

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

**October 26, 2023**

Mr. Joe Atchison called the meeting to order at 9:02 a.m.

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

Roll call indicated the following:

**Members Present**

Joseph A. Atchison, III (Acting Chairman)  
Martin Bullock  
Pete Johnson  
Richard Norz  
Gina Fischetti  
Julie Krause  
Lauren Procida  
Brian Schilling  
Charles Rosen (arrived at 9:26 a.m.)

**Members Absent**

Scott Ellis  
Tiffany Bohlin

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

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**Minutes**

Mr. Atchison stated that the meeting minutes for September were not finalized yet so they will not be voted on today.

**Report of the Chairman**

Mr. Atchison stated that staff is compiling public comments received for the Soil Protection Standards (SPS). Staff will be putting the comments into a spreadsheet for distribution to the committee. He stated that the search for the new Secretary of Agriculture is ongoing.

**Report of the Executive Director**

**Note: Mr. Rosen arrived during this discussion**

Ms. Payne reported the 250,000Acre Celebration took place on the Mecouch Farm in Salem County on October 12. There will be a press release surrounding the event and the Philadelphia Inquirer will be writing an article on the event as well.

She stated that staff presented the SADC's appropriation recommendation for FY2024 with the Garden State Preservation Trust last week and the recommendation was approved. Staff is now working with OLS to draft the appropriation bills. When the legislature comes back after the election, there is a possibility that the appropriation bills could move this fall.

Ms. Payne stated that staff has been invited to several County Board of Agriculture (CADB) meetings to review the Soil Protection Standards (SPS). She and Mr. Roohr have gone to Hunterdon and Cumberland County and are scheduled to attend the Somerset CADB meeting tomorrow. She stated the meetings were a helpful dialogue and have improved the public's understanding of the proposed rules.

Ms. Payne stated the State Board of Agriculture voted to send a letter to the committee to ask that the public comment period, which is scheduled to expire November 6, be extended until after the State Board of Agriculture's convention in February. She expressed concern about extending the public comment by an additional four months. Ms. Payne stated that she needed the committee's feedback. The closing of the formal comment period does not affect staff's ability to consider other public or private input.

Mr. Norz asked how many letters have been received so far. Ms. Payne indicated that 50 to 60 comments were received. Mr. Norz requested that staff give the committee the public's comments in batches rather than receiving them all at once. Mr. Norz stated that he understands staff's concerns about keeping the comment period open for another four months. He noted that the ag community wanted to discuss the SPS at the convention in February. Mr. Norz asked if there were any deadlines imposed since the rules have been published. Ms. Payne indicated that the SADC must act within one year of the date the proposed rules were published, or August 2024, otherwise the rule proposal lapses.

Mr. Bullock stated that he agrees the public comment period should be extended until after the ag convention. Mr. Norz also agreed with the extension and asked who is on the SPS subcommittee. Ms. Payne stated the subcommittee consists of two farmer members, Mr. Ellis and Mr. Johnson, and two public members, Mr. Rosen and Ms. Bohlin. Mr. Bullock suggested that the subcommittee should be made up of members who have been on the SADC longer than Mr. Rosen and Ms. Bohlin, as both of whom were recently appointed.

Mr. Norz suggested a special meeting of the committee be devoted to discuss SPS. Mr. Norz stated that he takes the proposed rules very seriously and is concerned by the negative comments he has heard from the farming community. Mr. Schilling stated that he has concerns about SPS being delegated to the subcommittee and feels the rules are the responsibility of the entire committee due to the importance and impacts of the SPS.

Ms. Payne asked if the committee would like to extend the public comment period until after the ag convention's conclusion in February 2024. Mr. Norz and Mr. Bullock stated that they thought the comment period should be extended until then. Mr. Schilling expressed concern that more comments were from county boards of agriculture and not from county agriculture development boards. Mr. Schilling asked Ms. Payne if the comments received after the formal comment period would be considered. Ms. Fischetti asked if comments not formally submitted to the register could result in a rule change. Ms. Fischetti asked further if after the deadline, would comments be considered the same way as comments received before the

deadline. Ms. Fischetti commented that she understands the concerns about timing. She preferred to extend the comment period. Mr. Schilling stated that all comments should have equal weight. He asked if the comments that are received after November 6 will have equal opportunity to be heard and be incorporated into any changes to be made.

Ms. Payne stated that when a comment is received during the formal comment period, the comment and response must appear in the adoption notice.

Mr. Schilling stressed the importance of getting the elements of the SPS right. Ms. Krause asked if staff would have enough time to meet the August deadline of consolidating the comments, completing its legal review and issuing a response if the comment period were extended to February. Ms. Payne stated that she thought there would be enough time. She said that based on the comments today, the SADC's consensus is to extend the public comment period until after the ag convention.

### **Public Comment**

Patricia Springwell from Hunterdon County commented that preserving 250,000 acres of farmland is quite an accomplishment. She said that applying the 12% disturbance limit on 250,000 acres of farmland would remove 30,000 acres of soil on farmland that she, as a taxpayer, has paid for. Ms. Springwell suggested limiting disturbance to areas with lower quality soils.

Amy Hansen from Hunterdon County commented that she and her husband have owned a preserved farm since 2006. The farm was preserved using both state and federal preservation funds. Ms. Hansen said she understands that federal funds require an impervious cover limit to protect the soil and other natural resources. Ms. Hansen said she works at the NJ Conservation Foundation which preserves farmland across New Jersey using federal funding. She stated that the impervious cover limits of 2% to 10% are federal standards used to protect the soil nationwide. Ms. Hansen stated that the Land Trust Alliance continues to use these programs successfully for farmland preservation across the country. She expressed that these limits will not have a negative impact on ag viability or kill anybody's business. Ms. Hansen stated that she is troubled by things that she is hearing.

Ryck Suydam, a farmer in Somerset County, thanked the committee for extending the public comment period. He received confirmation that the committee had received a copy of the NJ Farm Bureau's written comments sent by its counsel, Mr. Goldshore. Mr. Sudyam stated that he is primarily concerned about the retroactive component of the SPS. He is, however, without suggestions as to how to improve the rules. Mr. Suydam opined that the SPS will hinder the most successful farmland preservation program in the nation. He stated that he will send his additional suggestions in writing. Mr. Suydam commented that the SPS's public hearing via zoom was ineffective, and that a future SPS hearings should be in-person.

Pat Butch said she was a farmer and has been a CADB member for 10 years. She stated she has been active in preserving other people's farms for 18 years. Ms. Butch thanked the committee for extending the public comment deadline to provide an opportunity for further collaboration. She stated that hopefully there will be a consensus agreement among the committee and farmers. Ms. Butch stated she was concerned when she learned the subcommittee was composed of new committee members unfamiliar with the process. She

noted that the subcommittee should have expertise from SADC members with soil conservation knowledge and stated that impervious coverage does not equal soil conservation.

Ms. Butch asked that SADC members introduce themselves to everyone as she is not familiar with everyone on the committee and what they do. Each member then gave a brief explanation of who they are and what they do.

## **Old Business**

### **A. Lynne Compari- Direct Easement Preliminary Approval Update**

Compari Farm, SADC ID#06-0093-DE, Millville, Cumberland County, Block 125.01, Lot 1, 89 acres.

Ms. Roberts stated the committee granted preliminary approval in January 2023. She explained that the property is impacted by a contaminated groundwater plume that has migrated under the farm from facilities south of the property such as the Millville Municipal Airport and other industrial sites, and SADC preliminary approval was conditioned upon satisfactory samples from an agricultural well on the farm property.

Ms. Roberts provided a detailed description of how the pollution has been monitored by an environmental consulting firm (GEI), of groundwater testing and results pertaining to the agricultural well on the Compari farm, and of a written risk assessment provided by the NJ Department of Health that contamination levels in the well water samples do not pose a risk for irrigation purposes either for livestock or crops.

The executive director stated that the committee's preliminary approval was conditioned on the irrigation well water tests coming back "clean." Ms. Payne explained the committee needs to decide if it is satisfied with the NJDOH assessment.

She explained that the assessment concluded there is not a risk for livestock or crops that are grown on the property or livestock consumption. She further explained that this well is not a supply well that people will drink from. The property has public water available. The well's purpose is for irrigation purposes only.

Mr. Schilling had Ms. Roberts qualify that the 1-part per billion is a human safe-drinking-water standard, not an irrigation water standard. Mr. Norz stated that he feels comfortable with the risk assessments, and he motioned to move forward with appraisals. Mr. Bullock seconded the motion.

Mr. Rosen asked whether there were specific irrigation water standards. Ms. Roberts deferred to NJDOH representatives who were in attendance at the meeting.

Ms. Roberts introduced Ms. Christa Fontecchio and Dr. Somia Aluwalia from the DOH. Ms. Fontecchio stated that the DOH reviewed the risk assessment and noted that it is an ingestion-based scenario risk assessment. The DOH reviewed the models used by GEI and evaluated public health impacts. Ms. Fontecchio informed the committee that the ingestion rates examined for animals and people were based on water concentration. The concentration levels were plugged into the model and the GEI risk assessments were reviewed. She stated that DOH concurred with GEI's findings. Ms. Fontecchio stated for DOH purposes, a standard

could be exceeded, but not necessarily have an impact on health.

Dr. Somia Aluwalia explained that there is a difference between the DOH and other regulatory agencies. For regulatory agencies, exceeding a standard has an action tied to it and the standards must be met because of the regulatory component. When the DOH reviews different types of data such as water, soil, and air and it exceeds a standard, DOH takes it to the next step to evaluate what that means for one's health. She stated that is basically what was achieved with the two models that were used. One model used was to test the impact of drinking water on the animals based on direct ingestion. The second model evaluated the impact of humans who ingest the products from livestock that had ingested the water and crops. Having said that, both models were standardized models and approaches. DOH did not see a reason to conclude differently. Ms. Fontecchio added DOH supported GEI's conclusions based upon sound models and the data provided.

Ms. Payne asked if the committee wanted additional groundwater sampling. Mr. Norz said he wanted the committee to proceed forward with appraisals and look at additional sampling data before making an offer. Mr. Rosen inquired whether there was a potential for an increase in contamination. Ms. Fontecchio responded that the levels seemed consistent subsequent to issuance of the risk assessments.

Ms. Krause thanked staff for its evaluation, the level of detail, and the depth of analysis used. She stated that she feels comfortable proceeding and stated that there may be more cases like this in the future as we preserve another 250,000 acres of farmland.

Ms. Payne thanked Ms. Fontecchio and Dr. Aluwalia for their review and responsiveness. Dr. Aluwalia said that they are very excited about the collaboration between the SADC and NJDOH.

It was moved by Mr. Norz and seconded by Mr. Bullock to proceed with appraisals and to continue additional sampling. A vote was taken. The motion was unanimously approved.

## **B. Stewardship**

### **Resolution: Exercise RDSO**

A Legacy Ranch, LLC, SADC ID # 03-0055-EP, FY2024R10(1), Block 1401, Lot 17.01, Springfield Township, Burlington County, 233.793 easement acres.

Mr. Willmott stated that Legacy Ranch's application for an RDSO, to facilitate conversion of the property to a cattle operation, was discussed at the September 2023 meeting and, based on the committee's input, staff prepared a draft resolution approving the RDSO request. Mr. Willmott stated that Petro and Vera Amari, the owners of the property, will be living in the RDSO. He said that the residence will be 6,500 square feet.

It was moved by Mr. Bullock and seconded by Mr. Norz to approve Resolution FY2024R10(1) granting approval for the RDSO for A Legacy Ranch, LLC., as presented, subject to any condition of said resolution. A vote was taken. The motion was unanimously approved.

**C. Resolution: Non-Agricultural Development in the ADA, including Condemnation of Preserved Farmland (N.J.S.A. 4:1C-19 and 25)**

Road Improvements: US Route 40 and Pointers-Auburn Road - Pilesgrove Township, Salem County.

Mr. Bruder stated this was discussed at the September 2023 meeting regarding a notice of intent submitted by Carney's Point Township in Salem County for a road improvement project along Rt. 40, including intersection improvements at Pointers Auburn Road. The committee had asked Carney's Point to submit additional information about public health and safety aspects of road improvements at Pointers Auburn Road and the Rt. 40 intersection in order to assist staff's review of the impacts of the project on the agricultural development area and of condemning preserved farmland near the intersection. The notice of intent sought authorization to condemn 0.06 acres of farmland, which has since been reduced to 0.053 acres, and to condemn 0.1-acre of the farm for a temporary grading easement.

There was additional information submitted to justify the health and safety aspect of the project. There is a history of documented issues, which included a 2012 Salem County Traffic and Transportation Plan Element of the County Master Plan identifying the Rt. 40-Pointers Auburn Road intersection as a high accident location; the entirety of Route 40 as a problematic or deficient road section; a Pilesgrove Township resolution from 2016 requesting the New Jersey Department of Transportation (NJDOT) signalize the Pointers Auburn Road intersection, as well as a similar request in 2007; and 80 accident reports from the Carney's Point Police Department with additional accident reports that were addressed by the New Jersey State Police, including a fatal collision in February 2023. Based on receipt of this information, a resolution has been drafted for committee action recommending approval of the condemnation. The resolution will be forwarded to the Governor's office for appropriate action. Mr. Schilling corrected the acreage amount being condemned.

It was moved by Mr. Norz and seconded by Mr. Rosen to approve Resolution FY2024R10(2) recommending to the Governor that the condemnation action is necessary for the public health, safety and welfare and there is no immediately apparent feasible alternative, as presented, subject to any condition of said resolution. A vote was taken. The motion was unanimously approved.

**New Business**

**A. Stewardship**

**Review of Activities on a Preserved Farm– Living Beanstalk, LLC (Discussion Only)**

Living Beanstalk, LLC, SADC ID# 11-0014-DE, Block 29, Lot 5, Hopewell Township, Mercer County, 94.32 acres.

Mr. Willmott stated that the farm was preserved through the Direct Easement program in 2006 by the prior owner, Anthony Mokros. In 2022, Living Beanstalk LLC purchased the farm, and the principal of the LLC is Don Farineau. The name of the farm is Groundswell reFarmative, which is operated by a tenant, Terra Preta, LLC, which does business as OneCompostCan. OneCompostCan's operator is Dolph Geurds, who is the farm manager, and he lives in a residence on the premises. The Deed of Easement (DOE) lists no exception area, one existing

residential unit, no ag labor housing and no RDSOs. At the time of preservation there were approximately 55 acres of tillable ground on the farm and the owner and tenant are in the process of converting the farm to a diverse sustainable operation with a focus on regenerative agriculture.

Current agricultural production occurring on the farm are grazing of livestock on 20 acres of pasture with approximately 50 swine, 1 cow, 30 sheep and goats and egg laying chickens. Future agricultural plans include growing vegetables and hoopouses. Mr. Willmott stated that the remaining tillable acres are mostly fallow to accommodate future rotational grazing. There are also areas used for wood storage and compost. The farm is a licensed garbage feeding operation but has recently been cited by NJDA's Division of Animal Health for some deficiencies, which are in the process of being addressed. As part of the garbage-fed swine operation the tenant excavated a ¼ acre pond to be used for both fire suppression and irrigation.

Mr. Willmott read the following mission statement from Groundswell reFarmative:

***Our mission is to use regenerative agriculture to restore soil health, create a sustainable farm utilizing the 12 tenets of permaculture, offer diverse products that provide food security and sustainability while using rotational grazing for our livestock and creating a biodiverse environment. Education will encourage people to adopt a better sustainable way of life by decreasing waste and reducing their carbon footprint.***

Other future plans for the farm include solar, restoration of existing and construction of new farm infrastructure, improving soil health, biodiversity, carbon storage, producing high value and diverse crops, integration of livestock into farm ecology, managing stormwater and runoff, wildlife habitat and protection, agritourism, education, and community engagement.

Mr. Willmott stated staff inspected the farm in June 2023 and discovered a large amount of processed and unprocessed wood material from tree waste, consisting of tree stumps, logs, branches, and wood chips, deposited on approximately 7 acres of land previously in agricultural production. The majority of the wood material appears to be from ash trees. There is additional wood storage areas that were not in production on roadways near the farmstead. In total, staff measured 11 acres used for processing, storing and composting wood materials. There are also visible lanes of previously tillable fields that were created by vehicles depositing the tree material. There is also landscape waste, like grass chipping and bamboo. Mr. Norz inquired about the source of the material. Mr. Willmott responded that most of the wood material appears to be from offsite.

After the June visit, Mr. Willmott stated staff told Mr. Geurds to cease bringing in wood material due to the potential of a DOE violation. At a July 2023 inspection, staff asked Mr. Geurds if he had a farm conservation plan to address all the waste material onsite. Mr. Geurds did not have an approved conservation plan, but he did provide a plan for the farm that addressed the use of the wood material, which included firewood to cook food waste associated with the garbage fed swine operation, fence posts, future shelters for animals, firewood for a wood boiler to heat various structures on the farm including the house, barns, future barns, and biochar and woodchips for onsite composting.

SADC performed a third site visit in September 2023 with the NJDA's Ag & Natural

Resources division and the NJDEP. During the site visit NJDEP staff indicated that the tenant did not have an exemption to accept tree waste material and was operating an illegal solid waste facility. The NJDEP representative advised Mr. Geurds that the wood waste would need to be removed within one year. The NJDEP has acknowledged that the tenant has recycling center exemptions for leaf mulching and yard trimming for composting on the premises. However, in accordance with NJDEP regulations, to qualify for these exemptions, the activities must be in compliance with all local and state regulations and be consistent with applicable SADC and Natural Resource Conservation Service agricultural management practices (AMPs), including the AMP for On-Farm Compost Operations on a commercial farm. Both of those AMPs require an approved conservation plan approved through the district.

Mr. Willmott stated that OneCompostCan provides subscribers with recycling cans that they can fill with organic household food waste and landscape waste which gets picked up and brought to the farm to be recycled and composted. OneCompostCan recently submitted a bid to Lambertville to accept food waste and landscape waste to be recycled as part of its "Third Can Program" on the premises. Mr. Willmott is not sure the bid has been accepted. The materials composted include wood chips derived from tree waste material, landscape waste, and organic household food waste collected from the OneCompostCan business. The compost materials are arranged in windrows and the plan is to incorporate the finished compost product into the soil which has been degraded from years of conventional farming. According to NJDEP staff, accepting household food waste and composting it on the farm requires a Class "C" recycling permit which has not been issued to the tenant and, therefore, the recycling business is operating illegally. The NJDEP advised that it will be issuing a notice of violation.

Mr. Willmott stated that there was a trailer discovered in the woods used as a residence. The property is restricted to one residential unit. Mr. Geurds stated that his son lives in the trailer and works on the farm; however, SADC advised Mr. Geurds that even if the trailer is an ag labor unit, Committee approval is still needed.

Mr. Willmott stated that staff reviewed and analyzed the acceptance of landscape waste and household food waste for composting purposes. Staff found that landscape waste can be permitted on preserved farms if done in compliance with an approved farm conservation plan and the on-farm compost AMP which would address the current soil conditions and the appropriate amendments necessary to optimize agronomic soil conditions. These plans would address the volume of material sufficient to generate the needed soil amendment as well as proper handling and processing. The amount of material onsite exceeds what would be needed to support the current production activities on the premises, which is 20 acres of pasture for approximately 75 animals. The owner does not have an approved conservation plan and is otherwise not operating in compliance with the AMPs.

Staff finds the amount of wood waste material brought onto the premises, which is being stored on land previously in production, is a violation of paragraph 2 of the DOE, which states that the land shall be retained for agricultural use and production. Staff considers this property as being operated as a composting facility with the primary purpose of accepting and recycling composting waste material, a violation of DOE paragraphs 1, 2, 3 and 7. In addition, paragraph 6 states: "*No dumping or placing of trash or waste material shall be permitted on the premises unless expressly recommended by the committee as an agricultural management practice.*" Because the vast majority of material onsite is not being converted to a soil

amendment in any meaningful way, staff finds the farm is being used as a dump site for waste material. The amount of tree material and the operation of what DEP considers an illegal solid waste facility is detrimental to the continued agricultural use of the premises.

The premises serves as the recycling hub for the OneCompostCan business, a commercial non-agricultural business where landscape and food waste are collected and brought onto the premises for processing and composting. The business is also operating without the necessary NJDEP class C recycling permit and has been deemed an illegal recycling business by the department. This is a commercial business and a non-agricultural activity prohibited by Paragraphs 1, 2, and 3 of the DOE. Agricultural labor housing without SADC approval is a violation of paragraph 14i. Under the DOE the landowner is required to obtain an approved farm conservation plan and to conform to the farm's long-term objectives with that plan.

Mr. Willmott stated in summary that the primary use of the property currently appears to be a solid waste recycling/processing facility, accepting food and landscape waste materials on the farm without an approved conservation plan and conducting operations not in accordance with the on-farm composting AMP. The farm is also in violation of NJDEP regulations because it does not have the appropriate permits to conduct the same activities. Staff's assessment is that the premises is in violation of paragraphs 1-3, 6, 7, and 14 of the DOE. Staff recommends a notice of violation and cease and desist order should be issued to cease acceptance of all waste material, removal of wood material in a 6 month period, cease operation of wood material for a 6 month period, cease operation of the commercial non-agricultural recycling business OneCompostCan, cease occupancy of the trailer for residential purposes, and the garbage fed swine feeding operation may continue provided that it's in compliance with the NJDA rules and regulations.

Mr. Geurds and Mr. Farineau were introduced to the committee. Mr. Geurds stated last April someone inspected the farm right after Mr. Farineau closed on the property and required items left from the previous owner to be removed. He also stated they did not receive a copy of the DOE until recently when Mr. Willmott visited the property. They were unaware of the restrictions.

Mr. Geurds stated that he contacted NJDA to obtain a consultant to help develop a conservation plan but that NJDA was either unable to assist him or failed to return his calls. Mr. Geurds also stated that prepared the plan himself but that NJDA deemed the plan incomplete, so he requested a letter identifying the plan's deficiencies. Mr. Geurds said he has not been received a written response yet.

Mr. Geurds stated that he has a hog feeding license. He said the food that comes through OneCompostCan is typically fed to the hogs, but some of it is highly contaminated and has to go to a landfill. He is working on ways to manage those materials. Mr. Geurds stated that he does not run a composting sales facility, but is using compost generated on the farm to amend the lack of organic matter in the soils.

He stated that the rear field with wood was not going to be used for another 2 to 3 years. Mr. Geurds explained that the area contains a race car track that was there from the previous owner. He stated the SADC is now requiring him and the landowner to remove the track.

Ms. Payne asked Mr. Willmott to address the racetrack question. Mr. Willmott stated that he

has not looked into the racetrack, but it could certainly be a compliance issue. Ms. Payne asked if the racetrack was still active. Mr. Geurds stated that it was a funny car track at least since the early 2000's. It has not been active in the last three years. Mr. Willmott stated that he was not aware of the racetrack, so the racetrack may have been preexisting.

Mr. Geurds reviewed some of the future plans associated with the farm operation. He stated that the goal was to use organic matter to amend the soils in the fields that have been used for corn and soybean crops over the last 20 to 30 years and put the fields back into pasture. The hog operation consists of approximately 100 hogs on the ground and is growing. There is an area of the property that will be turned into an orchard and a market garden with fixed beds. Mr. Geurds stated that his son is working on getting that lumber milled to build structures needed for the various activities. He is researching a boiler source of heat for the house and barns and gasifiers to heat greenhouses, all of which require a source of wood. Mr. Geurds acknowledged that the wood collection does look disorganized. He stated that he has had a difficult time hiring help to assist him and his son with the farm management. He asked the committee for guidance on the conservation plan since he has been unable to get assistance and is new to farming.

Mr. Rosen said he appreciated Mr. Geurds and Mr. Farineau for their efforts and understands the time and work it takes to develop a regenerative ag system as they describe. He stated this situation should be looked through a very different lens than others that come before the SADC. Mr. Rosen stated that this case sounds like a scale issue, not a practice issue. Mr. Rosen noted that he understands the mobile home is a violation but commented that it is very hard for someone to work on a farm and tend to livestock on a consistent basis without people living on a farm. Mr. Geurds stated that if he had known about the DOE rules, he would have taken a different approach of putting his trailer on the property. Mr. Farineau stated that they want to be in full compliance and need a conservation specialist to provide guidance to ensure the right actions are taken.

Mr. Rosen asked them to speak on biochar. Mr. Geurds stated that he has created charcoal successfully on a very small scale, which is part of bringing the wood material to the property. The research on biochar and its effect on production are overwhelmingly positive. Mr. Geurds stated that he has wood product that he would also like to use as a carbon source back into the soil.

Ms. Payne stated that from the staff's perspective regenerative agriculture and feeding food waste to animals makes sense and can be done in compliance with the DOE. The issue here is the massive quantity of wood materials on the farm with no conservation plan to show how these materials will be used. The SADC wants to support the activities discussed here today to the extent that they are being used to improve this farm for agricultural production, but if these products were sold to other farmers, it would be in violation of the DOE. Ms. Payne stated that the activities need to be in compliance with the DOE and NJDEP regulations. Mr. Geurds stated that he would like to leave this meeting with contact information for someone that could actually help them finish their conservation plan.

Mr. Willmott stated that these issues were recently discovered in August. the NJDA's division of ag and natural resources has been looking into these activities, but there is a large amount of information to review. There have been internal discussions as to how more concise guidance can be provided. Mr. Geurds stated he understands the complexity of his operation, but he

needs assistance and communication from SADC and NJDA to make this operation successful and compliant.

Ms. Payne asked Mr. Geurds if he had stopped importing wood onto the property at this point. Mr. Geurds stated that he continues to import woodchips but nothing else. Ms. Payne asked him why he was still doing that. Mr. Geurds stated that he's trying to enrich the soil through composting. Ms. Payne asked if there was not enough product onsite to use for woodchips. Mr. Geurds stated that he does not have a chipper to chip the product. Mr. Bullock asked why he took in the product if he did not have the appropriate equipment. Mr. Geurds stated that he took in the product to use for fence posts, and lumber to build pig shelters and walk in sheds. Mr. Bullock stated that a lot of the material onsite cannot be used as building material. Mr. Geurds stated that some logs are milled and turned into building materials and the rest will be turned into seasoned firewood for heat other structures.

Ms. Payne stated that the SADC cannot allow the importation of large amounts of wood with no conservation plan in place. There needs to be a plan of how much these materials will be consumed. Ms. Payne suggested that Mr. Geurds cease importing any materials onto the property and work with Mr. Willmott, Mr. Roohr, t NJDA and the NJDEP to get a plan developed and put into action.

Mr. Roohr addressed the concept of not getting a response from NJDA as this is a complicated situation with different sets of rules from state agencies. NRCS would be the best resource, but it has a backlog of clients. Mr. Roohr suggested the landowner engage a private technical service provider (TSP). A list of those providers can be found on the NRCS website. Mr. Roohr said that it will take a combination of people in order to get this done quickly.

Mr. Roohr stated the SADC can identify the violations and what practices could happen with the proper conservation plan, but ultimately the landowner will need to work with an agronomist from the TSP list. An agronomist will be able to determine the current conditions of the soils, the amount of organic matter and nutrients needed to improve the soil and if the material on site is the correct type of product to achieve the amendments.

Mr. Schilling commented that the farmer and tenant are having trouble finding the right people to whom questions can be posed. Mr. Schilling said he understands the NRCS backlog. He suggested the SADC possibly play a facilitator role to reduce the time and find the right people for Mr. Geurds and Mr. Farineau to contact.

Mr. Rosen stated that while SADC tries to find the resources, Ms. Payne's recommendation to cease importing materials was necessary. Mr. Rosen suggested to the farmer and tenant not to increase the DOE violations while they begin to develop this plan and go through the approval process. Ms. Payne stated that staff will reach out to NRCS and NJDEP to formulate a team to help, but the onus will be on the farmer and tenant to hire experts to develop plans to submit to the SADC. Progress needs to be made because these activities are major violations in the absence of a legitimate conservation plan to use the wood material. Mr. Farineau asked who would approve the plan and whether there was something in writing about fixing his present plan.

Mr. Roohr related the history of another farmer who attempted to make biochar using a self-made system with wood imported to his farm after a hurricane. The farmer, Mr. Roohr said,

had problems with NJDEP. Ms. Payne stated that SADC will need to be able to approve the plan of how the materials will be used to make sure that it's not a violation of the easement for purposes of farmland preservation.

**B. Resolution: Non-Agricultural Development in the ADA, including Condemnation of Preserved Farmland (N.J.S.A. 4:1C-19 and 25)**

**Sussex County Bridge X-03 Replacement Project - Wantage Township, Sussex County**

Mr. Bruder stated that a notice of intent was filed by Sussex County for a bridge replacement project in Wantage Township. The bridge is located on County Route 565 over Papakating Creek. The preserved farm to the north is the Patawaran Farm and to the south is a wetlands reserve easement on that property.

Bridge X-03 is a single standing corrugated metal multi-pipe arch and corrugated pipe through which the creek flows. The bridge has been in place since 1963, and its estimated 50-year useful life has expired and is deemed failing by the county engineering department. For the replacement of Bridge X-03 on CR 565, Sussex County Division of Engineering (County) requested the condemnation of 2,766 square feet (0.064 acres) for a permanent easement and 2,302 square feet (0.053 acres) for a temporary construction easement on the preserved Patawaran farm. The preserved farm is located on the northern side of County Route 565. The county is also seeking a temporary access permit on the federal wetland reserved easement from the federal government. The federal wetland reserve is located on the southern side of Bridge X-03 on County Route 565.

Design alternatives which included culvert rehabilitation, stream relocation, and roadway realignment to avoid impacts to the ADA and preserved farmland were considered either functionally inadequate, ineffective, or more disruptive to existing land use and environmentally sensitive areas. Mr. Bruder stated that the action is necessary for public health, safety and welfare as there is no immediately apparent feasible alternative.

It was moved by Mr. Norz and seconded by Mr. Johnson to approve Resolution FY2024R10(3) approving the easement and make a recommendation to the Governor that the action is necessary for the public health, safety and welfare and there is no immediately apparent feasible alternative, as presented, subject to any condition of said resolution. A vote was taken. The motion was unanimously approved.

**C. Resolutions: Final Approval - County PIG Program**

Ms. Roberts referred the committee to three requests for final approval under the County PIG program. She reviewed the specifics of the requests with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Bullock and seconded by Mr. Schilling to approve Resolutions FY2024R10(4) through FY2024R10(6) granting final approval under the County PIG Program, as presented, subject to any condition of said resolution.

1. Michael & Patricia Hollenack, SADC ID#08-0233-PG, FY2024R10(4), Block 260,

Lots 2 and 2.01, Greenwich Township, and Block 103, Lot 1, East Greenwich Township, Gloucester County, 60 gross acres.

2. Brace Land Holdings, LLC, SADC ID#03-0443-PG, FY2024R10(5), Block 1201, Lot 19.01, Tabernacle Township, Burlington County, 30.8 gross.
3. John & Tina Gatley, SADC ID 03-0400-PG, FY2024R10(6), Block 19.01, Lot 8.01, Shamong Township, Burlington County, 49.3 gross acres.

A vote was taken. The motion was unanimously approved. A copy of Resolutions FY2024R10(4) through FY2024R10(6) is attached to and a part of these minutes.

#### **D. Resolutions: Final Approval – State Acquisition**

Ms. Mazella and Mr. Zaback referred the committee to two requests for final approval under the State Acquisition program. They reviewed the specifics of the requests with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Norz and seconded by Mr. Rosen to approve Resolutions FY2024R10(7) and FY2024R10(8) granting final approval under the State Acquisition Program, as presented, subject to any condition of said resolution.

1. LISAR, LLC, SADC ID# 17-0384-DE, FY2024R10(7), Block 2701, Lot 137, Pittsgrove Township, Salem County and Block 13, Lot 3, Deerfield Township, Cumberland County, 49.6 gross acres.
2. Nancy Bassett, SADC ID# 10-0293-DE, FY2024R10(8), Block 46, Lot 15, Lebanon Township, Hunterdon County, 38.9 acres.

A vote was taken. The motion was unanimously approved. A copy of Resolutions FY2024R10(7) and FY2024R10(8) is attached to and a part of these minutes.

#### **E. Resolutions: Preliminary Approval - Direct Easement Purchase Program**

Mr. Zaback and Ms. Roberts referred the committee to two requests for final approval under the State Acquisition program. They reviewed the specifics of the requests with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Schilling and seconded by Mr. Rosen to approve Resolutions FY2024R10(9) and FY2024R10(10) granting final approval under the Direct Easement Purchase Program, as presented, subject to any condition of said resolution.

1. Sanders Farm LLC, SADC ID#11-0051-DE, FY2024R10(9), Block 14, Lot 5.02, West Windsor Township, Mercer County, 30 net acres.
2. Douglas Davis, SADC ID#03-0037-DE, FY2024R10(10), Block 602, Lots 6.02 and

6.03, Southampton Township, Burlington County, 40.6 gross acres.

A vote was taken. The motion was unanimously approved. A copy of Resolutions FY2024R10(9) and FY2024R10(10) is attached to and a part of these minutes.

### **Public Comment**

Patricia Springwell from Hunterdon County commented that the SADC is trying to give the farmers money through taxpayers to protect their farms and it's obvious that there needs to be rules put in place, so people can stay within those guidelines. She reiterated her thoughts in her prior comments that fertile land should not be covered permanently.

### **TIME AND PLACE OF NEXT MEETING**

**SADC Regular Meeting:** 9 A.M., December 7, 2023

Location: 200 Riverview Plaza, Trenton, NJ

**NOTE: Mr. Bullock left the meeting.**

### **CLOSED SESSION**

At 11:34 a.m. Ms. Payne read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss the acquisition of real estate; 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. Norz and seconded by Mr. Rosen to go into Closed Session. A vote was taken. The motion was approved.

### **Action As a Result of Closed Session**

**Note:** Mr. Sposaro, attorney for Maple Leaf Farm, was called and joined the meeting via speaker phone and Mr. Casola was present in the meeting room.

### **SADC Fee Simple Program - Jaindl Land Company**

Jaindl Land Company, White Township, Warren County, SADC #21-0057-FS, Block 1, Lots 1 & 2, Block 2, Lots 1,2, & 3, Block 3, Lots 1 & 2, Block 4, Lot 1, Block 5, Lot 1, Block 6, Lot 1, Block 7, p/o Lot 3, 4, 5, 11, 14 & 16, Block 21, Lot 10, and Block 22, Lot 1, 571 Gross Acres

It was moved by Mr. Schilling and seconded by Mr. Rosen to approve the certification of value and negotiation for Jaindl Land Company as discussed in closed session. A vote was taken. The motion was unanimously approved.

### **Maple Leaf Farms**

Ms. Payne stated that the committee has had the chance to discuss the Maple Leaf Farms matter with counsel and staff needs direction on the two potential paths in this case. The first is to have staff draft a resolution assessing compliance of the property in reference to the terms of the DOE or if there is a need for further discussion, a new subcommittee could be formed to review the matter and come back to the committee with a fuller recommendation.

It was moved by Mr. Rosen and seconded by Mr. Schilling to have staff continue the fact-finding mission to see whether or not a resolution can be brought to the committee and if there is no participation from the landowner then a subcommittee should be formed to inquire further into the case. The motion was unanimously approved.

Ms. Payne addressed Mr. Casola and Mr. Sposaro and stated that the SADC has done a lot of analysis on this over the years but there are some areas that the committee would like some additional information on. Staff will identify a list of questions that should be answered in writing and may require some records in order to get a complete picture of what's happening. Mr. Sposaro stated that he has no objection and he thanked the committee for taking this action.

### **TIME AND PLACE OF NEXT MEETING**

**SADC Regular Meeting:** 9 A.M., December 7, 2023

Location: 200 Riverview Plaza, Trenton, NJ

### **ADJOURNMENT**

The meeting was adjourned at 12:50 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION #FY2024R10(1)**

**Application to Exercise a Residual Dwelling Site Opportunity**

**A Legacy Ranch, LLC**

**October 26, 2023**

Subject Property:   Block 1401, Lot 17.01  
                          Springfield Township, Burlington County  
                          233.79-Acres  
                          SADC ID# 03-0055-EP

WHEREAS, A Legacy Ranch, LLC, hereinafter “Owner”, is the record owner of Block 1401, Lot 17.01 in Springfield Township, Burlington County, by deed dated August 4, 2022, and recorded on August 23, 2022, in the Burlington County Clerk’s office in Deed Book 13631, Page 6546, totaling approximately 233.79 acres, hereinafter referred to as the “Premises” (as shown in Schedule “A”); and

WHEREAS, the members of A Legacy Ranch, LLC are Pietro Amari and Vera Amari; and

WHEREAS, a development easement on the Premises was conveyed to the Burlington County Board of Chosen Freeholders (Commissioners) on March 30, 1990, by William K. McDaniel and Dorothy D. McDaniel pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq. as a Deed of Easement (DOE) recorded in the Burlington County Clerk’s Office on April 3, 1990, in Deed Book 4015, Page 212; and

WHEREAS, the Deed of Easement for the Premises identifies two (2) existing single-family residences, zero (0) existing agricultural labor units, one (1) Residual Dwelling Site Opportunity (“RDSO”), and no exception areas; and

WHEREAS, historically the Premises has been farmed in a corn, wheat, and soybean crop rotation; and

WHEREAS, since acquiring the Premises, the Owner has made substantial agricultural infrastructure improvements to convert the Premises to a beef cattle operation including:

1. Seeding of 100 acres of pasture
2. Installation of 100 acres of fencing
3. Construction of a 200-head cattle barn with concrete feed bunkers
4. Construction of a bull pen
5. Installation of a cattle chute

6. Construction of a hay and equipment storage barn
7. Installation of a new well and irrigation systems
8. Installation of drainage improvements
9. Installation of necessary electrical systems to service barns
10. Purchase of necessary cattle and hay equipment; and

WHEREAS, the Owner plans to bring 50 head of cattle onto the Premises by the end of 2023 and ultimately establish a 150-200 head cattle operation by the end of 2024, which will include cattle breeding, raising and the sale of farm raised beef products; and

WHEREAS, the Owner has made a significant investment in adapting the Premises to be utilized as a large-scale cattle operation; and

WHEREAS, on July 14, 2023, the SADC received an application from the Burlington County Agriculture Development Board (BCADB), on behalf of the Owner, to exercise the RDSO allocated to the Premises as shown in Schedule "B"; and

WHEREAS, in the application, the Owner is requesting the ability to exercise the RDSO residential unit as a ranch style, three-bedroom, single-family residence with a partially finished basement, including a kitchen, to be utilized by Mr. and Mrs. Amari and their family, and an in-law suite for Mr. Amari's mother, for a total house size not to exceed 6,500 sq./ft. of heated living space; and

WHEREAS, the approximate proposed location of the RDSO is in the historical farmstead location, as shown in Schedules "A" and "B", and does not take land out of production; and

WHEREAS, the proposal also includes a 40' x 24' three-car garage, a second two-car garage, a pool, and outdoor patio area; and

WHEREAS, an existing farm lane will be extended and improved to be utilized as the driveway for the RDSO; and

WHEREAS, the proposed location was chosen to minimize impacts to the agricultural operation; and

WHEREAS, according to Mr. and Mrs. Amari, the two existing residences are lived in by their daughter and family and their niece and family, respectively, and all of those family members will have some involvement in the cattle operation; and

WHEREAS, the Owner represented in the application that the agricultural purpose of building the RDSO was to house Mr. Amari and his family who will be actively involved in the management, renovation, and operation of the cattle business; and

WHEREAS, the eligibility criteria to exercise and to continue to reside in an RDSO

residence are set forth in SADC Policy P-31, N.J.A.C. 2:76-6.17, and the DOE; and

WHEREAS, N.J.A.C. 2:76-6.17, states that an RDSO may only be exercised if it is determined to be for an agricultural purpose and that the location minimizes any adverse impact on the agricultural operation; and

WHEREAS, the DOE, states that construction and use of the RDSO shall be for agricultural purposes; and

WHEREAS, SADC Policy P-31 states that the basis for determining the agricultural purposes is as follows:

When the residential unit is occupied, at least one person residing in the unit shall be regularly engaged in common farmsite activities on the premises including but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

WHEREAS, at its July 13, 2023, meeting, the BCADB approved the Owner's request to exercise the RDSO finding that it is for the agricultural purpose of providing on-site housing for the owner/operator of the farm; and

WHEREAS, at its September 28, 2023, meeting the SADC considered the Owner's application to exercise the RDSO allocated to the Premises; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC, pursuant to N.J.S.A. 2:76-6.17, 2:76-6.2, Policy P-31 and the restrictions contained in the Deed of Easement, finds that the construction and use of the residual dwelling site opportunity (RDSO) unit, within the two-acre residual dwelling site as proposed by the Owners, is for agricultural purposes where at least one person residing in the residence shall be involved in the day-to-day production agricultural activities of the farm.
3. The Committee finds that the cattle operations proposed by Owner are intensive and require 24-hour onsite care for livestock
4. The Committee approves exercising the RDSO on the Premises as a residence for Pietro and Vera Amari and Pietro Amari's mother, and Pietro and Vera Amari will continue to be directly involved in the daily agricultural production activities on the Premises.

5. The Committee finds that the location for the new residential unit, within the two-acre residual dwelling site as proposed by the Owner, and as shown in the attached Schedules "A" and "B", minimizes the impact to the agricultural operation.
  6. This approval is issued only to the Owner, and its ability to construct the RDSO unit shall occur only after completion of the following:
    - 1) Owner prepares, or cause to be prepared, a legal metes and bounds description of the location of the residual dwelling site, and SADC's review and written approval of the legal metes and bounds description; and
    - 2) Submission of a copy of the legal metes and bounds description to the Grantee and the Committee for general recordkeeping purposes; and
    - 3) Grantee or Committee recording a corrective deed of easement with the Burlington County Clerk's which includes the following:
      - a. the reduction in the RDSO allotted from one (1) to zero (0)
      - b. the residential unit shall not exceed a maximum heated living space of 6,500sq./ft.
      - c. Notice to all current and future owners of the premises that use of the RDSO is subject to compliance with N.J.S.A. 2:76-6.2, 2:76-6.17, and SADC Policy P-31.
      - d. Inclusion of the following language:

When the residential unit is occupied, at least one person residing in the unit shall be regularly engaged in common farmsite activities on the premises including but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.
      - e. the attached legal metes and bounds description prepared by the Owner.
      - f. SADC's resolution of approval.
7. As a condition of this approval, the Committee reserves the right to annually require the Owner to produce documentation supporting the production aspects of the operation to ensure that at least one person occupying the RDSO unit is

regularly engaged in common farmsite activities to warrant continued use of the RDSO unit.

8. This approval is valid for a period of three years from the date of approval, during which the Owner shall initiate the requested action; for the purpose of this provision "initiate" means applying for applicable local, state or federal approvals necessary to effectuate the approved SADC action.
9. The Owner may request an extension of the approval by the SADC for a period of at least one year but not to exceed a total of two years; and
10. This action is non-transferable.
11. The construction of the new residence is conditioned upon the Owner securing a building permit and compliance with all other applicable local, State and Federal regulations.
12. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
13. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

10/26/2023  
Date

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

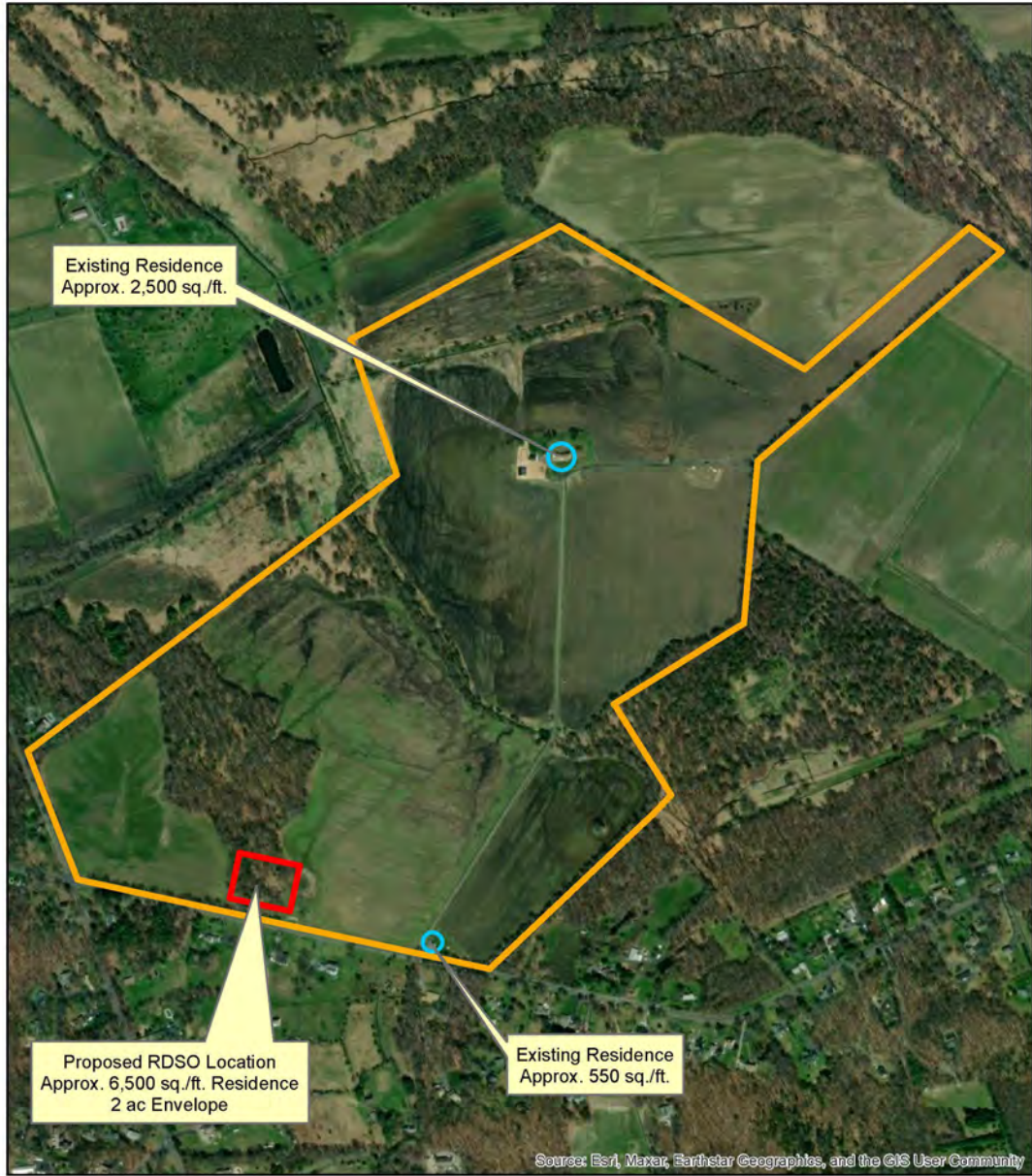
**VOTE WAS RECORDED AS FOLLOWS:**

Pete Johnson	YES
Martin Bullock	YES
Scott Ellis	ABSENT
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

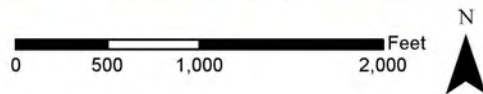
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SCHEDULE A

**A Legacy Ranch 03-0055-EP**  
**BI 1401, Lot 17.01 Springfield Twp. Burlington County**  
**New Jersey Farmland Preservation Program**



For Planning Purposes Only  
Date: 9/6/2023

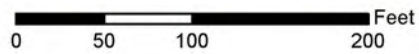


SCHEDULE B

**A Legacy Ranch 03-0055-EP**  
**BI 1401, Lot 17.01 Springfield Twp. Burlington County**  
**New Jersey Farmland Preservation Program**



For Planning Purposes Only  
Date: 9/6/2023



**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**REVIEW OF A NON-AGRICULTURAL DEVELOPMENT PROJECT IN AN  
AGRICULTURAL DEVELOPMENT AREA INCLUDING CONDEMNATION OF  
PRESERVED FARMLAND**

**ROUTE 40 AND POINTERS AUBURN ROAD INTERSECTION IMPROVEMENTS**

**PILESGROVE TOWNSHIP, SALEM COUNTY**

**Resolution #FY2024R10(2)**

**October 26, 2023**

WHEREAS, pursuant to the Agriculture Retention and Development Act (ARDA), N.J.S.A. 4:1C-19, et seq., any public body which intends to exercise the power of eminent domain within an Agricultural Development Area (ADA), shall file a Notice of Intent (NOI) with the County Agriculture Development Board (CADB) and the State Agriculture Development Committee (SADC) 30 days prior to the initiation of the action; and

WHEREAS, pursuant to N.J.S.A. 4:1C-25, no public body shall exercise the power of eminent domain for the acquisition of land in a municipally approved farmland preservation program or from which a development easement has been conveyed, for the construction of dwellings, commercial facilities, transportation facilities, or water or sewer facilities to serve nonfarm structures unless the Governor declares that the action is necessary for the public health, safety and welfare and that there is no immediately apparent feasible alternative; and

WHEREAS, CADBs and the SADC are charged with the responsibility, pursuant to N.J.S.A. 4:1C-19, to review intended takings under the power of eminent domain by public bodies on land in an ADA and the construction of certain facilities to serve nonfarm uses in order to determine *the proposed action's effect upon the preservation and enhancement of agriculture in the ADA, the municipally approved program, and overall State agriculture preservation and development policies*; and

WHEREAS, on June 30, 2023, Carneys Point Township submitted a NOI to the Salem CADB and the SADC regarding proposed road improvements in Carneys Point and Pilesgrove Townships; and

WHEREAS, the improvements include widening of a 2-mile (approximate) stretch of U.S. Route 40 (a state highway), widening of Pointers Auburn Road (a county road) north and south of the intersection with Route 40 and redesign of the Route 40 and Pointers Auburn Road intersection (Project), see Schedule A; and

WHEREAS, a traffic study prepared for the Project identifies the northbound and southbound movements at the Pointers Auburn Road intersection as Level of Service F (“failing”) under the existing No-Build condition during the weekday morning and evening peak hours; and

WHEREAS, the 2012 Salem County Traffic and Transportation Plan Element of the County Master Plan recognized the intersection of Route 40 and Pointers Auburn Road as a “high accident” location and the entirety of Route 40 within the project area as a “problem or deficient road section”; and

WHEREAS, Pilesgrove Township passed Resolution 16-020 on March 8, 2016 requesting the New Jersey Department of Transportation (NJDOT) convert the existing blinking traffic signal to a full traffic signal, with motion sensors, after having received requests from residents, businesses and the New Jersey State Police; and

WHEREAS, Resolution 16-020 states that Pilesgrove made a similar request to the NJDOT in June 2007; and

WHEREAS, more than 80 crash investigation reports from within the project area were responded to by the Carneys Point Police Department since 2017 with at least 8 of these being directly related to the Route 40 and Pointers Auburn Road intersection; and

WHEREAS, additional incidences, including a fatal collision at the intersection of Route 40 and Pointers Auburn Road on February 2, 2023, were responded to by the New Jersey State Police; and

WHEREAS, the municipal boundary between Carneys Point and Pilesgrove Townships is the boundary of the Salem County ADA within the project area; and

WHEREAS, the Vincent Sasso & Richard Delea Farm (Block 23, Lot 3 and Block 24, Lot 8 in Pilesgrove Township) was permanently preserved by the SADC on May 17, 2006 and is located within an ADA; and

WHEREAS, at the time of preservation a 26.25-foot future right-of-way dedication was reserved from the Vincent Sasso & Richard Delea Farm easement along Route 40 and a 8.25-foot future right-of-way dedication was reserved along Pointers Auburn Road; and

WHEREAS, the Project proposes to accommodate the majority of additional width for Route 40 on the south side of the existing alignment and utilize only the portion of the preserved farm on the north side of the alignment reserved for future right-of-way dedication at the time of preservation; and

WHEREAS, the NOI identifies Carneys Point Township’s intent to seek condemnation on Block 23, Lot 3 for acquisition of a permanent right-of-way dedication of 2,566 sf. (0.06 ac) and a 4,286 sf (0.10 ac) temporary grading easement, see Schedule B; and

WHEREAS, the permanent easement is requested to accommodate the intersection’s northeast corner turning radius as well as installation of a handicapped accessible ramp and traffic signal equipment; and

WHEREAS, the existing reserved right-of-way areas along Route 40 and Pointers Auburn Road meet at a right angle which does not provide for a turning radius consistent with the proposed intersection design; and

WHEREAS, the temporary construction easement is requested to allow grading beyond the existing reserved ROW north along Pointers Auburn Road; and

WHEREAS, both of the proposed easement areas are located within an existing vegetated slope buffering the production area of the preserved farm from the existing rights-of-way; and

WHEREAS, the NOI identified several alternatives that would avoid the Vincent Sasso & Richard Delea Farm and negate the need to condemn preserved farmland; and

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

WHEREAS, the Salem CADB, at its August 23, 2023 meeting, reviewed the Project, discussed reconfiguration of stormwater infrastructure thereby reducing the permanent easement condemnation area from .06+/- acres to .053+/- acres, and approved a resolution stating:

***NOW, THEREFORE, BE IT RESOLVED, on this 23<sup>rd</sup> Day of August 2023, that the Salem County Agriculture Development Board does hereby recommend the project known as the "Route 40 Infrastructure Improvements Project" which includes the widening of an existing County Right of Way (Route 40) and the condemnation of an exempt area totaling 0.06 +/- acres, representing less than 1% portion of the previously designated exemption area and located along an existing roadway embankment which is not actively farmed; said recommendation is based upon the record established by the Applicant at the above-referenced hearing and the documents previously submitted to the Board by the Applicant that and being contingent on the Applicant moving the drainpipe to the NJDOT right of way; thereby reducing the Applicant's proposed condemnation area from .06+/- to .053+/- acres and that any future requests for condemnation be independent of this review; and***

WHEREAS, the Project was discussed at the SADC's September 28, 2023 meeting providing Carneys Point representatives an opportunity to outline safety concerns with the existing intersection and describe how the NOI's preferred alternative was derived and that Project alternatives that would avoid impact to the preserved farm would require amendments to already existing state permit approvals from the N.J. Department of Environmental Protection (DEP), local development approvals from Carneys Point Township, or, alternatively, require intersection design waivers from NJDOT; and

NOW, THEREFORE, BE IT RESOLVED that the SADC finds that the proposed Project, including condemnation for the acquisition of a 0.053-acre permanent right-of-way dedication and a 0.10-acre temporary grading easement on the subject property, would not cause unreasonably adverse effects on the preserved farm, ADA or State agricultural preservation and development policies pursuant to N.J.S.A. 4:1C-19 and N.J.S.A. 4:1C-25 for the following reasons:

1. The project addresses an existing public health, safety and welfare concern at the intersection of Route 40 and Pointers Auburn Road;
2. The project has been designed to minimize impacts to the ADA and preserved farmland;


3. The project will not negatively impact the existing farming operation because the area to be condemned is extremely small (0.053 acres of permanent easement and 0.10 acres of a temporary grading easement), the area is located on the outer edge of the farm and is not actively farmed;
4. Feasible alternatives that would avoid impacts to preserved farmland are either no longer immediately apparent or would require intersection design compromises that could impact the function and safety of the proposed improvements; and

BE IT FURTHER RESOLVED that should the project proposal be amended, Carneys Point shall revise and resubmit its NOI so that the Salem CADB and SADC may reconsider their findings in light of any amended project requirements and impacts; and

BE IT FURTHER RESOLVED that the SADC recommends that the Governor declare the action necessary for the public health, safety and welfare and that there is no immediately apparent feasible alternative; and

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

\_\_\_\_10/26/2023\_\_\_\_\_  
Date

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

**VOTE WAS RECORDED AS FOLLOWS:**

Pete Johnson	YES
Martin Bullock	YES
Scott Ellis	ABSENT
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
REVIEW OF A NON-AGRICULTURAL DEVELOPMENT PROJECT IN AN  
AGRICULTURAL DEVELOPMENT AREA INCLUDING CONDEMNATION OF  
PRESERVED FARMLAND**

**SUSSEX COUNTY BRIDGE X-03 REPLACEMENT PROJECT  
WANTAGE TOWNSHIP, SUSSEX COUNTY**

**Resolution #FY2024R10(3)**

**October 26, 2023**

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

WHEREAS, pursuant to N.J.S.A. 4:1C-25, no public body shall exercise the power of eminent domain for the acquisition of land in a municipally approved farmland preservation program or from which a development easement has been conveyed, for the construction of dwellings, commercial facilities, transportation facilities, or water or sewer facilities to serve nonfarm structures unless the Governor declares that the action is necessary for the public health, safety and welfare and that there is no immediately apparent feasible alternative; and

WHEREAS, CADBs and the SADC are charged with the responsibility, pursuant to N.J.S.A. 4:1C-19, to review intended takings under the power of eminent domain by public bodies or public utilities on land in an ADA and the construction of certain facilities to serve nonfarm uses in order to determine the proposed action's effect upon the preservation and enhancement of agriculture in the ADA, the municipally approved program, and overall State agriculture preservation and development policies; and

WHEREAS, the Sussex County Division of Engineering (County) filed a Notice of Intent with the Sussex CADB and the SADC informing both agencies of the County's intent to reconstruct County Bridge X-03 (Project) which carries County Route 565 over Papakating Creek Tributary in Wantage Township (Schedule A); and

WHEREAS, the County Route 565 right-of-way containing County Bridge X-03 is bordered to the north by the Patawaran Farm (Block 117, Lot 24.01 in Wantage Township), which is located within the Sussex County ADA and was preserved as the Bruce and Ann Ringier Farm through the County Easement Purchase program on August 11, 2006; and

WHEREAS, the County Route 565 right-of-way is bordered to the south by Block 17, Lot 27 which is encumbered by a United States Department of Agriculture, Natural Resources Conservation Service, Wetlands Reserve Easement, recorded January 28, 2013; and

WHEREAS, according to the NOI, the Bridge X-03 culvert dates to 1963, has exceeded its anticipated 50-year useful life, and is displaying holes at the waterline, bulges, and misalignment between sections; and

WHEREAS, the culvert currently extends 5' beyond the existing 66' County Route 565 right-of-way into the Patawaran Farm; and

WHEREAS, the County is proposing the in-kind replacement of the culvert which requires removal of the existing bridge infrastructure for installation of the 70' long, 71" x 103" single span, corrugated metal, multi-plate pipe arch; and

WHEREAS, according to the NOI, notice was not provided to the County Division of Engineering in advance of recording either the farmland preservation or Wetlands Reserve Easement and therefore bridge easements were not previously obtained; and

WHEREAS, the County is requesting condemnation of a 2,766 S.F. (0.064 acres) permanent bridge easement, with a width of 25' parallel to the existing County Route 565 right-of-line, and a 2,302 S.F. (0.053 acres) temporary construction easement offset an additional 20' beyond the proposed bridge easement on Block 117, Lot 24.01, as shown in Schedule B; and

WHEREAS, in addition, the County is working with the United States Department of Agriculture to obtain a "temporary subordination" for an area 45' in width parallel to County Route 565 right-of-way line within the Wetlands Reserve Easement area on Block 17, Lot 27; and

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

WHEREAS, the requested bridge easement and temporary construction easement are located on a portion of the Patawaran Farm that is riparian vegetated wetland and adjacent upland not currently in active agricultural use; and

WHEREAS, the Sussex CADB, at its meeting on August 21, 2023, reviewed the NOI, including a discussion of project alternatives that would negate the need for condemnation of preserved farmland, and determined that the project, as proposed, is the preferred alternative and serves a legitimate public purpose of the health, safety and welfare of the residents of the State of New Jersey with no materially adverse impact to the preserved farm, the ADA, or State agricultural preservation and development policies; and

NOW, THEREFORE, BE IT RESOLVED that the SADC has reviewed the proposed action to determine its effect upon the preservation and enhancement of agriculture in the ADAs, the municipally approved program, and upon overall State agriculture preservation and development policies, and finds that the Sussex County Bridge X-03 Replacement Project, as described in the NOI submitted by Sussex County Division of Engineering, would not cause unreasonably adverse effects on preserved farmland, ADAs or State agricultural preservation and development policies pursuant to N.J.S.A. 4:1C-19 for the following reasons:

1. The Project is necessary to improve the safety and function of County Bridge No. X-03 and will not add additional road capacity or extension of utilities within the ADA.

2. Design alternatives considered by Sussex County to avoid impact to the ADA and preserved farmland, including culvert rehabilitation, stream relocation and roadway realignment, are either functionally inadequate or significantly more disruptive to existing land use and environmentally sensitive areas; and

BE IT FURTHER RESOLVED that the SADC agrees with the Sussex CADB's determination that there are no other immediately apparent feasible alternatives to address the existing deficiencies with the culvert within Bridge X-03 and that the proposed taking and use of the subject property will not cause unreasonably adverse effects on the ADA, or State agricultural preservation and development policies; and

BE IT FURTHER RESOLVED that the SADC recommends that the Governor declare the action necessary for the public health, safety and welfare and that there is no immediately apparent feasible alternative; and

BE IT FURTHER RESOLVED that the County is directed to work with the SADC to ensure the condemnation is properly valued and approved by the Committee, and that the net proceeds of the condemnation award be distributed pursuant to paragraph 23 of N.J.A.C. 2:76-6.15; and

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

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

10/26/2023  
Date



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

**VOTE WAS RECORDED AS FOLLOWS:**

Pete Johnson	YES
Martin Bullock	YES
Scott Ellis	ABSENT
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

# Schedule A

**SADC Staff Map**

Find address or place

117 / 24.01

Ross Corner Sussex Rd

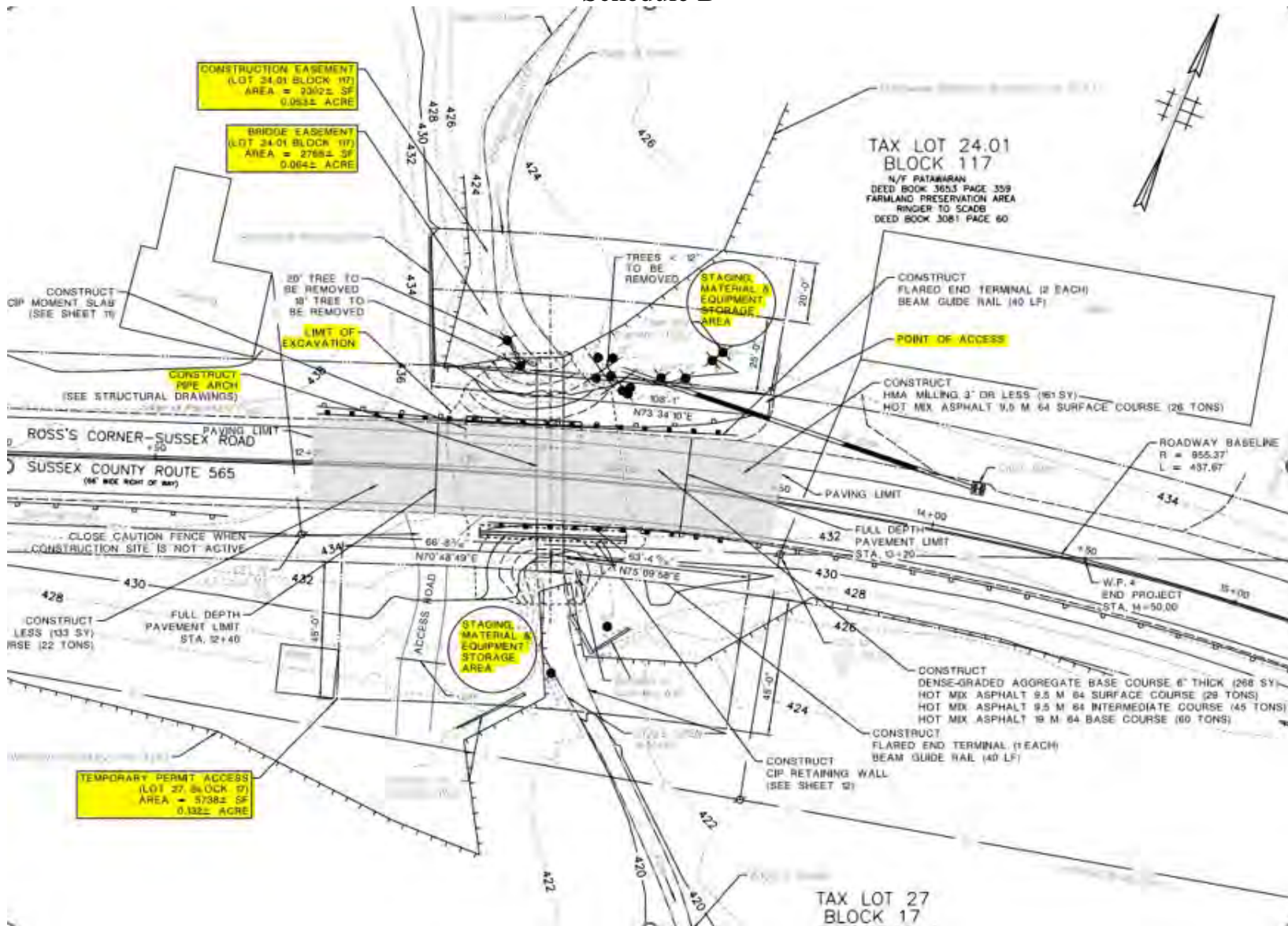
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-74.653 41.182 Degrees

Layer List

- New Jersey Road Centerlines
- NJFARMS Active and Preserved Farms
- State, Local and Nonprofit Open Space of New Jersey - Open Space
- Highlands Preserved Lands
- Pinelands Permanent Land Protection
- Highlands Preservation and Planning Area
- New Jersey Agricultural Development Areas
- Pinelands: Preservation, Protection and National Reserve Areas
- Pinelands Management Areas
- Blueprint Ag Priority Model Priorities
- Streams - Surface Water Quality Classifications
- Wetlands (2012 NJDEP LULC)

Schedule B





**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2024R10(4)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
GLOUCESTER COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of Hollenack, Michael M. III and Patricia C. (“Owners”)  
SADC ID# 08-0233-PG  
Greenwich and East Greenwich Townships, Gloucester County  
N.J.A.C. 2:76-17 et seq.**

**OCTOBER 26, 2023**

WHEREAS, on January 28, 2022 the application for the sale of a development easement for the subject farm identified as Block 260, Lots 2 and 2.01 Greenwich Township and Block 103, Lot 1 , East Greenwich Township, Gloucester County, totaling approximately 60 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. 2:76-17.9(a); and

WHEREAS, the County has met the County Planning Incentive Grant (“PIG”) criteria set forth in N.J.A.C. 2:76-17.6 and 7; and

WHEREAS, the Owners received the 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. 2:76-17.5(a)1 and is located in the County's Delaware River and Repaupo-Mantua Creek Project Areas; and

WHEREAS, the Property includes two (2) exception areas, one (1), approximately 1-acre severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses (labeled A on Schedule A) and one (1) approximately 0.5 acre severable exception area for future flexibility but with zero (0) single family residential opportunities (labeled B on Schedule A) resulting in approximately 58.5 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 severable exception area (labeled A):

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

WHEREAS, the 0.5-acre severable exception area (labeled B):

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) May be severed or subdivided from the Premises
- 3) Shall be limited to zero (0) single family residential units
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Premises includes:

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

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

WHEREAS, the Property has a quality score of 52.90 which exceeds 45, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, On June 14, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$40,900 per acre based on zoning and environmental regulations in place as of the current valuation date March 25, 2022; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12(b), the Owner accepted the County's offer of \$40,900 per acre for the purchase of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a), on July 18, 2022, the Greenwich Township Committee approved the application for the sale of development easement but is not participating financially in the easement; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a), on June 28, 2022, the East Greenwich Township Committee approved the application for the sale of development easement but is not participating financially in the easement purchase; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on October 4, 2023, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$16,360 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 60.26 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 60.26 acres):

	Total	Per/acre
SADC	\$1,478,780.40	(\$24,540/acre)
Gloucester County	<u>\$ 985,853.60</u>	<u>(\$16,360/acre)</u>
Total Easement Purchase	\$2,464,634.00	(\$40,900/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(c), the County is requesting \$1,478,780.40 in base grant funding which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(b), 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(d);

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Premises, comprising approximately 60.26 net easement acres, at a State cost share of \$24,540 per acre, (60% of certified easement value and purchase price), for a total grant of approximately \$1,478,780.40 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C.
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
4. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
5. The SADC's cost share grant to the county for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
6. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
7. The final acreage of the exception area shall be subject to onsite confirmation, and the 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.

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

10/26/2023  
Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Pete Johnson	YES
Martin Bullock	YES
Scott Ellis	ABSENT
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

## Preserved Farms and Active Applications Within Two Miles

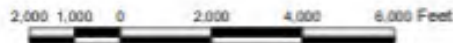


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Application within the (PA 4) Rural Area

### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Hollenack, Michael M., III & Patricia C.  
 East Greenwich Twp. - Block 103 Lots P/O 1 (22.7 ac) &  
 P/O 1-ES (severable exception - 0.5 ac);  
 Greenwich Twp. - Block 260 Lots 2 (29.4 ac); P/O 2.01 (6.4 ac);  
 & P/O 2.01-ES (severable exception - 1.0 ac)  
 Gross Total = 60.0 ac  
 Gloucester 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.

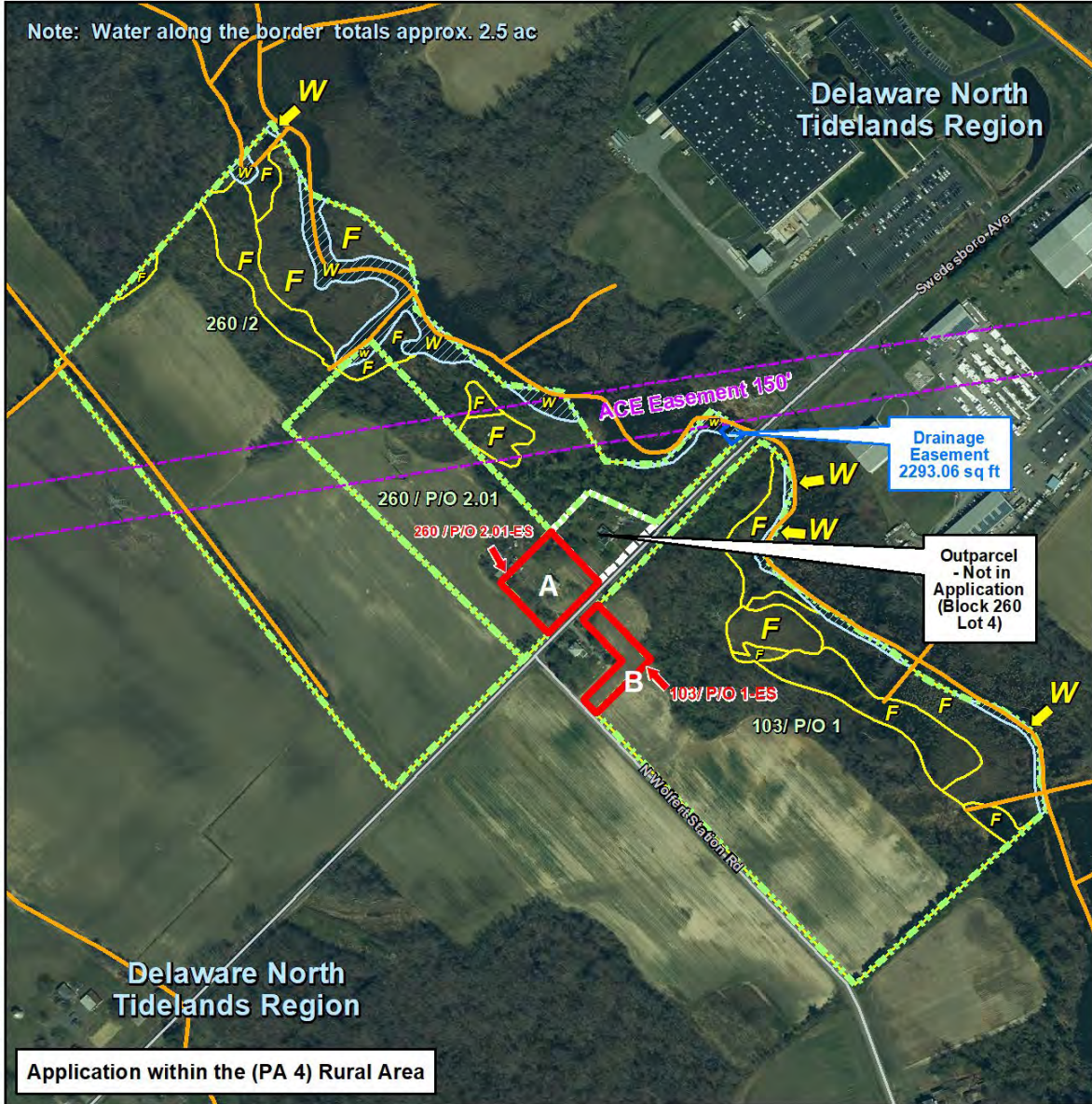


- Property In Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR)
- Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Spaces, State Owned Conservation Easements,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

Source:  
 NJ Farmland Preservation Program  
 Parcel based on deed, tax map & subdivision plat  
 NJDEP Conservation/Open Space Easement Data  
 Protected Areas Database of the United States (PAD-US)  
 NJOIT/GIS 2020 Digital Aerial Image

January 20, 2022

# Wetlands



X:\counties\gloucester\projects\Hollenack, Michael M., III & Patricia C.fww.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Hollenack, Michael M., III & Patricia C.  
East Greenwich Twp. - Block 103 Lots P/O 1 (22.7 ac) &  
P/O 1-ES (severable exception - 0.5 ac);  
Greenwich Twp. - Block 260 Lots 2 (29.4 ac); P/O 2.01 (6.4 ac);  
& P/O 2.01-ES (severable exception - 1.0 ac)  
Gross Total = 60.0 ac  
Gloucester County



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

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



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

**Sources:**  
NJ Farmland Preservation Program  
Parcel based on deed, tax map & subdivision plat  
NJDEP Tidelands Claim Line, NJ, E file on 20161214  
NJDOT Road Data  
NJOT/OGIS 2020 Digital Aerial Image

January 20, 2022



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Hollenack, Michael M., III & Patricia C.  
08-0233-PG  
County PIG Program  
59 Acres

Block 260	Lot 2	Greenwich Twp.	Gloucester County		
Block 103	Lot 1	East Greenwich Twp.	Gloucester County		
Block 260	Lot 2.01	Greenwich Twp.	Gloucester County		
<b>SOILS:</b>		Other	3% * 0	=	.00
		Prime	16% * .15	=	2.40
		Statewide	40% * .1	=	4.00
		Unique zero	41% * 0	=	.00
				<b>SOIL SCORE:</b>	<b>6.40</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	50% * .15	=	7.50
		Wetlands/Water	23% * 0	=	.00
		Woodlands	27% * 0	=	.00
				<b>TILLABLE SOILS SCORE:</b>	<b>7.50</b>
<b>FARM USE:</b>	Corn-Cash Grain		24 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 SFR  
Exception is severable  
Right to Farm language is to be included in Deed of Future Lot  
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
    - 2nd (.5) acres for For lot line adjustment  
Exception is severable  
Right to Farm language is to be included in Deed of Future Lot
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2024R10(5)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
BURLINGTON COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of Brace Lane Holdings, LLC (“Owner”)  
SADC ID#03-0443-PG  
Tabernacle Township, Burlington County  
N.J.A.C. 2:76-17 et seq.**

**OCTOBER 26, 2023**

WHEREAS, on November 10, 2022, the application for the sale of a development easement for the subject farm identified as Block 1201, Lot 19.01, Tabernacle Township, Burlington County, totaling approximately 30.8 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. 2:76-17.9(a); and

WHEREAS, the County has met the County Planning Incentive Grant (“PIG”) criteria set forth in N.J.A.C. 2:76-17.6 and 7; and

WHEREAS, the Owner received the 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. 2:76-17.5(a)1 and is located in the County's South Project Area and in the Pinelands Agricultural Production Area; and

WHEREAS, the Property includes one (1) approximately 2 acre non-severable exception area for an existing single family residential unit and to afford future flexibility resulting in approximately 29 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 2-acre non-severable exception area:

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

WHEREAS, the Premises includes:

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

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

WHEREAS, the Property has a quality score of 67.8 which exceeds 47, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, the New Jersey Pinelands Commission Letter of Interpretation #2208 allocated 1 Pinelands Development Credit (PDC) to Block 1201, Lot 19.01; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, the 1 PDC will be retired; and

WHEREAS, On December 21, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value on \$4,800 and a fee simple value of \$12,200 per acre based on zoning and environmental regulations in place as of the current valuation date August 5, 2022; and

WHEREAS, as per N.J.A.C. 2:76-19.3, landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.3, on November 10, 2022, the SADC issued a Pinelands Formula Valuation Certification of \$3,400 per acre without the impervious cover option and \$3,825 with the 10% impervious cover option; and

WHEREAS, the Formula takes into consideration the PDCs for a particular parcel and the presence of important agricultural and environmental features. The Formula provides for certain base values to be adjusted upward in varying percentages depending on factors such as site-specific environmental quality, access to highways, septic suitability and agricultural viability; and

WHEREAS, N.J.A.C. 2:76-19.14 provides that the development easement value shall not exceed 80 percent of the fee simple market value as determined by the Committee, which is \$9,760 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,636 per acre for the development easement for the Property, which is higher than the certified development easement value, but less than the highest appraised value and 80 percent of the fee simple market value; and

WHEREAS, on September 15, 2023, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.13(d); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a), on April 24, 2023, the Tabernacle Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on March 9, 2023, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on April 26, 2023, the County Board of Chosen Freeholders passed a resolution granting final approval and a commitment of funding for \$1,918 per acre for the local cost share for the pre-acquisition of the development easement; and

WHEREAS, the Board of County Commissioners closed on the development easement on August 30, 2023 for \$170,173.38 (\$5,636 per acre) which was recorded on September 21, 2023 in the County Clerk's Office in Deed Book 13688, Page 5848; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.11(d), the SADC's cost share will be based on the SADC certified value because it is less than the County's purchase price; and

WHEREAS, the estimated cost share breakdown is as follows (based on 30.194 surveyed acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$99,036.32	(\$3,280/acre)
<u>Burlington County</u>	<u>\$71,137.06</u>	<u>(\$2,356/acre)</u>
Total Easement Purchase	\$170,173.38	(\$5,636/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(c), the County is requesting \$99,036.32 in base funding which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(b), 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(d);

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Property, comprising approximately 30.194 net surveyed acres, at a State cost share of \$3,280 per acre, (68.33% of certified value and 58.20% purchase price), for a total grant of approximately \$99,036.32 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C.
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund).
4. If unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.
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's cost share grant to the county for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
7. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
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.

10/26/2023  
Date



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

**VOTE WAS RECORDED AS FOLLOWS:**

Pete Johnson	YES
Martin Bullock	YES
Scott Ellis	ABSENT
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

# Preserved Farms and Active Applications Within Two Miles



X:\counties\burco\projects\Brace Lane Holdings, LLC 2mfe.mxd

**Application within the Pinelands Ag Production Area**

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Brace Lane Holdings, LLC  
 Block 1201 Lots P/O 19.01 (28.8 ac);  
 & P/O 19.01-EN (non-severable exception - 2.0 ac)  
 Gross Total - 30.8 ac  
 Tabernacle Twp., Burlington County

	Property to Question
	Exception
	Preserved Farms
	Transfer Development Rights (TDR) Preserved Highlands, Pinelands and Municipal
	Active Applications
	County Boundaries
	Municipal Boundaries
	Pinelands (or Highlands) Development Credits
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned D.S. & Recreation Easements



**Sources:**  
 NJ Farmland Preservation Program  
 NJDOT Parcel data  
 NJDEP Conservation/Open Space Assessment Data  
 NJ Pinelands Commission POC Data  
 NORTOGIS 2020 Digital Aerial Image

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

October 20, 2022

# Wetlands



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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Brace Lane Holdings, LLC  
Block 1201 Lots P/O 19.01 (29.8 ac);  
& P/O 19.01-EN (non-severable exception - 2.0 ac)  
Gross Total = 31.8 ac  
Tabernacle Twp., Burlington County



**Sources:**  
NJ Farmland Preservation Program  
NJDOT Parcel data edited from deed  
NJDEP 2015 Landuse/Landcover Data  
NJDOT Road Data  
NJ Pinelands Commission Data  
NJOTI/GIS 2020 Digital Aerial Image

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



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

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



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Brace Lane Holdings, LLC  
03-0443-PG  
County PIG Program  
30 Acres

Block 1201	Lot 19.01	Tabernacle Twp.	Burlington County	
<b>SOILS:</b>		Statewide	100% * .1	- 10.00
				<b>SOIL SCORE: 10.00</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	94% * .15	- 14.10
		Other	.5% * 0	- .00
		Woodlands	5.5% * 0	- .00
				<b>TILLABLE SOILS SCORE: 14.10</b>
<b>FARM USE:</b>		Vegetable & Melons	27 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 two (2) acres for Existing SFR & barn  
Exception is not to be severed from Premises  
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
Standard Single Family
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-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 FY2024R10(6)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
BURLINGTON COUNTY**

**for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
Gately, John T., III and Tina Renee (“Owners”)  
SADC ID# 03-0400-PG  
Shamong Township, Burlington County  
N.J.A.C. 2:76-17 et seq.**

**OCTOBER 26, 2023**

WHEREAS, on November 11, 2022, the application for the sale of a development easement for the subject farm identified as Block 19.01, Lot 8.01, Shamong Township, Burlington County, totaling approximately 49.3 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. 2:76-17.9(a); and

WHEREAS, the County has met the County Planning Incentive Grant (“PIG”) criteria set forth in N.J.A.C. 2:76-17.6 and 7; and

WHEREAS, the Owners received the 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. 2:76-17.5(a)1 and is located in the County's South Project Area and in the Pinelands Agricultural Production Area; and

WHEREAS, the Property includes two (2) approximately one (1), approximately 1 acre non-severable exception area to afford future flexibility but restricted with zero (0) single family residential opportunities and one (1), approximately 1 acre non-severable exception area to afford future flexibility but restricted with zero (0) single family residential opportunities resulting in approximately 47.3 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
- 3) Shall be limited to zero (0) single family residential units
- 4) Right-to-Farm language will be included in the Deed of Easement; 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
- 3) Shall be limited to zero (0) single family residential units
- 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 Opportunities (RDSO)
- 3) Zero (0) agricultural labor units
- 4) No pre-existing non-agricultural uses; and

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

WHEREAS, the Property has a quality score of 52.90 which exceeds 45, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, the New Jersey Pinelands Commission Letter of Interpretation #1652 allocated 2.5 Pinelands Development Credits (PDCs) to Block 19.01, Lot 8.01; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, the 2.5 PDCs will be retired; and

WHEREAS, On December 21, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$5,800 and a fee simple value of \$11,500 per acre based on zoning and environmental regulations in place as of the current valuation date August 5, 2022; and

WHEREAS, the certification report erroneously identified John T. Gatley, III as Jerome, T. Gately, III and this final approval acknowledges and corrects that error; and

WHEREAS, as per N.J.A.C. 2:76-19.3, landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.3, on November 10, 2022, the SADC issued a Pinelands Formula Valuation Certification of \$3,602 per acre without the impervious cover option and \$4,053 with the 10% impervious cover option; and

WHEREAS, the Formula takes into consideration the PDCs for a particular parcel and the presence of important agricultural and environmental features. The Formula provides for certain base values to be adjusted upward in varying percentages depending on factors such as site-specific environmental quality, access to highways, septic suitability and agricultural viability; and

WHEREAS, N.J.A.C. 2:76-19.14 provides that the development easement value shall not exceed 80 percent of the fee simple market value as determined by the Committee, which is \$9,200 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,706 per acre for the development easement for the Property; and

WHEREAS, on September 15, 2023, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.13(d); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a), on April 4, 2023, the Shamong Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on March 9, 2023, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(a) on April 26, 2023, the County Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$5,706 per acre for the pre-acquisition of the development easement; and

WHEREAS, the Board of County Commissioners closed on the development easement on August 23, 2023 for \$271,326.01 (\$5,706 per acre) which was recorded on September 21, 2023 in the County Clerk's Office in Deed Book 13688, Page 5823; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.11(d), the SADC's cost share will be based on the County's purchase price because it is less than the SADC certified value; and

WHEREAS, the estimated cost share breakdown is as follows (based on 47.551 surveyed acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$178,061.09	(\$3,753/acre) (on 47.445 due to water boundary deduction)
<u>Burlington County</u>	<u>\$ 93,264.92</u>	<u>(\$1,953/acre)</u>
Total Easement Purchase	\$271,326.01	(\$5,706/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(c), the County is requesting \$178,061.09 in base funding which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14(b), 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(d);

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Property, comprising approximately 47.551 surveyed acres, at a State cost share of \$3,753 per acre, (64.71% of certified

value and 65.63% purchase price), for a total grant of approximately \$178,061.09 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C.

3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund).
4. If unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.
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's cost share grant to the county for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
7. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
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.

10/26/2023

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Pete Johnson	YES
Martin Bullock	YES
Scott Ellis	ABSENT
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

# Preserved Farms and Active Applications Within Two Miles



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**Application in the Pinelands Ag Production Area**

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

Gatley, John T., III & Tina Renee  
Block 19.01 Lots P/O 8.01 (47.3 ac);  
& P/O 8.01-EN (non-severable exceptions - 1.0 & 1.0 ac)  
Gross Total = 49.3 ac  
Shamong Twp., Burlington County



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



**Sources:**  
NJ Farmland Preservation Program  
NJOTI Parcel data  
USDOT National Pipeline Mapping System  
NJDEP Conservation/Open Space Easement Data  
NJOTI Road Data  
NJ Pinelands Commission PDC Data  
NJOTI/GIS 2020 Digital Aerial Image

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

# Wetlands



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

Gatley, John T., III & Tina Renee  
Block 19.01 Lots P/O 8.01 (47.3 ac);  
& P/O 8.01-EN (non-severable exceptions - 1.0 & 1.0 ac)  
Gross Total = 49.3 ac  
Shamong Twp., Burlington County



**Sources:**  
NJ Farmland Preservation Program  
NJDOT Parcel data  
NJDEP 3015 LULUC Data  
NJDOT Road Data  
NJOT/DGG 2020 Digital Aerial Image

**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The 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 Hways
	County Roads
	Municipal/Local Roads

**Wetlands Legend:**  
F - Freshwater Wetlands  
M - Wetlands Modified for Agriculture  
T - Total Wetlands  
N - Non-Wetlands  
B - 300' Buffer  
S - State



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Gatley, John T., III & Tina Renee  
03-0400-PG  
County PIG Program  
47 Acres

Block 19.01	Lot 8.01	Shamong Twp.	Burlington County
<b>SOILS:</b>		Prime	90% * .15 = 13.50
		Statewide	2% * .1 = .20
		Unique zero	8% * 0 = .00
			<b>SOIL SCORE: 13.70</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	91% * .15 = 13.65
		Wetlands/Water	6% * 0 = .00
		Woodlands	3% * 0 = .00
			<b>TILLABLE SOILS SCORE: 13.65</b>
<b>FARM USE:</b>	Corn-Cash Grain	29 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 Future flexibility  
Exception is not to be severed from Premises  
Exception is to be limited to zero existing single family residential unit(s) and zero future single family residential unit(s)
    - 2nd one (1) acres for Future flexibility  
Exception is not to be severed from Premises  
Exception is to be limited to zero existing single family residential unit(s) and zero future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION #FY2024R10(7)  
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

**On the Property of LISAR, LLC**

**OCTOBER 26, 2023**

**Subject Property: LISAR, LLC**  
Block 2701, Lot 137, Pittsgrove Township, Salem County  
Block 13, Lot 3, Deerfield Township, Cumberland County  
SADC ID#17-0384-DE

WHEREAS, on April 4, 2023, the State Agriculture Development Committee ("SADC") received a development easement sale application from LISAR, LLC, hereinafter "Owner," identified as Block 2701, Lot 137, Pittsgrove Township, Salem County and Block 13, Lot 3, Deerfield Township, Cumberland County, hereinafter "the Property," totaling approximately 49.6 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1), approximately 2 acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 47.6 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 2-acre non-severable exception area:

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

WHEREAS, the Premises includes:

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

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

WHEREAS, the Property, has a quality score of 62.54 and contains approximately 49.6 gross acres (Schedule B); and

WHEREAS, staff evaluated this application for the sale of development easement in accordance with SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 14, 2022, which categorized applications into "Priority", "Alternate" and "Other"; and

WHEREAS, the Property does meet the SADC's Salem County minimum score criteria for the "Priority" category which requires a quality score of at least 61, but the property does not meet the minimum size criteria for "Priority" or "Alternate" farm designation, which requires a minimum size of 94 and 69 respectively; therefore, this farm is categorized as an "Other" farm, pursuant to N.J.A.C. 2:76-11.5(c)3, requiring SADC preliminary approval in accordance with N.J.A.C. 2:76-11.6(c)1i. through iii; and

WHEREAS, on May 25, 2023, the SADC granted Preliminary Approval to this Application; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on August 24, 2023, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Acting Chairman Atchison certified the Development Easement value of \$3,800 per acre based on zoning and environmental regulations in place as of the current valuation date July 11, 2023; and

WHEREAS, the Owners accepted the SADC's offer of \$3,800 acre for the purchase of the development easement on the Premises; and

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

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


NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$3,800 per acre for a total of approximately \$180,880 subject to the conditions contained in (Schedule B).
3. The SADC's purchase price of a development easement on the approved application

shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.

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

\_\_\_\_10/26/2023\_\_\_\_\_  
Date

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

**VOTE WAS RECORDED AS FOLLOWS:**

Pete Johnson	YES
Martin Bullock	YES
Scott Ellis	ABSENT
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

# Preserved Farms and Active Applications Within Two Miles



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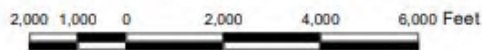
Nearmap, NJ D...

Application within the (PA4) Rural Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

LISAR, LLC  
Deerfield Twp., Cumberland County - Block 13 Lot 3 (3.5 ac) &  
Pittsgrove Twp., Salem County - Block 2701 Lots P/O 137 (44.1 ac) &  
P/O 137-EN (non-severable exception - 2.0 ac)  
Gross Total = 49.6 ac

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



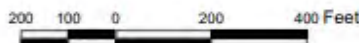
Sources:  
NJ Farmland Preservation Program  
NJGIT Parcel data  
NJDEP Conservation/Open Space Easement Data  
Pinelands Commission Data & Preserved Lands  
NJGIT/Near Map 2021 Digital Aerial Image

# Wetlands



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

LISAR, LLC  
Deerfield Twp., Cumberland County - Block 13 Lot 3 (3.5 ac) &  
Pittsgrove Twp., Salem County - Block 2701 Lots P/O 137 (44.1 ac) &  
P/O 137-EN (non-severable exception - 2.0 ac)  
Gross Total = 49.6 ac



Sources:  
NJ Farmland Preservation Program  
NJGIT Parcel data  
Queen Acres Conservation Easement Data  
NJDEP 2015 LandUse/Landcover Data  
NJDEP Open Space  
NJDOT Road Data  
NJGIT Near Map 2021 Digital Aerial Image

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

Application within the (PA4) Rural Area

	Property in Question
	EN - (Non-Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads
	County Boundary
	Municipal Boundary
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, State Owned GIS & Recreation Easements, & Pinelands PDCA and Preserved Lands



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

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

LISAR, LLC  
Easement Purchase - SADC  
48 Acres

Block 13	Lot 3	Deerfield Twp.	Cumberland County
Block 2701	Lot 137	Pittsgrove Twp.	Salem County
<b>SOILS:</b>		Prime	53% * .15 = 7.95
		Statewide	47% * .1 = 4.70
			<b>SOIL SCORE: 12.65</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	83% * .15 = 12.45
		Woodlands	17% * 0 = .00
			<b>TILLABLE SOILS SCORE: 12.45</b>
<b>FARM USE:</b>	Hay		46 acres

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

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION #FY2024R10(8)  
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

**On the Property of Bassett, Nancy**

**OCTOBER 26, 2023**

Subject Property: **Bassett, Nancy**  
Block 46, Lot 15 - Lebanon Township, Hunterdon County  
SADC ID#: 10-0293-DE

WHEREAS, on March 9, 2023, the State Agriculture Development Committee ("SADC") received a development easement sale application from Nancy Bassett, hereinafter "Owner" identified as Block 46, Lot 15, Lebanon Township, Hunterdon County, hereinafter "the Property," totaling approximately 38.9 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1) approximately 0.75-acre non-severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses and one (1) approximately 1.5-acre non-severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 36.7 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve final size and location of the exception areas 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 0.75-acre non-severable exception area:

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

WHEREAS, the 1.5-acre non-severable exception area:

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

WHEREAS, the Premises includes:

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

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

WHEREAS, staff evaluated this application for the sale of development easement in accordance with SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 14, 2022 which categorized applications into "Priority", "Alternate" and "Other"; and

WHEREAS, the Property exceeds the minimum acreage criteria for the "Alternate" category, which requires farm sizes of at least 34 acres, and the quality score of 52.16 exceeds the minimum quality score of 46 needed for an "Alternate" farm designation in Hunterdon County, therefore, the Property is categorized as an "Alternate" farm (Schedule B), requiring SADC preliminary approval; and

WHEREAS, the farm was reviewed by the Executive Director, but no Preliminary Approval was issued in accordance with Resolution #FY2022R12(10) delegating certain routine Acquisition Program approval actions to the Executive Director; and

WHEREAS, this Final Approval incorporates the terms of a Preliminary Approval which otherwise would have been issued for this "Alternate" farm; and

WHEREAS, staff recommends selecting the Property for processing as an "Alternate" farm, pursuant to N.J.A.C. 2:76-11.5(b) and (c)2 because the farm:

- is in the Highlands Preservation Area
- has a quality score of 52.16, which is above minimum ranking criteria for an "Alternate" farm in Hunterdon County
- is 38.9-acres, which is larger than the acreage criteria for an "Alternate" farm in Hunterdon County; and

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

WHEREAS, the Owner provided a recorded deed showing that the property has been in continuous ownership since 1986, and therefore the Property is eligible for appraisal under zoning and environmental conditions in place as on 01/01/2004; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on October 2, 2023, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Acting Chairman Atchison certified the Development Easement value of \$6,100 per acre based on zoning and environmental regulations in place as of January 1, 2004 and \$1,900 per acre based on zoning and environmental regulations in place as of the current valuation date August 17, 2023; and

WHEREAS, the Owners accepted the SADC's offer of \$6,100 per acre for the purchase of the development easement on the Premises; and

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


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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants preliminary approval in accordance with N.J.A.C. 2:76-11.6(b); and
3. The SADC grants final approval for its acquisition of the development easement at a value of \$6,100 per acre for a total of approximately \$223,600 subject to the conditions contained in (Schedule B).
4. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
5. 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.
6. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.

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

\_\_\_\_10/26/2023\_\_\_\_\_  
Date

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

**VOTE WAS RECORDED AS FOLLOWS:**

Pete Johnson	YES
Martin Bullock	YES
Scott Ellis	ABSENT
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

# Preserved Farms and Active Applications Within Two Miles



X:\counties\huncot\projects\Bassett, Nancy 2mile.mxd

Newsmap, NJ Department of Environmental Protection, NJ Office of GIS

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

Bassett, Nancy  
Block 46 Lots P/O 15 (36.7 ac);  
P/O 15-EX (non-severable exceptions - 0.75, & 1.5 ac);  
Gross Total = 38.9 ac  
Lebanon Twp., Hunterdon County



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



Sources:  
NJ Farmland Preservation Program  
NJOT Parcel data  
NJCCSP Conservation/Open Space Easement Data  
NJ Highlands Council Data  
NJOT/News Map 2021 Digital Aerial Image

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



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Bassett, Nancy  
Easement Purchase - SADC  
37 Acres

Block 46	Lot 15	Lebanon Twp.	Hunterdon County	
<b>SOILS:</b>		Other	100% * 0	= .00
				<b>SOIL SCORE: .00</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	50% * .15	= 7.50
		Wetlands/Water	9% * 0	= .00
		Woodlands	41% * 0	= .00
				<b>TILLABLE SOILS SCORE: 7.50</b>
<b>FARM USE:</b>		Other	18 acres	

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

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (.75) acres for Existing SFR  
Exception is not to be severable from Premises  
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
    - 2nd (1.5) acres for Existing SFR  
Exception is not to be severable from Premises  
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION #FY2024R10(9)**

**Preliminary Approval of SADC Easement Purchase on an "OTHER" FARM  
On the Property of Sanders Farm, LLC**

**OCTOBER 26, 2023**

Subject Property: **Sanders Farm, LLC**  
Block 14, Lot 5.02 – West Windsor Township, Mercer County  
SADC ID#: 11-0051-DE

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

WHEREAS, on August 15, 2023, the SADC received a development easement sale application from Sanders Farm, LLC, hereinafter "Owner," for the property identified as Block 14, Lot 5.02, West Windsor Township, Mercer County, hereinafter "the Property," totaling approximately 31.6 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes one (1), approximately 1-acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses, resulting in approximately 30.6 net acres to be preserved, hereinafter referred to as "the Premises"; and

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

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

WHEREAS, the Owners' application has been evaluated in accordance with N.J.A.C. 2:76-6.16, SADC Policy P-14-E, Prioritization criteria, 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 54.63 and contains approximately 30.6 net acres (Schedule B); and

WHEREAS, although the Property's quality score is higher than 45, which is the minimum score required to be considered an "Alternate" farm, it does not meet the SADC's Mercer County minimum criteria for size in the "Priority" (58 acres) or "Alternate" (42 acres) categories, therefore, this farm is categorized as an "Other" farm, pursuant to N.J.A.C. 2:76-11.5(c)3, requiring SADC preliminary approval in accordance with N.J.A.C. 2:76-11.6(c)1i. through iii; 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 54.31, which is above minimum ranking criteria for an "Alternate" farm in Mercer County; and
  - b. has approximately 63% Prime soils and 22% Statewide Important soils; and
  - c. is located nearby a large swath of continuous preserved farmland; and
  - d. the Township supports the preservation of the property for agricultural use.
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 Landowner;
  - b. Secure two independent appraisals to estimate the fair market value of the Property; and
  - 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.

10/26/2023  
Date

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

**VOTE WAS RECORDED AS FOLLOWS:**

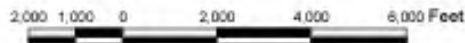
Pete Johnson	YES
Martin Bullock	YES
Scott Ellis	ABSENT
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

## Preserved Farms and Active Applications Within Two Miles



### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Sanders Farm, LLC  
 Block 14 Lots P/O 5.02 (30.6 ac);  
 & P/O 5.02-EN (non-severable exception - 1.0 ac)  
 Gross Total = 31.6 ac  
 West Windsor Twp., Mercer 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

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



Source:  
 NJ Farmland Preservation Program  
 NJDOT Parcel Data  
 USDOT National Pipeline Mapping System  
 NJDEP Conservation/Open Space Assessment Data  
 NJDOT River Map 2022 Digital Aerial Image

# Soils



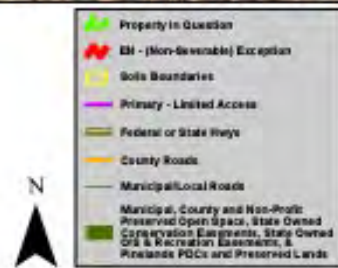
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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Sanders Farm, LLC  
Block 14 Lots P/O 5.02 (30.6 ac);  
& P/O 5.02-EN (non-severable exception - 1.0 ac)  
Gross Total = 31.6 ac  
West Windsor Twp., Mercer County

300 100 0 200 400 Feet

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



Source:  
NJ Farmland Preservation Program  
NJDOT Parcel from survey data  
NRCS - SSURGO 2001 Soil Data  
NJDOT Road Data  
NJDOT/Neat Map 2022 Digital Aerial Image

August 14, 2023

State of New Jersey  
 State Agriculture Development Committee  
 Farmland Preservation Program  
 GreenLight Approval and Quality Score Report

Information subject to change/update as Application Proceeds to Final Approval and Closing

Preliminary Review Completed

**GENERAL INFORMATION**

COUNTY OF	Mercer	West Windsor Twp. 1113
APPLICANT	Sanders Farm, LLC	SADC ID # 11-0051-DE
Address	247 Cranbury Rd., Princeton Junction, NJ 08550	

<b>Blocks and Lots</b>	Gross Acres on Application	31.63
West Windsor Twp. 1113 Block 14	Lot 5.02	31.63 ACRES

**Exceptions** Exception Acres on Application 1.23

Acres	Reason	CADB Justification	Restrictions	Negative Impact	SADC Impact	Total Score
1.23	Future SFR				0	0
Location: Mer - West Windsor Twp. Block:14 Lot:5.02 - Northeastern side of lot The Exception will be limited to 1 single family residential unit(s). The Exception is Nonseverable.						

**NET ACRES** Net Acres on Application 30

**HOUSING AND OTHER STRUCTURES ON PREMISES**

Structure	Ag Use	Leased	Notes
Barn	Y	N	Maybe 4 (2 pole barns)
Shed	N	N	several (Maybe 5)

**SUMMARY OF HOUSING OPPORTUNITIES**

Existing Single Family Residential Unit(s) on Easement	0
Existing Single Family Residential Unit(s) on Exception	0
Future Single Family Residential Unit(s) on Exception	
Eligible RDSOs	
Approved RDSOs	

**Additional Conditions or Restrictions:** NONE

**TYPE OF AGRICULTURAL OPERATION**

Christmas Trees	
Vegetable & Melons	
Agricultural Production Crops	For cords of wood
Ornament Nursery Products	Flowers

<b>SOILS:</b>	Other	7.00%	*	0	= 0
	Prime	63.00%	*	.15	= 9.45
	Statewide	22.00%	*	.1	= 2.2
	Unique zero	8.00%	*	0	= 0
				<b>SOILS SCORE:</b>	<b>11.65</b>
<b>TILLABLE SOILS:</b>	Cropland Harvested	61.00%	*	.15	= 9.15
	Permanent Pasture	11.00%	*	.02	= .22
	Woodlands	28.00%	*	0	= 0
				<b>TILLABLE SOILS SCORE:</b>	<b>9.37</b>



State of New Jersey  
 State Agriculture Development Committee  
 Farmland Preservation Program  
 GreenLight Approval and Quality Score Report  
 Information subject to change/update as Application Proceeds to Final Approval and Closing

MINIMUM ELIGIBILITY CRITERIA

YES       NO

- |                                     |  |                          |   |  |
|-------------------------------------|--|--------------------------|---|--|
| <input type="checkbox"/>            | 61 % Tillable                                  | 18.6 acres Tillable      | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| <input type="checkbox"/>            | 61 % Soils Supporting Ag                       | 18.6 acres Supporting Ag | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| <input type="checkbox"/>            | Development Potential?                         |                          |   |  |
| <input checked="" type="checkbox"/> | Additional Development Possible                |                          | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| <input checked="" type="checkbox"/> | Sufficient Legal Access to Property            |                          | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| <input checked="" type="checkbox"/> | Additional Development via Development Credits |                          | <input type="checkbox"/> YES            | <input checked="" type="checkbox"/> NO |

MINIMUM RANK SCORE

YES       NO

Quality Score of Application as determined by SADC	54.63
County's Average Score on Record	
Based on a comparison of the Quality Score and the Census Acres, this farm has been determined to be a:	FAILED DET farm.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**  
**RESOLUTION #FY2024R10(10)**  
**Preliminary Approval of SADC Easement Purchase on an "OTHER" FARM**  
**On the Property of Davis, Douglas B.**

**OCTOBER 26, 2023**

Subject Property: **Davis, Douglas B.**  
Block 602, Lots 6.02 and 6.03- Southampton Township, Burlington County  
SADC ID#: 03-0037-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 July 7, 2023, the SADC received a development easement sale application from Douglas Davis, hereinafter "Owner," identified as Block 602, Lots 6.02 and 6.03, Southampton Township, Burlington County, hereinafter "the Property," totaling approximately 40.6 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes one (1), approximately 1.2 acre non-severable exception area for and limited to one existing single family residential unit and to afford future flexibility of uses resulting in approximately 39.4 net acres to be preserved; and

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

WHEREAS, at the time of application, the Property was in field crop 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 69.9 and contains approximately 39.4 net acres (Schedule B); and


WHEREAS, the Property does meet the SADC's Burlington County minimum quality score criteria for the "Priority" category which requires at least a score of 60 but the Property does not meet the minimum size category for a "Priority" or "Alternate" farm designation, which requires 78 and 57 acres respectively, therefore, this farm is categorized as an "Other" farm, requiring SADC preliminary approval in accordance with applicable provisions in N.J.A.C. 2:76-11.6(c)1i. through iii; and

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

NOW THEREFORE BE IT RESOLVED:

1. 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 because the farm:
  - a. has a quality score of 69.9, which is above minimum ranking criteria for a "Priority" farm in Burlington County; and
  - b. has approximately 86% Prime soils and 7% Statewide Important soils; and
  - c. the farm is located immediately adjacent to the County Agriculture Development Area and the County has indicated its willingness to amend the ADA if the landowner accepts the offer; and
  - d. provides a link to a large mass of preserved farms to the east and west of the 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 Landowner
  - b. Secure two independent appraisals to estimate the fair market value of the Property
  - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC
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.

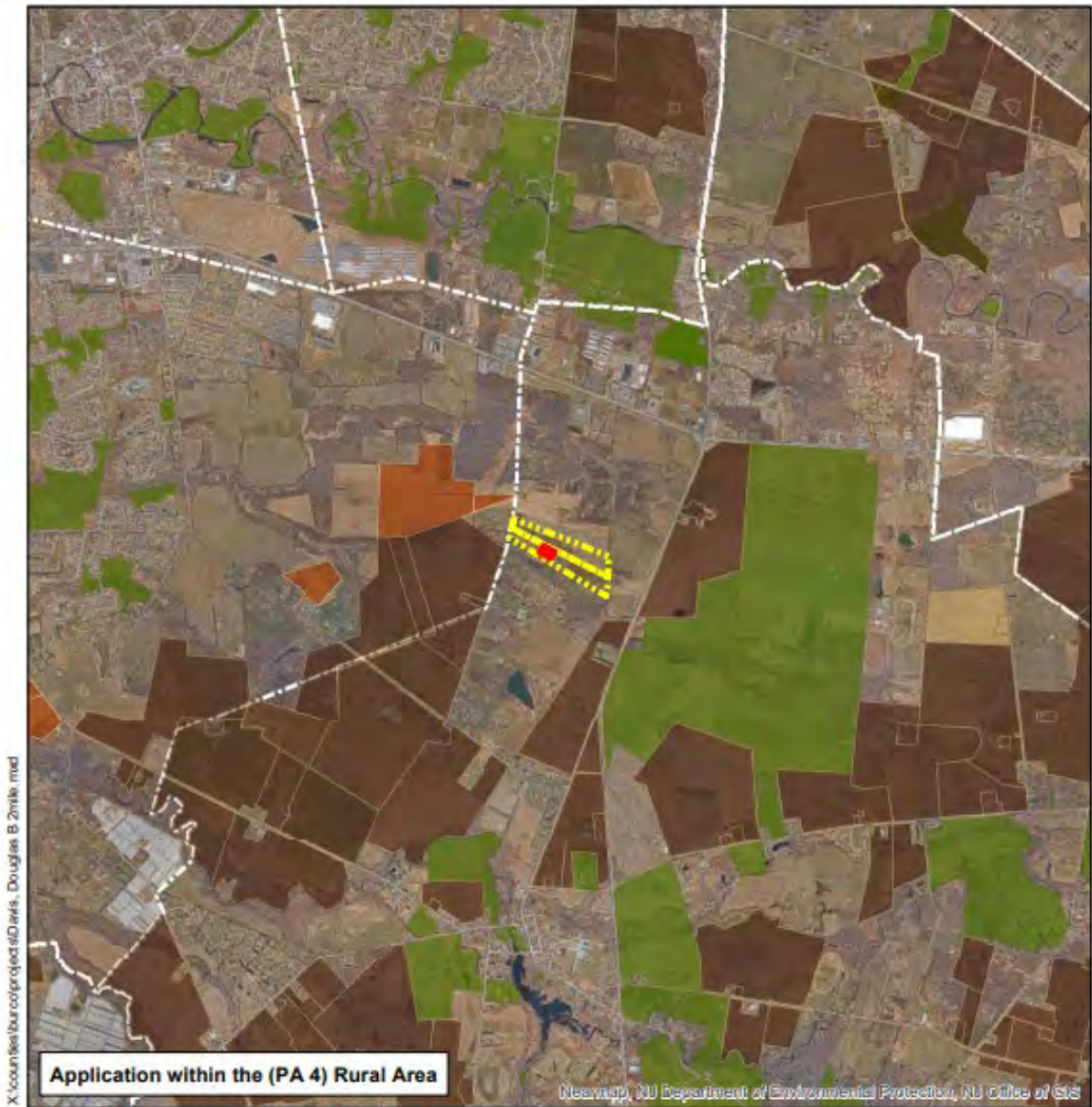
10/26/2023  
Date

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

**VOTE WAS RECORDED AS FOLLOWS:**

Pete Johnson	YES
Martin Bullock	YES
Scott Ellis	ABSENT
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Joseph A. Atchison, III, Acting Chairperson	YES

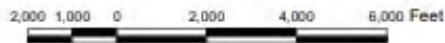
## Preserved Farms and Active Applications Within Two Miles



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### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Davis, Douglas B.  
Block 602 Lots P/O 9.02 (19.1 ac);  
P/O 9.02-EN (non-severable exception - 1.2 ac) &  
9.03 (20.3 ac)  
Gross Total = 40.6 ac  
Southampton Twp., Burlington County



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



Source:  
NJ Farmland Preservation Program  
NJDOT Parcel data  
NJDEP Conservation/Open Space Easement Data  
NJDOT Near Map 2022 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

Davis, Douglas B.  
Block 602 Lots P/O 9.02 (19.1 ac);  
P/O 9.02-EN (non-severable exception - 1.2 ac) &  
9.03 (20.3 ac)  
Gross Total = 40.6 ac  
Southampton Twp., Burlington County



Sources:  
NJ Farmland Preservation Program  
NJGIT Parcel data  
NJDEP 2015 Landuse/Landcover Data  
NJDOT Road Data  
NJGIT/Near Map 2022 Digital Aerial Image

**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geospatial accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring 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  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
N - Non-Wetlands  
B - 300' Buffer  
W - Water

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

**GENERAL INFORMATION**

COUNTY OF Burlington Southampton Twp. 0333

APPLICANT Davis, Douglas B.

**PRIORITIZATION SCORE**

<b>SOILS:</b>	Other	7% * 0	=	.00	
	Prime	86% * .15	=	12.90	
	Statewide	7% * .1	=	.70	
					<b>SOIL SCORE: 13.60</b>
<b>TILLABLE SOILS:</b>	Cropland Harvested	81% * .15	=	12.15	
	Wetlands/Water	10% * 0	=	.00	
	Woodlands	9% * 0	=	.00	
					<b>TILLABLE SOILS SCORE: 12.15</b>
<b>BOUNDARIES AND BUFFERS:</b>	Farmland (Unrestricted)	55% * .06	=	3.30	
	Streams and Wetlands	45% * .18	=	8.10	
					<b>BOUNDARIES AND BUFFERS SCORE: 11.40</b>
<b>CONTIGUOUS PROPERTIES / DENSITY:</b>	Davis	Restricted Farm or Current Application		2	
	Gerickont	Restricted Farm or Current Application		2	
	Giacchino	Restricted Farm or Current Application		2	
	Haines Estate	Restricted Farm or Current Application		2	
	Pettit	Restricted Farm or Current Application		2	
					<b>DENSITY SCORE: 10.00</b>
<b>LOCAL COMMITMENT:</b>		100% * .19	=	19.00	
					<b>LOCAL COMMITMENT SCORE: 19.00</b>
<b>SIZE:</b>					<b>SIZE SCORE: 1.86</b>
<b>IMMINENCE OF CHANGE:</b>	SADC Impact factor =	1.89			
					<b>IMMINENCE OF CHANGE SCORE: 1.89</b>
<b>COUNTY RANKING:</b>					
<b>EXCEPTIONS:</b>					<b>EXCEPTION SCORE: .00</b>
					<b>TOTAL SCORE: 69.90</b>