

STATE AGRICULTURE DEVELOPMENT COMMITTEE

Regular Meeting

June 27, 2024

Secretary Wengryn called the meeting to order at 9:06 a.m.

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

Roll call indicated the following:

Members Present

Secretary Wengryn, Chairman
Martin Bullock
Scott Ellis
Rich Norz
Gina Fischetti
Julie Krause
Lauren Procida

Members Absent

Pete Johnson
Charles Rosen
Brian Schilling
Tiffany Bohlin

Charles Roohr, SADC Deputy Executive Director
Jay Stypinski, Esq.,

Minutes

Approval of SADC Open and Closed Session Minutes of May 23, 2024.

It was moved by Mr. Ellis and seconded by Mr. Bullock to approve the SADC Meeting of May 23, 2024. Mr. Norz abstained from the vote. The motion was approved.

Report of the Chairman

Secretary Wengryn stated the search committee for the new Executive Director is

being finalized and a job description will be released in the near future. He also noted he is nearly finished with the meetings with the County Boards of Agriculture and has begun meeting with the commodity groups.

Report of the Deputy Executive Director

Mr. Roohr stated staff has begun the Statewide Formula Value (SFV) outreach with CADBs which should conclude by the end of August. The meetings have been productive, and he encouraged members to attend when possible. He also noted the Next Gen Farmer staff has begun meeting with various organizations to research the needs of new farmers, assisting with the Land Link service and offering guidance on programs available for both new and established farmers.

Mr. Roohr reviewed the top priorities the agency will focus on while the search for the new Executive Director is underway, which includes continued outreach on the SFV, the adoption of the soil protection standards, submitting the special occasion events (SOE) report, addressing pending litigation and finalizing the budget and appropriations for FY 2025.

Mr. Norz asked for the SFV consultant to provide a progress report on its research and have the Future Program subcommittee reconvene during the summer months.

Public Comment

Bill Fox, Ocean County, suggested the SADC be more tolerant of activities that can occur on a farm if it does not affect production so the ag community can take advantage of ag tourism opportunities.

Dan Watkins, GreenCell Farms, agreed with Mr. Fox's comments and encouraged the SADC to do more in the development of innovative agriculture.

Patricia Springwell, Hunterdon County, stated preserved farms and their fertile soils need to be protected by the SADC and production should be the primary goal of preserved farm owners.

Old Business

A. Stewardship

1. Resolution: Review of Activities

Drake Farm, SADC ID# 21-0205-EP, Block 203, Lot 1, Allamuchy Twp., Warren Co.

Mr. Willmott noted that at the May meeting staff reported on activities occurring on this preserved farm, including nonagricultural trucking operations by third parties on the premises. Based on the committee's discussion at last month's meeting, staff prepared a resolution finding the farm in violation for the parking of the trucks, using the garage on the property for truck repairs, and other nonagricultural trucking operations. Staff's recommendation is to grant approval.

It was moved by Mr. Ellis and seconded by Ms. Krause to approve Resolution FY2024R6(1) granting final approval, as presented, subject to any condition of said resolution.

Drake Farm, SADC ID# 21-0205-EP, FY2024R6(1), Allamuchy Township, Warren County, Block 203, Lot 1.

The motion was unanimously approved. A copy of Resolution FY2024R6(1) is attached to and a part of these minutes.

New Business

A. Stewardship

1. Resolution: Special Occasion Events

Fitz Farm, LLC, SADC ID# 10-0255-DE, Block 5, Lot 1, Alexandria Twp., Hunterdon Co.

Mr. Kimmel stated the farm was preserved in 2019 and reviewed the application for one SOE on the premises, where a portion of the preserved area will be used for temporary parking.

Mr. Kimmel reviewed the parameters of the SOE law with the committee and stated all requirements have been met, the farm is in compliance with the DOE, and staff's recommendation is to grant approval.

It was moved by Mr. Norz and seconded by Mr. Bullock to approve Resolution FY2024R6(2) granting final approval, as presented, subject to any condition of said resolution.

Fitz Farm, LLC, SADC ID# 10-0255-DE, FY2024R6(2), Alexandria Township, Hunterdon County, Block 5, Lot 1.

The motion was unanimously approved. A copy of Resolution FY2024R6(2) is attached to and a part of these minutes.

2. Review of Activities

NOTE: Mr. Bullock recused from this discussion.

Rustic River, SADC ID# 13-0012-EP, Block 51, Lot 8.02, Upper Freehold Twp., Monmouth Co.

Mr. Willmott reviewed potential deed of easement (DOE) violations.

The 78-acre farm was preserved in 1992 by the Monmouth CADB, has one single family residence, one agricultural labor unit, no RDSOs, no exception areas and no pre-existing non-agricultural uses.

The premises is improved with the single-family residence, a barn, multiple equine stables, equine pastures, a recently constructed riding arena, and currently operates in pasture and hay. The farm is operated by Eugene and Carol Ann Nieratko (Tenants) who would like to hold rodeo events on the farm, conduct weddings and use the residential unit for short term rentals. Mr. Nieratko specializes in training quarter horses for competitions and offers boarding services, competitive riding lessons and holds rodeo events on another nearby preserved farm property on which he is also the tenant farmer.

Mr. Willmott stated the tenants constructed an approximately one-acre riding arena on the preserved premises in Spring 2024 to be used for competitive rodeo shows. The area was graded, including substantial excavations into the hill slope, and the arena was surfaced with footings suitable for rodeos. The shows were prohibited by order of Upper Freehold Township due to tenants' failure to obtain the necessary approvals, some of which were related to public health and safety.

Staff reviewed the equine production of the tenants who currently have 16 horses located on the premises and an additional 130 animals located on the nearby farm property. Mr. Nieratko owns approximately 60% of the horses, with the remaining horses owned by boarders, and he provided proof of production with bills of sale for horses, bulls and calves. Mr. Nieratko explained these competitions allow him to market his horses.

Staff has DOE concerns regarding the construction of the riding arena and the relationship between the rodeos and marketing agricultural output. Staff is also concerned that the facilities were constructed without an engineered plan, conservation plan, or soil erosion and sediment control plan, and thus the farm may be in violation of paragraph 7. There are also concerns about the impacts of

the grading of an 18-acre front field. Further investigation is needed regarding the DOE concerns and will be discussed with the committee at a later date.

Mr. Willmott stated rodeos can be eligible for RTF protection if they are related to the marketing of the horses that are raised and are in compliance with municipal requirements.

Mr. Willmott stated the SADC dealt with a similar operation and found that the use of the premises to host shows was an approved method of marketing the output of the farm and set certain parameters related to the shows. Staff is seeking committee guidance regarding the permissibility of a rodeo on a preserved farm and if it is considered the marketing of the output. If so, what parameters and requirements, if any, would the committee apply to the scope and scale of the events.

After discussion, the committee agreed a rodeo may qualify as marketing the output of the farm and directed staff to collect additional information and data and provide recommendations to the committee to set parameters and requirements for these events.

Mr. Nieratko addressed the committee and explained the rodeo events are the main marketing tool to showcase the horses and cattle he has trained. He stated he does not make a profit from the actual rodeo, but showing the livestock at these events does increase their worth. He strongly believes rodeos are a farming activity and should be permissible on preserved farms.

Mr. Norz thanked Mr. Nieratko for his input and explained the committee must be able to tie the production of the farm to these events and appreciates his willingness to provide the necessary information to make that decision.

Mr. DelRiccio, attorney for neighbors of the farm, stated the DOE stresses the production of an agricultural product and agricultural use, and his clients do not feel this operation is in compliance with those requirements.

Bill Fox, Ocean County, commended the SADC on the discussion that has taken place today and its willingness to be open to this concept. Mr. Fox urged the committee to increase its support of farmers with RTF issues and to take a stronger stance when municipalities challenge their operations.

Ms. Voigt, attorney for Princeton Show Jumping, stated that the sport horse industry depends on competitive shows to not only market its products, but also to train, and training is an express form of agricultural production. Ms. Voigt

encouraged the SADC not to overlook the training component offered in these shows.

The committee directed staff to collect additional information and provide recommendations to the committee at a future meeting.

B. Resolution: Final Approval- Municipal PIG Program

Ms. Roberts referred the committee to a request for final approval for the Municipal PIG program. She reviewed the specifics of the request with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Bullock and seconded by Mr. Ellis to approve Resolution FY2024R6(3) granting final approval, as presented, subject to any condition of said resolution.

1. Martorana, Zachary N. and Kristina M., SADC ID# 08-0229-PG, FY2024R6(3), Block 5901, Lots 8, 79.01, 92, 93, 94, 95 and 96, Franklin Township, Gloucester County, 138.7 gross acres.

The motion was unanimously approved. A copy of Resolution FY2024R6(3) is attached to and a part of these minutes.

C. Resolutions: Final Approval – State Acquisition Programs

Ms. Roberts, Mr. Zaback and Ms. Mazzella referred the committee to three requests for final approval for the State Acquisition Program. They reviewed the specifics of the requests with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Norz and seconded by Mr. Fischetti to approve Resolutions FY2024R6(4) through FY2024R6(6) granting final approval, as presented, subject to any condition of said resolution.

1. Bradley Family, LP, SADC ID# 03-0044-FS, FY2024R6(4), Block 25, Lot 1 and Block 30, Lot 3, Mansfield Township, Burlington County, 85.5 gross acres.
2. Luksza Living Trust, SADC ID# 10-0298-DE, FY2024R6(5), Block 3, Lot 12, Delaware Township, Hunterdon County, 81.1 gross acres.

3. Crumb, Jr., William and Stephanie, SADC ID# 17-0378-DE, FY2024R6(6), Block 19, Lot 3, Mannington Township, Salem County, 84.2 gross acres.

The motion was unanimously approved. A copy of Resolution FY2024R6(4) through FY2024R6(6) are attached to and a part of these minutes.

Public Comment

Patricia Springwell, Hunterdon County, urged the committee to form the subcommittee to establish a restriction on house sizes on preserved farms.

CLOSED SESSION

At 11:20 a.m. Mr. Roohr read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss the certification of value under the county incentive grant program for the purchase of a development easement in Freehold Township, Monmouth County; to review with counsel the status of the Van Doren and Quaker Valley Farms lawsuits and anticipated litigation involving Canka Farms; and to discuss any other matters under N.J.S.A. 10:4-12(b) that arose during the public portion of the meeting. The minutes of such meeting shall remain confidential until the Committee determines that the need for confidentiality no longer exists.

It was moved by Mr. Norz and seconded by Ms. Ellis to go into closed session. The motion was unanimously approved.

Action as a Result of Closed Session

Real Estate Matter – Certification of Value

It was moved by Mr. Ellis and seconded by Mr. Norz to approve the certification of value for the Homestead Reid Partnership farm as discussed in closed session. Mr. Bullock recused. The motion was approved.

Litigation

- a. SADC v. Van Doren, Hunterdon Co., Docket No. C-13047-21

It was moved by Mr. Bullock and seconded by Ms. Krause to file a motion to enforce the settlement agreement as discussed in closed session. The motion was approved.

Mr. Ellis asked what the process will be for the selection of a new Executive Director. Secretary Wengryn stated the search committee is being formed and pending approval by the Governor's office. Mr. Ellis asked if the by-laws specify the process for the selection. Secretary Wengryn stated the by-laws provide a search committee will make a recommendation to the board and the full board will vote. He also stated this process will be modeled after the processes used in the past.

ADJOURNMENT

The meeting was adjourned at 1:01 p.m.

Respectfully Submitted,



Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2024R6(1)**

Review of Activities Occurring on Preserved Farm

June 27, 2024

Subject Property:

Drake Farm

Block 203, Lot 1

Allamuchy Township, Warren County

96 Easement Acres

SADC ID#21-0205-EP

(Original SADC ID#21-0009-EP)

WHEREAS, Dale Drake, Betty Drake, and Keith Drake, hereinafter "Owners", are the record owners of Block 203, Lot 1, in the Township of Allamuchy, Warren County, by deed dated October 27, 2011, and recorded on November 21, 2011 in the Warren County Clerk's Office in Deed Book 2399, Page 59, totaling 96 acres, hereinafter referred to as the "Premises" (as shown in Schedules "A" and "B"); and

WHEREAS, by Deed of Easement dated December 21, 1993, and recorded on December 22, 1993 in the Warren County Clerk's Office in Deed Book 1347, Page 151, James C. Gibbs conveyed a development easement on the Premises to the Warren County Board of Chosen Freeholders pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq., totaling 431.85 easement acres; and

WHEREAS, the farm has been divided several times since the conveyance of the development easement; and

WHEREAS, by Resolution #FY03R9(28) dated September 26, 2002, the SADC approved the division creating the Premises; and

WHEREAS, the Deed of Easement identifies one (1) single family residence, two (2) agricultural labor units, no Residual Dwelling Site Opportunity (RDSO), no exception area, and no pre-existing non-agricultural uses on the Premises; and

WHEREAS, the Owners farm the Premises, of which approximately 75 acres are in hay and grain production; and

WHEREAS, the Owners own another preserved farm nearby which they farm in dairy, poultry, hay and grain production; and

WHEREAS, structures currently existing on the Premises are 1 single-family residence, 1 ag labor residence, and a green metal garage; and

WHEREAS, in August 2021, Allamuchy Township filed a municipal court complaint alleging that, in violation of local zoning, the Owners failed to remove parked commercial vehicles on the Premises that did not belong to them; and

WHEREAS, the complaint was transferred to Belvidere municipal court; and

WHEREAS, on July 13, 2023, following several adjournments, the court transferred the complaint to the Warren County Agriculture Development Board (WCADB or board) pursuant to the Right to Farm Act (RTFA); and

WHEREAS, on July 26, 2023, Allamuchy Township filed a Right to Farm complaint with the WCADB alleging: (1) the parking and storage of trucks, construction vehicles, trailers and shipping containers not related to farming on the property, and (2) the use of an accessory building for automotive maintenance and repairs by the Owners or third parties on vehicles unrelated to farming on the property (as shown in Schedule "C"); and

WHEREAS, on August 8, 2023, Keith Drake submitted to the board a site specific agricultural management (SSAMP) application seeking approval "to park trucks on the designated site which trucks are used for the operation of the farm" (as shown in Schedule "D"); and

WHEREAS, on September 21, 2023, the WCADB determined that the Premises was a "commercial farm" in accordance with the RTFA but deferred consideration of the SSAMP application to allow Drake and Allamuchy Township to mediate their dispute under the SADC's agricultural mediation program; and

WHEREAS, on October 10, 2023, the WCADB conducted a site visit in order to determine whether DOE violations existed on the preserved Premises before allowing the mediation to proceed and before any further consideration of the SSAMP application ; and

WHEREAS, the site visit was attended by the WCADB administrator, two board members, and Keith Drake; and

WHEREAS, at the site visit, multiple trucks and trailers along with other equipment and materials were observed on the Premises; and

WHEREAS, according to Mr. Drake, three trailers were owned by the farm, and all other equipment and trailers were non-farm related and owned by Mr. Drake's cousin, Mike Miller (as shown in Schedule "E"); and

WHEREAS, Mr. Drake was unable to provide access to inspect the interior of the green metal garage, but indicated that the garage was used by Mr. Miller for his business; and

WHEREAS, as a result of the site visit, the WCADB determined, at its November 16, 2023 meeting, that nonagricultural uses existed on the Premises in violation of the DOE due to the presence of the trucks, trailers and other equipment and materials used for non-agricultural purposes; and

WHEREAS, on November 28, 2023, the WCADB issued a Notice of Violation (NOV) to Keith Drake (as shown in Schedule "F"); and

WHEREAS, SADC staff determined that the matter was ineligible for SADC's agricultural mediation program due to the alleged DOE violations, and so advised the Owners and township in an email on December 11, 2023; and

WHEREAS, in December 2023, WCADB staff advised the parties that a resolution denying the SSAMP application would be considered by the board at its January 2024 meeting unless the RME application was submitted to the SADC; and

WHEREAS, a short time prior to the board convening its January 18, 2024 meeting, township counsel provided to the board an additional photograph depicting truck washing occurring on the Premises (as shown in Schedule "G"); and

WHEREAS, at its January 18, 2024 meeting, the WCADB denied the SSAMP application, determining that the Owners were in violation of the DOE and the Agriculture Retention and Development Act and, therefore, ineligible for RTFA protection (as shown in Schedule "H"); and

WHEREAS, the WCADB resolution recites that, after the board's site visit, staff advised Keith Drake that while his cousin's use of the garage and surrounding area for non-agricultural purposes was a potential DOE violation, the use might qualify as a rural microenterprise (RME) and provided him with an RME application; and

WHEREAS, on March 4, 2024, the Owners appealed the board's SSAMP denial to the SADC; and

WHEREAS, on April 23, 2024, the SADC conducted a site visit with WCADB staff to investigate the matter; and

WHEREAS, the April 23, 2024 site visit reflected the following:

1. Keith Drake was present at the site visit.

2. A person who identified himself as an employee was working on a tri-axle truck registered to MDLC Services, LLC just outside the equipment maintenance garage, as shown in Schedules "I" and "J".
3. The interior of the garage was inspected and contained a bathroom, vehicle maintenance equipment, vehicle parts, truck seats, and trucking-themed decor (posters, flags, and a calendar) as shown in Schedule "I".
4. No trucks were inside the garage at the time, but the primary use appeared to be vehicle maintenance and repair.
5. An approximately one-acre area in the original farmstead had been surfaced with asphalt millings. Based upon on-site observations and aerial imagery, the area has been used to park trucks, trailers, and equipment dating back to at least 2020, as shown in Schedules "I" and "J".
6. During the site visit, two trucks registered to MDLC Services, LLC were observed. According to the Federal Motor Carrier Safety Administration (FMCSA) website, cargo carried by MDLC Services, LLC, potentially include both agricultural and non-agricultural items such as: general freight, building materials, fresh produce, grain, feed, hay, meat, refrigerated food, beverages, paper products, and agricultural/farm supplies.
7. A pick-up truck, semi-truck, and two semi-trailers with equipment belonging to Lombardo Excavating were observed. According to the FMCSA website, cargo carried by the excavating company are non-agricultural: metal: sheets, coils, rolls, building materials, machinery, large objects, utilities, and construction.
8. Six (6) Semi-trailers and a shipping container were parked in the area as shown in Schedule "I".
9. A dumpster containing scrap metal was observed as shown in Schedule "I".
10. Piles of wood, soil and stone were observed near the old farmhouse and in the farmstead area as shown in Schedules "I" and "J".

WHEREAS, at the April 23, 2024, site visit, Keith Drake stated that:

1. The new section of the garage building is approximately 4 years old.
2. The trucks belong to his cousin (Mike Miller) who helps him haul his agricultural output.
3. The garage is used for maintenance of his cousin's trucks and farm equipment.

4. He would not open the semi-trailers and shipping container for inspection.
5. Lombardo Excavating was parking on the Premises because the company was working on a waterway.

WHEREAS, upon review of the WCADB site inspection photos from October 10, 2023, an additional commercial vehicle, belonging to Warren County Trucking, LLC, was observed parked on the Premises. According to the FMCSA website, this entity hauls mulch and soil; and


WHEREAS, the Owner has not submitted an RME application to the SADC; and
WHEREAS, at its May 23, 2024, meeting the Committee reviewed the activities occurring of the Premises as set forth above.

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC finds , based on on-site observations, a review of FMCSA records of the trucks parked on the Premises that do not belong to the Owners but are in the names of other active commercial, non-agricultural businesses; historical aerial imagery showing trucks, trailers, and excavation equipment parked in the area around the garage; and WCADB site visit photos and the board's November 28, 2023 violation notice, that:
areas of the Premises are used for nonagricultural trucking operations, including the equipment maintenance garage. As a result of those findings, the SADC determines that:
 - (a) The above-noted areas have been developed and adapted for nonagricultural uses and have not been retained for agriculture; and
 - (b) The activities and property conditions described above are detrimental to the continued agricultural use of the Premises in violation of DOE paragraphs 1, 2, 3 and 7.
3. The SADC determines, based on the finding set forth in paragraph 2(b), that:
 - (a) The Drake farm is currently in violation of SADC regulations set forth in N.J.A.C. 2:76-6.15(a)1, 2, 3 and 7;
 - (b) The Drake farm is ineligible, at this time, for protection under the RTFA which, at N.J.S.A. 4:1C-9, requires compliance with relevant state laws and regulations;
 - (c) The March 4, 2024 appeal of the WCADB's denial of Drake's SSAMP application will not be forwarded to the Office of Administrative Law.

4. The SADC authorizes legal proceedings to be initiated through the Office of the Attorney General, as necessary, to enforce the Deed of Easement.
5. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
6. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

06/27/2024
DATE



Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	ABSENT
Rich Norz	YES
Charles Rosen	ABSENT
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	ABSENT
Edward D. Wengryn, Chairperson	YES

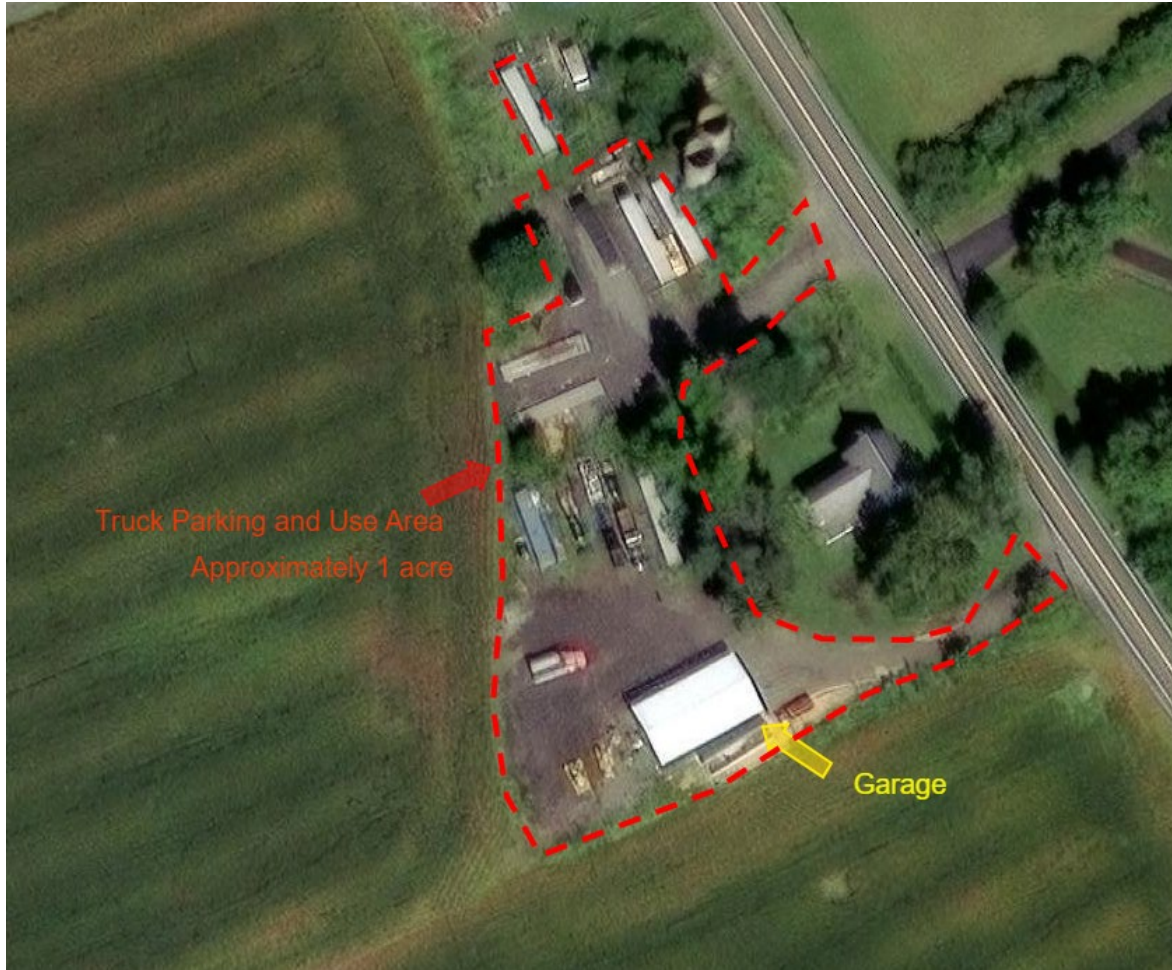
SCHEDULE "A"

Premises



SCHEDULE "B"

2023 Aerial



SCHEDULE "C"

Warren County Agriculture Development Board

The Department of Land Preservation
500 Mt Pisgah Ave
P.O. Box 179
Oxford, NJ 07863

REQUEST FOR FORMAL CONFLICT RESOLUTION

NAME OF COMPLAINANT: Township of Allamuchy
ADDRESS OF COMPLAINANT: P.O. Box A
Allamuchy, NJ 07820

1. I hereby certify that I am (one of) the owner(s)/operator(s) of the above referenced property and request that the Warren County Agriculture Development Board ("Board") formally resolve the following conflict:

2. **Complaint**

Please explain the nature of the problem and provide the address and block and lots of property complaint is against:

Please see attached Rider.

(Please continue on additional sheet if necessary)

Please explain the resolution you are seeking through this application:

The Township seeks a resolution or agreement specifying the permitted and prohibited activities on the property, and requiring the owner to cease the prohibited activities.

(Please continue on additional sheet if necessary)

3. **Procedural History:**

Has this matter been heard by any other agency, municipality, or court? ___ Yes No

If yes, please indicate before which body it was heard and on what date:

There was no hearing, but this matter was previously pending in municipal court. The Township Zoning Officer issued a municipal court summons dated August 30, 2021, and the matter was transferred to the Belvidere Municipal Court. The Belvidere Municipal Court adjourned the matter on numerous occasions, and ultimately on July 13, 2023 transferred jurisdiction to the Warren County Agricultural Development Board.

(Please continue on additional sheet if necessary)

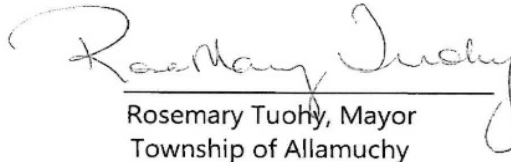
What was the outcome of these hearings?

N/A

(Please continue on additional sheet if necessary)

Pursuant to the New Jersey Right to Farm Act, N.J.S.A. 4:1C-1 et seq, the Warren County Agriculture Development Board (CADB) can hold public hearings and issue findings and recommendations on disputes between commercial farm operators and persons who are aggrieved by farm operations.

DATED: July 25, 2023


Rosemary Tuohy, Mayor
Township of Allamuchy

Upon Completion, Mail this Application to:

**Warren County Agriculture Development Board
C/O Department of Land Preservation
500 Mt. Pisgah Ave.
P.O. Box 179
Oxford, NJ 07863
Ph. (908) 453-2650
Fx. (908) 453-3150**

Rider

2. Complaint.

Property: Block 203, Lot 1, a/k/a 29 Long Bridge Road, Great Meadows (Allamuchy Township)

The property is being used in part for activities that are not protected by the Right to Farm Act, including but not limited to: (a) The parking and storage of numerous vehicles, including trucks, construction vehicles, trailers and shipping containers not related to farming on the property, and (b) the use of an accessory building for automotive maintenance and repair by the owner or third parties on vehicles not related to farming on the property.

These activities have been ongoing for several years. On June 23, 2021, in response to complaints from members of the public, the Township Zoning Officer toured the property with owner, Keith Drake, and viewed these conditions. The Zoning Officer wrote to owner, Keith Drake on July 7, 2021 explaining that the above does not comply with the Township Land Development Ordinance. Mr. Drake wrote a letter to the Township dated July 26, 2021 in which he stated that the number of trailers and trucks would be reduced. He also stated in that letter that while the accessory building is used for storing farm equipment, it is also used for washing, waxing and servicing vehicles, and that sometimes other mechanics are brought in.

These conditions have not been abated. The above are not permitted uses in the Rural Residential ("RR") Zone under Section 190-405 of the Township Land Development Ordinance. In addition, the property is preserved farmland for which Warren County contributed a portion of the purchase price, and the uses violate the Deed of Easement between the owners and the Warren County Board of Chosen Freeholders, which restricts the use of the property to agricultural uses.

Copies of the letters and other documents referred to above are attached, as well as photos of the conditions at the property.

Shelbourne at Hunterdon
53 Frontage Road Suite 110
Hampton New Jersey 08827
Main: 877 627 3772



July 7, 2021

Keith Drake
475 Shades of Death Road
Great Meadows, NJ 07838

Trailers and Other Vehicles
Lot 1, Block 203
Long Bridge Road, Allamuchy Township
Colliers Engineering & Design Project No. ALT-001

Dear Mr. Drake:

I wanted to thank you for taking time out of your busy schedule on June 23, 2021 to meet me to review the various vehicles, storage containers, and trailers that are currently being stored on Lot 1 in Block 203 immediately to the rear of the two (2) residential structures that are located along Long Bridge Road, including the structure that you denoted as the "tenant home" and the structure that is boarded and currently not occupied.

As was indicated to you when we met, the municipality has been receiving complaints from a concerned resident pertaining to the area adjacent to the two (2) residential structures as follows:

1. The use of the area behind the two (2) residential structures for the parking and storage of trailers and containers that are not related to farming on the property.
2. Noise that is generated when trucks go to the site to retrieve tractor trailers for use elsewhere.
3. The use of the green accessory building for automotive maintenance by others, frequently on weekends.

Based upon the information you provided me vs. provisions in Section 190-405E(8) of the Land Development Ordinance relative to the parking of commercial vehicles in the Rural Residential (RR) District, the use of the property for the parking and storage of trailers is not permitted in the zone district. As such, these vehicles need to be removed from the site including, but not limited to: the so called "Reefer" trailer, the 429 trailer, the so called "T trailer", and the 430 trailer. In addition, the yellow construction vehicle that was loaned to you for the recent building construction and the abandoned mini-van must also be removed from the site as well.

All of the vehicles referenced above shall be removed from Lot 1 in Block 203 on or before the close of business on Friday, August 6, 2021.

The area of the site that is the subject of the complaint also contains a number of construction vehicles including a Lombardo Excavating Flatbed trailer vehicle, a second flatbed trailer owned by Michael Miller, a bulldozer that is not operable and needs to be repaired, a Bobcat owned by Michael Miller, and a trailer brought in by the Drake family to remove debris from a previous building demolition project. While construction equipment associated with on-site construction

Maser Consulting is now Colliers Engineering & Design

Accelerating success. —————



activities is permitted under Section 405E(8), there seems to be very little movement on your part on removing various debris from the demolition project and materials that were dumped by others. Please provide in a response to this letter a schedule for the completion of the remaining clean-up work in this area of the site with the above noted vehicles, including a completion date of the work and the date the various construction vehicles will be removed from the site. Please provide this response on or before the close of business on Friday, July 16, 2021.

I trust that you will be responsive to this letter and address the zoning non-compliance noted above and provide a timetable for the completion of construction activities.

If you have any questions on this matter, please do not hesitate to call me.

Sincerely,

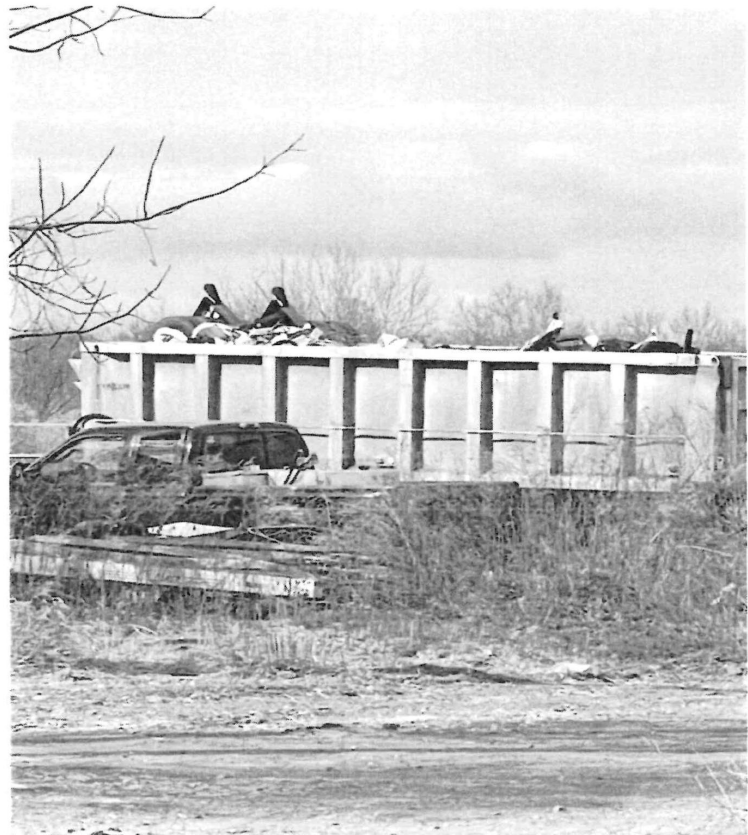
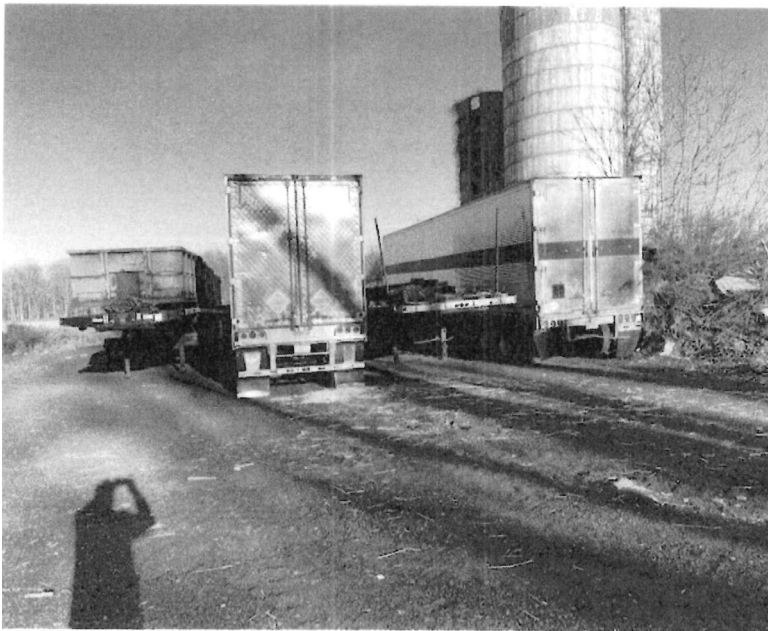
Colliers Engineering & Design

A handwritten signature in black ink, appearing to read "P. Sterbenz".

Paul M. Sterbenz, PE, PP, CME, CPWM
Township Engineer/Zoning Officer

CC: Mayor and Council (to be distributed by the Township Clerk)
Anne Marie Tracy, RMC, Township Clerk/Administrator
Edward Wacks, Esq., Township Attorney
Richard Bellin, Esq.

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RECEIVED

JUL 26 2021

BY: ANT

To whom it may concern

In reference to the July 17th letter, T.J. Weber trucking has been removed from the property which will reduce 3 trailers and 1 truck.

John Lombardo excavating will continue to clean up and park on property to deter any more dumping. Logs, brush, Lawn-mower waste and other scrap.

M.D.L.C. will continue as well some of trailers are loaded on premise as well. The green building is used as shop for farm equipment as well as washing, waxing, servicing. Mechanical's. Sometime submechanic's are brought in.

Submitted by
Keith Duake

Are any of the activities on the farm being disputed by neighboring property owners, the municipality or any other party? Yes No

If so, please provide further details:

The parking of trucks is prohibited in the zone where this property is located

Is the matter pending before a court? Yes No

If so, please provide further details about the proceedings including court dates, docket #, etc.

~~The matter is pending in the Joint Municipal Court of Belvidere where the applicant has been cited for the activities set forth herein. The applicant has been cited for parking the required trucks on the property which is the subject of this application. The matter has had several court dates and the next court date will be assigned after this matter is heard.~~

No longer pending in Mun Ct -> transferred to ADRB

Has the matter been decided by a court? Yes No

If so, please provide further details including date of decision, how the court ruled, and status of appeal, if applicable.

Would you be willing to participate in a free, voluntary mediation program that could help resolve the conflict? Yes No Please refer to RTF Program Info for more information.

Is there another reason that you are seeking an SSAMP Recommendation from the Warren County Agriculture Development Board?

No.

Does the farm have a conservation plan prepared by the USDA-Natural Resources Conservation Service (NRCS)? Yes No

If yes, are you willing to provide a copy of the plan to the WCADB? Yes No

Are you working with any other government agencies regarding the current or proposed activities on your farm (such as the NJ Department of Environmental Protection, NJ Department of Transportation, NJ Department of Agriculture, or Warren County Department of Engineering)?

If so, please explain:

No

Please return this request with the following documents not already covered in Part 1 (check as attached):

<input type="checkbox"/>	Site plans related to proposed new structures
<input type="checkbox"/>	USDA-NRCS Conservation Plan (if one exists and you choose to submit)
<input type="checkbox"/>	Animal waste management plan (if relevant)
<input type="checkbox"/>	Forest Management Plan (if relevant)

8/6/23
Date

Keith A Drake
Applicant Signature

SCHEDULE "E" (WCADB Site Visit Photos)





SCHEDULE "F"

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

DEPARTMENT OF LAND PRESERVATION
500 MT. PISGAH AVE.
P.O. BOX 179
OXFORD, NJ 07863



JOEL SCHNETZER, CHAIR
RENE MATHEZ, VICE-CHAIR

COREY TIERNEY, ADMINISTRATOR
Phone: (908) 475-7750
ctierney@co.warren.nj.us

November 28, 2023

Keith Drake
475 Shades of Death Road
Great Meadows, NJ 07838

**Re: Notice of Violation – Farmland Preservation Deed of Easement Restrictions
29 Long Bridge Road (Block 203 Lot 1, Allamuchy Township)**

Mr. Drake,

The Warren County Agriculture Development Board (CADB) has determined that certain activities on your above referenced farm violate the Farmland Preservation Deed of Easement Restrictions, a copy of which is enclosed. During inspection of the site on Monday, October 10, 2023, multiple trucks and trailers (photos enclosed), along with other equipment and materials, were observed on the farm which you indicated are owned by your cousin and not used for agricultural purposes on the subject farm. The CADB has determined that your cousin's trucks, trailers, equipment, and materials are a non-agricultural use prohibited by the farmland preservation deed restrictions.

However, since this farm was preserved prior to 2006 without an exception area, it may be eligible for a Rural Microenterprise Permit from the State Agriculture Development Committee (SADC). To apply for this permit, you must submit an application directly to the SADC. For more information, please visit www.nj.gov/agriculture/sadc/farmpreserve/postpres/ or call (609)-984-2504 to speak with SADC Stewardship Program staff.

Please let us know if you intend to submit an application to the SADC for a Rural Microenterprise Permit.

Thank you,



Corey Tierney

Encl.

CC: Timothy Willmott, Stewardship Manager, SADC (via email)
David Kimmel, Agricultural Resource Specialist, SADC (via email)
Paul Mitchell, Esq., Special Counsel, CADB (via email)
Richard H. Beilin, Esq., Allamuchy Township Attorney (via email)
George T. Daggett, Esq., Landowner's Attorney (via email)

SCHEDULE "G" (Truck Washing)



SCHEDULE “H” (SSAMP Denial)

**WARREN COUNTY AGRICULTURAL DEVELOPMENT BOARD
THE DEPARTMENT OF LAND PRESERVATION
500 MT PISGAH AVE, P.O. BOX 179
OXFORD, NJ 07863**

RESOLUTION NO. 24-01

On motion by Mr. Mathez, and seconded by Mrs. Watters, the following resolution was adopted by the Warren County Agricultural Development Board at a meeting held January 18, 2024.

RESOLUTION OF DENIAL

RESOLUTION OF THE WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD DENYING AN APPLICATION FOR A SITE SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE FOR THE DRAKE FARM, BLOCK 201, LOT 11 & BLOCK 203 LOT 1 IN ALLAMUCHY TOWNSHIP, WARREN COUNTY, NEW JERSEY

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. and the State Agriculture Development Committee regulations, N.J.A.C. 2:76-2.3(a), a commercial farm owner or operator may make a request to the County Agriculture Development Board (hereinafter “Board”) to determine whether its operation constitutes a generally accepted agricultural management practice; and

WHEREAS, Keith Drake (the “Applicant”) applied for a Site Specific Agricultural Management Practice (“SSAMP”) determination for his property located at 29 Long Bridge Road in the Township of Allamuchy, New Jersey, and known as Block 201 Lot 11 and Block 203 Lot 1 on the Township Tax Map (“Property”)

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(b), the Board advised the State Agriculture Development Committee (SADC) and Allamuchy Township of the request for a SSAMP determination; and

WHEREAS, pursuant to N.J.S.A. 4:1C-9 and N.J.A.C. 2:76-2.3, upon receipt of a request for a SSAMP, the Board must first determine whether the Applicant’s operation satisfies at least one of the following two conditions:

- (1) It is located in an area of which, as of December 31, 1997, or thereafter, agriculture is a permitted use under Municipal zoning ordinances and is consistent with the Municipal master plan; or
- (2) The commercial farm was in operation as of the effective date of the amended Right to Farm Act, July 2, 1998; and

WHEREAS, based upon the application documentation submitted by the Applicant, including a copies of the Allamuchy Township Zoning Map and pertinent sections of the Allamuchy Township Zoning Ordinance, the Board finds that the Property is located in the “RR Rural Residential Zone” which, as of December 31, 1997, or thereafter, agriculture is a permitted use pursuant to Allamuchy Township Municipal Zoning Ordinance §190-405A and is consistent with the Allamuchy Township Municipal master plan; and

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WHEREAS, pursuant to N.J.S.A. 4:1C-3 and N.J.A.C. 2:76-2.1 defining “commercial farm”, the Board also must determine whether the Applicant’s operation satisfies at least one of the following two requirements:

(1) a farm management unit of no less than 5 acres, producing agricultural or horticultural products worth \$2,500.00 or more annually and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; or

(2) A farm management unit of less than 5 acres, producing agricultural or horticultural products for \$50,000.00 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; and

WHEREAS, based upon the application documentation submitted by the Applicant, including a copy Applicant’s 2022 and 2023 Application for Farmland Assessment, the Board finds that Applicant’s farm management unit includes the 202 acre Lot 11 and the 98 acre Lot 1 owned by Applicants as well as some adjoining additional acreage under lease and therefore is not less than 5 acres;

WHEREAS, based upon the application documentation submitted by the Applicant, including a copy of the Schedule F “Profit and Loss From Farming” statement from Applicant’s 2022 Federal Income Tax Returns, the Board finds that the Applicant’s farm management unit produces agricultural products in excess of \$2,500.00 and satisfies the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1994; and

WHEREAS, pursuant to N.J.S.A. 4:1C-9, to be eligible for protection under the Right to Farm Act, the agricultural operation must also: (1) conform to agricultural management practices adopted by the Committee; (2) comply with all relevant Federal or State statutes and regulations; and (3) not pose a direct threat to public health and safety; and

WHEREAS, the Board by Resolution #22-07, dated September 21, 2023 granted Certification of Commercial Farm to the applicant, Mr. Drake of Drake’s Acres, Block 201 Lot 11 and Block 203 Lot 1, Allamuchy Township; and

WHEREAS, on July 20, 2023, the SADC received an inquiry from a neighbor of Block 203 Lot 1 for suspicious trucking activity on the preserved farm that was referred to the County as the Deed of Easement holder; and

WHEREAS, on July 26, 2023, the Township of Allamuchy filed a Complaint and Request for Formal Conflict Resolution with the Board regarding Keith Drake’s property, Block 203 Lot 1; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(i), the Board scheduled a public hearing regarding Applicant’s request for a Right-to-Farm SSAMP determination which was noticed to take place at the September 21, 2023 Board meeting; and

WHEREAS, the Applicant provided the Board with proof of written notice having been made in accordance with the requirements of N.J.S.A. 2:76-2.8(c), including, but not limited to, proof of written notice to all property owners within 200 feet of Applicant’s Property, the Township of Allamuchy, the Allamuchy Land Use Board, the Warren County Planning Board, the State Agriculture Development Committee, and proof of publication of the Notice of Hearing in Morris County’s The Daily Record and Easton’s The Express-Times; and

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WHEREAS, the Applicant was represented by George Daggett, Esq., and Mr. Daggett requested referral to the SADC's Agricultural Mediation program in lieu of proceeding with the scheduled Right-to-Farm SSAMP Hearing on September 21, 2023; and

WHEREAS, the Township of Allamuchy was represented by Richard Beilin, Esq., and Mr. Beilin did not object to Applicant being referred to the SADC's Agricultural Mediation Program; and

WHEREAS, the Board agreed to cancel the Right-to-Farm SSAMP Hearing on September 21, 2023 at the Applicant's request and refer the Applicant to the SADC's Agricultural Mediation Program; and

WHEREAS, an announcement was made at the Board's September 21, 2023 meeting of the transfer and public notice of RTF SSAMP Hearing cancellation was placed on the County website; and

WHEREAS, having been permanently preserved as farmland, Applicant's Property (Block 201 Lot 11 and Block 203 Lot 1 in Allamuchy Township) shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., and all other rules promulgated by the SADC; and

WHEREAS, the SADC informed the Warren County Agriculture Development Board that the Board would need to first confirm there are no outstanding violations of the farmland preservation deed of easement restrictions on the Applicant's farm before the SADC would proceed with mediation; and

WHEREAS, Applicant's farm was inspected on October 10, 2023 by Corey Tierney, Administrator, CADB and Board members, Rene Mathez and Tim Bodine;

WHEREAS, Mr. Tierney's photos of the site showed a large, green, metal garage building measuring approximately 34 feet by 60 feet, commercial trucks, trailers, excavating equipment, and mound of stones (*Attachment-1, Photos taken of Applicant's farm by Mr. Tierney on October 10, 2023*); and

WHEREAS, of the multiple trailers that were present on the property during the inspection, Applicant identified only three trailers which he owned and stated all other trailers belonged to his cousin and were not used for farm operations; and

WHEREAS, one of the Applicant's trailers contained hay, a second trailer contained timber from an old barn that was taken down on the property which Applicant stated he intends to reuse, and a third trailer contained scrap metal; and

WHEREAS, Applicant could not provide access to the interior of the green metal garage during the inspection but stated his cousin used it for his business; and

WHEREAS, there is not an exception area on the Applicants preserved farm; and

WHEREAS, Mr. Tierney told Mr. Drake during the inspection that the farm appears to be in violation of the deed of easement because Applicant's cousin was using the area for a non-agricultural use, but that the Warren County Agriculture Development Board would ultimately have to make the determination; and

WHEREAS, Mr. Tierney provided a Rural MicroEnterprise Act Application for the non-agricultural activity on the preserved farm to the applicant's attorney on October 12, 2023; and

WHEREAS, at its November 16, 2023 monthly meeting, the Board reviewed the photos taken by Mr. Tierney and discussed the site visit of October 10, 2023; and

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WHEREAS, the Board determined at this meeting that the trailers, equipment, and activities associated with the Applicant's cousin's business constituted an impermissible, non-agriculture use on the preserved farm and that the applicant, Mr. Drake, was therefore in violation of the deed of easement for Block 203 Lot 1 in Allamuchy Township; and

WHEREAS, Mr. Tierney notified the Applicant and his attorney on November 28, 2023 of the deed of easement violation and again invited the Applicant to contact the SADC about applying for a Rural Microenterprise Permit; and

WHEREAS, on December 11, 2023 Mr. David Kimmel, Agricultural Resource Specialist at the SADC, notified Mr. Daggett and Mr. Beilin that the SADC could not proceed with mediation because the Board found the farm to be in violation of the farmland preservation deed of easement; and

WHEREAS, On December 12, 2023 Mr. Tierney notified Mr. Daggett and Mr. Beilin that he would prepare a resolution denying Mr. Drake's SSAMP application for the CADB's January 18, 2024 meeting based on the DOE violation, but if Mr. Drake files a Rural Microenterprise application with the SADC prior to January 18th, then the Board would table the resolution pending a determination by the SADC on that application; and

WHEREAS, the Board did not receive notice from Mr. Daggett, the Applicant, or the SADC that Applicant submitted a Rural Microenterprise application; and


NOW, THEREFORE BE IT RESOLVED, that based upon the foregoing, the Board finds that the Applicant's operation is not eligible for protection under the Right to Farm Act, N.J.S.A. 4:1C-9, because the Applicant's operation does not comply with N.J.S.A. 4:1C-11, and therefore this application for Right to Farm Site Specific Agricultural Management Practice is hereby DENIED.

BE IT FURTHER RESOLVED, that the Board shall forward a copy of its written decision of the Denial Right-to-Farm SSAMP Resolution to Keith Drake, applicant, George Daggett, attorney for the applicant, the Township of Allamuchy, the State Agriculture Development Committee (SADC), and any other individuals or organizations deemed appropriate by the Board within 30 days of the memorialization of this recommendation.

Roll Call: Mr. Schnetzer – yes; Mr. Mathez – yes; Mr. Bodine – yes; Mr. Burke – yes;
Mr. Hood – yes; Mrs. Watters – yes; Mr. Menegus – yes.

CERTIFICATION

I, Teresa Kaminski, Secretary to the Warren County Agriculture Development Board, do hereby certify the foregoing to be a true and accurate copy of a Resolution adopted by the Warren County Agriculture Development Board at a meeting of said Board held on January 18, 2024.

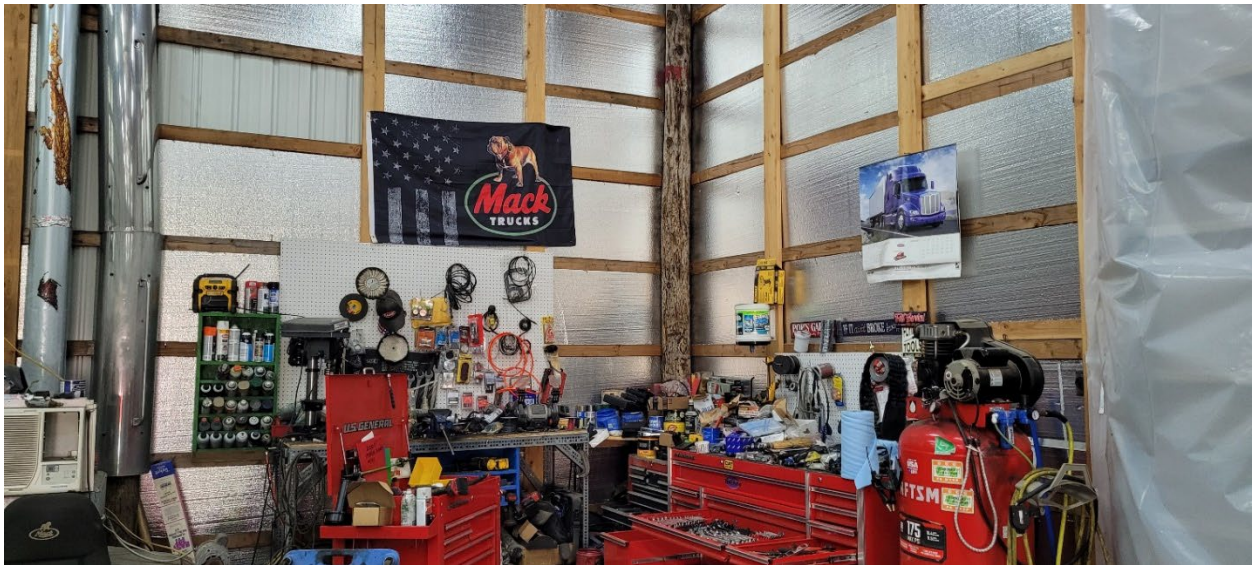
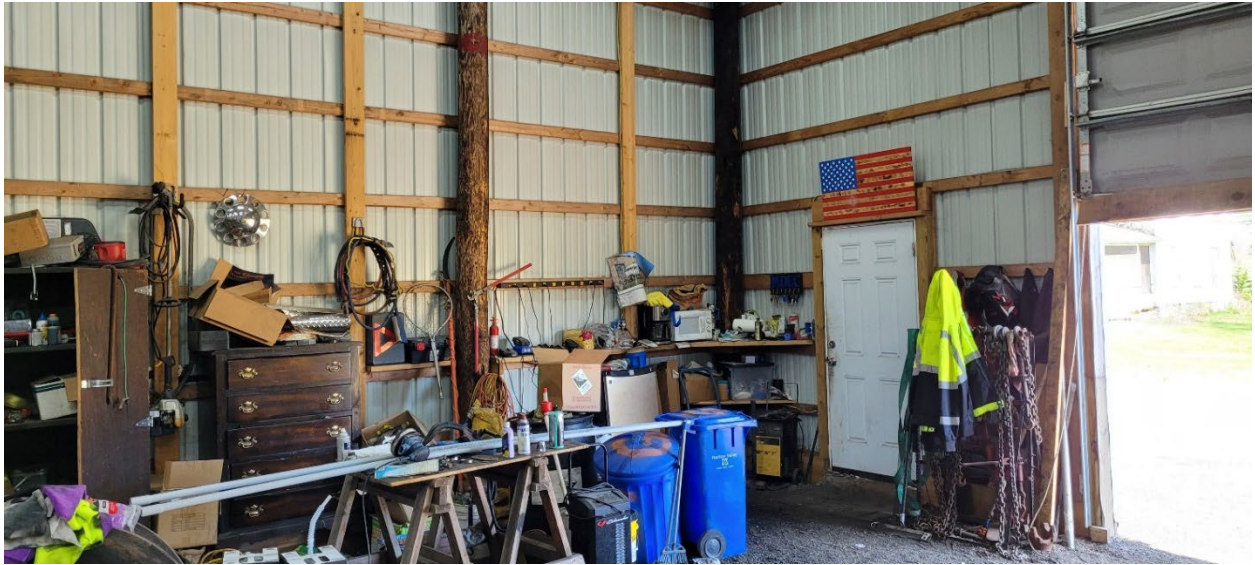


Teresa Kaminski

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SCHEDULE "T" (SADC Site Visit 4-23-24)









SCHEDULE "J" (Aerial Timeline)

2012



2020



Spring of 2021



Spring 2022



Spring 2023



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2024R6(2)

Special Occasion Events on Preserved Farmland

Fitz Farm, LLC

June 27, 2024

Subject Property:

Block 5, Lot 1
Alexandria Township, Hunterdon County
82.678 acres
SADC ID# 10-0255-DE

WHEREAS, Fitz Farm, LLC, hereinafter "Owner", is the current record owner of Block 5, Lot 1 in Alexandria Township, Hunterdon County, by deed dated November 26, 2019 and recorded in the Hunterdon County Clerk's Office on December 12, 2019 in Deed Book 2486, Page 201, totaling approximately 91 acres, hereinafter referred to as the "Property", as shown in **Schedule A**; and

WHEREAS, a farmland preservation development easement on the Property, excluding an 8.725-acre non-severable exception area, was conveyed by Ronald T. Perrine and Kathleen A. Perrine to the State Agriculture Development Committee (SADC) on February 19, 2019, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:11 et seq., P.L. 1983, c. 32 (ARDA), as a Deed of Easement, recorded in the Hunterdon County Clerk's Office on March 11, 2019 in Deed Book 2463, Page 363, resulting in a preserved farm parcel of 82.678 acres (the "Premises"); and

WHEREAS, P.L. 2023, c.9, effective February 3, 2023, recognizes that, under certain conditions, the holding of special occasion events (SOEs) can have a positive effect on the operations of preserved farms and that, with proper oversight, SOEs on preserved farmland can have minimal impact on land's viability for farming and provide new business opportunities for farmers, without displacing agricultural or horticultural production as the first priority use of preserved farmland or disrupting neighborhoods that surround preserved farms; and

WHEREAS, the SOE statute defines an SOE as a wedding, lifetime milestone event, or other cultural or social event conducted, in whole or in part, on preserved farmland on a commercial farm, and states that SOEs shall not include activities eligible for the protections of the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.; recreational uses permitted under the farmland preservation deed of easement; weddings held for the owner, operator, or employee of the commercial farm; and weddings held for certain family members of the commercial farm owner; and

WHEREAS, the SOE statute requires that farm owners and farm operators apply to the farmland preservation easement holder for approval prior to holding SOEs on preserved farmland; and

WHEREAS, a farm operator, with written authorization from the farm owner, may apply to hold SOEs on preserved farmland; and

WHEREAS, the farm must be in compliance with the farmland preservation deed of easement to qualify to hold SOEs; and

WHEREAS, the preserved farmland must be a commercial farm and also produce agricultural or horticultural products worth \$10,000 or more annually to qualify to hold SOEs; and

WHEREAS, the SOE statute defines the area used to hold SOEs as the “occupied area”, meaning any area supporting the activities and infrastructure associated with a special occasion event including, but not limited to: an area for parking, vendors, tables, equipment, infrastructure, or sanitary facilities; an existing building; or a temporary or portable structure; and

WHEREAS, the occupied area associated with an SOE shall be no more than the lesser of 10 acres or 10 percent of the preserved farmland; and

WHEREAS, SOEs shall not interfere with the use of the preserved farmland for agricultural or horticultural production; and

WHEREAS, SOEs shall have minimal effects on the occupied area and shall be designed to protect the agricultural resources of the land and ensure that the land can be readily returned to productive agricultural or horticultural use after an SOE; and

WHEREAS, the SOE statute does not apply to SOEs, or the parts of SOEs, that are held on exception areas or other locations that are not preserved farmland.

WHEREAS, the SOE statute contains the following requirements regarding holding SOEs on preserved farmland:

1. SOEs that involve the service of alcoholic beverages shall comply with all applicable State and local laws, regulations, resolutions, and ordinances; and
2. All applicable State and local laws, regulations, resolutions, and ordinances including, but not limited to, those concerning food safety, litter, noise, solid waste, traffic, and the protection of public health and safety shall apply to the special occasion event and all activities related thereto; and
3. To comply with local laws, regulations, resolutions, and ordinances, and if the proposed SOE meets certain conditions, the municipality may require that the owner or operator of the farm submit an application to the municipality for approval, but the municipality shall not charge an application fee of more than \$50.00, and the application shall not require more information than the

identification and location where tents and other temporary structures, sanitary facilities, parking, access and egress will be located, where music will be played, the number of expected guests, and other information that may be required of a similar event when conducted at a public park or public venue; and

4. A municipality may require a municipal application if the SOE would: (a) generate a parking or traffic flow situation that could unreasonably interfere with the movement of normal traffic or emergency vehicles or other organized group sharing similar common purposes or goals proceeding in or upon any street, park, or other public place within the municipality; or (b) require the expenditure of municipal resources or inspections from agencies or authorities of the municipality; and
5. No new permanent structures shall be constructed on preserved farmland for the purpose of holding SOEs; and
6. Permanent structures constructed fewer than five years prior to the date of the application shall not be used for holding SOEs; and
7. Improvements to existing structures shall be limited to the minimum required for the protection of health and safety; and
8. The installation and use of tents, canopies, umbrellas, tables, chairs, and other temporary structures on preserved farmland for the purpose of holding SOEs is permitted provided they comply with applicable construction and fire codes and are limited to use from April 1 to November 30; and
9. No public utilities, including gas or sewer lines, shall be extended to preserved farmland for the purpose of holding SOEs, except that electric and water service may be extended to preserved farmland for the purpose of holding special occasion events; and
10. Parking for SOEs shall be provided through the use of existing parking areas on the farm and curtilage surrounding existing buildings to the extent possible, and additional on-site areas required for temporary parking shall comply with the standards in the Agricultural Management Practice (AMP) for On-Farm Direct Marketing Facilities, Activities, and Events, N.J.A.C. 2:76-2A.13; and
11. If a farm holds more than one SOE on the same calendar day, only one of the SOEs held on that calendar day may have over 100 guests; and
12. A farm may hold 26 SOEs each calendar year, of which only six SOEs may have 250 guests or more in attendance at any time during the event; and

13. SOEs held by or for a nonprofit entity shall not count against the 26 SOE limit if the event has fewer than 100 guests and the permittee does not charge for, and receives no fees or compensation for, hosting the event, other than for reimbursement of out-of-pocket expenses, provided the maximum reimbursement to the permittee shall not exceed \$1,000; and
14. A retail food establishment, other than a temporary retail food establishment, shall not operate on a farm in support of SOEs, with the exception of a retail food establishment based at the farm; and

WHEREAS, on February 27, 2024, the Owner submitted and the SADC received an “Application to Hold Special Occasion Events on Preserved Farmland” ; and

WHEREAS, the application was signed by Brian Fitzsimmons on behalf of the Owner; and

WHEREAS, the current members of the Owner are Brian Fitzsimmons and Walter Fitzsimmons, and the Owner’s operating agreement states that Brian Fitzsimmons is authorized to act on behalf of the Owner as the managing member; and

WHEREAS, in March, May, and June 2024, and in response to questions from the SADC, the Owner submitted additional application information, including on the use of the Property and Premises, the Owner, the relationship between the Owner and Fitz’s Fish Ponds, LLC (hereinafter “Fish Ponds”), the proposed SOE, and the SOE Occupied Area; and

WHEREAS, the majority of the Premises’ tillable acres is used by a tenant farmer for hay, livestock, and vegetable production; and

WHEREAS, approximately one acre of the Premises is used by Fish Ponds, for an aquaculture koi operation; and

WHEREAS, the Owner represented that the current members of Fish Ponds are Brian Fitzsimmons and Walter Fitzsimmons; and

WHEREAS, Fish Ponds is a company that designs, builds, and services ponds, waterfalls, and other water features; has a Pond Construction Department, a Landscapes & Stonework subsidiary, and an Aquarium & Aquascaping section; operates four retail stores in Colts Neck, NJ, Green Brook, NJ, Fairfield, NJ and New Hope, PA; sells koi fish and fish care, filtration, lighting, pump, spillway, UV light, and water treatment products in its stores and online; and runs the farm operation of buying, raising, and selling koi; and

WHEREAS, Fish Ponds uses the exception area as its headquarters and warehouse;

WHEREAS, Fish Ponds considers the main feature of the Premises to be its six greenhouses, which are dedicated to housing and caring for its imported Japanese koi and aquatic plants; and

WHEREAS, the six greenhouses include a Quarantine greenhouse, named for being the initial 4-week quarantine location for new fish shipped from Japan; the Champion greenhouse, named for housing Grand Champion-sized koi; the ICF greenhouse, named for its building material (Insulated Concrete Form) and which houses large Japanese koi; the SAUNA (Tosai House), which houses most of the baby koi or tosai, including the koi that are kept with the intention of growing them to get bigger; the Plant House, which houses a selection of aquatic plants; and the Lily House, which houses additional plants, koi for the Fish Ponds website, and additional baby koi; and

WHEREAS, the Owner is seeking SADC approval to have one SOE, a cultural or social event, to be held by Fish Ponds, in calendar year 2024; and

WHEREAS, the Owner represented that there is a commercial farm on the preserved farmland and that the value of agricultural or horticultural crops produced on the preserved farmland is \$10,000 or more annually;

WHEREAS, the application stated that the current agricultural or horticultural uses of the preserved farm are vegetables (estimated 20 acres), hay (estimated 30 acres), livestock (estimated 30 pasture acres), and fish (estimated 1 acre); and

WHEREAS, the application included copies of the FA-1 and Supplemental Gross Sales forms filed for the Premises for calendar year 2023; and

WHEREAS, the Alexandria Township tax assessor provided copies of the farmland assessment forms filed for the Premises for calendar year 2024; and

WHEREAS, the application included a map of the occupied area proposed to be used for the SOE, hereinafter referred to as the "Occupied Area Applicant Map", as shown in **Schedule B**; and

WHEREAS, the application stated that the date for the proposed SOE was August 24, 2024; and

WHEREAS, the application described the proposed SOE as the following: "Koi Fest is an annual event where we sell koi fish, host vendors, have food trucks, and offer giveaways. We have a centralized tent for customers to eat, relax, and use as shelter... There is one large tent that houses all the different pop-up tanks that have fish in them"; and

WHEREAS, Koi Fest is advertised as including the following components: a showcase of koi, with more the 24 tanks of koi available for display and sale; the lowest prices of the season on koi, aquatic plants, and hardgoods; expert advice for enhancing a pond or aquarium; live music; art booths; a selection of industry vendors offering products and services, including vendors such as

Fitz's Fish Ponds, Evolution Aqua, Koi Trips, Tri-State ZNA, Microbe Lift, Atlantic Oase, and Mid-Atlantic Koi Club; hourly giveaways, including koi, merchandise, and a trip to Japan; a Japanese-style koi auction; the 2nd Annual ZNA Tri-State Koi Show and Banquet; the ability to spend time with special guests from the koi and pond industries; food trucks, and kids activities;

WHEREAS, Koi Fest is scheduled to be held on Saturday, August 24, 2024, from 10 a.m. to 4 p.m., with the following additional components available to attendees depending on the type of ticket they purchase: a Friday Night BBQ on August 23, 2024 with Koi Fest special guests and the Fitz's Fish Pond team; VIP check-in for early access to Koi Fest on Saturday August 24, 2024 starting at 9:00 a.m.; and a Koi Show Awards Banquet and cocktail hour on Saturday, August 24, 2024 from 5:00 to 8:30 p.m.; and

WHEREAS, the application stated that the entire proposed SOE, except for its temporary parking areas, would be located on the exception area; and

WHEREAS, the application stated that the proposed SOE would not be using any temporary structures or permanent structures on the preserved farmland; and

WHEREAS, the application stated that, within the exception area, the proposed SOE would use approximately 10-12 temporary tents and six portable bathroom facilities; and

WHEREAS, the application stated that electric and water service for the proposed SOE would be provided by existing well water and electric from the farm; and

WHEREAS, the application stated that the proposed SOE would use a field to the east of the exception area for temporary parking and, if additional temporary parking is needed, also use a strip of Premises along the west side of the rear driveway when exiting the Property onto Little York-Pattensburg Rd.; and

WHEREAS, the application estimated the size of temporary parking areas as 1.58 acres for the field and 0.48 acres for the back-up parking, or a total of 2.06 acres, as indicated on the Occupied Area Applicant Map; and

WHEREAS, the application estimated that the proposed SOE would have an attendance range of approximately 500 people throughout the day; and

WHEREAS, the Owner plans to have the proposed SOE held every year and asked if an application would need to be filed again next year; and

WHEREAS, on March 15, 2024, the SADC performed a monitoring site inspection of the Premises; and

WHEREAS, the SADC, to measure the acreage of the occupied area depicted on the Occupied Area Applicant Map, created a GIS map with the same approximate outlines, hereinafter referred to as the "Occupied Area SADC Map", as shown in **Schedule C**; and

WHEREAS, the occupied area is approximately 2.51 acres, or approximately 3.04% of the Premises, as calculated using the Occupied Area SADC Map; and

WHEREAS, the SADC, to review whether the preserved farmland produces agricultural or horticultural products worth \$10,000 or more annually, used the information from the application regarding the farm's current agricultural or horticultural uses and an Agricultural/Horticultural Production Value Estimating Tool For SOE Applications, hereinafter "Estimating Tool", as shown in **Schedule D**; and

WHEREAS, the Estimating Tool indicates that the value of agricultural or horticultural products produced on the Premises is more than \$10,000 annually; and

WHEREAS, the SOE statute states that the easement holder shall approve an SOE application upon a determination that the farm is in compliance with the terms of the farmland preservation deed of easement and a finding that the applicant and proposed SOEs comply with the requirements of the SOE statute and any rules and regulations adopted by the SADC,

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC makes the following findings of fact and conclusions of law regarding the application by the Owner to hold an SOE on the Premises:
 - a. The farm is currently in compliance with the farmland preservation deed of easement.
 - b. There is a commercial farm on the Premises.
 - c. The preserved farmland produces agricultural or horticultural products worth at least \$10,000 annually.
 - d. The proposed occupied area is no more than the lesser of 10 acres or 10 percent of the preserved farmland.
 - e. The proposed number of SOEs to be held on the farm during the calendar year is not more than 26.
 - f. The proposed number of SOEs that would have 250 guests or more in attendance at any time during the event is not more than 6.
 - g. The farm and proposed SOE complies with the requirements of the SOE statute.

3. The SADC approves the Owner's application to hold an SOE on the Premises on August 24, 2024, provided the farm remains in compliance with ARDA, the terms of the farmland preservation deed of easement, the SOE statute, and this resolution.
4. The Owner may apply again in 2025 for approval to hold SOEs in calendar year 2025;
5. Any temporary structure used on the Premises for the purpose of holding an SOE must be removed from the Premises between December 1 and March 31.
6. The Owner shall annually certify to the SADC, in a form and manner prescribed by the SADC, information about the SOEs that were held in the prior calendar year, including, but not be limited to, the date, occasion, and approximate number of attendees of each event.
7. The SADC will transmit a copy of this resolution to Alexandria Township and the Hunterdon County Agriculture Development Board.
8. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
9. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

6/27/2024
DATE


Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

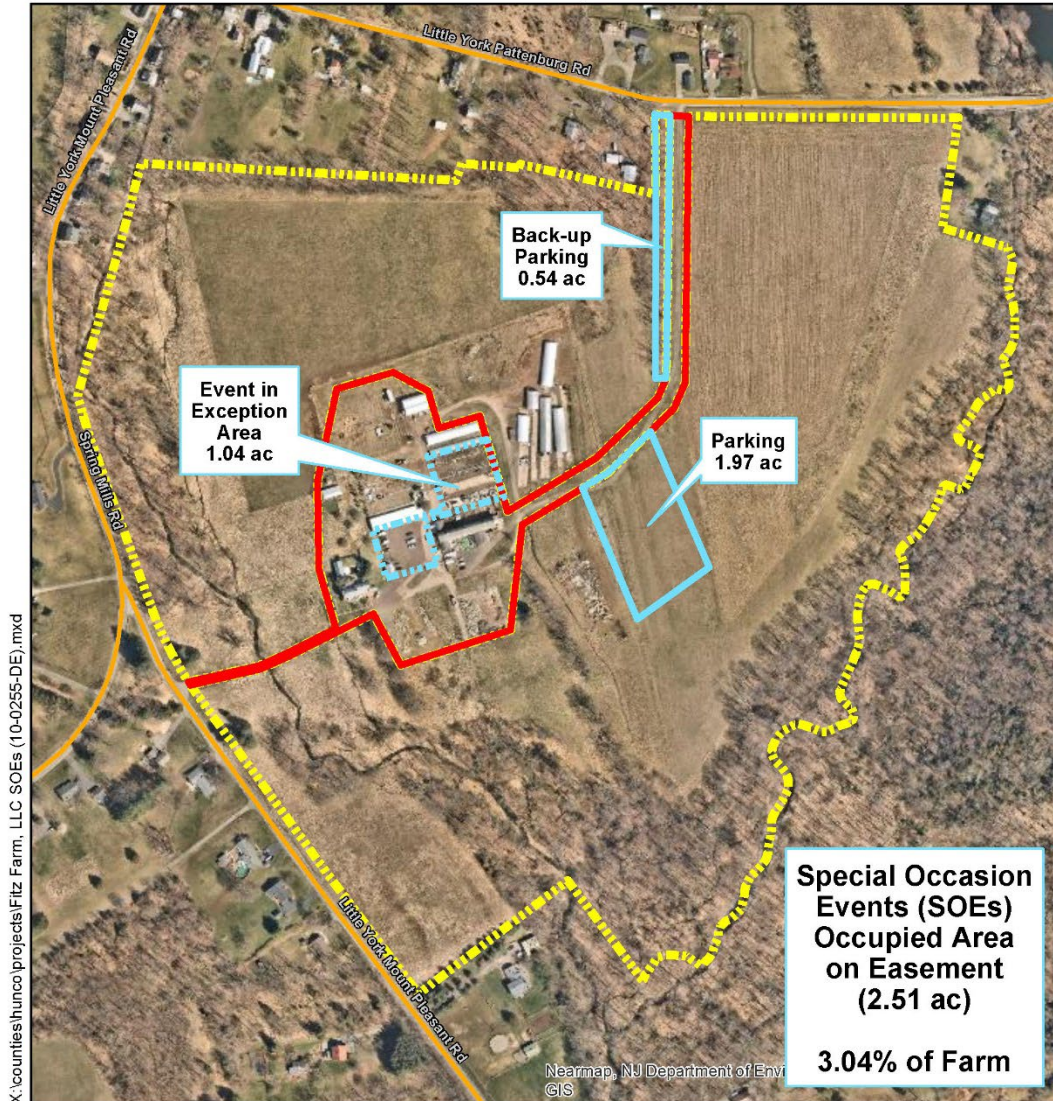
VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	ABSENT
Rich Norz	YES
Charles Rosen	ABSENT
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	ABSENT
Edward D. Wengryn, Chairperson	YES

Schedule A

Premises

Special Occasion Events (SOEs) Occupied Area



X:\counties\hunco\projects\Fitz Farm, LLC SOEs (10-0255-DE).mxd

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

Fitz Farm, LLC
Block 5 Lots P/O 1 (82.678 ac)
& P/O 1-EN (non-severable exception - 8.725 ac)
SOEs Occupied Area on Easement = 2.51 ac
(SOEs Occupied Area on Exception = 1.04 ac)
Percentage of farm in SOEs Occupied Area - 3.04%
Alexandria Twp., Hunterdon County



- Princeton Farm Associates, LLC
- Exception Area
- Proposed Occupied Area
- County Roads
- Municipal/Local Roads

Sources:
NJ Farmland Preservation Program
NJDOT Road Data/Near Map 2023 Digital Aerial Image

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

June 5, 2024

Schedule B

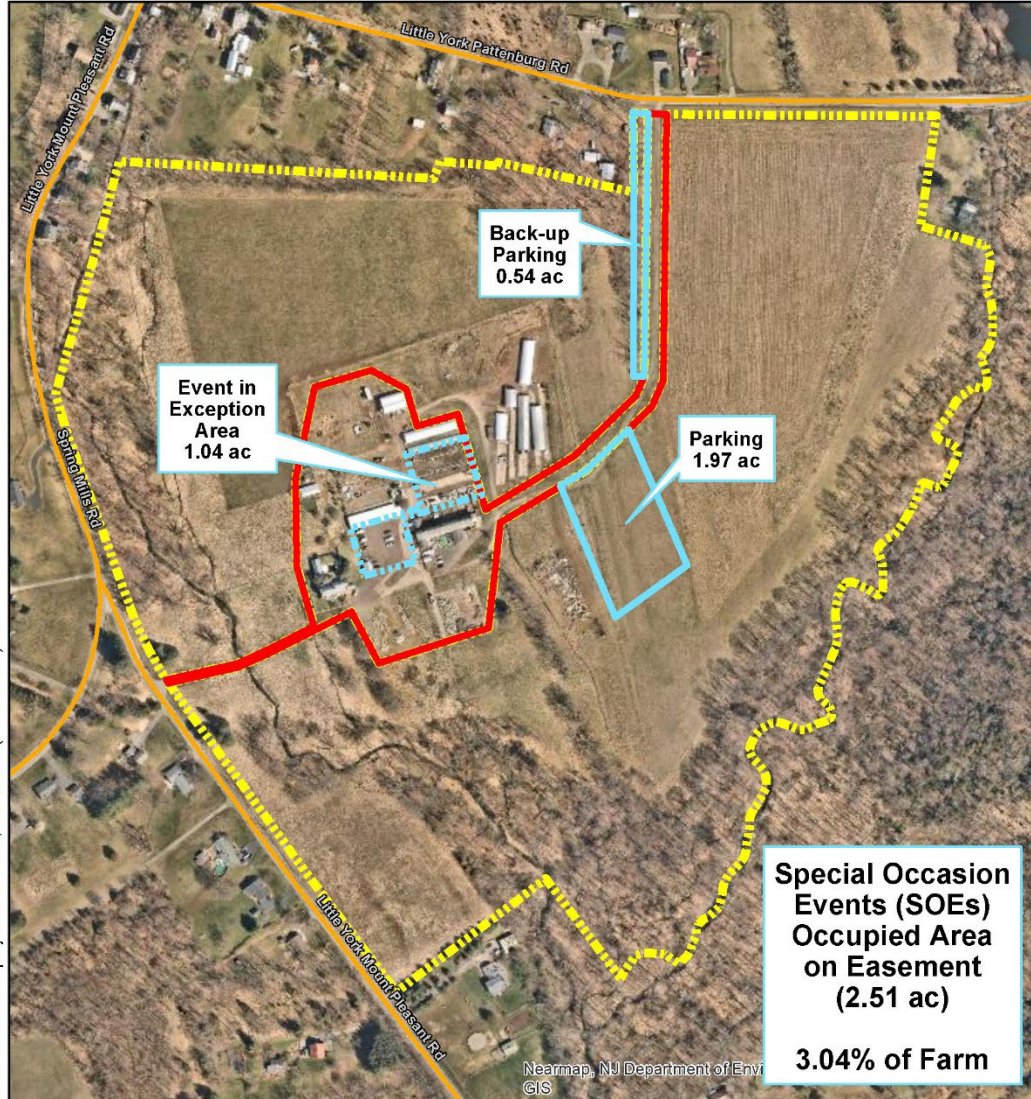
Occupied Area Applicant Map



Schedule C

Occupied Area SADC Map

Special Occasion Events (SOEs) Occupied Area



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

Fitz Farm, LLC
 Block 5 Lots P/O 1 (82.678 ac)
 & P/O 1-EN (non-severable exception - 8.725 ac)
 SOEs Occupied Area on Easement = 2.51 ac
 (SOEs Occupied Area on Exception = 1.04 ac)
 Percentage of farm in SOEs Occupied Area - 3.04%
 Alexandria Twp., Hunterdon County



- Princeton Farm Associates, LLC
- Exception Area
- Proposed Occupied Area
- County Roads
- Municipal/Local Roads

Sources:
 NJ Farmland Preservation Program
 NJDOT Road Data/Near Map 2023 Digital Aerial Image

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

June 5, 2024

Schedule D

Agricultural/Horticultural Production Value
Estimating Tool For SOE Applications

Agricultural/Horticultural Production Value Estimating Tool For Special Occasion Event (SOE) Applications			
Applicant Name	Fitz Farm LLC		
Farm Address	610 Little York Mt. Pleasant Rd., Milford, NJ2 08848		
County	Hunterdon		
Municipality	Alexandria		
SADC ID Number	10-0255-DE		
General Category of Production	Estimated Gross Production Value/ Acre	Number of Acres	Total Estimated Gross Production Value
Vegetable	\$1,747	20.0	\$34,944.00
Fruit (other than grapes)	\$6,335		
Winery/Grapes	\$0		
Nursery/greenhouse/floriculture	\$10,000		
Sod	\$6,000		
Field crops	\$294		
Hay	\$287	30.0	\$8,619.00
Equine	\$190		
Livestock	\$190	30.0	\$5,700.00
Dairy	\$190		
Christmas Trees	\$0		
Woodland	\$0		
TOTALS		80.0	\$49,263.00
<p>Basic Instructions: Fill in the number of acres from the farm's SOE Application. The spreadsheet estimating tool will then provide an estimated value of the farm's annual agricultural or horticultural production.</p>			
<p>*Notes: The SADC is in the process of adding an "Estimated Gross Production Value/Acre" for each "General Category of Production". Any category that does not yet have an estimated value will show up as \$0. Please check back regularly for updated versions of this spreadsheet tool as the remaining estimated values get added.</p>			
<p>*Last Updated 3/23/23</p>			

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2024R6(3)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
FRANKLIN TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Martorana, Zachary N. and Kristina M. ("Owners")
SADC ID# 08-00229-PG
Franklin Township, Gloucester County
N.J.A.C. 2:76-17A.1, et seq.**

JUNE 27, 2024

WHEREAS, on October 5, 2021, the application for the sale of a development easement for the subject farm identified as Block 5901, Lots 8, 79.01, 92, 93, 94, 95 and 96, Franklin Township, Gloucester County, totaling approximately 138.7 gross acres, hereinafter referred to as "the Property" (Schedule A), was deemed complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

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

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

WHEREAS, the Property is a targeted farm pursuant to N.J.A.C. 2:76-17A.5(a)1 and is located in the township's Main Rd.- Piney Hollow Project Area; and

WHEREAS, the Property includes, one (1), approximately 3.4 acre severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses, resulting in approximately 135.3 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the certification of value and this final approval are conditioned on all lots being consolidated simultaneously with or immediately after the easement closing; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve the final size and location of the exception area such that the final size is not increased more than one (1) acre from, and the location remains within the substantially same footprint as, the herein-approved exception, and so long as there is no impact on the SADC certified value; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, the 3.4 -acre severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) May be severed or subdivided from the Premises

- 3) Shall be limited to 1 single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Premises includes:

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11(d), on December 21, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Chairman Fisher certified the Development Easement value of \$2,200 based on zoning and environmental regulations in place as of the current valuation date April 2, 2022; and

WHEREAS, pursuant to P.L. 2023 c.245 and Policy No. P-56, the Interim Policy for applications pending adoption of the Statewide Farmland Preservation Formula, the SADC shall provide for the extension of deadlines and conditional approvals if requested by the Owners and grant partners; and

WHEREAS, the Owners provisionally accepted the township's offer of \$2,200, but requested final approval to be conditioned on the provision of a certified Statewide Formula Value as such time as the Statewide Formula is adopted by the SADC; and

WHEREAS, if the Owners accept the Statewide Formula Value, an amended final approval will be necessary for the issuance of the SADC cost share grant, subject to the availability of funds; and

WHEREAS, if the Owners decide to proceed with the sale of the development easement at any time prior to the adoption of the Statewide Formula, an internal amendment to this final approval will be necessary; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on April 23, 2024, the Franklin Township committee approved the application for the purchase of a development easement on the Premises and funding commitment of \$280 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on April 20, 2023, the County Agriculture Development Board passed a resolution granting final approval for the acquisition of a development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on May 8, 2024, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$280 per acre to cover the local cost share; and

WHEREAS, the township has requested a funding encumbrance of an additional 3% to accommodate any increase in the final surveyed acreage; therefore, 139.36 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 139.36 acres):

	Total	Per/acre
SADC	\$228,550.40	(\$1,640/acre)
Franklin Township	\$ 39,020.80	(\$280/acre)
Gloucester County	\$ 39,020.80	(\$280/acre)
Total Easement Purchase	\$306,592.00	(\$2,200/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14(c), if there are insufficient funds available in a Municipality's base grant, it may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14(a), Franklin Township is requesting \$228,550.04 in base grant (Schedule B); and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15(b), the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.16 and N.J.A.C. 2:76-6.11(d)3, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds, provided the Township's request for reimbursement is submitted within 120 days of the purchase of the development easement;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the township for the purchase of a development easement on the Premises, comprising approximately 139.36 net easement acres, at a State cost share of \$1,640 per acre, (74.54% of certified easement value and purchase price), for a total grant of approximately \$228,550.40 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C.
3. Final approval is conditioned on all lots being consolidated, simultaneously with or immediately after the easement closing.
4. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
5. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available, the grant may be adjusted to utilize unencumbered base grant funds.

6. The SADC will be providing its grant directly to the County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to relevant provisions in N.J.A.C. 2:76-6.18 and 6.18A.
7. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
8. The final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
9. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
10. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
11. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

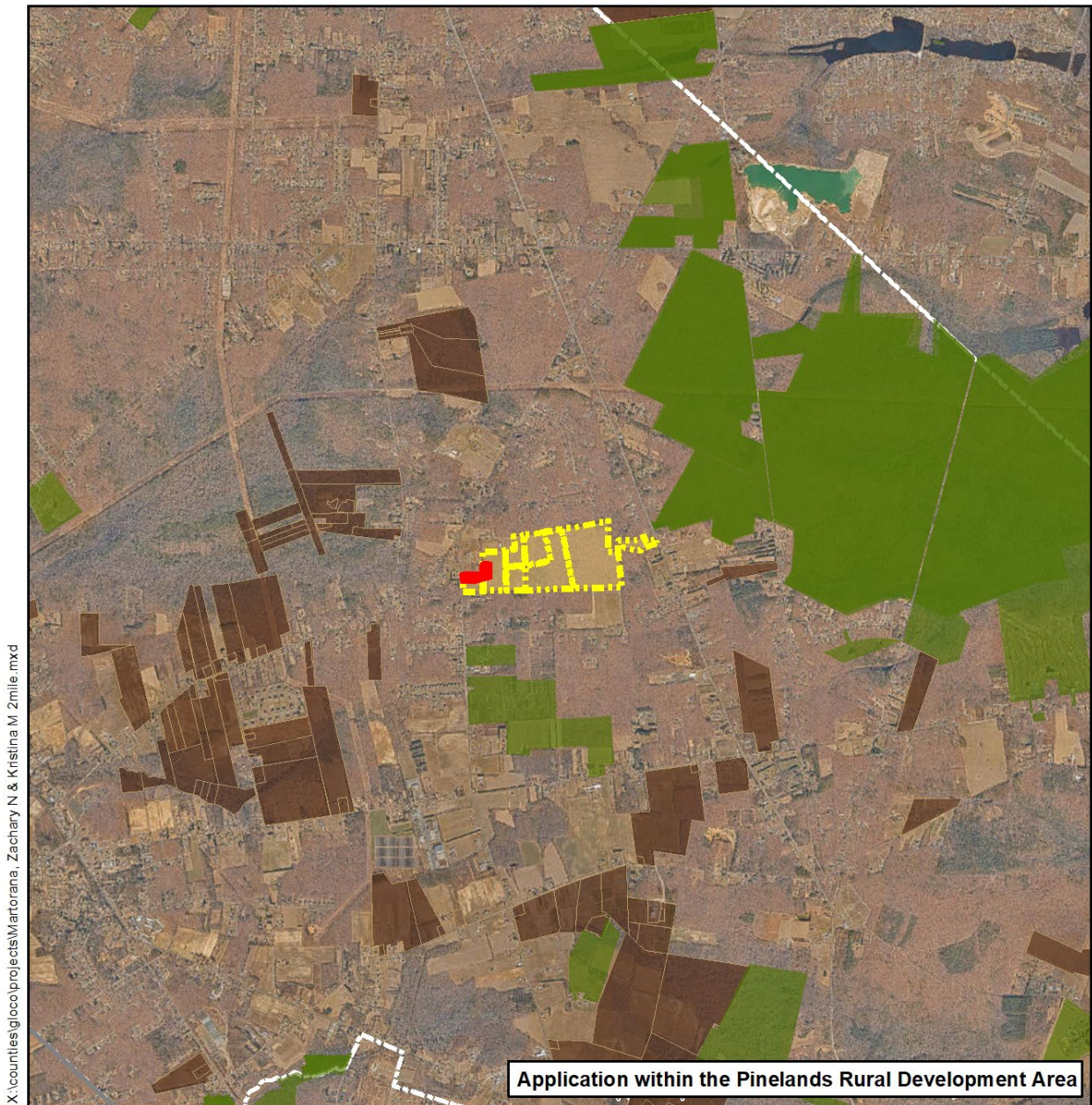
6/27/2024
Date


Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	ABSENT
Rich Norz	YES
Charles Rosen	ABSENT
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	ABSENT
Edward D. Wengryn, Chairperson	YES

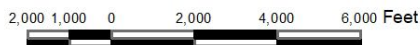
Preserved Farms and Active Applications Within Two Miles



X:\counties\glouco\projects\Martorana, Zachary N & Kristina M 2mile.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Martorana, Zachary N. & Kristina M.
 Block 5901 Lots 8 (4.1 ac); 79.01 (5.6 ac); 90 (52.1 ac);
 92 (30.6 ac); 93 (12.1 ac); 94 (8.1 ac); 96 (8.1 ac)
 P/O 95 (14.6 ac); P/O 95-ES (severable exception - 3.4 ac)
 Gross Total = 138.7 ac
 Franklin Twp., Gloucester County



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

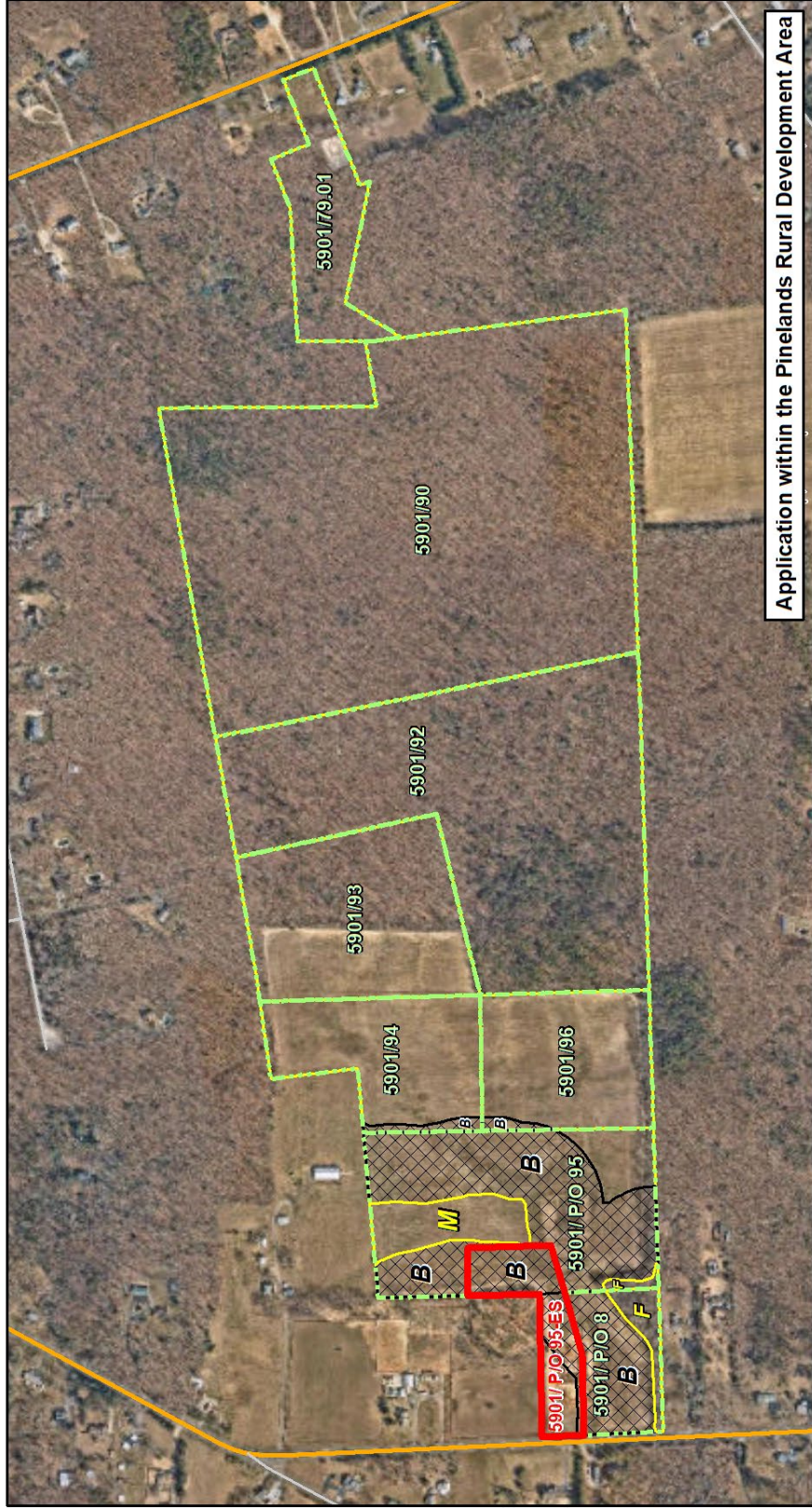


NOTE:
 The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors

Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 Protected Areas Database of the United States (PAD-US)
 NJOIT/OGIS 2020 Digital Aerial Image

August 31, 2021

Wetlands



Application within the Pinelands Rural Development Area

Property In Question

- ES - (Severable) Exception
- Wetlands Boundaries
- Primary - Limited Access
- Federal or State Highways
- County Roads
- Municipal/Local Roads
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements

Wetlands Legend:
 I - Fresh Water Wetlands
 II - Marine Wetlands Modified for Agriculture
 III - Marine Wetlands
 IV - Water

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Martorana, Zachary N. & Kristina M.
 Block 5901 Lots 8 (4.1 ac); 79.01 (5.6 ac); 90 (52.1 ac);
 92 (30.6 ac); 93 (12.1 ac); 94 (8.1 ac); 96 (8.1 ac)
 P/O 95 (14.6 ac); P/O 95-ES (severable exception - 3.4 ac)
 Gross Total = 138.7 ac
 Franklin Twp., Gloucester County



Sources:
 NJ Farmland Preservation Program
 NJ Pinelands Conservation Program Data
 NJ Pinelands Conservation Program Data
 NJDOT GIS 2020 Digital Aerial Image

DISCLAIMER: Any use of this product, with respect to accuracy and precision shall be the sole responsibility of the user. This map is intended for planning purposes. The geographic 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 conditions. Coordinates as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Martorana, Zachary N. & Kristina M.
08-0229-PG
PIG EP - Municipal 2007 Rule
135.3 Acres

Block 5901	Lot 95	Franklin Twp.	Gloucester County
Block 5901	Lot 96	Franklin Twp.	Gloucester County
Block 5901	Lot 94	Franklin Twp.	Gloucester County
Block 5901	Lot 8	Franklin Twp.	Gloucester County
Block 5901	Lot 92	Franklin Twp.	Gloucester County
Block 5901	Lot 90	Franklin Twp.	Gloucester County
Block 5901	Lot 79.01	Franklin Twp.	Gloucester County
Block 5901	Lot 93	Franklin Twp.	Gloucester County

SOILS:	Other	1% * 0	=	.00
	Prime	89% * .15	=	13.35
	Statewide	10% * .1	=	1.00

SOIL SCORE: 14.35

TILLABLE SOILS:	Cropland Harvested	28% * .15	=	4.20
	Wetlands/Water	1% * 0	=	.00
	Woodlands	71% * 0	=	.00

TILLABLE SOILS SCORE: 4.20

FARM USE:	Soybeans-Cash Grain	38 acres
------------------	---------------------	----------

NO MOTION FOR CERTIFIED VALUE

The Township is contracted to purchase the easement for per acre.

The SADC approves a purchase price of the development easement of per acre for an estimated

The SADC % cost share pursuant to N.J.A.C. 2:76-6.11 is per acre for an estimate of County % cost share is per acre for an estimate of

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (3.4) acres for Existing SFR (under construction)
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
Exception is to be limited to one single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. The multiple lots in Block 5901 (Lots 8, 79.01, 90, 92, 93, 94, 95 & 96) will need to be consolidated to facilitate potential ease of taxation, and to assist in monitoring. The lot consolidation will occur simultaneously with closing on the easement.
 - e. Dwelling Units on Premises:
No Structures On Premise

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

- 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 #FY2024R6(4)**

**FINAL REVIEW AND APPROVAL OF AN SADC FEE SIMPLE PURCHASE
On the Property of Bradley Family, LP**

JUNE 27, 2024

Subject Property: **Bradley Family, LP**
Block 25, Lot 1 and Block 30, Lot 3
Mansfield Township, Burlington County
SADC ID#: 03-0044-FS

WHEREAS, on October 11, 2023, the State Agriculture Development Committee ("SADC") received an application from Bradley Family, LP, hereinafter "Owner," to sell the fee simple title to property identified as Block 25, Lot 1 and Block 30, Lot 3, Mansfield Township, Burlington County, hereinafter "the Property," totaling approximately 85.5 gross acres, identified in (Schedule A); and

WHEREAS, the SADC is authorized by N.J.S.A. 4:1C-31.1 of the Agriculture Retention and Development Act and N.J.S.A. 13:8C-37a.(4) of the Garden State Preservation Trust Act to purchase real property directly from landowners; and

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

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

WHEREAS, staff evaluated this application for the purchase of farmland in accordance with N.J.A.C. 2:76-8.5 and the State Acquisition Selection Criteria approved by the SADC on September 14, 2022, which categorizes applications as "Priority", "Alternate" and "Other"; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Burlington County (minimum acreage of 78 and minimum quality score of 60) because it is approximately 85.5 acres and has a quality score of 66.68; and

WHEREAS, on December 7, 2023, the SADC granted preliminary approval (Resolution #FY2024R12(12)) to proceed with the fee purchase of the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on April 25, 2024, the SADC reviewed the appraisals and authorized negotiations for purchase of the Property based on zoning and environmental regulations in place as of the current valuation date of February 29, 2024; and

WHEREAS, pursuant to P.L. 2023 c.245 and Policy No. P-56, the Interim Policy for applications pending adoption of the Statewide Farmland Preservation Formula, the SADC shall provide for the extension of deadlines and conditional approvals as requested by the Owner and grant partners; and

WHEREAS, on May 13, 2024, the Owner provisionally accepted the SADC's offer of \$ 38,530, but requested final approval to be conditioned on the provision of a certified Statewide Formula Value as such time as the Statewide Formula is adopted by the SADC; and

WHEREAS, if the Owner accepts the Statewide Formula Value, an amended final approval will be necessary for the issuance of the SADC cost share grant, subject to the availability of funds; and

WHEREAS, if the Owner wants to proceed at any time prior to the adoption of the Statewide Formula, an internal amendment to this final approval will be necessary; and

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the real property at a value of \$38,530 per acre for a total of approximately \$3,294,450 and subject to the conditions in Schedule B.
3. The SADC's purchase price of the Property set forth in the approved application shall be based on the final surveyed acreage of the Property.
4. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
5. The SADC authorizes Chairman Edward D. Wengryn or Deputy Executive Director Charles Roohr, to execute an Agreement to Sell and all necessary documents to contract for the professional services necessary to acquire said property including, but not limited to, a survey, title search and insurance, environmental audits, liability insurance, and to execute all necessary documents required to acquire the property.
6. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

7. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

6/27/2024
Date

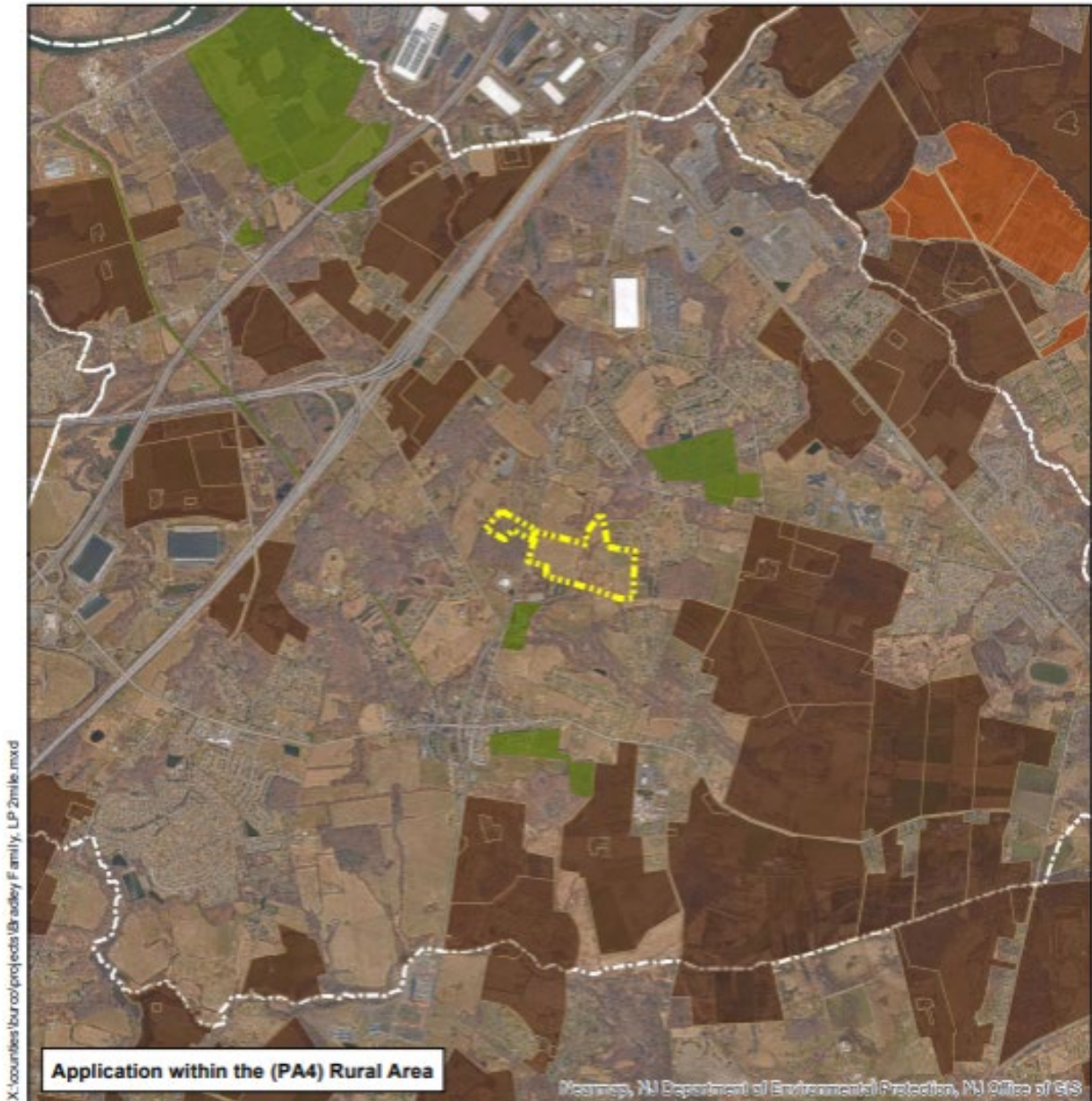


Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	ABSENT
Rich Norz	YES
Charles Rosen	ABSENT
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	ABSENT
Edward D. Wengryn, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles



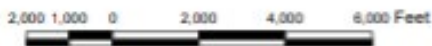
X:\counties\burco\projects\Bradley Family, LP 2mile.mxd

Application within the (PA4) Rural Area

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

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Bradley Family, LP
Block 25 Lot 1 (74.2 ac) & Block 30 Lot 3 (11.3 ac)
Gross Total = 85.5 ac
Mansfield Twp., Burlington County



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



Source:
NJ Farmland Preservation Program
NJDOT Parcel data
NJDEP Conservation/Open Space Easement Data
NJDOT ReshapeMap 2002 Digital Aerial Image

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

Wetlands



Application in the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM
 NJ State Agriculture Development Committee

Bradley Family, LP
 Block 25 Lot 1 (74.2 ac) & Block 30 Lot 3 (11.3 ac)
 Gross Total = 85.5 ac
 Mansfield Twp., Burlington County

Property In Question

- Wetlands Boundaries
- Primary - Limited Access
- Federal or State Highways
- County Roads
- Municipal/Local Roads

Project Legend

- Wetlands
- Wetlands Boundaries
- Primary - Limited Access
- Federal or State Highways
- County Roads
- Municipal/Local Roads

Scale: 1" = 100 Feet
 Date: 10/15/2023

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The user shall be responsible for obtaining all necessary permits and approvals from the appropriate local, state, and federal agencies. The user shall be responsible for obtaining all necessary permits and approvals from the appropriate local, state, and federal agencies. The user shall be responsible for obtaining all necessary permits and approvals from the appropriate local, state, and federal agencies.

State Agriculture Development Committee
 SADC Final Review: Development Easement Purchase

Bradley Family, LP
 Fee Simple - SADC
 85.5 Acres

Block 30	Lot 3	Mansfield Twp.	Burlington County
Block 25	Lot 1	Mansfield Twp.	Burlington County
SOILS:		Other	13% * 0 = .00
		Prime	78% * .15 = 11.70
		Statewide	9% * .1 = .90
			SOIL SCORE: 12.60
TILLABLE SOILS:		Cropland Harvested	74% * .15 = 11.10
		Wetlands/Water	8% * 0 = .00
		Woodlands	18% * 0 = .00
			TILLABLE SOILS SCORE: 11.10
FARM USE:		Corn-Cash Grain	33 acres
		Soybeans-Cash Grain	19 acres

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Requested
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2024R6(6)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Crumb, Jr., William & Stephanie

JUNE 27, 2024

Subject Property: **Crumb, Jr., William & Stephanie**
Block 19, Lot 3 - Mannington Township, Salem County
SADC ID#: 17-0378-DE

WHEREAS, on November 4, 2022, the State Agriculture Development Committee ("SADC") received a development easement sale application from William and Stephanie Crumb, hereinafter "Owners," identified as Block 19, Lot 3, Mannington Township, Salem, County, hereinafter "the Property," totaling approximately 84.2 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1), approximately 2 acre non-severable exception area for the existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 82.2 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve the final size and location of the exception area such that the final size is not increased more than one (1) acre from, and the location remains within the substantially same footprint as, the herein-approved exception, and so long as there is no impact on the SADC certified value; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, the 2-acre non-severable exception area:

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

WHEREAS, the Premises includes:

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

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

WHEREAS, in coordination with the landowner, SADC staff identified areas of erosion on the farm, as noted on Schedule A, that will need to be remediated and stabilized to the SADC's satisfaction prior to closing on the easement purchase; and

WHEREAS, the SADC is developing soil protection standards that set forth disturbance limits that would be authorized under the terms of the deed of easement and at its regular meeting on August 27, 2020, the SADC agreed that complete and advanced disclosure was necessary so landowners are fully aware of the proposed standards; and

WHEREAS, the SADC is requiring a Soil Protection Standards Agreement, as approved on July 27, 2023 ("SPS Agreement"), to be signed by landowners who are relatively close to the limits of disturbance, and which will be recorded at the same time as the Deed of Easement, and which outlines the proposed standards and the amount of additional disturbance allowed on the Premises; and

WHEREAS, if the proposed standards are adopted by regulation as presently proposed and based on what is currently known about the property, there is approximately 7.61 acres of disturbance on the Premises and the Owner would have approximately 2.25 acres of additional permanent disturbance remaining on the preserved acreage (Schedule C); and

WHEREAS, SADC staff will inspect the farm prior to closing to establish, the extent of existing disturbance which shall be attached to the SPS Agreement, however, the Owners understand that this interpretation, along with the proposed standards, are subject to change; and

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

WHEREAS, the Property has a quality score of 71.51, which is higher than the minimum quality score of 62 needed for a "Priority" farm designation in Salem County, however at approximately 84.2 acres, it does not meet the minimum acreage criteria for the "Priority category which require at least 94 acres, therefore, this farm is categorized as an "Alternate" farm, requiring SADC preliminary approval; and

WHEREAS, in accordance with Resolution #FY2022R12(10) which delegated certain routine Acquisition Program approval actions to the Executive Director, the Property was granted SADC preliminary approval by the Executive Director on December 19, 2022, because the farm's quality score is over 70% of the County's average quality score of 48; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on May 23, 2024, the SADC certified a development easement value of \$4,300 per acre based on zoning and environmental regulations in place as of the current valuation date March 28, 2024; and

WHEREAS, pursuant to P.L. 2023 c.245 and Policy No. P-56, the Interim Policy for applications pending adoption of the Statewide Farmland Preservation Formula, the SADC shall provide for the extension of deadlines and conditional approvals if requested by the Owner; and

WHEREAS, the Owner provisionally accepted the SADC's offer of \$4,300, but requested final approval to be conditioned on the provision of a certified Statewide Formula Value as such time as the Statewide Formula is adopted by the SADC; and

WHEREAS, if the Owner accepts the Statewide Formula Value, an amended final approval will be necessary for the issuance of the SADC cost share grant, subject to the availability of funds; and

WHEREAS, if the Owners decide to proceed with the sale of the development easement at any time prior to the adoption of the Statewide Formula, an internal amendment to this final approval will be necessary; and

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

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


NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$4,300 per acre for a total of approximately \$353,460 subject to the conditions contained in (Schedule B).
3. This final approval and closing on the easement purchase are conditioned upon:
 - a. on the landowner remediating the erosion concerns as generally noted on Schedule A and stabilizing the area to the SADC's satisfaction.
 - b. the recording of a Soil Protection Standards Agreement, to be signed by landowners, which outlines the proposed standards and the amount of additional disturbance allowed on the Premises.
4. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or

water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.

5. The final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
6. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
7. The SADC authorizes Chairman Edward D. Wengryn or Deputy Executive Director Charles Roohr, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
8. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
9. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

____6/27/2024_____
Date

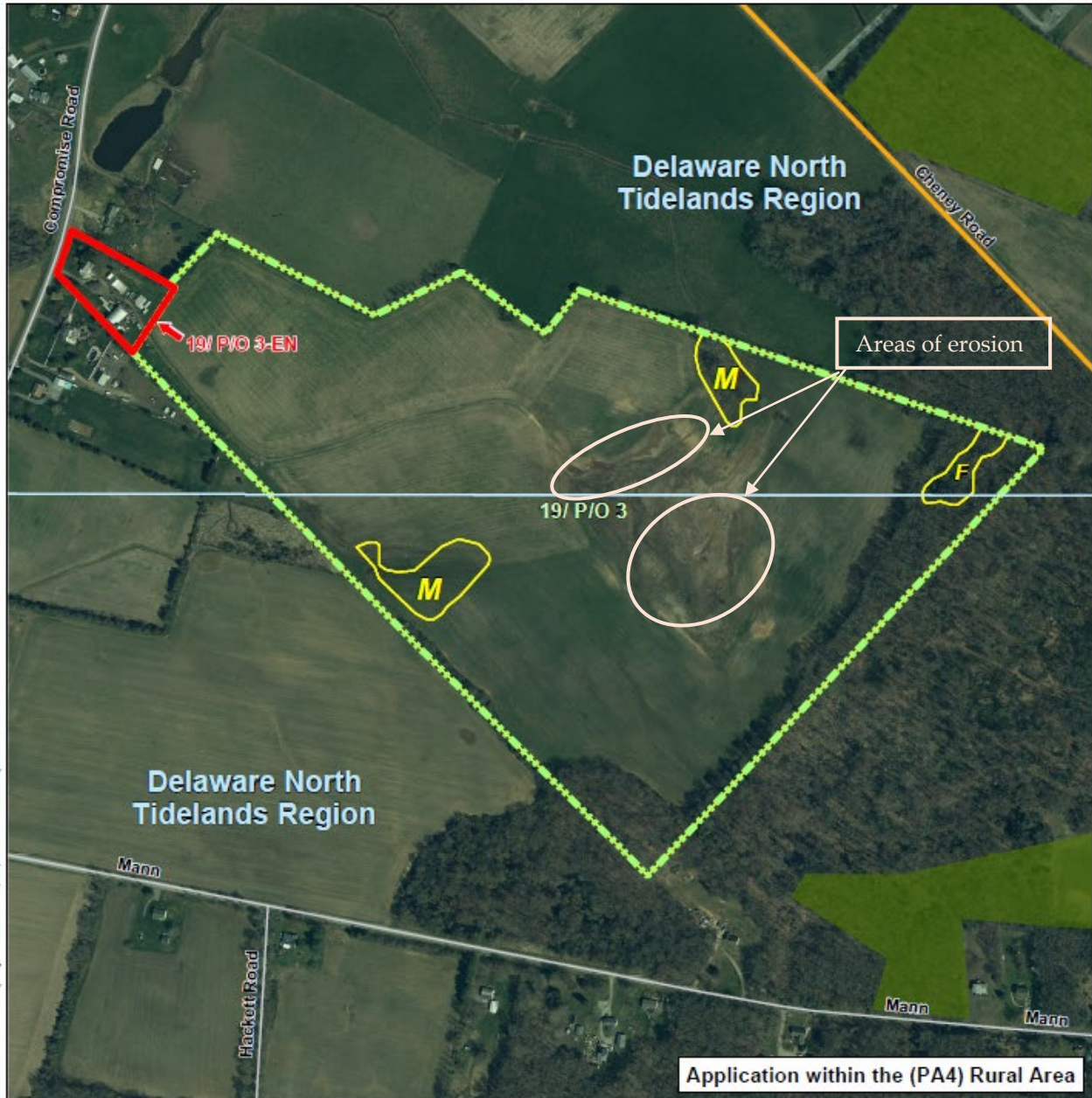


Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	ABSENT
Rich Norz	YES
Charles Rosen	ABSENT
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	ABSENT
Edward D. Wengryn, Chairperson	YES

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Crumb, Jr., William & Stephanie
Block 19 Lots P/O 3 (82.2 ac) &
P/O 3-EN (non-severable exception - 2.0 ac)
Gross Total = 84.2 ac
Mannington Twp., Salem County



TIDELANDS DISCLAIMER:
The Tidelands depicted on this map were derived from NJDEP's hydr_wetbr_tidelands_cikm downloadable file hosted on NJGIN. These features are not an official NJDEP determination and should only be used as a general reference. Only NJDEP, Bureau of Tidelands Management can perform an official determination of Tidelands/Riparian claims.

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



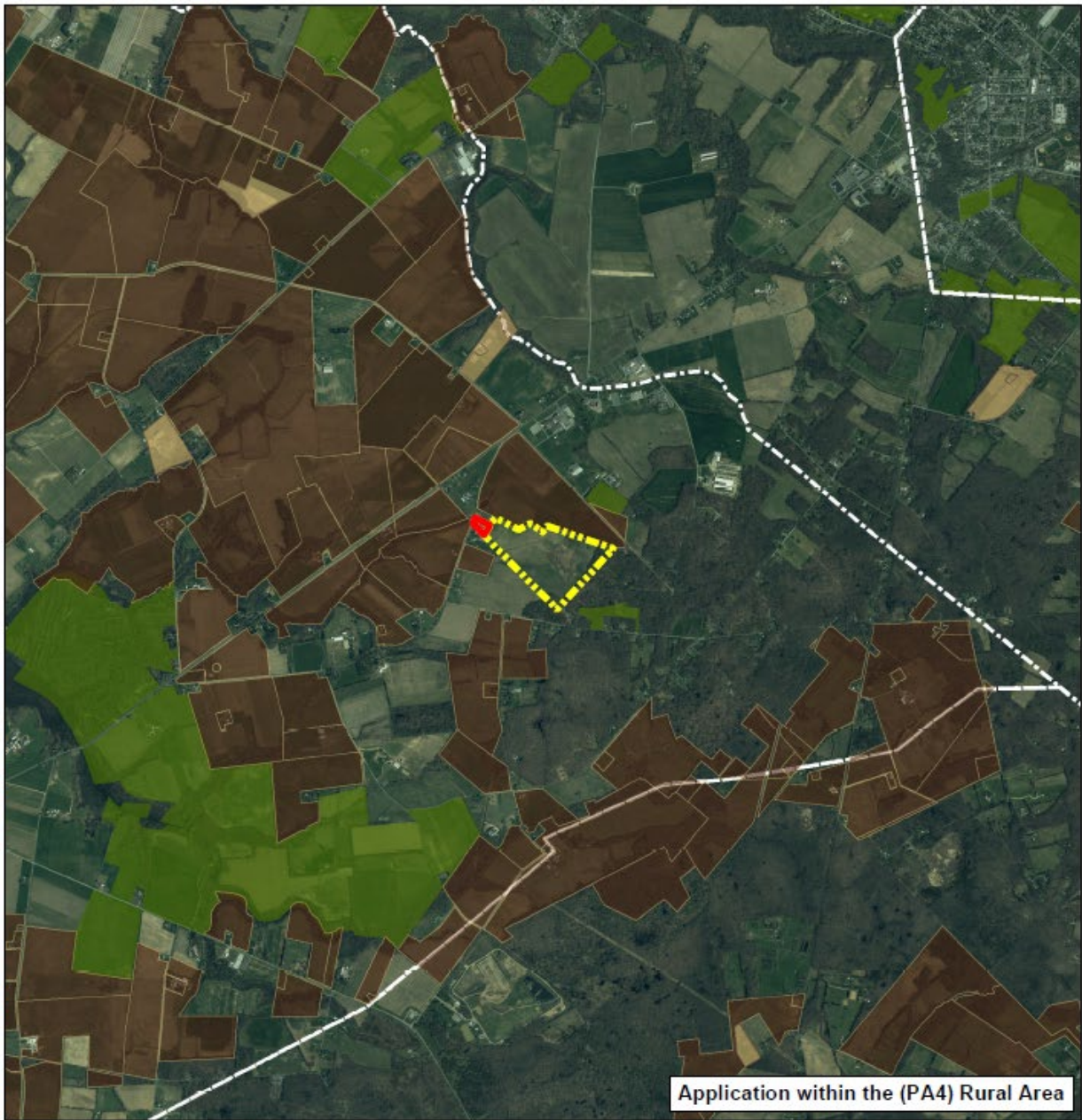
Wetlands Legend:
F - Freshwater Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

Sources:
NJ Farmland Preservation Program
NJGIT Parcel data
NJDEP 2015 LULU & Tidelands Data
Green Acres Conservation Easement Data
NJDEP Conservation/Open Space Data
NJDOT Road Data
NJGITIGIS 2020 Digital Aerial Image

November 22, 2022

Preserved Farms and Active Applications Within Two Miles

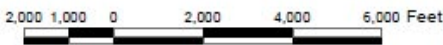
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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Crumb, Jr., William & Stephanie
Block 19 Lots P/O 3 (82.2 ac) &
P/O 3-EN (non-severable exception - 2.0 ac)
Gross Total = 84.2 ac
Mannington Twp., Salem County



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



Sources:
NJ Farmland Preservation Program
NJCTI Parcel Data
NJDEP Conservation/Open Space Easement Data
NJDOT Road Data
NJCTI/GIS 2020 Digital Aerial Image

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

November, 22, 2022

Preliminary Soil Disturbance Map



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Crumb, Jr., William & Stephanie
Block 19 Lots P/O 3 (82.2 ac) &
P/O 3-EN (non-severable exception - 2.0 ac)
Gross Total = 84.2 ac
Mannington Twp., Salem County

	Extent of Disturbance
	Easement Area
	Exception Area

Estimated Easement Acres: 82.24
Total Disturbance Acres (Does not include exception areas): 7.61
Percent of Disturbance: 9.25%



DISCLAIMER: This product was created using the most current available mapping. The accuracy of the mapping data contained in this product shall not, nor is intended to, be relied upon in matters requiring representation of the location of true dimensions and physical features, as would be obtained from a survey performed by a licensed New Jersey land surveyor.

Sources:
Farmland Preservation Program Data
NJDOT Road Data
Nearmap 2022 Digital Aerial

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Crumb, Jr., William & Stephanie
Easement Purchase - SADC
82.2 Acres

Block 19	Lot 3	Mannington Twp.	Salem County		
SOILS:		Other	4% * 0	=	.00
		Prime	90% * .15	=	13.50
		Statewide	6% * .1	=	.60
				SOIL SCORE:	14.10
TILLABLE SOILS:		Cropland Harvested	90% * .15	=	13.50
		Wetlands/Water	1% * 0	=	.00
		Woodlands	9% * 0	=	.00
				TILLABLE SOILS SCORE:	13.50
FARM USE:		Corn-Cash Grain	74 acres		
		Soybeans-Cash Grain	10 acres		

This final approval is subject to the following:

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2024R6(5)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Luksza Living Trust

JUNE 27, 2024

Subject Property: **Luksza Living Trust**
Block 3, Lot 12- Delaware Township, Hunterdon County
SADC ID#: 10-0298-DE

WHEREAS, on June 15, 2023, the State Agriculture Development Committee (“SADC”) received a development easement sale application from the Trustee of the Luksza Living Trust, hereinafter “Owner,” identified as Block 3, Lot 12, Delaware Township, Hunterdon County, hereinafter “the Property,” totaling approximately 81.1 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1), approximately 2.9-acre non-severable exception area for one (1) existing single family residential unit, one (1) future residential opportunity, and to afford future flexibility for nonagricultural uses resulting in approximately 78.2 net acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, the 2.9 acre non-severable exception area:

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

WHEREAS, the Premises includes:

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

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

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

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Hunterdon County (minimum acreage of 47 and minimum quality score of 59) because it is approximately 81.1 acres and has a quality score of 60.63; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on April 19, 2024, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Chairman Wengryn certified the Development Easement value of \$6,000 per acre based on zoning and environmental regulations in place as of the current valuation date March 18, 2024; and

WHEREAS, pursuant to P.L. 2023 c.245 and Policy No. P-56, the Interim Policy for applications pending adoption of the Statewide Farmland Preservation Formula, the SADC shall provide for the extension of deadlines and conditional approvals if requested by the Owner; and

WHEREAS, on May 20, 2024 the Owner provisionally accepted the SADC's offer of \$6,000 per acre, but requested final approval to be conditioned on the provision of a certified Statewide Formula Value as such time as the Statewide Formula is adopted by the SADC; and

WHEREAS, if the Owner accepts the Statewide Formula Value, an amended final approval will be necessary for the SADC's purchase price, subject to the availability of funds; and

WHEREAS, if the Owner wants to proceed at any time prior to the adoption of the Statewide Formula, an internal amendment to this final approval will be necessary; and

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$6,000 per acre, for a total of approximately \$469,200, subject to the conditions contained in (Schedule B).
3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on

the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.

4. The final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
5. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
6. The SADC authorizes Chairman Edward D. Wengryn or Deputy Executive Director Charles Roohr, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.
7. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
8. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

____6/27/2024_____
Date



Charles Roohr, Deputy Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Pete Johnson	ABSENT
Rich Norz	YES
Charles Rosen	ABSENT
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Suarez)	YES
Lauren Procida (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Brian Schilling (rep. Executive Dean Lawson)	ABSENT
Edward D. Wengryn, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles



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Application in the (PA4b) Rural Env Sens Area

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

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

The Luksza Living Trust (TLCNJ FY24)
Block 3 Lots P/O 12 (78.2 ac);
& P/O 12-EN (non-severable exception - 2.9 ac)
Gross Total = 81.1 ac
Delaware Twp., Hunterdon County

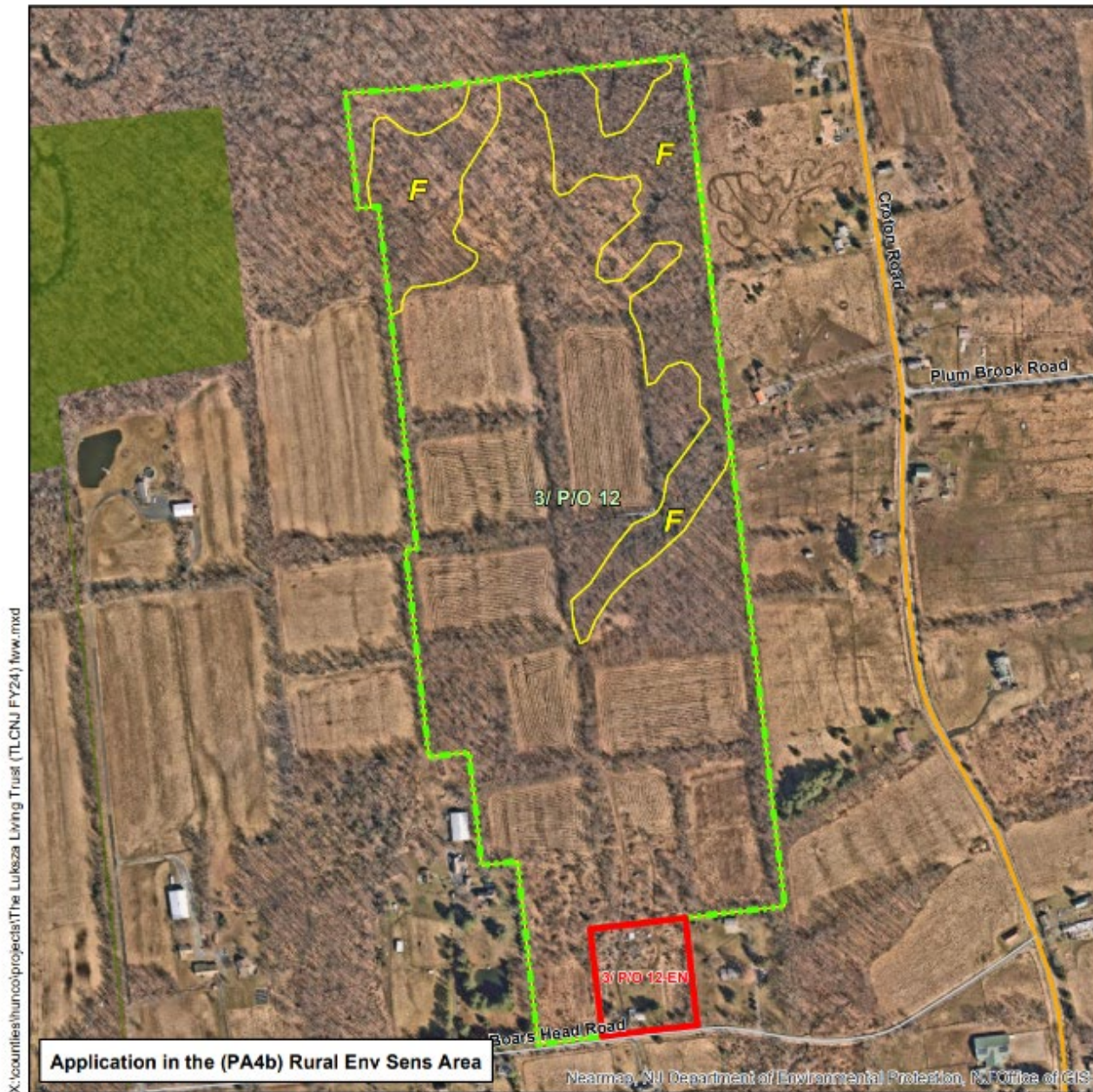
	Property In Question
	Exceptions
	Preserved Easements
	Transfer Development Rights (TDR) Preserved: Highlands, Pinelands and Municipal
	Active Applications
	County Boundaries
	Municipal Boundaries
	Municipal, County, Pinelands & Non-Profit Preserved Open Space, State Owned Conservation Easements, & State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



Sources:
NJ Farmland Preservation Program
NJOT Parcel data
NJDEP Conservation/Open Space Easement Data
NJ Highlands Council Data
NJOT Near Map 2022 Digital Aerial Image

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

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

The Luksza Living Trust (TLCNJ FY24)
Block 3 Lots P/O 12 (78.2 ac);
& P/O 12-EN (non-severable exception - 2.9 ac)
Gross Total = 81.1 ac
Delaware Twp., Hunterdon County



Sources:
NJ Farmland Preservation Program
NJGIT Parcel Data
Green Acres Conservation Easement Data
NJDEP 2015 Landuse, and cover Data
NJDEP Open Space
NJGIT Road Data
NJGIT/Neer Map 2022 Digital Aerial Image

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



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

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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

The Luksza Living Trust
Easement Purchase - SADC
78.2 Acres

Block 3	Lot 12	Delaware Twp.	Hunterdon County		
SOILS:		Other	12% * 0	=	.00
		Statewide	88% * .1	=	8.80
				SOIL SCORE:	8.80
TILLABLE SOILS:		Cropland Harvested	42% * .15	=	6.30
		Wetlands/Water	19% * 0	=	.00
		Woodlands	39% * 0	=	.00
				TILLABLE SOILS SCORE:	6.30
FARM USE:	Hay		56 acres		
	Other		5 acres		Cords of fuelwood

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (2.9) acres for Existing SFR and future 2nd SFR
Exception is not to be severable from Premises
Exception is to be limited to two existing single family residential unit(s) and zero future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.