelands Commission.
3. The SADC authorizes legal proceedings be initiated through the Office of the Attorney General, as necessary, to enforce the Deed of Easement.
4. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
5. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

03/23/2023



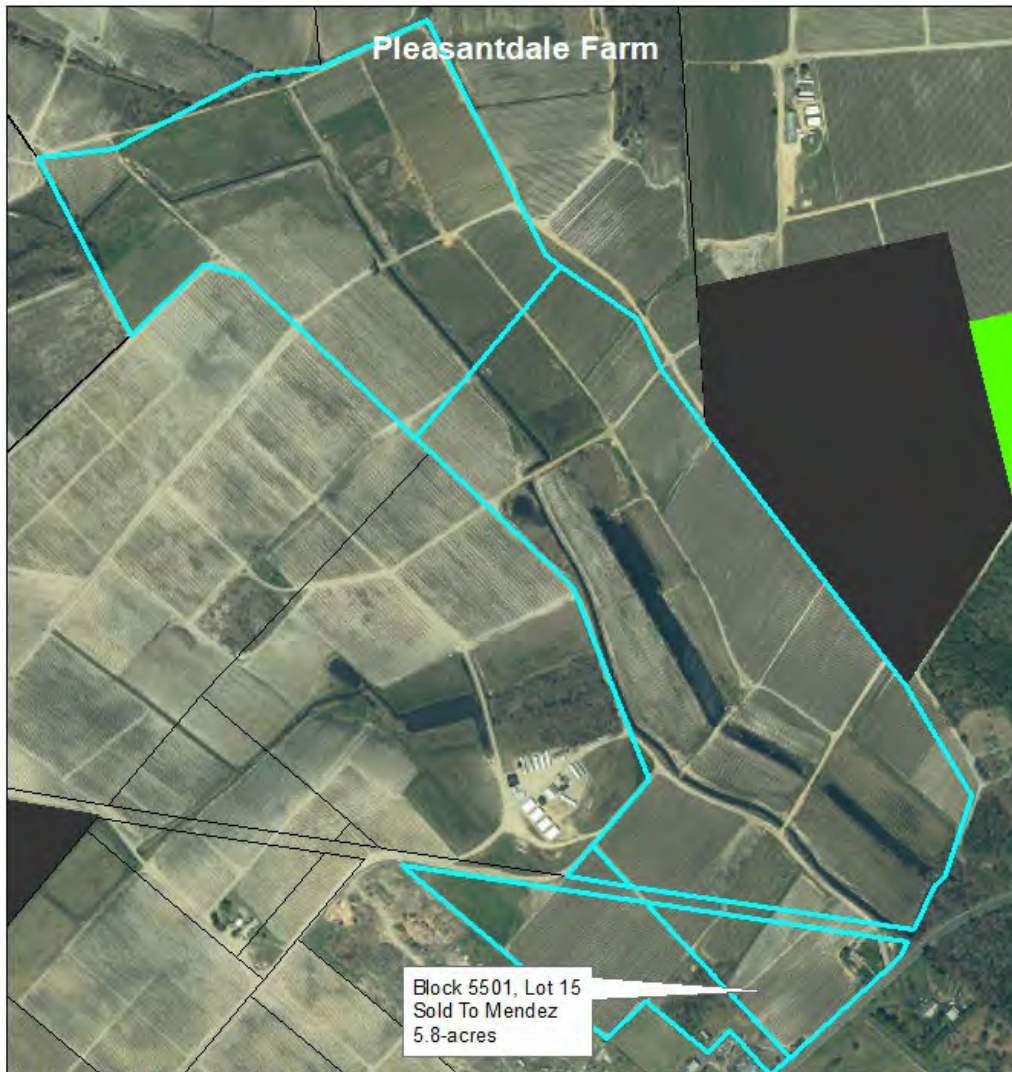
DATE

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	YES
Roger Kumpel	YES
Charles Rosen	ABSTAIN
James Waltman	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Renee Jones (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Frank Minch, Acting Chairperson	YES

Attachment "A"



NJ FARMLAND PRESERVATION PROGRAM
State Agriculture Development Committee

Pleasantdale Farm
 Block 4901, Lots 9 & 27
 Block 5402, Lot 3
 Block 5504, Lot 4
 Block 5501, Lots 14 & 15
 Hammonton Township, Atlantic County



125,000

1/13/2023

Farmland Preservation Program

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

State Planning Area

- PA-1 METRO
- PA-2 SUBURBAN
- PA-3 FRINGE
- PA-4 RURAL
- PA-1B RURAL EMISSIONS
- PA-5 ENV SENS
- PA-6 ENV SENSITIVE BARRIERS
- PA-10 PINELANDS
- PARK
- MILITARY
- NEW JERSEY MEGADOWNLANDS
- WATER

Base Map

- County Boundaries
- Municipal Boundaries
- Highlands Planning Area
- Highlands Preservation Area
- Watershed Area
- Green Acres Protected Easements

Schedule "B"



DEED

Instr # 4094447 MICHAEL J. GARVIN
Recorded/Filed TW Atlantic County Clerk
09/21/2004 14:06 Bk 7844 Pg 1 of 5 PLE

Prepared by:

William S. Donio, Esquire

This Deed is made on September 16, 2004

BETWEEN PLEASANTDALE FARMS, INC., a New Jersey corporation, whose address is 536 Pleasant Mills Road, Hammonton, New Jersey referred to as the Grantor,

AND RAFAEL MENDEZ, whose post office address is 739 Pleasant Mills Road, Hammonton, New Jersey referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of **FIFTY THOUSAND DOLLARS (\$50,000.00)**

The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-1.1) Municipality of the Town Hammonton, New Jersey.

Block No. 5501 Lot No. 15 Account No.

No property tax identification number is available on the date of this Deed. (Check box if applicable).

Property. The property consists of the land and all the buildings and structures on the land in the Town of Hammonton, County of Atlantic and State of New Jersey. The legal description is:

BEING part of the same land and premises which Bertino Brothers, Inc., a New Jersey Corporation by Deed dated January 10, 2003 and recorded January 15, 2003 in the Atlantic County Clerk's Office in Deed Book 7367, Instrument No. 3004753, granted and conveyed to Pleasantdale Farms, Inc.

Subject to the following express reservation which unless exercised, waived or expired as provided herein, shall run with the land.

In the event the Grantee, his heirs, assigns or successors receives an acceptable "bona-fide" good faith offer to purchase the property, Grantor will be given the right to purchase the property on the same financial terms as that contained in the offer received by Grantee. Grantor will be given thirty (30) days to exercise its right to purchase the property. In the event Grantor fails to exercise its right to

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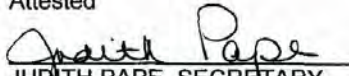
purchase the property within the thirty (30) day period, by entering into an agreement of sale with said same financial price and with such ordinary terms and conditions as are generally accepted in the surrounding community, the right and reservation created herein will be deemed waived by Grantor and forever terminated and extinguished and Grantee may proceed with the sale of the property.

Provided further that in the event Grantor fails to exercise its right for any reason whatsoever or Grantor's right is not exercised or terminated as provided herein, at the expiration of ninety-nine (99) years from the above date then Grantor's right will be deemed waived, terminate and forever extinguished.

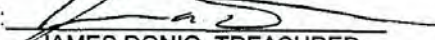
Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. This Deed is signed and attested to by the Grantor's proper officers as of the date at the top of the first page. Its corporate seal is affixed.

Attested


JUDITH PAPE, SECRETARY

PLEASANTDALE FARMS, INC.

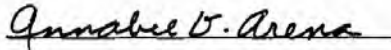
BY: 
JAMES DONIO, TREASURER


STATE OF NEW JERSEY, COUNTY OF ATLANTIC SS:

I CERTIFY that on September 16, 2004, JUDITH PAPE personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the secretary of Pleasantdale Farms, Inc., the corporation named in this Deed;
- (b) this person is the attesting witness to the signing of this Deed by the proper corporate officer who is James Donio, Treasurer of the corporation;
- (c) this Deed was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) this person knows the proper seal of the corporation which was affixed to this Deed;
- (e) this person signed this proof to attest to the truth of these facts; and
- (f) the full and actual consideration paid or to be paid for the transfers of title is \$50,000.00. (Such consideration is defined in N.J.S.A. 46:15-5.)

Signed and sworn to before me
On September 16, 2004




JUDITH PAPE, SECRETARY

CPAC: 490496.1

ANNABEL D. ARENA
Notary Public of New Jersey
My Commission Expires June 14, 2008

Consideration:	50000.00	R
County:	75.00	
State:	125.00	
N.P.R.F.:	0.00	
Realty Tax:	200.00	
Fees:	80.00	

DEED	Dated:
Pleasantdale Farms, Inc.,	Record and Return to:
Grantor,	
TO	LANDIS TITLE CORPORATION
Rafael Mendez,	300 Bellevue Avenue
	Hammonton, NJ 08037
Grantee.	LT52471





State of New Jersey
SELLER'S RESIDENCY CERTIFICATION/EXEMPTION
 (C.55, P.L. 2004)

GIT/REP-3
 (7-04)

(Please Print or Type)

SELLER(S) INFORMATION (If Multiple Sellers, Each Seller Must Complete a Certification)

Name(s)

PLEASANTDALE FARMS, INC.

Current Resident Address:

Street: **PO.Box 392**

City, Town, Post Office

Hammonton

State

NJ

Zip Code

08037

Home Phone

()

Business Phone

()

PROPERTY INFORMATION (Brief Property Description)

Block(s)

5501

Lot(s)

15

Qualifier

Street Address:

739 Pleasant Mills Road

City, Town, Post Office

Hammonton

State

NJ

Zip Code

08037

Seller's Percentage of Ownership

100

Consideration

50,000.00

Closing Date

SELLER ASSURANCES (Check the Appropriate Box)

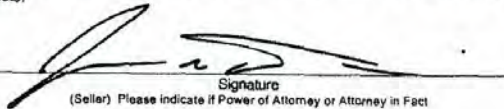
1. I am a resident taxpayer of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2. The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
3. I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. Seller is not individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A.54A:1-1 et seq.
6. The total consideration for the property is \$1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.

SELLER(S) DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

September 16, 2004

Date


 Signature
 (Seller) Please indicate if Power of Attorney or Attorney in Fact

Date

Signature
 (Seller) Please indicate if Power of Attorney or Attorney in Fact

Schedule “C”



1301 Atlantic
Avenue Midtown
Building, Suite
400 Atlantic City,
NJ 08401-7212
Tel 609.348.4515 Fax 609.348.6834
WWW.FOXROTHSCHILD.COM

JACK PLACKTER
Direct No: 609.572.2200
Email: JPlackter@FoxRothschild.com

February 17, 2023

VIA EMAIL: BRIAN.SMITH@AG.NJ.GOV

Brian D. Smith, Esquire
Chief of Legal Affairs
State of New Jersey
State Agriculture Development Committee
P.O. Box 330
Trenton, NJ 08625-0330

Re: Pleasantdale Farms, Block 5501, Lot 15, Town of Hammonton, Atlantic County

Dear Mr. Smith:

Receipt of your February 1, 2023 letter is hereby acknowledged.

Mr. Arena has spoken with Mr. Mendez, and discussed the proposal set forth in your letter involving the reconveyance of the property to Pleasantdale Farms, and the grant to Mr. Mendez of a life estate.

Mr. Mendez indicated that he does not understand a life estate, and wants to remain the owner of his home.

Mr. Arena suggested that Mr. Mendez hire a lawyer however Mr. Mendez indicated that he does not want to hire a lawyer and apparently is not willing to except a life estate.

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Massachusetts Minnesota Missouri
Nevada New Jersey New York North Carolina Oklahoma Pennsylvania South Carolina Texas Washington



February 17, 2023

Page 2

Accordingly, without Mr. Mendez's consent and agreement there is nothing we can do to force him to accept the current Committee alternative.

Pleasantdale Farms has made a number of proposals to the Committee and respectfully requests additional guidance and other creative solutions on how this matter might be resolved to the satisfaction of the Committee and Mr. Mendez.

Thank you for your patience and guidance in this matter.

A handwritten signature in black ink that reads "Jack Plackter".

Sincerely,

Jack Plackter

JP:/sm

cc: Mr. David Arena (via email)

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2023R3(2)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
UPPER PITTSBORO TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Valentine, James F. Jr., and Dianne E. (Lot 21.01) (“Owners”)
SADC ID# 14-0246-PG
Upper Pittsgrove Township, Salem County
N.J.A.C. 2:76-17A.1, et seq.**

March 23, 2023

WHEREAS, on April 4, 2022, the application for the sale of a development easement for the subject farm, identified as Block 13, Lots 21.01 and 21.02, Upper Pittsgrove Township, Salem County and totaling approximately 23 gross acres, hereinafter referred to as “the Property” (Schedule A), was deemed complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, the Township has met the Municipal Planning Incentive Grant (“PIG”) criteria set forth in N.J.A.C. 2:76-17A.6 and 7; and

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

WHEREAS, The Property is a targeted farm pursuant to N.J.A.C. 2:76-17A.5(a)1 and is located in the Township's Upper Pittsgrove Project Area; and

WHEREAS, the minor subdivision plat that created the Property includes a 100 foot agricultural buffer along the property lines which, pursuant to the Township land use ordinance, includes restrictions that are inconsistent with the variety of agricultural uses permitted under the farmland preservation deed of easement; and

WHEREAS, the buffer was established to minimize potential conflicting uses of adjoining agricultural and residential properties ; since both lots are now being preserved for permanent agricultural use, the purpose of the buffer is no longer necessary or applicable; and

WHEREAS, this final approval is conditioned upon the agricultural buffer being rescinded via a duly recorded instrument, and Lots 21.01 and 21.02 being consolidated into one lot, simultaneously with closing; and

WHEREAS, the Property includes one (1) approximately 1-acre non-severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 22 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 1-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 pasture; and

WHEREAS, on July 12, 2022 and in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$5,000 per acre based on zoning and environmental regulations in place as of the current valuation date June 20, 2022; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12(b), the Owner accepted the Township's offer of \$5,000 per acre for the purchase of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on February 14, 2023, the Upper Pittsgrove Township Committee approved the application for the sale of development easement and a funding commitment of \$1,000 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on January 25, 2023, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on February 1, 2023, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$1,000 per acre to cover the local cost share; and

WHEREAS, the Municipality has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 22.66 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 22.66 acres):

	Total	Per/ acre
SADC	\$77,044	(\$3,400/acre)
Upper Pittsgrove Twp	\$18,128	(\$ 800/acre)
Salem County	\$18,128	(\$ 800/acre)
Total Easement Purchase	\$113,300	(\$5,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14(c), the Township is requesting \$77,044 in base grant; 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. 2:76-17A.15(b), the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.16 and N.J.A.C. 2:76-6.11(d)3, 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, provided the Township's request for reimbursement is submitted within 120 days of the purchase of the development easement;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. This final approval is conditioned upon the agricultural buffer being rescinded via a duly recorded instrument, and Lots 21.01 and 21.02 being consolidated into one lot simultaneously with closing.
 - a. The documents necessary to rescind the agricultural buffer and consolidate the lots shall be submitted to the SADC for advance review and approval.
3. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Premises, comprising approximately 22.66 net easement acres, at a State cost share of \$3,400 per acre, (68% of certified easement value and purchase price), for a total grant of approximately \$77,044 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C.
4. 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).
5. 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.

6. The SADC will be providing its grant directly to the 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).
7. 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 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.
8. 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.
9. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
10. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
11. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

3/23/2023
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	YES
Roger Kumpel	YES
Charles Rosen	YES
James Waltman	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Renee Jones (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Frank Minch, Acting Chairperson	YES

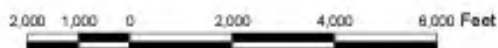
Preserved Farms and Active Applications Within Two Miles



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Valentine, James F. Jr. & Dianne E. (Lot 21.01)
Block 13 Lots 22.02 (13.4 ac); P/O 21.01 (8.6 ac)
& P/O 21.01-EN (non-severable exception - 1.0 ac)
Gross Total = 23.0 ac
Upper Pittsgrove Twp., Salem County



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



Source:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NLDOT/CIGS 2003 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

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Valentine, James F. Jr. & Dianne E. (Lot 21.01)
Block 13 Lots 22.02 (13.4 ac); P/O 21.01 (8.6 ac)
& P/O 21.01-EN (non-severable exception - 1.0 ac)
Gross Total = 23.0 ac
Upper Pittsgrove Twp., Salem County



Sources:
NJ Farmland Preservation Program
NJDOT Road Data
NICTD/GIS 2008 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 georeferenced 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

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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Valentine, James F. Jr. & Dianne E. (Lot 21.01)

17-0246-PG

PIG EP - Municipal 2007 Rule

22 Acres

Block 13	Lot 21.02	Upper Pittsgrove Twp. Salem County			
Block 13	Lot 21.01	Upper Pittsgrove Twp. Salem County			
SOILS:		Other	32% *	0	- .00
		Prime	51% *	.15	- 7.65
		Statewide	17% *	.1	- 1.70
					SOIL SCORE: 9.35
TILLABLE SOILS:		Cropland Pastured	61% *	.15	- 9.15
		Wetlands/Water	25% *	0	- .00
		Woodlands	14% *	0	- .00
					TILLABLE SOILS SCORE: 9.15
FARM USE:		Horse & Other Equine		15 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 one (1) acres for Existing Single Family Residence
Exception is not to be severed 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
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 #FY2023R3(3)
Preliminary Approval of SADC Easement Purchase on an "OTHER" FARM**

On the Property of Bruno (DelPalazzo), Georgeanne

MARCH 23, 2023

Subject Property: Bruno (DelPalazzo), Georgeanne
Block 110, Lot 9 - Hainesport Township, Burlington County
SADC ID#: 03-0034-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 February 17, 2023, the SADC received a development easement sale application from Georgeanne Bruno, hereinafter "Owner," identified as Block 110, Lot 9, Hainesport Township, Burlington County, hereinafter "the Property," totaling approximately 42.2 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes two exception areas: one approximately 1 acre non-severable exception area for and limited to one (1) future single family residential unit and to afford future flexibility of uses and one (1) approximately 2.25 acre severable exception area for and limited to one (1) existing single family residential units and to afford future flexibility of uses, resulting in approximately 38.9 net acres to be preserved; and

WHEREAS, the portion of the Property outside the exception area includes zero (0) single family residential unit(s), zero (0) Residual Dwelling Site Opportunity (RDSO), zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

WHEREAS, at the time of application, the Property was in nursery 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 14, 2022, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, has a quality score of 62.82 and contains approximately 38.9 net acres (Schedule B); and

WHEREAS, the Property meets the SADC's Burlington County minimum criteria for average quality score in the "Priority" category, which requires at least a quality score of 60; however, since the Property does not meet the minimum acreage requirement in the "Priority" or "Alternate" categories of 78 and 57 acres, respectively, the Property 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. 2:76-11.5(b), (c)1 and (c)2, there are no "priority" or "alternate" ranked applications that have not already been selected for processing at this time; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC approves selecting the Property for processing as an "Other" farm, pursuant to N.J.A.C. 2:76-11.5(b) and (c)3 because the farm:
 - a. has a quality score of 62.82, which is above minimum ranking criteria for a "Priority" farm in Burlington County
 - b. has approximately 87% Statewide Important and 13% locally important soils
 - c. is within the County Agriculture Development Area and is adjacent to another preserved farm
3. 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 Landowners
 - 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
4. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey .
5. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.



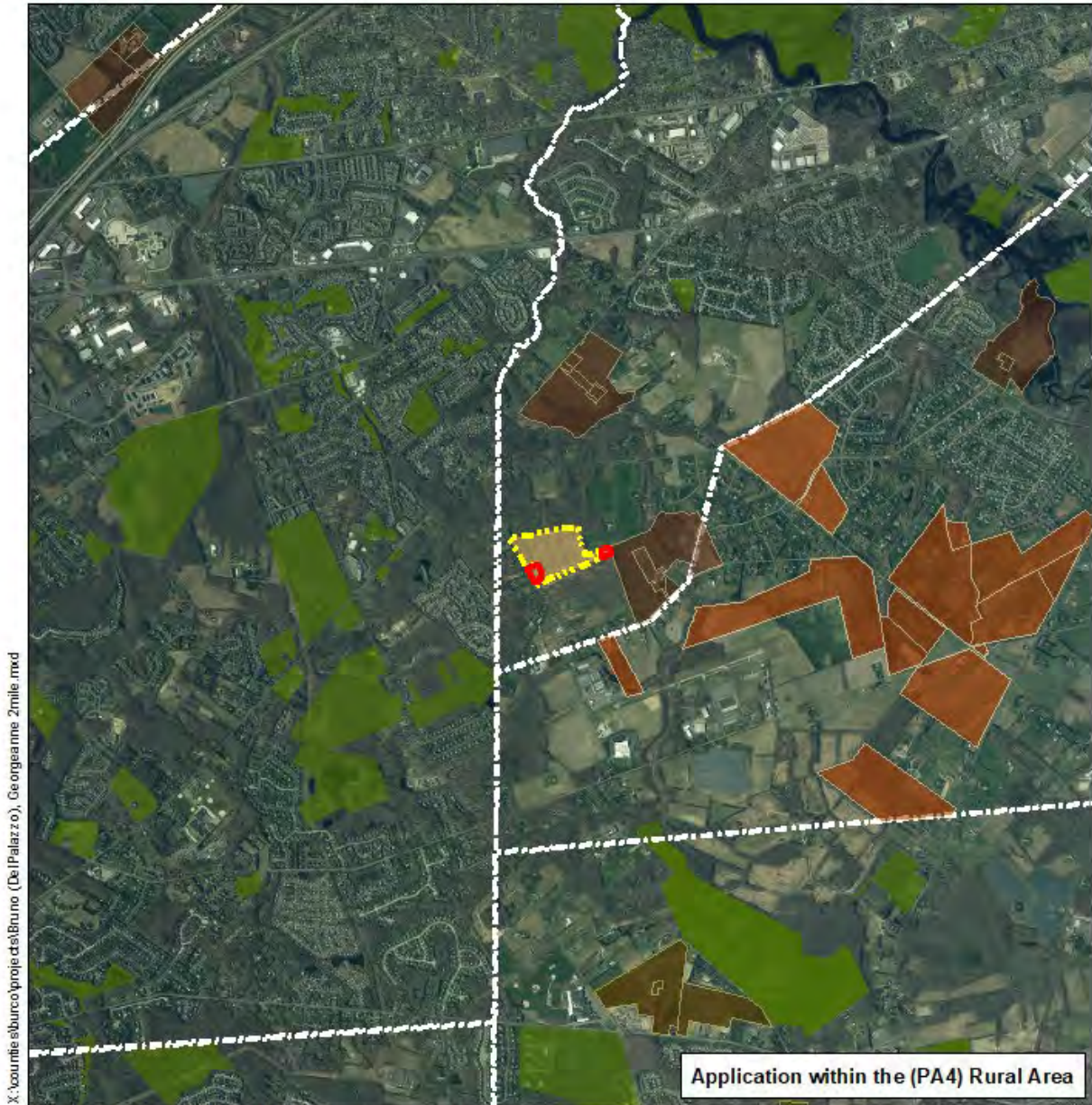
Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	YES
Roger Kumpel	YES
Charles Rosen	YES
James Waltman	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Renee Jones (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Frank Minch, Acting Chairperson	YES

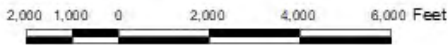
Preserved Farms and Active Applications Within Two Miles



X:\countie\sburco\proj\cts\Bruno (DePalazzo), Georganne 2mile.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Bruno (DePalazzo), Georganne
Block 110 Lots P/O 9 (38.9 ac); P/O 9-ES (severable exception - 2.3 ac) &
P/O 9-EN (non-severable exception - 1.0 ac)
Gross Total – 42.2 ac
Hainesport Twp., Burlington 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.

Application within the (PA4) Rural Area

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



Sources:
NJ Farmland Preservation Program
NJOPF Parcel data
USDOF National Pipeline Mapping System
NJDEP Conservation/Open Space Assessment Data
NJOPF Near Map 2021 Digital Aerial Image



Wetlands

FARMLAND PRESERVATION PROGRAM
 NJ State Agriculture Development Committee

Bruno (DelPalazzo), Georgeanne
 Block 110 Lots P/O 9 (38.9 ac); P/O 9-EN (severable exception - 2.3 ac) &
 P/O 9-EN (non-severable exception - 1.0 ac)
 Gross Total - 42.2 ac
 Hainesport Twp., Burlington County

Application within the (PA4) Rural Area



Symbol	Description
Green dashed line	Property in Question
Red dashed line	EA - (Non-Severable) Exception
Red solid line	ES - (Severable) Exception
Yellow dashed line	Wetlands Boundary
Yellow solid line	Primary - Limited Access
Blue solid line	Federal or State Hwy's
Orange solid line	County Roads
Black solid line	Municipal/Local Roads
Black dashed line	Tidelands Boundary

FIELD NOTES: GIS/CA/AM/EN
 This field notes report on the field work performed by the author(s) on the field on 11/20/2017. The field notes are intended to provide a record of the field work performed and the results of the field work. The field notes are not intended to be used as a substitute for a professional survey or other engineering or architectural work. The field notes are the property of the author(s) and are not to be distributed or used for any other purpose without the written consent of the author(s).

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The author(s) and any other person(s) who have provided information for this product are not responsible for any errors or omissions in this product. The author(s) and any other person(s) who have provided information for this product are not responsible for any damages, including consequential damages, arising from the use of this product. The author(s) and any other person(s) who have provided information for this product are not responsible for any claims, including consequential claims, arising from the use of this product.

Prepared by:
 Bruno (DelPalazzo), Georgeanne
 Date: 11/20/2017
 Project: 110/P/O 9 (38.9 ac); P/O 9-EN (severable exception - 2.3 ac) & P/O 9-EN (non-severable exception - 1.0 ac)
 Location: Hainesport Twp., Burlington County, NJ
 Date: 11/20/2017
 Project: 110/P/O 9 (38.9 ac); P/O 9-EN (severable exception - 2.3 ac) & P/O 9-EN (non-severable exception - 1.0 ac)
 Location: Hainesport Twp., Burlington County, NJ
 Date: 11/20/2017

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

GENERAL INFORMATION

COUNTY OF Burlington Hainesport Twp. 0316

APPLICANT Bruno (DelPalazzo), Georgeanne

PRIORITIZATION SCORE

SOILS:	Local	14% * .05	=	.70	
	Statewide	86% * .1	=	8.60	
				SOIL SCORE:	9.30
TILLABLE SOILS:	Cropland Harvested	93% * .15	=	13.95	
	Wetlands/Water	2% * 0	=	.00	
	Woodlands	5% * 0	=	.00	
				TILLABLE SOILS SCORE:	13.95
BOUNDARIES AND BUFFERS:	Deed Restricted Farmland (Permanent)	3% * .2	=	.60	
	Farmland (Unrestricted)	18% * .06	=	1.08	
	Residential Development	35% * 0	=	.00	
	Streams and Wetlands	44% * .18	=	7.92	
				BOUNDARIES AND BUFFERS SCORE:	9.60
CONTIGUOUS PROPERTIES / DENSITY:	Bruno	Restricted Farm or Current Application		2	
	Murphy Trust	Restricted Farm or Current Application		2	
	Hainesport LLC	Restricted Farm or Current Application		2	
	Dare	Restricted Farm or Current Application		2	
	Pickett (N)	Restricted Farm or Current Application		2	
				DENSITY SCORE:	10.00
LOCAL COMMITMENT:		100% * 17	=	17.00	
				LOCAL COMMITMENT SCORE:	17.00
SIZE:				SIZE SCORE:	1.86
IMMIMENCE OF CHANGE:	SADC Impact factor =	2.11			
				IMMINENCE OF CHANGE SCORE:	2.11
COUNTY RANKING:					
EXCEPTIONS:				EXCEPTION SCORE:	-1.00
				TOTAL SCORE:	62.82

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY23R3(4)

FINAL APPROVAL

of the

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

March 23, 2023

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 rules 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, as a condition of eligibility for a grant, a county's comprehensive farmland preservation plan must 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. 2:76-17.4, 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. 2:76-17 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, to date, Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Sussex and Warren Counties have submitted comprehensive farmland preservation plans and planning incentive grant applications; and

WHEREAS, the 18 total participants in the County Planning Incentive Grant Program identified 134 project areas, targeted 4,791 farms and 197,335 acres at an estimated total cost of \$2,000,052,206, with a ten-year preservation goal of 86,782 acres, as summarized in the attached Schedule A; and

WHEREAS, of the 18 counties listed above, 12 counties, excluding Atlantic, Bergen, Camden, Ocean, Passaic and Sussex County, applied for funding under the 2023 County Planning Incentive Grant round, pursuant to N.J.A.C. 2:76-17.6(a); 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, on September 22, 2022, the SADC approved the County Planning Incentive Grant applications of six (6) counties, including Cape May, Middlesex, Monmouth, Morris, Salem, and Somerset Counties, including updates to each county's Comprehensive Farmland Preservation Plans; and

WHEREAS, the three (3) remaining counties, Burlington, Cumberland, and Hunterdon, have since updated and readopted 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 et seq., counties may identify and recommend areas to be designated as Agricultural Development Areas (ADAs); and

WHEREAS, ADAs 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, Burlington, Cumberland, and Hunterdon Counties amended the ADA mapping in conjunction with the update to their respective comprehensive farmland preservation plans and consistent with their adopted ADA criteria pursuant to N.J.S.A. 4:1C-18 and N.J.A.C. 2:76-1.3 and 1.4; and

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval of Burlington, Cumberland, and Hunterdon Counties' Planning Incentive Grant applications submitted under

the FY2023 program planning round, including recently adopted comprehensive farmland preservation plans, as summarized in the attached Schedule B; and

BE IT FURTHER RESOLVED, that the SADC certifies the amendments to the Agricultural Development Area designations of Burlington, Cumberland, and Hunterdon Counties consistent with N.J.S.A. 4:1C-18 and N.J.A.C. 2:76-1 et seq.; 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.

3/23/2023
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	YES
Roger Kumpel	RECUSED
Charles Rosen	YES
James Waltman	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Renee Jones (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Frank Minch, Acting Chairperson	YES

COUNTY AND MUNICIPAL PLANNING INCENTIVE GRANT APPLICATION SUMMARY

County / Municipality	# of Project Areas	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	Dedicated Tax \$0.0_/\$100	Annual Tax Revenue in Millions	Annual Tax for Farmland Preservation in Millions
Atlantic	17	609	9,753	\$43,816,368	150	450	700	0.13	\$0.400	No Set Amount
Bergen	8	40	525	\$7,045,400	30	150	300	0.10	\$17.600	No Set Amount
Burlington	4	187	11,929	\$90,004,305	1,000	5,000	10,000	1.50	\$19.000	No Set Amount
Camden	5	122	2,688	\$22,065,210	258	1,393	3,147	2.00	\$7.600	No Set Amount
Cape May	6	74	2,959	\$14,203,200	100	500	1,000	1.00	\$4.900	No Set Amount
Cumberland	19	327	14,374	\$69,153,314	1,131	5,654	11,307	1.00	\$0.878	No Set Amount
Hopewell	1	26	771	\$3,424,927	158	788	1,231	0.00	\$0.072	\$0.072
Upper Deerfield	1	46	3,070	\$18,444,560	396	1,979	3,958	0.00	\$0.000	No Set Amount
Gloucester	11	858	17,272	\$207,264,000	1,000	4,000	8,000	4.00	\$10.512	\$5.149
Elk	2	25	971	\$10,678,910	75	377	754	1.00	\$0.038	\$0.038
Franklin	6	230	4,108	\$27,229,746	100	750	1,500	1.00	\$0.123	\$0.655
Woolwich	3	89	2,422	\$36,331,350	265	1,920	3,984	5.00	\$0.594	No Set Amount
Hunterdon	5	543	22,090	\$195,452,320	1,000	5,000	10,000	3.00	\$6.900	\$2.100
Alexandria	4	67	3,700	\$37,002,300	524	1,160	2,137	4.00	\$0.365	\$0.183
Delaware	2	19	1,801	\$25,214,000	300	1,500	1,500	6.00	\$0.480	No Set Amount
East Amwell	1	16	1,231	\$17,234,000	185	925	1,848	4.00	\$0.268	\$0.268
Franklin	1	14	1,487	\$13,383,000	286	573	573	3.00	\$0.162	No Set Amount
Holland	4	42	1,695	\$16,953,705	703	1,700	2,222	2.00	\$0.079	No Set Amount
Kingwood	1	34	2,382	\$23,820,000	170	679	849	3.00	\$0.187	No Set Amount
Raritan	4	22	2,351	\$58,773,750	100	300	600	8.00	\$0.328	No Set Amount
Readington	1	36	1,794	\$21,528,000	100	600	1,065	2.00	\$0.664	No Set Amount
Tewksbury	3	69	1,759	\$35,180,000	100	300	1,000	5.00	\$0.789	No Set Amount
Union	4	17	629	\$5,409,400	50	200	500	0.20	\$0.139	\$0.050
West Amwell	1	53	2,772	\$27,720,000	100	300	500	0.06	\$0.187	\$0.070
Mercer	7	30	2,468	\$25,791,917	100	500	1,000	2.50	\$11.722	No Set Amount
Hopewell	1	18	1,282	\$25,640,000	150	500	854	3.00	\$1.145	No Set Amount
Middlesex	5	103	3,655	\$133,842,621	225	1,125	2,250	3.00	\$34.840	No Set Amount
Monmouth	6	88	8,630	\$220,062,450	541	2,599	4,075	2.50	\$36.375	\$1.100
Colts Neck	1	11	809	\$28,304,990	26	280	400	1.20	\$0.370	No Set Amount
Holmdel	1	11	299	\$25,138,803	11	25	85	2.50	\$1.076	No Set Amount
Howell	4	14	353	\$7,060,000	127	370	452	2.00	\$1.509	No Set Amount
Manalapan	1	12	577	\$11,540,000	131	659	1,318	2.00	\$1.444	No Set Amount

Schedule A

COUNTY AND MUNICIPAL PLANNING INCENTIVE GRANT APPLICATION SUMMARY

Marlboro	3	16	634	\$18,855,000	47	216	298	1.00	\$0.720	\$0.720	No Set Amount
Millstone	4	29	2,456	\$71,224,000	200	600	1,000	6.00	\$1.137	\$1.137	No Set Amount
Upper Freehold	1	106	4,431	\$66,465,000	550	1,000	1,500	6.00	\$785.000	\$785.000	No Set Amount
Morris	3	69	3,775	\$128,717,270	100	520	1,080	0.62	\$7.200	\$7.200	No Set Amount
Ocean	7	155	3,529	\$94,287,254	200	901	1,623	1.2	\$11.659	\$11.659	No Set Amount
Passaic	1	10	191	\$597,705	100	500	1,000	1.0	\$4.525	\$4.525	No Set Amount
Salem	3	426	40,490	\$226,746,296	650	3,250	6,500	2.00	\$1.000	\$1.000	No Set Amount
Alloway	1	16	749	\$7,490,000	200	400	600	0.05	\$0.014	\$0.014	No Set Amount
Mannington	1	35	882	\$5,289,618	25	125	250	2.00	\$0.036	\$0.036	No Set Amount
Pilesgrove	4	43	3,052	\$27,767,821	203	1,304	2,608	3.00	\$0.139	\$0.139	No Set Amount
Pittsgrove	1	198	4,102	\$23,709,560	255	1,018	3,054	1.00	\$0.060	\$0.060	No Set Amount
Upper Pittsgrove	1	192	8,208	\$61,560,000	700	3,500	7,000	2.00	\$0.067	\$0.067	No Set Amount
Somerset	10	280	12,497	\$315,061,867	446	2,850	6,300	3.00	\$18.300	\$18.300	No Set Amount
Bedminster	1	115	5,350	\$160,500,000	500	2,706	2,706	1.50	\$0.409	\$0.409	No Set Amount
Franklin	2	42	1,373	\$27,460,000	146	731	1,462	5.00	\$5.306	\$5.306	No Set Amount
Hillsborough	3	7	296	\$5,927,291	100	500	1,000	2.80	\$1.844	\$1.844	No Set Amount
Montgomery	1	14	672	\$23,131,006	50	300	454	4.00	\$1.576	\$1.576	No Set Amount
Peapack & Gladstone	2	14	675	\$20,250,000	20	85	160	3.00	\$0.221	\$0.221	No Set Amount
Sussex	10	234	10,536	\$7,977,729	850	4,500	8,500	0.23	\$0.400	\$0.400	No Set Amount
Frankford	4	72	3,432	\$21,450,000	63	350	700	0.05	\$0.080	\$0.080	No Set Amount
Green	3	49	1,674	\$10,881,000	150	675	1,300	0.02	\$0.064	\$0.064	No Set Amount
Warren	7	636	29,974	\$157,962,980	1,000	5,000	10,000	2.50	\$2.700	\$2.700	Undetermined
Blairstown	1	20	1,569	\$11,770,088	38	200	375	2.40	\$0.177	\$0.177	Undetermined
Franklin	2	38	1,203	\$24,056,000	100	500	1,000	5.00	\$5.306	\$5.306	No Set Amount
Freylinghuysen	7	62	2,149	\$13,967,980	45	220	430	2.00	\$0.058	\$0.058	No Set Amount
Greenwich	1	21	1,542	\$10,264,000	174	1,092	1,573	4.00	\$0.240	\$0.240	No Set Amount
Harmony	1	29	3,724	\$16,586,696	75	400	750	2.00	\$0.096	\$0.096	No Set Amount
Hope	1	29	3,724	\$16,586,696	80	650	1,000	1.25	\$0.027	\$0.027	No Set Amount
Knowlton	2	22	2,362	\$11,810,000	100	500	1,000	2.00	\$0.052	\$0.052	No Set Amount
White	1	48	3,592	\$23,443,026	100	900	2,000	2.00	\$0.111	\$0.111	No Set Amount
County Totals (18)	134	4,791	197,335	\$2,000,052,206	8,881	43,892	86,782			\$188.911	
Municipal Totals (44)	95	2,088	94,114	\$1,156,456,222	7,977	33,858	59,550			\$812.760	

Note: In some cases County and Municipal project areas overlap. Identified farms may appear on both County and Municipal target farm lists.

2023 COUNTY PLANNING INCENTIVE GRANT APPROVAL APPLICATIONS

County	# of Project Areas	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	Estimated Cost per Acre	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	Dedicated Tax \$0.0 /\$100	Annual Tax Revenue in Millions	Annual Tax for Farm Preservation in Millions
Burlington	4	187	11,929	\$90,004,305	\$7,545	1,000	5,000	10,000	1.50	\$19.00	No Set Amount
Cumberland	19	327	14,374	\$69,153,314	\$4,811	1,131	5,654	11,307	1.00	\$0.88	No Set Amount
Hunterdon	5	543	22,090	\$195,452,320	\$8,848	1,000	5,000	10,000	3.00	\$6.90	\$2.10
Final Approval Totals											
Total	28	1,057	48,393	\$354,609,939	21,204	3,131	15,654	31,307			

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY23R3(5)
FINAL APPROVAL
of the
WEST AMWELL TOWNSHIP, HUNTERDON COUNTY
PLANNING INCENTIVE GRANT APPLICATION INCLUDING UPDATE TO THE
COMPREHENSIVE FARMLAND PRESERVATION PLAN**

**2023 FUNDING CYCLE
March 23, 2023**

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 municipality shall:

1. Identify project areas of multiple farms that are reasonably contiguous and located in an agricultural development area ("ADA") authorized pursuant to the Agriculture Retention and Development Act, P.L. 1983, c.32 (C.4:1C-11 et seq.);
2. Establish an agricultural advisory committee composed of at least three, but not more than five, residents with a majority of the members actively engaged in farming and owning a portion of the land they farm;
3. 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, such as, but not limited to, repeated annual appropriations or repeated issuance of bonded indebtedness, which the SADC deems to be, in effect, a dedicated source of funding; and
4. Prepare a farmland preservation plan element pursuant to paragraph (13) of section 19 of P.L. 1975, c.291 (C.40:55D-28) in consultation with the agricultural advisory committee; and

WHEREAS, the SADC adopted rules under Subchapter 17A (N.J.A.C. 2:76-17A) 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 municipal farmland preservation planning incentive grant program; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.6, a municipality applying for a grant to the SADC shall submit:

1. A copy of the municipal comprehensive farmland preservation plan, as amended, if appropriate;
2. An inventory for each project area showing the number of farms or properties, and their individual and aggregate acreage, for targeted farms, farmland preservation applications with final approvals, preserved farms, lands enrolled in a term farmland preservation program and preserved open space compatible with agriculture;

3. A report summarizing the status of development easement purchases, the expenditure of Committee funds, updates to policies, funding availability, estimates of targeted farm easement costs and contact information;
4. Copies of agricultural advisory committee meeting minutes; and
5. A resolution of support from the governing body and documentation of the agricultural advisory committee's review of the proposed application; and

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

1. The adopted farmland preservation plan element of the municipal master plan;
2. A map and description of the municipality'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 municipality's farmland preservation initiatives including identification and detailed map of the county's adopted Agricultural Development Area (ADA) within the municipality, consistency of the municipality's farmland preservation program with county and other farmland preservation program initiatives and consistency with municipal, regional and State land use planning and conservation efforts;
4. A description of the municipality's past and future farmland preservation program activities, including program goals and objectives, and a summary of available municipal funding and approved funding policies in relation to the municipality's one-, five- and ten-year preservation projections;
5. A discussion of the actions the municipality 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 municipality;
7. A description of the policies, guidelines or standards used by the municipality in conducting its farmland preservation efforts, including any minimum eligibility criteria or standards used by the municipality 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 municipal staff and/or consultants used to facilitate the preservation of farms; and
9. Any other information as deemed appropriate by the municipality; and

WHEREAS, on July 25, 2019 the SADC updated its 2007 adopted *Guidelines for Developing Municipal 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 municipal comprehensive farmland preservation plans should be developed in consultation with the agricultural community including the municipal agricultural advisory committee, municipal planning board, CADB, county planning board and the county board of agriculture, and where appropriate, in conjunction with surrounding municipalities and the county comprehensive farmland preservation plan, with at least two public meetings including a required public hearing prior to planning board adoption as an element of the municipal master plan; and

WHEREAS, to date, the SADC has received and granted final approval to 44 municipal planning incentive grant applications pursuant to N.J.A.C. 2:76-17A.6(a) and N.J.A.C. 2:76-17A.76(b); and

WHEREAS, in total, the 44 municipal planning incentive grant participants identified 95 project areas in 9 counties and targeted 2,088 farms and 94,114 acres at an estimated total cost of, \$1,156,456,222, with a ten-year preservation goal of 59,550 acres as summarized in the attached Schedule A; and

WHEREAS, of the 44 municipalities, 31 applied for funding under the 2023 Municipal Planning Incentive Grant Program; and

WHEREAS, Subchapter 17A (N.J.A.C. 2:76-17A) includes a requirement, at N.J.A.C. 2:76-17A.4(b), that comprehensive farmland preservation plans be reviewed and readopted by the municipal planning board, in consultation with the agricultural advisory committee, at least every 10 years; 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, West Amwell Township, Hunterdon County has an executed grant agreement with the SADC for funding update of its comprehensive farmland preservation plan; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.6(b)1 and N.J.A.C. 2:76-17A.6(b)2, in order to improve municipal and county farmland preservation coordination, the municipality forwarded its 2023 Municipal Planning Incentive Grant application to the county for review and provided evidence of county review and comment and, if appropriate, the level of funding the county is willing to provide to assist in the purchase of development easements on targeted farms; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, SADC staff reviewed and evaluated the municipal application to determine whether all the components of the comprehensive farmland preservation plan was fully addressed and complete and whether the project area inventories are complete and technically accurate, and that the application is designed to preserve a significant area of reasonably contiguous farmland that will promote the long-term economic viability of agriculture as an industry; and

WHEREAS, on May 26, 2022, the SADC approved the 2023 Municipal Planning Incentive Grant application for West Amwell Township, Hunterdon County conditioned upon readoption of its comprehensive farmland preservation plan; and

WHEREAS, West Amwell Township, Hunterdon County, has since updated and readopted its comprehensive farmland preservation plan consistent with the SADC's adopted *Guidelines*; and

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval of the West Amwell Township, Hunterdon County Planning Incentive Grant application submitted under the FY2023 program planning round, including the recently amended comprehensive farmland preservation plan, as summarized in the attached Schedule B:

BE IT FURTHER RESOLVED, that the SADC authorizes release of cost share funding for the update of this comprehensive farmland preservation plan upon completion of grant requirements pursuant to SADC Policy #55 and the executed agreements; and

BE IT FURTHER RESOLVED, that funding eligibility shall be established pursuant to N.J.A.C. 2:76-17A.8(a), and that the SADC's approval of State funding is subject to Legislative appropriation of funds and the Governor signing the respective appropriation bills; and

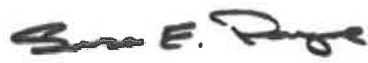
BE IT FURTHER RESOLVED, that the SADC will monitor the municipal funding plans pursuant to N.J.A.C. 2:76-17A.8(a) and adjust the eligibility of funds based on the municipality's progress in implementing the proposed funding plan. Each Planning Incentive Grant municipality should expend its grant funds within three years of the date the funds are appropriated. To be considered expended a closing must have been completed with the SADC. Any funds that are not expended within three years are subject to reappropriation and may no longer be available to the municipality; and.

BE IT FURTHER RESOLVED, that the SADC will continue to assist municipalities 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.

3/23/2023
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	YES
Roger Kumpel	YES
Charles Rosen	YES
James Waltman	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Renee Jones (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Frank Minch, Acting Chairperson	YES

COUNTY AND MUNICIPAL PLANNING INCENTIVE GRANT APPLICATION SUMMARY

County / Municipality	# of Project Areas	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	Dedicated Tax \$0.0 / \$100	Annual Tax Revenue in Millions	Annual Tax for Farmland Preservation in Millions
Atlantic	17	609	9,753	\$43,816,368	150	450	700	0.13	\$0.400	No Set Amount
Bergen	8	40	525	\$7,045,400	30	150	300	0.10	\$17.600	No Set Amount
Burlington	4	187	11,929	\$90,004,305	1,000	5,000	10,000	1.50	\$19.000	No Set Amount
Camden	5	122	2,688	\$22,065,210	258	1,393	3,147	2.00	\$7.600	No Set Amount
Cape May	6	74	2,959	\$14,203,200	100	500	1,000	1.00	\$4.900	No Set Amount
Cumberland	19	327	14,374	\$69,153,314	1,131	5,654	11,307	1.00	\$0.878	No Set Amount
Hopewell	1	26	771	\$3,424,927	158	788	1,231	0.00	\$0.072	\$0.072
Upper Deerfield	1	46	3,070	\$18,444,560	396	1,979	3,958	0.00	\$0.000	No Set Amount
Gloucester	11	858	17,272	\$207,264,000	1,000	4,000	8,000	4.00	\$10.512	\$5.149
Elk	2	25	971	\$10,678,910	75	377	754	1.00	\$0.038	\$0.038
Franklin	6	230	4,108	\$27,229,746	100	750	1,500	1.00	\$0.123	\$0.655
Woolwich	3	89	2,422	\$36,331,350	265	1,920	3,984	5.00	\$0.594	No Set Amount
Hunterdon	5	543	22,090	\$195,452,320	1,000	5,000	10,000	3.00	\$6.900	\$2.100
Alexandria	4	67	3,700	\$37,002,300	524	1,160	2,137	4.00	\$0.365	\$0.183
Delaware	2	19	1,801	\$25,214,000	300	1,500	1,500	6.00	\$0.480	No Set Amount
East Amwell	1	16	1,231	\$17,234,000	185	925	1,848	4.00	\$0.268	\$0.268
Franklin	1	14	1,487	\$13,383,000	286	573	573	3.00	\$0.162	No Set Amount
Holland	4	42	1,695	\$16,953,705	703	1,700	2,222	2.00	\$0.079	No Set Amount
Kingwood	1	34	2,382	\$23,820,000	170	679	849	3.00	\$0.187	No Set Amount
Raritan	4	22	2,351	\$58,773,750	100	300	600	8.00	\$0.328	No Set Amount
Readington	1	36	1,794	\$21,528,000	100	600	1,065	2.00	\$0.664	No Set Amount
Tewksbury	3	69	1,759	\$35,180,000	100	300	1,000	5.00	\$0.789	No Set Amount
Union	4	17	629	\$5,409,400	50	200	500	0.20	\$0.139	\$0.050
West Amwell	1	53	2,772	\$27,720,000	100	300	500	0.06	\$0.187	\$0.070
Mercer	7	30	2,468	\$25,791,917	100	500	1,000	2.50	\$11.722	No Set Amount
Hopewell	1	18	1,282	\$25,640,000	150	500	854	3.00	\$1.145	No Set Amount
Middlesex	5	103	3,655	\$133,842,621	225	1,125	2,250	3.00	\$34.840	No Set Amount
Monmouth	6	88	8,630	\$220,062,450	541	2,599	4,075	2.50	\$36.375	\$1.100
Colts Neck	1	11	809	\$28,304,990	26	280	400	1.20	\$0.370	No Set Amount
Holmdel	1	11	299	\$25,138,803	11	25	85	2.50	\$1.076	No Set Amount
Howell	4	14	353	\$7,060,000	127	370	452	2.00	\$1.509	No Set Amount
Manalapan	1	12	577	\$11,540,000	131	659	1,318	2.00	\$1.444	No Set Amount

Schedule A

COUNTY AND MUNICIPAL PLANNING INCENTIVE GRANT APPLICATION SUMMARY

Marlboro	3	16	634	\$18,855,000	47	216	288	1.00	\$0.720	No Set Amount
Millstone	4	29	2,456	\$71,224,000	200	600	1,000	6.00	\$1.137	No Set Amount
Upper Freehold	1	106	4,431	\$66,465,000	550	1,000	1,500	6.00	\$785,000	No Set Amount
Morris	3	69	3,775	\$128,717,270	100	520	1,080	0.62	\$7,200	No Set Amount
Ocean	7	155	3,529	\$84,287,254	200	901	1,623	1.2	\$11,659	No Set Amount
Passaic	1	10	191	\$597,705	100	500	1,000	1.0	\$4,525	\$0.750
Salem	3	426	40,490	\$226,746,296	650	3,250	6,500	2.00	\$1,000	\$1,000
Alloway	1	16	749	\$7,490,000	200	400	600	0.05	\$0.014	No Set Amount
Mannington	1	35	882	\$5,289,618	25	125	250	2.00	\$0.036	\$0.036
Pilesgrove	4	43	3,052	\$27,767,821	203	1,304	2,608	3.00	\$0.139	\$0.139
Pittsgrove	1	198	4,102	\$23,709,560	255	1,018	3,054	1.00	\$0.060	No Set Amount
Upper Pittsgrove	1	192	8,208	\$61,560,000	700	3,500	7,000	2.00	\$0.067	\$0.068
Somerset	10	280	12,497	\$315,061,867	446	2,850	6,300	3.00	\$18,300	No Set Amount
Bedminster	1	115	5,350	\$160,500,000	500	2,706	2,706	1.50	\$0.409	No Set Amount
Franklin	2	42	1,373	\$27,460,000	146	731	1,462	5.00	\$5,306	No Set Amount
Hillsborough	3	7	296	\$5,927,291	100	500	1,000	2.80	\$1,844	No Set Amount
Montgomery	1	14	672	\$23,131,006	50	300	454	4.00	\$1,576	No Set Amount
Peapack & Gladstone	2	14	675	\$20,250,000	20	85	160	3.00	\$0.221	\$0.222
Sussex	10	234	10,536	\$57,977,729	850	4,500	8,500	0.23	\$0.400	\$0.200
Frankford	4	72	3,432	\$21,450,000	63	350	700	0.05	\$0.080	\$0.080
Green	3	49	1,674	\$10,881,000	150	675	1,300	0.02	\$0.064	No Set Amount
Warren	7	636	29,974	\$157,962,980	1,000	5,000	10,000	2.50	\$2,700	\$1,100
Blairstown	1	20	1,569	\$11,770,088	38	200	375	2.40	\$0.177	Undetermined
Franklin	2	38	1,203	\$24,056,000	100	500	1,000	5.00	\$5,306	No Set Amount
Freylinghuysen	7	62	2,149	\$13,967,980	45	220	430	2.00	\$0.058	\$0.058
Greenwich	1	21	1,542	\$10,264,000	174	1,092	1,573	4.00	\$0.240	\$0.240
Harmony	1	29	3,724	\$16,586,696	75	400	750	2.00	\$0.096	\$0.239
Hope	1	29	3,724	\$16,586,696	80	650	1,000	1.25	\$0.027	\$0.027
Knowlton	2	22	2,362	\$11,810,000	100	500	1,000	2.00	\$0.052	\$0.218
White	1	48	3,592	\$23,443,026	100	900	2,000	2.00	\$0.111	\$0.111
County Totals (18)	134	4,791	197,335	\$2,000,052,206	8,881	43,892	86,782		\$188,911	
Municipal Totals (44)	95	2,088	94,114	\$1,156,456,222	7,977	33,858	59,550		\$812,760	

Note: In some cases County and Municipal project areas overlap. Identified farms may appear on both County and Municipal target farm lists.

Municipality	County	Project Areas	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	Estimated Cost Per Acre	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	Dedicated Tax \$0.0/\$100	Annual Tax Revenue in Millions	Annual Tax for Farm Preservation in Millions
West Amwell	Hunterdon	1	53	2,772	\$27,720,000	\$10,000	100	300	500	0.06	\$0.187	\$0.070
FINAL APPROVAL TOTALS												
Total		1	53	2,772	\$27,720,000	10,000	100	300	500			