

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

November 14, 2013

Chairman Fisher called the meeting to order at 9:10 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

Members Present

Douglas H. Fisher, Chairperson
Cecile Murphy (rep. DEP Commissioner Martin)
Gina Fischetti (rep. DCA Commissioner Constable) (Left meeting at 12:26 p.m.)
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)
Brian Schilling (rep. Executive Dean Goodman)
Alan A. Danser, Vice Chairman
Denis C. Germano, Esq.
Peter Johnson
Jane R. Brodhecker
Torrey Reade

Members Absent

James Waltman

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

Others present as recorded on the attendance sheet: Heidi Winzinger, Brian Smith, Timothy Brill, Chuck Roohr, Paul Burns, Ed Ireland, Cindy Roberts, Stefanie Miller, Dan Knox, Judy Andrejko, Hope Gruzlovic, Jeffery Everett, Patricia Riccitello and Sandy Giambrone, SADC staff; Peter Simon, Esq.,

Governor's Authorities Unit; Dan Pace, Mercer County Agriculture Development Board; Bill Millette, Hunterdon County Agriculture Development Board; Christine Bell, Ocean County Agriculture Development Board; Katherine Coyle, Morris County Agriculture Development Board; Peter McPeck, Landowner; Warren County; Robert Schaumloeffel, Landowner, Monmouth County; Harriet Honigfeld, Monmouth County Agriculture Development Board; Nicole Goger Kavanaugh, New Jersey Farm Bureau; and Russel Like, Office of the State Comptroller.

Minutes

- A. SADC Regular Meeting of September 26, 2013 (Open and Closed Sessions)

It was moved by Mr. Siegel and seconded by Mr. Danser to approve the open session minutes and the closed session minutes of the SADC regular meeting of September 26, 2013. The motion was unanimously approved.

REPORT OF THE CHAIRPERSON

Chairman Fisher deferred to the Executive Director for her report to the Committee.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne reported on the following:

- Solar Application Delegation Report

Ms. Payne stated that going forward this will be an agenda item each month so that staff can report to the Committee on any solar applications that were approved by the Executive Director, as authorized by the Committee at its last meeting. She stated that she had anticipated having one application to report at this meeting, however the application is not quite complete.

- S2074 – Companion Bill to A323 – Agricultural Tourism

Ms. Payne stated that S2074, which is the Senate companion bill to Assemblyman Danser's bill on agricultural tourism and special events, is being heard today in the Senate's Economic Growth Committee. She stated that she can provide a copy

of the bill to anyone who would like one.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. She referred the Committee to a series of letters regarding Columbia Gas Transmission LLC's proposed project through Gloucester County. It is going through, in large part, Woolwich Township, which the SADC has been working with for some time on its TDR program. She stated the issue is that Columbia Gas has an existing pipeline in place and they need to expand it so they are looking to see what the best path is for the new pipeline – whether it would be placed next to the old one in an expanded the right of way. There is some public opposition regarding the properties that would be affected by that so Columbia Gas is considering a completely alternate route for this second pipe, which goes through a TDR sending area. It would affect some preserved farms and it definitely affects the agricultural development area (ADA). Staff wrote a letter stating some concerns about that path. This is a FERC project, which means the federal authority is overriding State laws so they don't have to come to us for a hearing or a report. Therefore, our opportunity to have some input is in the beginning of the FERC process. Ms. Payne stated that Mr. Brill is working with the Department of Environmental Protection as closely and early as possible in all these reviews so that agriculture's perspective is on the table.

PUBLIC COMMENT

None

NEW BUSINESS

A. Eight-Year Farmland Preservation Program – Renewals, Terminations and Withdrawals

Ms. Payne referred the Committee to the 8-Year Program Summary Report showing one request for renewal of an eight-year program for the Kertz Farm in Galloway Township, Atlantic County, comprising 20 acres, with a new soil and water conservation cost-share grant eligibility of \$12,000.00 (subject to availability of funds).

Ms. Payne stated there were eight requests for terminations of eight-year programs as follows:

1. Lemack Farm, SADC # 1351-08F-01/13-0002-8F
Upper Freehold Township, Monmouth County, 33 Acres
Soil and water conservation cost-share grant funds remaining at the time of termination: \$19,800.00 (no funds expended)
2. Ingemi Farm, SADC # 0113-83F-01/01-0136-8F
Town of Hammonton, Atlantic County, 10 Acres
Soil and water conservation cost-share grant funds remaining at the time of termination: \$6,000.00 (no funds expended)
3. Mortellite Farm, SADC # 0113-30F-01/01-0113-8F
Town of Hammonton, Atlantic County, 10 Acres
Soil and water conservation cost-share grant funds remaining at the time of termination: \$0.00 (expended funds of \$6,000.00)
4. Kraemer Farm, SADC # 0810-01M-01/08-0020-8M
Mantua Township, Gloucester County, 100 Acres
Soil and water conservation cost-share grant funds remaining at the time of termination: \$40,000.00 (no funds expended)
5. Martins Farm, SADC #0816-10M-01/08-0021-8M
South Harrison Township, Gloucester County, 7.92 Acres
Soil and water conservation cost-share grant funds remaining at the time of termination: \$4,752.00 (no funds expended)
6. Ferrucci Brothers, Inc., SADC # 0805-04F-01/08-0020-8F
Franklin Township, Gloucester County, 57 Acres
Soil and water conservation cost-share grant funds remaining at the time of termination: \$34,200.00 (no funds expended)
7. D&C Ferrucci, SADC # 0805-10F-01/08-0017-8F
Franklin Township, Gloucester County, 34 Acres
Soil and water conservation cost-share grant funds remaining at the time of termination: \$20,400.00 (no funds expended)
8. Ferrucci Farm, SADC # 08-0016-8F/0805-11F-01
Franklin Township, Gloucester County, 31 Acres
Soil and water conservation cost-share grant funds remaining at the time of

termination: \$18,600.00 (no funds expended)

Ms. Payne reported there were no withdrawals of eight-year programs. She stated this was for informational purposes only and no action was needed by the Committee.

B. Right to Farm

1. On-Farm Direct Marketing AMP: Review of Public Comments

Mr. Kimmel referred the Committee to a memorandum from Executive Director Payne regarding the On-Farm Direct Marketing AMP and Right to Farm Procedural Rules – Request for Guidance from the Committee Regarding Responses to Comments. The proposed rule was published in the *New Jersey Register* in June with a public comment period of two months. He provided an overview of some of the questions and comments that were submitted and the direction that staff is going in with the responses. He felt there was no need for substantive changes to the rule proposal but possibly some clarification or technical changes. If the Committee is comfortable with the direction staff is going in, then at the next meeting staff will provide a final adoption document for the Committee's consideration and, if it is approved, then submit it for publication.

Mr. Kimmel stated that several comments, some from municipalities, focused on farm markets – e.g., questioning Right to Farm Act jurisdiction over farm markets, how to protect them, their operation, and construction, parking and building areas being in conformance with municipal standards. Staff felt that the way the proposed AMP provides appropriate relief and having standards for things like lighting, size, height and setbacks is appropriate. Also, there are some questions regarding wineries, seeking clarification on whether certain activities or events would be eligible for protection, such as life-celebratory events (e.g., weddings, anniversaries, birthdays and other parties, catering and catering facilities.) The staff's position is that hosting weddings and similar events would not be eligible for Right to Farm protection. He stated that you could do them but if there are any relevant Township regulations you have to comply with them because they are not centered on the agricultural output of the farm and wouldn't meet the definition of on-farm direct marketing activities or events. Ms. Payne stated that this is the area that received so many comments focused on wineries and weddings. The SADC has decided this issue twice – once in respect to Laurita Farm where we found that on a preserved farm it is a violation of the deed of easement; and secondly we dealt with the question under the Hopewell Valley Vineyard case from a Right-to-Farm perspective. She stated she wanted to clarify here that staff is not going to take a position in a comment document that there could never be a circumstance where a celebratory life event could be protected but in the absence of an AMP, which would really get into what

the conditions would have to be in order for it to be protected, the SADC does need to clarify for the agricultural community that today those activities are not protected. The Right to Farm Act gives the SADC authority to adopt AMPs for other agricultural activities and the SADC can expand the list of protected activities but they have to be agricultural activities. One of the central questions that we need to get to is under what context or conditions would something like a celebratory event be considered an agricultural activity? There is a lot of work in that area and she thought she was pretty clear with the working group that met for over two years, that that issue would have to wait for another day when everyone could dedicate themselves to really looking at all the details of that. She stated that the wine industry and these activities are exploding throughout the state and she doesn't want the agricultural community misled that this AMP we are adopting is protecting everything that is going on at wineries because it does not. It will have to be addressed through an AMP; we have to study it and understand it. That is the essence of the direction we would take in the public response document unless the Committee wants to do something different.

Mr. Johnson stated that he came on board with the Committee at the tail end of the discussion on Laurita and Hopewell Valley Vineyard and he knows there has been a lot of work done. He stated that weddings have been going on on farms for a very long time at wineries and other places. It is a tremendous venue and he doesn't think that the agricultural community in any way should be discouraged. He doesn't know how we are going to get to that answer but it concerns him the way this is worded that a wedding is a life-celebratory event and therefore it cannot qualify for Right-to-Farm protection. He thought that given the right circumstances a wedding is no different than a birthday party or an anniversary or any of these events that are happening today that we are protecting in our AMP. Ms. Payne stated that she doesn't know that we are actually protecting those activities. We talk about farm-based recreational activities and events but nowhere do we say that we are protecting catered parties of any kind in that on-farm direct marketing AMP.

Mr. Johnson stated he understands that we will probably revisit this but he wanted to get his viewpoint out there that this has been going on on farms longer than this Committee has been around. He felt that given the right circumstances that the venue could be created that really promotes the output of the farm and that an entire menu could be produced on a farm from the entrees, the desserts, the beer and wine and it could be designed so that all the guests are paraded through your other agricultural output venues. He doesn't want this Committee to think that he agrees that a negative spin on this, which he is getting from this comment, is something he agrees with.

Mr. Siegel stated that he thinks what we are saying is that in the AMP, if you are going to have farm marketing, the AMP appropriate agricultural practices are as follows. And we are not addressing celebratory life events; we are not saying that's agricultural as a practice. So now it means it's between you and the town and if the town is fine with it everyone is fine, but if the town says you're in an agricultural zone and you are operating a commercial program and we don't want you to do that, the AMP is not going to protect that. It's not about preserved farms per se, we are saying if you want weddings and you want to rent out your barn for birthday parties, fine, but the law is not going to protect you if the municipality says it doesn't think it is appropriate in the zoning where you are. Whereas, if you are doing something agricultural, we will protect you.

Mr. Schilling stated that during both the Hopewell and Laurita cases, his point has always been the same – case specifics matter. He agrees fully with what Mr. Johnson said. He doesn't think the focus is on the wedding but the focus is on whether or not agricultural product is being marketed and sold. If you had an event that was exclusively serving beverage, food, etc., from the farm he felt we would be hard-pressed to find that it wasn't a legitimate activity that explains the marketing of the product. If you have a wedding that is exclusively bringing in catered material that is a different situation. He stated that he keeps getting distracted by the focus on the activity and not the underlying purpose of the activity, which is, is product being sold and then to what extent does the activity have to have product that is primarily off the farm or not off the farm in the case of the catering issue? He stated that case specifics matters. This broad net could render ineligible for protection some bona-fide operations that are selling a lot of farm product.

Ms. Reade stated that you could get a site-specific AMP (SSAMP) for that. You could go to your CADB and get an SSAMP where you are actually selling and promoting the farm products in your event. This AMP doesn't preclude that; all it does is say that there is not broad protection for these events because they are broadly not considered agricultural. If they are directly related to the marketing of the products and produce of your farm there is nothing that would prohibit a producer from going and getting that protection. Mr. Johnson stated that the rules were already there as far as the number and the quantities that you need to be able to prove that you are putting your output out; the test is already there. Ms. Reade thought the statement is that we cannot broadly protect these activities unless they are farm related and she thought this was just a clarification of what has been our policy.

Mr. Schilling stated that he would disagree with just one part of Ms. Reade's statement in the sense that current language refers to the primary purpose of the event is not centered on the agricultural output of the farm. The primary purpose is what bothers him. The focus has to be does the activity in question have a direct and substantial link, however

we define substantial, to the marketing of the agricultural product? That is what the focus is, not the activity itself, in his view.

Ms. Payne stated that the Committee has to adopt a response document to the public comments received on a draft AMP. It lets the public understand how we interpret our regulations. Ms. Payne commented that what she thinks she is hearing the Committee say is that you don't want it to read that the door is completely shut and shall be shut forever message, and that was not staff's intent. She felt that we need to say that in order for these kinds of activities to get protected we are going to have to adopt an AMP on the subject. She is not sure that a wedding reception can be protected under the Right to Farm Act legally today. She felt we would have a hard time arguing in court that a wedding is an agricultural activity. That is the basic problem. Chairman Fisher stated that if that wedding was Mr. Johnson's example of everything that was grown on that farm being provided on that table and the scale of that may actually be the exact same thing that you need to do to sell any agricultural output, then that event is a marketing aspect, if it markets enough output. The thing that has been talked about a lot is can just serving one glass of wine at a wedding be considered the agricultural output of a farming operation so let's protect the entire thing with the band playing and the \$100 dollar dinner and the outside catering hall. The other part of this is you may, in the future, be talking about can five acres of anything, say five acres of grapes, support \$4 million of catering? That is clearly not the output of the farm anymore. There is only so much you can get out of five acres of grapes. He felt we need to change the statement based on what the Committee said. Mr. Siegel felt you could change "because" to "when" but he was just trying to address Mr. Johnson's specific issue. He stated that Ms. Payne has a point with the whole AMP. He stated that he has been to two weddings at Renault Winery. The town is OK with their operation. This place does breakfast weddings, serving their produce but they don't have chickens there so it wasn't their eggs. The town is OK with it but if the town says to the winery you cannot operate a catering hall out here because you are in an agricultural zone and we don't want that out here, then he has to negotiate with the town. Maybe it can be limited or some compromise can be reached but Right to Farm is not involved. Mr. Johnson stated that this document that we are about to adopt is the first one that this Committee is going out with that addresses the direct marketing issues that have sprung up and that will continue to come up. It is the direction that some parts of agriculture are heading in because there is money to be made for farmers out there and a whole lot changes hands at these farming events.

Ms. Murphy stated that she would want to remove the sentence about why people attend weddings. She feels that the motivation for why they are going is not something we need to be concerned about. She felt that quite a few farmers have children's birthday parties

on their farms and maybe they have pizza and maybe they go pick a few apples and she feels that it is site-specific whether that would be something that would be protected or not. She doesn't know whether that should be protected under Right to Farm or not. Mr. Johnson stated that on his farm he has seven birthday parties this weekend and they will all be getting on wagons and going out picking broccoli and cauliflower and sweet potatoes and getting lessons on apple cider pressing and corn shucking.

Mr. Danser stated that we have to remember that this is not what is allowed on preserved farms, it has nothing to do with that. This is what is eligible for Right to Farm protection and allows the operator to ignore or not be controlled by municipal regulations. He stated that the real problem is the magnitude of the operation. If you get to something that is having 100 people or, worse than that, 100 vehicles, the CADBs in his opinion, are just not qualified and don't have the expertise to assist them in regulating, designing and reviewing parking and circulation, ingress and egress and those public safety issues that really need to go to the planning board, and that is what he grapples with. They shouldn't be eligible for Right to Farm protection and he knows there are towns out there that just like to wield the club but he also knows that there are operators that will grow to the point where they really do need some professional advice and direction on these issues. We had one about four to five months ago on a rural road and they really needed an accel and decel lane and no one had any control over it and that is what concerns him – that someone should just be able to say they have Right to Farm protection and can do whatever they want. Ms. Payne stated that what we have said publicly on this question throughout the AMP discussion has been if the CADB has the engineers on the county staff and they can make these decisions, then they are free to do so, but if they cannot then they have to defer them back to the county. Mr. Siegel asked if staff was contemplating a new AMP. Ms. Payne stated that the winery industry has asked for one and the Committee is going to have to decide where we put that in the priority list with everything else. She stated that we need to deal with the issue – either we do have statutory authority to adopt an AMP on these issues or we don't, and if we don't then we need some legislative authority to do so. Once we get that authority then we can develop regulations to create the box for the CADBs.

Ms. Payne stated that the public response document will be much longer than what is presented today; staff was just trying to give the essence of their thinking. Chairman Fisher stated that we spent three years doing this AMP work and we are getting ready to adopt. We have had the New Jersey Farm Bureau look at this, we have had numerous public meetings and this is what we have arrived at with the most consensus that he thinks we are able to get.

Ms. Reade asked how the Committee would respond to New Jersey Farm Bureau's comment about buffers. Ms. Payne stated that how the AMP addresses buffers is that buffers do not apply to existing operations, and you can get relief from the buffers by this AMP and we address that directly.

Ms. Payne stated that if the Committee is comfortable with that basic direction, that will be reflected in the adoption document next month. She stated that we received public comments and staff will prepare the response document, based on today's discussion, and that will be attached to the final rule to be adopted. They will be submitted to the Governor's Office for review and approval and if approved will be placed on next month's agenda for adoption. If the Committee adopts the rule proposal, it will be published in the *New Jersey Register* sometime in January and then it will be an effective rule.

C. Stewardship

1. Request for a Division of the Premises – Schaumloeffel Farm

Mr. Roohr referred the Committee to Resolution FY2014R11(1) regarding a request for a division of the premises for the Robert Schaumloeffel property, Block 31, Lots 6, 9.05 and 10 in Upper Freehold Township, Monmouth County, comprising 159.5 acres. The owner proposes to divide the premises with the intention to transfer ownership of the two proposed parcels to his two daughters, who have worked with their father operating the family nursery for more than 10 years. The owner has transferred the business entity and assets, other than the farmland, to his daughters and now seeks to subdivide the property so that he can transfer ownership of the land to his daughters individually. The proposed Parcel "A" would result in a 98+/- acre property that would include two existing agricultural labor residences (mobile home trailers) and a 1.5-acre nonseverable exception area. It would be improved with two irrigation ponds, an irrigation well and underground mains. Parcel "B" would result in a 62+/- acre property, improved with an irrigation well and underground irrigation mains, and would have access to a stream for irrigation purposes.

As part of a prior proposed development approval, the owner granted to Monmouth County a conservation easement along a stream that bisects Parcel "B," which was taken as a severable exception as part of the preservation application. Mr. Roohr stated that before the property was preserved it was being subdivided to be built out with houses. As part of the approval for the building lots, a conservation easement was part of the deal. The owner is currently taking legal action in an attempt to rescind the conservation easement. Mr. Roohr stated that the outcome of that is immaterial to the SADC but staff

would condition approval upon receipt of a formal easement being granted to Parcel "B" to get through the conservation easement, if one already doesn't exist. In order for the subdivision to be supported, the owner needs to prove that clear legal and physical access is available from the west side of Parcel "B" to the east side – through the conservation easement area in order to ensure the future viability of Parcel "B." Staff recommendation is to approve the request with one condition, as outlined in the resolution.

Ms. Murphy stated she had a couple of issues with the resolution regarding the conservation easement. It concerns her that we are taking a neutral stance on the rescinding of the conservation easement that is held by one of our preservation partners. The County Freehold Board passed a resolution saying you can do something as long as the SADC easement gets lifted. She doesn't like it from a philosophical point of view. From a practical point of view, it is a severable exception and it was granted as a severable exception so that it could be used by the county as a conservation easement in the future and possibly for access and things like that. It was a major part of the valuation of the property and it was granted as a condition of subdivision approval, which was obviously taken into account in the valuations. So to have it rescinded post acquisition and then have it with no protection on it and to treat it like it was immaterial concerns her. Ms. Payne stated that the conservation easement was a condition of the subdivision, and her technical understanding is that the conservation easement was not properly executed, allegedly, that is what the landowner is saying, that the property is jointly owned and one of the property owners did not sign the easement. To staff, it looks like a private property problem, whether legal documents were executed properly. The SADC wouldn't assert itself in that legal dispute. As to the conservation easement, what we typically do is put our farmland preservation easement over a conservation easement; in case those conservation easements ever go away those lands are protected. We contemplate in the program that sometimes these conservation easements or easements of all kinds go away so she doesn't think the fact that the conservation easement is being removed undermines valuation. Ms. Payne stated that the SADC has seen cases where there is final subdivision approval, a developer owned the property and he has drainage easements that have been recorded. The farm gets preserved and we have actually insisted that the drainage easements get removed prior to closing because the easements no longer makes sense and would have encumbered the agricultural activities on the farm. She does see what Ms. Murphy is saying, however.

Mr. Schaumloeffel stated that the easement was never paid for -- it was basically granted to the county 10 years ago and the SADC never paid for the easement. It should never have been given to the county but he made a mistake and he signed off on it but his brother did not. He stated they are trying to work it out with the county now and he wants

the easement lifted so that they can put the farm back together the way it should be. He basically gave up some 50 lots because his daughters wanted to do agricultural work with the nursery and that is what they are doing. He feels they gave a lot and they should be getting that easement back from the county to restore his farm to what it was. He spent a lot of money years ago when he thought he was going to sell out and not do any more farming. This easement that is there, it is a little roadway with a piece of pipe that the stream runs through and connects two pieces of open land so we can get back and forth and around the farm without going out on the roads. Ms. Murphy stated that her suggestion would be to just wait to see what happens with the county and if the easement does actually get rescinded then we consider the issue. But to give an approval based on the removal of something that we based our valuation on and it is held by a conservation partner.... Mr. Danser stated that the resolution doesn't say anything about a removal, it just asks for an access easement across it so he can get from one side of Parcel "B" to the other. Ms. Payne stated that the current conservation easement allows him to drive across it and we just want to solidify that because, without the rest of the farm, that is the only way to reach the back of the farm.

It was moved by Mr. Germano and seconded by Mr. Danser to approve Resolution FY2014R11(1) granting approval to a request to divide the premises as follows:

Parcel "A" – 98 acres+/- acres, which includes two existing agricultural labor residences (mobile home trailers) and a 1.5-acre nonseverable exception area, improved with two irrigation ponds, an irrigation well and underground mains.

Parcel "B" – 62+/- acres, which is improved with an irrigation well and underground irrigation mains, and has access to a stream for irrigation purposes.

As a condition of this approval, the Owner shall record a formal legal access easement, in a form approved by the SADC, through the exception area in favor of Parcel "B" to provide adequate access through the severable exception area for agricultural and other purposes consistent with the deed of easement. This approval is subject to the conditions set forth in this resolution and is not transferrable to a proposed purchaser of the farm parcels other than Diane Schaumloeffel and Kristen Myers. The SADC's approval of the division of the premises is subject to, and shall be effective upon, the recording of the SADC's approval resolution and is valid for a period of three years from the date of approval. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was approved. (Ms. Murphy opposed.) (A copy of Resolution FY2014R11(1) is attached to and is a part of these minutes.)

2. Agricultural Labor Housing Request

1. Peck Farm, Knowlton Township, Warren County

Mr. Roohr referred the Committee to Resolution FY2014R11(2) for a request by Peter and Theresa Peck, owners of Block 61, Lot 13, Township of Knowlton, Warren County, comprising 39.64 acres, to have the ability to house one farm worker in an agricultural labor unit. The owners are in the process of constructing a new 18-stall equine barn and propose to build a new, approximately 800 square-foot apartment on the second floor of the barn, as identified in Schedule "A" of the resolution. The owners operate an equine breeding, raising and training operation on the property. There is no existing housing on the property and the owners reside approximately 11 miles from the farm. The owners believe that having a farm worker onsite is essential to the future and expansion of the operation. The farm worker will be a full-time employee of the farm directly involved with the day-to-day production activities of breeding, raising and training of horses throughout the year including feeding, watering, stall cleaning and turnout as well as pasture maintenance and production and harvest of 20 acres of hay seasonally. The ability to breed and foal horses on the property will be improved with the addition of onsite labor capable of providing 24-hour care. The owners believe that having on-farm housing for agricultural labor will allow them to hire and retain workers with better training and experience in equine care. Staff recommendation is to approve the request.

It was moved by Mr. Danser and seconded by Ms. Reade to approve Resolution FY2014R11(2) granting approval, as presented and discussed, to the request to construct an agricultural labor unit on the Premises, consisting of an apartment, approximately 800 square feet in size, located on the second floor of the proposed equine barn as depicted on Schedule "A," subject to municipal, State and federal requirements. Only agricultural labor employed on the Premises, in production aspects of the operation, and their immediate family, may live in the agricultural labor structure. The occupants of the agricultural labor unit shall not be related to the Owner in conformance with Paragraph 14 of the Deed of Easement. Any agricultural labor residence inhabitants shall be engaged in the day-to-day production activities on the Premises, which at this time include the breeding, raising, training, care and sale of the hunter/jumper horses and seasonal hay production and harvest. As a condition of this approval, for the next five years the Owners shall provide production records, which shall include breeding receipts, birth records, competition results, appraisals or sales contracts for animals born or raised on the Premises or other appropriate documentation, to the Warren CADB as part of its annual monitoring visit to the farm. Productions records shall be forwarded to the SADC for review annually to ensure that there is sufficient equine production activity occurring

on the farm to continue to warrant use of the agricultural labor unit. The SADC reserves the right to request future copies of production records during periods when the agricultural labor unit is inhabited. A copy of the signed resolution will be forward to the Warren County Agriculture Development Board, the Knowlton Township municipal offices and the Owners. This approval is valid for a period of three years from the date of approval and is not transferrable. The Owners' use of any structures for housing agricultural laborers shall be in compliance with all applicable federal, State, county and local regulations. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2014R11(2) is attached to and is a part of these minutes.)

3. Renewable Energy Generation on Preserved Farm

1, Dittmar Farm, Upper Freehold Township, Monmouth County

Mr. Roohr referred the Committee to a memo dated November 6, 2013 regarding the Dittmar Property (Low Meadow Farm) Solar Energy Facility Application. He stated that this is a ground-mounted solar array, which has been constructed on the Dittmar farm comprising 130 acres in Upper Freehold Township, Monmouth County. It is noted that the landowner did not seek and obtain the approval of the Committee before constructing, installing and operating the solar facilities, structures and equipment on the farm. The array is a 20,000 kilowatt hour/year ground-mount system built in 2011. In 2010, the legislation for solar facilities was passed that said that approval was needed by the SADC. However, the regulations did not become approved until June of this year. Mr. Dittmar indicated he was not aware that he needed SADC approval and went on to build the array. CADB staff identified the ground-mounted solar array during a 2012 site visit and notified the owner of the requirement to obtain SADC approval. Mr. Dittmar then immediately submitted the application that the SADC had at that time; however at that time the application was only for roof-mounted systems so staff couldn't do anything with it until June of this year when the ground-mounted regulations were effective and the proper application was available. Mr. Dittmar provided that application to the SADC but in the meantime, in August he sold the farm, but he sold it with the understanding with the new owners that he would resolve this issue for them.

Mr. Roohr reviewed the location of the array via aerial maps with the Committee. The array is located along the wooded edge of a horse pasture on the preserved farm, with its primary purpose to service the electrical demands of the residence on the adjacent exception area. The array takes up approximately 1,500 square feet and there is grass underneath and all around it. Impervious cover comes from the stand-up post. There is a

two-inch steel post that holds the array up, each one having a 12-inch diameter cement footing. That is where the problem lies, with the filling of the 12-inch tubes with concrete. That creates approximately 35 square feet of impervious cover with a disturbed area of about 436 square feet. The regulations say that concrete can only be used as a last resort. In this case, because it was built without knowledge that there were rules, no one was aware that you shouldn't use concrete unless it was absolutely necessary. Due to the age of this easement, the terms "severable" and "nonseverable" were not used at that time to describe exception areas. Rather, these areas were simply referred to as being "unencumbered" by the deed of easement. In this particular instance, however, there are numerous other references in the file indicating that this exception area was intended to remain with the preserved acreage of the property, specifically to act as the home site for the property. Staff's opinion is that this would constitute a nonseverable exception. Since the solar regulations prohibit the construction of a solar array on a preserved farm to service a use on a severable exception, any approval of the project should be conditioned on an amendment to the deed of easement being recorded that clarifies the exact nature of the exception area on the property.

Mr. Roohr stated that other than what was already discussed, the system complies with the regulations. He stated that he spoke with Mr. Dittmar and the new owners and both have stated that they understood that this house would not be separated from the farm and they had no intentions to do so.

It was moved by Ms. Murphy and seconded by Mr. Germano to grant approval to the already constructed ground-mounted solar energy facility on the Dittmar Property (Low Meadow Farm), known as Block 32, Lot 11, Upper Freehold Township, Monmouth County, 128 acres, as presented and discussed. Since the solar regulations prohibit the construction of a solar array on a preserved farm to service a use on a severable exception, approval of this project is conditioned on an amendment to the deed of easement being recorded to clarify the exception as being nonseverable. The motion was unanimously approved. (A copy of the November 6, 2013 memo is attached to and is a part of these minutes.)

D. Resolutions for Final Approval: County Planning Incentive Grant Program

SADC staff referred the Committee to five requests for final approval under the County Planning Incentive Grant Program. Staff reviewed the specifics of each application with the Committee and recommended that the Committee grant final approval.

It was moved by Ms. Brodhecker and seconded by Mr. Danser to grant final approval to the following applications under the County Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said Resolutions:

1. Joseph and Edith Cimino, SADC # 06-0120-PG (Resolution FY2014R11(3))
Block 8, Lots 8, 8.02, Hopewell Township, Cumberland County, 52 Net Acres
State cost share of \$3,750 per acre for a total grant need of \$200,850, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The property has two 1.5-acre severable exception areas, each restricted to one single-family residence. The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 53.56 acres will be utilized to calculate the SADC grant need. The County will utilize FY2013 competitive grant funding to cover the SADC cost share.

2. Stanley Skeba, SADC # 11-0174-PG (Resolution FY2014R11(4))
Block 30, Lot 19.01, East Windsor Township, Mercer County, 18.57 Surveyed Acres
State cost share of \$5,000 per acre (60.98% of the certified market value and 54.95% of the purchase price) for a total grant need of approximately \$92,850, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The property has one 2-acre nonseverable exception area restricted to one single-family residence not to exceed 4,000 square feet of livable space, not including unfinished areas or outdoor porches. No competitive grant funding is needed for the SADC cost share grant on this property; therefore, the entire estimated SADC grant need will be encumbered from the County's base grants.

3. Samuel M. Hamill, Jr., SADC # 11-0173-PG (Resolution FY2014R11(5))
Block 6501, Lot 121.02, Lawrence Township, Mercer County, totaling 33.534 Surveyed Easement Acres
State cost share of \$5,400 per acre (60% of the certified market value) for a total grant need of approximately \$181,083.60, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The property has one 2-acre nonseverable exception area for one single-family residence restricted to 4,000 square feet of livable space, excluding unfinished areas or outdoor porches, and a 24-acre severable exception area to accommodate a pre-

existing conservation easement. No competitive grant funding is needed for the SADC cost share grant on this property; therefore, the entire estimated SADC grant need will be encumbered from the County's base grants.

4. Patricia Cooke, SADC #21-0523-PG (Resolution FY2014R11(6))
Block 3200, Lot 300, Hope Township; Block 701, Lots 1, 1.03, Frelinghuysen Township, Warren County, 47 Net Acres
State cost share of \$2,620 per acre (70.81% of the purchase price) for a total grant need of \$126,834.20, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C." **Through the survey process, it will be confirmed that there is no structure located within the 50-foot wide access off Ridgeway Avenue, and therefore, the area is not encroached upon.**

Discussion: The property has one 1-acre nonseverable exception area for and restricted to one single-family residence, and two 6-acre severable exception areas for and restricted to one single-family residence each. GIS mapping denotes a structure located within the 50-foot wide access from Ridgeway Avenue, but the CADB confirmed that this is a GIS inaccuracy and the area is not encroached upon. A parcel application was submitted by the New Jersey Conservation Foundation to the FY2013 USDA, NRCS Federal Farm and Ranch Lands Protection Program and it was determined that the property and landowner qualified for federal grant funds. The FY2013 federal grant will be based on an estimated federal current easement value, which is \$3,700 per acre, equating to a federal grant of \$1,850 per acre (50% of \$3,700) or approximately \$86,950 in total federal funds. Should alternate federal funding become available from other funding years or through other qualified entities such as the SADC, a nonprofit organization or county, it may be utilized if such funding benefits the easement acquisition and/or the successful use of federal funding. The landowner has agreed to the additional restrictions associated with the federal grant, including a 4 percent maximum impervious coverage restriction (approximately 1.88 acres) for the construction of agricultural infrastructure on the property outside of the exception areas, which is the maximum allowable for this property through the federal program at this time. The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 48.41 acres will be utilized to calculate the grant need.

5. Stephen M. Czar, III and Richard W. Czar, SADC # 21-0527-PG (Resolution FY2014R11(7))
Block 111, Lot 6, Pohatcong Township, Warren County, 94 Net Acres
State cost share of \$3,600 per acre for a total grant need of \$348,552, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The property includes one single-family residence with an apartment. The County is requesting use of its base grant funds and has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 96.82 acres will be utilized to calculate the grant need.

The motion was unanimously approved. (Copies of Resolution FY2014R11(3) through Resolution FY2014R11(7) are attached to and are a part of these minutes.)

F. Resolution for Final Approval: State Acquisition Program

SADC staff referred the Committee to two requests for final approval under the State Acquisition Program. Staff reviewed the specifics of the requests with the Committee and stated that the recommendation is to grant final approval, as presented and discussed.

It was moved by Mr. Danser and seconded by Ms. Reade to grant final approval to the following applications under the State Acquisition Program, as presented and discussed, subject to any conditions of said Resolutions:

1. Marve Farms, Inc. SADC #10-0216-DE (Resolution FY2014R11(8))
Block 29, Lot 52, Franklin Township, Hunterdon County, 242 Net Acres
Acquisition of a development easement at a value of \$6,500 per acre, for a total of approximately \$1,573,000, subject to the conditions in Schedule "B." Should federal funding of approximately \$1,089,000 not be obtained to offset the SADC funding, the SADC will fund the full easement value.

Discussion: The owner has requested a 3-acre nonseverable exception area to be restricted to one existing single-family residence and a 6.1-acre nonseverable exception area to be restricted to the one existing duplex residence or, in the event the existing duplex residence is replaced, it can be replaced with another duplex or one single-family residence. A parcel application was submitted by the SADC to the USDA, NRCS Federal Farm and Ranch Lands Protection Program and the NRCS has determined that the property and landowner qualified for federal grant funds. At this time, the federal current easement value has not been finalized; therefore, the federal grant will be based on the approved estimated federal easement value, which is \$9,000 per acre, equating to a federal grant of \$4,500 per acre (50% of \$9,000) or approximately \$1,089,000 in total federal funds. The landowner has agreed to the additional restrictions involved with the federal grant, including an approximate 4.33% maximum impervious coverage restriction (approximately 10.5 acres available for impervious cover) for the construction of

agricultural infrastructure on the property outside of exception areas, which is the maximum allowable for this property through the federal program at this time.

2. Dr. Dante Greco, SADC # 06-0069-DE (Resolution FY2014R11(9))
Block 4, Lots 1, 3, Greenwich Township; Block 12, Lots 2, 3, 5, Stow Creek Township, Cumberland County, 228 Net Easement Acres
Direct acquisition of the development easement at a value of \$3,900 per acre for a total of approximately \$889,200, subject to the conditions contained in Schedule "B."

Discussion: The owner has requested a 2-acre nonseverable exception area restricted to one single-family residence.

The motion was unanimously approved. (Copies of Resolution FY2014R11(8) and Resolution FY2014R11(9) are attached to and are a part of these minutes.)

PUBLIC COMMENT

Nicole Kavanaugh from the New Jersey Farm Bureau noted that the Highlands dual appraisal valuation is set to expire next June. They have heard from some of their counties that there is some concern about at what point in the process does the farm need to be to still qualify for that dual appraisal. Does the SADC have any guidance on that for the counties? Also, is the SADC writing a letter or doing anything to encourage the Legislature to extend that because there is still a need in the Highlands. Ms. Payne stated that regarding the first question, the SADC had issued guidance to the counties when the date was going to be 2009 and the same policies are applying to this 2014 date. As to the second question, it is not the SADC's position to lobby the Legislature as an arm of the Administration. She stated that the Administration is aware of the fact that this dual appraisal provision is expiring.

Katherine Coyle from the Morris County Agriculture Development Board stated that if she could add to that, in Morris County, if the dual appraisal expires next year it will virtually mean the end of preservation for them. Out of all their target farms, only a handful are not in the Highlands Preservation or Planning Areas. The value differences they have seen for Highlands and current got up to as far as 90%. From their perspective, if the provision is not extended preservation in Morris County will fold.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, December 12, 2013, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium. **NOTE: Meeting to be held on the second Thursday of the month due to the holiday season.**

CLOSED SESSION # 1

At 10:32 p.m., Mr. Danser moved the following resolution to go into Closed Session. The motion was seconded by Mr. Germano and unanimously approved.

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

ACTION AS A RESULT OF CLOSED SESSION #1

A. Stewardship – Review of Activities on Preserved Farm

1. Metropolitan Farms, Closter Borough, Bergen County.

Mr. Roohr referred the Committee to Resolution FY2014R11(11) regarding the review of activities on Metropolitan Farm in Closter Borough, Bergen County. It is a preserved farm comprising 11 acres. Mr. Vastano is the principal owner of the property known as Metropolitan Farm LLC. He owns three garden centers known as Metropolitan Plant Exchange in Bergen and Essex counties. Upon acquiring the property, he began to clear about 2.2 acres to prepare the site for potted plant production with the idea being that he would raise plants on this property to sell at his three garden centers and also eventually on this property. Mr. Vastano sought approval for this work from the Township and the Soil Conservation District but both agencies told him he was exempt because it was a commercial farm so he set to work on clearing the trees and grading the site.

Mr. Roohr stated that trees from an abandoned orchard and wooded area were removed and the area was regraded. Shortly after the site work started the neighborhood residents had some concerns about it and raised those concerns locally and with the SADC. Eventually they filed a legal complaint against Mr. Vastano. On May 8th, the residents took Mr. Vastano to County Court and the Judge there ruled that Mr. Vastano could not

remove any more trees or construct any permanent structures until his Right to Farm hearing was held. The issue there is that the Right to Farm hearing cannot be held until it is determined whether or not he violated the deed of easement. Mr. Vastano has not constructed anything permanent or cut down any more trees but what he has done is installed an irrigation well, with underground mains, put up a deer fence and put in about 20,000 potted plants. He fixed up an old barn to return it to its use as a chicken coop with 200 laying hens. In the spring of 2013 he opened for business, selling potted plants and eggs onsite.

Mr. Danser asked if the complaint was over clearing or grading. Mr. Roohr stated it was over site work in general. It initially started about the trees. The neighbors went to work in the morning and were looking at the trees and when they came home the trees were gone. As it developed, the neighbors are saying that the site work, the grading work is also a problem. Ms. Payne stated that storm water was also an issue they raised. Mr. Roohr stated that the storm water issues were brought up by the neighbors and it was a concern for us. As part of this process Mr. Vastano did all the storm water requirements and now has the letter from the local district that says the storm water management plan is in compliance. Ms. Payne stated that under DEP's storm water management rules, farmers can demonstrate compliance with the rules in one of two ways – you can go to the town and get storm water approvals or you can go to the soil conservation district and have them approve your storm water management plan. This farm used that second option. The Bergen district did not have the resources at their district office to sign off on this plan so they requested the Department of Agriculture's engineer provide that technical assistance, so it was the Department's engineer who confirmed that the final plan was in compliance.

Chairman Fisher left the meeting at this point. Vice Chair Danser presided over the meeting at this time.

Mr. Roohr stated that about one week prior to the residents filing the complaint, he met onsite with the owner, his attorney, NRCS and the Soil Conservation District staff, along with CADB staff. Mr. Vastano laid out his ultimate plan for the property. His vision was three or four hoop houses in one area, 30 x 96 feet and then two 30 x 144 feet; then an additional building, which would be a more permanent greenhouse – steel with the hard plastic sides that would also be his farm stand. So that would be seven total structures that he wanted to build. Staff's interest in the project was to best understand what happened to the soil. To fully understand that, staff sought out a soil scientist to give a provide an analysis of what occurred. On August 7th, Dr. Palkovics of DelVal Soil and Environmental Consultants and Mr. Roohr went to the farm again and dug four test pits

in various areas. Mr. Roohr reviewed various maps with the Committee. He stated that once the topsoil was stripped in one of the areas -- almost a year ago and it hasn't been touched -- they were digging this hole and you could see vegetation. That has to do with part of the findings here on the soil type. It is the Dunellen Urban Land Complex type of soil, which apparently is soil left by a glacier and can be up to 60 feet deep before you get to bedrock. They were able to dig 10 feet down with a backhoe. There was no sign of water; it was very sandy, gravelly material and it looked like one 10-foot column of the same thing. Dr. Palkovic's findings confirm that it is Dunellen soil, which is how it is listed by the NRCS soil survey. It is this rather homogeneous layer of gravelly material. He did confirm that the topsoil was pulled off and was put in two berms; one is at the edge of the property, which he bermed up and then planted Christmas trees on it. So what was there he did save. The property today could be put into agricultural production. Because of the sandy soil it would need irrigation but it would have needed irrigation before. Today you could grow something on it. If you put the topsoil back you have something that is a little better and if you put the necessary amendments on it, getting it back to its predisturbance characteristics would not be a monumental task.

Mr. Roohr stated that the findings related to the deed of easement would be that Mr. Vastano has his storm water compliance. The NRCS has determined that this site is not a violation of federal Farm and Ranch Lands Protection Program funding rules. Cutting trees to create additional production areas is not prohibited by the deed of easement. Site work, which under these conditions does not materially decrease the productivity of the soils, is not prohibited by the deed of easement. Putting up hoop houses, as proposed in this manner, is not a violation, and raising and selling potted plants and chickens to sell eggs are also not a violation of the deed of easement. Based on that and this soils report, staff recommends that the activities that occurred on this property and his proposed erecting of six hoop houses and one farm stand would not violate the deed of easement. The resolution does have one caveat in it where it advises the owner that future activities must remain in compliance with this farm conservation plan that he has since had developed. A big part of that is continuing to properly maintain these topsoil berms and also that before he goes through any additional future earth-moving work, if any is planned, he should seek approval from the CADB and the SADC, along with the NRCS before he proceeds. Mr. Danser asked if that included re-spreading the topsoil. Mr. Roohr stated that he thought the answer would be yes. We would want the NRCS to advise him and us that his method of re-spreading is the correct way.

Mr. Johnson stated that for years CADBs have had discussions on what to do with topsoil on these nursery businesses. He has seen some really horrible examples where the topsoil left the premises. He felt this is an excellent example of how it could be handled properly.

For container stock topsoil it makes sense to put it off to the side and to maintain it so it can be put back. He stated that he likes this method. He doesn't think that this person should be made to put it back because it doesn't bode well for growing container stock on. As long as it is there, it is well maintained and it is bermed, it has plantings on it and if someone wants to put it back someday when the agriculture use changes again, it's there.

Chairman Fisher returned to the meeting at this time.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2014R11(10) finding that the activities that have occurred on the Premises known as Metropolitan Farm LLC, Block 2102, Lot 55, Borough of Closter, County of Bergen, related to land clearing and grading as described herein do not constitute a violation of the deed of easement. The Owner shall implement and otherwise remain in compliance with the NRCS farm conservation plan, which includes but is not limited to appropriate topsoil storage. The Owner shall seek approval from the Bergen CADB, SADC and NRCS prior to conducting any additional earth-moving work on other portions of the Premises. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

Mr. Germano suggested a change to paragraph #4 on Page 5 of the draft resolution. The first three or four lines say the Owner didn't violate the deed of easement and later in that line it says "because..." He said the Owner didn't violate the deed of easement "because the types of agricultural production that were possible in Dunellen soils prior to the disturbance are still possible in the post-disturbance condition." Mr. Germano said that the reason no deed violation exists should be inserted immediately after the word "because," and all of the other words in the sentence support the ultimate conclusion. The reason that what the Owner did here is OK is because what he could produce before he can produce now and the work undertaken on the farm didn't materially affect what he could produce. That is the "because" and the other facts support the conclusion. The second suggestion is in the beginning where it says "site preparation and development of agriculture-related infrastructure conducted in the manner described herein." Mr. Germano stated that is fine but the real point is not the way the Owner did the work but it's the fact that he did it in a place where he had 10 feet of the same soil.

Chairman Fisher requested that he would like to give Mr. Stypinski the opportunity to review these suggested changes with the Attorney General's office and advise the Committee accordingly.

Chairman Fisher stated that there is a motion and a second but he questioned how the Committee procedurally adopts something that may or may not be changed. Mr. Stypinski stated that the Committee would adopt it with the amendment, subject to the approval of the Attorney General's Office. Ms. Payne noted that the Committee had another open session item to discuss yet so she stated that Mr. Stypinski could reach out to his office while we discuss the other agenda item to make sure they are comfortable. Otherwise, we could take your comments now and bring it back next month. Mr. Siegel asked if this would cause a problem for the landowner if we waited until the next meeting. Mr. Roohr stated that the landowner has waited over a year at this point but the issue is that the Right to Farm process cannot start until this decision is made so it would hold up the Right to Farm process. Chairman Fisher stated let's make an attempt at the language amendment today, check it with the Attorney General's Office for their input and go from there and then we will either approve it or not.

Chairman Fisher stated there is a motion on the table to approve the draft resolution as it is. We can take that vote and see how everyone accepts that vote and if you don't we can go back in and re-write it. Ms. Reade suggested that it be tabled. Ms. Payne stated it could be tabled and we could try to amend the resolution. Mr. Siegel stated to just hold it until later in the meeting. Chairman Fisher stated that as of right now it is tabled and we are going to get some additional information about that motion.

Ms. Fischetti from the Office of Community Affairs left the meeting at this point.

B. Real Estate Matters - Certification of Values

It was moved by Mr. Danser and seconded by Mr. Germano to certify the following development easement values as presented and discussed in closed session with the exception of the Thompson-Birches certification of value, which will be voted on separately:

County Planning Incentive Grant Program

1. John Pagano, SADC # 01-0004-PG
Block 8201, Lot 5, Winslow Township, Camden County, 23 Acres
2. Todd and Margaret Casper # 2 (Casper Nurseries, LLC), SADC #06-0147-PG
Block 501, Lot 9.06, Upper Deerfield Twp., Cumberland County, 24 Acres
3. Kathleen A. Casper, SADC #06-0138-PG

Block 19, Lots 9, 9.02, 9.03, Stow Creek Township, Cumberland Co., 29 Acres

4. Richard G. Willis, SADC # 06-0150-PG
Block 89, Lot 3, Hopewell Township, Cumberland County, 78 Acres
5. Stayton and Styliades, SADC # 08-0169-PG
Block 1004, Lot 5, Logan Township, Gloucester County, 57 Acres
6. Robert and Maxine Brown, SADC # 08-0164-PG
Block 1306, Lot 2.09, East Greenwich Township
Block 4, Lot 19, Mantua Township
Gloucester County, 38 Total Acres
7. Haig and Lucas Farm, SADC # 08-0166-PG
Block 54, Lot 8, Elk Township, Gloucester County, 55 Acres
8. Charles and Norman Wright, SADC # 08-0154-PG
Block 28, Lot 10, Elk Township, Gloucester County, 40 Acres
9. Leone Farm, SADC # 08-0170-PG
Block 703, Lot 1, Logan Township, Gloucester County, 43 Acres

Municipal Planning Incentive Grant Program

1. James and Elvira Smith, SADC # 13-0443-PG
Block 171, Lot 52.02, Marlboro Township, Monmouth County, 28 Acres
2. Michael and Linda Sottile, SADC # 17-0120-PG
Block 27, Lot 9, Upper Pittsgrove Twp., Salem County, 61.3 Net/62.5 Gross Acres

Direct Easement Purchase Program

1. G. Alexis Coleman, Jr., SADC #17-0258-DE
Block 38, Lot 2.01; Block 44, Lots 1, 6, 7, Alloway Township, Salem Co., 96 Net Acres
2. Kenneth S. and Wayne K. Wentzell, SADC #17-0251-DE
Block 81, Lot 5; Block 79, Lot 2, Pilesgrove Twp., Salem County, 102 Acres

The motion was approved. (Ms. Fischetti was absent for the vote.) (Copies of the Certification of Value Reports are attached to and are a part of the closed session minutes.)

County Planning Incentive Grant Program Con't.

Mr. Johnson recused himself from any discussion/action pertaining to this agenda item to avoid the appearance of a conflict of interest. Mr. Johnson is a member of the Burlington County Agriculture Development Board.

It was moved by Mr. Danser and seconded by Mr. Germano to certify the following development easement value as presented and discussed in closed session:

1. Burlington County/Thompson-Birches Farm, SADC # 03-0382-PG
Block 2102, Lot 5, Tabernacle Township, Burlington County, 112 Acres

The motion was approved. (Mr. Johnson recused himself from the vote. Ms. Fischetti was absent for the vote.) (A copy of the Certification of Value Report is attached to and is a part of the closed session minutes.)

C. Attorney/Client Matters

1. Litigation

a. Right to Farm – Proposed OAL Final Decision – Feinberg v. Hunterdon CADB and Stonybrook Meadow, LLC.

Mr. Smith referred the Committee to the draft Final Decision in the Feinberg v. Hunterdon CADB and Stonybrook Meadow LLC Right to Farm matter. This final decision arose out of a decision by the Hunterdon CADB based on an application for a site-specific AMP (SSAMP) filed by Stonybrook, a farm in East Amwell Township, Hunterdon County. The Hunterdon board passed a resolution approving, denying and conditionally approving various SSAMP requests by Stonybrook. The decision of the Board was appealed by both Stonybrook and by a neighbor named Feinberg who objected to the Board's exercise of jurisdiction because the Stonybrook property is located in a zone that makes agriculture a conditional use. The Administrative Law Judge (ALJ) decided the case based on a summary decision motion that was filed by Feinberg. There was no trial, no testimony and the ALJ decided that the facts were not in dispute and made various legal conclusions, which included the following:

1. Stonybrook had presented sufficient evidence of commercial farm income, pursuant to the Right to Farm Act;
2. The hearings that the Hunterdon CADB had held were properly noticed;
3. Stonybrook was not a commercial farm in operation as of July 2, 1998;
4. Stonybrook was in a zone that did not allow agriculture as a permitted use and therefore, the Hunterdon CADB had no jurisdiction to hear the SSAMP application. As a result the Judge entered a summary decision and in the initial decision said that Hunterdon's resolution, which approved, denied and conditionally approved the SSAMP, was not valid.

In the final decision before the Committee today in draft form, the SADC adopts the ALJ's decisions regarding commercial farm eligibility, the propriety of the notice that was given during the hearings and also that Stonybrook was not a commercial farm in operation as of July 2, 1998. The SADC rejects the Judge's decision that the Board had no jurisdiction because Stonybrook was located in a zone in which agriculture is a conditional use. The basis for that rejection is that the permitted use criteria in section 9 of the Right to Farm Act, like other jurisdictional requirements in that section, do allow CADBs to determine whether conditions in a conditional use ordinance can be met by the commercial farm when an application for an SSAMP is made. That holding is conditioned on recognition that if the commercial farm cannot comply with one of the conditions, the Board has no jurisdiction to preempt that portion of the municipal ordinance in that the commercial farmer will have to go to the municipal zoning board to get a variance consistent with cases that have construed conditional use approvals under the Municipal Land Use Law. (MLUL). With respect to the specific requests made by Stonybrook, the record is unclear on many of the requests that were made and the evidence that was presented to support the request. As a result, those issues that are itemized at the end of the final decision will have to be determined again on remand by the Office of Administrative Law. The issues as to whether Stonybrook could comply with the conditional use ordinance that limits agriculture to no clearing of land and no exceedance of impervious cover limits in the zone were also not fleshed out at the CADB level or before the OAL. Those issues will have to be remanded for further proceedings in front of the OAL. If Stonybrook cannot prove to the ALJ that those conditions can be met, then Right to Farm protection for those particular activities cannot be granted and Stonybrook would have to go back to the East Amwell Zoning Board for a variance.

Mr. Smith stated that many of the activities that Stonybrook proposed in the SSAMP involve things related to the equine operation currently being run on DelCampo's property. Unfortunately, neither the CADB nor the OAL dealt with existing agricultural management practices governing equine activities. As a result, the remand will have to

determine whether the current and proposed equine operations comply with the agricultural management practice for equine activities on commercial farms and whether the activities themselves are eligible for protection under 2b.3 of the SADC regulations. There was a request for farm tastings, which was a very vague request. It appeared to be something to do with tasting the herbs that are grown at Stonybrook's farm but this was one of the many instances where the testimony was vague as to what exactly these farm tastings would entail. Marketing agricultural/horticultural output of a farm is normally associated with a farm market and would be permitted provided there is compliance with the farm market definition in the Right to Farm Act. The farm tastings also involved how often these incidents could occur on the farm and that depends on whether they are properly in conjunction with the farm market and what kind of agricultural/horticultural products are being marketed as part of these farm tastings. When it comes to things like educational forums, the Right to Farm Act allows agriculture-related education, and farm-based recreational activities, but educational activities and farm-based recreational activities need to be related to marketing the agricultural/horticultural output of the farm. There were no findings about whether there was that relationship at either forum; therefore, that has to be remanded. The breeding and selling of various livestock are entitled to Right to Farm protection but again, DelCampo's testimony was shifting as to what exactly she was going to be breeding and selling. On remand she will have to identify what exactly she is doing. There is a State law compliance issue with regard to farm animal units so the Department of Environmental Protection might be involved with respect to manure management and runoff. Therefore, that needs to be determined. Stonybrook didn't identify these so-called specialty products that they were going to sell so that needs to be clarified on remand. With specialty products, we expect the farm to be marketing its own agricultural/horticultural products. The problem with specialty products is there might be components of it that are not generally grown on the farm. This was not put in the final decision but that is something that the ALJ is going to have to deal with if DelCampo can say what exactly the specialty products are.

There was an existing farm market in a 250 square-foot portion of a building that is 900 square feet. DelCampo wanted to have the entire building for a farm market. Stonybrook had received a zoning permit for the 250 square-foot corner of that building. The Hunterdon Board decided that was something they would not want to go into further since municipal approval had already been granted. The Hunterdon Board essentially putted on the 900 square-foot request. If Stonybrook can prove that it complies with the farm market definition, which includes the 51/49 rule, there is nothing wrong with Stonybrook asking the ALJ to grant SSAMP protection for the whole building if DelCampo wants to put a farm market in that existing 900 square-foot building.

There was a request to put a hoop house in an area of the farm that does not involve additional clearing but it could involve impervious cover, and that needs to be remanded so that Stonybrook can tell the Judge how big the hoop house is, how wide it is, how long it is, how often it's going to be covered and not covered, what products are going to be put in there, so that will help decide whether any of the impervious cover definitions are triggered. They also wanted a prep-clean room to clean their herbs. It is their own product that they want to be able to clean. That is permitted and if they have other of their own agricultural/horticultural products they can clean that too. But during the hearing DelCampo originally said she wanted to do canning/jellying and pickling, then she appeared to withdraw that request and say she was only going to do herbs. If she wants to do her own products she is entitled to do that and that would have to be determined on remand.

Increasing parking spaces, approximately 9 additional spaces, which does not involve clearing but could involve impervious cover -- there are 10 existing parking spaces, which DelCampo testified were related to the farm market and to farm auctions. So there is an equine element to the additional parking for additional customers. The additional parking is permitted in connection with a farm market if she complies with the farm market definition and with the equine activities but there was no firm indication of how many spaces she wanted and where she wanted them and how they would be built. That will have to be determined on remand and that will implicate the impervious cover limit, which is a condition of conditional use approval. The last two items are a request to erect signage along the driveway easement, but again she didn't say how many she needed, how big they would be, what they would say and where exactly they would be located. That will have to be fleshed out at the OAL level. Signs, directional signs, instructional signs associated with permitted agricultural activities are entitled to Right to Farm protection provided they are not a threat to public safety. Obviously, signs cannot be placed on the property that present traffic hazards or sight obstructions. She will have to clarify that. Finally, there was testimony during the public comment period from the neighbors who live nearby that they were concerned about increased traffic from Stonybrook Road onto the driveways associated with increased commercial activity on the DelCampo property. That needs to be addressed by DelCampo. There was some testimony that DelCampo has actually hired someone to police the traffic along the flag stem and how traffic will be managed on that driveway easement does need to be addressed because no agricultural activity is entitled to Right to Farm protection unless it does not pose a direct threat to public safety. That needs to be addressed and how that is addressed is going to be up to DelCampo and the ALJ.

Mr. Smith stated that because the case is being remanded, the Uniform Administrative

Procedure Rules require that an order be entered remanding the case to the OAL. There will be a hearing scheduled.

It was moved by Mr. Danser and seconded by Mr. Siegel to approve the Final Decision and Order of Remand in the matter of Edward and Linda Feinberg, Petitioners, v. Hunterdon County Agriculture Development Board; and Ann DelCampo and Laura DelCampo C/O Stonybrook Meadows, LLC, Respondents, as presented and discussed. The motion was approved. (Ms. Fischetti was absent for the vote.) (A copy of the Final Decision is attached to and is a part of the closed session minutes.)

Chairman Fisher advised that the Committee would be going back into Closed Session for some advice by its Counsel regarding the Metropolitan Farm agenda item. It was moved by Mr. Siegel and seconded by Mr. Germano and unanimously approved at 1:25 p.m.

ACTION AS A RESULT OF CLOSED SESSION #2

A. Stewardship – Review of Activities on Preserved Farm

1. Metropolitan Farm, Closter Borough, Bergen County

Chairman Fisher stated that earlier in the meeting a motion was made and tabled on the Metropolitan Farm draft resolution in order to have an opportunity to discuss with the SADC's legal counsel a suggested change to the draft resolution. We have the draft resolution before the Committee at this time with a suggested change to item #4 on Page 5 of the draft resolution. Mr. Siegel stated he would amend his motion to approve the resolution with the suggested amendment. Mr. Danser stated he would amend his second to reflect the change.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2014R11(10), as amended, finding that the activities that have occurred on the Premises known as Metropolitan Farm, LLC, Block 2102, Lot 55, Borough of Closter, County of Bergen, related to land clearing and grading as described herein do not constitute a violation of the deed of easement. The Owner shall implement and otherwise remain in compliance with the NRCS farm conservation plan, which includes but is not limited to appropriate topsoil storage. The Owner shall seek approval from the Bergen CADB, SADC and NRCS prior to conducting any additional earth-moving work on other portions of the Premises. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was approved. (Ms. Fischetti was absent for the vote.) (A copy of Resolution FY2014R11(10) is

attached to and is a part of these minutes.)

Mr. Stypinski stated that just for clarity purposes the change to the resolution is going to be moving that last part of the sentence in paragraph 4 on Page 5, "the types of agricultural production that were possible in Dunellen soils prior to the disturbance are still possible in the post-disturbance condition," to after the word "because" in the first sentence of that same paragraph #4.

Mr. Siegel stated he had a question on the proposed On-Farm Direct Marketing AMP. On the responses, the same troublesome "host weddings and similar events clause." What about a birthday party at an equine facility? Ms. Payne stated that the SADC actually issued a Right to Farm decision on that very question once in the past. There was a miniature pony breeding operation and they were having birthday parties. They were able to demonstrate that the people who attended the parties came back as customers and bought those horses. So the Committee found that it was a farm-based recreational activity that was related to marketing the output of the farm. Mr. Siegel stated that a normal birthday party at a normal equine facility is not protected. Ms. Payne responded it is not. She stated that she knows that there are farms out there that have birthday parties and when they arrive, they take a tour and they learn about agriculture and they pick a pumpkin so a birthday party might be something that is ancillary to the overall experience of a farm education, but just driving up, parking the car and going inside a barn and having a big party and leaving, these are the issues we were discussing earlier, that it is the details of the case that matter so there isn't a blanket yes, they are protected or no, they are not.

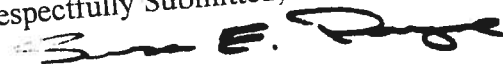
PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, it was moved by Mr. Germano and seconded by Mr. Danser and unanimously approved to adjourn the meeting at 1:31 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY14R11(1)

Request for Division of Premises

November 14, 2013

Subject Property:

Robert Schaumloeffel
Hidden Lakes Nursery Inc
Block 31, Lots 6, 9.05 & 10
Upper Freehold Township, Monmouth County

WHEREAS, Robert Schaumloeffel, hereinafter "Owner" is the record owner of Block 31, Lots 6, 9.05 and 10 in Upper Freehold Township, Monmouth County, hereinafter referred to as the "Premises", by deed dated May 13, 1998 and recorded in the Monmouth County Clerk's Office in Deed Book 5716, Page 301, by deed dated June 16, 2003 and recorded in the Monmouth County Clerk's Office in Deed Book 8244, Page 8802, and by deed dated August 12, 2005, and recorded in the Monmouth County Clerk's Office in Deed Book 8500, Page 1780; and

WHEREAS, a development easement on the Premises was conveyed to the State Agriculture Development Committee pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. by Deed of Easement dated November 20, 2012, and recorded in the Monmouth County Clerk's Office in Deed Book 8982, Page 6168; and

WHEREAS, the Premises totals approximately 159.5 acres, as shown in Schedule "A"; and

WHEREAS, the Deed of Easement references no existing residences, two mobile home trailers used as agricultural labor residences, no residual dwelling site opportunities (RDSO) and one 1.5-acre non-severable exception area; and

WHEREAS, the Owner proposes to divide the Premises as shown in Schedule "A"; and

WHEREAS, the Owner intends to transfer ownership of the two proposed parcels to his two daughters Diane Schaumloeffel and Kristen Myers; and

WHEREAS, Diane Schaumloeffel and Kristen Myers have worked with their father operating the family nursery for more than 10 years raising and selling intermediate-size unique and specialty nursery stock and are now taking over the business; and

WHEREAS, the primary outputs of the Premises have historically been ornamental nursery stock; and

WHEREAS, the Owner has transferred the business entity and assets, other than the farmland to his daughters and now seeks to subdivide the premises so that he can transfer ownership of the land to his daughters individually; and

WHEREAS, the Owner's daughters currently run the business together, but the owner wishes to offer each daughter the ability to own and operate separate business's in the future should they so choose; and

WHEREAS, paragraph 15 of the Deed of Easement states that no division of the Premises shall be permitted without the approval in writing of the SADC; and

WHEREAS, in order to grant approval, the SADC must find that the division is for an agricultural purpose and will result in agriculturally viable parcels such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output; and

WHEREAS, the proposed Parcel-A would result in a 98+/- acre property that is approximately 86% (84 acres) tillable with 58% (57 acres) prime soils and 36% (35 acres) soils of Statewide Importance; and

WHEREAS, the proposed Parcel-A would include two (2) existing agricultural labor residences (mobile home trailers) and a 1.5 acre non-severable exception area; and

WHEREAS, Parcel-A is improved with two irrigation ponds, an irrigation well and underground mains; and

WHEREAS, the resulting Parcel-B would result in a 62+/- acre property that is approximately 79% (49 acres) tillable with 48% (30 acres) prime soils and 32% (20 acres) soils of statewide importance identified; and

WHEREAS, Parcel-B is improved with an irrigation well, underground irrigation mains and has access to a stream for irrigation purposes; and

WHEREAS, as part of a prior proposed development approval, the Owner granted to Monmouth County a conservation easement along a stream that bisects Parcel-B which was taken as a severable exception as part of the preservation application; and

WHEREAS, the Owner is currently taking legal action in an attempt to rescind the conservation easement; and

WHEREAS, the SADC makes the following findings related to its determination of whether the division will result in agriculturally viable parcels, such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output:

- 1) Each parcel contains a significant acreage of high quality, tillable soils, as follows:
 - Parcel A, at 98 acres, has 84 tillable acres with approximately 57 acres of prime soil and 35 acres soils of statewide importance;
 - Parcel B, at 62 acres, has 49 tillable acres with approximately 30 acres of prime soils and 20 acres of soil of statewide;

- 2) Both parcels are improved with underground irrigation mains and access to water for irrigation purposes;

WHEREAS, the SADC makes the following findings related to its determination of whether this application meets the agricultural purpose test:

- 1) The division is being undertaken for the purpose of transferring the Premises to the next generation of operators who are taking over the business;
- 2) The division will allow each owner to more efficiently invest in their own parcels, thereby promoting the intensity and diversification of the operation; and

WHEREAS, in order for the subdivision to be supported, the Owner needs to prove that clear legal and physical access is available from the west side of Parcel B to the east side - through the conservation easement area - in order to ensure the future viability of Parcel B;

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the division is for an agricultural purpose and results in agriculturally viable parcels such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output due to the size of the two proposed parcels and the quality of the soils present on both parcels; and

BE IT FURTHER RESOLVED that as a condition of this approval, the Owner shall record a formal legal access easement, in a form approved by the SADC, through the exception area in favor of Parcel-B to provide adequate access through the severable exception area for agricultural and other purposes consistent with the Deed of Easement; and

BE IT FURTHER RESOLVED, that this approval is subject to the conditions set forth in this resolution and is not transferrable to a proposed purchaser of the farm parcels other than Diane Schaumloeffel and Kristen Myers; and

BE IT FURTHER RESOLVED, that the SADC's approval of the division of the premises is subject to, and shall be effective upon, the recording of the SADC's approval resolution; and

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

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

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

11-14-13
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	OPPOSED
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	YES

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Counties\MONMOUTH\Schaumloeffel\Stewardship-Post Closing\Division Resolution - FINAL 11-6-13.doc

Schedule "A"

Schaumloeffel Farm

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Schaumloeffel Farm
Hidden Lakes Nursery
Block 31, Lots 6, 9.05 & 31
Upper Freehold Township, Monmouth County



0 245 490 980 1,470 1,960 Feet

Farmland Preservation Program

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

- State Planning Areas
 - (PA1) METRO
 - (PA2) SUBURBAN
 - (PA3) FRINGE
 - (PA4) RURAL
 - (PA5) RURAL ENV SENS
 - (PA6) ENV SENS
 - (PA7) ENV SENSITIVE BARRIER IS
 - (PA8) PINELANDS
 - (PA9) MILITARY
 - (PA10) NEW JERSEY MEADOWLANDS
 - (PA11) WATER
 - (PA12) ELLIS ISLAND- NJ
 - (PA13) ELLIS ISLAND- NY
- Base Map
 - County Boundaries
 - Municipal Boundaries
 - Highlands Preservation Area
 - Highlands Preservation Area
 - Pinelands Area
 - Green Acres Preserved Easements

month/day/year

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY14R11(2)

Construction of Onsite Agricultural Labor Housing

Peter & Theresa Peck

November 14, 2013

WHEREAS, Peter and Theresa Peck, ("Owners") are the current record owners of Block 61, Lot 13, as identified in the Township of Knowlton, County of Warren, by deed dated August 8, 2008 and recorded in the Warren County Clerk's office in Deed Book 2219, Page 107, totaling 39.64 acres, hereinafter referred to as "Premises", see attached Schedule "A"; and

WHEREAS, the development easement on the Premises was conveyed to Warren County on April 20, 2010, pursuant to the Agriculture and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, c. 32 as recorded in Deed Book 2312, Page 86; and

WHEREAS, the farmland preservation Deed of Easement identifies no residual dwelling site opportunities (RDSO's), no existing single family residential buildings and no residential units used for agricultural labor purposes and one two-acre nonseverable exception area; and

WHEREAS, the Owners operate an equine breeding, raising, training operation on the Premises; and

WHEREAS, since acquiring the Premises the Owners have built outdoor equine training facilities, created approximately 17-acres of fenced paddocks, 20-acres of hay fields and are nearing completion of a new 18-stall stable in order to more fully develop their equine operation; and

WHEREAS, the farm is currently operated exclusively by the Owners; and

WHEREAS, there is no existing housing on the Premises and the Owners reside approximately 11 miles from the farm in Blairstown; and

WHEREAS, the Owners believe that having a farm worker onsite is essential to the future and expansion of the operation; and

WHEREAS, paragraph number 14 of the Deed of Easement states: "Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except as follows:

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

WHEREAS, the Owners are in the process of constructing a new equine barn and propose to build a new, approximately 800 sq./ft. apartment on the second floor of the barn, in the area shown on Schedule "A"; and

WHEREAS, the Owners are requesting the ability to house one farm worker in the agricultural labor unit; and

WHEREAS, the farm worker will be a full-time employee of the farm directly involved with the day-to-day production activities of breeding, raising and training of horses throughout the year including feeding, watering, stall cleaning and turnout as well as pasture maintenance and production and harvest of 20-acres of hay seasonally; and

WHEREAS, the primary use of the farm is for the breeding, raising and training of hunter/jumper horses for sale; and

WHEREAS, breeding and foaling currently occurs on the farm with plans to increase upon completion of the new stable; and

WHEREAS, a total of 8 horses reside on the property at this time, two of which are broodmares, three young horses in training, one foal from this year and the remainder are mature horses in varying stages of training; and

WHEREAS, as evidenced by documents provided by the Owners, three horses are currently for sale, and both broodmares are under contract to be bred; and

WHEREAS, all of the horses are owned outright by the Owners; and

WHEREAS, the ability to breed and foal horses on the Premises will be improved with the addition of onsite labor capable of providing 24-hour care; and

WHEREAS, the Owners believe that having on-farm housing for agricultural labor will allow them to hire and retain workers with better training and experience in equine care; and

WHEREAS, the WCADB and the SADC have reviewed the Owners request to construct an agricultural labor unit and have determined that the size and location of the proposed unit minimize any adverse impact on the agricultural operation; and

WHEREAS, by resolution dated July 18, 2013, the WCADB approved the Owners request; and

WHEREAS, the SADC finds that the proposed construction of the agriculture labor unit is consistent with the requirements of the Deed of Easement.

NOW THEREFORE BE IT RESOLVED, that the SADC approves the request to construct an agriculture labor unit on the Premises, consisting of an apartment, approximately 800 square feet in size, located on the second floor of the proposed equine barn as depicted on Schedule "A" , subject to municipal, state and federal requirements; and

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

BE IT FURTHER RESOLVED, that the occupants of the agricultural labor unit shall not be related to the Owner in conformance with paragraph 14 of the Deed of Easement; and

BE IT FURTHER RESOLVED, that any agricultural labor residence inhabitants shall be engaged in the day-to-day production activities on the Premises, which at this time include the breeding, raising, training, care and sale of hunter/jumper horses and seasonal hay production and harvest; and

BE IT FURTHER RESOLVED, that as a condition of this approval, for the next five years the Owners shall provide production records, which shall include breeding receipts, birth records, competition results, appraisals or sales contracts for animals born or raised on the Premises or other appropriate documentation, to the Warren CADB as part of its annual monitoring visit to the farm; and

BE IT FURTHER RESOLVED, that production records shall be forwarded to the SADC for review annually to ensure that there is sufficient equine production activity occurring on the farm to continue to warrant use of the agricultural labor unit; and

BE IT FURTHER RESOLVED, that the SADC reserves the right to request future copies of production records during periods when the agricultural labor unit is inhabited; and

BE IT FURTHER RESOLVED, that a copy of the signed resolution will be forwarded to the Warren County Agriculture Development Board, the Knowlton Township municipal offices and the Owners; and

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

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

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

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

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

11-14-13

DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	YES

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Municipal\Warren\Knowlton\Peck\Stewardship-Post Closing\Ag Labor Request Resolution FINAL 11-6-13.doc

Schedule "A"

Peck Farm

New barn with proposed
second floor apartment

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Peck Farm
Block 61, Lot 13
Knowlton Township, Warren County
40-acres



0 115 230 460 690 920 Feet

month/day/year

Farmland Preservation Program

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

- #### State Planning Areas
-  (PA1) METRO
 -  (PA2) SUBURBAN
 -  (PA3) FRINGE
 -  (PA4) RURAL
 -  (PA4b) RURAL ENV SENS
 -  (PA5) ENV SENS
 -  (PA5b) ENV. SENSITIVE BARRIER IS
 -  (P10) PINELANDS
 -  PARK
 -  MILITARY
 -  NEW JERSEY MEADOWLANDS
 -  WATER
 -  ELLIS ISLAND- NJ
 -  ELLIS ISLAND- NY
- #### Base Map
-  County Boundaries
 -  Municipal Boundaries
 -  Highlands Planning Area
 -  Highlands Preservation Area
 -  Pinelands Area
 -  Green Acres Preserved Easements

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY14R11(3)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

**CUMBERLAND COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
Joseph & Edith Cimino ("Owners")
Hopewell Township, Cumberland County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 06-0120-PG**

November 14, 2013

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Cumberland County received SADC approval of its FY2014 PIG Plan application annual update on May 23, 2013; and

WHEREAS, on April 19, 2011 the SADC received an application for the sale of a development easement from Cumberland County for the Property identified as Block 8, Lots 8 & 8.02, Hopewell Township, Cumberland County, totaling approximately 52 net acres hereinafter referred to as "Property" (Schedule A); and

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

WHEREAS, the Property has two 1.5-acre severable exception areas, each restricted to one single family residence; and

WHEREAS, the Property includes zero (0) single family residences, zero (0) agricultural labor units, no pre-existing non-agricultural uses and no exception areas; and

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

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

WHEREAS, the Property currently has a quality score of 59.48 which exceeds 43, which is 70% of the County's average quality score as determined by the SADC on June 24, 2010; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on July 18, 2011 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on July 28, 2011 the SADC certified a current easement value of \$5,700/acre based on zoning and environmental regulations in place as of March 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,700 per acre for the development easement for the Property; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 53.56 acres will be utilized to calculate the SADC grant need; and

WHEREAS, currently the County has \$0 of base grant funding and FY11 competitive funding available and is eligible for up to \$3,132,358.69 in FY13 competitive grant funding, subject to available funds (Schedule B); and

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

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

WHEREAS, the Cumberland County Agriculture Development Board is requesting \$200,850 of FY13 competitive grant funding, leaving a balance of approximately \$2,931,508.69 (Schedule B); and

WHEREAS, the County will utilize FY13 competitive grant funding to cover the SADC cost share; and

WHEREAS, the estimated cost share breakdown is as follows (based on 53.56 acres):

	<u>Cost Share</u>	
SADC	\$200,850	(\$3,750 per acre)
Cumberland County	\$ 89,177.40	(\$1,665 per acre)
<u>Hopewell Township</u>	<u>\$ 15,264.60</u>	<u>(\$ 285 per acre)</u>
Purchase Price	\$305,292	(\$5,700 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, Hopewell Township approved the application on January 24, 2013 with a cost share of (\$285/ acre); the Cumberland County Agriculture Development Board approved the application on November 14, 2012, and the Cumberland County Board of Chosen Freeholders approved the required local match (\$1,665/acre) on February 26, 2013; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Cumberland County for the purchase of a development easement on the Property, comprising approximately 53.56 acres at a State cost share of \$3,750 per acre for a total grant need of \$200,850 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that if additional funds are needed due to an increase in acreage base grant funding, if available, may be utilized so long as it does not impact any other applications' encumbrance; and

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

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

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

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

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

11-14-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	YES

Schedule A

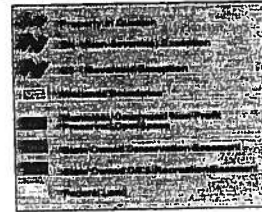


FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Joseph and Edith Cimino
Block 8 Lots P/O 8 (32.4 ac); P/O 8-ES (severable exceptions - 1.6 & 1.6 ac)
and 8.02 (18.9 ac)
Gross Total = 54.5 ac
Hopewell Twp., Cumberland County



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:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 Digital Aerial Image

April 26, 2011

Schedule B

State Planning Incentive Grant - 2006

[illegible]

Schedule ~

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Cimino Farm
06- 0120-PG
County PIG Program
52 Acres

Block 8	Lot 8	Hopewell Twp.	Cumberland County
Block 8	Lot 8.02	Hopewell Twp.	Cumberland County

SOILS:	Prime	100% * .15	= 15.00	
			SOIL SCORE:	15.00

TILLABLE SOILS:	Cropland Harvested	100% * .15	= 15.00	
			TILLABLE SOILS SCORE:	15.00

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY14R11(4)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

**MERCER COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
Stanley Skeba ("Owner")
East Windsor Township, Mercer County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 11-0174-PG**

November 14, 2013

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Mercer County received SADC approval of its FY2014 PIG Plan application annual update on May 23, 2013; and

WHEREAS, on May 24, 2012 the SADC received an application for the sale of a development easement from Mercer County for the Property identified as Block 30, Lot 19.01, East Windsor Township, Mercer County, totaling 18.57 surveyed acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Mercer County's Robbinsville-East Windsor Project Area; and

WHEREAS, the Property has one 2-acre non-severable exception area restricted to one single family residence not to exceed 4,000 square foot livable space, not including unfinished areas or outdoor porches; and

WHEREAS, the Property includes zero (0) single family residences, zero (0) agricultural labor units, no pre-existing non-agricultural uses and no exception areas; and

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

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

WHEREAS, the Property currently has a quality score of 68.02 which exceeds 50, which is 70% of the County's average quality score as determined by the SADC on July 28, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on July 3, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on February 28, 2013 the SADC certified a current easement value of \$8,200 per acre based on zoning and environmental regulations in place as of September 1, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$9,100 per acre for the development easement for the Property, which is equal to the higher of the two appraised development easement values; and

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

WHEREAS, currently the County has \$2,171,522.68 of base grant funding available (FY11 and FY13), and is eligible for up to \$3,000,000 in FY11 competitive funding and \$5,000,000 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, the estimated cost share breakdown is as follows (based on 18.57 surveyed acres):

	<u>Cost Share</u>	
SADC	\$ 92,850.00	(\$5,000 per acre)
Mercer County	\$ 76,137.00	(\$4,100 per acre)
Purchase Price	\$168,987.00	(\$9,100 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, East Windsor Township approved the application on July 2, 2013, the Mercer County Agriculture Development Board approved the application on August 12, 2013, and the Mercer County Board of Chosen Freeholders approved the required local match of \$4,100 on May 21, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.4 the Mercer County Agriculture Development Board is requesting \$92,850.00 from the base grant, leaving a base grant eligibility to the County of \$2,078,672.68 (Schedule B); and

WHEREAS, no competitive grant funding is needed for the SADC cost share grant on this Property, therefore the entire estimated SADC grant need will be encumbered from the County's base grants; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, grants final approval to provide a cost share grant to Mercer County for the purchase of a development easement on the Skeba Farm, comprising approximately 18.57 surveyed acres, at a State cost share of \$5,000 per acre (60.98% of certified market value and 54.95% of the purchase price) for a total grant need of approximately \$92,850.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other application's encumbrance; and

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

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

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

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

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

11-14-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	YES



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

Sources:
Freshwater Wetlands Data
NJDEP Freshwater Wetlands Data
NJDEP Aerial Digital Aerial Image
DVRPC 2010 Digital Aerial Image
June 5, 2012

Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Stanley Skeba
Block 30 Lots P/O 19.01 (19.7 ac) & P/O 19.01-EN (non-severable exception - 2.0 ac)
Gross Total = 21.7 ac
East Windsor Twp., Mercer County



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 and other data contained in this file are for planning purposes only and are not intended to be relied upon in matters requiring definition and location of true ground boundaries. Not vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Surveyor.

J. C. HARRIS

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Skeba Farm
11- 0174-PG
County PIG Program
19 Acres

Block 30	Lot 19.01	East Windsor Twp.	Mercer County
SOILS:		Other	5% * 0 = .00
		Prime	86% * .15 = 12.90
		Statewide	9% * .1 = .90
			SOIL SCORE: 13.80
TILLABLE SOILS:		Cropland Harvested	81% * .15 = 12.15
		Wetlands	19% * 0 = .00
			TILLABLE SOILS SCORE: 12.15
FARM USE:	Cash Grains	20 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: No Nonagricultural Uses
 - b. Exceptions:
 - 1st two (2) acres for future SFR
 - Exception is not to be severed from Premises
 - Exception is to be restricted to one single family residential unit(s)
 - residence restricted to 4,000 sq ft (does not include unfinished areas or outdoor porches)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 - No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY14R11(5)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

MERCER COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Samuel M. Hamill, Jr. ("Owner")
Lawrence Township, Mercer County

N.J.A.C. 2:76-17 et seq.
SADC ID# 11-0173-PG

November 14, 2013

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Mercer County received SADC approval of its FY2014 PIG Plan application annual update on May 23, 2013; and

WHEREAS, on May 24, 2012 the SADC received an application for the sale of a development easement from Mercer County for the Property identified as Block 6501, Lot 121.02, Lawrence Township, Mercer County, totaling 33.534 surveyed easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Mercer County's Lawrence Project Area; and

WHEREAS, the Property has one 2-acre non-severable exception area for one single family residence restricted to 4,000 square foot of livable space, excluding unfinished areas or outdoor porches, and a 24-acre severable exception area to accommodate a pre-existing conservation easement; and

WHEREAS, the Property includes zero (0) single family residences, zero (0) agricultural labor units, no pre-existing non-agricultural uses and no exception areas; and

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

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

WHEREAS, the Property currently has a quality score of 75.01 which exceeds 50, which is 70% of the County's average quality score as determined by the SADC on July 28, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on July 17, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria

contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 24, 2013 the SADC certified a current easement value of \$9,000 per acre based on zoning and environmental regulations in place as of September 1, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$9,000 per acre for the development easement for the Property; and

WHEREAS, the County prioritized its farms and submitted the Hamill farm to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, currently the County has \$2,078,672.68 of base grant funding available (FY11 and FY13), and is eligible for up to \$3,000,000 in FY11 competitive funding and \$5,000,000 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, the estimated cost share breakdown is as follows (based on 33.534 acres):

	<u>Cost Share</u>	
SADC	\$181,083.60	(\$5,400 per acre)
<u>Mercer County</u>	<u>\$120,722.40</u>	<u>(\$3,600 per acre)</u>
Purchase Price	\$301,806.00	(\$9,000 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, Lawrence Township approved the application on June 19, 2013, the Mercer County Agriculture Development Board approved the application on August 12, 2013, and the Mercer County Board of Chosen Freeholders approved the required local match (\$3,600/acre) on May 21, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.4 the Mercer County Agriculture Development Board is requesting \$181,083.60 from the base grant, leaving a base grant eligibility to the County of \$1,897,589.08 Schedule B); and

WHEREAS, no competitive grant funding is needed for the SADC cost share grant on this Property, therefore the entire estimated SADC grant need will be encumbered from the County's base grants; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, grants final approval to provide a cost share grant to Mercer County for the purchase of a development easement on the Hamill Farm, comprising of approximately 33.534 acres, at a State cost share of \$5,400 per acre (60% of certified market value) for a total grant need of approximately \$181,083.60 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other application's encumbrance; and

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

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

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

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

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

11-14-13

Date



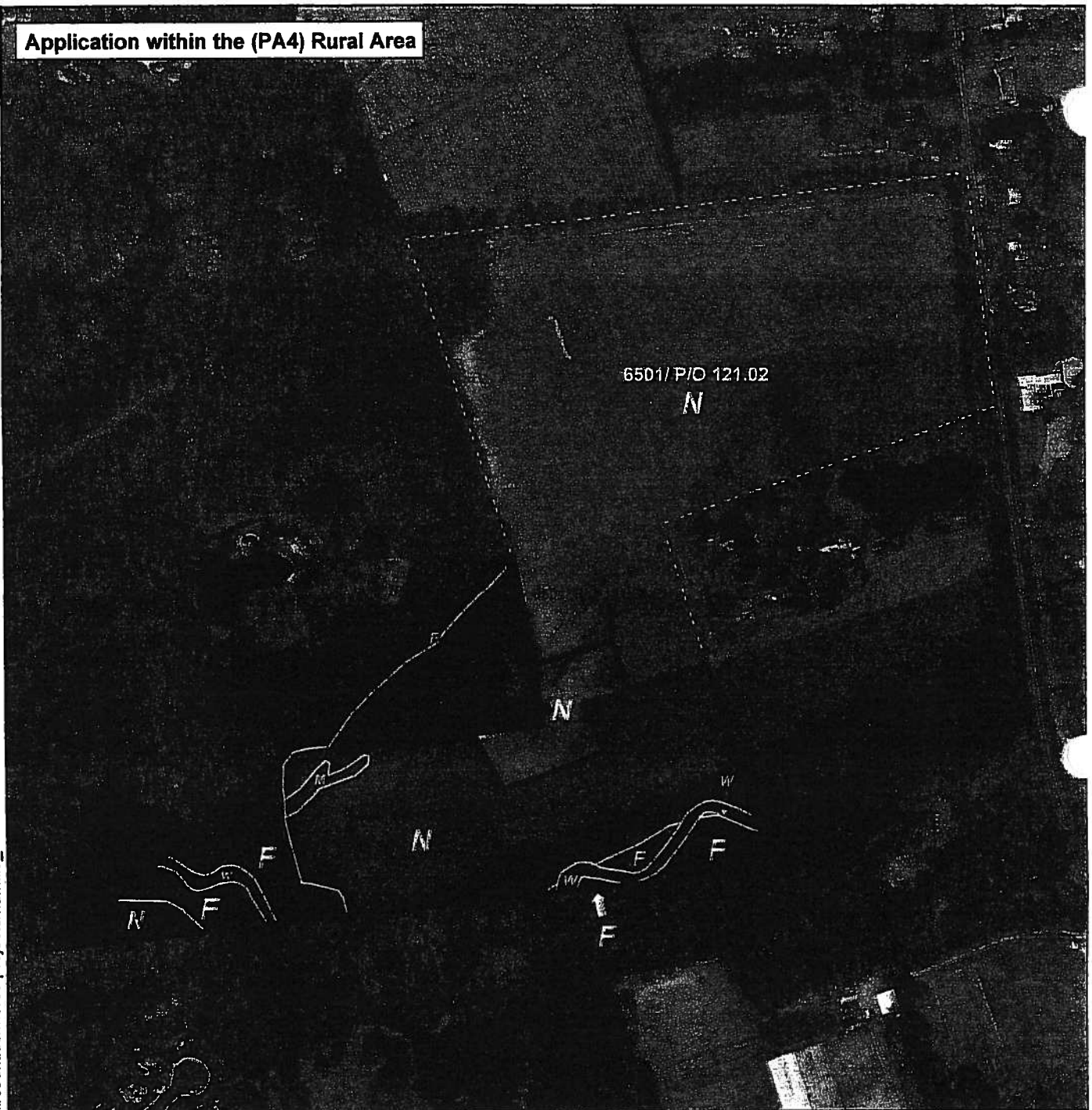
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	YES

Application within the (PA4) Rural Area

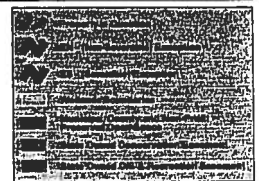
x:/counties/merco/projects/hamill5_fwv.mxd



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

Hamill Family LTD., Partnership
 Block 6501 Lots P/O 121.02 (33.63 ac);
 P/O 121.02-EN (non-severable exception – 1.98 ac)
 & P/O 121.02-ES (severable exception – 22.94 ac)
 Gross Total - 58.56 ac
 Lawrence Twp., Mercer County

500 250 0 500 1,000 Feet



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

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

Sources:
 NJDEP Freshwater Wetlands Data
 Green Acres Conservation Easement L...
 DVRPC 2010 Digital Aerial Image

January 3, 2013

New Jersey Farmland Preservation Program
Preservation Program
County planning Incentive Grant - N.J.A.C. 2:78-17.6

**Mercer County
FY11 funding**

[illegible]

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Hamill Farm
11- 0173-PG
County PIG Program
34 Acres

Block 6501	Lot 121.02	Lawrence Twp.	Mercer County
SOILS:		Other	3% * 0 = .00
		Prime	96% * .15 = 14.40
		Statewide	1% * .1 = .10
			SOIL SCORE: 14.50
TILLABLE SOILS:		Cropland Harvested	90% * .15 = 13.50
		Woodlands	10% * 0 = .00
			TILLABLE SOILS SCORE: 13.50
FARM USE:	Sheep & Goats	30 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: No Nonagricultural Uses
 - b. Exceptions:
 - 1st two (2) acres for future residence
Exception is not to be severed from Premises
Exception is to be restricted to one single family residential unit(s)
residence restricted to 4,000 sq ft (does not include unfinished areas or outdoor porches)
 - 2nd (24) acres for conservation easement to D&R Greenway
Exception is severable
Exception is to be restricted to zero single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY14R11(6)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

WARREN COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Patricia Cooke ("Owner")

Hope and Frelinghuysen Townships, Warren County

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

SADC ID# 21-0523-PG

November 14, 2013

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Warren County received SADC approval of its FY2014 PIG Plan application annual update on May 23, 2013; and

WHEREAS, on September 10, 2012 the SADC received an application for the sale of a development easement from Warren County for the subject farm identified as Block 3200, Lot 300, Hope Township; Block 701, Lots 1 & 1.03, Frelinghuysen Township, Warren County, totaling approximately 47 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Warren County's Northwest Project Area and in the Highlands Planning Area; and

WHEREAS, the Property has one, 1-acre non-severable exception area for and restricted to one single family residence; and

WHEREAS, the Property has two, 6-acre severable exception areas for and restricted to one single family residence each; and

WHEREAS, the Property includes zero (0) single family residences, zero (0) agricultural labor units, no pre-existing non-agricultural uses; and

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

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

WHEREAS, GIS mapping denotes a structure located within the 50 foot wide access from Ridgeway Avenue, but the CADB confirmed that this is a GIS inaccuracy and the area is not encroached upon; and

WHEREAS, the Property has a quality score of 43.49 which exceeds 43, which is 70% of the County's average quality score as determined by the SADC July 28, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on November 8, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on May 23, 2013 the SADC certified a development easement value of \$3,700 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$3,700 per acre based on zoning and environmental regulations in place as of the current valuation date 1/23/13; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$3,700 per acre for the development easement for the Property; and

WHEREAS, currently the County has \$854,891.90 of base grant funding available, and is eligible for up to \$3,000,000 in FY11 competitive funding and \$5,000,000 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, a parcel application was submitted by the New Jersey Conservation Foundation to the FY2013 United States Department of Agriculture, Natural Resources Conservation Service Federal Farm and Ranch Lands Protection Program (FRPP); and

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

WHEREAS, the FY2013 FRPP grant will be based on an estimated FRPP current easement value which is \$3,700 per acre equating to an FRPP grant of \$1,850 per acre (50% of \$3,700) or approximately \$86,950 in total FRPP funds; and

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

WHEREAS, the landowner has agreed to the additional restrictions associated with the FRPP Grant, including a 4% maximum impervious coverage restriction (approximately 1.88 acres) for the construction of agricultural infrastructure on the Property outside of exception areas which is the maximum allowable for this property through the FRPP program at this time; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on September 11, 2013 the Hope Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on September 18, 2013 the Frelinghuysen Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 19, 2013 the Warren CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 25, 2013, the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and a commitment of funding for \$1,080 per acre per acre to cover the entire local cost share; and

WHEREAS, to best leverage available funding, the County requested to use the FRPP funding to first cover its cost share and then, with the remaining funds, reduce the SADC's cost share; and

WHEREAS, on August 1, 2013 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, no competitive grant funding is needed for the SADC cost share grant on this Property, therefore the entire estimated SADC grant need will be encumbered from the County's base grant; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 48.41 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 48.41 acres); and

SADC	\$126,834.20	(\$2,620/acre)
Warren County	<u>\$52,282.80</u>	<u>(\$1,080/acre)</u>
Total Easement Purchase	\$179,117.00	(\$3,700/acre)

Estimated Cost share breakdown if the \$86,950 FRPP Grant is finalized and applied:

	<u>Total</u>	<u>FRPP \$</u>	<u>New Cost Share</u>
SADC	\$126,834.20	\$ 34,667.20	\$ 92,167.00 (\$1,850/acre)
Warren County	\$ 52,282.80	\$ 52,282.80	\$0
FRPP Grant			<u>\$ 86,950.00 (\$1,850/acre)</u>
TOTAL	\$179,117.00	\$86,950.00	\$179,117.00 (\$3,700/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Warren County Agriculture Development Board is requesting \$126,834.20 from its FY13 base grant, leaving a cumulative base grant balance of \$ 728,057.70 (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Warren County for the purchase of a development easement on the Property, comprising approximately 48.41 acres, at a State cost share of \$2,620 per acre, (70.81% of purchase price), for a total grant need of \$126,834.20 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

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

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

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

BE IT FURTHER RESOLVED, that through the survey process, it will be confirmed that there is no structure located within the 50 foot wide access off Ridgeway Avenue, and therefore, the area is not encroached upon; and

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

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

11-14-13

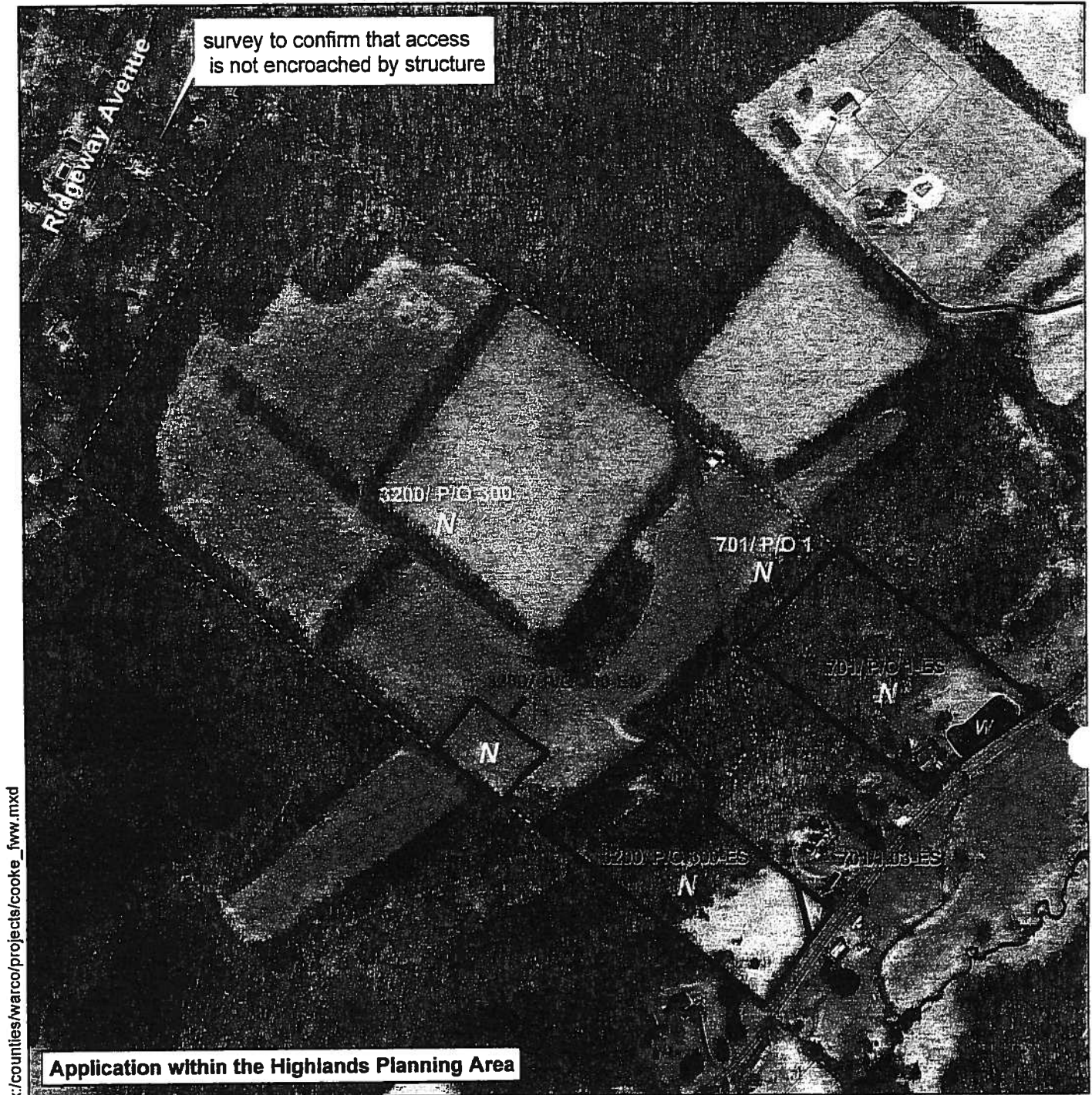
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice-Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	YES



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Patricia A. Cooke
Block 701 Lots P/O 1 (2.7 ac); P/O 1-ES (severable exception - 6.0 ac)
& 1.03-ES (severable exception - 0.1 ac)
Frelinghuysen Twp.

Block 3200 Lots P/O 300 (44.8 ac); P/O 300-ES (severable exception - 5.9 ac)
& P/O 300-EN (non-severable exception - 1.0 ac)
Hope Twp

Warren County
Gross Total = 60.5 ac



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:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 Digital Aerial Image

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Cooke, Patricia
21- 0523-PG
County PIG Program
47 Acres

Block 701	Lot 1	Frelinghuysen Twp.	Warren County
Block 701	Lot 1.03	Frelinghuysen Twp.	Warren County
Block 3200	Lot 300	Hope Twp.	Warren County

SOILS:	Other	100% * 0	=	.00
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SOIL SCORE: .00

TILLABLE SOILS:	Cropland Harvested	65% * .15	=	9.75
	Woodlands	35% * 0	=	.00

TILLABLE SOILS SCORE: 9.75

FARM USE:	Hay	2 acres
	Corn-Cash Grain	28 acres
	Sheep & Goats	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: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for future residence
Exception is not to be severed from Premises
Exception is to be restricted to one single family residential unit(s)
 - 2nd six (6) acres for for a future residence
Exception is severable
Exception is to be restricted to one single family residential unit(s)
 - 3rd six (6) acres for existing residence
Exception is severable
Exception is to be restricted to one single family residential unit(s)
 - c. Additional Restrictions:
 1. FY13 FRPP funding via NJCF
 - d. Additional Conditions:

Pursuant to the Federal Farm and Ranch Land Protection Program the landowner has agreed to a maximum impervious coverage of 4% or 1.88 acres.
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY14R11(7)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

WARREN COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Stephen M. Czar, III & Richard W. Czar ("Owners")
Pohatcong Township, Warren County

N.J.A.C. 2:76-17 et seq.
SADC ID# 21-0527-PG

November 14, 2013

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Warren County received SADC approval of its FY2014 PIG Plan application annual update on May 23, 2013; and

WHEREAS, on January 4, 2013 the SADC received an application for the sale of a development easement from Warren County for the subject farm identified as Block 111, Lot 6, Pohatcong Township, Warren County, totaling approximately 94 net acres hereinafter referred to as "Property" (Schedule A); and

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

WHEREAS, the Property includes one (1) single family residence with an apartment, zero (0) agricultural labor units, no pre-existing non-agricultural uses and no exception areas; and

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

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

WHEREAS, the Property has a quality score of 66.13 which exceeds 42, which is 70% of the County's average quality score as determined by the SADC September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on February 25, 2013, it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on June 27, 2013 the SADC certified a development easement value of \$5,400 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$2,000 per acre based on zoning and environmental regulations in place as of the current valuation date 4/10/13; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,400 per acre for the development easement for the Property; and

WHEREAS, currently the County has \$728,057.70 of base grant funding available, and is eligible for up to \$3,000,000 in FY11 competitive funding and \$5,000,000 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on September 4, 2013 the Pohatcong Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 19, 2013 the Warren CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 25, 2013, the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and a commitment of funding for \$1,800 per acre per acre to cover the entire local cost share; and

WHEREAS, on September 30, 2013 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Warren County Agriculture Development Board is requesting \$348,552 from its base grant, leaving a cumulative balance of \$379,505.70 (Schedule B); and

WHEREAS, no competitive grant funding is needed for the SADC cost share grant on this Property, therefore the entire estimated SADC grant need will be encumbered from the County's base grant; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 96.82 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 96.82 acres):

	<u>Cost Share</u>	
SADC	\$348,552	(\$3,600 per acre)
Warren County	\$174,276	(\$1,800 per acre)
Purchase Price	\$522,828	(\$5,400 per acre); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Warren County for the purchase of a development easement on the Property, comprising approximately 96.82 acres, at a State cost share of \$3,600 per acre for a total grant need of \$348,552 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

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

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

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

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

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

11-14-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	YES

Schedule A

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Application within the Highlands Preservation Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Stephen and Richard Czar/Czar Brothers
Block 111 Lot 6 (94.5 ac)
Gross Total = 94.5 ac
Pohatcong Twp., Warren County

500 250 0 500 1,000 Feet

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



Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
BING DigitalAerial Image

January 7, 2013

Schedule B

County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

[illegible]

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Czar I (Blk 111, Lot 6)

21- 0527-PG

County PIG Program

94 Acres

Block 111	Lot 6	Pohatcong Twp.	Warren County
SOILS:		Other	31% * 0 = .00
		Prime	54% * .15 = 8.10
		Statewide	15% * .1 = 1.50
			SOIL SCORE: 9.60
TILLABLE SOILS:		Cropland Pastured	8% * .15 = 1.20
		Cropland Harvested	52% * .15 = 7.80
		Other	1% * 0 = .00
		Woodlands	39% * 0 = .00
			TILLABLE SOILS SCORE: 9.00
FARM USE:	Cash Grains	60 acres	
	Dairy	5 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.
4. Execution of a Grant Agreement between the County and the State Agriculture Development Committee in compliance with N.J.A.C. 2:76-6.18.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Recorded
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Single Family with Apartment
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY14R11(8)

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

**On the Property of
Marve Farms, Inc. ("Owner")
November 14, 2013**

Subject Property: Block 29, Lot 52
 Franklin Township, Hunterdon County
 SADC ID# 10-0216-DE
 Approximately 242 Net Acres

WHEREAS, on February 21, 2013, the State Agriculture Development Committee ("SADC") received a development easement sale application from the Marve Farms, Inc., hereinafter "Owner," identified as Block 29, Lot 52, Franklin Township, Hunterdon County, hereinafter "Property," totaling approximately 242 net acres (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 27, 2012 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Hunterdon County (minimum acreage of 46 and minimum quality score of 58) because it is 242 acres and has a quality score of 75.56; and

WHEREAS, on the Property to be preserved there are zero (0) single family residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

WHEREAS, the Owner has requested a 3-acre non-severable exception area to be restricted to one existing single family residence; and

WHEREAS, the Owner has requested a 6.1-acre non-severable exception area to be restricted to the one existing duplex residence or, in the event the existing duplex residence is replaced, it can be replaced with another duplex or one-single family residence; and

WHEREAS, the Property is currently devoted to corn and hay production; and

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

WHEREAS, on September 26, 2013, the SADC certified the development easement value of the entire Property at \$6,500 per acre based on current zoning and environmental condition as of July 2013 (the highest appraised easement value was \$9,500); and

WHEREAS, the SADC extended, and the Owner accepted, an offer of \$6,500 per acre; and

WHEREAS, a parcel application was submitted by the SADC to the United States Department of Agriculture, Natural Resources Conservation Service Federal Farm and Ranch Lands Protection Program (FRPP); and

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

WHEREAS, at this time the FRPP current easement value has not been finalized therefore the FRPP grant will be based on the approved estimated FRPP easement value which is \$9,000 per acre equating to an FRPP grant of \$4,500 per acre (50% of \$9,000) or approximately \$1,089,000 in total FRPP funds; and

Cost share breakdown after \$1,089,000 FRPP Grant is applied:

	Total	FRPP \$	New Cost Share
SADC	\$1,573,000 (\$6,500/acre)	\$1,089,000	\$ 484,000 (\$2,000/acre)
FRPP Grant			\$1,089,000 (\$4,500/acre)
	\$1,573,000	\$1,089,000	\$1,573,000 (\$6,500/acre)

WHEREAS, the landowner has agreed to the additional restrictions involved with the FRPP grant, including an approximate 4.33% maximum impervious coverage restriction (approximately 10.5 acres available for impervious cover) for the construction of agricultural infrastructure on the Property outside of exception areas which is the maximum allowable for this property through the FRPP program at this time; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for the acquisition of a development easement at a value of \$6,500 per acre (242 net acres) for a total of approximately \$1,573,000 subject to the conditions (Schedule B); and

BE IT FURTHER RESOLVED, should the FRPP funding of approximately \$1,089,000 not be obtained to offset the SADC funding, the SADC will fund the full easement value; and

BE IT FURTHER RESOLVED, that the SADC's cost share shall be based on the final surveyed acreage of the Property adjusted for proposed road rights of way, other rights of way or easements as determined by the SADC, tidelands claim and streams or water bodies on the boundaries of the Property as identified in Policy P-3-B Supplement; and

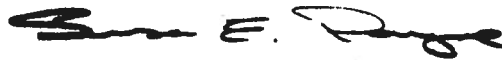
BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

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

11-14-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	YES

Application within the (PA4b) Rural Env Sens Area



500 250 0 500 1,000 Feet

Property in Question

DR - (Dis-Respectful) Disrespect

DR - (Disrespectful) Disrespect

Disrespectful Disrespect

Primary - Limited Access

Public or State Property

County Roads

Investment and Funds

Unprotected County and Non-Profit

Protected Open Space

State Ground Conservation Easement

State Ground DR & Resource License

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

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2007/2008 Digital Aerial Image

March 4, 2013

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Marve Farms, Inc.
State Acquisition
Easement Purchase - SADC
242 Acres

Block 29	Lot 52	Franklin Twp.	Hunterdon County
SOILS:		Other	6% * 0 = .00
		Prime	41% * .15 = 6.15
		Statewide	53% * .1 = 5.30
			SOIL SCORE: 11.45
TILLABLE SOILS:		Cropland Harvested	74% * .15 = 11.10
		Wetlands	3% * 0 = .00
		Woodlands	23% * 0 = .00
			TILLABLE SOILS SCORE: 11.10
FARM USE:		Corn-Cash Grain	146 acres
		Hay	35 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 (6.1) acres for Existing residence (Duplex)
Exception is not to be severable from Premises
Exception is to be restricted to one single family residential unit
 - 2nd three (3) acres for Existing residence and flexibility
Exception is not to be severable from Premises
Exception is to be restricted to one single family residential unit
 - c. Additional Restrictions:
FY2013 FRPP funding thru SADC submission
 - d. Additional Conditions:
The residence on the 6.1 acre exception is a duplex. Landowner willing to restrict to one SFR or one duplex.
Pursuant to the Federal Farm and Ranch Land Protection Program the landowner has agreed to a maximum impervious coverage of 4.33% or 10.5 acres.
 - 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 #FY14R11(9)

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

**On the Property of
Dr. Dante Greco ("Owner")**

November 14, 2013

Subject Property: Dr. Dante Greco
Block 4, Lots 1 & 3, Greenwich Township
Block 12, Lots 2, 3 & 5, Stow Creek Township
Cumberland County
SADC ID#: 06-0069-DE
Approximately 228 Net Easement Acres

WHEREAS, on March 22, 2013, the State Agriculture Development Committee ("SADC") received a development easement sale application from Dr. Dante Greco, hereinafter "Owner," identified as Block 4, Lots 1 & 3, Greenwich Township, Block 12, Lots 2, 3 & 5, Stow Creek Township, Cumberland County, hereinafter "Property," totaling approximately 228 net easement acres, identified in (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 27, 2012, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Cumberland County (minimum acreage of 84 and minimum quality score of 53) because it is 228 acres and has a quality score of 77.41; and

WHEREAS, on the Property to be preserved there are zero (0) single family residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

WHEREAS, the Owner has requested a 2-acre non-severable exception area restricted to one single family residence; and

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

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

WHEREAS, on September 26, 2013, the SADC certified the development easement value of the Property at \$3,900 per acre based on current zoning and environmental conditions as of August 2013; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property for \$3,900 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for the direct acquisition of the development easement at a value of \$3,900 per acre for a total of approximately \$889,200 subject to the conditions contained in (Schedule B); and

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

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

11-14-13

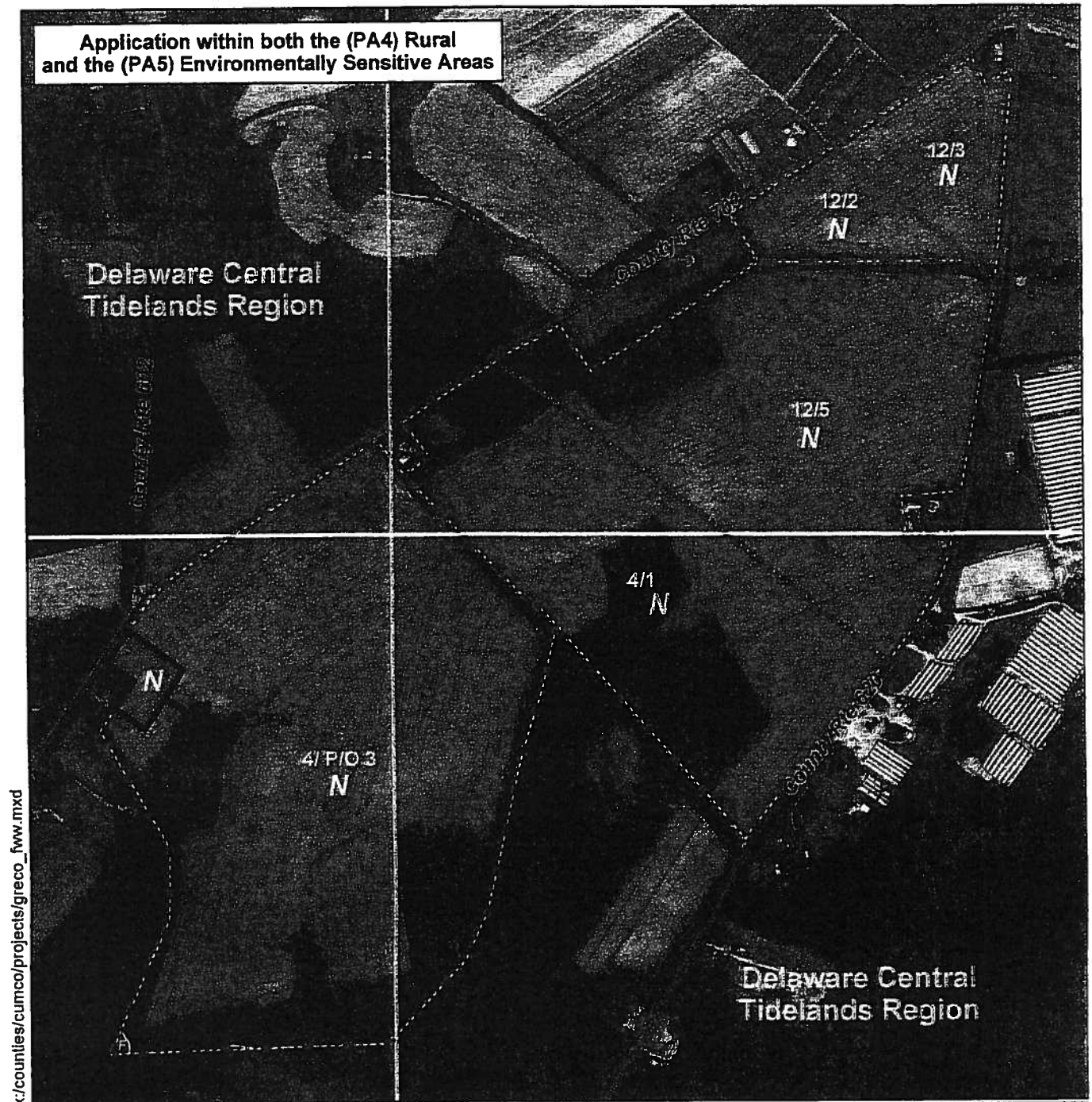
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	YES



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Dr. Dante Greco/Greco Properties

Greenwich Twp:
Block 4 Lots 1 (49.5 ac); P/O 3 (101.3 ac) & P/O 3-EN (non-severable exception - 2.0 ac)

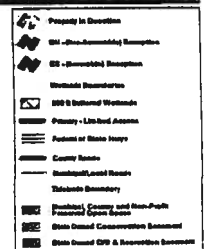
Stow Creek Twp:
Block 12 Lots 2 (8.6 ac); 3 (11.0 ac) & 5 (57.0 ac)

Cumberland County
Gross Total = 229.5 ac

500 250 0 500 1,000 Feet

TIDELANDS DISCLAIMER
The linear features depicted on this map were derived from the NJDEP's CD ROM series 1, volume 4, "Tidelands Claims Maps". These linear features are not an official NJDEP determination and should only be used as a general reference. Only NJDEP, Bureau of Tidelands Management can perform an official determination of Tidelands/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:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/IGIS 2012 Digital Aerial Image

April 5, 2013

UNRECORDED

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Greco Farm
State Acquisition
Easement Purchase - SADC
228 Acres

Block 12	Lot 2	Stow Creek Twp.	Cumberland County
Block 12	Lot 3	Stow Creek Twp.	Cumberland County
Block 12	Lot 5	Stow Creek Twp.	Cumberland County
Block 4	Lot 1	Greenwich Twp.	Cumberland County
Block 4	Lot 3	Greenwich Twp.	Cumberland County

SOILS:	Other	1% *	0	=	.00
	Prime	79% *	.15	=	11.85
	Statewide	19% *	.1	=	1.90
	Unique zero	1% *	0	=	.00

SOIL SCORE: 13.75

TILLABLE SOILS:	Cropland Harvested	79% *	.15	=	11.85
	Wetlands	1% *	0	=	.00
	Woodlands	20% *	0	=	.00

TILLABLE SOILS SCORE: 11.85

FARM USE:	Field Crop Except Cash Grain	182 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 housing
Exception is not to be severable from Premises
Exception is to be restricted to one single family residential unit
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY14R11(10)

Review of Activities Occurring on Preserved Farm

Metropolitan Farm, LLC

November 14, 2013

WHEREAS, Metropolitan Farm, LLC, hereinafter ("Owner") is the current record owner of Block 2102, Lot 55, as identified in the Borough of Closter, County of Bergen, as recorded in the Bergen County Clerk's Office in Deed Book 1016, Page 1701 by deed dated January 11, 2012, totaling 11.05 acres, hereinafter referred to as the "Premises," (Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the County of Bergen on June 29, 2004, by the former owner Ellen Brooks, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c. 32, as a Deed of Easement, recorded in Deed Book 8699, Page 271; and

WHEREAS, the USDA Natural Resources Conservation Service (NRCS) provided a portion of the cost share funding associated with the preservation of this property through the Federal Farm and Ranch Lands Protection Program (FRPP); and

WHEREAS, Frank Vastano is the principal of Metropolitan Farm LLC, and also the owner of Metropolitan Plant Exchange, a chain of three retail garden centers in Bergen and Essex Counties; and

WHEREAS, upon acquiring the Premises, the Owner began expanding a field area on the west side of the property with the intent of installing six hoop houses for potted plant production and to grow outdoor perennials; and

WHEREAS, trees from an abandoned orchard and wooded area were removed and approximately 2.95 acres were re-graded to provide open areas to place the hoop houses and potted perennials; and

WHEREAS, shortly after commencing the tree removal/land clearing work a number of the adjacent neighbors expressed concerns over the project; and

WHEREAS, on May 3, 2012, SADC staff met at the farm with the Owner, Owner's attorney, Bergen SCD, NRCS, and Bergen County Agriculture Development Board (CADB) staff; and

WHEREAS, at this meeting, the Owner explained his plans to construct six hoop houses on the site, four 30' x 144' in size and two 30' x 96' in size, to grow perennials which will be sold from the Premises and at the Owner's three existing garden centers; and

WHEREAS, since that meeting the Owner described his intention to construct one additional 60' x 120' greenhouse, capable of being used as a farm stand, and a customer parking area, both of which would be used for on-site retail sales of products; and

WHEREAS, all necessary site preparation work associated with the proposed use of the site has been completed, and the Owner has yet to erect any hoop houses on the Premises; and

WHEREAS, at the May 3, 2012 meeting, the Owner agreed to have his engineer work with the appropriate agencies to develop a farm conservation plan and stormwater management plan for the Premises; and

WHEREAS, on May 4, 2012, the Borough of Closter filed with the Bergen CADB a Right to Farm Complaint against the Owner alleging the Owner had violated the farmland preservation Deed of Easement (DoE), had violated various municipal ordinances, and was posing a threat to the public health, safety and welfare; and

WHEREAS, on May 8, 2012, a group known as the Concerned Residents of Closter along with Ira Rothbaum, Joseph Shpigel, Itzhak Pearl, Michal Mika, Inchol Yon, David Garfunkel and David Hecht (hereinafter "Residents") filed with the Bergen CADB a Right to Farm complaint against the Owner alleging the Owner was engaging in nonagricultural activities, violating certain terms of the farmland preservation Deed of Easement (DoE) and not in compliance with the Right to Farm Act; and

WHEREAS, also on May 8, 2012, the Residents filed an Order to Show Cause against Metropolitan Farm in Bergen County Superior Court; and

WHEREAS, on May 8, 2012, the Superior Court of Bergen County ordered a temporary restraint against any additional tree removal or construction of permanent structures on the Premises until such time as the Bergen CADB conducts a public hearing on the matter and issues its findings as part of the Right to Farm process; and

WHEREAS, on November 15, 2012, the Bergen CADB met and certified that Metropolitan Farm, LLC qualified as a commercial farm pursuant to the Right to Farm Act and forwarded the complaint to the SADC for a hearing pursuant to N.J.S.A. 4:1C-10.1c; and

WHEREAS, in accordance with the Right to Farm Act a landowner must be in compliance with all applicable State laws and regulations to be eligible to receive Right to Farm protection; and

WHEREAS, the Right to Farm complaint and hearing process cannot proceed if it is found that a violation of the Deed of Easement exists on the Premises; and

WHEREAS, on January 23, 2013, SADC, NJDA and NRCS staff met on site to review the site work and discuss the activities in relation to the Deed of Easement; and

WHEREAS, in order to understand the nature of the disturbance that has occurred onsite the SADC hired DelVal Soil & Environmental Consultants to perform a site assessment of the disturbed area of the Premises and to prepare a report (hereinafter "Report"), see attached Schedule "B"; and

WHEREAS, since acquiring the Premises, the Owner has installed a deer fence around the property, an irrigation well, underground irrigation mains in the newly cleared area and has approximately 20,000 pots of perennials growing on-site; and

WHEREAS, the Owner rehabilitated a barn on the Premises for use as a chicken coop and has approximately 200 layer hens onsite; and

WHEREAS, the farm opened to the public for business in the spring of 2013 selling its potted perennials and eggs; and

WHEREAS, the Committee finds the following related to the development of the site for agricultural production purposes on the Premises:

1. Pursuant to N.J.A.C. 7:8 (NJDEP Stormwater Management Rule) on July 12, 2012, the landowner submitted engineering plans to the Bergen SCD for the proposed project to address stormwater management concerns, and by letter dated January 14, 2013, the Bergen County SCD determined that the project is in conformance with the NJ Stormwater Management Rules;
2. The farm conservation plan for the Premises was finalized and certified by the NRCS District Conservationist on February 15, 2013, and by the Bergen County SCD on March 11, 2013;
3. The Owner cleared approximately 2.2 acres of woods and overgrown orchard area in addition to 0.7 acre field area historically in production for purposes of expanding the area available for agricultural production;
4. Within the cleared area the Owner re-contoured the production areas by splitting the area into an upper and lower field;

5. Topsoil removed from the area in preparation of the site has been retained on-site in one stockpile and two berms, and the cubic yard calculations accounting for the removed topsoil were reviewed and deemed reasonable by NRCS State Conservation Engineer and State Conservationist in a letter dated April 18, 2013;
6. On August 7, 2013, Dr. William Palkovics, of DelVal Soil & Environmental Consultants, visited the site and evaluated the soil conditions on various areas of the Premises which included four, approximately 10 feet deep, soil test pit excavations;
7. Dr. Palkovic's Report confirms that the soils on the site are the Dunellen Urban Land Complex type, as mapped in the NRCS soil survey; the Dunellen soil series is a very deep, very sandy/gravelly soil type capable of supporting various forms of agricultural production under a certain degree of management; and that except for the topsoil, the entire natural soil column is relatively uniform; and
8. The Report indicates that the Dunellen Urban Land Complex is not rated as Prime, Statewide, or of local importance in terms of its agricultural productivity; and aerial photography from the 1930's through the 1960's shows this area of the property in orchard production;
9. The Report indicates that within the disturbed area, where topsoil was stripped and stockpiled on site, the underlying soil still remains largely intact, does not differ from the upper soil mantle and even if the surface has been removed, the underlying material can similarly function as an agricultural soil; and the natural subsoil still had a depth greater than 10 feet;
10. The Report further indicates that the soil conditions on the disturbed area today are still suitable for its most recent use as tree/orchard production and similarly function as an agricultural soil due to the type and depth of the sandy parent material and relatively homogeneous soil layers associated with Dunellen soils; and that by replacing the topsoil with the stored material saved onsite, only a minimal amount of additional preparation would be required to put the site into crop production, and that the types of agricultural production that were possible in Dunellen soils prior to the disturbance are still possible in the post-disturbance condition;

WHEREAS, the SADC finds the following related to the permissibility of the above described uses pursuant to the terms of the Deed of Easement:

1. Pursuant to paragraph 2 of the Deed of Easement the use of hoop houses and outdoor growing areas on the Premises for perennial plant production is a production agriculture activity permitted by the Deed of Easement;
2. The use of the property for the wholesale and retail sales of the agricultural output of the farm is permitted by the Deed of Easement;

3. The clearing of woods and a formerly planted orchard in order to put additional land into agricultural production is not prohibited by the Deed of Easement;
4. Site preparation and development of agriculture-related infrastructure conducted in the manner described herein does not constitute a violation of Deed of Easement provisions related to soil conservation and activities detrimental to the continued use of agriculture on the Premises because the types of agricultural production that were possible in Dunellen soils prior to the disturbance are still possible in the post-disturbance condition. The topsoil has been stockpiled on site. Due to the very deep, homogeneous sandy/gravelly subsoil of over 10 feet in depth associated with Dunellen soils, the subsoil remains largely intact today and similarly functions as an agricultural soil. By replacing the topsoil with the stored material saved onsite, only a minimal amount of additional preparation would be required to put the site into crop production.
5. The NRCS has determined that the site work that has occurred on the Premises is not a violation of the Farm and Ranch Lands Protection Program; and

NOW THEREFORE BE IT RESOLVED, for the reasons set forth herein, the SADC finds that the activities which have occurred on the Premises related to land clearing and grading on the subject property as described herein do not constitute a violation of the Deed of Easement; and

BE IT FURTHER RESOLVED, the Owner shall implement and otherwise remain in compliance with the NRCS farm conservation plan, which includes but is not limited to appropriate topsoil storage; and

BE IT FURTHER RESOLVED, that the Owner shall seek approval from the Bergen CADB, SADC, and NRCS prior to conducting any additional earthmoving work on other portions of Premises; and

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

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

11-14-13
DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Gina Fischetti (rep. DCA Commissioner Constable)	ABSENT FOR VOTE
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman	ABSENT
Peter Johnson	YES
Denis C. Germano	YES
Torrey Reade	YES

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Schedule "A"

Metropolitan Farms

1.25 acres

1.7 acres

u:/county_state/project_name.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Metropolitan Farms
Block 2102, Lot 55
Closter Borough, Bergen County



0 55 110 220 330 440 Feet

month/day/year

Farmland Preservation Program

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

	State Planning Areas
	(PA1) METRO
	(PA2) SUBURBAN
	(PA3) PINELAND
	(PA4) RURAL
	(PA4a) RURAL ENV SENS
	(PA4b) ENV SENS
	(PA4c) ENV SENSITIVE BARRIER IS
	(PA10) PINELANDS
	PARK
	MILITARY
	NEW JERSEY MEADOWLANDS
	WATER
	ELLIS ISLAND-NJ
	ELLIS ISLAND-NY
	Base Map
	County Boundaries
	Municipal Boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Pinelands Area
	Great Areas Preserved Easements

Schedule "B"



Sky Run II • Suite A1 • 4050 Skyron Drive • Doylestown, PA 18902
Phone 215-345-5545 Fax 215-345-8138

Site Evaluation Report
of
METROPOLITAN FARM
situate in
Closter Borough, Bergen County, NJ

DelVal Job #13-074

William E. Palkovics, Ph.D.
Certified Professional Soil Scientist
Certified Professional Soil Classifier
Certified Professional Agronomist

October 29, 2013

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Dunellen Soils	pg 2
NRCS Mapping	pg 3
Post Disturbance Conditions	pg 4
Site Investigation	pg 4
Results	pg 6
Land Capability Class and Land Use	pg 6
Summary & Conclusions	pg 7

Appendix A – Plan Showing Areas of Disturbance
Appendix B – 1930's Historic Aerial Photo
Appendix C – NRCS Soil Map
Appendix D – Pre Disturbance Aerial Photo
Appendix E – Dunellen Official NRCS Soil Series Description
Appendix F – Map Unit Descriptions
Appendix G – Site Topography
Appendix H – Post Disturbance Aerial Photo
Appendix I – Test Location Plan
Appendix J – Soil Profile Descriptions
Appendix K – Site Photographs
Appendix L – Topsoil Estimate
Appendix M – Dunellen Crop Yields
Appendix N – Dunellen Forestland Productivity

Introduction

The Metropolitan Farm consists of an approximate 11 acre site located in Closter Borough, Bergen County, New Jersey (Block 2102, Lot 55). In preparation for the growth of nursery stock, approximately 2.2 acres of the site have had trees removed. Within this area re-grading and re-contouring of the land surface has also occurred. The overall site and area of disturbance are shown in the accompanying figures. It was the objective of this evaluation to determine the degree of site and soil disturbance associated with these activities and assess their impact on the agricultural potential of this site.

The extent of disturbance was evaluated through the selection of four representative test locations. A plan identifying the areas of disturbance is provided in Appendix A. Test excavations 1, 2, and 4 were within the area of disturbance. As a basis for comparison, test excavation number 3 was chosen in an undisturbed wooded area just along the site perimeter. Each test location was excavated to a depth of approximately 10 feet below grade by a representative of the land owner.

Site testing was completed on August 7, 2013 under warm, overcast field conditions. While large amounts of precipitation were recorded earlier during the hot summer months, field conditions encountered were dry and warm. No water was encountered at the surface or within any of the test excavations. This is consistent with the very deep, sandy and gravelly nature of the soil on this site. Present at the time of testing were Mr. Charles Rohr and Mr. Frank Vastano of Metropolitan Plant Exchange.

Agriculture at the Metropolitan Site

Metropolitan Farm is located in the urban northeast corner of Bergen County New Jersey, the vast majority of which is utilized for residential, commercial and industrial development. Approximately 2% of the county is utilized for agriculture, producing some fruit, vegetables and ornamental plants.

Historically Metropolitan Farm has had limited agricultural productivity which has included tree

growth as a woodlot and as documented in a 1930s aerial photograph in Appendix B the regular fruit tree pattern associated with an orchard. While several acres are not built upon, numerous outbuildings and structures are present, including an old chicken coop. While the small size limits any large scale agronomic or agricultural crop production, its location would lend itself to small scale vegetable/truck crop production that might be sold locally. During this inspection, chickens were observed present at the site and eggs were reportedly sold to the surrounding urban residents.

Within the County Soil Survey, The Natural Resources Conservation Service (NRCS) has mapped the site as urban land. Attached in Appendix C is a copy of the NRCS soil mapping. As previously mentioned, the site in the recent past had been mostly wooded and at one time did contain an orchard. An aerial photograph of the wooded site prior to the current disturbance is provided in Appendix D. This use as a woodlot is consistent with and is illustrative of the difficulty tractors and harvesting equipment would have maneuvering around such a small urban lot. Limited production of local retail farm stand crops might still be feasible; however this would be labor intensive and on such a site containing sandy/droughty soils require frequent irrigation.

Dunellen Soils

The original soil in this area was derived from sands and gravels deposited by glacial waters and are classified as the Dunellen series. These soils are very deep, can exceed 60 feet or more in depth and bedrock is not at or near the surface. The official NRCS soil series description for Dunellen is provided in Appendix E. The upper genetic A, E and B horizons consist of soil formed and modified from the parent material due to weathering. Based on this profile description, the upper section has not been greatly modified and consists of a minimally weathered sandy loam soil that varies little from the underlying material.

The properties of this soil are summarized as follows:

1. Color-Topsoil is brown. Subsoil is consistently reddish brown between 20 to 70 inches.
2. Texture-The topsoil and subsoil is sandy loam from the surface to 42 inches, which then becomes loamy sand.

3. Structure-Except for the granular surface 8 inches of topsoil, the subsoil is weakly developed subangular blocky structure.

The underlying 2C horizon is also high in sand. Although some weathering has occurred since the relatively recent placement by the glaciers, the upper portion of the soil does not significantly differ from the underlying original materials.

This is significant because even where the surface has been modified; the underlying soil still remains largely intact, does not differ from the upper soil mantle and even if the surface has been removed, the underlying material can similarly function as an agricultural soil.

NRCS Mapping

The site is mapped by the Natural Resources Conservation Service (Appendix C) as primarily the Dunellen-urban land complex (DuuB and DuuC) 3% to 15 % slope. A small section on the edge of the site is mapped as Udorthents, wet substratum-urban land complex (UdwuB).

Map Unit Legend

Bergen County, New Jersey (NJ003)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
DuuB	Dunellen-Urban land complex, 3 to 6 percent slopes	1.8	14.7%
DuuC	Dunellen-Urban land complex, 8 to 15 percent slopes	9.1	75.1%
UdwuB	Udorthents, wet substratum- Urban land complex (SSURGO1)	1.2	10.2%
Totals for Area of Interest		12.1	100.0%

Attached in Appendix F are detailed descriptions of the map units shown on the NRCS mapping.

A brief summary is provided:

Dunellen-Urban land complex: This map unit consists of undulating, well drained Dunellen soil and areas of urban land. The Dunellen soil and the Urban land occur as areas so intricately mixed or so small that it was not practical to map them separately. Urban land consists of areas largely covered by streets, roads, driveways, buildings and other structures. Dunellen was the original soil present and areas of Dunellen still remain within the mapping unit.

Udorthents, wet substratum-Urban land complex: These are wet areas which may have been filled to a depth of 3 feet, smoothed and partially paved. As Urban land the surface may be covered by single family dwellings commercial buildings, streets, parking lots and other structures. This mapping unit is not rated agriculturally and was not within the area of concern.

Post Disturbance Conditions

A plan showing the pre and post disturbance topography is provided in Appendix G. Approximately 2.2 acres of the sloping land has been cleared and has had the trees removed. Prior to any earthmoving, topsoil was stripped and stored. The area was subsequently reconfigured through standard construction procedures. Earth moving equipment essentially created two flat stepped terraces out of the original 8%-15% slope. The upper 1.7 acre area now consists of high sand content soil that has been cut, removed from the lower 1.25 acre area and placed upslope. Currently, the upslope area reportedly has a drip irrigation system installed and potted plants are on the surface.

Site Investigation

A site investigation and soil testing was completed on August 7, 2013. The overall area and site was consistent with NRCS mapping as Urban land. A number of structures, buildings and access areas and parking areas were present. The site prior to land grading can be observed in Appendix

D. Although some open areas are present, a large portion of the site was wooded. This area is mapped by the NRCS as Dunellen Urban land complex 3-15% slope (DuuB, DuuC). An aerial photograph of the site after site disturbance is provided in Appendix H. It appears that most of the area of grading was within the DuuC with a slope of 8-15%.

In order to evaluate current soil and site conditions, four soil test excavations were completed. I also walked and inspected the area where soil had been excavated and placed. Soils along the edge of the upper terraced area along the sidewall could be visually observed and evaluated.

Test excavations one and two were within the lower terrace while test excavation four was within the upper terrace. Test excavation three was within a currently undisturbed wooded area and is a reference of comparison for natural conditions. Test locations are shown in Appendix I and soil profile descriptions are provided in Appendix J. Photographs of each soil test evaluation are provided in Appendix K.

Lower Elevation 1.25 acre Area

This section of the site exhibited soil characteristics associated with earth contouring consisting of surface disturbance over natural soil conditions. While the upper soil mantle was reworked and had been excavated and removed, the remaining underlying soil was intact and was a minimum of ten feet deep. This underlying material was the remnant of the original Dunellen soil.

Upper Elevation 1.7 acre Area

At the time of this investigation the upper area had potted plants and nursery stock present while the lower area was barren. The upper area was reported to have irrigation piping present, thus limiting access for this inspection. The owner, however, was accommodating and cleared an area of plants for a test excavation. The soil profile description (Number 4) for this test excavation is provided in Appendix J. Soil within this test excavation was relatively undisturbed as it was located in the corner of the upper section. Soil inspected within the exposed sidewall area was sandy and compact.

Results

The investigation revealed that approximately 2.95 acres of the site had been reconfigured creating two stepped terrace areas. Based on field observations and available documents, the following summary is provided.

- 1) Prior to earth moving, topsoil was stripped and stockpiled before excavation of the subsoil. Estimated topsoil thickness provided by the NRCS ranged from three to eight inches. This was confirmed and consistent with observations in test pits three and four which had eight and three inches of topsoil soil present. Greater topsoil thickness in test pit three may be attributed to surface erosion and subsequent deposition from upslope soils. Stockpiled topsoil was observed in the field. An estimated volume of topsoil stored is provided by Hubschman Engineering and is provided in Appendix L.
- 2) Based on this field investigation, subsequent to topsoil removal, subsoil from the lower area of cut was then placed in the upper terrace. The quantity of soil placement varied with the slope and tapering of the terraced areas. This can more accurately be determined from engineering plans.
- 3) The soil at this site was consistent with the Dunellen soil series in that it was very sandy, gravelly and very deep. Attached in Appendix E is the official NRCS soil series description for Dunellen. Field observations were consistent with the official description in that each test location could be excavated a minimum depth of 10 feet without encountering rock or groundwater. Although the lower area had soil removed and subsequently placed atop the upper undisturbed terraced area, much of the natural characteristics associated with the sandy loam and loamy sand remain intact.

Land Capability Class and Land Use

The Dunellen urban land complex (DuuB and DuuC) mapping unit is unique as it consists of an urban component modified by construction that also has a component of the original Dunellen soil present akin to a mosaic or to a quilt pattern arrangement.

According to the NRCS, the Dunellen component (Class III) has a severe limitation that restricts

the choice of plants. The Urban land component (Class VIII) has limitations that preclude commercial plant production. In Appendix M the NRCS published data for Dunellen crop yield is provided. The NRCS data for forestland productivity is included in Appendix N. While large scale agricultural productivity of agronomic crops is precluded on urban lands, limited truck crops and vegetable produce may be feasible. Trees and woodlands are also an option.

Summary and Conclusions

Metropolitan farm is located in the urban northeast corner of Bergen County, New Jersey in an area where large scale agricultural production is limited. The site is mapped by the NRCS as Urban land-Dunellen complex consisting of some areas that still maintain the properties of the original soil but has also been modified through construction and may be intermixed with urban features such as building structures and paved roadways. The soil originally present at this site was the Dunellen series consisting of a very deep sand and gravel. Except for the topsoil, the entire natural soil column is relatively uniform.

Although a portion of this site and soil has been altered and earthmoving has occurred, much of the original soil characteristics remain. The original topsoil has been stockpiled. The natural subsoil still had a depth greater than 10 feet; no rock or water was encountered.

For this reason, even when disturbed once plowed and loosened air and water movement readily occurs. Plant growth within the soil at this site still remains a viable option. Due to its sandy nature, soil management consisting of irrigation waters enhanced with fertilizers may be required. Currently, such an irrigation system is already present in a section of the site.

In conclusion, the current site conditions are adequate to allow crop growth. Truck farming or vegetable production can be implemented or the site can be placed back into its historical use as woodlands and trees can be planted.

APPENDIX A

PLAN SHOWING AREAS OF DISTURBANCE

APPENDIX B

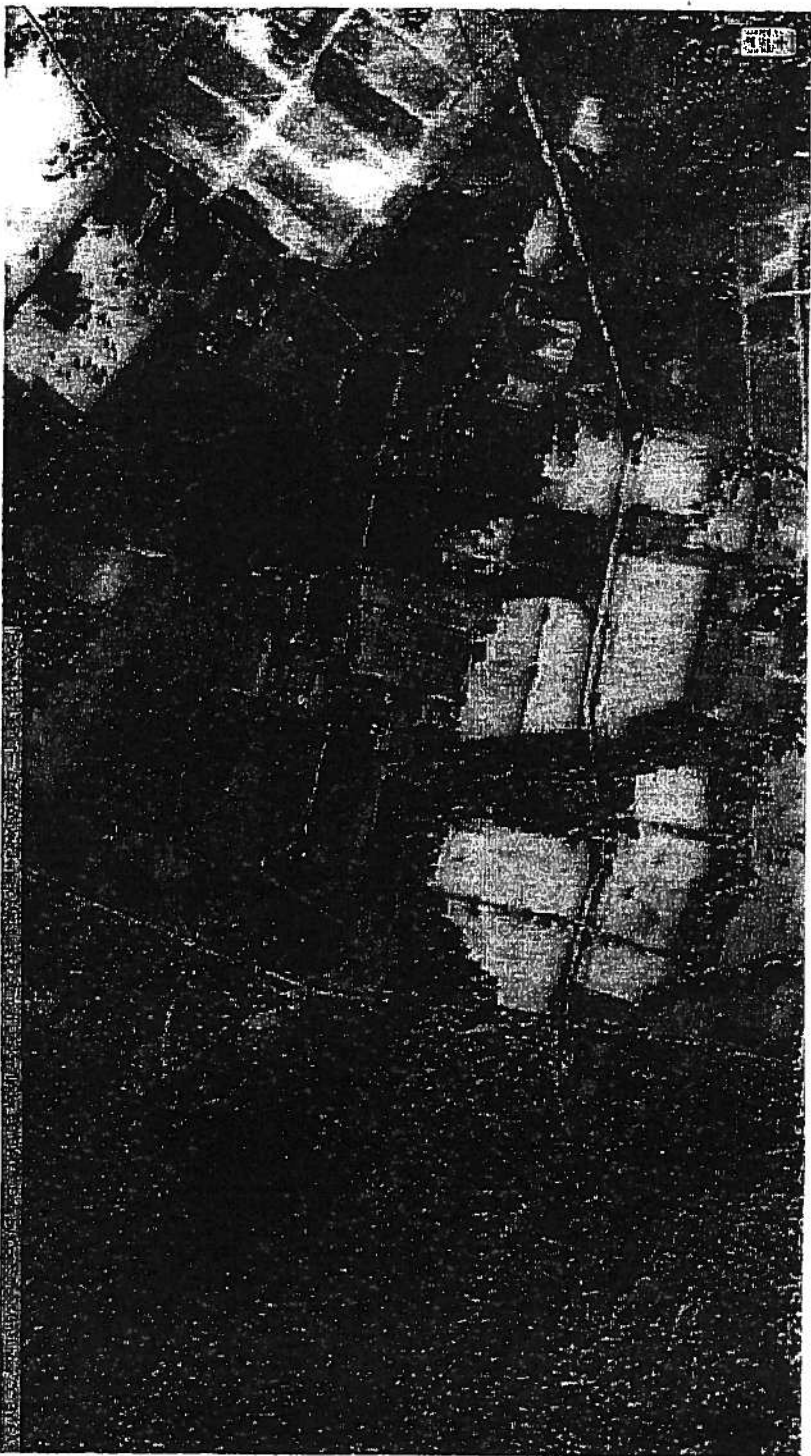
1930'S HISTORIC AERIAL PHOTO

Closter Borough

Bergen County

New Jersey Municipal Asset Profile
Return to Closter Borough's Profile
Return to Search

Agricultural Preservation Toolkit



Overview | Search | Controls

Adjust Farmland Layer Opacity

0% 100%

Layer Visibility

- ☐ Agricultural Loss to Urban
- ☐ Preserved Farms (SADC)
- ☐ Prime Farmland Soils
- ☐ Agricultural Development Areas
- ☒ 1930s Aerial Photography
- ☐ Adjacent Municipalities
- ☐ Roads & Annotation
- ☐ Parcels (at highest zoom levels)

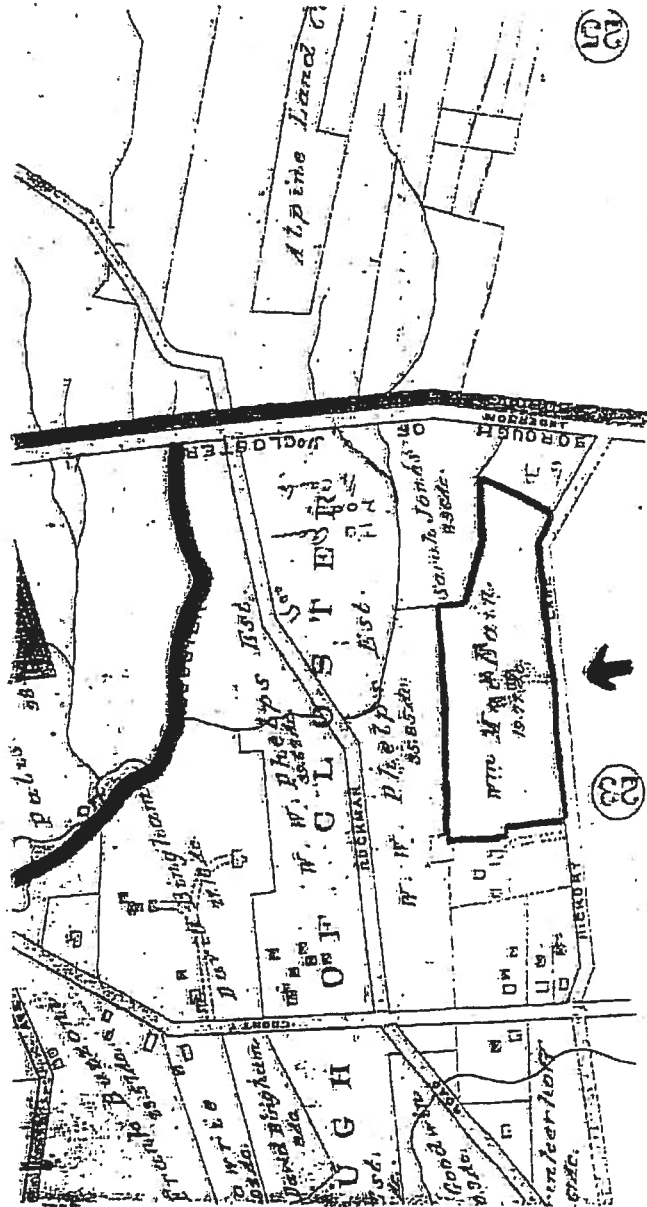
Legend

☒ Prime Farmland
☐ Agricultural Loss to Urban
☐ Preserved Farms (SADC)

☐ Prime Farmland Soils
☐ Agricultural Development Areas
☒ 1930s Aerial Photography

A project of the Regional University Agricultural Association
with support from the Seedcorn Foundation

Map of the Property
Sheet 101



G.W. Bromley
Atlas of Brigholca
1912

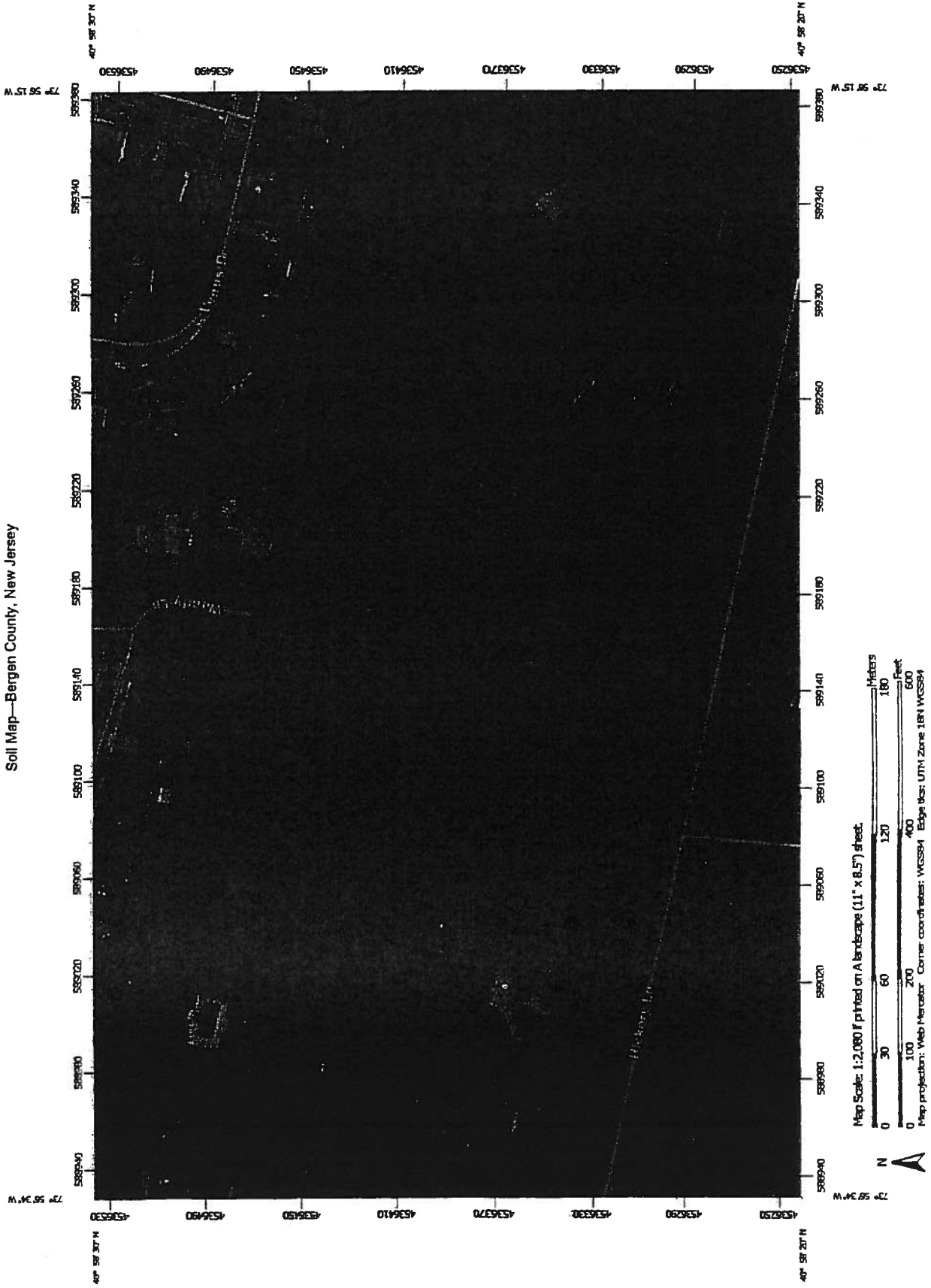
25

25

APPENDIX C

NRCS SOIL MAP

Soil Map—Bergen County, New Jersey



MAP LEGEND

	Area of Interest (AOI)		Spot Area
	Soils		Stony Spot
	Soil Map Unit Polygons		Very Stony Spot
	Soil Map Unit Lines		Wet Spot
	Soil Map Unit Points		Other
	Special Point Features		Special Line Features
	Blowout		Water Features
	Borrow Pit		Streams and Canals
	Clay Spot		Transportation
	Closed Depression		Rails
	Gravel Pit		Interstate Highways
	Gravelly Spot		US Routes
	Landfill		Major Roads
	Lava Flow		Local Roads
	Marsh or swamp		Background
	Mine or Quarry		Aerial Photography
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Bergen County, New Jersey
Survey Area Date: Version 9, Oct 22, 2008

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 28, 2011—Jun 16, 2012

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Bergen County, New Jersey (NJ003)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
DuuB	Dunellen-Urban land complex, 3 to 8 percent slopes	1.8	14.7%
DuuC	Dunellen-Urban land complex, 8 to 15 percent slopes	9.1	75.1%
UdwuB	Udorthents, wet substratum- Urban land complex (SSURGO1)	1.2	10.2%
Totals for Area of Interest		12.1	100.0%

APPENDIX D

PRE DISTURBANCE AERIAL PHOTO



APPENDIX E

DUNELLEN OFFICIAL NRCS SOIL SERIES DESCRIPTION

LOCATION DUNELLEN

NJ

Established Series
Rev. CFE-JHW-SMF
10/2006

DUNELLEN SERIES

The Dunellen series consists of very deep, well drained soils formed in stratified materials. Dunellen soils are on outwash plains and stream terraces. Slope ranges from 0 to 35 percent. Saturated hydraulic conductivity ranges from moderately high or high in the solum and high or very high in the substratum. Mean annual temperature is about 53 degrees F., and mean annual precipitation is about 44 inches.

TAXONOMIC CLASS: Coarse-loamy, mixed, active, mesic Typic Hapludults

TYPICAL PEDON: Dunellen sandy loam-cultivated. (Colors are for moist soil.)

Ap--0 to 8 inches; brown (7.5YR 4/2) sandy loam; moderate medium granular structure; friable; common fine roots; common fine and medium tubular pores; 3 percent rounded gravel; moderately acid; abrupt smooth boundary. (6 to 10 inches thick)

E--8 to 14 inches; brown (7.5YR 4/4) sandy loam; weak fine subangular blocky structure; friable; few fine roots; common fine tubular pores; 2 percent rounded gravel; moderately acid; clear wavy boundary. (0 to 7 inches thick)

BE--14 to 20 inches; reddish brown (5YR 4/3) sandy loam; weak medium subangular blocky structure; friable; few fine roots; few fine tubular pores; 3 percent rounded gravel; moderately acid; clear wavy boundary. (4 to 7 inches thick)

Bt--20 to 32 inches; dark reddish brown (5YR 3/4) sandy loam; weak medium subangular blocky structure; friable; few very fine roots; few fine tubular pores; few faint clay bridges between sand grains and few faint clay films on faces of peds; 5 percent rounded gravel; strongly acid; gradual wavy boundary. (10 to 25 inches thick)

C--32 to 42 inches; dark reddish brown (5YR 3/4) sandy loam; massive; friable; 10 percent rounded gravel; strongly acid; gradual wavy boundary. (6 to 30 inches thick)

2C--42 to 70 inches; dark reddish brown (5YR 3/4) loamy sand; single grain; loose; 10 percent rounded gravel; moderately acid.

TYPE LOCATION: Somerset County, New Jersey; Franklin Township, 250 yards north of East Millstone Reformer Church, 100 yards east of Delaware and Raritan Canal; USGS Bound Brook quadrangle, latitude 40 degrees, 30 minutes, 17 seconds N., longitude 74 degrees, 34 minutes, 44 seconds W, NAD 27.

RANGE IN CHARACTERISTICS: Solum thickness ranges from 25 to 40 inches. Depth to bedrock is typically greater than 10 feet. Rock fragments range from 0 to 15 percent in the upper part of the

solum and from 0 to 30 percent in the lower solum. Rock fragments in the C horizon range from 5 to 50 percent, but average less than 35 percent and occur mostly as thin lenses of gravel. Rock fragments are mostly rounded pebbles composed of red shale, sandstone or siltstone, and include basalt, granitic gneiss, quartzite and conglomerates. Evidence of illuviation is weakly expressed and includes either few or common, faint or distinct clay films on faces of peds or bridging between sand grains. Reaction of the soil ranges from very strongly acid through moderately acid unless limed.

The Ap horizon has hue of 5YR or 7.5YR, value of 4, and chroma of 2 to 4. Undisturbed pedons have an A horizon 1 to 4 inches thick with hue of 5YR to 10YR, value of 3 or 4, and chroma of 2 or 3. Texture is sandy loam or loam in the fine-earth fraction. Structure is weak thick platy or moderate to strong, fine to coarse granular.

The Bt horizon has hue of 2.5YR to 7.5YR, value of 3 to 5, and chroma of 4 to 6. Texture is sandy loam, fine sandy loam, or loam in the fine-earth fraction. Some pedons have a thin subhorizon of sandy clay loam. The structure is weak or moderate, fine to coarse subangular blocky or granular.

The C and 2C horizons have hue of 2.5YR to 7.5YR, value of 3 to 5, and chroma of 3 to 6. Texture ranges from sandy loam to sand in the fine-earth fraction. The C horizons are commonly stratified.

COMPETING SERIES: The Brentsville, Germano, Lansdale and Rigley series are in the same family. The Brentsville, Germano, and Rigley soils are from outside LRR R and S. These soils do not have stratified materials in the series control sections; in addition, Brentsville and Germano soils are moderately deep over bedrock and Rigley soils have a solum thickness of more than 40 inches.

GEOGRAPHIC SETTING: Dunellen soils are on glacial outwash plains and stream terraces. Slope ranges from 0 to 35 percent. They formed in stratified materials. The underlying bedrock is red, soft shale or siltstone. Mean annual precipitation ranges from 40 to 48 inches. The growing season ranges from 160 to 190 days. Mean annual temperature ranges from 50 to 55 degrees F.

GEOGRAPHICALLY ASSOCIATED SOILS: Closely associated soils on terraces are the Nixon and Ellington soils. Nixon soils are finer textured and Ellington soils are mottled in the B horizon. Other nearby soils are the Boonton, Haledon, Penn, and Rowland soils. Boonton and Haledon soils are on more sloping uplands capped with glacial till. Penn soils are 20 to 40 inches to shale bedrock. Rowland soils are moderately well to somewhat poorly drained soils on floodplains.

DRAINAGE AND PERMEABILITY: Dunellen soils are well drained. Saturated hydraulic conductivity ranges from moderately high or high in the solum and high or very high in the substratum. Runoff is negligible to high.

USE AND VEGETATION: Dunellen soils are principally used for community development. Most remaining areas are idle on the urban fringe and some areas are used for pasture, hay or general crops. Trees in wooded areas include red, white and black oak, hickory, red maple, and ash.

DISTRIBUTION AND EXTENT: Central and northern New Jersey; MLRAs 144A, 148 and 149A. The series is of moderate extent - about 55,000 acres.

MLRA SOIL SURVEY REGIONAL OFFICE (MO) RESPONSIBLE: Amherst, Massachusetts

SERIES ESTABLISHED: Bernardsville area, New Jersey, 1919.

REMARKS: Geographic coordinates location is an estimate based upon the original narrative description. Cation exchange activity class was determined from a review of similar soils.

Diagnostic horizons and other features recognized in this pedon include:

1. Ochric epipedon - the zone from the surface to a depth of 20 inches (Ap, E and BE horizons).
2. Argillic horizon - the zone from 20 to 32 inches (Bt horizon).

National Cooperative Soil Survey
U.S.A.

APPENDIX F

MAP UNIT DESCRIPTIONS

Map Unit Text

Bergen County, New Jersey

Map unit: DuoB - Dunellen loam, 3 to 8 percent slopes

Text kind/Category: Nontechnical description/SOI-5

The Dunellen series consists of deep, well drained soils on outwash plains and terraces. They formed in water-deposited material. Typically, these soils have a dark brown sandy loam surface layer, 8 inches thick. A subsurface layer from 8 to 14 inches is brown sandy loam. The subsoil layers from 14 to 32 inches are reddish-brown and dark reddish-brown sandy loam. The dark reddish-brown substratum from 32 to 42 inches is sandy loam and from 42 to 70 inches is loamy sand. Slopes range from 0 to 35 percent.

Map unit: DuoC - Dunellen loam, 8 to 15 percent slopes

Text kind/Category: Nontechnical description/SOI-5

The Dunellen series consists of deep, well drained soils on outwash plains and terraces. They formed in water-deposited material. Typically, these soils have a dark brown sandy loam surface layer, 8 inches thick. A subsurface layer from 8 to 14 inches is brown sandy loam. The subsoil layers from 14 to 32 inches are reddish-brown and dark reddish-brown sandy loam. The dark reddish-brown substratum from 32 to 42 inches is sandy loam and from 42 to 70 inches is loamy sand. Slopes range from 0 to 35 percent.

Map unit: DuoD - Dunellen loam, 15 to 25 percent slopes

Text kind/Category: Nontechnical description/SOI-5

The Dunellen series consists of deep, well drained soils on outwash plains and terraces. They formed in water-deposited material. Typically, these soils have a dark brown sandy loam surface layer, 8 inches thick. A subsurface layer from 8 to 14 inches is brown sandy loam. The subsoil layers from 14 to 32 inches are reddish-brown and dark reddish-brown sandy loam. The dark reddish-brown substratum from 32 to 42 inches is sandy loam and from 42 to 70 inches is loamy sand. Slopes range from 0 to 35 percent.

Map unit: DuuA - Dunellen-Urban land complex, 0 to 3 percent slopes

Text kind/Category: Nontechnical description/SOI-5

Urban land is land mostly covered by streets, parking lots, buildings, and other structures of urban areas. Slopes range from 0 to 45 percent.

Text kind/Category: Nontechnical description/SOI-5

The Dunellen series consists of deep, well drained soils on outwash plains and terraces. They formed in water-deposited material. Typically, these soils have a dark brown sandy loam surface layer, 8 inches thick. A subsurface layer from 8 to 14 inches is brown sandy loam. The subsoil layers from 14 to 32 inches are reddish-brown and dark reddish-brown sandy loam. The dark reddish-brown substratum from 32 to 42 inches is sandy loam and from 42 to 70 inches is loamy sand. Slopes range from 0 to 35 percent.

Map unit: DuuB - Dunellen-Urban land complex, 3 to 8 percent slopes

Text kind/Category: Nontechnical description/SOI-5

Urban land is land mostly covered by streets, parking lots, buildings, and other structures of urban areas. Slopes range from 0 to 45 percent.

Text kind/Category: Nontechnical description/SOI-5

The Dunellen series consists of deep, well drained soils on outwash plains and terraces. They formed in water-deposited material. Typically, these soils have a dark brown sandy loam surface layer, 8 inches thick. A subsurface layer from 8 to 14 inches is brown sandy loam. The subsoil layers from 14 to 32 inches are reddish-brown and dark reddish-brown sandy loam. The dark reddish-brown substratum from 32 to 42 inches is sandy loam and from 42 to 70 inches is loamy sand. Slopes range from 0 to 35 percent.

Map Unit Text

Bergen County, New Jersey

Map unit: DuuC - Dunellen-Urban land complex, 8 to 15 percent slopes

Text kind/Category: Nontechnical description/SOI-5

Urban land is land mostly covered by streets, parking lots, buildings, and other structures of urban areas. Slopes range from 0 to 45 percent.

Text kind/Category: Nontechnical description/SOI-5

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Text kind/Category: Nontechnical description/SOI-5

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The Dunellen series consists of deep, well drained soils on outwash plains and terraces. They formed in water-deposited material. Typically, these soils have a dark brown sandy loam surface layer, 8 inches thick. A subsurface layer from 8 to 14 inches is brown sandy loam. The subsoil layers from 14 to 32 inches are reddish-brown and dark reddish-brown sandy loam. The dark reddish-brown substratum from 32 to 42 inches is sandy loam and from 42 to 70 inches is loamy sand. Slopes range from 0 to 35 percent.

Map Unit Description (Brief, Generated)

Bergen County, New Jersey

[Minor map unit components are excluded from this report]

Map unit: DuoB - Dunellen loam, 3 to 8 percent slopes

Component: Dunellen (85%)

The Dunellen component makes up 85 percent of the map unit. Slopes are 3 to 8 percent. This component is on outwash plains on outwash plains. The parent material consists of coarse-loamy outwash derived from sandstone. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 2e. This soil does not meet hydric criteria.

Map unit: DuoC - Dunellen loam, 8 to 15 percent slopes

Component: Dunellen (85%)

The Dunellen component makes up 85 percent of the map unit. Slopes are 8 to 15 percent. This component is on outwash plains on outwash plains. The parent material consists of coarse-loamy outwash derived from sandstone. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Map unit: DuoD - Dunellen loam, 15 to 25 percent slopes

Component: Dunellen (85%)

The Dunellen component makes up 85 percent of the map unit. Slopes are 15 to 25 percent. This component is on outwash plains on outwash plains. The parent material consists of coarse-loamy outwash derived from sandstone. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 4e. This soil does not meet hydric criteria.

Map unit: DuuA - Dunellen-Urban land complex, 0 to 3 percent slopes

Component: Dunellen (55%)

The Dunellen component makes up 55 percent of the map unit. Slopes are 0 to 3 percent. This component is on outwash plains on outwash plains. The parent material consists of coarse-loamy outwash derived from sandstone. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 1. This soil does not meet hydric criteria.

Component: Urban land (30%)

Generated brief soil descriptions are created for major soil components. The Urban land is a miscellaneous area.

Map Unit Description (Brief, Generated)

Bergen County, New Jersey

Map unit: DuuB - Dunellen-Urban land complex, 3 to 8 percent slopes

Component: Dunellen (60%)

The Dunellen component makes up 60 percent of the map unit. Slopes are 3 to 8 percent. This component is on outwash plains on outwash plains. The parent material consists of coarse-loamy outwash derived from sandstone. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Component: Urban land, Dunellen substratum (30%)

Generated brief soil descriptions are created for major soil components. The Urban land is a miscellaneous area.

Map unit: DuuC - Dunellen-Urban land complex, 8 to 15 percent slopes

Component: Dunellen (60%)

The Dunellen component makes up 60 percent of the map unit. Slopes are 8 to 15 percent. This component is on outwash plains on outwash plains. The parent material consists of coarse-loamy outwash derived from sandstone. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Component: Urban land, Dunellen substratum (30%)

Generated brief soil descriptions are created for major soil components. The Urban land is a miscellaneous area.

Map unit: DuuD - Dunellen-Urban land complex, 15 to 25 percent slopes

Component: Dunellen (55%)

The Dunellen component makes up 55 percent of the map unit. Slopes are 15 to 25 percent. This component is on outwash plains on outwash plains. The parent material consists of coarse-loamy outwash derived from sandstone. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 4e. This soil does not meet hydric criteria.

Component: Urban land (25%)

Generated brief soil descriptions are created for major soil components. The Urban land is a miscellaneous area.

Map Unit Description

Bergen County, New Jersey

DuoB **Dunellen loam, 3 to 8 percent slopes**

Setting

Landscape: Outwash plains
Elevation: 50 to 150 feet
Mean annual precipitation: 40 to 48 inches
Mean annual air temperature: 50 to 55 degrees F
Frost-free period: 160 to 190 days

Composition

Dunellen and similar soils: 85 percent

Description of Dunellen

Setting

Landform: Outwash plains
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Coarse-loamy outwash derived from sandstone

Properties and Qualities

Slope: 3 to 8 percent
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high or high (0.60 to 6.00 in/hr)
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate maximum: 0 percent
Gypsum maximum: 0 percent
Available water capacity: Moderate (about 6.6 inches)

Interpretive Groups

Land capability (non irrigated): 2e

Typical Profile

0 to 5 inches: loam
5 to 15 inches: loam
15 to 26 inches: loam
26 to 66 inches: stratified gravelly sand to sand to loamy sand

Map Unit Description

Bergen County, New Jersey

DuoC **Dunellen loam, 8 to 15 percent slopes**

Setting

Landscape: Outwash plains
Elevation: 50 to 150 feet
Mean annual precipitation: 40 to 48 inches
Mean annual air temperature: 50 to 55 degrees F
Frost-free period: 160 to 190 days

Composition

Dunellen and similar soils: 85 percent

Description of Dunellen

Setting

Landform: Outwash plains
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Coarse-loamy outwash derived from sandstone

Properties and Qualities

Slope: 8 to 15 percent
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high or high (0.60 to 6.00 in/hr)
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate maximum: 0 percent
Gypsum maximum: 0 percent
Available water capacity: Moderate (about 6.6 inches)

Interpretive Groups

Land capability (non irrigated): 3e

Typical Profile

0 to 3 inches: loam
3 to 15 inches: loam
15 to 26 inches: loam
26 to 66 inches: stratified gravelly sand to sand to loamy sand

Map Unit Description

Bergen County, New Jersey

DuoD Dunellen loam, 15 to 25 percent slopes

Setting

Landscape: Outwash plains
Elevation: 50 to 150 feet
Mean annual precipitation: 40 to 48 inches
Mean annual air temperature: 50 to 55 degrees F
Frost-free period: 160 to 190 days

Composition

Dunellen and similar soils: 85 percent

Description of Dunellen

Setting

Landform: Outwash plains
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Coarse-loamy outwash derived from sandstone

Properties and Qualities

Slope: 15 to 25 percent
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high or high (0.60 to 6.00 in/hr)
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate maximum: 0 percent
Gypsum maximum: 0 percent
Available water capacity: Moderate (about 7.8 inches)

Interpretive Groups

Land capability (non irrigated): 4e

Typical Profile

0 to 2 inches: loam
2 to 15 inches: loam
15 to 34 inches: loam
26 to 66 inches: stratified gravelly sand to sand to loamy sand

Map Unit Description

Bergen County, New Jersey

DuuA Dunellen-Urban land complex, 0 to 3 percent slopes

Setting

Landscape: Outwash plains
Elevation: 50 to 150 feet
Mean annual precipitation: 40 to 48 inches
Mean annual air temperature: 48 to 55 degrees F
Frost-free period: 160 to 190 days

Composition

Dunellen and similar soils: 55 percent
Urban land: 30 percent

Description of Dunellen

Setting

Landform: Outwash plains
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Coarse-loamy outwash derived from sandstone

Properties and Qualities

Slope: 0 to 3 percent
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high or high (0.60 to 6.00 in/hr)
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate maximum: 0 percent
Gypsum maximum: 0 percent
Available water capacity: Moderate (about 8.0 inches)

Interpretive Groups

Land capability (non irrigated): 1

Typical Profile

0 to 6 inches: loam
6 to 15 inches: loam
15 to 35 inches: loam
26 to 66 inches: stratified gravelly sand to sand to loamy sand

Description of Urban land

Setting

Landform: Outwash plains
Anthropogenic features: Urban land
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Surface covered by pavement, concrete, buildings, and other structures underlain by disturbed and natural soil material

Properties and Qualities

Slope: 0 to 3 percent
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate maximum: 0 percent
Available water capacity: Very low (about 0.0 inches)

Interpretive Groups

Land capability (non irrigated): 8s

Typical Profile

0 to 60 inches: variable

Map Unit Description

Bergen County, New Jersey

DuuB Dunellen-Urban land complex, 3 to 8 percent slopes

Setting

Landscape: Outwash plains
Elevation: 50 to 150 feet
Mean annual precipitation: 0 to 55 inches
Mean annual air temperature: 32 to 73 degrees F
Frost-free period: 0 to 190 days

Composition

Dunellen and similar soils: 60 percent
Urban land, dunellen substratum: 30 percent
Minor components: 10 percent

Description of Dunellen

Setting

Landform: Outwash plains
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Coarse-loamy outwash derived from sandstone

Properties and Qualities

Slope: 3 to 8 percent
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate maximum: 0 percent
Gypsum maximum: 0 percent
Available water capacity: Moderate (about 7.7 inches)

Interpretive Groups

Land capability (non irrigated): 3e

Typical Profile

0 to 8 inches: sandy loam
8 to 14 inches: sandy loam
14 to 20 inches: sandy loam
20 to 31 inches: sandy loam
31 to 42 inches: sandy loam
42 to 70 inches: stratified gravelly sand to sand to loamy sand

Description of Urban land, dunellen substratum

Setting

Landform: Outwash plains
Anthropogenic features: Urban land
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Surface covered by pavement, concrete, buildings, and other structures underlain by disturbed and natural soil material

Properties and Qualities

Slope: 0 to 3 percent
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate maximum: 0 percent
Gypsum maximum: 0 percent
Available water capacity: Low (about 6.0 inches)

Interpretive Groups

Land capability (non irrigated): 8s

Typical Profile

0 to 12 inches: material
12 to 31 inches: sandy loam

Map Unit Description

Bergen County, New Jersey

31 to 42 inches: sandy loam
42 to 70 inches: loamy sand

Minor Components

Udorthents, dunellen substratum soils
Percent of map unit: 10 percent
Landform: Outwash plains
Anthropogenic features: Artificial levees
Down-slope shape: Linear
Across-slope shape: Linear

Map Unit Description

Bergen County, New Jersey

DuuC Dunellen-Urban land complex, 8 to 15 percent slopes

Setting

Landscape: Outwash plains
Elevation: 50 to 150 feet
Mean annual precipitation: 0 to 55 inches
Mean annual air temperature: 32 to 73 degrees F
Frost-free period: 0 to 190 days

Composition

Dunellen and similar soils: 60 percent
Urban land, dunellen substratum: 30 percent
Minor components: 10 percent

Description of Dunellen

Setting

Landform: Outwash plains
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Coarse-loamy outwash derived from sandstone

Properties and Qualities

Slope: 8 to 15 percent
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 6.00 in/hr)
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate maximum: 0 percent
Gypsum maximum: 0 percent
Available water capacity: Moderate (about 7.7 inches)

Interpretive Groups

Land capability (non irrigated): 3e

Typical Profile

0 to 8 inches: sandy loam
8 to 14 inches: sandy loam
14 to 20 inches: sandy loam
20 to 31 inches: sandy loam
31 to 42 inches: sandy loam
42 to 70 inches: stratified gravelly sand to sand to loamy sand

Description of Urban land, dunellen substratum

Setting

Landform: Outwash plains
Anthropogenic features: Urban land
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Surface covered by pavement, concrete, buildings, and other structures underlain by disturbed and natural soil material

Properties and Qualities

Slope: 0 to 3 percent
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate maximum: 0 percent
Gypsum maximum: 0 percent
Available water capacity: Low (about 6.0 inches)

Interpretive Groups

Land capability (non irrigated): 8s

Typical Profile

0 to 12 inches: material
12 to 31 inches: sandy loam

Map Unit Description

Bergen County, New Jersey

31 to 42 inches: sandy loam
42 to 70 inches: loamy sand

Minor Components

Udorthents, dunellen substratum soils

Percent of map unit: 10 percent

Landform: Outwash plains

Anthropogenic features: Artificial levees

Down-slope shape: Linear

Across-slope shape: Linear

Map Unit Description

Bergen County, New Jersey

DuuD Dunellen-Urban land complex, 15 to 25 percent slopes

Setting

Landscape: Outwash plains
Elevation: 50 to 150 feet
Mean annual precipitation: 40 to 48 inches
Mean annual air temperature: 50 to 55 degrees F
Frost-free period: 160 to 190 days

Composition

Dunellen and similar soils: 55 percent
Urban land: 25 percent

Description of Dunellen

Setting

Landform: Outwash plains
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Coarse-loamy outwash derived from sandstone

Properties and Qualities

Slope: 15 to 25 percent
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high or high (0.60 to 6.00 in/hr)
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate maximum: 0 percent
Gypsum maximum: 0 percent
Available water capacity: Moderate (about 7.1 inches)

Interpretive Groups

Land capability (non irrigated): 4e

Typical Profile

0 to 2 inches: loam
2 to 15 inches: loam
15 to 33 inches: loam
33 to 66 inches: stratified gravelly sand to sand to loamy sand

Description of Urban land

Setting

Landform: Outwash plains
Anthropogenic features: Urban land
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Surface covered by pavement, concrete, buildings, and other structures underlain by disturbed and natural soil material

Properties and Qualities

Slope: 0 to 3 percent
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate maximum: 0 percent
Available water capacity: Very low (about 0.0 inches)

Interpretive Groups

Land capability (non irrigated): 8s

Typical Profile

0 to 60 inches: variable

Map Unit Description

Bergen County, New Jersey

UdwuB Udorthents, wet substratum-Urban land complex (SSURGO1)

Setting

Landscape: Coastal plains, uplands
Elevation: 20 to 30 feet
Mean annual precipitation: 42 to 48 inches
Mean annual air temperature: 48 to 55 degrees F
Frost-free period: 180 to 200 days

Composition

Udorthents, wet substratum, and similar soils: 55 percent
Urban land: 30 percent
Minor components: 2 percent

Description of Udorthents, wet substratum

Setting

Landform: Flats
Anthropogenic features: Fills
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loamy lateral spread deposits

Properties and Qualities

Slope: 0 to 8 percent
Drainage class: Moderately well drained
Frequency of flooding: None
Frequency of ponding: None

Description of Urban land

Setting

Landform: Tidal marshes
Anthropogenic features: Urban land
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Surface covered by pavement, concrete, buildings, and other structures underlain by disturbed and natural soil material

Properties and Qualities

Slope: 0 to 3 percent
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate maximum: 0 percent
Available water capacity: Very low (about 0.0 inches)

Interpretive Groups

Land capability (non irrigated): 8s

Typical Profile

0 to 60 inches: variable

Minor Components

Transquaking, very frequently flooded soils

Percent of map unit: 1 percent
Landform: Tidal marshes
Down-slope shape: Linear
Across-slope shape: Linear

Pawcatuck, very frequently flooded soils

Percent of map unit: 1 percent
Landform: Tidal marshes
Down-slope shape: Linear
Across-slope shape: Linear

Map Unit Description (Brief, Generated)

Bergen County, New Jersey

[Minor map unit components are excluded from this report]

Map unit: UdwbB - Udorthents, wet substratum-Urban land complex (SSURGO1)

Component: Udorthents, wet substratum (55%)

The Udorthents, wet substratum component makes up 55 percent of the map unit. Slopes are 0 to 8 percent. This component is on fills, flats on uplands. The parent material consists of loamy lateral spread deposits. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Available water to a depth of 60 inches is very low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

Component: Urban land (30%)

Generated brief soil descriptions are created for major soil components. The Urban land is a miscellaneous area.

APPENDIX G

SITE TOPOGRAPHY

Former Brooks Farm
Metropolitan Farm LLC



APPENDIX H

POST DISTURBANCE AERIAL PHOTO



APPENDIX I

TEST LOCATION PLAN

An aerial photograph showing a large, dark, rectangular area, possibly a field or forest. Within this area, there are several small, light-colored structures or buildings. The image is labeled with numbers 1, 2, and 3. Number 1 is near a small structure in the lower-left quadrant. Number 2 is near a small structure in the upper-left quadrant. Number 3 is near a small structure in the upper-right quadrant. The overall image is grainy and has a high-contrast, black-and-white appearance.

[illegible]

APPENDIX J

SOIL PROFILE DESCRIPTIONS



Date: 08/07/13 Pit # 1
 Project: NJ Agriculture Dev. Committee
 Location: Bergen County Farm
 Closter Twp., Bergen Co., NJ

DelVal Job #13-074

Horizon	Depth (in)	Matrix Color	Texture	Structure	Consistence	Redox Features	Redox Depletions Color	Boundary
Mix	0-9	7.5YR 5/6	sl	1 sbk	firm			gradual wavy
Mix	9-27	7.5YR 5/6	sl	1 sbk	friable firm			gradual wavy
C1	27-37	5YR 5/6	ls	0 sg	friable			clear wavy
C2	37-49	5YR 5/6	ls	0 sg	friable loose			
C3	49-120	5YR 5/4	s	0 sg	loose			

Soil Scientist: William Palkovics

Notes:

COARSE FRAGMENTS (% of Vol.)

15-35% 35-65%
 >65%
 gravelly very gravelly
 extr. gravelly
 channery very channery
 extr. channery
 cobbly very cobbly
 extr. cobbly
 flaggy very flaggy
 extr. flaggy
 stony very stony
 extr. stony

TEXTURE

cos - coarse sand
 s - sand
 fs - fine sand
 vfs - very fine sand
 lcos - loamy coarse sand
 ls - loamy sand
 lfs - loamy fine sand
 lvfs - loamy very fine sand
 cosl - coarse sandy loam
 sl - sandy loam
 fsl - fine sandy loam
 vfst - very fine sandy loam
 l - loam
 sil - silt loam
 si - silt
 scl - sandy clay loam
 cl - clay loam
 sicl - silty clay loam
 sc - sandy clay
 sic - silty clay
 c - clay

STRUCTURE

Grade
 Structureless - 0
 Weak - 1
 Moderate - 2
 Strong - 3
Type
 pl - platy
 pr - prismatic
 cpr - columnar
 gr - granular
 abk - angular blocky
 sbk - subangular blocky
 m - massive
 sg - single grain
Size
 vf - very fine
 f - fine
 m - medium
 co - coarse
 vc - very coarse
 vt - very thin
 t - thin
 th - thick
 vth - very thick

REDOX FEATURES

Abundance
 Few <2%
 Common 2-20%
 Many >20%
Contrast
 Faint
 Distinct
 Prominent

BOUNDARY

Distinctness
 Abrupt <1" (thick)
 Gradual 2.5 - 5"
 Clear 1-2.5"
 Diffuse >5"
Topography
 Smooth - boundary is nearly level
 Wavy - pockets with width greater than depth
 Irregular - pockets with depth greater than width
 Broken discontinuous



Date: 08/07/13 Pit # 2
 Project: NJ Agriculture Dev. Committee
 Location: Bergen County Farm
 Closter Twp., Bergen Co., NJ

DelVal Job #13-074

Horizon	Depth (in)	Matrix Color	Texture	Structure	Consistence	Redox Features	Redox Depletions Color	Boundary
Mix	0-21	7.5YR 4/2	mix l / sl	1 m	friable firm			gradual wavy
A / mix	21-28	10YR 4/3	l	2 sbk	friable firm			clear wavy
BA	28-35	7.5YR 5/4	sl	1 sbk	friable			clear wavy
Bt	35-43	7.5YR 5/6	sl / ls	2 sbk	friable			
C	108 +							

Soil Scientist: William Palkovics

Notes:

COARSE FRAGMENTS (% of Vol.)

15-35% 35-65%
 >65%
 gravelly very gravelly
 extr. gravelly
 channery very channery
 extr. channery
 cobbly very cobbly
 extr. cobbly
 flaggy very flaggy
 extr. flaggy
 stony very stony
 extr. stony

TEXTURE

cos - coarse sand
 s - sand
 fs - fine sand
 vfs - very fine sand
 lcos - loamy coarse sand
 ls - loamy sand
 lfs - loamy fine sand
 lvfs - loamy very fine sand
 cosl - coarse sandy loam
 sl - sandy loam
 fsf - fine sandy loam
 vfsf - very fine sandy loam
 l - loam
 sil - silt loam
 si - silt
 scl - sandy clay loam
 cl - clay loam
 sicl - silty clay loam
 sc - sandy clay
 sic - silty clay
 c - clay

STRUCTURE

Grade
 Structureless - 0
 Weak - 1
 Moderate - 2
 Strong - 3
Type
 pl - platy
 pr - prismatic
 cpr - columnar
 gr - granular
 abk - angular blocky
 sbk - subangular blocky
 m - massive
 s - single grain
Size
 vf - very fine
 f - fine
 m - medium
 co - coarse
 vc - very coarse
 vt - very thin
 t - thin
 th - thick
 vth - very thick

REDOX FEATURES

Abundance
 Few <2%
 Common 2-20%
 Many >20%
Contrast
 Faint
 Distinct
 Prominent

BOUNDARY

Distinctness
 Abrupt <1" (thick)
 Gradual 2.5 -5"
 Clear 1-2.5"
 Diffuse >5
Topography
 Smooth - boundary is nearly level
 Wavy - pockets with width greater than depth
 Irregular - pockets with depth greater than width
 Broken discontinuous



Date: 08/07/13 Pit # 3
 Project: NJ Agriculture Dev. Committee
 Location: Bergen County Farm
 Closter Twp., Bergen Co., NJ

DelVal Job #13-074

Horizon	Depth (in)	Matrix Color	Texture	Structure	Consistence	Redox Features	Redox Depletions Color	Boundary
A	0-8	7.5YR 4/4	l / sl	2 gr	friable			clear wavy
BA	8-15	10YR 4/6	sl	1 sbk	friable			gradual wavy
Bt	15-41	7.5YR 5/6	sl	2 sbk	friable			
C	93 +	7.5YR 5/6	s					

Soil Scientist: William Palkovics

Notes:

COARSE FRAGMENTS (% of Vol.)

15-35% 35-65%
 >65%
 gravelly very gravelly
 extr. gravelly
 channery very channery
 extr. channery
 cobbly very cobbly
 extr. cobbly
 flaggy very flaggy
 extr. flaggy
 stony very stony
 extr. stony

TEXTURE

cos - coarse sand
 s - sand
 fs - fine sand
 vfs - very fine sand
 lcos - loamy coarse sand
 ls - loamy sand
 lfs - loamy fine sand
 lvfs - loamy very fine sand
 cosl - coarse sandy loam
 sl - sandy loam
 fsl - fine sandy loam
 vfs - very fine sandy loam
 l - loam
 sil - silt loam
 si - silt
 scl - sandy clay loam
 cl - clay loam
 sicl - silty clay loam
 sc - sandy clay
 sic - silty clay
 c - clay

STRUCTURE

Grade
 Structureless - 0
 Weak - 1
 Moderate - 2
 Strong - 3
 Type
 pl - platy
 pr - prismatic
 cpr - columnar
 gr - granular
 abk - angular blocky
 sbk - subangular blocky
 m - massive
 s - single grain
 Size
 vf - very fine
 f - fine
 m - medium
 co - coarse
 vc - very coarse
 vt - very thin
 t - thin
 th - thick
 vth - very thick

REDOX FEATURES

Abundance
 Few <2%
 Common 2-20%
 Many >20%
 Contrast
 Faint
 Distinct
 Prominent

BOUNDARY

Distinctness
 Abrupt <1" (thick)
 Gradual 2.5-5"
 Clear 1-2.5"
 Diffuse >5
 Topography
 Smooth - boundary is nearly level
 Wavy - pockets with width greater than depth
 Irregular - pockets with depth greater than width
 Broken discontinuous



Date: 08/07/13 Pit # 4
 Project: NJ Agriculture Dev. Committee
 Location: Bergen County Farm
 Closter Twp., Bergen Co., NJ

DelVal Job #13-074

Horizon	Depth (in)	Matrix Color	Texture	Structure	Consistence	Redox Features	Redox Depletions Color	Boundary
A	0-3	10YR 4/3	sil	2 gr	friable			clear wavy
BA	3-11	7.5YR 5/6	sil	1 sbk	friable			gradual wavy
Bt	11-29	7.5YR 5/6	sil / sl	2 sbk	friable			gradual wavy
BC	29-39	5YR 5/6	sil		firm		10YR 3/2	
C	39 - 120+		l					

Soil Scientist: William Palkovics

Notes:

COARSE FRAGMENTS (% of Vol.)

15-35% 35-65%
 >65%
 gravelly very gravelly
 extr. gravelly
 channery very channery
 extr. channery
 cobbly very cobbly
 extr. cobbly
 flaggy very flaggy
 extr. flaggy
 stony very stony
 extr. stony

TEXTURE

cos - coarse sand
 s - sand
 fs - fine sand
 vfs - very fine sand
 lcos - loamy coarse sand
 ls - loamy sand
 lfs - loamy fine sand
 lvfs - loamy very fine sand
 cosl - coarse sandy loam
 sl - sandy loam
 fsl - fine sandy loam
 vfsl - very fine sandy loam
 l - loam
 sil - silt loam
 si - silt
 scl - sandy clay loam
 cl - clay loam
 sicl - silty clay loam
 sc - sandy clay
 sic - silty clay
 c - clay

STRUCTURE

Grade
 Structureless - 0
 Weak - 1
 Moderate - 2
 Strong - 3
Type
 pl - platy
 pr - prismatic
 cpr - columnar
 gr - granular
 abk - angular blocky
 sbk - subangular blocky
 m - massive
 s - single grain
Size
 vf - very fine
 f - fine
 m - medium
 co - coarse
 vc - very coarse
 vt - very thin
 t - thin
 th - thick
 vth - very thick

REDOX FEATURES

Abundance
 Few <2%
 Common 2-20%
 Many >20%
Contrast
 Faint
 Distinct
 Prominent

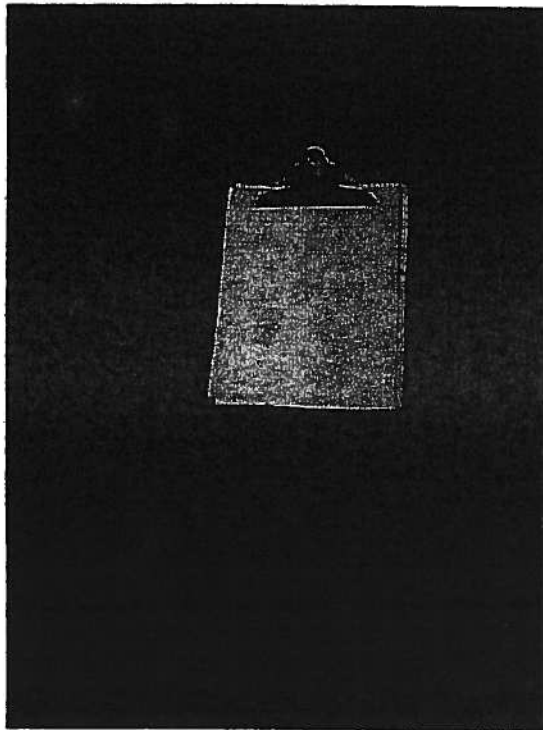
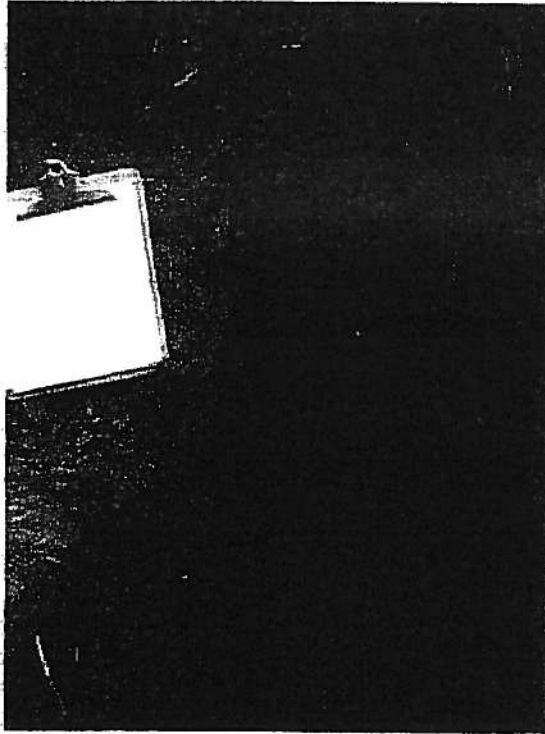
BOUNDARY

Distinctness
 Abrupt <1" (thick)
 Gradual 2.5 -5"
 Clear 1-2.5"
 Diffuse >5"
Topography
 Smooth - boundary is nearly level
 Wavy - pockets with width greater than depth
 Irregular - pockets with depth greater than width
 Broken discontinuous

APPENDIX K

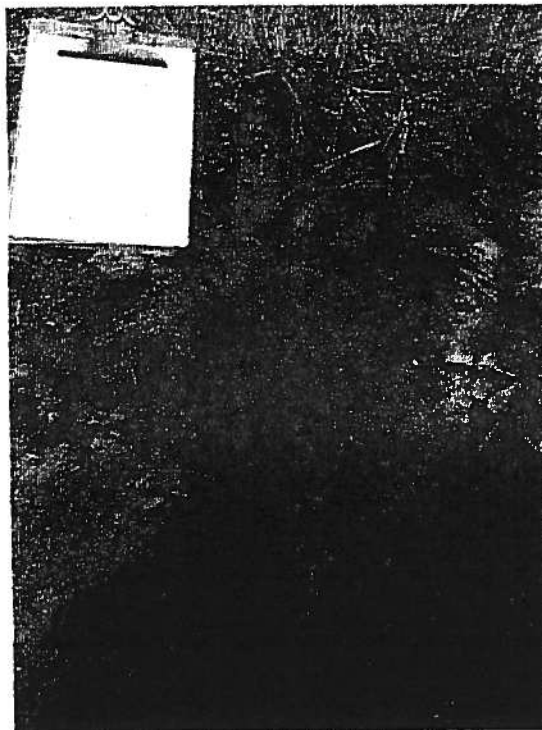
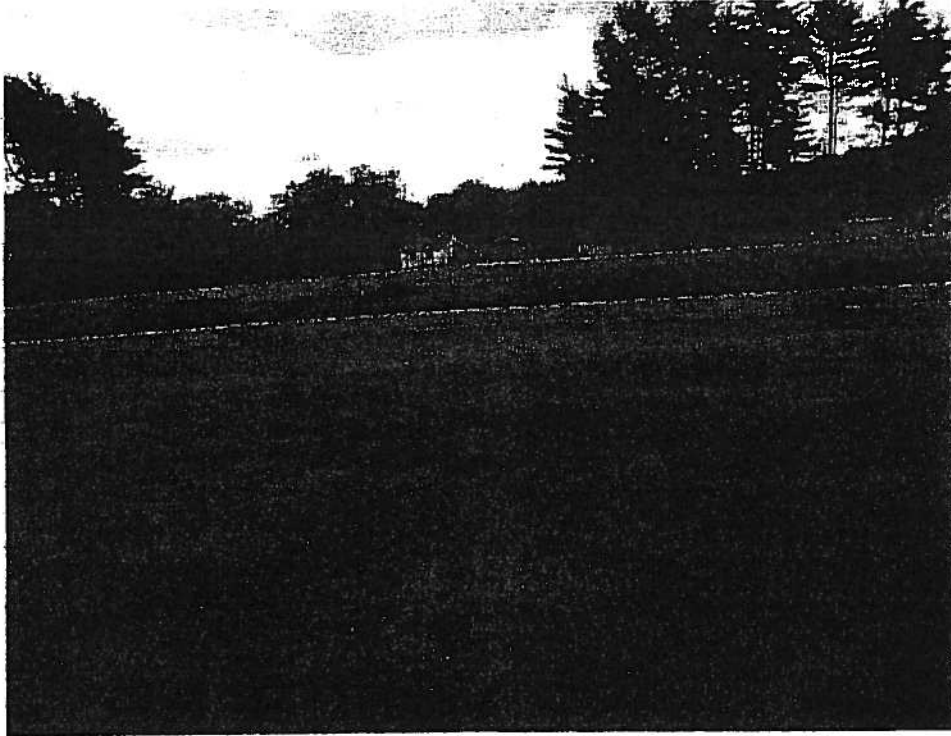
SITE PHOTOGRAPHS

Preview Photographs
taken by Bill Palkovics
on 08/07/13



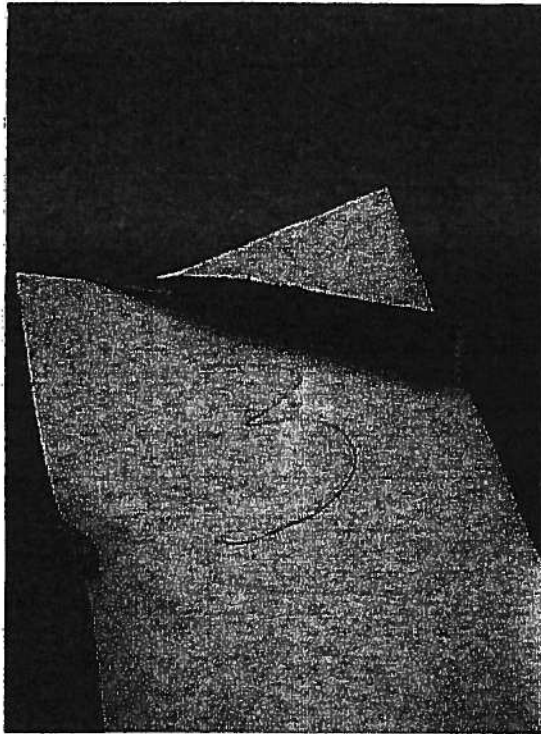
Test Pit 1

**Preview Photographs
taken by Bill Palkovics
on 08/07/13**



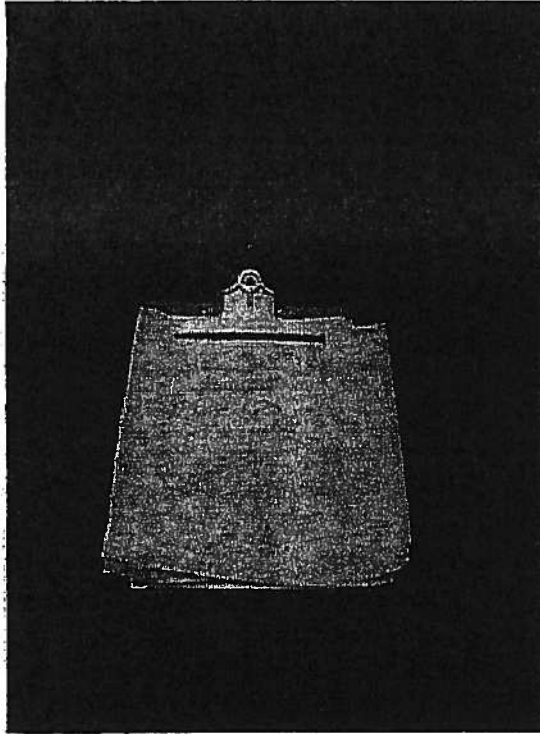
Test Pit 2

**Preview Photographs
taken by Bill Palkovics
on 08/07/13**



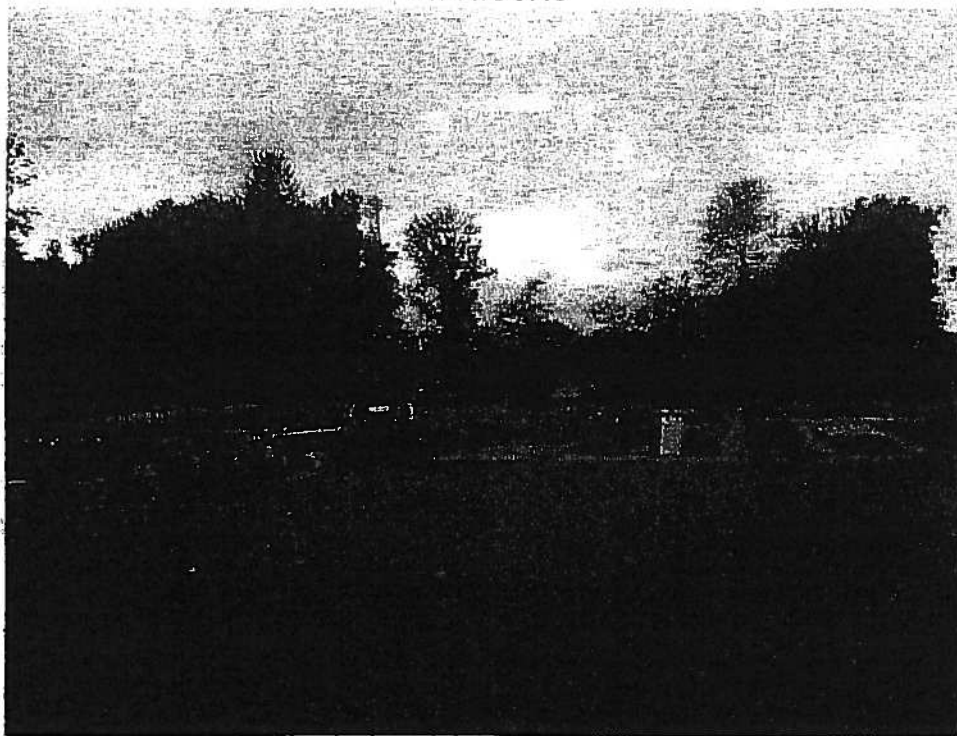
Test Pit 3

Preview Photographs
taken by Bill Palkovics
on 08/07/13



Test Pit 4

**Preview Photographs
taken by Bill Palkovics
on 08/07/13**



Test Location 4

APPENDIX L

TOPSOIL ESTIMATE

United States Department of Agriculture



Natural Resources Conservation Service
220 Davidson Ave., 4th Floor
Somerset, NJ 08873

www.nj.nrcs.usda.gov

April 18, 2013

Susan E. Payne, Executive Director
State Agriculture Development Committee (SADC)
PO Box 330
Trenton, NJ 08625-0330

RE: Metropolitan Farms

Dear Ms. Payne:

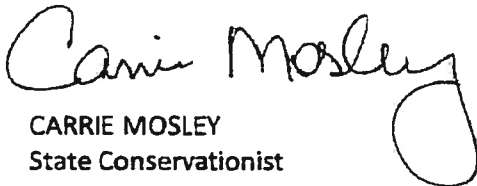
As per your request during our meeting last Friday, April 19, 2013, I have discussed the quantities of top soil stockpiled at Metropolitan Farms with David Lamm, NRCS State Engineer and Rich Shaw, NRCS State Soil Scientist. The information that you requested would not be addressed in a NRCS conservation plan.

As we attempt to reconstruct the site conditions prior to the land grading that took place for the green house construction, we referred to the NRCS Soil Survey for that location. The site of the construction sits on the Dunellen soil series. Dunellen soils have a top soil depth ranging from 3-8 inches. Rich Shaw believes (without having visited the site) that because the surrounding area is forested, the top soil is likely 3 inches in depth.

Attached I have included the cubic yard calculations as completed by Dave Lamm based on the 3-8 inch top soil range of the Dunellen soil series from the soil survey. We have concluded that the top soil berm volumes as calculated by Hubschman Engineering are on the low end of the expected range but appear reasonable. The information that you requested would not be addressed in a NRCS conservation plan.

Please let me know if you have questions or would like to discuss further.

Sincerely,


CARRIE MOSLEY
State Conservationist

cc: Dave Lamm, NRCS, State Engineer, Somerset State Office
Rich Shaw, NRCS, State Soil Scientist, Somerset State Office
Gail Bartok, NRCS, Assistant State Conservationist for Programs, Somerset State Office

Helping People Help the Land

An Equal Opportunity Provider and Employer

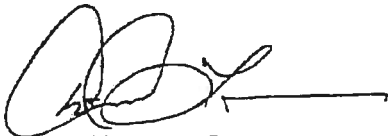
Metropolitan Farm
Borough of Closter, Bergen County
Review of Salvaged Topsoil Quantity
April 17, 2013

The following computations are not based on specific field measurements of disturbed area or topsoil depth. The area of disturbance is approximated at 3 acres (see Conservation Plan narrative). The depth of topsoil existing prior to site excavation can only be estimated, and from the NRCS Soil Survey for Dunellen series ranges from 3-inches to 8-inches. No adjustment is made for volume changes or losses during grading operations.

$$[(3/12)\text{ft} \times (3\text{ac} \times 43,560 \text{ sf/ac})] \times 1/27 \text{ cy/cf} = 1,210 \text{ cubic yards}$$

$$[(8/12)\text{ft} \times (3\text{ac} \times 43,560 \text{ sf/ac})] \times 1/27 \text{ cy/cf} = 3,227 \text{ cubic yards}$$

The volume of topsoil computed by Hubschman Engineering to be on-site in either berm or stockpile has been determined at 1,169 cubic yards. This value is on the low end of the expected range but appears reasonable.

A handwritten signature in black ink, appearing to read 'DL', with a horizontal line extending to the right.

David Lamm, PE
State Conservation Engineer

4471
3/15/13

DAVID M. WATKINS
ATTORNEY AT LAW

DAVID M. WATKINS, ESQ. *A

285 CLOSTER DOCK ROAD
P.O. BOX 304
CLOSTER, NEW JERSEY 07624

MARC A. GREENBERG, ESQ. *A*

* MEMBER OF NEW YORK BAR
* MEMBER OF NEW JERSEY BAR
* MEMBER OF FLORIDA BAR

(201) 768-0301
FAX: (201) 768-3125
FAX: (201) 768-1449

51 NORTH BROADWAY
NYACK, NEW YORK 10960

PLEASE RESPOND TO
CLOSTER OFFICE

March 13, 2013

VIA FEDERAL EXPRESS MAIL

Brian D. Smith, Esq.
State Agriculture Development Committee
Health & Agriculture Building
369 S. Warren Street
Trenton, NJ 08625

Re: Topsoil Stockpile Volume Calculations

Dear Mr. Smith

Please be advised that our office continues to represent Metropolitan Farm, LLC.

Attached please find a Soil Moving Plan as well as calculation of topsoil moved within the area at 119 Hickory Lane, Closter New Jersey, completed by Hubschman Engineering.

While the BCSCD Board of Supervisors has approved and signed off on the Metropolitan Farm Conservation Plan prepared by NRCS, the calculation of onsite preservation of topsoil at the perimeter berm and surrounding areas was not provided. Attached please find that calculation which was prepared by Hubschman Engineering and is to be incorporated in the farm conservation plan.

Sincerely,

DAVID M. WATKINS, ESQ.



HUBSCHMAN ENGINEERING

ENGINEERS
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February 14, 2013

VIA HAND DELIVERED

David M. Watkins, Esq.
285 Closter Dock Road
Closter, NJ 07646

RE: Topsoil Stockpile Volume Calculations
Metropolitan Farm
119 Hickory Lane
Block 2102, Lot 55
Borough of Closter
Our File No. 2973

Dear Mr. Watkins:

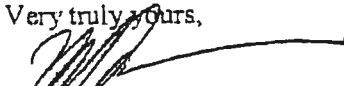
As requested, we have field measured the stockpile areas and berm areas on the above referenced site to calculate the quantity of topsoil that has been stored in these areas. I am enclosing a plan giving the quantity calculations within the stockpile area;

Stockpile "A":	83 Cubic Yards
Berm "B"	251 Cubic Yards
Berm "C"	<u>835 Cubic Yards</u>
Total	1,169 Cubic Yards Topsoil On Site

In summary, the topsoil moved, when the plateau area was constructed, is being stored within the stockpile and berm areas. The soil in stockpile "A" and berm "B" will be added to berm "C" to create one topsoil stockpile area.

If you have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,



HUBSCHMAN ENGINEERING, P.A.
Michael J. Hubschman, P.E.
NJPE No. 29497

Enclosures

c: Frank Vastano, Metropolitan Farm

APPENDIX M

DUNELLEN CROP YIELDS

Nonirrigated Yields by Map Unit

Bergen County, New Jersey

Map symbol and soil name	Land capability	Alfalfa hay	Corn	Corn silage	Grass-legume hay	Winter wheat
		<i>Tons</i>	<i>Bu</i>	<i>Tons</i>	<i>Tons</i>	<i>Bu</i>
DuoB: Dunellen	2e	5.00	130	24.00	3.20	55
DuoC: Dunellen	3e	4.50	120	22.00	3.00	50
DuoD: Dunellen	4e	—	—	—	—	—
DuuA: Dunellen Urban land	1 8s	5.00	130	24.00	3.20	55
DuuB: Dunellen Urban land, Dunellen substratum	3e 8s	5.00	130	24.00	3.20	55
DuuC: Dunellen Urban land, Dunellen substratum	3e 8s	4.50	120	22.00	3.00	50
DuuD: Dunellen Urban land	4e 8s	—	—	—	—	—

Nonirrigated Yields by Map Unit

The average yields per acre that can be expected of the principal crops under a high level of management are shown in this table. In any given year, yields may be higher or lower than those indicated in the table because of variations in rainfall and other climatic factors.

The yields are based mainly on the experience and records of farmers, conservationists, and extension agents. Available yield data from nearby counties and results of field trials and demonstrations also are considered.

The management needed to obtain the indicated yields of the various crops depends on the kind of soil and the crop. Management can include drainage, erosion control, and protection from flooding; the proper planting and seeding rates; suitable high-yielding crop varieties; appropriate and timely tillage; control of weeds, plant diseases, and harmful insects; favorable soil reaction and optimum levels of nitrogen, phosphorus, potassium, and trace elements for each crop; effective use of crop residue, barnyard manure, and green manure crops; and harvesting that ensures the smallest possible loss.

If yields of irrigated crops are given, it is assumed that the irrigation system is adapted to the soils and to the crops grown, that good-quality irrigation water is uniformly applied as needed, and that tillage is kept to a minimum.

Pasture yields are expressed in terms of animal unit months. An animal unit month (AUM) is the amount of forage required by one mature cow of approximately 1,000 pounds weight, with or without a calf, for 1 month.

The estimated yields reflect the productive capacity of each soil for each of the principal crops. Yields are likely to increase as new production technology is developed. The productivity of a given soil compared with that of other soils, however, is not likely to change.

Crops other than those shown in the table are grown in the survey area, but estimated yields are not listed because the acreage of such crops is small. The local office of the Natural Resources Conservation Service or of the Cooperative Extension Service can provide information about the management and productivity of the soils for those crops.

The land capability classification of map units in the survey area is shown in this table. This classification shows, in a general way, the suitability of soils for most kinds of field crops (United States Department of Agriculture, Soil Conservation Service, 1961). Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations designed to show suitability and limitations of groups of soils for rangeland, for forestland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels—capability class, subclass, and unit.

"Capability classes," the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

Class 1 soils have slight limitations that restrict their use.

Class 2 soils have moderate limitations that restrict the choice of plants or that require moderate conservation practices.

Class 3 soils have severe limitations that restrict the choice of plants or that require special conservation practices, or both.

Class 4 soils have very severe limitations that restrict the choice of plants or that require very careful management, or both.

Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

"Capability subclasses" are soil groups within one class. They are designated by adding a small letter, "e," "w," "s," or "c," to the class numeral, for example, 2e. The letter "e" shows that the main hazard is the risk of erosion unless close-growing plant cover is maintained; "w" shows that water in or on the soil interferes with plant growth or cultivation (in some soils the wetness can be partly corrected by artificial drainage); "s" shows that the soil is limited mainly because it is shallow, droughty, or stony; and "c," used in only some parts of the United States, shows that the chief limitation is climate that is very cold or very dry.

In class 1 there are no subclasses because the soils of this class have few limitations. Class 5 contains only the subclasses indicated by "w," "s," or "c" because the soils in class 5 are subject to little or no erosion. They have other limitations that restrict their use to pasture, rangeland, forestland, wildlife habitat, or recreation.

Nonirrigated Yields by Map Unit

"Capability units" are soil groups within a subclass. The soils in a capability unit are enough alike to be suited to the same crops and pasture plants, to require similar management, and to have similar productivity. Capability units are generally designated by adding an Arabic numeral to the subclass symbol, for example, 2e-4 and 3e-6. These units are not given in all soil surveys.

Reference:

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210.

APPENDIX N

DUNELLEN FORESTLAND PRODUCTIVITY

Forestland Productivity

Bergen County, New Jersey

Map symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site index	Volume of wood fiber	
			<i>Cu ft/ac</i>	
DuoB:				
Dunellen	Black oak	80	57	Austrian pine, Black walnut, Eastern white pine, European larch, Norway spruce, Tuliptree
	Northern red oak	80	57	
	Scarlet oak	80	57	
	Tuliptree	—	0	
	White ash	85	57	
	White oak	80	57	
DuoC:				
Dunellen	Black oak	80	57	Austrian pine, Black walnut, Eastern white pine, European larch, Norway spruce, Tuliptree
	Northern red oak	80	57	
	Scarlet oak	80	57	
	Tuliptree	—	0	
	White ash	85	57	
	White oak	80	57	
DuoD:				
Dunellen	Black oak	80	57	Austrian pine, Black walnut, Eastern white pine, European larch, Norway spruce, Tuliptree
	Northern red oak	80	57	
	Scarlet oak	80	57	
	Tuliptree	—	0	
	White ash	85	57	
	White oak	80	57	
DuoA:				
Dunellen	Black oak	80	57	Austrian pine, Black walnut, Eastern white pine, European larch, Norway spruce, Tuliptree
	Northern red oak	80	57	
	Scarlet oak	80	57	
	Tuliptree	—	0	
	White ash	85	57	
	White oak	80	57	
Urban land	—	—	—	—
DuoB:				
Dunellen	Black oak	80	57	Austrian pine, Black walnut, Eastern white pine, European larch, Norway spruce, Yellow-poplar
	Northern red oak	80	57	
	Scarlet oak	80	57	
	White ash	85	57	
	White oak	80	57	
	Yellow-poplar	—	0	
Urban land, Dunellen substratum	—	—	—	—

Forestland Productivity

Bergen County, New Jersey

Map symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site index	Volume of wood fiber	
Cu fl/ac				
DuuC:				
Dunellen	Black oak	80	57	Austrian pine, Black walnut, Eastern white pine, European larch, Norway spruce, Yellow-poplar
	Northern red oak	80	57	
	Scarlet oak	80	57	
	White ash	85	57	
	White oak	80	57	
	Yellow-poplar	—	0	
Urban land, Dunellen substratum	—	—	—	—
DuuD:				
Dunellen	Black oak	80	57	Austrian pine, Black walnut, Eastern white pine, European larch, Norway spruce, Tuliptree
	Northern red oak	80	57	
	Scarlet oak	80	57	
	Tuliptree	—	0	
	White ash	85	57	
	White oak	80	57	
Urban land	—	—	—	—

Forestland Productivity

Bergen County, New Jersey

Map symbol and soil name	Potential productivity			Trees to manage
	Common trees	Site index	Volume of wood fiber	
			<i>Cu ft/ac</i>	
UdwuB:				
Udorthents, wet substratum	—	—	—	—
Urban land	—	—	—	—

Forestland Productivity

This table can help forestland owners or managers plan the use of soils for wood crops. It shows the potential productivity of the soils for wood crops.

"Potential productivity" of merchantable or "common trees" on a soil is expressed as a site index and as a volume number. The "site index" is the average height, in feet, that dominant and codominant trees of a given species attain in a specified number of years. The site index applies to fully stocked, even-aged, unmanaged stands. Commonly grown trees are those that forestland managers generally favor in intermediate or improvement cuttings. They are selected on the basis of growth rate, quality, value, and marketability. More detailed information regarding site index is available in the "National Forestry Manual," which is available in local offices of the Natural Resources Conservation Service or on the Internet.

The "volume of wood fiber," a number, is the yield likely to be produced by the most important tree species. This number, expressed as cubic feet per acre per year and calculated at the age of culmination of the mean annual increment (CMAI), indicates the amount of fiber produced in a fully stocked, even-aged, unmanaged stand.

"Trees to manage" are those that are preferred for planting, seeding, or natural regeneration and those that remain in the stand after thinning or partial harvest.

Reference:

United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. (<http://soils.usda.gov/technical/nfmanual/>)