

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

April 28, 2017

Acting Chairwoman Monique Purcell called the meeting to order at 9:03 a.m.

The flag salute was conducted at the start of the meeting.

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

Acting Chairwoman Monique Purcell
Thomas Stanuikynas (rep. DCA Commissioner Richman)
Ralph Siegel (rep. State Treasurer Scudder) (arrived at 9:05)
Cecile Murphy (rep. NJDEP Commissioner Martin)
Jane Brodhecker
Alan Danser, Vice Chairman
Scott Ellis
Denis C. Germano, Esq.
Peter Johnson
Brian Schilling (rep. Executive Dean Goodman)
James Waltman

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

Others present as recorded on the attendance sheet: Stefanie Miller, Heidi Winzinger, Jeffrey Everett, Kristen Johnson, David Kimmel, Charles Roohr, David Clapp, Paul Burns, Steven Bruder, Hope Gruzlovic, Brian D. Smith, Esq., Richard Martin, Cindy Roberts, Katie Garrett, Jessica Uttal, Sandy Giambrone and Kendra Hall-Perkins, SADC staff; Labinot Berlajolli, Governor's Authorities Unit; Brian Wilson, Burlington County Agriculture Development Board (CADB), Brigitte Sherman, Cape May CADB; Mark Villinger, Ocean CADB, Melanie Mason, Hunterdon CADB, Harriet Honigfeld, Monmouth CADB, Donna Rue, landowner, Monmouth County, and Arthur Morano, Stargate Farms.

Minutes

A. SADC Regular Meeting of March 23, 2017 (Open and Closed Sessions)

It was moved by Ms. Murphy and seconded by Mr. Schilling to approve the Open Session and Closed Session minutes of the SADC regular meeting of March 23, 2017. The motion was approved. Mr. Waltman, Mr. Johnson and Mr. Danser abstained from the vote. Mr. Siegel was absent for the vote.

REPORT OF THE ACTING CHAIRWOMAN

- Drought

Acting Chairwoman Purcell advised that on April 12th, Commissioner Martin lifted drought warnings and watches for 12 of 14 counties that were under such warnings. However, Hunterdon and Somerset counties still remain under drought warnings due to the low reservoir levels in both Round Valley and Spruce Run.

- Department of Environmental Protection Proposed Stewardship Regulations

Acting Chairwoman Purcell stated that the Department of Environmental Protection (DEP) proposed forest stewardship regulations in the April 17th issue of the New Jersey Register pursuant to a law passed in 2009. She stated that the proposed rules are subject to a 60-day public comment period.

- DEP Septic Density Standard

Acting Chairwoman Purcell stated that the DEP proposed changes to the septic density standard in the Highlands Preservation Area. The State Assembly has passed a resolution stating that this is contrary to the legislative intent of the Highlands Act. The Senate Environmental Committee takes that up on Monday and if they pass that resolution it moves to the full Senate. If the full Senate passes it, the DEP would either have to rescind or amend those rules.

- Agriculture Secretary

Acting Chairwoman Purcell advised that Secretary Fisher will return to work next week after being out due to a motor vehicle accident.

REPORT OF THE EXECUTIVE DIRECTOR

- Deer Fencing

Ms. Payne stated that the SADC has received 46 deer fencing applications, a majority of them incomplete in some respect. Staff sent letters last week to all applicants who needed to submit additional information, with a May 4th deadline for submission of those additional materials. That will enable staff to complete their review and bring applications to the Committee next month for approval. Ms. Payne stated that funding will be subject to the appropriation of the funds.

- Appropriation Bills

Ms. Payne stated that as a reminder the appropriation bills have passed through the Assembly but are still pending in the Senate.

- Policy P-2

Ms. Payne stated that at the last meeting the Committee in Closed Session discussed verbal advice from the Attorney General's Office regarding whether farmers or owners of farming operations that are an LLC can represent themselves without an attorney before a County Agriculture Development Board (CADB) and the SADC. The Committee had indicated that it wanted to provide for that, but had to seek advice to make sure it was on sound footing. Written advice has now been received and is

supportive of that position. Therefore, the Committee will be amending Policy P-2 at either the May or June meeting to clarify that issue for the CADBs to make sure farmers have the maximum opportunities possible to represent themselves in a Right to Farm matter without having an attorney present.

- Special Occasion Events

Ms. Payne stated that staff reached out to the agricultural community regarding interest in serving on the Special Occasion Events Working Group that the SADC is establishing along with New Jersey Farm Bureau. Ms. Payne stated that the following members were selected: Brian Wilson, Burlington CADB Administrator; Dave Bond, farmer and Chair of the Hunterdon CADB; Marty Bullock, farmer and member of the Monmouth CADB; Jeff Adams, Vice Chair of the Ocean CADB; Mark Villinger, Ocean CADB Administrator; Mike Cerra from the New Jersey League of Municipalities, and Mr. Johnson and Mr. Schilling from the Committee. Ms. Payne stated that staff will be reaching out to everyone on the working group next week and coordinate to schedule a first meeting probably in late May. The goal is to meet about once per month, over the next four to five months, to try to provide clarity and recommendations to the Committee in the fall.

- Closings in Woolwich Township, Gloucester County

Ms. Payne provided an update regarding closings in Woolwich Township, Gloucester County, which has adopted a Transfer of Developmental Rights (TDR) program. The Township had applied to the State TDR Bank Board, which staff administers, to try to buy some of the TDR credits and provide some equity relief to landowners who were substantially downzoned in 2008. Ms. Payne stated that the TDR Bank Board had approved a \$5 million grant to Woolwich that will just about complete all of those closings. Altogether 16 farms covering 812 acres in Woolwich will be preserved, totaling 275 credits. The TDR Bank Board's cost is just under \$5 million and the total cost just under \$7 million. The Township had to match the TDR Bank Board's \$5 million grant with \$2 million of its own funds. Ms. Payne stated that the last closing will happen in the first week of May. She stated this is significant as it marks the first time in the history of the State TDR program that the Bank Board participated and that easements have been acquired. Ms. Payne stated that staff looks forward to working with Woolwich Township to ensure the TDR program is implemented, the credits eventually are sold to developers, and the State money is refunded.

COMMUNICATIONS

Ms. Payne stated that there was nothing to report regarding correspondence and referred the Committee members to newspaper articles in their meeting binders.

PUBLIC COMMENT

There was no public comment.

OLD BUSINESS

A. Agricultural Development - Rural Microenterprises (RME) Rules

Ms. Payne stated that SADC staff is presenting draft rules to the Committee today to implement the Rural Microenterprise Act. Staff will incorporate the Committee's feedback and then distribute the draft to all partners with a turnaround time of not later than May 24th for comments. Ms. Payne stated that the SADC needs to get the rule in its proposed form over to the Governor's office by June 1st in order to have a chance that the rules can be promulgated under the current administration.

Ms. Reynolds reviewed new and significant definitions in the draft regulations. In order to be eligible to apply for an RME permit, the property owner must meet the definition of a "farmer." Ms. Reynolds stated that farmer means the owner and operator of the premises who, exclusive of any income received from the rental of lands, realized gross sales of at least \$2,500 for agricultural or horticultural products produced on the premises during the prior calendar year, and who continues to own and operate the premises and meet the income threshold every year during the term of the special permit.

If an RME applicant wants to substantially alter more than 2,500 square feet of a building on the premises, a "heritage preservation easement" must be recorded against that structure provided that it qualifies as a "heritage farm structure." Ms. Reynolds advised that Mr. Everett will speak in more detail about this. She stated that under the statute the Legislature directed that the easement shall run with the land, and staff grappled with the duration of the easement. She stated that a permanent duration seemed to be unduly burdensome on any future owners of the property, but that termination of the easement at the same time as termination of the permit did not seem sufficient because the purpose of the easement is to preserve these historic structures. Ms. Reynolds stated that the balance the SADC struck was that the easement would run for 20 consecutive years after the RME permit terminates. Ms. Payne stated that one of the

things staff considered was if someone made substantial improvements requiring major capital improvements, the permit only ran 10 years and they stopped doing the business for whatever reason, the life of the improvements that were made would still extend way beyond 10 years. Ms. Payne stated that the economic life on improvements generally is 20 to 30 years depending on the improvements, based on IRS codes and Economic Development Authority standards. Ms. Reynolds noted that under the Agriculture Retention and Development Act (ARDA), the SADC has the authority to have 20-year easements so that also played into the SADC's decision.

The Committee discussed the effect of a heritage preservation easement on the value of the farm. Mr. Schilling asked if one would see a market effect in the price if there is an easement on a barn. Ms. Payne stated that the RME will be positive in some ways because there is a potential for revenue stream, but in another way it is an obligation that has been exchanged for the opportunity. Ms. Payne stated that there are pros and cons depending on the motivation of the buyer. Mr. Germano asked if the permit is for 15 years, could the new owner or the current owner who is investing a lot more money come to the SADC at the 15-year point and renew the permit for another 20 years? Ms. Payne responded that the person can come in up to 10 years prior to the expiration of the permit. If the Committee grants a 20-year permit, the person can come in at year 10 and extend it for another 20 years. There is always a 10-year planning horizon in front of them if they have a permit.

Mr. Siegel asked if someone renovated a dairy barn into a retail store, what would the easement cover? Ms. Payne stated that it is for the most part intended to protect the appearance of the building from the outside. Mr. Siegel responded that it is a façade easement. Mr. Payne stated that for the most part it is. The easement pertains to what someone can do to the outside of the building and its curtilage to keep the appearance because that is what the intention of the act was – to protect the agricultural and rural landscape. Ms. Payne stated that as to the permit, it will be for a specific activity with a specific description. Ms. Payne stated that if the person wants to change their business to a bakery, he or she would come in and reapply to change the permit.

Mr. Schilling stated that the work that he has been doing at Rutgers shows that the people who are inheriting and purchasing preserved farmland are less happy than the people who are making the preservation decisions themselves and most often it is because they did not have a say on the restrictions. Mr. Schilling stated that regarding purchasers, one could argue that they hopefully know what they are buying into. Mr. Schilling stated that tying the hands of future owners without any measure of recourse makes him ask if there were some sort of exceptional circumstance, would the

Committee be able to vanquish the easement? Ms. Payne stated that she does not feel that is an unreasonable provision to be included. Ms. Reynolds noted that the draft regulations allow a continuation if there is disruption of income for a period of more than two years and also in the case of retirement they would allow for the lessee operator to continue the permit. She discussed with the Committee the categories of RMEs that are permitted, eligibility criteria for applying for a special permit, application requirements and other key permitting provisions.

Mr. Everett reviewed with the Committee a Powerpoint presentation on the significant heritage preservation aspects of the draft rules. He stated that under the RME statute there are two major paths to the heritage review process: projects under 2,500 square feet and those above it. All RME projects are reviewed whether they are heritage farm structures or not, however no easement is placed on structures where less than 2,500 square feet will be improved so the review process is not as onerous as for projects with more than 2,500 square feet of improvements.

Mr. Everett stated that he would first address the less involved of the two paths – projects under 2,500 square feet. He advised that the RME Act contains the following statutory language: Improvements to the exterior of a structure shall be compatible with the agricultural character of the premises, and shall not diminish the historic or cultural character of the structure. Repairs may be made to the interior or exterior of a building provided that they do not diminish the historic or cultural character of the structure. The location, design, height, and aesthetic attributes of the rural microenterprise shall reflect the public interest of preserving the natural and unadulterated appearance of the landscape and structures.

Mr. Everett stated that the statute establishes several tests for determining if a project will adversely affect historic buildings and the rural landscape. He reviewed with the Committee a number of project components that have been identified in order to evaluate whether repairs and improvements are compatible with agricultural and cultural/historic character. The Committee would issue a Determination of Compatibility in conjunction with the issuance of a special permit after the required project components are evaluated. He stated that the vast majority of historic preservation regulations are in urban contexts and tend to favor a granular approach when it comes to reviewing what construction projects are compatible with historic fabric. Mr. Everett stated that he wanted to abandon granularity in favor of a more holistic approach. The goal for projects under 2,500 square feet of improvements is compatibility with community character rather than fixating only on individual architectural features – a landscape-scale kind of approach. Mr. Everett stated that this performance-based

approach endeavors to use common sense and sound preservation practices to permit appropriate projects and discourage inappropriate ones. Mr. Everett showed a slideshow to the Committee, which was aimed at helping identify examples of inappropriate and appropriate projects. Ms. Payne stated that it was important to understand that the statute wants the Committee to make sure that all RME businesses protect the historic agricultural landscape. That is why the draft rules incorporate an architectural review for every permit, not just those with greater than 2,500 square feet of improvements.

Mr. Everett advised that the second part of his presentation is the review of improvements greater than 2,500 square feet, which invokes the easement process. First, the Committee must designate a heritage farm structure. Mr. Everett reviewed the proposed heritage farm structure designation criteria, including a requirement that the structure must be constructed prior to 1960 and substantially in its original form with its character-defining features largely intact. It also must represent a rare or unusual type or possess a distinctive method of construction, be associated with important persons or trends in New Jersey agriculture, or be part of an intact farmstead complex that collectively has associative historical value.

Ms. Payne stated that the distinction for the Committee is that any agricultural structure could qualify for an RME permit for under 2,500 square feet of improvements – it does not have to be an old significant building. It is only when the Committee is looking at more than 2,500 square feet of improvements and placing a preservation easement on the building does the question come into focus about what is being preserved. Staff is trying to create criteria that are reflective of these important agricultural structures in the landscape. Mr. Germano asked whether that means that someone cannot improve more than 2,500 square feet of a building unless it qualifies for a heritage preservation easement. Ms. Payne responded this was correct. She stated that the whole intent of this piece of the legislation was that there are beautiful old historic barns in the landscape and in order to protect them, there needs to be a substantial economic opportunity inside the barn. That was the trade-off – if someone has an old beautiful public asset in that agricultural structure, they will be allowed to improve the entire interior, but they have to protect it. The first piece of the statute is aimed at allowing landowners to have economic opportunity within barns with up to 2,500 square feet of improvements. If someone wants more improvements than that, they need to have a building that warrants that investment.

Mr. Everett reviewed with the Committee the heritage preservation easement terms. He stated that the statute allows the Committee to craft its own easements. Mr. Everett stated that a Deed of Heritage Preservation Easement must be recorded in the county

clerk's office within 30 days after the Committee has issued a special permit for an RME. Mr. Everett stated that the heritage preservation deed will impose additional deed restrictions not contemplated in the farmland preservation deed but will not replace, abrogate or supersede the farmland preservation deed of easement.

Mr. Everett stated that the historic form and character-defining features of a heritage farm structure, referred to as the protected features, will be documented in a Baseline Inspection Report that will serve as a baseline for monitoring compliance with the easement terms. Each easement will be handcrafted depending on the character-defining features present. Mr. Everett stated that alterations to both buildings and curtilage (the area immediately adjacent to the structure, i.e., the yard area) must be compatible with the historic fabric. He stated that the easement will be placed over the structure and the curtilage. The surveyor will delineate that and the metes and bounds will be recorded with the easement. The farmland preservation easement will be under it. He stated that the heritage preservation easement is not as strict as historic preservation easements typically recorded because the heritage preservation easement allows for similar, rather than exact, replacements of materials. Mr. Everett stated that demolition is not permitted, but there is some casualty language in the draft regulations that if there is, for example, a lightning strike and damage beyond repair, then the easement would be extinguished. However, the draft rules do not permit demolition by neglect. The property must be maintained in good condition.

Ms. Payne stated that the draft rules will be distributed to partners to solicit comments and then will return to the Committee for formal action.

NEW BUSINESS

A. Update on Winery Special Occasion Events Pilot Program

Ms. Gruzlovic reviewed with the Committee an interim report on the pilot program for winery special occasion events. She stated that the Winery Special Occasion Events Law, enacted in July 2014, allows wineries to conduct special occasion events (SOEs) on preserved farmland under certain conditions as part of a 44-month pilot program that expires on March 1, 2018. Ms. Gruzlovic stated that they are not subject to the pilot program if they do not conduct SOEs or conduct them only within exception areas.

Ms. Gruzlovic stated that the SADC initially identified 20 preserved farms with wineries that potentially could be subject to the pilot program. Two farms subsequently were deleted from the list as one went out of business and the other was in an eight-year

program that expired. There is one newly established winery in Burlington County, resulting in a revised list of 19 wineries associated with preserved farmland. Ms. Gruzlovic reviewed with the Committee the reporting procedures for wineries that conduct events on preserved farmland subject to the pilot program. These include filing annual registration and certification of compliance forms with the SADC, and annually certifying to the CADB that the winery complies with the law's income requirement – i.e., that a winery's gross income from SOEs accounted for less than 50 percent of the annual gross income of the winery during the prior calendar year.

Ms. Gruzlovic stated that the SADC has two full years of registration and certification of income reporting. She noted that five wineries registered for the pilot program in 2015 and in 2016 two more registered, so there are currently seven wineries considered part of the pilot program. Ms. Gruzlovic stated that regarding required reporting, generally the registration forms were complete enough for the SADC to understand the types of events wineries were conducting with the exception of one winery that did not respond to requests for clarification. Ms. Gruzlovic stated that the reported percentage of annual income derived from SOEs in 2016 ranged from less than one percent to approximately 29 percent. Ms. Gruzlovic stated that wineries report hosting a variety of events – weekly Grill Nights and other food events; weddings, wedding rehearsal dinners, birthday parties, bridal and baby showers, funeral memorial gatherings, corporate events, fundraisers, open mike events, wine and art events, and wine and other festivals. Some reported holding few events. One of the more active wineries regularly hosts weddings for 100 to 200 people and holds various types of weekend festivals through the year that attract 1,500 to 6,000 visitors per day depending on the event.

Ms. Gruzlovic stated regarding location of events, the Winery SOE law requires that SOEs be conducted in a permanent or temporary structure of some type. Five wineries reported holding SOEs exclusively in such locations, with the exception of one of those wineries noting wedding ceremonies in the vineyard but receptions in a tented winery patio, and one winery that conducts infrequent SOEs reported at least a few SOEs outside the main winery building, indicating that patrons may rent tents or the events could be open-air like a planned music festival for 50 to 100 people in the grass area behind the winery. Ms. Gruzlovic stated that the remaining winery is unique in that it in addition to the events it holds in winery structures, it also holds several mostly outdoor SOEs like food truck and other festivals that can attract a few thousand visitors and cover a sizable portion of the winery's grounds encompassing an area of about 5 acres.

Ms. Gruzlovic stated that the CADBs were required to adopt a definition of what constitutes an SOE in their county and that seven CADBs have adopted SOE definitions

to date. She stated that the definitions are fairly broad and basically permit just about any type of activity on a preserve farm. She noted that most CADBs do not distinguish between typical winery marketing events that wineries already were permitted to conduct under the deed of easement, and events newly permitted pursuant to the Special Occasion Events law. The Ocean CADB, which has the most active winery with the largest events, had the most detailed definition. Ms. Gruzlovic stated that there are 11 CADBs that have at least one winery operation associated with preserved farmland. Of those 11, four have not adopted an SOE definition. Three do not have wineries that conduct events subject to the pilot program. However, the fourth CADB does and indicated that they did not adopt an SOE definition because they did not have to address the issue as a complaint or they just did not feel the need to adopt it at that time. Ms. Gruzlovic stated that all other CADBs with wineries in the pilot program have adopted definitions.

Ms. Gruzlovic stated that staff sent questionnaires last June to municipalities, counties and wineries asking for their feedback on events and the pilot program. Completion was voluntary. Five wineries (50%), 12 municipalities (71%) and all 11 CADBs with wineries associated with preserved farmland submitted completed questionnaires. Ms. Gruzlovic reviewed the findings of those questionnaires, which are detailed in the interim report.

Ms. Gruzlovic reviewed the preliminary observations on the pilot program based on the information collected to date, included SOE definition issues (e.g., varying standards from one county to the next regarding what constitutes an SOE, not all counties have adopted definitions, likely confusion over what constitutes an SOE versus an expressly permitted winery marketing event on a preserved farm, and between SOE definitions for the purpose of the pilot program vs. what is protectable under RTF); documentation issues (e.g., an inability to verify information reported by the wineries, inadequate reporting by one of seven wineries in the pilot program, and some wineries indicating that the reporting and documentation requirements are overly burdensome and counter to efficient use of their resources); and administrative burden issues, including the sizable administrative burden on one CADB that has oversight of a winery that holds frequent and sometimes large-scale SOEs subject to the pilot project.

Ms. Gruzlovic stated that in terms of next steps, the pilot program is scheduled to expire March 1, 2018, and staff intends to reach out one more time to the town, municipalities and the wineries to see if they have any additional feedback. Once those comments have been received, staff will update the information in the interim report to prepare a final report on the SADC's findings and recommendations on the pilot program. Ms.

Gruzlovic stated the final report will be forwarded to the Legislature to inform any future legislative initiatives to address winery SOEs on preserved farmland following the scheduled expiration of the pilot program. Ms. Payne stated this is a huge issue for the SADC and she thinks some of what has been learned thus far can provide a bit of a springboard for the conversation.

B. Resolution for Certification

1. Agriculture Development Area Map Amendment
 - a. Hunterdon County

Mr. Bruder referred the Committee to a resolution for SADC certification of a minor amendment to Hunterdon County's Agriculture Development Area (ADA) map to add three parcels and for a minor change to the County's ADA criteria. The three parcels to be included in the ADA map are Block 30, Lot 6; Block 6, Lot 26.01; and Block 1, Lot 6.02 in Kingwood Township. Regarding the change to the CADB's ADA criteria, Mr. Bruder stated that the Hunterdon CADB has long had a policy of requiring landowner notification and written consent for a parcel to be included in the ADA. The Hunterdon CADB is deleting the requirement for written consent, however, it is retaining the requirement for landowner notification and will consider landowner input when specific ADA amendments are proposed. Mr. Bruder noted that Hunterdon is the only county that continued to require landowner approval for inclusion when a parcel otherwise meets ADA criteria and the CADB has had some difficulties over time in getting back written consent forms. Mr. Bruder stated that the staff recommendation is to certify the amendments to Hunterdon County's ADA map and ADA criteria.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2017R4(1) certifying amendments to Hunterdon County's ADA map and ADA criteria. The motion was unanimously approved.

C. Resolutions for Final Approval – County Planning Incentive Grant Program

Ms. Roberts and Ms. Garrett referred the Committee to two requests for final approval under the County Planning Incentive Grant Program. They reviewed the specifics with the Committee and stated that the recommendation is to grant final approval as outlined in said resolutions.

It was moved by Mr. Waltman and seconded by Ms. Brodhecker to approve Resolutions FY2017R4(2) and FY2017R4(3) granting final approval to the following applications under the County Planning Incentive Grant Program, as presented and discussed, subject

to any conditions of said resolutions.

COUNTY PLANNING INCENTIVE GRANT PROGRAM

1. Carol A. Tomlin, SADC #05-0023-PG (Resolution FY2017R4(2))
Block 90, Lot 6, Woodbine Borough, Cape May County, 14.8 Gross Acres
2. Steven R. and Timothy G. Brown, SADC #17-0160-PG (Resolution
FY2017R4(3))
Block 61, Lot 34.02, Upper Pittsgrove Township, Salem County, 51.05 Gross
Acres

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (Copies of Resolution FY2017R4(2) and Resolution FY2017R4(3) are attached to and are part of these minutes.)

D. Stewardship

1. Review of Activities
 - a. Laurita Winery, Plumsted Township, Ocean County

Ms. Payne advised there is a court reporter present to provide a transcript of the proceedings regarding Laurita Winery as it relates to potential violations of the Special Occasion Events Pilot Program. Mr. Roohr was sworn in by Mr. Stypinski. Mr. Roohr reviewed the preservation history of the farm and the current operation. He reviewed photos with the Committee showing structures on the farm property. These included the Grove Stage area, which is a grove of trees connected to the winery where there are benches, fire pits, tables and a couple of outdoor stages, as well as a series of leftover buildings from the farm's former use as a dairy farm. He stated that one of those buildings was recently renovated, is used as a multi-purpose building and for today's purposes will be referred to as the Dance Barn.

Mr. Roohr stated that the preserved farm winery law allows for special occasion events (SOEs) to occur at wineries on preserved farms under certain conditions as part of a pilot program. The legislation gave the CADBs the responsibility to define what constitutes an SOE in their respective counties. Mr. Roohr stated that in July 2015 the Ocean CADB approved its definition, which authorized a specific set of activities that could

occur within the main winery structure and the adjacent patio. Mr. Roohr stated that the issue before the Committee today is whether it concurs with the CADB's finding that the winery violated the terms of the CADB's SOE definition on two different occasions.

Mr. Roohr reviewed the timeline of events leading up to the CADB finding the winery in violation. In June 2016, the CADB conducted its annual monitoring visit to the farm accompanied by the Township's construction code official. The construction code official identified numerous electrical and gas connections in and around the Dance Barn and Grove Stage that had not been approved by his office. At its August 10 meeting, the CADB reviewed requests for 10 SOEs at Laurita Winery. The CADB approved two, held seven requests in abeyance for lack of information and denied one event – an '80s Dance Night that was to occur in the Grove Stage area. The CADB determined that it could not approve SOEs that would occur in or utilize areas of the premises that had not been reviewed and approved by the Township in advance. Mr. Roohr stated that holding events without securing proper permits would be a direct violation of the SOE legislation, which states that all SOEs must comply with all public health and safety ordinances. On August 19, Laurita held an '80s Dance Night utilizing the Grove Stage area. On August 29, CADB staff notified Laurita Winery that the '80s Dance Night had been specifically denied for lack of applicable municipal permits and noted that a similar '70s Dance Night scheduled for September 2 was listed on the winery website. On September 2, Laurita Winery held the '70s Dance night in the Grove Stage area. Mr. Roohr stated that from August 6, 2016 through October 2, 2016, Laurita Winery held five of the seven SOEs that the CADB had held in abeyance for lack of information, without approval of the CADB.

Mr. Roohr stated that on September 29, a permit for the gas connections to the Grove Stage area was approved by the Township. On October 6, permits for the electrical connections to the Grove Stage area and Dance Barn were approved by the Township. On October 7, Laurita Winery submitted applications to the Township to utilize the Dance Barn for mercantile and arcade uses, which would allow for public entry and sale of products from the barn.

Mr. Roohr stated that at its October 12 meeting, the CADB reviewed requests from Laurita Winery to host two food truck festivals that would take place as two-day weekend events on October 22 and 23 and November 12 and 13, 2016. The CADB approved both events but with the condition that the Dance Barn not be utilized unless the Township issued a Uniform Construction Code (UCC) permit for the barn based on the use proposed by the winery. Mr. Roohr stated that on October 22 and 23 the winery held the first Food Truck Festival and utilized the Dance Barn for line dancing purposes.

On November 2, the CADB forwarded copies of its October 12 conditional approval to the winery owners and managers and reiterated that not using the Dance Barn was a condition of approval until use permits for the barn had been secured from the Township. On November 12 and 13, Laurita Winery held the second Food Truck Festival and again utilized the Dance Barn for line dancing purposes.

Mr. Roohr stated that on November 30, 2016, the Ocean CADB held a special meeting to conduct a hearing on the matter of potential violations of the SOE law. The CADB found that the two Dance Nights held in August and September and the two food truck festivals were specific violations of denials or conditional approvals and found each of those to constitute one offense, so they found two violations. During that meeting, the owners stated that after recent conversations with Township officials, the winery would be withdrawing its mercantile and arcade application and instead would utilize the Dance Barn under existing codes for low-hazard agricultural storage buildings, referred to as S-2 structures, which allow for up to 15 days of assembly use within the barn per year. Ms. Payne interjected that the use of an S-2 structure under the UCC code for public assembly allows a landowner to utilize the structure 15 times a year, but that is conditioned on receiving approval from a fire official. Mr. Roohr stated correct. Mr. Roohr stated that at that meeting Laurita Winery had received that approval from the fire official and a copy of the letter was provided. Mr. Roohr stated that on December 27, 2016, the CADB forwarded its findings along with supporting documents to the SADC. Mr. Roohr stated that staff has reviewed the CADB's findings against the SOE legislation and the staff recommendation is to concur with the Ocean CADB that the Dance Nights were the first offense and the Food Truck Festivals were the second offense constituting violations of the SOE law, in particular the definition that the CADB established. Mr. Roohr stated that the SOE law has penalty provisions and the SADC has the responsibility of enforcing those penalties. Mr. Roohr stated that the proposed Resolution before the Committee finds that the SADC concurs with the CADB finding of two offenses and authorizes the Executive Director, through the Attorney General's Office, to seek enforcement action. Mr. Roohr noted that representatives of the Ocean CADB and Laurita Winery were present at the meeting.

Ms. Payne advised that if the Committee approves the resolution and authorizes staff to proceed, then the SADC would seek a determination by a Superior Court judge that these violations occurred. If the judge found that the violations occurred, the SADC would address the question of how long of a suspension of activities should be enforced as a separate issue at a future hearing on that subject only.

Raymond Shea, one of the owners of Laurita Winery, was sworn in by Mr. Stypinski. Mr. Shea acknowledged for the record that what Mr. Roohr stated was correct. Mr. Shea stated that when they went before the Ocean CADB they did not deny any of the allegations made in respect to their deficiencies in obtaining the necessary permits in time. Mr. Shea stated that clearly they were non-compliant with the municipal permit regulations. He wanted to emphasize that the events themselves were never disapproved by the Ocean CADB – just having them without the necessary permits. Mr. Shea stated that where they failed was that they were convinced by management – using their best estimate at the time – that the permits would be in by the time these events occurred and they were not. Mr. Shea advised that at that point they had a business decision to make. They could cancel the events, which they chose not to do based on their commitments to their employees, vendors and anyone they hired. Mr. Shea thought they could ask for forgiveness from the Ocean CADB. Mr. Shea stated that the CADB has been terrific and they have learned a lot together in this process. He stated that no one has been more meticulous in furnishing records and data to a CADB than his winery. He stated that they wanted to be the gold standard and here they are before the Committee with a violation pending. He stated that he feels terrible about this situation but they made a business decision and it is not a health and safety issue that was involved. He stated that as it turned out, country line dancing was permitted all along and that is why they withdrew the request for the mercantile license – because an S-2 assembly permits it for 15 days a year. Mr. Shea stated that had they known this as the time, he could have informed the CADB. Mr. Shea stated that he regrets very much the violations that occurred, but the violations occurred because they could not cancel the events as too many people would be hurt so they took the responsibility and will have to take the consequences. Mr. Shea stated that he hopes the Committee takes everything in consideration.

Mr. Villinger was sworn in by Mr. Stypinski. Mr. Villinger stated that Laurita Winery representatives made the same points as they did today at the CADB's public hearings where Mr. Shea and Mr. Johnson, Laurita Winery's manager, were present. Mr. Villinger stated that while the CADB understands the winery is requesting an S-2 classification for the Dance Barn, their understanding is that permits will still be required, but on a per-day permitting standard. The fire official will have to be there to permit each day for each event. Mr. Villinger stated that the CADB and winery's communication has improved since the November period. Mr. Germano asked whether there was any question in Mr. Villinger's mind that the winery operator did not understand that the CADB had denied approval for the '80s Dance Night and did not receive approvals for others. Mr. Villinger stated that for the first '80s Dance Night the winery representative did come back at a later meeting and stated that he did not

understand that denial meant they could not hold the event. However, the CADB saw a '70s event – identical to the '80s event – being advertised for early September and again told the winery that it does not have the permits for this, it was denied, but the event was still held.

It was moved by Mr. Germano and seconded by Mr. Siegel to approve Resolution FY2017R4(4) finding Laurita Winery in violation of the preserved farm winery law, as a first offense, for hosting Dance Nights in the Grove Stage area on August 19 and September 2, 2016, contrary to N.J.S.A. 4:1C-32.8a(5). Further, the SADC finds Laurita Winery in violation of the preserved farm winery law, as a second offense, for hosting Food Truck Festivals utilizing the Dance Barn on October 23-24, 2016 and November 12-13, 2016, contrary to that same provision. The SADC authorizes the Executive Director, through the Office of the Attorney General, to proceed with a penalty enforcement action in Superior Court.

ROLL CALL:

Cecile Murphy	YES
Thomas Stanuikynas	YES
Brian Schilling	YES
James Waltman	YES
Dennis C. Germano, Esq.	YES
Jane Brodhecker	YES
Ralph Siegel	YES
Alan Danser	YES
Peter Johnson	YES
Scott Ellis	YES
Acting Chairwoman Purcell	YES

The motion was unanimously approved.

2. Agricultural Labor Housing
 - a. Stargate Farm, Upper Freehold Township, Monmouth County

Mr. Roohr stated that the 67-acre Stargate Farm is located on Route 524 across from the Horse Park of New Jersey in Upper Freehold Township, Monmouth County. Art

Morano is the owner of the farm and the day-to-day operator/manager. Mr. Roohr stated that Mr. Morano has 50 years of experience in the equine business beginning as a Standardbred racer in the 1960s. Mr. Roohr stated that this farm was purchased preserved in 1999. The property is managed as an equine farm with a mix of equine uses. The farm has stall space for up to 78 horses; currently 62 horses are onsite. The farm has indoor and outdoor riding rings, about 45 acres of fenced paddocks and about 10 acres in hay leased to a nearby farmer. Mr. Roohr stated that the farm has two agricultural labor units – a one-bedroom apartment and a two-bedroom apartment that were approved by the Committee in 2001. Mr. Roohr stated that the request is for a new agricultural labor unit – a two-bedroom, two-bath, about 2,100-square foot ranch-style home to house an employee who would function as the general farm manager. Mr. Roohr showed photos of the farm, pointing out the current structures and the approximate location of the proposed new house. Mr. Roohr stated that Mr. Morano is 75 years old and travels to the farm each day to take care of the day-to-day functions, which include managing three onsite laborers, doing the equipment work, dealing with equine medications and veterinary appointments, as well as deliveries and dealing with clients. Mr. Roohr stated that Mr. Morano would like to step back from his daily responsibilities a bit, but in order to do so he needs to hire a competent farm manager to take over for him. Mr. Roohr stated that the complexities of this operation – 60 to 70 horses at the property at any given time, trainers, deliveries, veterinary care – are all part of large animal care, and a person taking over that responsibility would need to have a good background and experience. Mr. Roohr stated that Mr. Morano explained that in order to have someone of that caliber, usually housing is part of the package. Mr. Roohr advised that part of Mr. Morano's daily routine is to drive from his house down the road to the farm and that is not an ideal situation for him, particularly with after-hours emergencies involving large animals.

Mr. Roohr stated that the rationale that Mr. Morano presented makes sense. He is looking to step back a little bit and needs someone at the farm to fill in his shoes. However, the technical difficulty with this request relates to the type of farm he owns. Mr. Roohr stated that the majority of the horses on this farm are boarded by clients or used in riding classes. Mr. Morano has 10 rescue horses onsite, which are ex-racehorses that he retrain for resale as riding horses. Mr. Roohr advised that Mr. Morano provided receipts for the sale of seven horses in 2016, averaging \$6,000 per horse, which would be considered as production. Mr. Roohr stated there is also an onsite trainer who runs a training/riding lesson program on the farm – training other people's horses or training people to ride the horses – and keeps 23 horses onsite under her direction. Mr. Roohr stated that although no receipts for sales of horses were provided, the trainer provided a letter stating that 7 of her 23 horses are also ex-thoroughbred racehorses that she has

retrained and are available for resale. Mr. Roohr stated that if one takes Mr. Morano's 10 animals plus the trainer's seven animals, that equals 17 production animals onsite. Therefore, about 27 percent of the animals can be counted as production and the other 73 percent of the animals are boarded animals. Mr. Roohr stated that traditionally the Committee's position on equine operations is that boarding and training horses for clients, where the operator has no interest in the resale of the animal, is considered a service activity, not a production activity. In previous cases the Committee has determined that agricultural labor housing is only approvable for employees working full-time on the premises in production aspects of the operation. This position is also consistent with the Right to Farm eligibility criteria in the Equine Agricultural Management Practice (AMP).

Mr. Roohr stated that on the Morano farm there is a lot of service occurring vs. production. There are already two agricultural labor units and adding a third would seem excessive when looking strictly at the production aspects of the farm. Mr. Roohr stated that most recently, the SADC this past summer denied a request for an agricultural labor unit for an individual whose job would have included barn, fence and general property upkeep on a large equine and vegetable farm in Morris County. In 2010, the Committee denied a request for a second agricultural labor unit on a Monmouth County horse farm that had 26 horses where a majority of the animals were being trained for clients. Mr. Roohr stated while staff fully appreciates the rationale behind Mr. Morano's request, the issue with the request is that agricultural labor units have only been approved for workers engaged in production work on farms, and the Committee has determined that boarding horses, training horses for clients and riding lessons are not production activities.

Mr. Roohr stated that Mr. Morano was at the meeting today. Mr. Morano stated that what Mr. Roohr presented to the Committee is pretty much true and that the question of agricultural production seems to be the hold-up. Mr. Morano stated that outside of the racehorses that are sold, the farm also has a rodeo competitor that has Cotton horses stabled at his farm. He stated that he has kids that compete for money at barrel-racing events. Mr. Morano stated that the horses are technically competition horses but they are not thoroughbreds at the racetrack so they are not considered agriculture. He stated that all the horses in New Jersey are registered under the Department of Agriculture and they all need the same health certificate to leave the state and enter the state, and are under the same provisions as far as care goes. Mr. Morano stated that when the veterinarian comes out in the middle of the night due to a horse being sick, the veterinarian does not ask what breed the horse is, he just treats the horse. Mr. Morano stated that the people who are working at the farm care for and manage all the horses.

Mr. Morano stated that he does not know if the manager is going to come in and mow some grass, if he can only mow the paddocks that the racehorses go out in and not the paddocks that the riding horses go out in. Mr. Morano stated that in 2004 he received permission to build two units for agricultural labor housing. Mr. Morano stated that prior to that he worked the land in 1999, developed it and opened in 2000. Mr. Morano stated that at that time they were just boarding about 40 horses and he had about 56 stalls. Mr. Morano stated that now he has 78 stalls with 65 horses, but he has had 77 horses so it varies.

Mr. Morano stated that regarding agricultural production, in the past they would do a lot of layups for racehorses, standardbreds and thoroughbreds from Monmouth, Freehold and Meadowlands. Mr. Morano stated that most of the tracks are now only racing three to four days per week and he has lost that aspect. He has had 6 to 10 broodmares at one time and now he has four broodmares and one stallion. Mr. Morano stated that his taxes are \$20,000 per year and his insurance is \$14,000 per year and he has to make a living. Mr. Morano stated that it is not his fault that the racing industry is at a low right now. Mr. Morano stated that right now it is a question of survival. He stated that he needs help and cannot keep up with the farm and put in 14-hour days, seven days a week, any longer.

Mr. Johnson stated that the SADC's stance on boarding industry has been a problem for him and many horse people for some time. The equine industry and dairy industry have a lot of similarities – an industry either struggling or gone. He has no problem with the boarding industry and does not understand why the Committee makes this distinction that causes the boarding and training industry a lot of problems. Chairwoman Purcell stated that the Farmland Assessment Act is the foundation for looking at production versus other services. It was changed to accommodate boarding and training based on adjacency to land that otherwise qualifies. Mr. Johnson stated that he understands that is the root of it, but he does not agree with it. Ms. Payne stated that the SADC dealt with equine issues, working with the Equine Advisory Committee, when it promulgated its regulations for the equine AMP. The SADC had to clarify for purposes of Right to Farm (RTF) what equine-related activities constitute production revenue that could count toward qualifying as a commercial farm and what could not. That is the context in which the SADC evaluates these applications and why -the agency's practice has been what it has been. Ms. Payne stated that the question of whether that should continue is an important one and that conversation is happening within the N.J. Department of Agriculture now. Her sense is if the Department and SADC want to shift its historical position that can be done but it should be done comprehensively – e.g., through the rule-making process rather than ad hoc.

Mr. Danser stated that the Committee has been very careful approving onsite agricultural labor housing and he has not heard any testimony that convinces him that it is necessary for the third laborer to live onsite. Mr. Ellis stated that he does not think the agricultural labor housing request is unreasonable. Obviously Mr. Morano needs a manager not only to manage the boarding part but also to manage the production aspects. He stated that since there is production occurring he does not have an issue with the request. Mr. Danser asked about the duties of the workers already living onsite. Mr. Morano responded that they clean stalls, weed whack, sweep up, walk horses in and out and do what they can. They are not qualified to use tractors – he drives all the equipment. Mr. Danser asked if they need to be onsite overnight. Mr. Morano responded that they live there and have no other place to go. There is no bus service that will bus them out to the farm. Mr. Siegel stated that the Committee has the discretion to make judgment calls that are fact-sensitive on a case-by-case basis. Ms. Murphy stated that the Committee needs to be consistent in its decision-making and if the Committee approves the agricultural labor request it needs to be very explicit about why. Mr. Waltman stated that the question is whether this is very different from other cases that have come before the Committee and have been denied.

Regarding a rationale for approval, Mr. Germano stated that the farm needs someone onsite to care for the horses 24 hours a day, regardless of how many of them are considered production. Mr. Morano has stated that his existing workers are not qualified to do that and there is no offsite housing for what he needs. Ms. Payne asked if it was possible to reduce the number of agricultural labor units Mr. Morano currently has in exchange for approval of a unit for the farm manager. Mr. Roohr stated that he and Mr. Morano had that conversation but Mr. Morano stated that then he would not have the day labor he needs. Ms. Murphy asked about the ratio of workers to horses for other agricultural labor requests the Committee has considered. Mr. Roohr stated that it varied depending on the type of horses. When the racing industry was predominant the SADC had been looking at numbers of 15 to 20 horses per groom. He stated that with very high end horses such as hunter/dressage, someone would come in and want one groom for three horses. Staff checked with the equine expert at the Department who explained that for horses worth a half-million to a million dollars, they need this more personalized care. Ms. Murphy asked about the ratio on Mr. Morano's farm. Mr. Roohr stated that right now there are three workers plus Mr. Morano to 62 horses on the farm.

It was moved by Mr. Siegel and seconded by Mr. Ellis to direct staff to prepare a positive resolution for the Committee's consideration at its June meeting, detailing the

rationale for an approval of the agricultural labor housing request.

ROLL CALL:

Cecile Murphy	ABSTAIN
Thomas Stanuikynas	YES
Brian Schilling	YES
James Waltman	ABSTAIN
Denis C. Germano, Esq.	YES
Jane Brodhecker	YES
Ralph Siegel	YES
Alan Danser	YES
Peter Johnson	YES
Scott Ellis	YES
Acting Chairwoman Purcell	YES

The motion was approved.

Mr. Siegel asked whether there has been any discussion about the boarding issue on preserved farmland, a subject he has been interested in a long time. He is not referring to the specific case but overall policy. Ms. Payne stated that awaits the Secretary's return. Mr. Siegel said it is a subject that should be kept on the table because the public has access to these farms and boarding is a huge sector.

Mr. Johnson departed the meeting at this point.

E. Proposed Appraisal Handbook Changes (Discussion)

Mr. Burns referred the Committee to his April 20, 2017 memorandum summarizing proposed changes to the 2017 SADC Appraisal Handbook. He reviewed the specifics with the Committee and stated that the proposed handbook will be distributed to preservation partners and appraisers for comment and then come back to the Committee for adoption at its June meeting.

PUBLIC COMMENT

There was no public comment.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, May 25, 2017, beginning at 9 a.m.
Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 1:40 p.m., Mr. Siegel moved the following resolution to go into Closed Session. The motion was seconded by Mr. Ellis 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

A. Real Estate Matters -- Certification of Values

It was moved by Mr. Germano and seconded by Mr. Danser to approve the following Certifications of Value for the following applicants as discussed in Closed Session:

County Planning Incentive Grant Program

1. Marsha Livingston and Berry Marbern, SADC #10-0408-PG
Block 30, Lot 6, Tewksbury Twp., Hunterdon County, 46.3301 Net and Gross Acres

Municipal Planning Incentive Grant Program

1. Bruce and Christina Runkle, SADC #10-0401-PG
Block 13, Lots 1 & 1.01, West Amwell Twp., Hunterdon County, 100.34 Net Acres (Appraisal Order Checklist [AOC]), 103.34 Gross Acres (AOC)
2. Barry and Cathy Runkle, SADC #10-0399-PG
Block 13, Lot 1.02, West Amwell Twp., Hunterdon County, 18.00 Net Acres (AOL), 21.50 Gross Acres (AOC)

3. Dennis J. Kelly (E & D Farm), SADC #17-0174-PG
Block 24, Lots 3, Pilesgrove Twp., Salem County, 86 Net and Gross Acres

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

B. Attorney/Client Matters

1. Litigation – Any Matter Discussed in Closed Session
 - a. Right to Farm, Proposed Final Decision Regarding Settlement – Lafayette Township v. Sussex CADB and 56 & 58 Sunset Inn Road, LLC

Ms. Payne stated this matter resulted from a site-specific agricultural management practice (SSAMP) that was approved by the Sussex CADB and appealed to the SADC, which forwarded the appeal to the Office of Administrative Law (OAL). During the OAL process, the parties agreed to mediation through the SADC's Agricultural Mediation Program and decided to settle the matter. Ms. Payne stated that the OAL judge has approved the settlement and that approval has been submitted to the Committee as a preliminary decision. The draft final decision before the Committee accepts the settlement but makes no substantive determination as to whether Sunset is a commercial farm or whether its proposed farm market and farm to table activities are entitled to Right to Farm protection, due to the lack of detailed facts.

It was moved by Mr. Germano and seconded by Mr. Danser to issue a final decision adopting the OAL judge's initial decision approving the settlement without acknowledging whether the activities are entitled to Right to Farm Act protection. The motion was approved. Ms. Brodhecker recused from the discussion and vote.

ADJOURNMENT

There being no further business, it was moved by Mr. Siegel, seconded by Mr. Germano and unanimously approved to adjourn the meeting at 2:02 p.m.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Susan E. Payne". The signature is fluid and cursive, with the first name "Susan" and last name "Payne" being the most legible parts.

Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2017R4(1)

**CERTIFICATION OF AMENDED AGRICULTURAL DEVELOPMENT AREA
CRITERIA AND MAP**

HUNTERDON COUNTY

APRIL 28, 2017

WHEREAS, the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, provides for the identification of Agricultural Development Areas (ADAs) by county agriculture development boards; and

WHEREAS, pursuant to N.J.S.A. 4:1C-18, the Hunterdon County Agriculture Development Board (HCADB) adopted, after a public hearing, ADA criteria and a map identifying areas where agriculture shall be the preferred, but not necessarily exclusive use of land, documenting that the area:

1. Encompasses productive agricultural lands which are currently in production or have a strong potential for future production and in which agriculture is a permitted use under the current municipal zoning ordinance or in which agriculture is permitted as a nonconforming use;
2. Is reasonably free of suburban and conflicting commercial development;
3. Comprises not greater than 90% of the agricultural land mass of the county;
4. Incorporates any other characteristics deemed appropriate by the Board; and

WHEREAS, pursuant to N.J.A.C. 2:76-1.4, the HCADB incorporated the following other requirements into the County ADA criteria:

1. A minimum area of at least 250 acres of contiguous land which is enrolled under Farmland Assessment;
2. A predominance of soils that are either prime or of statewide importance;
3. Clusters of productive farm operations that are reasonably free of conflicting non-farm development;
4. No land within a borough, town or city unless the local governing body or landowner expressly requests inclusion and can give evidence that the land has a reasonable chance of long-term continued agricultural production;
5. No land within a one-mile radius of interstate exchanges unless the local governing body or landowner expressly requests inclusion and can give

evidence that the land has a reasonable chance of long-term continued agricultural production;

6. No land with access to existing excess capacity of publicly provided sewer;
7. No land on which a development application for a non-farm use has received major subdivision or site plan approval; and
8. Municipal requests for ADA amendment must include:
 - a. A letter indicating the block and lot numbers of the subject property(s) and a resolution approving their inclusion;
 - b. Written proof that the landowner has been notified of the request and that he/she supports the ADA inclusion; and

WHEREAS, the State Agriculture Development Committee (SADC) certified Hunterdon County's designated ADA criteria pursuant to N.J.S.A. 4:1C-18, and N.J.A.C. 2:76-1.4 on September 23, 1999; and

WHEREAS, the SADC certified amendments to Hunterdon County's designated ADA map showing the general location of the ADA(s) as defined by the application of the criteria many times over the years at the request of several municipalities, most recently on February 25, 2016; and

WHEREAS, Kingwood Township included the Goeckeler (Statira) Farm (Block 30, Lot 6) and the Dalrymple Farm (Block 6, Lot 26.01) as targeted farms in their State Fiscal Year 2018 Municipal Planning Incentive Grant Application; and

WHEREAS, the Goeckeler and the Dalrymple farms are applications for farmland preservation currently being processed by Kingwood Township; and

WHEREAS, despite its adjacency to ADA parcels Block 30, Lot 6 is not currently within the Hunterdon County ADA; and

WHEREAS, Block 6, Lot 26.01 was inadvertently removed from the Hunterdon County ADA when it was subdivided from Block 6, Lot 26, a parcel in common ownership; and

WHEREAS, an additional parcel, Block 1, Lot 6.02 in Kingwood Township, had been inadvertently removed from the ADA despite being surrounded by ADA parcels, and being part of the preserved Sargenti Farm; and

WHEREAS, on November 3, 2016, the Kingwood Township Committee adopted a resolution supporting the expansion of the Hunterdon County ADA to include Block 30, Lot 6; Block 6, Lot 26.01 and Block 1, Lot 6.02; and

WHEREAS, Block 30, Lot 6; Block 6, Lot 26.01 and Block 1, Lot 6.02 are in the AR-2 Agricultural Residential District (7 acre minimum lot size), and not within a sewer

service area or a public water service area; and

WHEREAS, all three parcels are within the Rural Planning Area (PA 4) of the State Development and Redevelopment Plan Policy Map; and

WHEREAS, the HCADB and its staff reviewed the proposed ADA amendment against the ADA criteria set forth at N.J.S.A. 4:1C-18 and N.J.A.C. 2:76-1.4 and the certified CADB criteria; and

WHEREAS, on February 16, 2017, the HCADB held a public hearing to consider public comment on the proposed amendment to its ADA map pursuant to N.J.A.C. 2:76-1.5; and

WHEREAS, on February 16, 2017, the HCADB approved amendment to the ADA to include Block 30, Lot 6; Block 6, Lot 26.01 and Block 1, Lot 6.02 in Kingwood Township; and

WHEREAS, the HCADB requested the SADC's certification of the amended ADA map; and

WHEREAS, at its February 16, 2017 hearing, the HCADB also discussed amendment to its ADA criteria to remove the requirement that written proof of landowner notification of an ADA amendment involving their property, and that he/she supports the ADA inclusion, be submitted (Criteria #8); and

WHEREAS, N.J.S.A. 4:1C-18 dictates that inclusion in the ADA shall in no way be construed to authorize exclusive agricultural zoning or any zoning which would have the practical effect of exclusive agricultural zoning, nor shall it be used by any tax official to alter the value of the land or the assessment of taxes thereon; and

WHEREAS, it was discussed that Hunterdon is the only county which continues to require landowner approval for inclusion when a parcel otherwise meets ADA criteria and that it shall remain HCADB practice to notify landowners and consider their input when site specific amendments to the ADA are proposed; and

WHEREAS, at its March 9, 2017 meeting the HCADB approved changes to its ADA criteria and adopted an amended policy document (Schedule A); and

WHEREAS, pursuant to N.J.A.C. 2:76-1.5, the CADB submitted to the SADC, copies of the agenda and minutes of its February 16, 2017 and March 9, 2017 meetings; and

WHEREAS, the SADC has reviewed the CADB's submissions and has determined that the analysis of factors and resultant criteria is reasonable and consistent and in compliance with the provisions of N.J.A.C. 2:76-1.6;

NOW THEREFORE BE IT RESOLVED that the SADC certifies the amendment to the Hunterdon County Agriculture Development Board's Agricultural Development

Area map to include Block 30, Lot 6; Block 6, Lot 26.01 and Block 1, Lot 6.02 in Kingwood Township (Schedule B); and

BE IT FURTHER RESOLVED that the SADC certifies the amendment to the Hunterdon County Agriculture Development Board's Agricultural Development Area criteria; 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.



4/28/17
Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairwoman	YES
Thomas Stanuikynas, (rep. DCA Commissioner Richman)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Cecile Murphy (rep. NJDEP Commissioner Martin)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

Hunterdon County Agriculture Development Board
February 2017

AGRICULTURAL DEVELOPMENT AREAS

The Hunterdon County Agriculture Development Board adopted Agriculture Development Areas (ADA) for Hunterdon County in 1983 in compliance with the requirements of the Agriculture Retention and Development Act. The ADA criteria and map were based on a study of agriculture in the County which was done for the CADB by the Middlesex-Somerset-Mercer Regional Study Council. Key factors which were utilized in identifying the ADA's in 1983 were the nature of the soils in the County and the distribution of farm operations.

As with any planning document, it is important to periodically review and update the ADA criteria and map so that they will accurately reflect existing conditions. This is especially important in an area developing as rapidly as Hunterdon County. In order to undertake this project, the staff of the County Planning Board developed a series of maps which reflect data which will be important in identifying areas where agriculture can reasonably be expected to continue to be viable in the future. These maps were reviewed in conjunction with the 1983 ADA map and the ADA criteria endorsed by the CADB in November 1987.

In 1988, the CADB determined that the basic building-block of the ADA will be tax blocks. Instead of having the boundaries of the ADA follow property lines or geographical features, they will follow roads which define the limits of a tax block. The following factors were considered in determining whether a block was included in an ADA:

1. The percentage of land within a block which is enrolled under farmland assessment has been mapped in categories of 0-20%, 21-40%, 41-60%, 61-80% and 81-100%. It is recommended that only tax blocks with 61% or more of its land in farmland assessment be included in an ADA.
2. New land development activity has been evaluated by mapping the percentage of land within a tax block which has received preliminary or final subdivision or site plan approval. The level of activity was categorized as very low (25% or less of the land in a block), low (26%-50%), moderate (51%-75%) and high (greater than 75%). It is recommended that tax blocks with more than 50% of their land having received subdivision or site plan approval not be eligible for inclusion in an ADA.
3. Clustered subdivisions on farmland where a significant portion of the desirable farmland is deed restricted for agriculture.

In 1998, the CADB decided to use Geographic Information System (GIS) mapping to more accurately depict additional ADA's requested by municipalities. Using GIS allows the mapping of contiguous farm parcels meeting CADB ADA criteria.

CRITERIA FOR IDENTIFYING AGRICULTURAL DEVELOPMENT AREAS

General Criteria

1. Agricultural Development Areas shall consist of at least 250 acres of contiguous land which is enrolled under Farmland Assessment.
2. Agricultural Development Areas shall consist of a predominance of soils that are either prime or of statewide importance as classified by the Soil Conservation Service.

3. Agricultural Development Areas shall consist of a cluster of productive farm operations and be reasonably free of conflicting non-farm development.
4. No land within a borough, town or city may be included within an Agricultural Development Area unless the local governing body or the farmland owner expressly requests inclusion and can give evidence that the land to be included has a reasonable chance of long-term continued agricultural production.
5. No land within a one mile radius of interstate interchanges may be included in an Agricultural Development Area unless the local governing body or landowner can give evidence that the land to be included has a reasonable chance of long-term continued agricultural production.
6. No land which has access to existing excess capacity of publicly provided sewer shall be included in an Agricultural Development Area
7. No land [that has received final approval for the construction of non-farm development] on which a development application for a non-farm use has received major subdivision or site plan approval shall be included in an Agricultural Development Area.
8. When an amendment to the ADA is proposed, the following must be submitted:
 1. require both a municipal and a CADB resolution approving their inclusion in the ADA indicating the block and lot numbers of the subject property(s) and the name of the landowner(s).

Exceptions

1. In instances where land has been excluded from an Agricultural Development Area but [there is] is located within a significant cluster of commercial farm operation basis, one or more of the [other] criteria may be waived and that land may be included in an Agricultural Development Area.
2. In instances where land has been excluded from an Agricultural Development Area, but it is exceptionally good for agricultural production [as determined by the Soil Conservation Service], one or more of the other criteria may be waived and that land may be included in an Agricultural Development Area.
3. Any individual landowner or group of landowners who meet the eligibility criteria for forming an agricultural district but on the basis of some other criteria listed were excluded from an Agricultural Development Area may request a special review and reconsideration for inclusion.

Schedule B

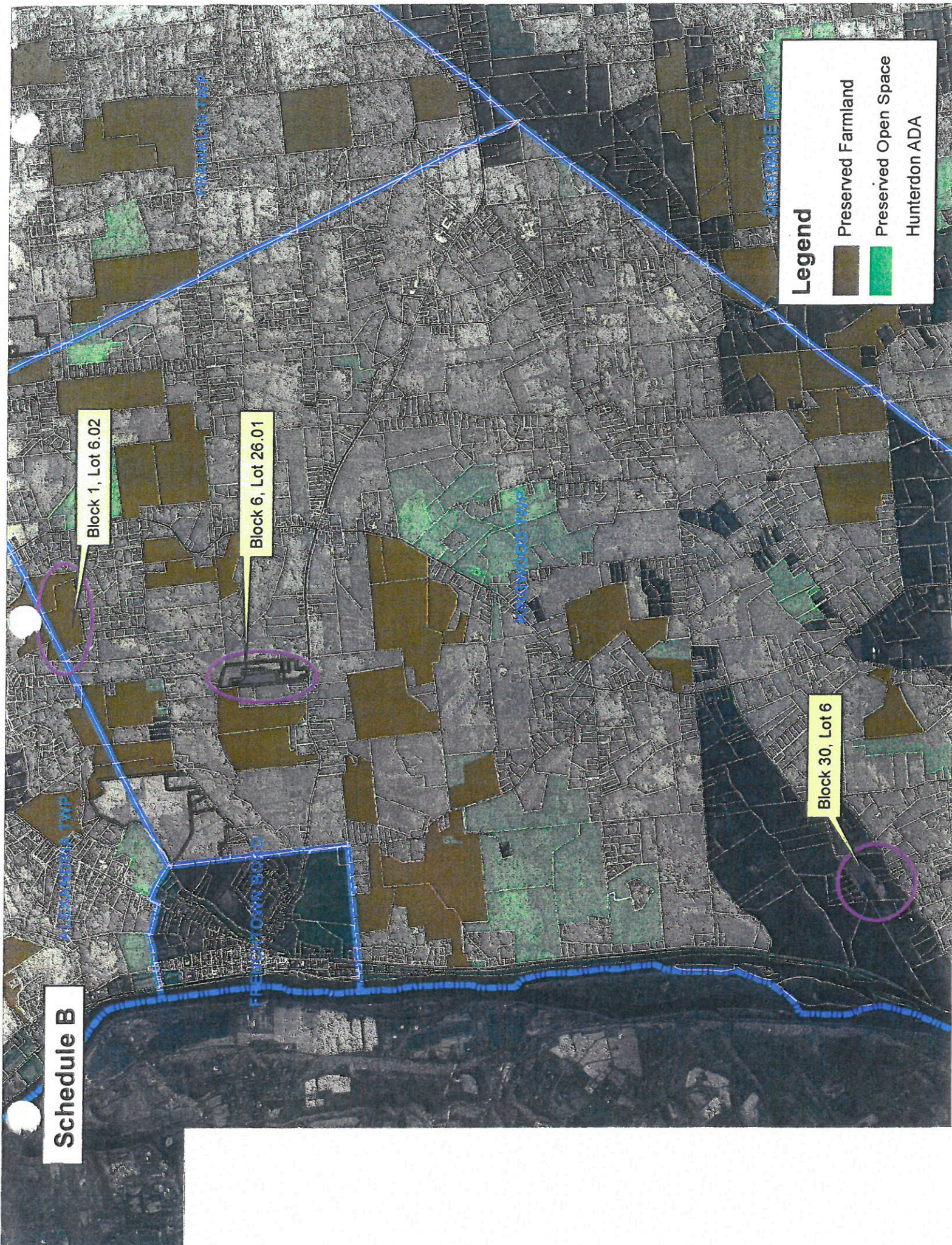
Block 1, Lot 6.02

Block 6, Lot 26.01

Block 30, Lot 6

Legend

- Preserved Farmland
- Preserved Open Space
- Hunterdon ADA



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2017R4(2)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

CAPE MAY COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

**On the Property of
Tomlin, Carol A. ("Owner")
(Shenandoah Farm)
Woodbine Borough, Cape May County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 05-0023-PG**

April 28, 2017

WHEREAS, on December 15, 2007 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cape May 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, Cape May County received SADC approval of its FY2017 Annual PIG Plan update for on May 26, 2016; and

WHEREAS, on March 31, 2016 the SADC received an application for the sale of a development easement from Cape May County for the subject farm identified as Block 90, Lot 6, Woodbine Borough, Cape May County, totaling approximately 14.8 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Cape May County's Woodbine Borough Project Area; and

WHEREAS, the Property includes one (1), approximately .5 acre non-severable exception for and limited to zero (0) single family residential unit and for existing non-agricultural uses, including an art studio, smoke house, child's play area, storage shed and barn to allow for future flexibility of uses, resulting in approximately 14.3 acres to be preserved; and

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

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

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

WHEREAS, the Property has a quality score of 45.48 which exceeds 34, which is 70% of the County's average quality score as determined by the SADC on July 23, 2015; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on May 19, 2015 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on November 3, 2016 the SADC certified a development easement value of \$8,000 per acre based on zoning and environmental regulations in place as of the current valuation date August 10, 2016; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$8,000 per acre for the development easement for the Property; and

WHEREAS, on February 16, 2017 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on February 2, 2017 the Woodbine Borough 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 January 30, 2017 the Cape May CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on February 14, 2017, the Board of Chosen Freeholders of the County of Cape May passed a resolution granting final approval and a commitment of funding for \$3,100.00 per acre to cover the county cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 14.73 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 14.73 acres); and

SADC	\$ 72,177.00	(\$4,900/acre)
Cape May County	\$ 45,663.00	(\$3,100/acre)
Total Easement Purchase	\$ 117,840.00	(\$8,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Cape May County Agriculture Development Board is requesting approximately \$72,117.00 in base grant funding which is available at this time (Schedule B); and

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

provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, the SADC grants final approval to provide a cost share grant to Cape May County for the purchase of a development easement on the Property, comprising approximately 14.73 gross easement acres, at a State cost share of \$4,900 per acre, (61.25% of certified easement value and purchase price), for a total grant need of \$72,177.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately .5 acre non-severable exception for and limited to zero (0) single family residential unit and for existing non-agricultural uses, including an art studio, smoke house, child's play area, storage shed and barn to allow for future flexibility of uses, resulting in approximately 14.3 acres to be preserved; and

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

BE IT FURTHER RESOLVED, 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 area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-B Supplement; and

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

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

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

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

4/28/17

Date



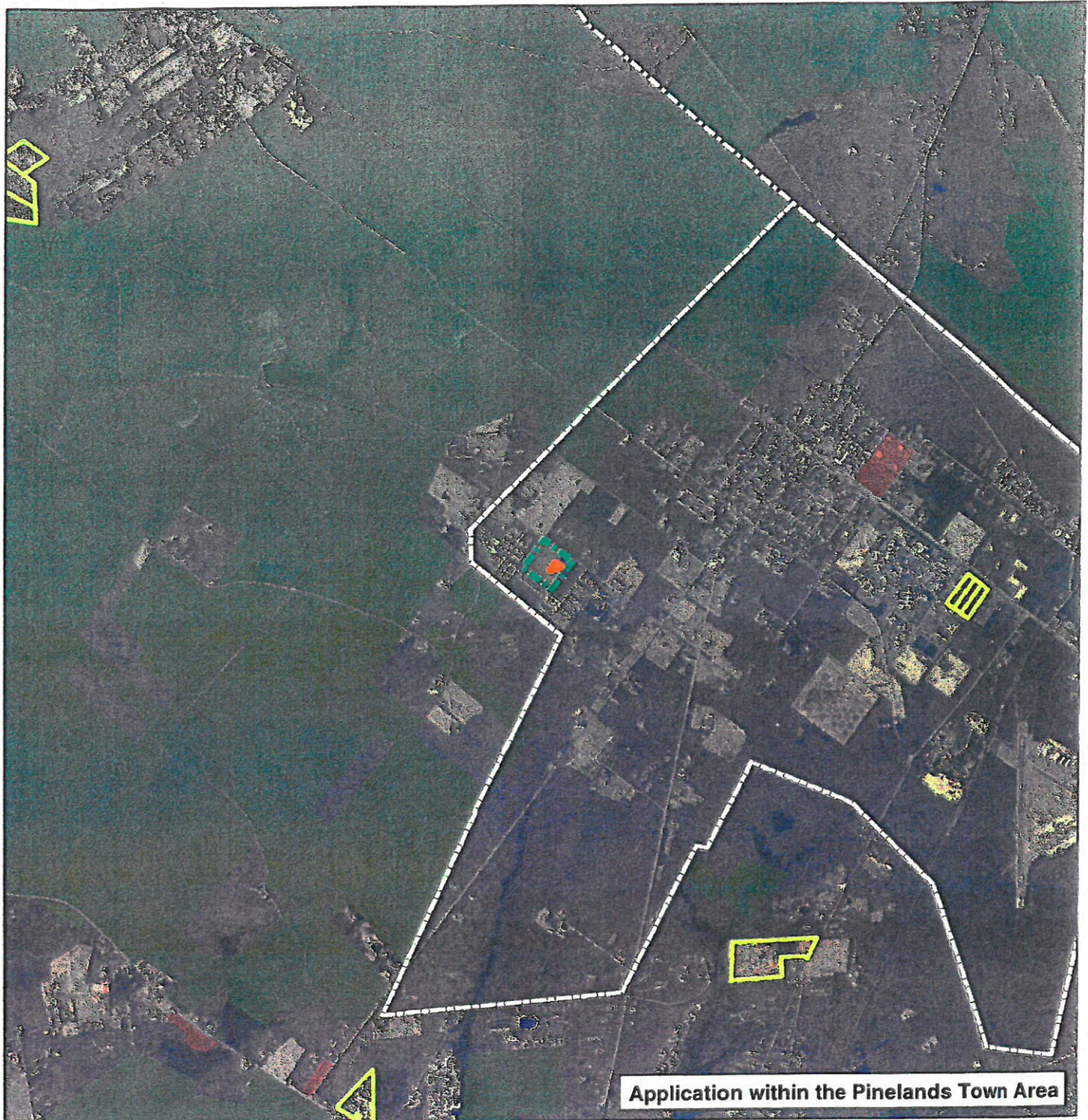
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairwoman	YES
Thomas Stanuikynas, (rep. DCA Commissioner Richman)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Cecile Murphy (rep. NJDEP Commissioner Martin)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

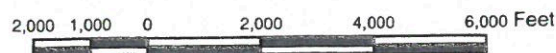
Preserved Farms and Active Applications Within Two Miles

X:\counties\capco\projects\tomlin_carol_2mile.mxd



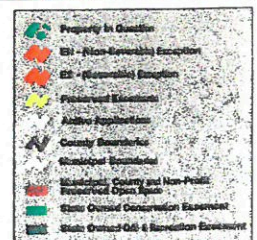
FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Tomlin, Carol A. (Shenandoah)
Block 90 Lots P/O 6 (14.3 ac);
& P/O 6-EN (non-severable exception - 0.5 ac)
Gross Total = 14.8 ac
Woodbine Borough, Cape May County



NOTE:

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



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJ Pinelands Commission PDC Data
NJOT/OGIS 2012 Digital Aerial Image

SADC County Pig Financial Status
Schedule B

Cape May County

[illegible]

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Tomlin, Carol A. (Shenandoah)
05- 0023-PG
County PIG Program
14 Acres

Block 90	Lot 6	Woodbine Boro	Cape May County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:		Cropland Harvested	85% * .15 = 12.75
		Other	3% * 0 = .00
		Woodlands	12% * 0 = .00
			TILLABLE SOILS SCORE: 12.75
FARM USE:		Hay	10 acres
		Vegetable & Melons	2 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st (.5) acres for Art Studio-currently for personal use
Exception is not to be severed from Premises
Exception is to be limited to zero existing
single family residential unit(s) and zero future
single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 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 FY2017R4(3)

**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
SALEM COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
Steven R. and Timothy G. Brown("Owners")
Upper Pittsgrove Township, Salem County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 17-0160-PG**

April 28, 2017

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Salem 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, Salem County received SADC approval of its FY2017 PIG Plan application annual update on May 26, 2016; and

WHEREAS, on December 4, 2015 the SADC received an application for the sale of a development easement from Salem County for the subject farm identified as Block 61, Lot 34.02, Upper Pittsgrove Township, Salem County, totaling approximately 51.05 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Salem County's Cohansey-Pole Tavern-Pine Tavern Project Area; and

WHEREAS, the Property includes one (1), approximately 3.21 acre, non-severable exception area for and limited to 1 future single family residential unit and to afford future flexibility of uses resulting in approximately 47.84 net acres to be preserved; and

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

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

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

WHEREAS, the Property has a quality score of 66.25 which exceeds 48, which is 70% of the County's average quality score as determined by the SADC July 23, 2015; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on January 20, 2016 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on December 1, 2016 the SADC certified a development easement value of \$3,300 per acre based on zoning and environmental regulations in place as of the current valuation date September 12, 2016; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$3,300 per acre for the development easement for the Property; and

WHEREAS, on February 23, 2017 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on February 14, 2017 the Upper Pittsgrove Township Committee approved the Owner's application for the sale of development easement and a commitment of funding for \$460 per acre to cover the local cost share; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on February 22, 2017 the Salem CADB passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on February 15, 2017, the Board of Chosen Freeholders of the County of Salem passed a resolution granting final approval and a commitment of funding for \$460 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 49.275 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 49.275 acres); and

	<u>Total</u>	<u>Per/acre</u>
SADC	\$117,274.50	(\$2,380/acre)
Upper Pittsgrove Twp.	\$ 22,666.50	(\$ 460/acre)
<u>Salem County</u>	<u>\$ 22,666.50</u>	<u>(\$ 460/acre)</u>
Total Easement Purchase	\$162,607.50	(\$3,300/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Salem County Agriculture Development Board is requesting \$117,274.50 FY13 competitive grant funding which is available at this time (Schedule B); and

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

and consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Salem County for the purchase of a development easement on the Property, comprising approximately 49.275 net easement acres, at a State cost share of \$2,380 per acre, (72.12% of certified easement value and purchase price), for a total grant not to exceed \$117,274.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 3.21 acre, non-severable exception area for and limited to 1 future single family residential unit and to afford future flexibility of uses resulting in approximately 47.84 net acres to be preserved; and

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

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

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

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

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

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

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

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

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

4/20/17
Date

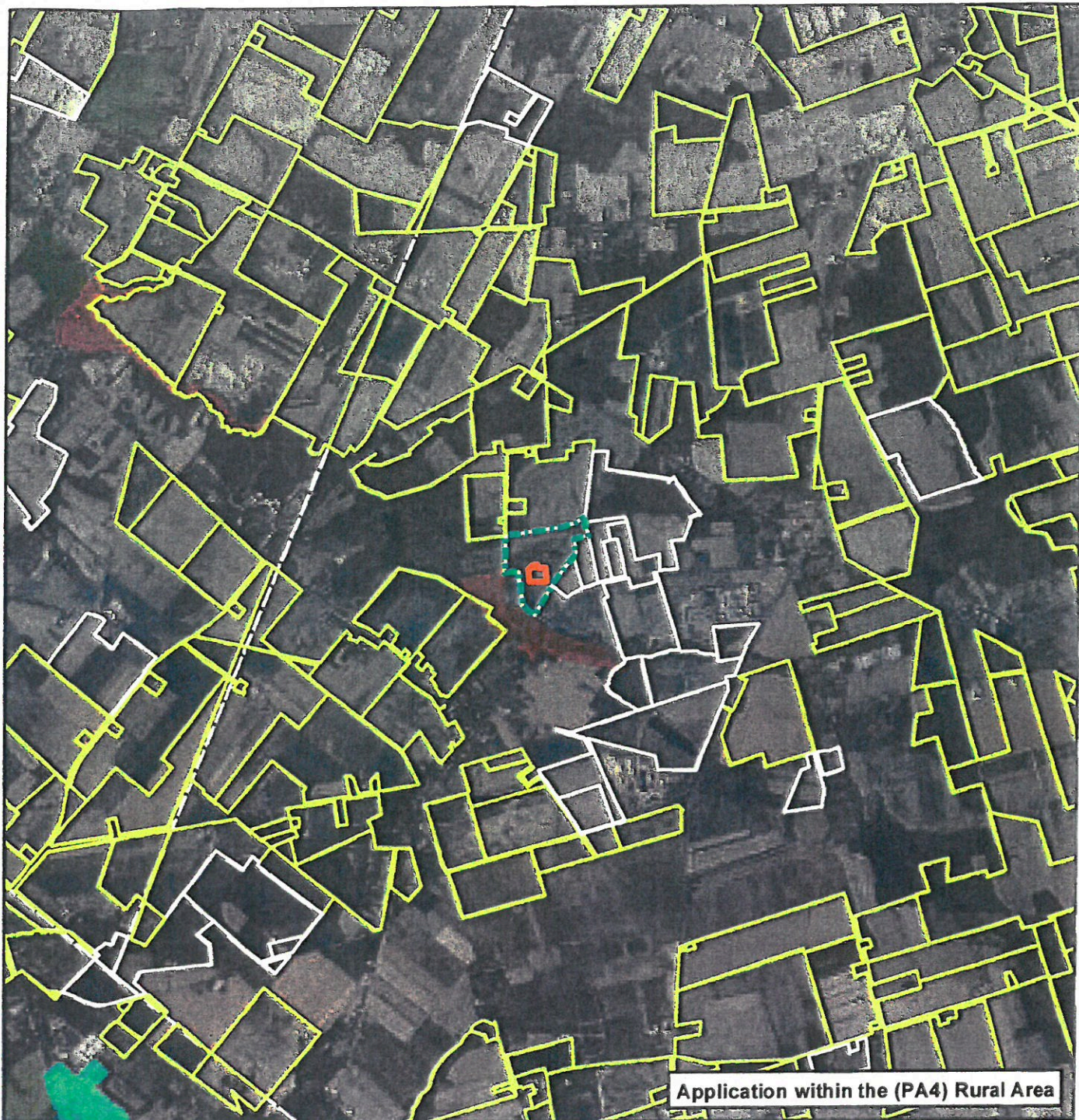
Susan E. Payne
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairwoman	YES
Thomas Stanuikynas, (rep. DCA Commissioner Richman)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Cecile Murphy (rep. NJDEP Commissioner Martin)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES

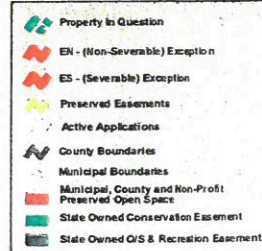
Preserved Farms and Active Applications Within Two Miles

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Steven and Timothy Brown
Block 61 Lots P/O 34.02 (47.84 ac);
& P/O 34.02-EN (non-severable exception - 3.21 ac)
Gross Total = 51.05 ac
Upper Pittsgrove Twp., Salem County

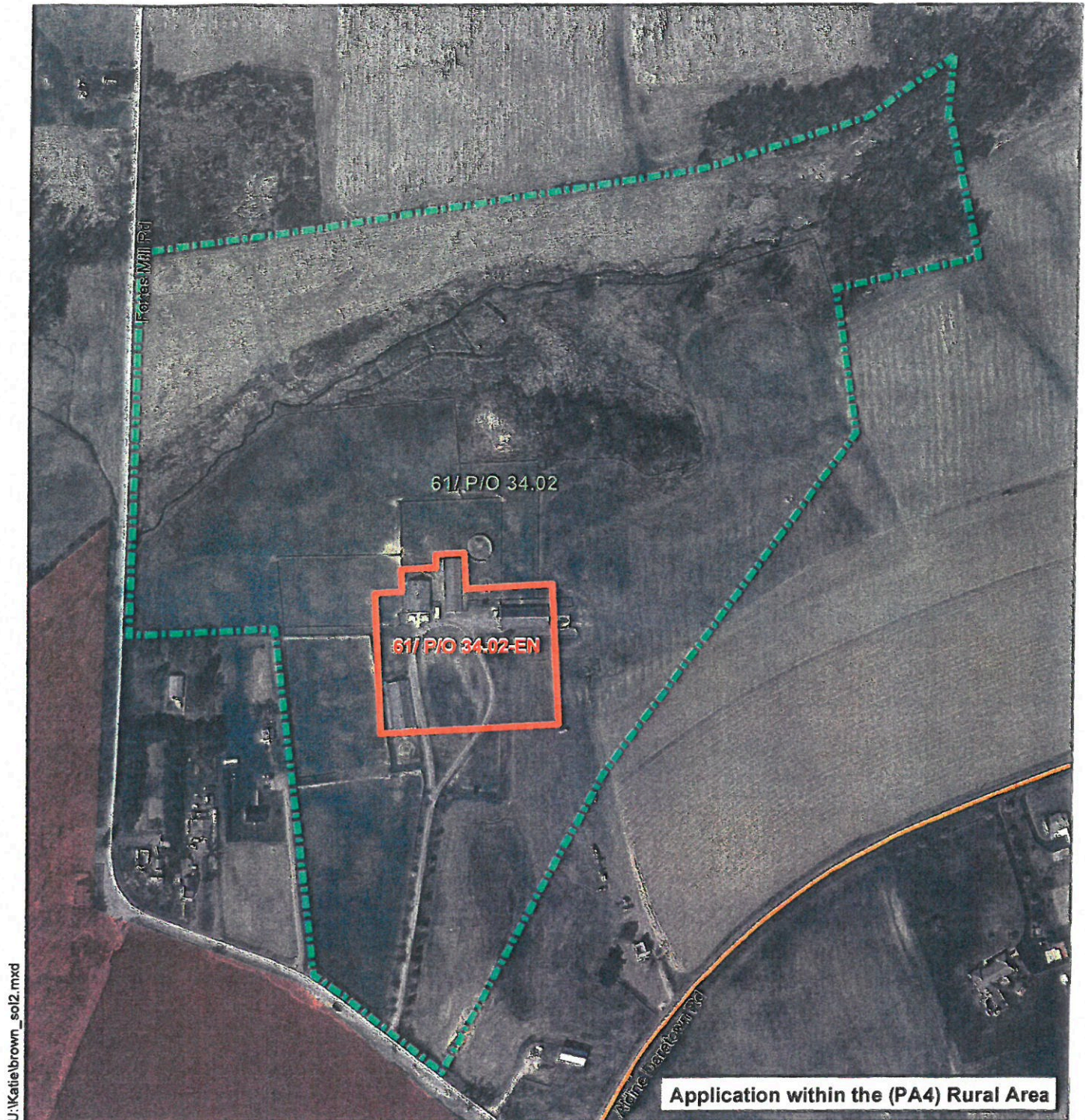


Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOT/OGIS 2012 Digital Aerial Image

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

January 13, 2016

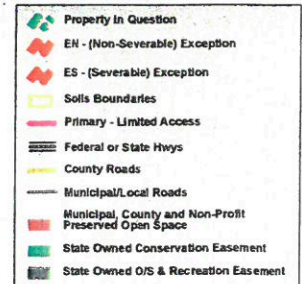
Project Map: Schedule A



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Steven and Timothy Brown
Block 61 Lots P/O 34.02 (47.84 ac);
& P/O 34.02-EN (non-severable exception - 3.21 ac)
Gross Total = 51.05 ac
Upper Pittsgrove Twp., Salem County

250 125 0 250 500 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:
NRCS - SSURGO 2013 Soil Data
Green Acres Conservation Easement Data
NJDOT Road Data
NJOT/OGIS 2012 Digital Aerial Image

January 13, 2016

Salem County

llag.state.nj.us/agsdata/sadc/Planning Incentive Grant -2007 rules County\Fund tracking\2013ctypigfinancialstatus.xls

SADC Final Review: Development Easement Purchase

Brown, Steven & Timothy
17- 0160-PG
County PIG Program
48 Acres

Block 61 Lot 34.02 Upper Pittsgrove Twp. Salem County

SOILS:	Other	30% *	0	=	.00
	Prime	59% *	.15	=	8.85
	Statewide	11% *	.1	=	1.10
SOIL SCORE:					9.95
TILLABLE SOILS:	Cropland Harvested	70% *	.15	=	10.50
	Other	26% *	0	=	.00
	Wetlands	4% *	0	=	.00
TILLABLE SOILS SCORE:					10.50
FARM USE:	Soybeans-Cash Grain	26 acres			
	Hay	7 acres			

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st (3.21) acres for future single family residential unit and flexibility of use
 - Exception is not to be severed from Premises
 - Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 - No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2017R4(4)

Review of Activities Occurring on Preserved Farm

Charles Plum Corporation

Laurita Winery

Violations of Special Occasion Events Legislation

April 28, 2017

WHEREAS, on July 2, 2014, P.L.2014, c. 16 was enacted allowing, under certain conditions, special occasion events (SOEs) at wineries located on farms preserved pursuant to the Agriculture Retention and Development Act (ARDA), N.J.S.A. 4:1C-11, et seq., and

WHEREAS, the legislation ("the preserved farm winery law"), which was codified at N.J.S.A. 4:1C-32.7 through 32.11, established, among other things, a 44-month pilot program during which SOEs could be held on preserved farm wineries; and

WHEREAS, the preserved farm winery law defines an SOE as a "wedding, lifetime milestone event or other cultural or social event as defined by the appropriate county agriculture development board and conducted pursuant to the requirements of N.J.S.A. 4:1C-32.8."; and

WHEREAS, N.J.S.A. 4:1C-32.8a.(5) requires that any SOE "complies with applicable municipal ordinances, resolutions, or regulations concerning litter, solid waste, and traffic and the protection of public health and safety;"

WHEREAS, on July 30, 2015, the Ocean County Agriculture Development Board ("OCADB" or "board") approved its definition of an SOE (Schedule "A") in a resolution expressly authorizing specifically-described activities within a main winery structure and/or adjacent patio area, and also requiring that the preserved farm winery complete a checklist for review and advanced approval by the OCADB, of proposed activities not contained in the resolution's specified list; and

WHEREAS, Laurita Winery (Laurita) operates a vineyard and winery on property owned by the Charles Plum Corporation and designated as Block 75, Lot 5.01 on the tax map of Plumsted Township, Ocean County ("the premises"); and

WHEREAS, the premises is preserved pursuant to ARDA by deed of easement from the Charles Plum Corporation to the OCADB dated November 30, 1993 and recorded December 16, 1993 in the Ocean County Clerk's Office in Deed Book 5120, Page 177; and

WHEREAS, at its March 9, 2016 meeting, the OCADB reviewed Laurita's request for an SOE called "Bacon Festival", scheduled to occur on April 30 and May 1, 2016, which included the use of a former agricultural barn on the premises that recently had been renovated for use as a dance barn for country line dancing as a component of the event, and which was described as a "multipurpose" barn in Laurita's application; and

WHEREAS, at its March 9, 2016 meeting, the OCADB inquired whether Plumsted Township ("the Township") had issued a certificate of occupancy for the barn identified in Laurita's application; and

WHEREAS, by letter dated April 7, 2016, Laurita's manager, Stephen Johnson, responded that the winery's architect and electrical contractor would be securing necessary use permits for the barn; and

WHEREAS, on June 23, 2016, the OCADB conducted its annual monitoring site visit of the premises accompanied by the Township construction official; and

WHEREAS, according to the OCADB staff's presentation at, and the minutes of, the board's August 10, 2016 meeting, the Township construction official, during the June 23, 2016 site visit, noted numerous gas and electrical service connections had been installed in the dance barn and at an outdoor grove stage area that had not been approved by his office and which are not part of Laurita's main winery building or adjacent patio area; and

WHEREAS, at its August 10, 2016 meeting, the OCADB reviewed requests for ten (10) SOEs to be held at Laurita, including events that would utilize the outdoor grove stage area for an "80's Dance Nite"; and

WHEREAS, at the August 10, 2016 meeting, the OCADB approved two (2) of the requested events (a "British Car Show" and "Girls' Night Out"), specifically denied the "80's Dance Night" event, and reserved decision on seven (7) events pending receipt of further information from Laurita related to areas being used for these activities and whether municipal approvals were in-place for use of the structures in those designated areas; and

WHEREAS, at the August 10, 2016 meeting, the OCADB also determined that it would not approve SOEs proposed by Laurita which occurred in or utilized areas of the premises which had not been reviewed and approved by the Township in advance; and

WHEREAS, Laurita's manager was in attendance at the board's August 10, 2016 meeting; and

WHEREAS, on August 19, 2016, Laurita hosted "80's Dance Night", utilizing the grove stage area; and

WHEREAS, on August 29, 2016, OCADB staff emailed Laurita's manager and reminded him that the "80's Dance Night" held on August 19, 2016 had been specifically denied by the board for lack of applicable municipal permits, and that the winery's calendar listed an identical dance night on September 2, 2016; and

WHEREAS, on September 2, 2016, Laurita held another dance night event utilizing the grove stage area; and

WHEREAS, from August 6, 2016 to October 2, 2016, and without obtaining approval from the OCADB, Laurita held five of the seven SOEs about which the OCADB had sought further information at its August 10, 2016 meeting; and

WHEREAS, on September 29, 2016, a permit for the gas connections to the grove stage area was approved by the Township; and

WHEREAS, on October 6, 2016, permits for the electrical connections to the grove stage area and dance barn were approved by the Township; and

WHEREAS, on October 7, 2016, Laurita submitted a permit application to the Township to utilize the dance barn for mercantile and arcade uses which would allow for public entry and sale of products from this barn; and

WHEREAS, at its October 12, 2016, meeting the OCADB reviewed requests by Laurita to host two "Food Truck festivals", one to take place on October 22 and 23, 2016, and the other to take place on November 12 and 13, 2016; and

WHEREAS, at the October 12, 2016 meeting, the board approved each "Food Truck festival" provided that use of the dance barn was prohibited unless a Uniform Construction Code (UCC) permit was issued by the municipality for the barn based on the use proposed by Laurita ; and

WHEREAS, on October 23 and 24, 2016, Laurita hosted "Food Truck festivals" and utilized the dance barn for line dancing activities; and

WHEREAS, on November 2, 2016, OCADB staff sent Laurita's owner and manager copies of the board's October 12, 2016 conditional approval of the "Food Truck festivals" and reiterated that use of the dance barn was prohibited until a proper permit for use of the building was issued by the Township; and

WHEREAS, on November 12 and 13, 2016, Laurita hosted "Food Truck festivals" and utilized the dance barn for line dancing activities; and

WHEREAS, on November 30, 2016, the board conducted a special hearing to discuss the facts of the events occurring at Laurita Winery; and

WHEREAS, Laurita's owners, Raymond Shea and Randy Johnson, and manager, Stephen Johnson, were present at the November 30, 2016, OCADB hearing; and

WHEREAS, according to the minutes of the November 30, 2016 OCADB meeting, Mr. Shea stated that, after receiving written guidance from municipal officials, Laurita would be withdrawing its mercantile use application for the dance barn, and that "use of the building [dance barn] will be amended to fall under S-2 use for permit public assembly"; and

WHEREAS, as a result of the hearing, the OCADB found that the "Dance Night" events held in the grove stage, and the "Food Truck festivals" which utilized the dance barn, violated the board's definition of an SOE regarding use of structures or areas of the premises that were not properly permitted by the Township; and

WHEREAS, on December 27, 2016, the OCADB forwarded its findings to the State Agriculture Development Committee (SADC) for appropriate action in accordance with the preserved farm winery law,

NOW THEREFORE BE IT RESOLVED, that having reviewed the record established by the OCADB, providing Laurita with notice and an opportunity to be heard, and incorporating the foregoing WHEREAS paragraphs herein by reference, the SADC concurs with the findings of the board that Laurita has violated the preserved farm winery law by holding events which were not in conformance with the board's definition of a SOE related to use of structures or areas of the preserved premises that were not properly permitted by the Township; and

BE IT FURTHER RESOLVED, that N.J.S.A. 4:1C-32.10a. provides that a winery in violation of the preserved winery law shall be liable to a civil penalty of up to \$1,000 for the first offense, up to \$2,000 for the second offense, or up to \$3,000 for a subsequent offense, to be collected in a civil action commenced by the SADC; and

BE IT FURTHER RESOLVED, that N.J.S.A. 4:1C-32.10b. provides that, for a second offense committed by the preserved farm winery, the SADC shall, after a hearing, suspend the owner or operator of the winery from conducting special occasion events for a period of up to six months; and

BE IT FURTHER RESOLVED, that the SADC finds Laurita Winery in violation of the preserved farm winery law, as a first offense, for hosting Dance Nights in the grove stage area on August 19 and September 2, 2016, contrary to N.J.S.A. 4:1C-32.8a.(5); and

BE IT FURTHER RESOLVED, that the SADC finds Laurita in violation of the preserved farm winery law, as a second offense, for hosting Food Truck festivals utilizing the Dance Barn on October 23-24, 2016 and November 12-13, 2016, contrary to N.J.S.A. 4:1C-32.8a.(5); and

BE IT FURTHER RESOLVED, that the SADC authorizes the Executive Director, through the Office of the Attorney General, to proceed with a penalty enforcement action in the Superior Court pursuant to N.J.S.A. 4:1C-32.10; and

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

4/28/17

DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairwoman	YES
Thomas Stanuikynas, (rep. DCA Commissioner Richman)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Cecile Murphy (rep. NJDEP Commissioner Martin)	YES
Jane Brodhecker	YES
Alan Danser, Vice Chairman	YES
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Waltman	YES