

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

November 13, 2014

Chairman Fisher called the meeting to order at 9:05 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

Members Present

Douglas H. Fisher, Chairman
Thomas Stanuikynas (rep. DCA Commissioner Constable)
Brian Schilling (rep. Executive Dean Goodman)
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)
Cecile Murphy (rep. DEP Commissioner Martin)
Alan Danser, Vice Chairman
Denis C. Germano, Esq.
Peter Johnson
James Waltman
Jane Brodhecker

Members Absent

Torrey Reade

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

Others present as recorded on the attendance sheet: Stefanie Miller, Brian Smith, Timothy Brill, Heidi Winzinger, Paul Burns, Dan Knox, Hope Gruzlovic, Jeffrey Everett, Cindy Roberts, Charles Roohr, David Clapp, Sandy Giambrone and Patricia Riccitello, SADC staff; Michael Collins, Esq., Governor's Authorities Unit; Dan Pace, Mercer County Agriculture Development Board; Nicole Kavanaugh, New Jersey Farm Bureau; Donna Rue and Lori Rue, Rue

Brothers Farm, Monmouth County; Ann VanHise, Rue Brothers, Monmouth County; Casey Jansen, Holland Greenhouses, Middle Township, Monmouth County; Brian Wilson, Burlington County Agriculture Development Board; Brigitte Sherman, Cape May County Agriculture Development Board; Tara Kenyon, Somerset County Agriculture Development Board; Harriet Honigfeld and Linda Brennan, Monmouth County Agriculture Development Board; Tom Brodhecker, farm owner, Sussex County; Kevin Celli, Willow Creek Farm, Cape May County; Glorianne Robbi, East Amwell Township Farmland and Open Space Committee, Hunterdon County; Earle Steeves, Max Spann Real Estate, Hunterdon County; Frank McGovern, Esq., McGovern and Roseman Law Firm, Sussex County, and Frank Pinto, Spinelli and Pinto Consulting, Morris County.

Minutes

A. SADC Regular Meeting of October 3, 2014 (Open and Closed Sessions)

It was moved by Mr. Waltman and seconded by Mr. Johnson to approve the Open Session and Closed Session minutes of the SADC regular meeting of October 3, 2014. The motion was approved. (Ms. Murphy, Mr. Danser, Mr. Stanuikynas, Mr. Schilling and Mr. Germano abstained from the vote. Ms. Brodhecker recused herself from the vote regarding the Closed Session Minutes of October 3, 2014.)

REPORT OF THE CHAIRPERSON

Chairman Fisher made the following comments:

- Public Question on the November 4th Ballot

Chairman Fisher noted that the public question regarding continued funding for farmland and open space preservation passed in every county, which is remarkable. The percentage was much greater than in the 2009 bond issue. That is very good news and indicates that the public wants to retain open space and farmland. This is a re-direction so that means that there will be conversations taking place on what that means. In addition, there will be lots of discussion in terms of allocations. Chairman Fisher asked everyone to be vigilant in their discussions. Mr. Johnson asked how soon the money would begin to flow. Ms. Payne stated that she didn't know as yet. It begins in Fiscal Year 2016, and the fiscal year begins July 1st. She doesn't know if they are going to advance the money to make it available for appropriations beginning next summer, or whether we will have to wait until sometime during the year to advance the appropriation.

Those are the logistical issues we will have to work through with the Administration.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne made the following comments:

- Bergen County Farmland Preservation Event – Demarest Farm

Ms. Payne stated that she had the opportunity to go to Bergen County to attend a farmland preservation event at the Demarest farm. The landowners accepted the certified values and are proceeding under contract with Bergen County. It was a great event with the preservation of this 17-acre farm, which is adjacent to the previously preserved 11-acre farm, so that is a 30-acre oasis in Bergen County. The Demarest farm is a fruit operation.

- Soil Disturbance Subcommittee

Ms. Payne stated that the Soil Disturbance Subcommittee will meet one last time within the next couple of weeks for a final review of the proposal to address soil disturbance. She anticipates discussing the proposal at the next SADC meeting.

Ms. Payne stated that she is very appreciative of the public support of the referendum and of our program, and the SADC continues to do the very best job that it can. She thought that the fact that it passed in every county was telling. No county went below 54 percent and at the high level it was at 75 percent of voter approval. It was an overwhelming support for land conservation, which is very satisfying for us. She thanked the counties for all the work they did and the various partners and the public for supporting the program.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. Ms. Payne noted that there are articles regarding Tuckahoe Turf Farm, and that staff did send a letter regarding this. The Atlantic County Board of Agriculture had sought the SADC's support for the use of Tuckahoe Turf Farm's temporary soccer fields as they attempt to market their output. The SADC didn't comment specifically on that case because it could wind up coming before the agency. Staff wanted to let Atlantic County know that the SADC keeps

an open mind when asked to consider new marketing opportunities for the output of preserved farms.

Ms. Payne stated that there was considerable press regarding the tragic Columbus Day weekend accident at Alstede Farms. Right to Farm quickly became part of the dialogue. Ms. Payne felt that there was a real misunderstanding among municipal officials that they had no ability to deal with traffic issues associated with Alstede and other farms because of Right to Farm. Ms. Payne stated that staff wrote a letter, which was provided to the Committee in their meeting binders, trying to clarify the record that Right to Farm protection is not automatic and really that public safety is of paramount importance. If a farmer in any way is a direct threat to public health and safety, he or she is not eligible for Right to Farm protection. The SADC thought it was important to clarify this because it doesn't help farmers and it doesn't help Right to Farm to have people thinking that municipalities have absolutely no role in making sure things are safe for the public. Ms. Payne stated that Alstede Farms has never been the subject of a Right to Farm complaint or site-specific agricultural management practice (SSAMP). It has never been a case, so for the local officials to blame what happened on Right to Farm was in our minds out of line. Ms. Payne stated that staff received a letter from the Mayor of Chester Township and then responded, and those pieces of correspondence have been provided to the Committee in their meeting binders.

Ms. Payne stated that there was a tremendous amount of press on the referendum and the build-up to it. All but one of the major papers had endorsed the referendum. The only one that did not was the Bergen Record. Their rationale was that they didn't think a constitutional amendment was the way to get to "yes." It was good to see support for land conservation across the state with all the major papers. There are also many articles on all the pipeline activity going on throughout the state, which Tim Brill handles pretty much full-time at this point to deal with these pipeline extensions and rights of way extensions and takings.

Mr. Johnson stated that with the tragedy at Alstede Farms, he was wondering if the SADC would be discussing the On-Farm Direct Marketing AMP or are we going to wait for a request from someone to see if the AMP has been followed? Ms. Payne stated that staff was asked to come to Chester Township to hear from the residents of the town on how frustrated they are with traffic. Then they asked for assistance in developing a best management practice (BMP) for parking for farm markets. As part of staff's reply, we directed them to the AMP and said that the SADC just went through the process of adopting an AMP for on-farm direct

marketing facilities and hoped that farmers and townships alike will use that to create a dialogue in terms of how to avoid Right to Farm conflicts. That is what it is there for. Staff has not received a response to its letter. Ms. Payne stated that since nothing has been filed, unless asked the SADC is not going to step in. Staff answered their questions, has given them resources and we'll see if anyone contacts the SADC for more information.

PUBLIC COMMENT

The following members of the public addressed the Committee:

Lori Rue from Rue Brothers Farm stated that she, her sister and cousins own 325 acres of preserved farmland in Monmouth County. She wanted to speak to the Committee today because they have been coming before the Committee for 16 months and she was present at least 10 of those times. They are coming today for a second proposal. She wanted to outline what it is like to be a landowner sitting in the audience dealing with the decisions that the Committee has to make and the regulations. She stated that in no way is she attacking the Committee's character at all but she has grave concerns about some of the wisdom of the decision making.

Ms. Rue stated that her family came to the SADC in July 2013 with a subdivision request and a buyer. The Committee approved the subdivision but had grave concerns about the buyer because of his greenhouse proposal. That seems to have made it very challenging for them because they know the SADC is involved in litigation regarding that. Ms. Rue stated that they have been feeling in the past 16 months like the Committee has had a pretty difficult time in looking at them independently. They have tried to be extremely above board in everything. They don't have a lot of money to hire an attorney. They read every regulation and they studied before they even came to the SADC. They met with neighbors, local farmers and their local Township Committee. They went to their County board and got approval. They have been working with the buyer, Mr. Jansen, and love what he is doing. They feel he is on the cutting-edge of farming and where farming is going. They have done a lot of homework and research over the past 16 months.

Ms. Rue stated that at the July meeting staff requested that Mr. Jansen give detailed reports that no one has ever been asked to give, because they were going to do some soil disturbance. Ms. Rue stated that she knows the Committee is grappling with this task of, is disturbed soil destroyed? She didn't know what all that meant when they started. Mr. Jansen, since that request was made, has spent more than \$30,000, between attorney fees and engineering fees, just to get that report done. She believed that the report was

submitted to the SADC in September or October. Ms. Rue stated that she didn't hear from the Committee at all, it was never mentioned in any of the minutes under Old Business or that Mr. Jansen had submitted a report or that anyone had even discussed it. In February or March, they contacted staff asking what was happening. Ms. Rue stated that we are now in 2014 and it started in July 2013 and in March 2014 we were asking if this has been approved. They were told that the folder got lost or overlooked. Nothing really had happened so they were placed on the April agenda but that was prime farm season and it conflicted because our buyer was out of the country dealing with business. Then we got on the May agenda. Mr. Jansen was not able to give his visual or total presentation because the media equipment and the Internet didn't work. Mr. Roohr gave the presentation and he spoke to the Committee about it and the Committee again had grave concerns about the soil disturbance and would someone be able to come in in 100 years and farm the land. Ms. Rue stated who knows what farming is even going to be like in 100 years but they are pretty sure within the next 10 years that you will see a lot more of this climate-controlled and state-of-the-art farming because this is where it is going. If you want to promote farm-to-table food and services in farming and you want people to be doing cutting edge and being progressive, this is where it is coming from.

Ms. Rue stated that at the May meeting she stood up because this particular piece of farmland that they asked to have subdivided had been mined. The farm had been cut in half when I-195 went through and they had the opportunity and sold gravel to I-195 for the roadbed and they did it in an organized way with great integrity and did it a few acres at a time. They had all the permits and this was all done in the late 1960s or 1970s. When she mentioned that fact a member of the Committee's response was that maybe they shouldn't have been put into preservation in 1996 to begin with. Ms. Rue stated that never did anyone on the Committee say, you know that may be a game-changer. Maybe we should go look at this piece of property because in May when you turned this down, no one had been to this piece of property, nobody had spoken to anyone from their farm. Mr. Jansen didn't have a great deal of communication from everybody but it was not approved. Ms. Rue stated that they are just people and they work. They are dealing with the Committee trying to make sense of everything and did everything above board. That happens in May. Then they leave in May after this happened and they are dealing with stuff and they still got no really definitive answer about what the regulations really are. She stated that when you read you get to make a lot of interpretations about what you do but for people who are dealing with this it is very unclear what we really need to do. She continues to ask for specifics but is told we need to wait because they are being written. It's been 16 months. Ms. Rue stated that her issue is on the agenda today but that they are probably still another three to six months out before we even see all these rules. But she doesn't know because in February the rules were extended again and here we are in

November and we still haven't seen them. After the meeting the three of them talked again and decided that they were going to show you how cutting lands didn't destroy it. They did a lot of work with their county, their ag. board, with different soil groups down there and put together a report that they provided in July and showed the SADC that their 78 acres had not been destroyed and in fact it made it a better field and they get more crop and production out of it. They were approached after that meeting that staff would be in touch with them and this is what she wants to make sure goes on public record because she thought that this should have been brought up at the September or October meeting, maybe as Old Business, but it wasn't.

Ms. Rue stated that staff approached them at the end of July and finally someone came out and met with them at the farm in August. Mr. Roohr and Mr. Clapp came out and they had a very civil meeting and they talked and the request was that they have a soils report done. It was emphasized that even if they have this report done, it may not change anything with the Committee but they should have one done. She asked them what this report looks like and she was shown two reports that the SADC had done by other people where a soil specialist comes out and digs holes and they have to move across your field, they would look at your soil and decide what it looks like and what the health of it is. And they needed an agricultural specialist to look at Mr. Jansen's project to decide if this project is put on this piece of soil can someone come back in 100 years and tear those greenhouses down and farm. When she asked Mr. Roohr who paid for those reports, he replied that the SADC did. She asked why they aren't paying for a report for her. She stated that Mr. Roohr was vague and didn't say anything so her response was that if they spend thousands of dollars and have the report done, we know that the Committee still might not change its mind but now you have another document to use because they know you are embroiled in this litigation with the other greenhouse group. She looked at that again, so again they are trying to do everything they can because they believe in this project so they start to look into getting this report done. Well, the soil specialists in New Jersey, who you can count on one hand, they are all in conflict of interest with the SADC so they couldn't get a report done. So they looked around at the Extension Services and other groups and someone recommended that we contact a group in Maryland, and now we line up this group from Maryland. They have to come out and dig holes and go across the fields, well they have crops there. Ms. Rue stated that she thought that maybe at the September meeting it would be under Old Business that they had been asked to do this report but they couldn't get to it because their soybeans had not been cut yet and that it may take a little bit longer. They felt at this point it was becoming a moot point. Ms. Rue stated that like she said in the beginning, they own 325 acres of land. This piece of land is the only piece that has been mined and they thought it was a perfect spot for that and it met all the criteria. They really believe in what Mr. Jansen is doing, they think it is where

farming is going and would be really good for their community and their FFA program in town. Their neighbors are very excited about it and they think it is so good for the farming community so they are sticking with him as a buyer. Then they said let's look at another piece of land we have that we can level with a blow dryer or a rake. That is what will be presented today – Plan "B." They have already gotten feedback from staff that maybe you should have waited a little longer before you did this. So she wants everyone to know how it feels to be out there for 16 months as a person trying to navigate this system, where we actually thought we would get help and guidance in this and we feel like we have been stone-walled, that we spent a lot of money, we have someone who has a business who wants to increase productivity, grow more in New Jersey, sell to the retailers, farm to market, which everyone she knows wants. She thanked the Committee and she knows it put a lot of time into doing this and it has a lot to do but she wants everyone to know how it feels to be a farmer sitting in the audience.

Chairman Fisher stated that he appreciated the presentation made to everyone today and knows that the Committee listened intently.

Earl Steeves from Max Spann Real Estate stated that he worked with the Rue family and also Casey Jansen on this project. He stated that Ms. Rue did an excellent job outlining the course of events. Maybe the Committee's objective has been successful and Mr. Jansen has gotten discouraged on getting the project done. Chairman Fisher stated that comment was pretty unfair and that the Committee is not trying to stop anybody. Mr. Steeves stated that it has taken 16 months and not much direction or assistance has been given to Casey and this project. It was interesting to observe Director Payne's comments that the recent vote was an approval of soil conservation. He believes that most of the state thinks this is a farmland preservation and open space initiative, not necessarily a soil conservation initiative. He thinks that is part of the issue. Taxpayers in New Jersey have been voting for open space, but also for farmland preservation to provide a place and land in New Jersey where food and fiber can be grown for the citizens. When the SADC has a philosophy that some types of farms shouldn't be on preserved properties, including greenhouses maybe shouldn't be on preserved farms, he thinks that is a mistake and he thinks the SADC should rethink that. The future of agriculture, more and more, is going to be climate-controlled agriculture. Agriculture in New Jersey is some of the most diverse in the entire country. We are right in the middle of the greatest population centers in the country between New York and Philadelphia and this is where we should be growing food. He really asks the Committee to rethink the objective of providing and making land available for all types of farms and agriculture. He thinks there is room for everything and there should be room for everything. He does notice, going back to some of these farms that were preserved 15 to 20 years ago, we are now reinterpreting

what the farmland preservation easement language is. We are going through these easements with a microscope and reinterpreting what maintaining the quality of the farm and soils means. He thinks it is a mistake to be too conservative when we are talking about what farmland could be used for in this state.

Chairman Fisher thanked Mr. Steeves for his comments and added that the Committee does spend an enormous amount of time talking about farmland because frankly, much could be grown in a warehouse and not on farmland. He says that because that is the tug and struggle that the Committee deals with. It could be a farm inside a building in Newark and we are starting to see it and he has seen it himself. He understands the frustration talking about land but also talking about farming and growing operations. It definitely is something that the entire Committee wrestles with.

NEW BUSINESS

A. Eight-Year Farmland Preservation Program – Renewals & Termination

Ms. Payne referred the Committee to the Eight-Year Program Summary listing two renewals of eight-year farmland preservation programs. Ms. Payne asked that the Committee table the first one listed on the summary sheet, the Alex E. Clemick, Jr. farm. Ms. Payne stated that if that farm is in fact already preserved through the program, which she believes it is, it really doesn't need to renew. She wanted to make sure that the landowner is fully aware of what renewal means because the eight-year program restrictions are stricter than the permanent farmland preservation restrictions. She would like to recommend renewal of the Columbia Fruit Farm as follows:

1. Columbia Fruit Farm, SADC # 0113-84F-01/01-0018-8F
Town of Hammonton, Atlantic County, 17.63 Acres
New Soil and Water Conservation Cost Share Grant Eligibility (subject to available funding): \$1,763.00

Ms. Payne stated there was one termination of an eight-year program as follows:

1. Louis and Elizabeth Condo, SADC # 0113-86F-01/01-0020-8F
Town of Hammonton, Atlantic County, 116.57 Acres

Ms. Payne stated that she wasn't sure if this was an auto-renewal situation so to be safe she would ask for a motion by the Committee for the renewal for Columbia Fruit Farm.

It was moved by Mr. Danser and seconded by Mr. Siegel to renew the Eight-Year Farmland Preservation Program for the following landowner, as presented and discussed:

1. Columbia Fruit Farm, SADC # 0113-84F-01/01-0018-8F
Town of Hammonton, Atlantic County, 17.63 Acres
New Soil and Water Conservation Cost Share Grant Eligibility (subject to available funding): \$1,763.00

The motion was unanimously approved. (A copy of the Eight-Year Program Summary is attached to and is a part of these minutes.)

B. Stewardship

1. Request for a Division of the Premises
 - a. Rue Brothers, Inc., Upper Freehold Twp., Monmouth County

Mr. Roohr referred the Committee to Resolution FY2015R11(1) for a request by Rue Brothers, Inc., owners of Block 15, Lot 17.02; Block 15.01, Lots 17, 18, and Block 16, Lot 12, in Upper Freehold Township, Monmouth County, for a new division of the premises. The Committee had granted a division of the premises in July 2013 for the purpose of selling Block 15, Lot 17.02 to Holland Greenhouses, which proposed to construct 15 acres of permanent greenhouses on the site. Upon review of the soil grading plans for Holland Greenhouses' project at the May 22, 2014 SADC meeting, it was determined that the site work necessary to build out this project would likely violate the terms of the Deed of Easement for the property.

Mr. Roohr stated that last month the Rues proposed a new division over a much flatter location of the property in order to minimize cut/fill and grading work necessary to accommodate the project. The new proposal involves selling Block 15.01, Lot 18 and part of Lot 17 (Parcel "B") to Holland Greenhouses. The Rues would retain ownership of Block 15, Lot 17.02; Block 15.01, Lot 17 (part of) and Block 16, Lot 12 (Parcel "A").

Mr. Roohr stated that with this new proposal he would assume there would be a lot less soil to move if necessary to create a greenhouse project on the flatter ground versus the first division approval where the ground was more sloped. Parcel "A" to be retained by the Rues would result in a 252 +/- acre property that would include three existing single-family residences and several farm outbuildings and is improved with three irrigation ponds. Parcel "B" would result in a 79 +/- acre property improved with a single-family residence and several outbuildings. Mr. Roohr stated that the test for approval of divisions of the premises looks at agricultural viability and purpose. For this request, the

agricultural purpose is exactly the same as it was for the prior division approval, the sale to Mr. Jansen to create the greenhouse business, which was deemed to be a reasonable agricultural purpose the first time so presumably that is OK this time. As far as agricultural viability goes, this parcel scores better as far as tillable soils and quality of soils than the prior parcel. In his opinion, this is a better division request than the original parcel was.

Mr. Roohr stated that there are a couple of conditions as stated in the draft resolution. The 2013 approval had language in it referring to the SADC's involvement in the Quaker Valley Farms court case and the soil disturbance cautionary statement, which staff put in this one as well. Mr. Jansen spent several thousands of dollars to do engineering work to tell us exactly what the cuts and fills and excavation work would be for the request. Staff stated in this draft resolution that because he didn't do that on this new piece and without the benefit of knowing exactly what the cuts and fills are, staff couldn't do an analysis of how much soil disturbance was actually occurring there. Ms. Rue referred to us requesting that they wait even a bit longer. We had mentioned in December that the soil disturbance draft regulations would likely be presented to the Committee and at that time it would be a public document and the Rues and Mr. Jansen would be able to take a look at that and they would perhaps, without even having to do the engineering work, be able to figure out could this project fit within the box that would be created by those regulations. Staff thought that would be, at a minimum, at least a less expensive way to figure out whether this project would be viable on this 79-acre piece being proposed today. That was the reason for the mention of possibly waiting until December. However, at any rate, as far as the division goes, staff recommendation would absolutely be to approve this. The other condition would be that this is not an existing lot line so staff would need a survey that shows what the new lot line would be. There is a natural border but not a geographical one.

Mr. Roohr stated that the third condition would be that the SADC would rescind the approval for the original division of the premises. Whenever we do a division, it is specific to the buyer who was at the table that day. This division was specific to Mr. Jansen. He is not interested in purchasing both pieces so if we do approve this we would rescind the first approval. Staff recommendation, with the conditions discussed, is to grant approval to the new proposal.

Mr. Siegel asked the Rues if they had heard from the Township regarding the greenhouses. Ms. Rue stated that the Township approved the original greenhouse proposal. At this point they were waiting to hear from everyone else. They have to get the survey done so they will go to the Township with the new survey for the lot lines. There

has been a verbal “we don’t see any problems with the greenhouse” but they haven’t gotten final approval from the Township Planner as yet.

Chairman Fisher stated that regarding the property to be divided off, it’s flat, it obviously presents fewer problems than the other one in terms of disturbance and in terms of what was there or what isn’t there. We already know it is good farmland and much easier to deal with. However, it is about capacity. So the landowners are asking, can they subdivide this parcel, which is 79 acres, and on 79 acres Mr. Jansen wants to build 15 acres of greenhouses. They don’t want to proceed if they don’t know whether they can build 15 acres; that is his understanding. He thought it was presented to them at one time that on the other piece that there possibly could be a capacity of 5 acres of greenhouses and he remembers that Mr. Jansen said he would have to know whether he could develop, from a future business perspective, that you would have to develop all 3 greenhouses at 5 acres each. Chairman Fisher stated that we are sort of back to the same place again, which says can 79 acres support 15 acres of greenhouses? He believes the Committee will approve the subdivision, based on just moving it from here to here and a viable project. He knows that there is great support from the agricultural community about this project of greenhouses on this property. But what he thinks that they are trying to find out is can they get that full capacity that they are looking for and if they cannot, what can they get so they can have this subdivision? Just having the subdivision by itself, it leaves this process in the same flux. Mr. Danser stated that it is a process and those were the steps in the process the last time. We approved the other parcel, they did their evaluation and we all know what we went through, it is 16 months at this point. All we are required and need to look at is agricultural purpose and viability for the division of the premises. Where the Planning Board has to go is interesting, but it shouldn’t affect our determination on those two facts. Chairman Fisher stated that the reason he brings it up in this fashion is that he doesn’t feel like all these cards should be on the table. Then they may say we don’t want a subdivision or maybe we need a bigger piece to do this type of thing that we know we would have to get the Township approvals to do. Mr. Germano stated that staff has indicated that 80 percent of the property is dead level and you could see almost to the horizon. If it is 80 acres and it is 80 percent dead level there isn’t going to have to be disturbance. They can do 40 acres for greenhouses without disturbing any soils. Mr. Siegel stated that it is also possible to build a greenhouse on a flat surface and disturb the soil. He was wondering if we are giving a conditional approval with the resolution in that the town can say no to the lot line change, the creation of a new tax lot. They are not really supposed to look at the outcome purpose, but only the land use purpose. The fact that the buyer wants to do something on there, we know that municipalities do that all the time.

Chairman Fisher stated that the landowners are applying for a division of the premises. This Committee may say yes to the subdivision but that doesn't guarantee that you will be able to build 15 acres of greenhouses. Mr. Waltman stated that some of us have been toiling on this issue for a long time and everyone is frustrated that it is taking a long time but it is complicated. He thinks that everyone on the subcommittee who has been dealing with it is doing it with a very sincere motivation, trying to set rules that make sense, that are understandable, are consistent and are fair. He would say, maybe we can apologize because it is taking so long, but not for the motivation. He thinks that it would be a big mistake for anyone on this Committee to send the landowners a signal that the proposed greenhouses are going to or won't be consistent with the Deed of Easement as we will interpret it or be consistent with the rules that are about to come out. Having spent all this time on this he would hate to see the Committee send any signals to you and he hopes the landowners are not receiving any signals that this development proposal is going to be OK or is not going to be OK. Mr. Waltman stated that what we have is a proposal to divide the premises period.

Ms. Rue stated that she thought that part of this came down to the subdivision and even the last time the subdivision was OK but her understanding is, and she said this before, that as owners of preserved farmland, we thought we owned our land, but we learned that we don't. That we can get it subdivided but we still have to have approval from all of you for what the buyer wants to do. Is that a misinterpretation on her part? Mr. Danser stated that if you were going to sell it to Mr. Jansen and he wanted to continue to grow corn and soybeans on it we wouldn't be going through any of this and you are going through this process because he wants to be certain that he can do what he wants to do and that is where there is a question. You don't want to sell it to him and have him not be able to do what he wants to do. Ms. Rue stated that she wanted to make it very clear also that these greenhouses are not cement-based, they are growing right in the soil. The soil is being used. She just doesn't know if everyone even realizes what these projects look like. Mr. Jansen never gave a complete visual to the Committee about what he is actually doing.

Mr. Jansen stated that Plan "A," which was the first parcel, didn't work out after lots of money being spent and 16 months in time and trying to come up with a Plan "B." The biggest question in his mind is, you mention soil disturbance. What is the definition of soil disturbance? That is where he gets thrown left and right – that is the biggest key here. He hears from people that he can start tomorrow, build tomorrow because it is not in regulation. He came before the Committee 16 months ago up front, telling you what he wants to do and he knows the litigation the SADC has been through and he doesn't want to go through that. He has been up front and asked questions, even what was in the draft regulations. Why does he have to wait until December? He is willing to adapt. Starting

with Plan "B" is going to cost him another up to \$30,000. He is getting tired and aggravated and Pennsylvania isn't that far away, but he doesn't want to have to do that. The biggest thing here is, what is the definition of soil disturbance? You guys don't know and Plan "A" was a perfect spot to give your own answer. You don't need a scientist, it is proven, it has been mined, stripped, soil put back on top and is yielding beautiful crops. So to put all these scientists and all that is bogus in his opinion.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2015R11(1) granting approval of the new division of the premises request by Rue Brothers, Inc., owners of Block 15, Lot 17.02; Block 15.01, Lots 17, 18 and Block 16, Lot 12, in Upper Freehold Township, Monmouth County, comprising 331.91 acres as presented and discussed, subject to any conditions of said resolution as follows:

Parcel "A": (retained by the Rue Family) – Block 15, Lot 17.02 and part of Lot 17; Block 16, Lot 12, 252+/- acres, which would include three existing single-family residences and several farm outbuildings.

Parcel "B": (proposed to be retained by Holland Greenhouses) – Block 15.01, Lot 18 and part of Lot 17, 79+/- acres, which would include a single-family residence and several outbuildings.

As a condition of approval of this Division of the Premises, the Committee hereby rescinds its prior Division of the Premises approval as described in SADC Resolution FY2014R7(2). The SADC has informed the Purchaser of the recent court decisions related to soil disturbance on preserved farms pursuant to litigation filed in the case of State of New Jersey, State Agriculture Development Committee vs. Quaker Valley Farms, LLC and David denHollander, which may be relevant to the proposed use of the Premises by the Purchaser. The SADC has recommended to the Purchaser to provide details of its plans for the development of infrastructure on the Premises to the CADB and SADC prior to conducting any site work to ensure the proposed work does not violate the SADC Deed of Easement. The SADC's approval of this Division of the Premises shall not constitute, nor be interpreted to constitute, any degree of approval of the use of the Premises as proposed by the Purchaser. As a condition of this approval, the Owner shall provide a copy of a survey and metes and bounds description of the newly created parcels to the CADB and the Committee. Upon receipt of the survey and metes and bounds description for the individual parcels, the SADC shall file a copy of its approval of the Division of the Premises with the Monmouth County Clerk's Office. The SADC's approval of the Division of the Premises is subject to, and shall be effective upon, the recording of

the SADC's approval resolution.

Mr. Johnson asked when the Soil Disturbance Subcommittee will be meeting next. Ms. Payne stated within the next two weeks. Staff is in the process of setting up the meeting. Mr. Johnson asked if the Subcommittee would be involved in the resolution that will be before the Committee at the next meeting. Ms. Payne stated that the Subcommittee will do a final review of the text and numbers. Staff will make its final recommendation as to what the proposal should be and look like and if the Subcommittee is satisfied with that, staff will bring it to the Committee at the December meeting. It is not a resolution. This needs to come to the SADC, have staff explain what was done and why it says what it says. The Committee needs to review and consume it, comment on it or you may be comfortable enough to say send it out for comments by the world or alternatively say you don't like it. We have endeavored to work with the Subcommittee to make sure staff was thinking along the lines of the full Committee, but only the full Committee can decide that. The best-case scenario is that it comes to the SADC in December, the Committee thinks it looks solid enough for public consumption and we send it out to all of the counties, our partners, boards of agriculture and say here is the issue we had to grapple with, here is the proposal on how to deal with those issues and reconcile and clarify the terms of the Deed of Easement and get comments back. Once we get that feedback, the Committee would then make any changes that it felt was needed and then proceed on introducing a rule. We will then go through the rule-making process.

The motion was unanimously approved. (A copy of Resolution FY2015R11(1) is attached to and is a part of these minutes.)

2. Annual Stewardship Report

Mr. Roohr referred the Committee to the FY2014 Annual Monitoring Report. He stated that every year for the past several years staff has prepared a summary for the Committee on the annual monitoring of preserved farms for that year. Every farm that is preserved has a clause that requires the farm be reviewed each year to make sure it is in compliance with the Deed of Easement. A couple of years ago, staff introduced an electronic web-based form that most of the counties are using to some degree.

Mr. Roohr stated that 2014 was a very good year in terms of monitoring. He reviewed the three-year monitoring trend with the Committee via PowerPoint slides. He stated that this year was an outstanding year and that a lot of counties stepped up their monitoring program, with several counties reaching the 100 percent mark for the first time. What is not completely clear in the mapping is that both Somerset and Morris counties are not

showing up in the green area, meaning the highest rate of compliance, but that is because both of those counties decided to change their monitoring schedule. Most counties do their monitoring from January through July. Morris and Somerset, for logistical reasons and for wanting to see what the fall harvest looks like and also to see what fall agritainment looks like, decided to move their monitoring to do some in the fall season, which means they didn't get their full tally in by July 14th, which threw off the map somewhat. Both of those counties are in the high 90s to 100 percent completion rate every year.

Mr. Roohr stated that Burlington, Bergen, Monmouth, Mercer, and Warren Counties have been in the 95 to 100 percent completion range for the past three years. and have achieved that high rate of completion. They put a lot of effort into their monitoring programs. Middlesex and Cumberland counties had big spikes this year. Middlesex County has consistently done a good job. Cumberland County this year has done a very good job as well. Cape May County is in its second year of 100 percent completion. The best increase from year to year was in Salem County, which went from very low to a 100 percent completion rate this year. Kris Alexander is a one-woman operation and she doesn't have any GIS staff or any administrative assistant. In February, she indicated she would complete all her monitoring, which she did.

Mr. Roohr stated that staff is constantly trying to improve the E-form based on comments received by the users. Also our own staff, Gary Pohorely, monitors almost 100 percent of the SADC's properties, which amounts to more than 400 farms. In September, staff was invited to a roundtable discussion that the CADBs hold on a regular basis and one of the topics was the E-form and monitoring and how to make both processes better. They had a very constructive discussion and received a lot of good input on what would make it better for them. Staff fully intends to implement as many of those suggestions as soon as we can.

Mr. Roohr stated that staff reports also reports on common and uncommon findings during the monitoring process. For this year, it is pretty similar to past reports. The vast majority of farms are in compliance and have no issues at all. Some of the common things seen are overgrown fields and getting folks to mow the fields. Soil erosion is also a common one. We now have Dave Clapp, who is a soil conservationist, on staff and now we can identify soil erosion for folks and say that we have a staff person who can help the landowners fix that problem. Nonagricultural use activities, whether a small business or an activity in general that is not related to the farm or marketing its output, there are always a few of those. Mr. Siegel asked if those items are documented in any type of report on nonfarm uses. Mr. Roohr responded yes. Mr. Schilling asked if that was

something that staff planned on reporting. Ms. Payne stated that some of the content of the observations by staff on the frequency of the types of violations should be contained in the memorandum to the Committee going forward. Mr. Siegel stated that he would suggest that if there is a possible nonagricultural use occurring, that there be some layman's effort to identify the size of the violation in the context of the total property because that is also germane to the tax compliance question.

Mr. Roohr stated that some of the new items found this year dealt with solar panels installed without prior approvals, which has been for the most part human error. Unapproved divisions of the premises were seen more than usual this year, with six cases. One very new thing that came up on several cases in Cumberland and Salem counties is water level issues. Some of that has to do with sea level rise, according to the landowners, but another more identifiable problem is apparently a dike system in Cumberland County, which has not been properly maintained. In some places it is causing fields to be too wet and in other areas, where folks had a reliable irrigation source, there is not enough water because it is escaping.

Mr. Roohr stated that staff intends to send correspondence to the Planning Boards or CADB Chairs to let them know how their counties have been doing.

H. Resolution for Final Approval – County Planning Incentive Grant Program

Ms. Roberts referred the Committee to two requests for final approval under the County Planning Incentive Grant Program in Cumberland County. Ms. Roberts discussed the specifics with the Committee and stated that staff recommendation is to grant final approval.

Ms. Miller referred the Committee to three requests for final approval under the County Planning Incentive Grant Program – one in Hunterdon County and two in Warren County. Ms. Miller reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval.

Mr. Johnson recused himself from any discussion/action pertaining to the requests for final approval for those applicants in Burlington County to avoid the appearance of a conflict of interest. Mr. Johnson is a member of the Burlington County Agriculture Development Board.

Mr. Knox referred the Committee to six requests for final approval under the County Planning Incentive Grant Program. Mr. Knox reviewed the specifics with the Committee

and stated that staff recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2015R11(2) through Resolution FY2015R11(6) granting final approval to the following applications under the County Planning Incentive Grant Program in Cumberland, Hunterdon and Warren Counties, as presented and discussed, subject to any conditions of said Resolutions:

1. John Sorantino (#1), SADC #06-0145-PG (Resolution FY2015R11(2))
Block 42, Lots 16.01 and 16.02, Fairfield Township, Cumberland County, 35 Acres
State cost share of \$3,400 per acre (68 percent of the purchase price) for a total grant need of \$122,570 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 36.05 acres will be utilized to calculate the grant need.

2. Todd K. and Margaret L. Casper # 2, SADC # 06-0147-PG (Resolution FY2015R11(3))
Block 501, Lot 9.06, Upper Deerfield Township, Cumberland County, 24 Acres
State cost share of \$3,160 per acre (68.70 percent of the purchase price) for a total grant need of \$78,115.20 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 24.72 acres will be utilized to calculate the grant need.

3. Donald and Jill Zander (Farm # 2), SADC # 10-0340-PG (Resolution FY2015R11(4))
Block 5, Lot 3, Kingwood Township, Hunterdon County, 24 Net Easement Acres
State cost share of \$4,875 per acre (61.32 percent of the purchase price and certified value) for a total grant need of approximately \$120,510 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "D." The property has a 4-acre nonseverable exception area limited to one single-family residence; a 0.5-acre nonseverable exception area to provide access to the adjacent Zander #1 farm; zero existing single-family residences, zero agricultural labor housing units

and no preexisting nonagricultural uses on the area to be preserved outside of the exception areas. A 50-foot wide unrestricted access easement benefiting Zander #1 farm will be established in the property's 0.5 acre northeasterly non-severable exception area, and it will be recorded prior to closing. If Agricultural Land Easement (ALE) funding is secured and approved for use by the SADC, said funding will first be used to reduce the County cost share and then, with the remaining funds, reduce the SADC's cost share. If a closing is unreasonably delayed for any reason, including securing the use of ALE funds, the SADC retains the right to rescind its final approval of encumbered competitive grant funds equal to the amount of the anticipated Federal grant for the acquisition of a development easement on the property.

Discussion: A parcel application was submitted by the New Jersey Conservation Foundation (NJCF) to the FY2015 U.S. Department of Agriculture, Natural Resources Conservation Service, Agriculture Conservation Easement Program (ACEP) for an Agricultural Land Easement (ALE) grant. The NRCS has determined that the Property and landowner qualified for ALE grant funds. The landowner has agreed to the additional restrictions associated with the ALE Grant, including a 5 percent maximum impervious coverage restriction (approximately 1.2 acres) for the construction of agricultural infrastructure on the Property outside of exception areas, which is the maximum allowable for this property through the ALE program at this time. Because the ALE easement value has not been determined yet, the ALE grant will be calculated based on an estimated current easement value of \$8,200 per acre equating to an ALE grant of \$4,100 per acre (50 percent of \$8,200) or approximately \$98,400 in total ALE funds.

The SADC has determined that the encumbrance of competitive grant funds associated with the acquisition of development easements that ultimately may be purchased, in part, with ALE funds does not have an immediate adverse impact on another county's access to competitive funds. But if a closing is unreasonably delayed for any reason, including securing the use of ALE funds, the SADC retains the right to rescind its Final Approval of encumbered competitive grant funds equal to the amount of the anticipated ALE grant for the acquisition of a development easement on an affected Property. Should alternate ALE or FRPP funding become available from other funding years or through other qualified entities such as the SADC, a non-profit organization or county, it may be utilized if such funding benefits the easement acquisition and/or the successful use of ALE funding. The use of ALE funding is conditioned upon the satisfactory resolution of any changes to the Deed of Easement language with the NRCS, prompted by ACEP and the FY14 Farm Bill. To best leverage available funding, the County requested to use the ALE funding to first cover the local cost share and then, with the remaining funds, reduce

the SADC's cost share.

The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 24.72 acres will be utilized to calculate the SADC grant need.

4. Robert Cericola # 1, SADC #21-0549-PG (Resolution FY2015R11(5))
Block 58, Lots 8, 9, 12, 13, 13.01 and 15
Franklin Township, Warren County, 182 Acres
State cost share of \$4,000 per acre (64.52 percent of the purchase price and the certified Market Value) for a total grant need of \$749,840 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 187.46 acres will be utilized to calculate the grant need.

5. Robert Cericola # 2, SADC # 21-0547-PG 9 Resolution FY2015R11(6))
Block 58, Lot 10, Franklin Township, Warren County 30.5 Net Acres
State cost share of \$3,775 per acre (62.92 percent of the purchase price and 65.65 percent of the Certified Market Value) for a total grant need of approximately \$118,610.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 31.42 acres will be utilized to calculate the grant need.

The motion was unanimously approved. (Copies of Resolution FY2015R(2) through Resolution FY2015R11(6) are attached to and are a part of these minutes.)

Mr. Johnson recused himself from any discussion/action pertaining to the requests for final approval for those applicants in Burlington County to avoid the appearance of a conflict of interest. Mr. Johnson is a member of the Burlington County Agriculture Development Board.

It was moved by Mr. Waltman and seconded by Ms. Brodhecker to approve Resolution FY2015R11(7) through Resolution FY2015R11(12) granting final approval to the following applications under the County Planning Incentive Grant Program in Burlington

County, as presented and discussed, subject to any conditions of said Resolutions:

6. Alloway Family Limited Partnership (Prickett Farm), SADC # 03-0392-PG (Resolution FY2015R11(7))
Block 1602, Lot 9, Southampton Township, Burlington County, 129 Easement Acres
State cost share of \$2,313.40 per acre (72.54 percent of the purchase price and 92.54 percent of certified value) for a total grant need of \$307,381.46 (\$28,079.98 from FY11 Competitive funds and \$279,301.48 from FY13 Competitive funds) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C." The property has a 2-acre nonseverable exception area limited to one single-family residence, and no preexisting nonagricultural uses, zero residences and zero agricultural labor units. The landowner has agreed to limit impervious coverage on the property to a maximum of 10 percent of the total property acreage, outside of the exception area.

Discussion: The N.J. Pinelands Commission Amended Letter of Interpretation #1495 allocated 5.0 Pinelands Development Credits (PDC) to the property (.25 PDCs have been reserved for the existing house). As a result of conveyance of the Deed of Easement to the County, the 5 PDCs will be retired. Landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31. The Formula takes into consideration the PDCs for a particular parcel and the presence of important agricultural and environmental features. The Formula provides for certain base values to be adjusted upward in varying percentages depending on factors such as site-specific environmental quality, access to highways, septic suitability and agricultural viability. Pursuant to N.J.A.C. 2:76-19.13, a landowner may choose to receive a higher base value pursuant to N.J.A.C. 2:76-19.4(c) by placing a deed restriction on the property that limits impervious coverage on the property to 10 percent of the total property acreage. The Owner accepted an offer from the County to purchase a development easement for \$3,189 per acre (which is the Formula valuation with 10 percent impervious coverage). The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 132.87 acres will be utilized to calculate the grant need.

7. Alloway Family Limited Partnership (Hall Farm), SADC #03-0391-PG (Resolution FY2015R11(8))
Block 1601, Lots 10 and 10.03, Southampton Township, Burlington County, 65 Easement Acres
State cost share of \$2,650.60 per acre (70.66 percent of the purchase price and

76.83 percent of the certified value), for a total grant need of \$177,457.67 (from FY13 Competitive funds) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C." The landowner has agreed to limit impervious coverage on the property to a maximum of 10 percent of the total property acreage.

Discussion: The N.J. Pinelands Commission Amended Letter of Interpretation #271 allocated 3.25 Pinelands Development Credits (PDC) to the property. As a result of conveyance of the Deed of Easement to the County, the 3.25 PDCs will be retired. Landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31. The Owner accepted an offer from the County to purchase a development easement for \$3,751 per acre (which is the Formula valuation with 10 percent impervious coverage). The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 66.95 acres will be utilized to calculate the grant need.

8. Jeffrey Whalen & Whalen Farms, LLC (Home Farm), SADC # 03-0393-PG (Resolution FY2015R11(9))
Block 33, Lots 21, 22; Block 34, Lots 11, 12.01, 12.02, 13, 20, Shamong Township, Burlington County, 145 Easement Acres
State cost share of \$2,081.70 per acre (73.53 percent of the purchase price and 289.13 percent of the certified value) for a total grant need of \$310,901.90 (from FY13 Competitive funds) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C." The property has a one-acre nonseverable exception area limited to one single-family residence; a one-acre nonseverable exception area limited to three single-family residences; no preexisting nonagricultural uses, zero residences and zero agricultural labor units. The landowner has agreed to limit impervious coverage on the property to a maximum of 10 percent of the total property acreage, outside of the exception area.

Discussion: The N.J. Pinelands Commission Amended Letter of Interpretation #1946, 1966, 2103, 2104 and 2105 allocated 2.75 Pinelands Development Credits (PDC) to the property. One (1) PDC has been reserved for the four existing homes. As a result of conveyance of the Deed of Easement to the County, the 2.75 PDCs will be retired. Landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31. The Owner accepted an offer from the County to purchase a development easement for \$2,831 per acre (which is the Formula valuation with 10 percent impervious coverage). The County has requested to encumber an additional 3 percent buffer for possible final surveyed

acreage increases; therefore, 149.35 acres will be utilized to calculate the grant need.

9. Jeffrey Whalen & Whalen Farms, LLC (South Farm), SADC # 03-0394-PG (Resolution FY2015R11(10))
Block 33, Lots 10, 11.01, 11.02, 13.02, 16.01, 16.01, 17, 18.01 and 18.02;
Shamong Township, Burlington County, 114 Easement Acres
State cost share of \$2,290.60 per acre (72.69 percent of the purchase price and 129.71 percent of the certified value) for a total grant need of \$268,962.25 (from FY13 Competitive funds) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C." The landowner has agreed to limit impervious coverage on the property to a maximum of 10 percent of the total property acreage.

Discussion: The N.J. Pinelands Commission Amended Letter of Interpretation #1967 allocated 4.5 Pinelands Development Credits (PDC) to the property. As a result of conveyance of the Deed of Easement to the County, the 4.5 PDCs will be retired. Landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31. The Owner accepted an offer from the County to purchase a development easement for \$3,151 per acre (which is the Formula valuation with 10 percent impervious coverage). The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 117.42 acres will be utilized to calculate the grant need.

10. Thomas R. Haines, SADC # 03-0395-PG 9Resolution FY 2015R11(11))
Block 841, Lots 7, 8, 9, 10, 12, 13, 31; Block 842, Lot 59
Pemberton Township, Burlington County, 158 easement acres
State cost share of \$1,323.60 per acre (75.72 percent of the purchase price and 169.26 percent of the certified value) for a total grant need of \$215,402.66 (from FY13 Competitive funds) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C." The landowner has agreed to limit impervious coverage on the property to a maximum of 10 percent of the total property acreage.

Discussion: The N.J. Pinelands Commission Amended Letter of Interpretation #2106 allocated 3.25 Pinelands Development Credits (PDC) to the property. As a result of conveyance of the Deed of Easement to the County, the 3.25 PDCs will be retired. Landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31. The Owner accepted an offer from the County to purchase a development easement for \$1,748 per

acre (which is the Formula valuation with 10 percent impervious coverage). The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 162.74 acres will be utilized to calculate the grant need.

The motion was approved. (Mr. Johnson recused himself from the vote. (Copies of Resolution FY2015R11(7) through Resolution FY2015R11(11) are attached to and are a part of these minutes.)

Mr. Johnson recused himself from any discussion/action pertaining to the requests for final approval for those applicants in Burlington County to avoid the appearance of a conflict of interest. Mr. Johnson is a member of the Burlington County Agriculture Development Board. Chairman Fisher recused himself from any discussion/action pertaining to the following agenda item to avoid the appearance of a conflict of interest. Chairman Fisher has had professional dealings with Paul Hlubik, who is the executor of this estate and is also the Director of the N.J. Farm Service Agency.

It was moved by Mr. Waltman and seconded by Mr. Danser to approve Resolution FY2015R11(12) granting final approval to the following application under the County Planning Incentive Grant Program in Burlington County, as presented and discussed, subject to any conditions of said Resolution:

11. Estate of Harriet Hlubik, SADC # 03-0390-PG (Resolution FY2015R11(12))
Block 102, Lot 6; Block 200, Lot 4; Block 201, Lot 23
North Hanover Township, Burlington County, 74 Net Acres
State cost share of \$5,100 per acre (54.55 percent of the purchase price and 60.71 percent of the certified value) for a total grant need of \$393,975 (from FY13 Competitive funds) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C." The property has 2 two-acre nonseverable exception areas limited to zero residences; one single-family residence, zero agricultural labor units and no preexisting nonagricultural uses on the area to be preserved outside of the exception area.

Discussion: The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 77.25 acres will be utilized to calculate the grant need.

The motion was approved. (Chairman Fisher and Mr. Johnson recused themselves from the vote.) (A copy of Resolution FY2015R11(12) is attached to and is a part of these

minutes.)

PUBLIC COMMENT

Casey Jansen stated that he wanted the Committee to understand his financial and mental stress over the past 16 months. He wanted to apologize for his last public comment made earlier this morning, which was somewhat tense. He did have a question in that his understanding is that at the December meeting a draft of the new regulations will be made public. How long after that meeting will it become an actual regulation? Ms. Payne stated that it is a substantial rule for the program and it hasn't been discussed among the Committee. She would think that once the Committee approves it they would want to have a 90-day informal comment period from the agricultural community, which would take us through March 2015. Then it would take a couple of months to put that together as a final rule and get it back to the Committee so that would be May or June 2015 and then through the publication process. It will take roughly a year to get to a final adopted rule. Everyone is going to know definitively within about six months because that will be the period of time the Committee will take to approve a final rule to go through the process. That is her best estimate. Chairman Fisher asked if 90 days is customary. Ms. Payne stated that we usually do 60 days to roll out a substantial rule. Chairman Fisher indicated we would do 60 days then. Mr. Jansen asked if he would have to wait until then to get an approval from the Committee. Ms. Payne stated that she didn't know and would need to talk about that. Landowners go out and do things every day. However, what we have tried to convey to you is that if you wanted a definitive understanding of what those rules are going to say you should wait until you can see what those rules will say. You will be able to understand why your project complies or doesn't comply with the proposed rule as soon as it is finalized by this agency. At that point in time we would be in a position to say yes, if we have approved a rule for publication. It is not going to require hiring an engineer and spending a lot of money to figure out whether you comply. Mr. Jansen questioned if he were to pursue his project based on the draft and the regulation gets changed, because time is of the essence for him. Ms. Payne stated that the rule will address the issue of disturbance that occurs that is in place prior to promulgation of the rule. Ms. Rue stated that is just the proposal, that doesn't mean it will become a rule. So how does the agricultural community get all that information to be able to make a public comment? Ms. Payne stated that it will be broadly sent to the agricultural community. Ms. Rue asked if everyone who owns a piece of preserved farmland will get what these rules are to comment on. Ms. Payne stated that we don't have every mailing address for every property owner. There is a physical address but she doesn't know that there is a mailing address for every landowner. The draft rule will also be on the SADC website.

Mr. Jansen asked if the SADC could suggest to him what to do. Mr. Danser stated that the Committee could not suggest to him but he can look at the draft regulations or the proposed regulations and look at his project. If you are right on the edge of what would be permitted then you will probably choose to be cautious. Mr. Danser stated that he cannot say he should do anything. If you are doing only 50 percent of what the rules would allow you to do then you could probably be pretty confident that the project will comply with whatever eventually gets adopted. The SADC cannot give advice.

Ann VanHise stated that she recently inherited preserved property in Monmouth County but she is also involved with the process that the Rues are going through. She is concerned about the fact that the SADC is making them wait for new regulations. When they began this process were there not regulations in place that you could have used for the approval of the property? Ms. Payne stated that there were. The SADC's Deed of Easement is in its regulations. They asked for us to give them an opinion as to whether their proposed project complied with the Deed of Easement and we gave them an answer, which was no. With respect to the new property, we haven't seen any detailed drawings to understand how much soil disturbance there would be or the nature of it; therefore, we cannot render an opinion on that.

Nicole Kavanaugh from the New Jersey Farm Bureau stated that she is having trouble understanding what would be different once the Subcommittee meets within the next two weeks and on December 11th when the full Committee meets because usually the Committee doesn't change too much of the recommendations made by the Subcommittee. Why can't the Subcommittee direct staff to share the draft proposal with Mr. Jansen and the Rues so that they can know what universe they are working with as soon as possible so they can determine if it is feasible for him to move forward with the project or not? He has already been waiting a long time and nothing is going to change. It isn't going to be an actual rule for another year so there is no reason why, practically speaking, that you can't just say, the rule is probably going to be something like this or close to this and then you can decide if you want to take that risk or not. Maybe he will need five or ten more acres to be without needing any regulations. He cannot go for a subdivision with the lot line change until he knows whether 79 acres is sufficient or not. Let's work with the farmer here instead of discouraging them. Ms. Payne stated that the SADC is trying to work with the farmer. What the Committee cannot do and what she as staff cannot do, is take a document that the Committee hasn't even seen and take it to a landowner and make assurances that this is what is going to work. Legally it is an exposure to herself and to the Committee. What happens if this comes to the full Committee and four of the members of this Committee say that isn't what they want to

do? The last thing we want to do is mislead Mr. Jansen at all. We have tried to be very forthright as well. We are talking about a difference of two weeks. She would not recommend that the SADC share a draft regulation with the landowner that the full Committee hasn't seen. It would not be prudent.

Harriet Honigfeld from the Monmouth County Agriculture Development Board stated that she has been thinking a lot about this term of soil disturbance lately. She would really like the Committee to think that this possibly may not be the right word here. Agriculture really isn't dealing with hunting and gathering any more, it is soil manipulation. It is a form of soil disturbance. Anyone who has ever done a soil pit can see that plowing the land changes the layers and mixes them up. Soil disturbance isn't necessarily what you have to worry about, it is soil destruction. Personally, and her board and many people in her county and the greenhouse industry will tell you, this project is not soil destruction. In this case, frankly they are hardly disturbing the land because they are growing in it, they just have to put down a glass encased greenhouse. The things we really need to worry about are taking the topsoil and stripping it and removing it from our farms, not reusing it in any productive way or exposing it. She guesses disturbance is the term in the deed perhaps and that is why you are using it but it is not necessarily a bad thing. Agriculture is soil manipulation. We wouldn't be able to grow crops or do what we want to do. We certainly aren't going to tell farmers that they cannot plow.

Frank McGovern, Esq., from McGovern and Roseman Law Firm stated that he represents Hampton Township. This is about the attestation that was submitted by Brodhecker and is on the agenda for Executive Session. He wrote a letter to the SADC and hoped it was provided to the Committee. Ms. Payne stated it was. Mr. McGovern wanted to restate two major concerns. One central concern that he and Hampton Township have is the person who prepared the report, it is clear to them at least that there was no inquiry or due diligence to test the information that was brought to the person. It was simply a restatement of financial numbers into a sentence. The second concern is that the comparison that is made is not between the income generated by Brodhecker Farm grown and raised products versus everything else at the retail store but it's between agricultural output on the farm versus what is labeled as nonagricultural output of the farm. His sense is that the comparison is being made between all income and agricultural products versus nonagricultural products, which is not the mission. It is supposed to be the home grown versus everything else.

Tom Brodhecker from Brodhecker Farms in Sussex County stated that he has done everything that the Committee has asked. When they started out with this issue with the Township, they tried to do everything by the book. They run a very clean operation and

their books are clean. He stated that the Township is implying that they cook the books. The Committee asked for an attestation of the percentages versus the amount of money taken in and the different products. The Committee didn't ask to see what they had spent for inventory or anything else. The Committee asked for an attestation by a certified public accountant, and he wasn't even allowed to use his own accounting firm. It had to follow certain accounting practices. He had to look to find someone who didn't know him to do this so it would be clean and done the way the SADC wanted it done. These two young people came in from the accounting firm. They went through the operation and looked through everything they sell and said, "OK, how does that get to your computer?" Mr. Brodhecker stated that they took them through everything, the way it is recorded, how it is documented and they said, "OK, give us the three years that the SADC has asked for," the percentages that were given or a printout of what they gave and they did that. They then asked for permission to electronically transfer to their organization all of the records from his computers. They then took about two months to go through those records and ascertain that the percentages were correct. They then wrote this attestation, which was forwarded to the SADC stating that they were correct.

Mr. Brodhecker stated that he takes great offense that the Township and Mr. Pierson accuse him one way or another of cooking the books. He has tried to run a very clean, neat operation for every year of the 48 years that he has been up there.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, December 11, 2014, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 10:39 a.m., Mr. Danser moved the following resolution to go into Closed Session. The motion was seconded by Mr. Stanuikynas and unanimously approved.

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

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters - Certification of Values

Ms. Payne called for a motion to approve the certification of values as discussed in Closed Session, excepting out the Bluebird Farm, Nick Villa certification of value report.

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

County Planning Incentive Grant Program

1. Curtis and Elizabeth Corson, SADC # 05-0015-PG
Block 559, Lots 22.01, 23, 25, 26
Upper Township, Cape May County, 30 Acres
2. Mary Ann Casper, SADC # 06-0159-PG
Block 55, Lot 4; Block 56, Lots 15, 16
Downe Township, Cumberland County, 33 Acres
3. O'Dowd Associates (South), SADC # 21-0556-PG
Block 41, Lot 1; Block 42, Lot 1, Franklin Township, Warren County
Block 18, Lot 3; Block 19, Lot 1, Greenwich Township, Warren County
118 Acres (Per Appraisal Checklist)
4. O'Dowd Associates (East), SADC # 21-0557-PG
Block 17, Lots 1 and 2, Greenwich Township, Warren County
Block 40, Lot 1, Franklin Township, Warren County
93 Acres (AOC)
5. O'Dowd Associates (West), SADC # 21-0554-PG
Block 16, Lot 6, Greenwich Township, Warren County, 106.7 Acres (AOC)
6. Estate of Mary Kinney, SADC # 21-0566-PG
Block 508, Lot 7, Blairstown Township, Warren County
Block 6, Lot 1, Knowlton Township, Warren County
34 Acres

Municipal Planning Incentive Grant Program

1. Daniel V. and Laura R. Chard, SADC # 17-0132-PG
Block 11, Lot 32, Alloway Township, Salem County, 22 Acres
2. Helig Farm, SADC # 17-0129-PG
Block 601, Lot 9 and 9.01; Block 2003, Lot 13
Pittsgrove Township, Salem County, 38 Acres

Direct Easement Purchase Program

1. Gladys Lillya, SADC # 17-0249-DE
Block 25, Lot 8; Block 2, Lot 1, Mannington Township, Salem County, 118 Acres

The motion was unanimously approved. (A copy of the Certification of Value reports are attached to and are a part of the Closed Session minutes.)

B. Attorney/Client Matters

Litigation

- a. Right to Farm – Proposed OAL Final Decision Approving
Settlement – In the Matter of David and Diane Fish, Morris CADB

Ms. Payne stated that in the matter of David and Diane Fish, staff recommendation is to reject the proposed Final Decision based on the fact that we believe that some of the language in Paragraph 9 of the Settlement Agreement is contrary to the Right to Farm Act and would deny a farmer's future opportunity to seek Right to Farm protection. With that we are recommending rejection and that it be remanded to the Office of Administrative Law. We suggest that absent that objectionable language the Committee could accept the Settlement Agreement.

It was moved by Mr. Siegel and seconded by Mr. Danser to reject the proposed Final Decision in the matter of David and Diane Fish, Morris County Agriculture Development Committee, OAL Dkt. No. ADC 8330-14, SADC Id# 1446, and remanding it back to the Office of Administrative Law, as discussed above. The motion was unanimously approved. (A copy of the Memorandum in this matter and the Settlement Agreement are attached to and are a part of the Closed Session minutes.)

Mrs. Brodhecker recused herself from any discussion pertaining to the following

agenda item to avoid the appearance of a conflict of interest. Mrs. Brodhecker is one of the owners of Brodhecker Farm and she is also the Chairperson of the Sussex County Agriculture Development Board.

b. Review of Attestation Report, Brodhecker Farm

Ms. Payne stated that in the case of the Brodhecker Farm and the Hampton Township, David Pierson Right to Farm matter, the last remaining open issue in that case is the SADC's requirement that the Brodheckers submit an attestation report specific to the operation that confirms the income requirements as set forth in the SADC's Final Decision. The SADC did receive an independent Certified Public Accountant's attestation report and based on the SADC's review, staff is recommending that the Committee accept the attestation report in this matter. That would be the SADC's final action in this matter, unless the case is appealed to the Appellate Division.

It was moved by Mr. Germano and seconded by Mr. Danser that the attestation report satisfies the requirement of the Final Decision in the Brodhecker Right to Farm matter, as presented and discussed in Closed Session. The motion was approved. (Ms. Brodhecker recused herself from the vote. Mr. Siegel abstained from the vote.) (A copy of the Memorandum to the Committee and the related attachments are attached to and are part of the Closed Session minutes.)

c. Borough of West Cape May v. Willow Creek Winery

Ms. Payne stated that in the matter of the Borough of West Cape May v. Willow Creek Winery, litigation has ensued that is a result of a recently passed statute allowing the holding of special occasion events at wineries on preserved farms under certain conditions. The basic question in the litigation to date is jurisdiction. There seems to be quite a lot of confusion about to what extent a municipality has jurisdiction in that law. Staff is recommending the submission of an amicus brief to either Superior Court or the Appellate Division to set forth the Committee's understanding of the law, as discussed in Closed Session. Those five points have been enumerated in staff's memo to the Committee and discussed and edited by the Committee.

Ms. Payne requested a motion to submit the amicus brief with the edits requested by the Committee.

It was moved by Mr. Siegel and seconded by Mr. Danser to authorize SADC staff to

submit an amicus brief in the matter of the Borough of West Cape May v. Willow Creek Winery, as presented, discussed and edited in Closed Session. The motion was approved. (Mr. Johnson opposed.) (A copy of the draft amicus brief is attached to and is a part of the Closed Session minutes.)

PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, it was moved by Mr. Siegel and seconded by Mr. Danser and unanimously approved to adjourn the meeting at 12:47 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Susan E. Payne".

Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

S:\MINUTES\2014\Reg November 13 2014.doc

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FYR2015R11(1)

Request for Division of Premises

November 13, 2014

Subject Property:

**Rue Brothers Inc.
Block 15, Lot 17.02
Block 15.01, Lots 17, 18
Block 16, Lot 12
Upper Freehold Township, Monmouth County**

WHEREAS, Rue Brothers Inc., hereinafter "Owner" is the record owner of Block 15, Lot 17.02, Block 15.01, Lots 17 & 18 and Block 16, Lot 12 in Upper Freehold Township, Monmouth County, hereinafter referred to as the "Premises", by deed dated April 11, 1986 and recorded in the Monmouth County Clerk's Office in Deed Book 4648, Page 889; and

WHEREAS, the Premises totals approximately 331.91 acres, as shown in Schedule "A"; and

WHEREAS, a development easement on the Premises was conveyed to the Monmouth County Board of Chosen Freeholders pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. by Deed of Easement dated October 9, 1996 and recorded in the Monmouth County Clerk's Office in Deed Book 5545, Page 402; and

WHEREAS, the Deed of Easement references four (4) existing residences, no agricultural labor residences, no residual dwelling site opportunities (RDSO) and no exception areas; and

WHEREAS, the Premises is bisected by state highway route 195; and

WHEREAS, on July 25, 2013, the Owner received approval to divide off the approximately 78-acre parcel, Block 15, Lot 17.02, north of route 195 in SADC resolution FY14R7(2); and

WHEREAS, the purpose of that division was to sell Block 15, Lot 17.2 to Holland Greenhouses who proposed to construct 15-acres of permanent greenhouses on the site; and

WHEREAS, upon review of the soil grading plans for Holland Greenhouse's project at the May 22, 2014, SADC meeting it was determined that the site work necessary to build out this project would likely violate the terms of the Deed of Easement for the Premises; and

WHEREAS, as follow up to that determination the Owner proposes a new division of the Premises as shown in Schedule "A" over a much flatter location of the Premises in order to minimize cut/fill and grading work necessary to accommodate the project; and

WHEREAS, the Owner intends to retain ownership of Block 15, Lot 17.02, and part of Lot 17, and Block 16, Lot 12 (Parcel-A); and

WHEREAS, the Owner proposes to sell Block 15.01, Lot 18 and part of Lot 17 (Parcel-B), to Holland Greenhouses, hereinafter "Purchasers"; and

WHEREAS, the Purchasers operate a greenhouse business in Monroe Township, Middlesex County which raises a large variety of flower, vegetable and herb plants for the wholesale industry; and

WHEREAS, the Purchasers propose to utilize the Premises to expand their existing greenhouse operation as well as to grow field-grown cut flowers; and

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

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

WHEREAS, by resolution dated November 5, 2014, the Monmouth CADB, hereinafter "CADB," approved the request to divide the Premises into two (2) parcels as follows:

Parcel A - Block 15, Lot 17.02, Block 15.01, part of Lot 17 and Block 16, Lot 12 (252 +/- acres)

Parcel B - Block 15.01, Lot 18 and part of Lot 17 (79 +/- acres)

WHEREAS, in support of its determination, the CADB found that the division of Premises was for an agricultural purpose as it will allow for the expansion of Holland Greenhouses' existing agricultural business; and

WHEREAS, in support of its determination, the CADB found that the division of Premises resulted in agriculturally viable parcels, with resulting parcels containing significant quantities of quality soils; and

WHEREAS, the resulting Parcel-A would result in a 252+/- acre property that is approximately 68% (171 acres) tillable with 53% (135 acres) prime soils, and 20% (50 acres) soils of Statewide Importance; and

WHEREAS, the resulting Parcel-A would include three (3) existing single-family residences and several farm outbuildings; and

WHEREAS, Parcel-A is improved with three irrigation ponds; and

WHEREAS, the resulting Parcel-B would result in an 79+/- acre property that is approximately 91% (72.25 acres) tillable with 88% (70 acres) prime soils and 5% (4 acres) soils of Statewide Importance; and

WHEREAS, Parcel-B is improved with a single family residence and several outbuildings; and

WHEREAS, the primary outputs of the two parcels have historically been grains and vegetables; and

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

- 1) Each parcel contains a significant acreage of high quality, tillable soils, as follows:
 - Parcel A, at 252 acres, has 171 tillable acres with approximately 135 acres of prime soil and 48 acres soils of statewide importance;
 - Parcel B, at 79 acres, has 72.5 tillable acres with approximately 70 acres of prime soils;

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

- 1) The division is being undertaken for purposes of expanding the Holland Greenhouses' agricultural operation;

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

BE IT FURTHER RESOLVED, that this approval is subject to the conditions set forth in this resolution and is not transferrable to another purchaser; and

BE IT FURTHER RESOLVED, that as a condition of approval of this Division of Premises the Committee hereby rescinds its prior Division of Premises approval for the Premises, as described in SADC Resolution FY14R7(2); and

BE IT FURTHER RESOLVED, that the SADC has informed the Purchaser of the recent court decisions related to soil disturbance on preserved farms pursuant to litigation filed in the case of State of New Jersey, State Agriculture Development Committee vs. Quaker Valley Farms, LLC and David DenHollander, which may be relevant to the proposed use of the Premises by the Purchaser; and

BE IT FURTHER RESOLVED that the SADC has recommended the Purchaser provide details of its plans for the development of infrastructure on the Premises to the CADB and SADC prior to conducting any site work to ensure the proposed work does not violate the SADC Deed of Easement; and

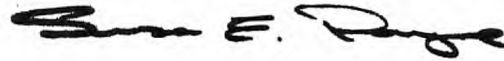
BE IT FURTHER RESOLVED, that the SADC's approval of this division of the Premises shall not constitute, nor be interpreted to constitute, any degree of approval of the use of the Premises as proposed by the Purchaser; and

BE IT FURTHER RESOLVED, that as a condition of this approval the Owner shall provide a copy of a survey and metes and bounds description of the newly created parcels to the CADB and the Committee; and

BE IT FURTHER RESOLVED, that upon receipt of the survey and metes and bounds description for the individual parcels the SADC shall file a copy of its approval of the Division of the Premises with the Monmouth County Clerk's Office; and

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

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



11-13-14

Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

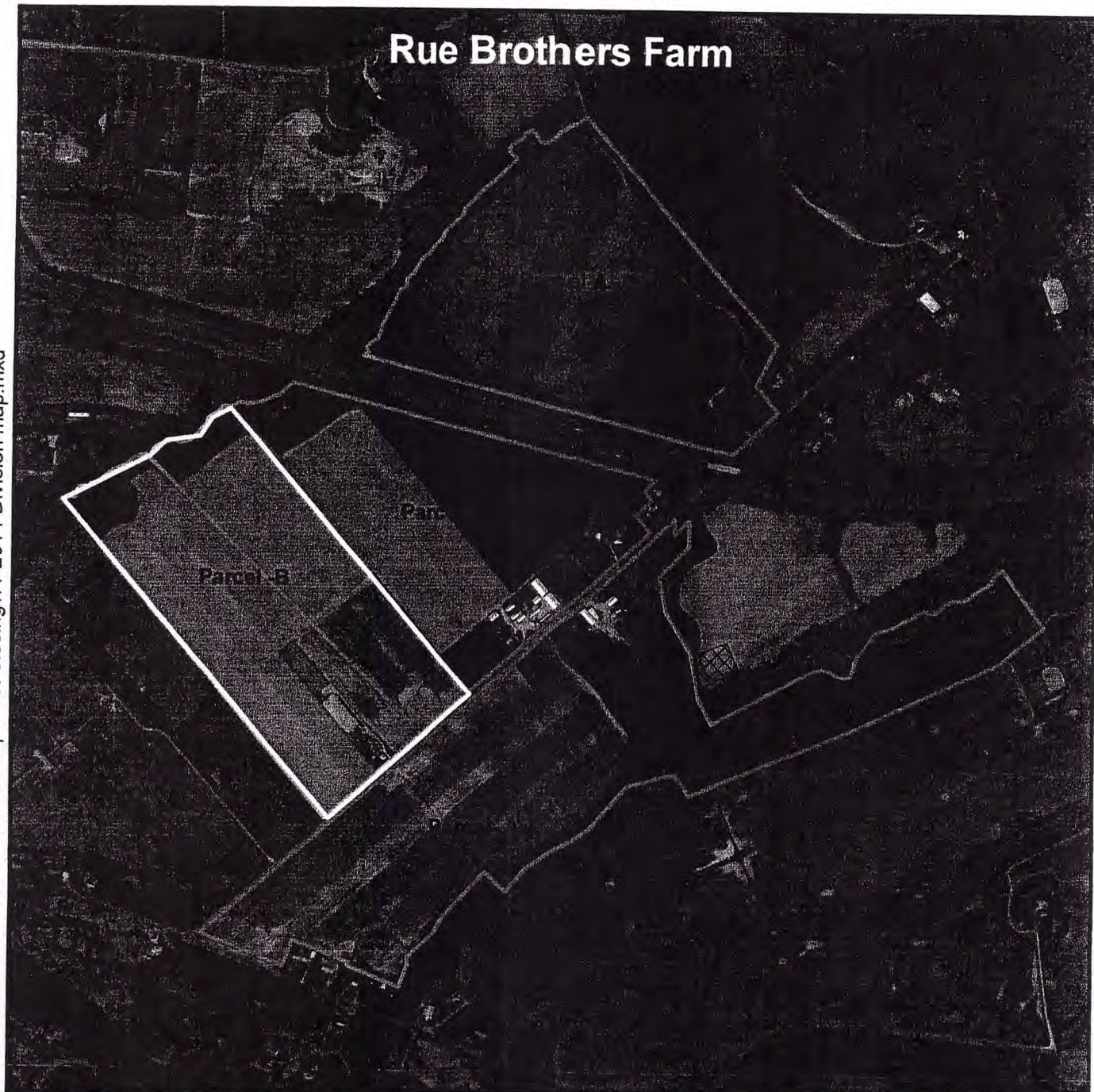
VOTE WAS RECORDED AS FOLLOWS

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

Schedule "A"

Rue Brothers Farm

S:\EP\MON\Rue Bros Inc\Stewardship-Post Closing\11-2014 Division map.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Rue Brothers Farm
Block 15, Lot 17.02
Block 15.01, Lots 17 & 18
Block 16, Lot 12
Upper Freehold Township, Monmouth County

0 550 1,100 2,200 3,300 Feet

11/5/2014



Farmland Preservation Program

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

State Planning Areas	
	(PA1) METRO
	(PA2) SUBURBAN
	(PA3) FRINGE
	(PA4) RURAL
	(PA4a) RURAL ENV BENS
	(PA5) ENV BENS
	(PA5a) ENV SENSITIVE BARRIER IS
	(PA6) PINELANDS
	PARK
	MILITARY
	NEW JERSEY MEADOWLANDS
	WATER
	ELLIS ISLAND- NJ
	ELLIS ISLAND- NY
Base Map	
	County Boundaries
	Municipal Boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Pinelands Area
Green Acres Preserved Easements	

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R11(2)

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

On the Property of
John Sorantino (#1) ("Owner")
Fairfield Township, Cumberland County

N.J.A.C. 2:76-17 et seq.
SADC ID# 06-0145-PG

November 13, 2014

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Cumberland County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on June 14, 2013, the SADC received an application for the sale of a development easement from Cumberland County for the subject farm identified as Block 42, Lots 16.01 and 16.02, Fairfield Township, Cumberland County, totaling approximately 35 acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Cumberland County's Fairfield-Lawrence Project Area; and

WHEREAS, the Property includes zero (0) single family residences, two apartments within (1) agricultural labor building, and no pre-existing non-agricultural uses; and

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

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

WHEREAS, the Property has a quality score of 66.55 which exceeds 41, which is 70% of the County's average quality score as determined by the SADC September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on August 15, 2013 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 26, 2013, the SADC certified a development easement value of \$5,000 per acre based on zoning and environmental regulations in place as of May 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,000 per acre for the development easement for the Property; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 36.05 acres will be utilized to calculate the grant need; and

WHEREAS, currently the County has \$0 of base grant funding zero \$0 of FY11 competitive funding and \$1,850,830.71 in FY13 competitive grant funding eligibility, subject to available funds (Schedule B); and

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

WHEREAS, on August 20, 2014 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the estimated cost share breakdown is as follows (based on 36.05 acres); and

	<u>Cost Share</u>	
SADC	\$122,570	(\$3,400/acre; 68%)
Cumberland County	\$ 57,680	(\$1,600/acre; 32%)
Total Easement Purchase	\$180,250	(\$5,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Cumberland County Agriculture Development Board approved the application on November 27, 2013, the Cumberland County Board of Chosen Freeholders approved the required local match (\$1,600/acre) on January 28, 2014 and Fairfield Township approved the application on June 17, 2014 with no funding commitment; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.4, the County is requesting \$122,570 from the FY13 competitive grant, leaving a maximum FY13 Competitive grant eligibility to the County of up to \$1,728,260.71 (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Cumberland County for the purchase of a development easement on the Property, comprising approximately 36.05 acres, at a State cost share of \$3,400 per acre, (68% of purchase price), for a total grant need of \$122,570 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that the Property includes zero (0) single family residences, two apartments within one (1) agricultural labor building, no pre-existing non-agricultural uses and no exceptions; and

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

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

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

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

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

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

11-13-14

Date



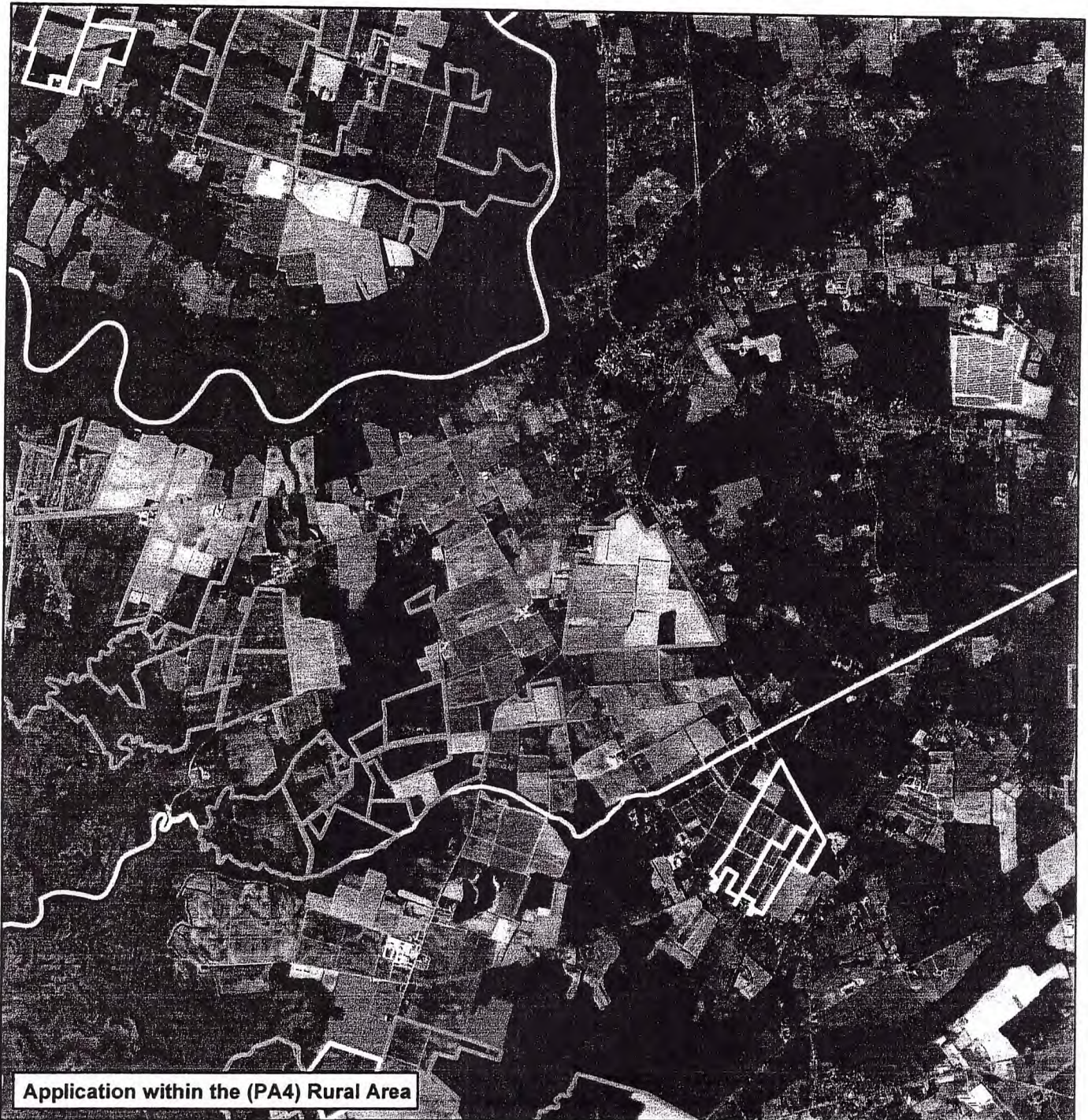
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Preserved Farms and Active Applications Within Two Miles

x:\counties\cumco\projects\Sorantino1_2mile.mxd



Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Sorantino, John
Block 42 Lot 16.01 (25.6 ac) & Lot 16.02 (6.24 ac)
Gross Total - 31.84 ac
Fairfield Twp. Cumberland County

2,000 1,000 0 2,000 4,000 6,000 Feet

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
NJOT/OGIS 2012 Digital Aerial Image

Date 7/10/2013

Schedule A

X:\counties\cumco\projects\Sorantino1_FWW.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Sorantino, John
Block 42 Lot 16.01 (25.6 ac) & Lot 16.02 (6.24 ac)
Gross Total - 31.84 ac
Fairfield Twp. Cumberland County

200 100 0 200 400 Feet

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

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



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
W - Water

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2012 Digital Aerial Image

Date: 7/10/2013

Cumberland County

FY2011/FY201

Sch edule 15

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Sorantino Farm (1)
06- 0145-PG
County PIG Program
32 Acres

Block 42	Lot 16.01	Fairfield Twp.	Cumberland County
Block 42	Lot 16.02	Fairfield Twp.	Cumberland County
SOILS:		Prime	100% * .15 = 15.00

SOIL SCORE: 15.00

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

FARM USE:	Vegtable & Melons	31 acres
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In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: 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:
Dormitory - contains two apartments
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 FY2015R11(3)

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

On the Property of
Todd K. and Margaret L. Casper #2("Owners")
d.b.a. Casper Nurseries LLC
Upper Deerfield Township, Cumberland County

N.J.A.C. 2:76-17 et seq.
SADC ID# 06-0147-PG

November 13, 2014

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Cumberland County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on September 10, 2013, the SADC received an application for the sale of a development easement from Cumberland County for the subject farm identified as Block 501, Lot 9.06, Upper Deerfield Township, Cumberland County, totaling approximately 24 acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Cumberland County's Deerfield-Upper Deerfield South Project Area; and

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

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

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

WHEREAS, the Property has a quality score of 68 which exceeds 41, which is 70% of the County's average quality score as determined by the SADC September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on September 24, 2013 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on November 14, 2013, the SADC certified a development easement value of \$4,600 per acre based on zoning and environmental regulations in place as of May 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$4,600 per acre for the development easement for the Property; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 24.72 acres will be utilized to calculate the grant need; and

WHEREAS, currently the County has \$0 of base grant funding, zero \$0 of FY11 competitive funding and \$1,728,260.71 in FY13 competitive grant funding, subject to available funds (Schedule B); and

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

WHEREAS, on August 20, 2014 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the estimated cost share breakdown is as follows (based on 24.72 acres); and

	<u>Cost Share</u>	
SADC	\$ 78,115.20	(\$3,160/acre; 68.70%)
Cumberland County	\$ 35,596.80	(\$1,440/acre; 31.30%)
Total Easement Purchase	\$113,712.00	(\$4,600/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Cumberland County Agriculture Development Board approved the application on February 19, 2014, Upper Deerfield Township approved the application on July 3, 2014 with no funding commitment, and the Cumberland County Board of Chosen Freeholders approved the required local match (\$1,440/acre) on July 22, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.4, the County is requesting \$78,115.20 from the competitive grant, leaving a maximum FY13 Competitive grant eligibility to the County of up to \$1,650,145.51 (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Cumberland County for the purchase of a development easement on the Property, comprising approximately 24.72 acres, at a State cost share of \$3,160 per acre, (68.70% of purchase price), for a total grant need of \$78,115.20 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that the Property includes zero (0) single family residences, zero (0) agricultural labor units, no pre-existing non-agricultural uses and no exceptions; and

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

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

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

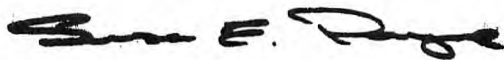
BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

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

11-13-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

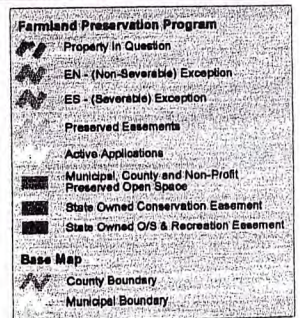
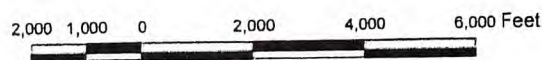
Preserved Farms and Active Applications Within Two Miles

x:\counties\cumco\projects\casper2_2mile.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Todd and Margaret Casper (#2)
Block 501 Lot 9.06 (23.8 ac)
Gross Total = 23.8 ac
Upper Deerfield Twp., Cumberland County

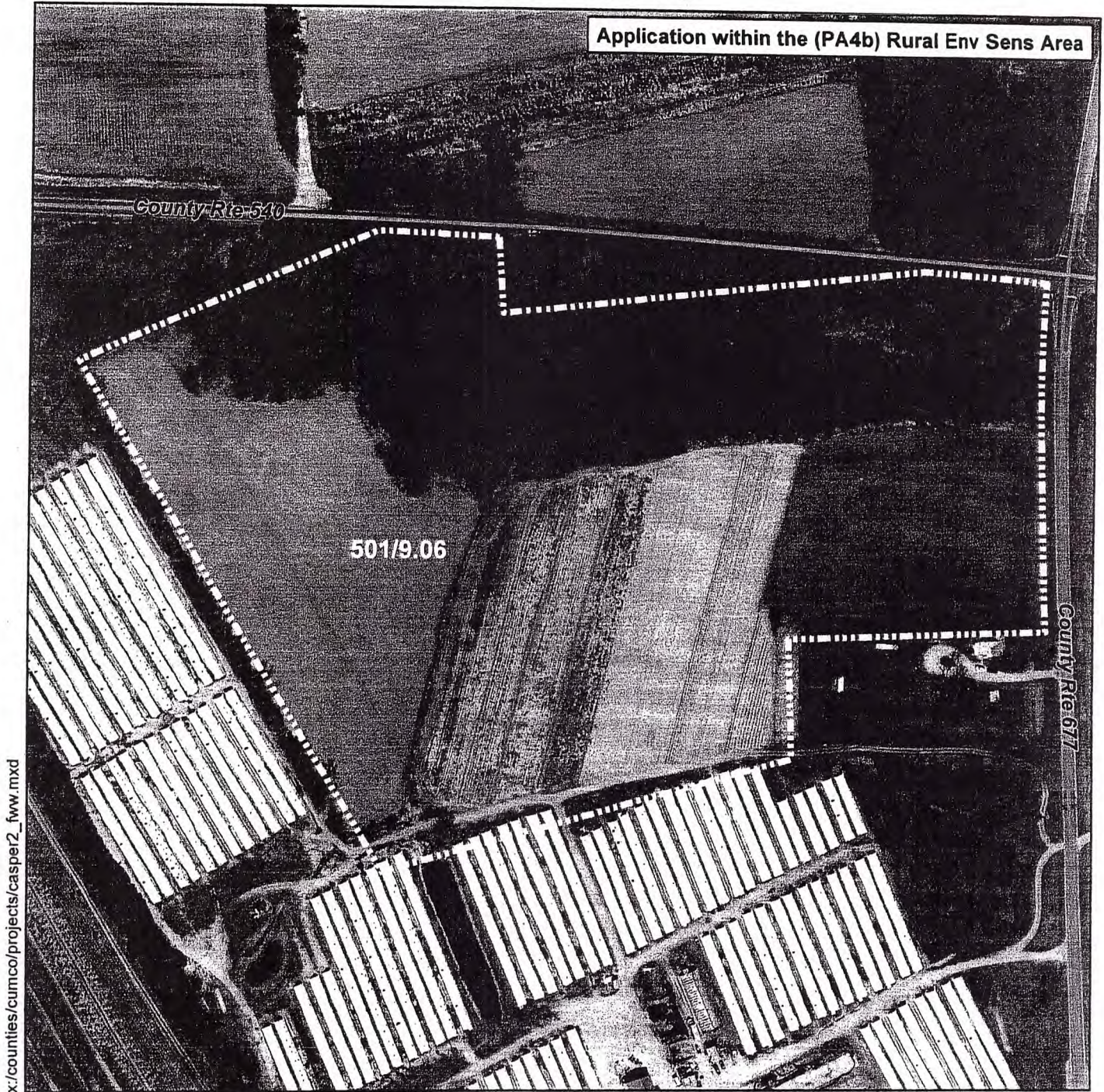


NOTE:
The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors

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

July 31, 2013

Schedule A



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Todd and Margaret Casper (#2)
Block 501 Lot 9.06 (23.8 ac)
Gross Total = 23.8 ac
Upper Deerfield Twp., Cumberland County



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

July 31, 2013

Schedule B

Cumberland County

New Jersey Farmland Preservation Program Preservation Program County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

FY2011/FY201

										Balance FY11 1,500,000 Balance FY13 1,000,000			FY11 Balance 108,044 FY13 Balance 13,098,285			3,000,000 5,000,000		
										SADC			Total base grant 2,500,000					
Farm	Municipality	App Acres	Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	Cost Basis	Cost Share	Encumbered at Final	Expend	Balance	Encumbered at Final	Voucher	Expend	FY11 Balance subject to availability	FY13 Balance subject to availability	
Porter	Stow Creek	43	44.290	5,300.00	5,300.00	3,550.00	234,737.00	234,737.00	157,229.50				157,229.50				1,850,830.71	
Sorantino 1	Fairfield	35	36.050	5,000.00	5,000.00	3,400.00	180,250.00	180,250.00	122,570.00				122,570.00				1,728,260.71	
Casper #2	U. Deerfield	24	24.720	4,600.00	4,600.00	3,160.00	113,712.00	113,712.00	78,115.20				78,115.20				1,650,145.51	
										Encumbered	Expend	Balance	Encumbered	Expend	Balance			
Encumbered/Expended FY11										0.00	1,500,000.00	0.00	94,751.78	2,905,248.22	0.00			
Encumbered/Expended FY13										690,306.60	306,907.89	2,785.51	1,462,236.60	1,867,617.89				
Total										690,306.60	1,806,907.89	2,785.51	1,556,988.38	4,792,866.11	0.00			
Reprogram Out																		

Schedule B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Casper #2\Casper Nurseries, LLC
06- 0147-PG
County PIG Program
24 Acres

Block 501 Lot 9.06 Upper Deerfield Twp. Cumberland County

SOILS:	Prime	100% *	.15	=	15.00
				SOIL SCORE:	15.00
TILLABLE SOILS:	Cropland Harvested	65% *	.15	=	9.75
	Other	5% *	0	=	.00
	Wetlands	17% *	0	=	.00
	Woodlands	13% *	0	=	.00
				TILLABLE SOILS SCORE:	9.75
FARM USE:	Ornament Nursery Products				23 acres

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R11(4)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

HUNTERDON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Donald and Jill Zander (Farm #2)
Kingwood Township, Hunterdon County

N.J.A.C. 2:76-17 et seq.
SADC ID# 10-0340-PG

November 13, 2014

WHEREAS, on December 17, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Hunterdon County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Hunterdon County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on April 5, 2012 the SADC received an application for the sale of a development easement from Hunterdon County for the Zander Farm (#2) identified as Block 5, Lot 3, Kingwood Township, Hunterdon County, totaling approximately 24 net easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is a targeted farm located in Hunterdon County's South Project area; and

WHEREAS, the Property has one a 4-acre non-severable exception area limited to one single family residence and a 0.5-acre non-severable exception area to provide access to the adjacent Zander 1 farm, (Block 22, Lot 26, Alexandria Township); and

WHEREAS, the Property has zero (0) existing single family residences, zero (0) agricultural labor housing units and no pre-existing non-agricultural uses on the area to be preserved outside of the exception areas; and

WHEREAS, the Property is in soybean production; and

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

WHEREAS, the Property has a rank score of 61.47 which exceeds 70% of the County's average quality score of 45, as determined by the SADC on July 28, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on May 15, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on February 28, 2013, the SADC certified a development easement value of \$7,950/acre based on zoning and environmental regulations as of July 2012; and

WHEREAS, the certification of value was, and this final approval is, contingent upon the landowner providing an unrestricted 50' wide unrestricted access easement on the 0.5 acre non-severable exception to allow unrestricted access to Zander Farm 1, Alexandria Township, Block 22 Lot 26 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the offer of \$7,950 per acre for the development easement for the Property; and

WHEREAS, currently the County has no base grant funding available, has (\$626,605) statewide FY11 competitive funding available, and is eligible for \$4,615,380.62 in FY13 competitive grant funding, subject to available funds (Schedule C); and

WHEREAS, a parcel application was submitted by the New Jersey Conservation Foundation (NJCF) to the FY2015 United States Department of Agriculture, Natural Resources Conservation Service, Agriculture Conservation Easement Program (ACEP) for an Agricultural Land Easement (ALE) grant; and

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

WHEREAS, the landowner has agreed to the additional restrictions associated with the ALE Grant, including a 5.00% maximum impervious coverage restriction (approximately 1.2 acres) for the construction of agricultural infrastructure on the Property outside of exception area, which is the maximum allowable for this property through the ALE program at this time; and

WHEREAS, because the ALE easement value has not been determined yet, the ALE grant will be calculated based on an estimated current easement value of \$8,200 per acre equating to an ALE grant of \$4,100 per acre (50% of \$8,200) or approximately \$98,400 in total ALE funds; and

WHEREAS, the SADC has determined that the encumbrance of competitive grant funds associated with the acquisition of development easements that ultimately may be purchased, in part, with ALE funds does not have an immediate adverse impact on

another county's access to competitive funds, but if a closing is unreasonably delayed for any reason, including securing the use of ALE funds, the SADC retains the right to rescind its Final Approval of encumbered competitive grant funds equal to the amount of the anticipated ALE grant for the acquisition of a development easement on an affected Property; and

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

WHEREAS, the use of ALE funding is conditioned upon the satisfactory resolution of any changes to the Deed of Easement language with the NRCS, prompted by ACEP and FY14 Farm Bill; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on June 6, 2013, Kingwood Township approved the application but is unable to participate financially on the easement purchase; the Hunterdon County Agriculture Development Board approved the application on May 9, 2013, and the Hunterdon County Board of Chosen Freeholders approved the required local match (\$1,537.50/acre) on June 4, 2013; and

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

WHEREAS, on September 4, 2014 the County prioritized its farms and submitted it to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 24.72 acres will be utilized to calculate the SADC grant need; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, competitive grant funds shall be awarded by the SADC based on a priority ranking of the individual farm applications applying for grants from the competitive grant fund based on cumulative points of the project area (Schedule B); and

WHEREAS, the Hunterdon County Agriculture Development Board is requesting \$120,509.81 of FY11 competitive grant funding and \$.19 from the FY 2013 competitive funding, leaving a FY2013 eligibility balance of approximately \$4,615,380.43 (Schedule C); and

WHEREAS, the estimated cost share breakdown is as follows (based on 24.72 acres) and;

	<u>Cost Share</u>	
SADC	\$120,510	(\$4,875 per acre; 61.32%)
Hunterdon County	\$ 38,007	(\$1,537.50 per acre; 19.33%)
Kingwood Township	\$ 0	
Purchase Price	\$196,524	(\$7,950 per acre with local shortfall of \$38,007); and

Estimated Cost share breakdown if the \$98,400 ALE Grant is finalized and applied:

	<u>Total</u>	<u>ALE \$</u>	<u>New Cost Share</u>
SADC	\$120,510	\$ 22,386	\$ 98,124 (\$3,969.42/acre)
Hunterdon County	\$ 38,007	\$ 38,007	\$ 0
Kingwood Township	\$ 0	\$ 38,007	\$ 0
ALE Grant			\$ 98,400 (\$3,980.58/acre)
TOTAL	\$196,524	\$98,400	\$196,524 (\$7,950/acre)

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to the Hunterdon County for the purchase of a development easement on the Property, comprising approximately 24.72 net acres, at a State cost share of \$4,875 per acre (61.32% of purchase price and certified value) for a total grant need of approximately \$120,510, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule D); and

BE IT FURTHER RESOLVED, the Property has a 4-acre non-severable exception area limited to one single family residence; a 0.5-acre non-severable exception area to provide access to the adjacent Zander 1 farm; zero (0) existing single family residences, zero (0) agricultural labor housing units and no pre-existing non-agricultural uses on the area to be preserved outside of the exception areas; and

BE IT FURTHER RESOLVED, that a 50' wide unrestricted access easement benefitting Zander Farm 1 will be established in the Property's 0.5 acre northeasterly non-severable exception area, and it will be recorded prior to closing; and

BE IT FURTHER RESOLVED, that FY11 competitive funding will be used for this project; and

BE IT FURTHER RESOLVED, that if ALE funding is secured and approved for use by the SADC, said funding will first be used to reduce the county cost share and then, with the remaining funds, reduce the SADC's cost share; and

BE IT FURTHER RESOLVED, if a closing is unreasonably delayed for any reason, including securing the use of ALE funds, the SADC retains the right to rescind its Final Approval of encumbered competitive grant funds equal to the amount of the anticipated FRPP grant for the acquisition of a development easement on the Property; and

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

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

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

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

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

11-13-14

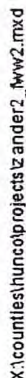
Date



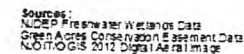
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

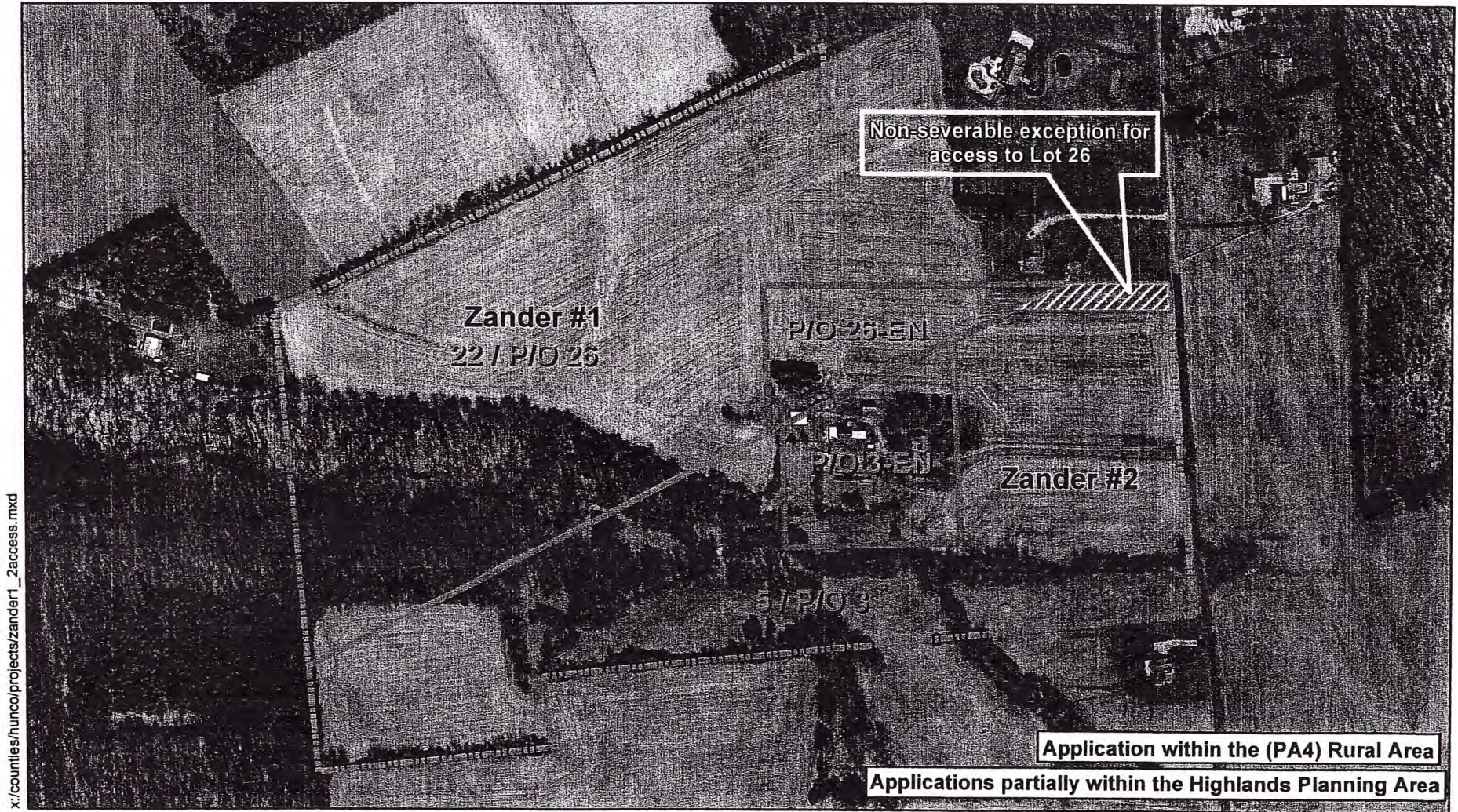
Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Thomas Stanuikynas (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES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



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 geographic location and precision of the data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring a determination 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.



Schedule B



x:\counties\hunco\projects\zander1_2access.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Zander, Donald & Jill
Block 22 P/O Lot 26 (26.6 ac) & P/O 26-EN (non-severable exception - 3.1 ac) - Alexandria Twp.
Block 5 P/O Lot 3 (23.5 ac) & P/O Lot 23-EN (non-severable exceptions 4.0 & .5 ac) - Kingwood Twp.
Gross Total = 57.7 ac
Hunterdon County

250 125 0 250 500 Feet

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

Date: 5/8/2012

Schedule B

Schedule C

Hunterdon County

New Jersey Farmland Preservation Program Preservation Program County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

FY2011/FY2013 funding

												BASE GRANT				COMPETITIVE GRANT		STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (Subject to available funds statewide)		
												Base Grant				FY11 Balance		0.00	3,000,000		
												FY13				FY13 Balance		10,766,116.83	5,000,000		
SADC												Total									
Farm	Municipality	App Acres	Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered at Final	Voucher	Expend	Balance	Encumbered at Final	Voucher	Expend	FY11 Balance subject to availability	FY13 Balance subject to availability	
Rothpletz #2 (et 1.09)	Tewksbury	43.000	44.290	15,000	15,000.00	9,000.00	656,520.00	656,520.00	393,912.00	196,956.00	0.00	398,610.00	393,912.00	393,912.00	2,106,068.00						
Peterson, Linda	Franklin	34.000	35.020	6,200	6,200.00	4,000.00	217,049.60		140,032.00			140,080.00	140,032.00	140,032.00	1,966,056.00						
Cooper, Gall	Holland	43.000	44.290	7,100	7,100.00	4,450.00	314,459.00		197,090.50			197,090.50	189,249.60	189,249.60	1,776,806.40						
Snyder, Doris	Raritan	50.000	51.500	15,800	15,800.00	9,480.00	744,290.60	744,290.60	448,574.36			428,542.92	386,897.28	386,897.28	1,389,909.12						
												Balance-\$59,677.08 paid with FY09 (2007) Base grant funds									
Hill & Dale #1 (et 1.04)	Tewksbury	91.000	93.730	17,000	17,000.00	10,200.00	1,593,410.00		956,046.00	281,190.00	0.00	340,374.58			1,049,534.54						
												615,671.42			433,863.12						
Gross, Joel and Rosemary	Kingwood	58.000	59.740	7,700	7,700.00	4,750.00	442,819.30	442,819.30	273,167.75	224,285.10	54,633.55	283,765.00	49,534.54		384,328.58						
													168,999.66		215,328.92						
												215,328.92			0.00	374,934.28			2,625,065.72		
Readington Lot 19 Little Hills	Readington	81.981		12,000	12,000.00	7,200.00	983,772.00	983,772.00	590,263.20						247,200.00				2,377,865.72		
Associated Tree Movers	Alexandria	48.000	49.440	8,200	8,200.00	5,000.00	405,408.00	405,408.00	247,200.00						252,885.60				2,124,980.12		
Papazian, Aram	Alexandria	44.000	45.320	9,300	9,300.00	5,580.00	421,476.00	421,476.00	252,885.60						378,216.00				1,746,764.12		
KJA Holdings/Alexis	Holland	68.000	70.040	9,000	9,000.00	5,400.00	630,360.00	630,360.00	378,216.00						247,200.00				1,499,564.12		
Helmer	Kingwood	50.000	51.500	7,800	7,800.00	4,800.00	401,700.00	401,700.00	247,200.00	211,150.00					127,926.00				1,371,638.12		
Zander I	Alexandria	27.000	27.810	7,400	7,400.00	4,600.00	205,794.00	205,794.00	127,926.00						745,033.12				626,605.00		
Amwell Chase, Inc.	W. Amwell	205.000	211.150	8,900	8,900	\$5,350.00	1,879,235.00	1,879,235.00	1,129,652.50						384,619.38					4,615,380.62	
Zander II	Kingwood	24.000	24.720	7,950	7,950.00	4,875.00	196,524.00	196,524.00	120,510.00						120,509.81				506,095.19		
															0.19					4,615,380.43	
		696.981										Encumbered	Expend	Balance	Encumbered	Expend	Balance				
Encumbered/Expended FY11	11											389,909.12	1,110,090.88	0.00	2,493,904.81	0.00	506,095.19				
Encumbered/Expended FY13	3											1,000,000.00	0.00	0.00	394,619.57	0.00			4,615,380.43		
Total	14		809				9,092,817.50	8,967,698.90	5,500,673.91			1,389,909.12	1,110,090.88	0.00	2,878,524.38	0.00					
Reprogram Out																					

Schedule C

Schedule D

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Zander, Donald H & Jill H. #2
10- 0340-PG
County PIG Program
24 Acres

Block 5	Lot 3	Kingwood Twp.	Hunterdon County
SOILS:		Other	51% * 0 = .00
		Prime	17% * .15 = 2.55
		Statewide	32% * .1 = 3.20
			SOIL SCORE: 5.75
TILLABLE SOILS:		Cropland Harvested	75% * .15 = 11.25
		Wetlands	3% * 0 = .00
		Woodlands	22% * 0 = .00
			TILLABLE SOILS SCORE: 11.25
FARM USE:	Soybeans-Cash Grain	18 acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st four (4) acres for around existing residence and outbuildings
Exception is not to be severed from Premises
Right to Farm language is to be included in Deed of Easement
 - 2nd (.5) acres for provides access to Zander I property
Exception is not to be severed from Premises
to provide access to Zander I in adj. twp.
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:

Final approval is contingent upon the landowner providing a 50' wide unrestricted access easement on the 0.5 acre non-severable exception to allow unrestricted access to Alexandria Twp. Block 22 Lot 26.
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R11(5)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

WARREN COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Robert Cericola (#1) ("Owner")
Franklin Township, Warren County

N.J.A.C. 2:76-17 et seq.
SADC ID# 21-0549-PG

November 13, 2014

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Warren County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on November 25, 2013 the SADC received an application for the sale of a development easement from Warren County for the subject farm identified as Block 58, Lots 8, 9, 12, 13, 13.01 and 15, Franklin Township, Warren County, totaling approximately 182 acres hereinafter referred to as "Property" (Schedule A); and

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

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

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

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

WHEREAS, the Property has a quality score of 68.95 which exceeds 42, which is 70% of the County's average quality score as determined by the SADC on September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on February 7, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on July 26, 2014 the SADC certified a development easement value of \$6,200 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$4,850 per acre based on zoning and environmental regulations in place as of the current valuation date 4/9/14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$6,200 per acre for the development easement for the Property;; and

WHEREAS, currently the County has no (\$0) base grant funding, but there is \$74,220 in statewide FY11 competitive funding available, and the County is eligible for up to \$4,499,906.12 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, Franklin Township approved the application for the sale of a development easement on October 6, 2014, but is not participating financially in the easement purchase; the Warren County Agriculture Development Board approved the application on October 16, 2014 and the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and a commitment of funding for \$2,200 per acre per acre on October 22, 2014; and

WHEREAS, on September 26, 2014 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 187.46 acres will be utilized to calculate the grant need; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.4, the County is requesting \$74,220 from the FY11 competitive grant and \$675,620 from the FY13 Competitive fund leaving a maximum FY13 Competitive grant eligibility to the County of up to \$3,824,286.12 (Schedule B); and

WHEREAS, the estimated cost share breakdown is as follows (based on 187.46 acres); and

	<u>Cost Share</u>	
SADC	\$ 749,840	(\$4,000/acre)
<u>Warren County</u>	<u>\$ 412,412</u>	<u>(\$2,200/acre)</u>
Total Easement Purchase	\$1,162,252	(\$6,200/acre)

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Warren County for the purchase of a development easement on the Property, comprising approximately 187.46 acres, at a State cost share of \$4,000 per acre, (64.52% of purchase price & CMV), for a total grant need of \$749,840 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1) single family residence, zero (0) agricultural labor units, no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, FY11 and FY13 competitive funding will be used to fund this easement acquisition; and

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

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

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

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

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

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

11-13-14

Date

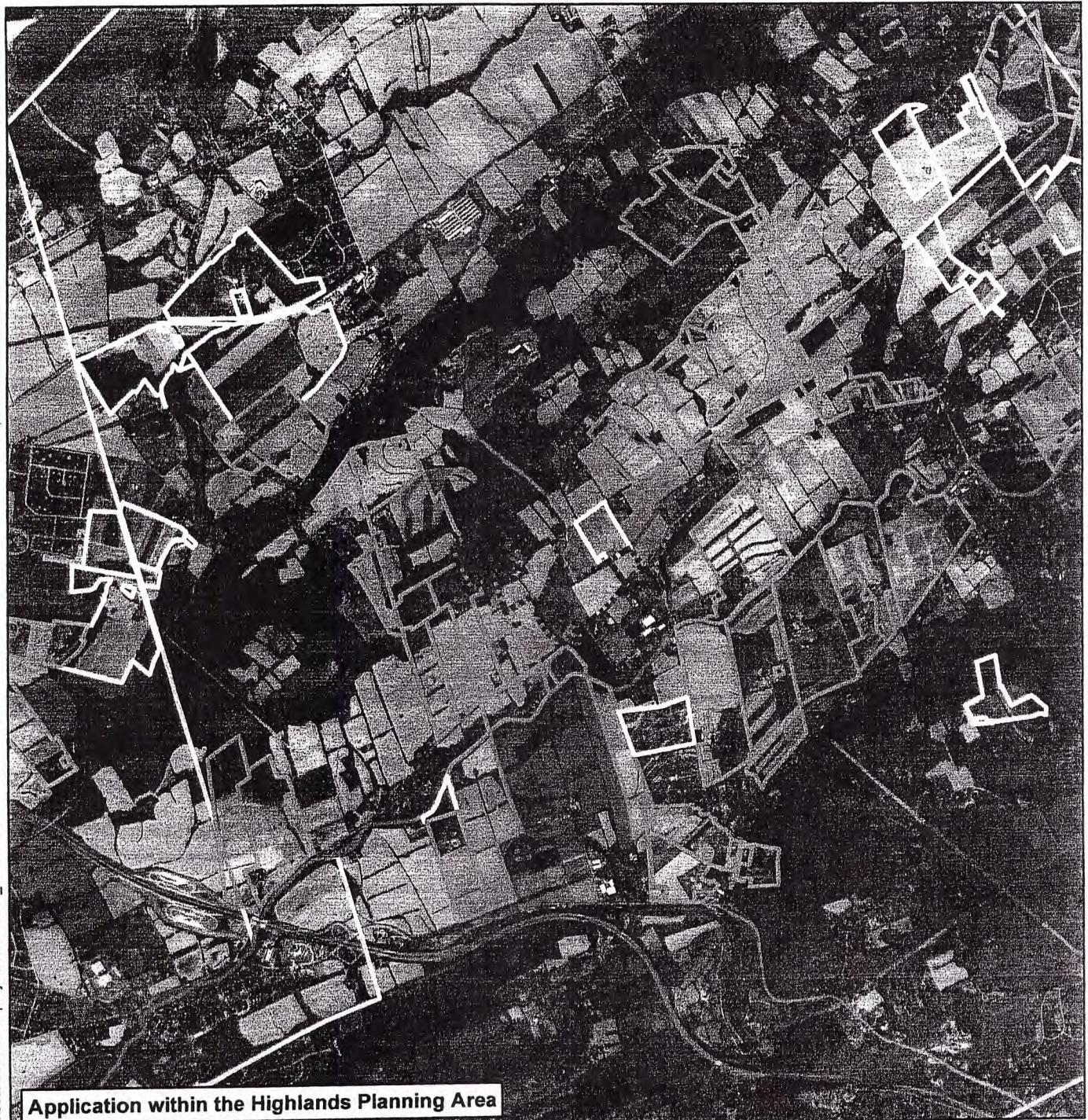


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

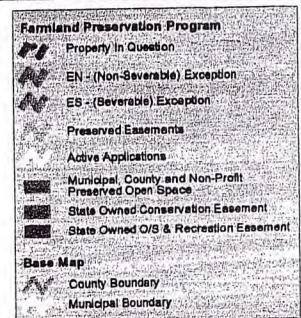
Preserved Farms and Active Applications Within Two Miles



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Robert Cericola (#1)/West Farm
Block 58 Lots 8 (67.5 ac); 9 (9.8 ac); 12 (66.9 ac);
13 (12.3 ac); 13.01 (5.7 ac) & 15 (16.5 ac)
Gross Total = 178.8 ac
Franklin Twp., Warren County

2,500 1,250 0 2,500 5,000 7,500 Feet



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
NJOT/OGIS 2012 Digital Aerial Image

December 5, 2013



December 5, 2013

										BASE GRANT				COMPETITIVE GRANT		STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (Subject to available funds statewide)	
										Balance FY11 1,500,000				FY11		0	3,000,000	
										Balance FY13 1,000,000				FY13		10,884,729	5,000,000	
										SADC								
										Total base 2,500,000								
Farm	Municipality	App Acres	Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	Cost Basis	Cost Share	Encumbered at Final	Voucher	Expend	Balance	Encumbered at Final	Voucher	Expend	FY11 Balance subject to availability	FY13 Balance subject to availability
Drake et al	Allamuchy	202.00	208.060	4,000.00	4,000.00	2,800.00	792,348.00	792,348.00	554,643.60	582,568.00		554,643.60	1,945,356.40					
Bowers, Russell	Pohatcong	50.00	51.500	6,500.00	6,500.00	4,150.00	311,415.00	334,750.00	198,826.50	213,725.00	198,826.50	198,826.50	1,746,529.90					
Dirisio, Irma	Mansfield	67.00	69.010	6,500.00	7,000.00	4,150.00	483,070.00	448,565.00	294,650.00	286,391.50	286,391.50	286,391.50	1,460,138.40					
												8,258.50	1,451,879.90					
Pruden, Timothy	Hope	127.00	130.810	4,000.00	4,000.00	2,800.00	513,532.00	513,532.00	359,472.40	366,268.00	359,472.40	359,472.40	1,092,407.50					
McConnell	Oxford	56.00	57.680	6,200.00	6,200.00	4,000.00	326,014.60	325,016.40	209,688.00	93,870.40	93,870.40	93,870.40	998,537.10					
										136,849.60	115,817.60	115,817.60	882,719.50					
Cooke	Hope	47.00	48.410	3,700.00	3,700.00	2,620.00	179,117.00	179,117.00	126,834.20	126,834.20			755,885.30					
Czar	Pohatcong	94.00	96.820	5,400.00	5,400.00	3,600.00	522,828.00	522,828.00	348,552.00	348,552.00	340,452.00		415,433.30					
Beaver Brook/TLCNJ	Hope	135.00	139.050	3,979.00	3,979.00	2,787.40	553,279.95	533,579.92	373,787.55	386,301.30	372,500.88	372,500.88	42,932.42	1,286.67	1,286.67	1,286.67	2,998,713.33	
Bullock	White	59.00	60.770	3,900.00	3,900.00	2,740.00	237,003.00	237,003.00	166,509.80	36,136.82			6,795.60	123,577.38				4,876,422.62
										6,795.60			0.00					
J&K Smith #1	Harmony	46.00	47.380	6,000.00	6,000.00	3,900.00	284,280.00	284,280.00	184,782.00					184,782.00				4,691,640.62
J&K Smith #2	Harmony	51.00	52.530	5,500.00	5,500.00	3,650.00	288,915.00	288,915.00	191,734.50					191,734.50				4,499,906.12
Cercola #1	Franklin	182.00	187.460	6,200.00	6,200.00	4,000.00	1,162,252.00	1,162,252.00	749,840.00					74,220.00			2,924,493.33	
														675,620.00				3,824,286.12
										Encumbered		Expend	Balance	Encumbered		Expend	Balance	
Encumbered/Expended FY11										6,795.60		1,493,204.40	0.00	74,220.00		1,286.67	2,924,493.33	
Encumbered/Expended FY13										503,423.02		496,576.98	0.00	1,175,713.88		0.00		3,824,286.12
Total										510,218.62		1,989,781.38	0.00	FALSE		1,286.67		

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Cericola, Robert #1
21- 0546-PG
County PIG Program
179 Acres

Block 58	Lot 8	Franklin Twp.	Warren County
Block 58	Lot 9	Franklin Twp.	Warren County
Block 58	Lot 12	Franklin Twp.	Warren County
Block 58	Lot 13	Franklin Twp.	Warren County
Block 58	Lot 13.01	Franklin Twp.	Warren County
Block 58	Lot 15	Franklin Twp.	Warren County

SOILS:	Other	39% *	0	=	.00
	Prime	34% *	.15	=	5.10
	Statewide	27% *	.1	=	2.70

SOIL SCORE: 7.80

TILLABLE SOILS:	Cropland Harvested	59% *	.15	=	8.85
	Wetlands	4% *	0	=	.00
	Woodlands	37% *	0	=	.00

TILLABLE SOILS SCORE: 8.85

FARM USE:	Corn-Cash Grain	62 acres
	Hay	41 acres
	Field Crop Except Cash Grain	42 acres

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R11(6)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

WARREN COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Robert Cericola (#2) ("Owner")
Franklin Township, Warren County

N.J.A.C. 2:76-17 et seq.
SADC ID# 21-0547-PG

November 13, 2014

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Warren County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on November 25, 2013 the SADC received an application for the sale of a development easement from Warren County for the subject farm identified as Block 58, Lot 10, Franklin Township, Warren County, totaling approximately 30.5 net acres hereinafter referred to as "Property" (Schedule A); and

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

WHEREAS, the Property has (1) one, 1-acre non-severable exception area limited to one single family residence; and

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

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

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

WHEREAS, the Property has a quality score of 70.70 which exceeds 42, which is 70% of the County's average quality score as determined by the SADC on September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on February 7, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on June 26, 2014 the SADC certified a development easement value of \$5,750 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$5,750 per acre based on zoning and environmental regulations in place as of the current valuation date 4/9/14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner and the County agreed to a selling price of \$6,000 per acre for the development easement on the Property, which is lower than the highest appraised value submitted for certification (\$6,400 per acre); and

WHEREAS, currently the County has no (\$0) base grant funding, no (\$0) FY11 competitive funding available, and the County is eligible for up to \$3,824,286.12 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, Franklin Township approved the application for the sale of a development easement on October 6, 2014, but is not participating financially in the easement purchase; the Warren County Agriculture Development Board approved the application on October 16, 2014 and the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and a commitment of funding for \$2,225 per acre per acre on October 22, 2014; and

WHEREAS, on September 26, 2014 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 31.42 acres will be utilized to calculate the grant need; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.4, the County is requesting \$118,610.50 from the FY13 competitive grant, leaving a maximum FY13 Competitive grant eligibility to the County of \$3,705,675.62, subject to availability (Schedule B); and

WHEREAS, the estimated cost share breakdown is as follows (based on 31.42 acres); and

	<u>Cost Share</u>	
SADC	\$118,610.50	(\$3,775/acre)
<u>Warren County</u>	<u>\$ 69,909.50</u>	<u>(\$2,225/acre)</u>
Total Purchase	\$188,520	(\$6,000/acre)

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Warren County for the purchase of a development easement on the Property, comprising approximately 31.42 acres, at a State cost share of \$3,775 per acre, (62.92% of purchase price; 65.65% of CMV), for a total grant need of approximately \$118,610.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has (1) one, 1-acre non-severable exception area limited to one single family residence and includes zero (0) single family residences, zero (0) agricultural labor units, no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, that FY13 competitive funds will be used for this transaction; and

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

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

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

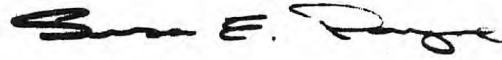
BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

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

11-13-14

Date



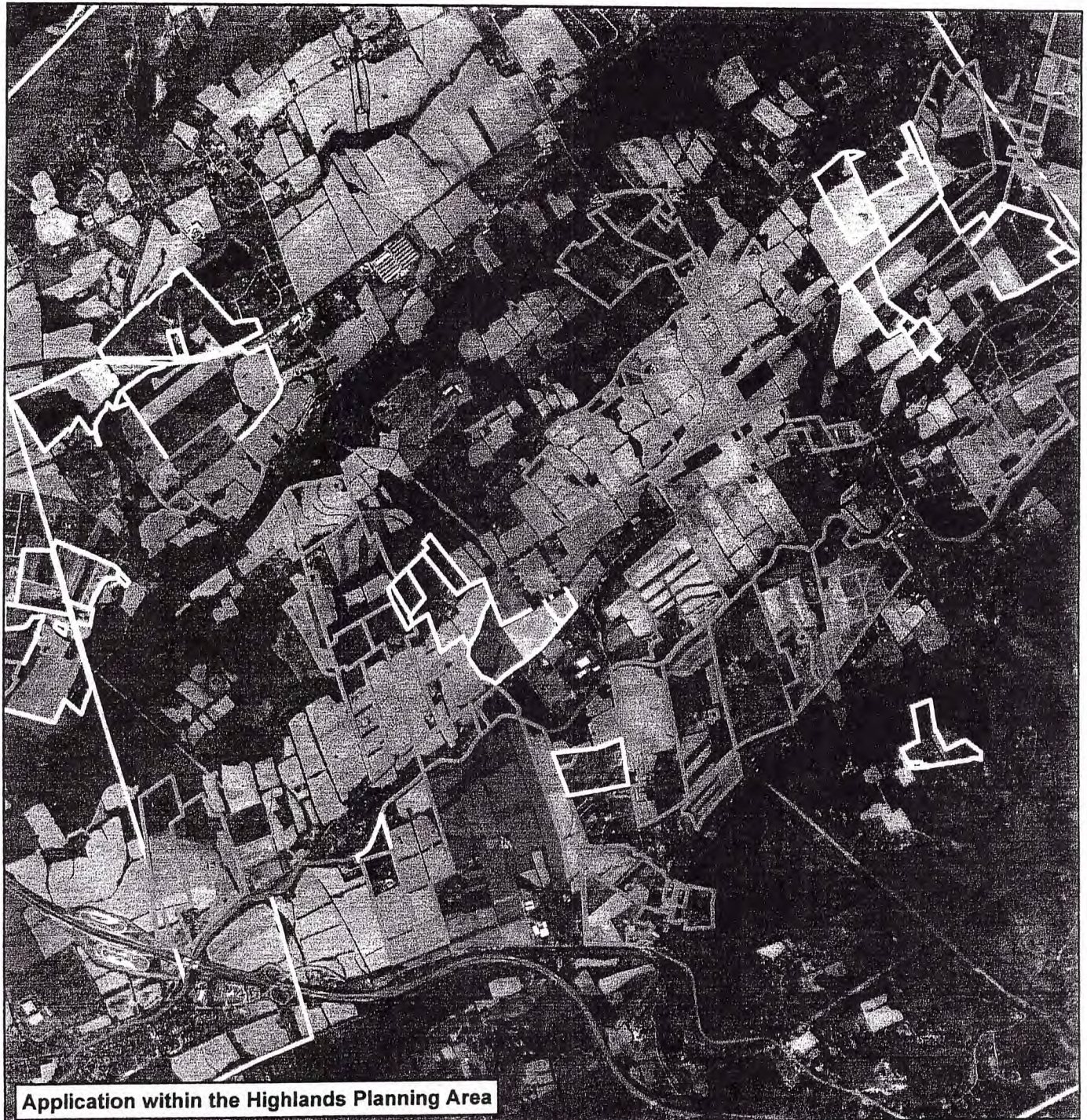
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Preserved Farms and Active Applications Within Two Miles

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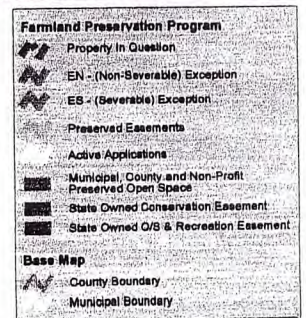


Application within the Highlands Planning Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Robert Cericola (#2)/East Farm
Block 58 Lots P/O 10 (29.0 ac);
and P/O 10-EN (non-severable exception - 1.0 ac)
Gross Total = 30.0 ac
Franklin Twp., Warren County

2,500 1,250 0 2,500 5,000 7,500 Feet



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
NJOT/OGIS 2012 Digital Aerial Image

December 5, 2013

Wetlands

Schedule A

X:\counties\warco\project\certcol2_fwv.mxd



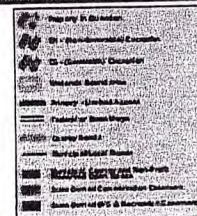
Application within the Highlands Planning Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Robert Cericola (#2)/East Farm
Block 58 Lots P/O 10 (29.0 ac);
and P/O 10-EN (non-severable exception - 1.0 ac)
Gross Total = 30.0 ac
Franklin Twp., Warren County



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



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 100' Buffer
W - Water

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NOAA/USGS 2012 Digital Aerial Image

December 5, 2013

											BASE GRANT				COMPETITIVE GRANT		STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (Subject to available funds statewide)	
											Balance FY11 1,500,000				FY11 0			3,000,000	
											Balance FY13 1,000,000				FY13 10,766,119			5,000,000	
SADC										Total base 2,500,000									
Farm	Municipality	App Acres	Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	Cost Basis	Cost Share	Encumbered at Final	Voucher	Expend	Balance	Encumbered at Final	Voucher	Expend	FY11 Balance subject to availability	FY13 Balance subject to availability	
Drake et al	Allamuchy	202.00	208.060	4,000.00	4,000.00	2,800.00	792,348.00	792,348.00	554,643.60	582,568.00		554,643.60	1,945,356.40						
Bowers, Russell	Pohatcong	50.00	51.500	6,500.00	6,500.00	4,150.00	311,415.00	334,750.00	198,826.50	213,725.00	198,826.50	198,826.50	1,746,529.90						
Dirisio, Irma	Mansfield	67.00	69.010	6,500.00	7,000.00	4,150.00	483,070.00	448,565.00	294,650.00	286,391.50	286,391.50	286,391.50	1,460,138.40						
											8,258.50	8,258.50	1,451,879.90						
Pruden, Timothy	Hope	127.00	130.810	4,000.00	4,000.00	2,800.00	513,532.00	513,532.00	359,472.40	366,268.00	359,472.40	359,472.40	1,092,407.50						
McConnell	Oxford	56.00	57.680	6,200.00	6,200.00	4,000.00	326,014.60	325,016.40	209,688.00	93,870.40	93,870.40	93,870.40	998,537.10						
										136,849.60	115,817.60	115,817.60	882,719.50						
Cooke	Hope	47.00	48.410	3,700.00	3,700.00	2,620.00	179,117.00	179,117.00	126,834.20	126,834.20			755,885.30						
Czar	Pohatcong	94.00	96.820	5,400.00	5,400.00	3,600.00	522,828.00	522,828.00	348,552.00	348,552.00	340,452.00		415,433.30						
Beaver Brook/TLCNJ	Hope	135.00	139.050	3,979.00	3,979.00	2,787.40	553,279.95	533,579.92	373,787.55	386,301.30	372,500.88	372,500.88	42,932.42	1,286.67	1,286.67	1,286.67	2,998,713.33		
Bullock	White	59.00	60.770	3,900.00	3,900.00	2,740.00	237,003.00	237,003.00	166,509.80	36,136.82			6,795.60	123,577.38				4,876,422.62	
										6,795.60			0.00						
J&K Smith #1	Harmony	46.00	47.380	6,000.00	6,000.00	3,900.00	284,280.00	284,280.00	184,782.00				184,782.00					4,691,640.62	
J&K Smith #2	Harmony	51.00	52.530	5,500.00	5,500.00	3,650.00	288,915.00	288,915.00	191,734.50				191,734.50					4,499,906.12	
Cericola #1	Franklin	182.00	187.460	6,200.00	6,200.00	4,000.00	1,162,252.00	1,162,252.00	749,840.00				74,220.00				2,924,493.33		
													675,620.00					3,824,286.12	
Cericola #2	Franklin	30.500	31.42	5,750.00	6,000.00	3,775.00	188,520.00	180,685.00	118,610.50				118,610.50					3,705,675.62	
										Encumbered		Expend	Balance	Encumbered		Expend	Balance		
Encumbered/Expended FY11										6,795.60		1,493,204.40	0.00	74,220.00		1,286.67	2,924,493.33		
Encumbered/Expended FY13										503,423.02		496,576.98	0.00	1,294,324.38		0.00	3,705,675.62		
Total	13	2,687.00					5,842,574.55	5,802,851.32	3,877,931.05	510,218.62	1,989,781.38	0.00	1,368,544.38	1,286.67					

JAN 2012

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Cericola, Robert #2
21- 0547-PG
County PIG Program
29 Acres

Block 58	Lot 10	Franklin Twp.	Warren County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:		Cropland Harvested	100% * .15 = 15.00
			TILLABLE SOILS SCORE: 15.00
FARM USE:		Corn-Cash Grain	30 acres

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R11(7)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Alloway Family Limited Partnership "Prickett Farm" ("Owner")
Southampton Township, Burlington County

N.J.A.C. 2:76-17 et seq.
SADC ID# 03-0392-PG

November 13, 2014

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Burlington County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on September 26, 2013 the SADC received an application for the sale of a development easement from Burlington County for the Alloway Family Limited Partnership farm identified as Block 1602, Lot 9, Southampton Township, Burlington County, totaling approximately 129 easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is a targeted farm located in Burlington County's East Project Area and in the Pinelands Agricultural Production Area; and

WHEREAS, the Property has a 2-acre non-severable exception area limited to one single family residence; and

WHEREAS, the Property has no pre-existing non-agricultural uses, zero (0) residences, and zero (0) agricultural labor units on the area to be preserved, outside of the exception area; and

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

WHEREAS, the owners were provided the SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses, by the County but the property owner's attorney has advised that the owners are unwilling to sign the acknowledgement of receipt of the documents; and

WHEREAS, the Property has a quality score of 77.21 which is greater than 70% of the County's average quality score of 45 as determined by the SADC on September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b), on March 5, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, the New Jersey Pinelands Commission Amended Letter of Interpretation #1495 allocated 5.0 Pinelands Development Credit (PDC) to the Property, (.25 PDCs have been reserved for the existing house); and

WHEREAS, as a result of the conveyance of the deed of easement to the County, the 5 PDCs will be retired; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-19.13 a landowner may choose to receive a higher base value pursuant to N.J.A.C. 2:76-19.4(c) by placing a deed restriction on his or her property that limits impervious coverage on the property to 10% of the total property acreage; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.13, impervious coverage shall include, but is not limited to, houses, barns, stables, sheds, silos, outhouses, cabanas, and other buildings, swimming pools, docs or decks. Temporary greenhouses or other temporary coverings which do not have impervious floors are not included; and

WHEREAS, on April 17, 2014, a Pinelands Valuation Formula (Formula) was finalized between SADC and CADB staff as per N.J.A.C. 2:76-19.3, yielding:
Formula Valuation without impervious cover option: \$2,834 per acre
Formula Valuation with 10% impervious cover option: \$3,189 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on May 22, 2014, the SADC certified a development easement value of \$2,500 per acre based on zoning and environmental regulations in place as of November 2013 and a fee simple "before" value of \$6,500 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted an offer from the County to purchase a development easement for \$3,189 per acre, (which is the formula valuation with 10% impervious coverage); and

WHEREAS, in accordance with N.J.A.C. 2:76-19.4, the formula value of \$3,189 does not exceed 80% of the Committee certified fee simple market value of \$6,500 per acre; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 132.87 acres will be utilized to calculate the grant need; and

WHEREAS, currently the County has \$0 of base grant funding available, and \$28,079.98 available from the FY11 competitive grant and is eligible for up to \$2,440,918.23 in FY13 competitive grant funding, subject to available funds (Schedule B); and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.4, the County is requesting \$28,079.98 from the FY11 Competitive grant and \$279,301.48 from the FY13 Competitive grant, leaving a maximum FY13 Competitive grant eligibility to the County of \$2,161,616.75 (Schedule B); and

WHEREAS, the estimated cost share breakdown is as follows (based on 132.87 acres):

Cost Share

SADC	\$307,381.46	(\$2,313.40 per acre)
County	<u>\$116,340.97</u>	<u>(\$ 875.60 per acre)</u>
	\$423,722.43	(\$3,189 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 the Burlington CADB approved the application on May 8, 2014; the Burlington Board of Chosen Freeholders approved the application on June 25, 2014 ; and the Southampton Township Committee approved the application on July 15, 2014; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Burlington County for the purchase of a development easement on the Property, comprising approximately 132.87 easement acres, at a State cost share of \$2,313.40 per acre, (72.54% of purchase price and 92.54% of certified value) for a total grant need of \$307,381.46 (\$28,079.98 from FY11 Competitive funds and \$279,301.48 from FY13 Competitive funds) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has a 2-acre non-severable exception area limited to one single family residence, and no pre-existing non-agricultural uses, zero (0) residences, and zero (0) agricultural labor units; and

BE IT FURTHER RESOLVED, that the landowner has agreed to limit impervious coverage on the property to a maximum of 10% of the total property acreage, outside of the exception area; and

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

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

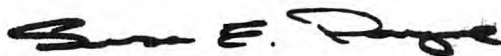
BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

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

11-13-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

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resolution.doc

Wetlands

Schedule A

X:\counties\burco\projects\Alloway_Prickett_FWW.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Alloway, Samuel P. - Prickett
Block 1602 P/O Lot 9 (129.57 ac) & P/O Lot 9-EN (1.96 ac)
Gross Total - 131.52 ac
Southampton Twp. Burlington County

500 250 0 500 1,000 Feet



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

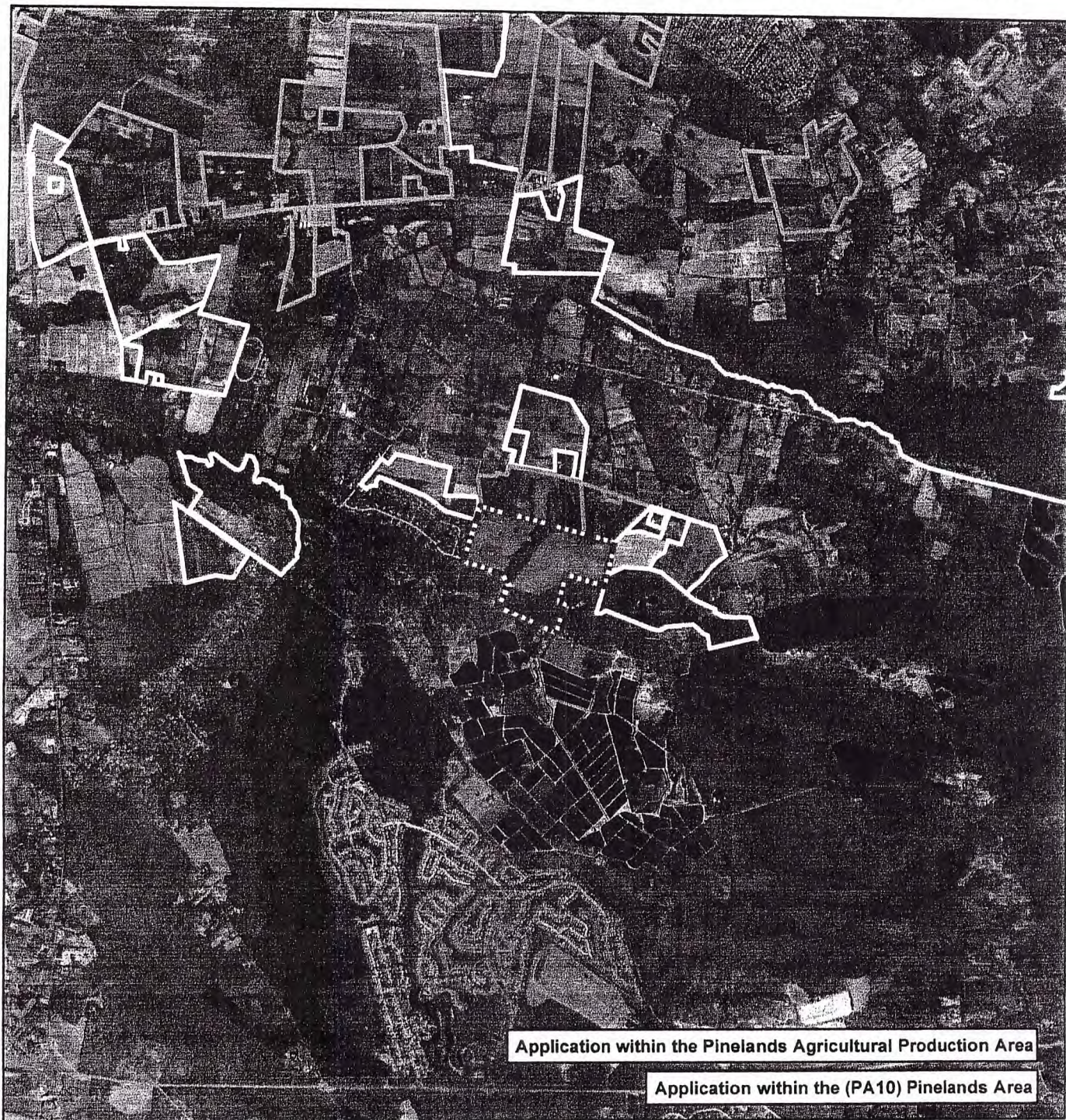
Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2012 Digital Aerial Image

Date: 10/15/2013

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Preserved Farms and Active Applications Within Two Miles

X:\counties\burco\projects\Alloway_Prickett_2mile.mxd

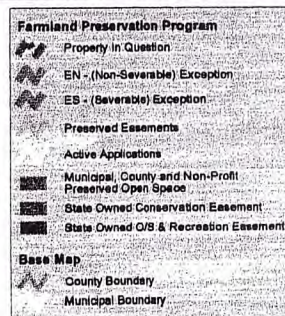


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Alloway, Samuel P. - Prickett
Block 1602 P/O Lot 9 (129.57 ac) & P/O Lot 9-EN (1.96 ac)
Gross Total - 131.52 ac
Southampton Twp. Burlington County

2,000 1,000 0 2,000 4,000 6,000 Feet

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



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

Date: 10/14/2013

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Alloway - Prickett
03- 0392-PG
County PIG Program
129 Acres

Block 1602	Lot 9	Southampton Twp.	Burlington County
SOILS:			
		Prime	70% * .15 = 10.50
		Statewide	11% * .1 = 1.10
		Unique .125	19% * .125 = 2.38
			SOIL SCORE: 13.98
TILLABLE SOILS:			
		Cropland Harvested	72% * .15 = 10.80
		Wetlands	19% * 0 = .00
		Woodlands	9% * 0 = .00
			TILLABLE SOILS SCORE: 10.80
FARM USE:		Soybeans-Cash Grain	93 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Execution of and agreement between the Municipality, State Agriculture Development Committee and Landowner.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st two (2) acres for existing residence, flexibility around farmstead
 - Exception is not to be severed from Premises
 - Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises:
No Structures On Premise
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 FY2015R11(8)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Alloway Family Limited Partnership "Hall Farm" ("Owner")
Southampton Township, Burlington County

N.J.A.C. 2:76-17 et seq.
SADC ID# 03-0391-PG

November 13, 2014

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Burlington County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on September 26, 2013 the SADC received an application for the sale of a development easement from Burlington County for the Alloway Family Limited Partnership farm identified as Block 1601, Lots 10 & 10.03, Southampton Township, Burlington County, totaling approximately 65 easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is a targeted farm located in Burlington County's East Project Area and in the Pinelands Agricultural Production Area; and

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

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

WHEREAS, the owners were provided the SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses, by the County but the property owner's attorney has advised that the owners are unwilling to sign the acknowledgement of receipt of the documents; and

WHEREAS, the Property has a quality score of 67.62 which is greater than 70% of the County's average quality score of 45 as determined by the SADC on September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b), on March 5, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, the New Jersey Pinelands Commission Amended Letter of Interpretation # 271 allocated 3.25 Pinelands Development Credits (PDCs) to the Property; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, the 3.25 PDCs will be retired; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-19.13 a landowner may choose to receive a higher base value pursuant to N.J.A.C. 2:76-19.4(c) by placing a deed restriction on his or her property that limits impervious coverage on the property to 10% of the total property acreage; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.13, impervious coverage shall include, but is not limited to, houses, barns, stables, sheds, silos, outhouses, cabanas, and other buildings, swimming pools, docs or decks. Temporary greenhouses or other temporary coverings which do not have impervious floors are not included; and

WHEREAS, on April 17, 2014, a Pinelands Valuation Formula (Formula) was finalized between SADC and CADB staff as per N.J.A.C. 2:76-19.3, yielding:
Formula Valuation without impervious cover option: \$3,334 per acre
Formula Valuation with 10% impervious cover option: \$3,751 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on May 22, 2014, the SADC certified a development easement value of \$3,450 per acre based on zoning and environmental regulations in place as of November 2013 and a fee simple "before" value of \$7,450 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted an offer from the County to purchase a development easement for \$3,751 per acre, (which is the formula valuation with 10% impervious coverage); and

WHEREAS, in accordance with N.J.A.C. 2:76-19.4, the formula value of \$3,751 does not exceed 80% of the Committee certified fee simple market value of \$7,450 per acre; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 66.95 acres will be utilized to calculate the grant need; and

WHEREAS, currently the County has \$0 of base grant funding available, and \$0 available from the FY11 competitive grant and is eligible for up to \$2,161,616.75 in FY13 competitive grant funding, subject to available funds (Schedule B); and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.4, the County is requesting \$177,457.67 from the competitive grant, leaving a maximum FY13 Competitive grant eligibility to the County of \$1,984,159.08 (Schedule B); and

WHEREAS, the estimated cost share breakdown is as follows (based on 66.95 acres):

	<u>Cost Share</u>	
SADC	\$177,457.67	(\$2,650.60 per acre)
County	\$ 73,671.78	(\$1,100.40 per acre);
	\$251,129.45	(\$3,751 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 the Burlington CADB approved the application on May 8, 2014, the Burlington Board of Chosen Freeholders approved the application on June 25, 2014, and the Southampton Township Committee approved the application on July 15, 2014; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Burlington County for the purchase of a development easement on the Property, comprising approximately 66.95 easement acres, at a State cost share of \$2,650.60 per acre, (70.66% of purchase price and 76.83% of certified value) for a total grant need of \$177,457.67 (from FY13 Competitive funds) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has no pre-existing non-agricultural uses, zero (0) residences, and zero (0) agricultural labor units; and

BE IT FURTHER RESOLVED, that the landowner has agreed to limit impervious coverage on the property to a maximum of 10% of the total property acreage; and

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

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

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

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

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

11-13-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

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Wetlands

Schedule A

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Alloway, Samuel P.
Block 1601 Lots 10 (58.92 ac) & 10.03 (5.95 ac)
Gross Total - 64.87 ac
Southampton Twp. Burlington County



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

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



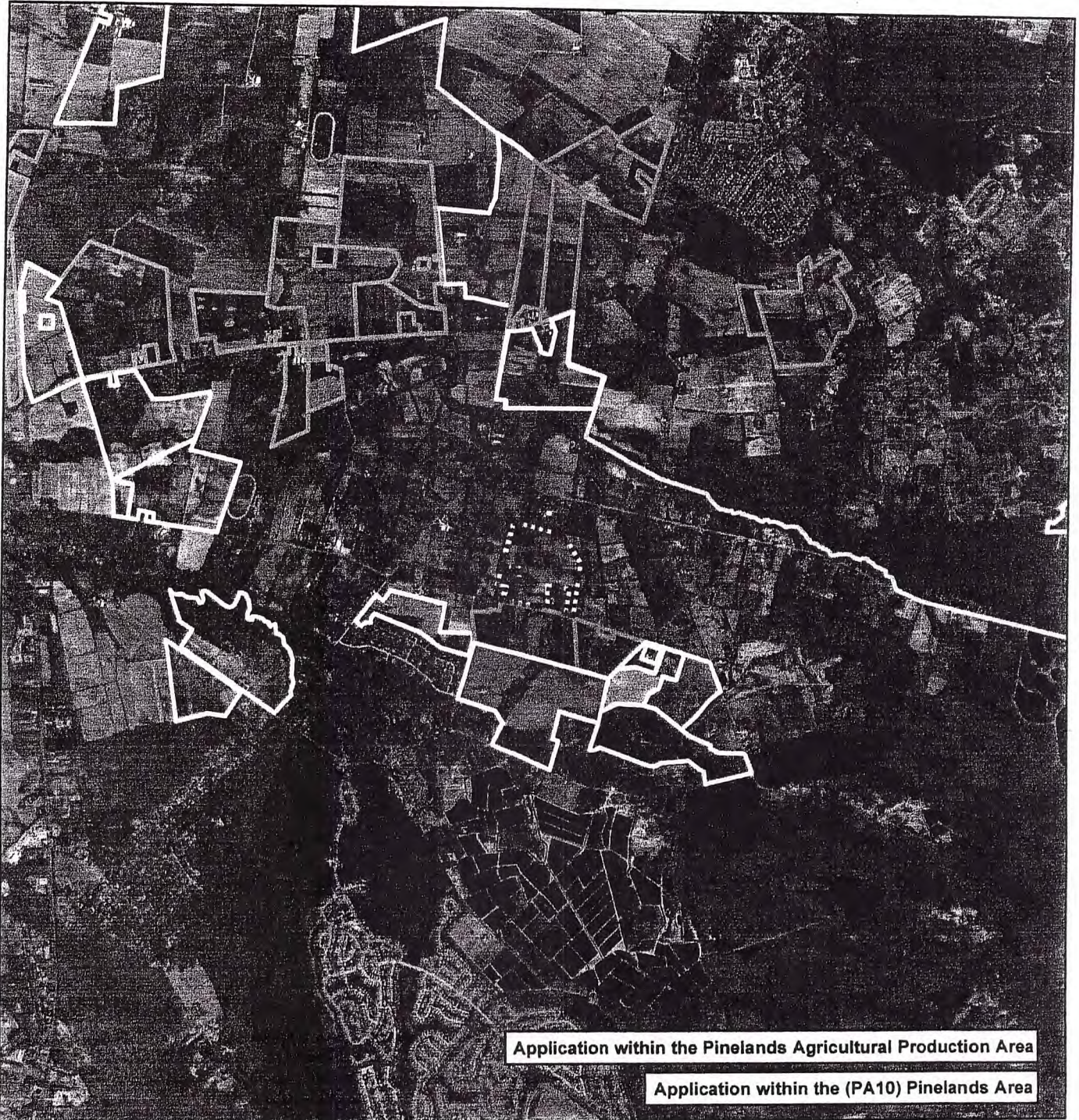
Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2012 Digital Aerial Image

Date: 10/15/2013

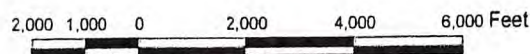
Preserved Farms and Active Applications Within Two Miles

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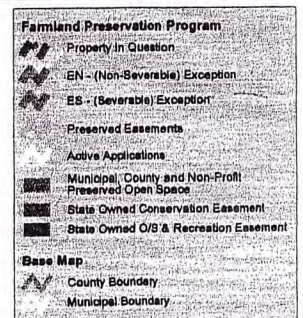


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Alloway, Samuel P.
Block 1601 Lots 10 (58.92 ac) & 10.03 (5.95 ac)
Gross Total - 64.87 ac
Southampton Twp. Burlington County



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



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

Date: 10/14/2013

Schiedle B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Alloway - Hall
03- 0391-PG
County PIG Program
65 Acres

Block 1601 Lot 10 Southampton Twp. Burlington County
Block 1601 Lot 10.03 Southampton Twp. Burlington County

SOILS:	Other	15% *	0	=	.00
	Prime	18% *	.15	=	2.70
	Statewide	66% *	.1	=	6.60
	Unique zero	1% *	0	=	.00
				SOIL SCORE:	9.30
TILLABLE SOILS:	Cropland Harvested	81% *	.15	=	12.15
	Wetlands	13% *	0	=	.00
	Woodlands	6% *	0	=	.00
				TILLABLE SOILS SCORE:	12.15

FARM USE: Corn-Cash Grain acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Execution of and agreement between the Municipality, State Agriculture Development Committee and Landowner.
5. 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 Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2015R11(9)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Jeffrey Whalen & Whalen Farms, LLC "Home Farm" ("Owners")
Shamong Township, Burlington County

N.J.A.C. 2:76-17 et seq.
SADC ID# 03-0393-PG

November 13, 2014

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Burlington County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on September 26, 2013 the SADC received an application for the sale of a development easement from Burlington County for the Jeffrey Whalen & Whalen Farms, LLC farm identified as Block 33, Lots 21 & 22; Block 34, Lots 11, 12.01, 12.02, 13, & 20, Shamong Township, Burlington County, totaling approximately 145 easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is a targeted farm located in Burlington County's South Project Area and in the Pinelands Agricultural Production Area; and

WHEREAS, the Property has a 1-acre non-severable exception area limited to one single family residence and a 1-acre non-severable exception area limited to three single family residences; and

WHEREAS, the Property has no pre-existing non-agricultural uses, zero (0) residences, and zero (0) agricultural labor units on the area outside of the exception areas; and

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

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

WHEREAS, the Property has a quality score of 63.09 which is greater than 70% of the County's average quality score of 45 as determined by the SADC on September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b), on February 7, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, the New Jersey Pinelands Commission Letter of Interpretation #'s 1946, 1966, 2103, 2104 and 2105 allocated 2.75 Pinelands Development Credits (PDCs) to the Property, 1 PDC has been reserved for the four existing homes; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, the 2.75 PDCs will be retired; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-19.13 a landowner may choose to receive a higher base value pursuant to N.J.A.C. 2:76-19.4(c) by placing a deed restriction on his or her property that limits impervious coverage on the property to 10% of the total property acreage; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.13, impervious coverage shall include, but is not limited to, houses, barns, stables, sheds, silos, outhouses, cabanas, and other buildings, swimming pools, docks or decks. Temporary greenhouses or other temporary coverings which do not have impervious floors are not included; and

WHEREAS, on April 17, 2014, a Pinelands Valuation Formula (Formula) was finalized between SADC and CADB staff as per N.J.A.C. 2:76-19.3, yielding:
Formula Valuation without impervious cover option: \$2,517 per acre
Formula Valuation with 10% impervious cover option: \$2,831 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on May 22, 2014, the SADC certified a development easement value of \$720 per acre based on zoning and environmental regulations in place as of November 2013 and a fee simple "before" value of \$10,317 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted an offer from the County to purchase a development easement for \$2,831 per acre, (which is the formula valuation with 10% impervious coverage); and

WHEREAS, in accordance with N.J.A.C. 2:76-19.4, the formula value of \$2,831 does not exceed 80% of the Committee certified fee simple market value of \$10,317 per acre; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 149.35 acres will be utilized to calculate the grant need; and

WHEREAS, currently the County has \$0 of base grant funding available, and \$0 available from the FY11 competitive grant and is eligible for up to \$1,984,159.08 in FY13 competitive grant funding, subject to available funds (Schedule B); and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.4, the County is requesting \$310,901.90 from the competitive grant, leaving a maximum FY13 Competitive grant eligibility to the County of \$1,673,257.19 (Schedule B); and

WHEREAS, the estimated cost share breakdown is as follows (based on 149.35 acres):

	<u>Cost Share</u>	
SADC	\$310,901.90	(\$2,081.70 per acre)
County	\$111,907.95	(\$ 749.30 per acre)
	<u>\$422,809.85</u>	(\$2,831 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 the Burlington CADB approved the application on May 8, 2014, the Burlington Board of Chosen Freeholders approved the application on June 25, 2014, and the Shamong Township Committee approved the application on August 5, 2014; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Burlington County for the purchase of a development easement on the Property, comprising approximately 149.35 easement acres, at a State cost share of \$2,081.70 per acre, (73.53% of purchase price and 289.13% of certified value) for a total grant need of \$310,901.90 (from FY13 Competitive funds) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has a 1-acre non-severable exception area limited to one single family residence; a 1-acre non-severable exception area limited to three single family residences; no pre-existing non-agricultural uses, zero (0) residences, and zero (0) agricultural labor units; and

BE IT FURTHER RESOLVED, that the landowner has agreed to limit impervious coverage on the property to a maximum of 10% of the total property acreage, outside of the exception area; and

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

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

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

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

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

11-13-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

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Preserved Farms and Active Applications Within Two Miles

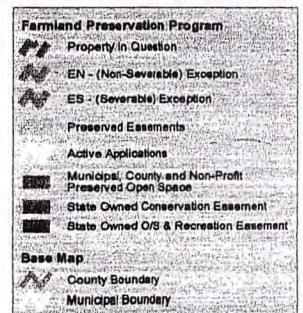
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Whalen, Jeffrey A. (Whalen Home)
Block 33 Lots 21 (6.65 ac) & 22 (7.43 ac)
Block 34 Lots 12.02 (24.67 ac),
13 (17.22 ac), 20 (29.82 ac), P/O 11 (47.72 ac), P/O 11-EN (non-severable exception – 1.14 ac),
P/O 12.01 (145.13 ac) & P/O 12.01-EN (non-severable exception – 1.49 ac)
Gross Total – 147.76 ac
Shamong Twp, Burlington County

2,000 1,000 0 2,000 4,000 6,000 Feet



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
NJGIT/OGIS 2012 Digital Aerial Image

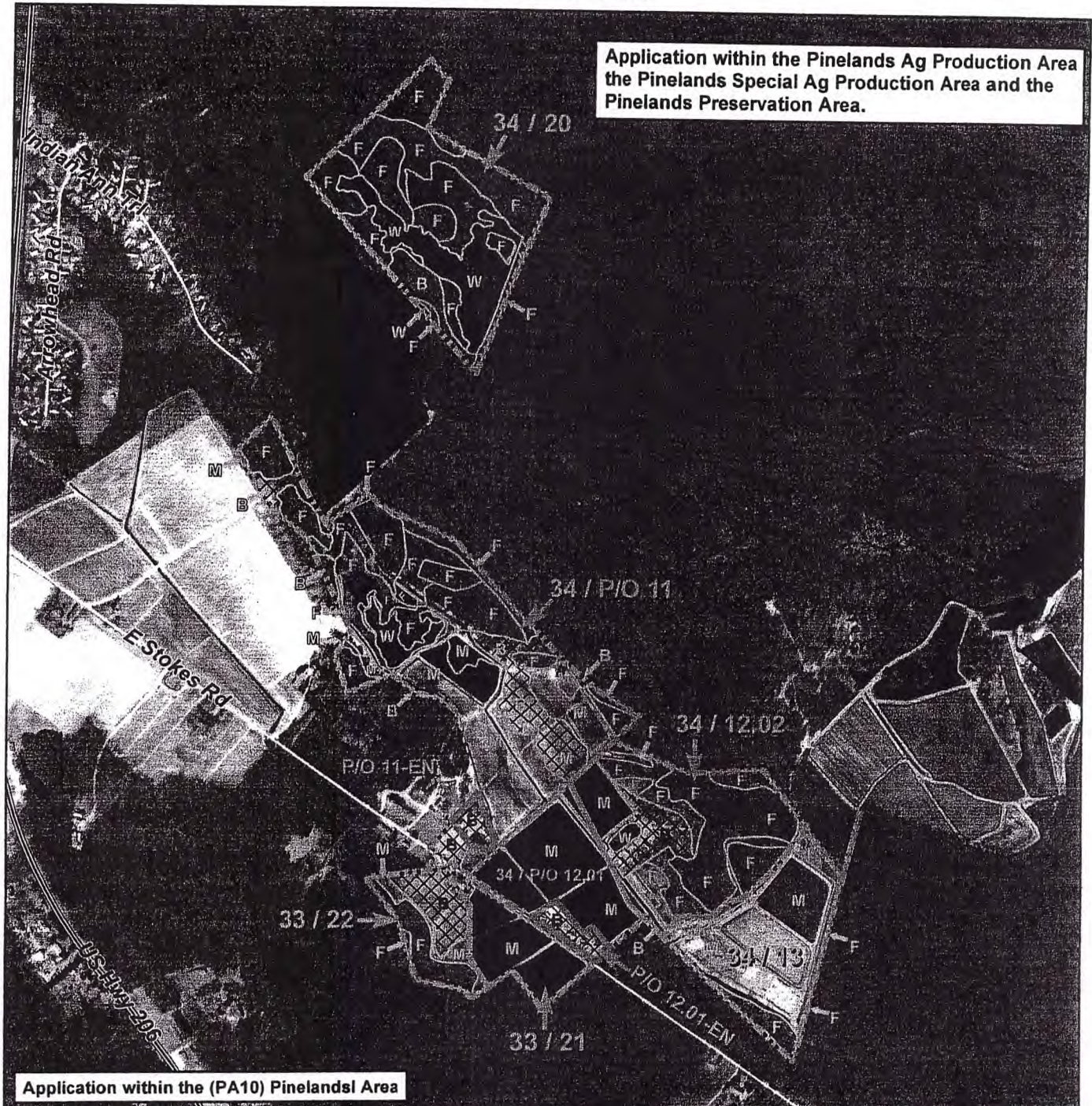
Date: 10/7/2013

Wetlands

Schedule A

Application within the Pinelands Ag Production Area
the Pinelands Special Ag Production Area and the
Pinelands Preservation Area.

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Application within the (PA10) Pinelands Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Whalen, Jeffrey A. (Whalen Home)
Block 33 Lots 21 (6.65 ac) & 22 (7.43 ac)
Block 34 Lots 12.02 (24.67 ac),
13 (17.22 ac), 20 (29.82 ac), P/O 11 (47.72 ac), P/O 11-EN (non-severable exception - 1.14 ac),
P/O 12.01 (145.13 ac) & P/O 12.01-EN (non-severable exception - 1.49 ac)
Gross Total - 147.76 ac
Shamong Twp, Burlington County

500 250 0 500 1,000 Feet



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

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2012 Digital Aerial Image

Date: 10/7/2013

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

Farm	Municipality	Ago Acres	Plus 1 Percent	SADC Certified Per Acre	Negotiated & Approved Per Acre	Formula Value Done?	SADC Grant Per Acre	Estimate Consideration	Cost Basis	Cost Share	BASE GRANT				COMPETITIVE GRANT		STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (subject to availability funds statewide)	
											Encumbered at Final	Voucher	Expend	Balance	Encumbered at Final	Voucher		FY11 Balance	FY13 Balance
											Encumbered at Final	Voucher	Expend	Balance	Encumbered at Final	Voucher		Expend	Balance
Bur C/Griffin	North Hanover	104.0730	107.1852	2,745.00	2,955.00		2,021.50	307,439.79	643,702.50	199,948.56	210,233.57	199,948.56	199,948.56	2,900,004.14					
Bur C/Griffin	North Hanover	98.0750	98.9873	6,800.00	6,700.00		4,280.00	643,702.50	643,702.50	405,445.25	405,318.75	405,445.25	405,445.25	1,994,208.89					
Bur C/Clayton Block East	New Hanover	195.3000	202.1850	2,300.00	2,287.30		1,701.11	448,996.60	448,996.60	291,847.72	291,847.72	291,847.72	291,847.72	1,002,381.17					
Bur C/Whitright, Cora	Manfield	135.0000	133.0500	9,600.00	9,650.00		5,760.00	1,318,350.85	1,310,467.20	786,280.32	602,351.17	602,351.17	602,351.17	1,000,000.00					
Bur C/Whitright, Curtis	Manfield	106.0000	109.1800	10,700.00	10,650.00		6,390.00	1,132,947.00	1,107,802.35	664,681.41									
Bur C/D'Amico	North Hanover	52.0000	53.6600	8,000.00	7,850.00		4,675.00	387,450.90	387,450.90	239,911.65									
Bur C/Murphy	Hainesport	80.0000	82.4000	5,300.00	7,425.00		3,550.00	596,132.40	424,890.40	284,596.40									
Bur C/Durr Estate	Manfield	110.0000	113.3000	17,300.00	19,000.00		10,380.00	2,123,079.00	1,913,290.04	1,147,974.02									
Bur C/Stattel	Pemberton	182.400		3,195.02	3,195.00	yes	1,917.00	486,918.00	482,614.34	292,151.00									
Bur C/Stevensen	Pemberton	110.653		3,050.00	4,550.00	yes	2,230.00	503,471.15	337,491.65	245,756.19									
Bur C/DiJulio, Anthony	Manfield	90.000		7,700.00	5,650.00	NA	4,750.00	868,114.00	889,981.60	425,538.00	427,500.00	425,538.00	425,538.00	574,362.00					
Bur C/Alway Family	Shannon	163.000		4,440.00	4,538.00	yes	3,064.00	497,244.56	486,525.32	335,746.99	335,746.99	335,746.99	335,746.99	238,615.01					
Bur C/Bush	Pemberton	60.689		2,592.00	4,001.00	yes	2,166.40	242,216.69	179,153.83	121,408.34	121,408.34	121,408.34	121,408.34	117,206.67					
Bur C/Chung	Shannon	91.000		3,590.00	4,165.00		2,554.00	362,367.50	312,322.82	222,192.89	117,206.67	117,206.67	117,206.67	0.00					
Bur C/Simon's Berry Farm	Tabernacle	266.000	273.9800	978.00	1,725.00		1,307.50	462,707.10	462,707.10	350,718.57									
Thompson - George Ford	Tabernacle	620.000	638.6000	1,355.00	2,912.00		1,694.79	1,658,885.21	1,658,885.21	1,211,117.56									
Thompson - Peach	Woodland	224.000	230.7200	1,735.00	2,912.00		2,138.28	634,064.70	634,064.70	465,593.36									
Thompson - Vincentown	Southampton	28.000	28.7600	7,400.00	7,400.00		4,600.00	192,710.80	192,688.90	119,779.40									
Thompson & Wright (Birches)	Tabernacle	112.902		1,922.00	2,916.00	yes	2,141.20	329,222.23	329,222.23	241,745.76									
Cramer	Tabernacle	45.000		2,200.00	3,648.00	yes	1,640.00	164,160.00	99,000.00	307,381.46									
Alway - Pickett	Southampton	129.000	132.8700	2,500.00	3,189.00	yes	2,313.40	423,722.43	423,722.43	307,381.46									
Alway - Hall	Southampton	65.000	66.9500	3,450.00	3,751.00	yes	2,650.60	251,129.45	251,129.45	177,457.67									
Wheeler Home	Shannon	145.000	149.3500	720.00	2,631.00	yes	2,081.70	422,809.85	422,809.85	310,901.90									
Encumbered/Expended FY11	14	2,107	1,912								Encumbered		Expend	Balance	Encumbered	Expend		Balance	
Encumbered/Expended FY13	6	1800									0.00		1,000,000.00	0.00	28,079.38	2,977,020.02	0.00	1,673,267.19	
Total	19	2,107	3,892								0.00		2,000,000.00	0.00	2,906,672.44	3,430,070.37		1,673,267.19	
Reprogram Out																			

JAN 2016 C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Whalen (Home)
03- 0393-PG
County PIG Program
145 Acres

Block 33	Lot 21	Shamong Twp.	Burlington County
Block 33	Lot 22	Shamong Twp.	Burlington County
Block 34	Lot 11	Shamong Twp.	Burlington County
Block 34	Lot 20	Shamong Twp.	Burlington County
Block 34	Lot 12.01	Shamong Twp.	Burlington County
Block 34	Lot 12.02	Shamong Twp.	Burlington County
Block 34	Lot 13	Shamong Twp.	Burlington County

SOILS:	Other	21% *	0	=	.00
	Statewide	17% *	.1	=	1.70
	Unique .125	26% *	.125	=	3.25
	Unique zero	36% *	0	=	.00

SOIL SCORE: 4.95

TILLABLE SOILS:	Cropland Harvested	37% *	.15	=	5.55
	Wetlands	63% *	0	=	.00

TILLABLE SOILS SCORE: 5.55

FARM USE:	Berry	51 acres
------------------	-------	----------

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for flexibility around existing house and historic barn
Exception is not to be severed from Premises
Exception is to be limited to one existing single family residential unit(s)
 - 2nd one (1) acres for flexibility around 3 residences
Exception is not to be severed from Premises
Exception is to be limited to three existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 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 FY2015R11(10)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Jeffrey Whalen & Whalen Farms, LLC "South Farm" ("Owners")

Shamong Township, Burlington County

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

SADC ID# 03-0394-PG

November 13, 2014

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Burlington County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on September 26, 2013 the SADC received an application for the sale of a development easement from Burlington County for the Jeffrey Whalen & Whalen Farms, LLC farm identified as Block 33, Lots 10, 11.01, 11.02, 13.02, 16.01, 16.02, 17, 18.01 and 18.02, Shamong Township, Burlington County, totaling approximately 114 easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is a targeted farm located in Burlington County's South Project Area and in the Pinelands Special Agricultural Production Area; and

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

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

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

WHEREAS, the Property has a quality score of 71.71 which is greater than 70% of the County's average quality score of 45 as determined by the SADC on September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b), on March 5, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, the New Jersey Pinelands Commission Letter of Interpretation # 1967 allocated 4.5 Pinelands Development Credits (PDCs) to the Property; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, the 4.5 PDCs will be retired; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-19.13 a landowner may choose to receive a higher base value pursuant to N.J.A.C. 2:76-19.4(c) by placing a deed restriction on his or her property that limits impervious coverage on the property to 10% of the total property acreage; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.13, impervious coverage shall include, but is not limited to, houses, barns, stables, sheds, silos, outhouses, cabanas, and other buildings, swimming pools, docks or decks. Temporary greenhouses or other temporary coverings which do not have impervious floors are not included; and

WHEREAS, on April 17, 2014, a Pinelands Valuation Formula (Formula) was finalized between SADC and CADB staff as per N.J.A.C. 2:76-19.3, yielding:
Formula Valuation without impervious cover option: \$2,801 per acre
Formula Valuation with 10% impervious cover option: \$3,151 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on May 22, 2014, the SADC certified a development easement value of \$1,766 per acre based on zoning and environmental regulations in place as of November 2013 and a fee simple "before" value of \$10,624 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted an offer from the County to purchase a development easement for \$3,151 per acre, (which is the formula valuation with 10% impervious coverage); and

WHEREAS, in accordance with N.J.A.C. 2:76-19.4, the formula value of \$3,151 does not exceed 80% of the Committee certified fee simple market value of \$10,624 per acre; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 117.42 acres will be utilized to calculate the grant need; and

WHEREAS, currently the County has \$0 of base grant funding available, and \$0 available from the FY11 competitive grant and is eligible for up to \$1,673,257.19 in FY13 competitive grant funding, subject to available funds (Schedule B); and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.4, the County is requesting \$268,962.25 from the competitive grant, leaving a maximum FY13 Competitive grant eligibility to the County of \$1,404,294.93 (Schedule B); and

WHEREAS, the estimated cost share breakdown is as follows (based on 117.42 acres):

	<u>Cost Share</u>
SADC	\$268,962.25 (\$2,290.60 per acre)
County	<u>\$101,028.17 (\$ 860.40 per acre)</u>
	\$369,990.42 (\$3,151 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 the Burlington CADB approved the application on May 8, 2014; the Burlington Board of Chosen Freeholders approved the application on June 25, 2014; and the Shamong Township Committee approved the application on August 5, 2014; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Burlington County for the purchase of a development easement on the Property, comprising approximately 117.42 easement acres, at a State cost share of \$2,290.60 per acre, (72.69% of purchase price and 129.71% of certified value) for a total grant need of \$268,962.25 (from FY13 Competitive funds) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has no pre-existing non-agricultural uses, zero (0) residences, and zero (0) agricultural labor units; and

BE IT FURTHER RESOLVED, that the landowner has agreed to limit impervious coverage on the property to a maximum of 10% of the total property acreage; and

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

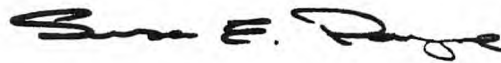
BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC,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

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

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

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

11-13-14



Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

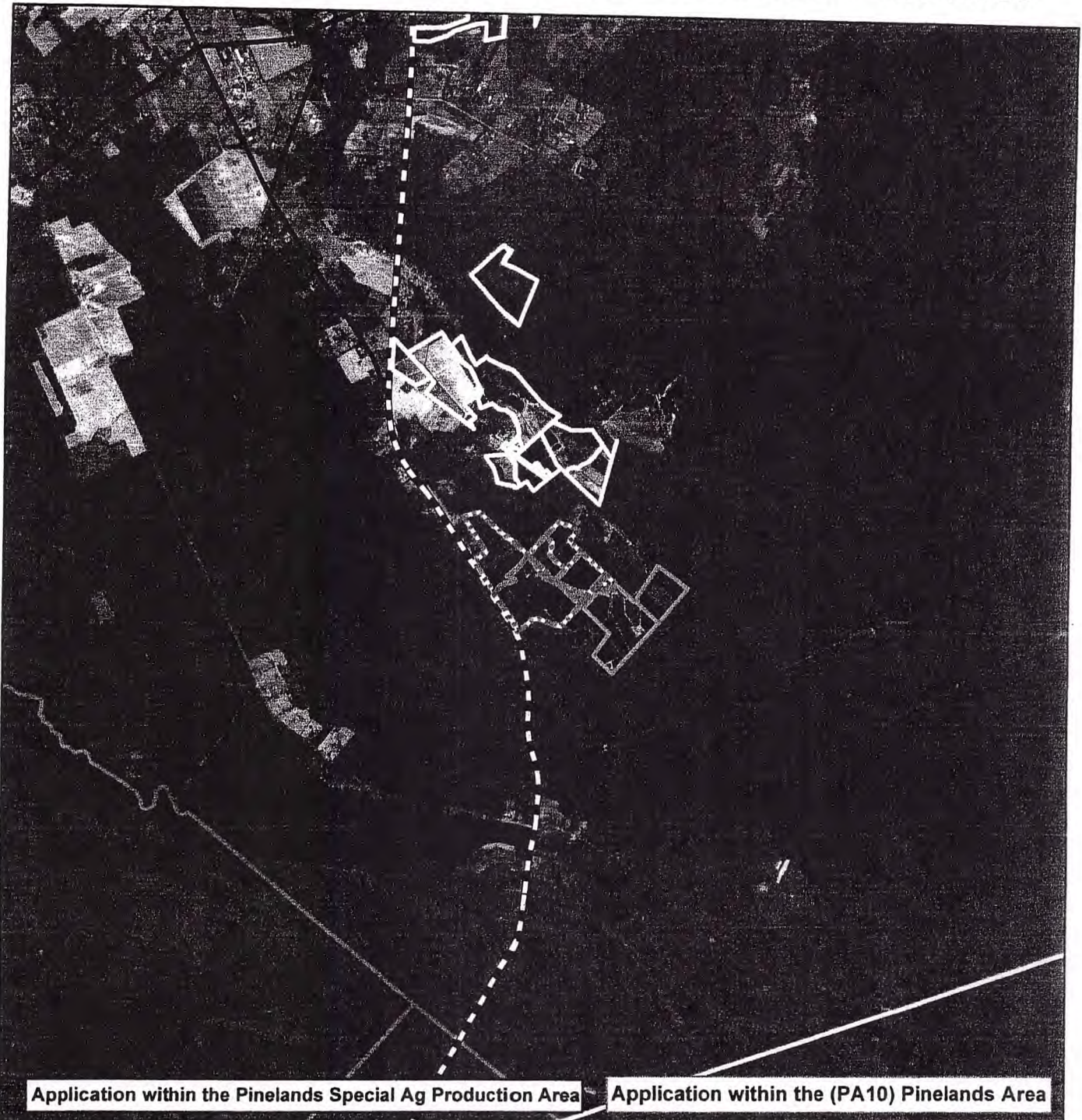
VOTE WAS RECORDED AS FOLLOWS

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

\\ag.state.nj.us\agrdata\SADC\Planning Incentive Grant -2007 rules County\Burlington\Whalen South\draft final approval
resolution.doc

Preserved Farms and Active Applications Within Two Miles

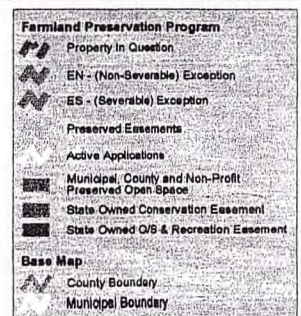
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Whalen, Jeffrey A. (Whalen South)
Block 33 Lots 10 (29.2 ac), 11.01 (42.47 ac), 11.02 (1.23 ac), 13.02 (1.05 ac),
16.01 (15.03 ac), 16.02 (1.127 ac), 17 (1.87 ac), 18.01 (9.28 ac) & 18.02 (12.41 ac)
Gross Total – 113.7 ac
Shamong Twp, Burlington County

2,000 1,000 0 2,000 4,000 6,000 Feet



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
NJOT/OGIS 2012 Digital Aerial Image

Date: 10/10/2013

Wetlands

Schedule A

X:\counties\burco\projects\Whalen_South_FWW.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Whalen, Jeffrey A. (Whalen South)

Block 33 Lots 10 (29.2 ac), 11.01 (42.47 ac), 11.02 (1.23 ac), 13.02 (1.05 ac),
16.01 (15.03 ac), 16.02 (1.127 ac), 17 (1.87 ac), 18.01 (9.28 ac) & 18.02 (12.41 ac)

Gross Total - 113.7 ac

Shamong Twp, Burlington County

500 250 0 500 1,000 Feet



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

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2012 Digital Aerial Image

Date: 10/10/2013

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

Schedule B

Farm	Municipality	App Acres	Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	Formula Value Done?	SADC Grant Per Acre	Easement Consideration	SADC				BASE GRANT				COMPETITIVE GRANT		STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (subject to available funds statewide)	
									Encumbered at Final	Voucher	Expend	Balance	Encumbered at Final	Voucher	Expend	Balance	FY11 Balance	FY13 Balance			
Bur City/Giffin	North Hanover	104.0730	107.1952	2,745.00	2,956.00		2,021.50	307,639.79	307,639.79	199,945.86	210,383.57	199,945.86	199,945.86	2,300,054.14					0	3,000,000	5,000,000
Bur City/Kause	North Hanover	98.0750	98.3573	8,000.00	6,700.00		4,250.00	643,702.50	643,702.50	405,845.25	408,316.75	405,845.25	405,845.25	1,894,208.89							
Bur City/Clayton Block East	New Hanover	198.3000	202.1890	2,300.00	2,287.30		1,701.11	448,996.50	448,996.50	291,847.72	316,817.11	291,847.72	291,847.72	1,802,381.17							
Bur City/Wainwright,Cora	Mansfield	135.0000	139.0500	9,800.00	9,850.00		5,760.00	1,318,890.95	1,310,467.20	786,280.32	802,361.17	802,361.17	802,361.17	1,000,000.00							
Bur City/Wainwright,Curtis	Mansfield	106.0000	109.1600	10,700.00	10,650.00		6,390.00	1,132,947.00	1,107,802.35	664,681.41											
Bur City/D'Amico	North Hanover	52.0000	53.5600	8,000.00	7,850.00		4,675.00	387,450.90	387,450.90	239,911.65											
Bur City/Murphy	Hainesport	80.0000	82.4000	5,900.00	7,435.00		3,550.00	596,732.40	424,890.40	284,598.40											
Bur City/Durr Estate	Mansfield	110.0000	113.3000	17,300.00	19,000.00		10,380.00	2,123,075.00	1,913,290.04	1,147,974.02											
Bur City/Sattel	Pemberton	182.400	182.400	3,195.02	3,195.00	yes	1,917.00	486,818.00	482,814.34	292,151.00											
Bur City/Stevenson	Pemberton	110.653		3,050.00	4,550.00	yes	2,230.00	503,471.15	337,491.85	246,756.19											
Balance=\$56,624.24 paid with FY08 (2007) competitive grant funds																					
Bur City/Tullio, Anthony	Mansfield	90.000		7,700.00	9,650.00	NA	4,750.00	868,114.00	689,981.60	425,638.00	427,500.00	425,638.00	425,638.00	574,352.00							5,000,000.00
Bur City/Alloway Family	Shamong	103.000		4,440.00	4,530.00	yes	3,064.00	497,264.96	486,526.32	335,746.99	335,746.99	335,746.99	335,746.99	238,615.01							
Bur City/Bush	Pemberton	60.689		2,952.00	4,001.00	yes	2,166.40	242,816.69	175,153.33	121,408.34	121,408.34	121,408.34	121,408.34	117,206.67							
Bur City/Chung	Shamong	91.000	93.7300	3,590.00	4,165.00		2,554.00	362,367.50	312,322.82	222,192.89	117,206.67	117,206.67	117,206.67	0.00							
Bur City/Simon's Berry Farm	Tabernacle	266.000	273.9000	978.00	1,725.00		1,307.50	462,707.10	462,707.10	350,718.57											
Thompson - Goose Pond	Tabernacle	620.000	638.0000	1,355.00	2,564.00		1,894.79	1,638,865.21	1,638,865.21	1,211,117.56											
Thompson - Peach	Woodland	224.000	230.7200	1,735.00	2,912.00		2,138.28	634,027.69	634,027.69	465,593.36											
Thompson - Vincentown	Southampton	26.000	26.7800	7,400.00	7,400.00		4,800.00	192,710.80	192,688.60	119,779.40											
Thompson & Wright (Birches)	Tabernacle	112.902		1,922.00	2,918.00	yes	2,141.20	329,222.23	329,222.23	241,745.78											
Cramer	Tabernacle	45.000		2,200.00	3,848.00	yes	1,840.00	164,160.00	99,000.00	73,800.00											
Alloway - Prickett	Southampton	129.000	132.8700	2,500.00	3,189.00	yes	2,313.40	423,722.43	423,722.43	307,381.46											
Alloway - Hall	Southampton	65.000	66.9500	3,450.00	3,751.00	yes	2,650.60	251,129.45	251,129.45	177,457.87											0.00
Whalen Horne	Shamong	145.000	149.3500	720.00	2,631.00	yes	2,081.70	422,809.85	422,809.85	310,901.90											
Whalen South	Shamong	114.000	117.4200	1,766.00	3,151.00	yes	2,290.60	369,990.42	369,990.42	268,962.25											
Encumbered/Expended FY11	14	2,107	1,912								Encumbered	Expended	Balance		Encumbered	Expended	Balance				
Encumbered/Expended FY13	5		1980								0.00		1,500,000	0.00	28,079.98		2,971,920.02	0.00			0.00
Total	19	2,107	3,892								0.00		1,000,000.00	0.00	3,147,654.72		448,160.36	0.00			1,404,294.93
Reprogram Out													2,500,000.00		3,175,634.70		3,420,070.37				1,404,294.93

Schedule 13

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Whalen Farm South
03- 0394-PG
County PIG Program
114 Acres

Block 33	Lot 10	Shamong Twp.	Burlington County
Block 33	Lot 11.01	Shamong Twp.	Burlington County
Block 33	Lot 11.02	Shamong Twp.	Burlington County
Block 33	Lot 13.02	Shamong Twp.	Burlington County
Block 33	Lot 16.01	Shamong Twp.	Burlington County
Block 33	Lot 16.02	Shamong Twp.	Burlington County
Block 33	Lot 17	Shamong Twp.	Burlington County
Block 33	Lot 18.01	Shamong Twp.	Burlington County
Block 33	Lot 18.02	Shamong Twp.	Burlington County

SOILS:	Other	14% * 0	=	.00
	Statewide	43% * .1	=	4.30
	Unique .125	43% * .125	=	5.38
			SOIL SCORE:	9.68
TILLABLE SOILS:	Cropland Harvested	65% * .15	=	9.75
	Woodlands	35% * 0	=	.00
			TILLABLE SOILS SCORE:	9.75
FARM USE:	Berry	73 acres		cranberry

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: 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
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 FY2015R11(11)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Thomas R. Haines ("Owner")

Pemberton Township, Burlington County

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

SADC ID# 03-0395-PG

November 13, 2014

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Burlington County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on September 26, 2013 the SADC received an application for the sale of a development easement from Burlington County for the Thomas R. Haines farm identified as Block 841, Lots 7, 8, 9, 10, 12, 13 & 31; Block 842, Lot 59, Pemberton Township, Burlington County, totaling approximately 158 easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is a targeted farm located in Burlington County's East Project Area and in the Pinelands Agricultural Production Area; and

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

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

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

WHEREAS, the Property has a quality score of 61.70 which is greater than 70% of the County's average quality score of 45 as determined by the SADC on September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b), on February 27, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, the New Jersey Pinelands Commission Amended Letter of Interpretation #2106 allocated 3.25 Pinelands Development Credits (PDCs) to the Property; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, the 3.25 PDCs will be retired; and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-19.13 a landowner may choose to receive a higher base value pursuant to N.J.A.C. 2:76-19.4(c) by placing a deed restriction on his or her property that limits impervious coverage on the property to 10% of the total property acreage; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.13, impervious coverage shall include, but is not limited to, houses, barns, stables, sheds, silos, outhouses, cabanas, and other buildings, swimming pools, docs or decks. Temporary greenhouses or other temporary coverings which do not have impervious floors are not included; and

WHEREAS, on April 17, 2014, a Pinelands Valuation Formula (Formula) was finalized between SADC and CADB staff as per N.J.A.C. 2:76-19.3, yielding:
Formula Valuation without impervious cover option: \$1,554 per acre
Formula Valuation with 10% impervious cover option: \$1,748 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on May 22, 2014, the SADC certified a development easement value of \$782 per acre based on zoning and environmental regulations in place as of November 2013 and a fee simple "before" value of \$5,974 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted an offer from the County to purchase a development easement for \$1,748 per acre, (which is the formula valuation with 10% impervious coverage); and

WHEREAS, in accordance with N.J.A.C. 2:76-19.4 the formula value of \$1,748 does not exceed 80% of the Committee certified fee simple market value of \$5,974; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 162.74 acres will be utilized to calculate the grant need; and

WHEREAS, currently the County has \$0 of base grant funding available, and \$0 available from the FY11 competitive grant and is eligible for up to \$1,404,294.93 in FY13 competitive grant funding, subject to available funds (Schedule B); and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.4, the County is requesting \$215,402.66 from the competitive grant, leaving a maximum FY13 Competitive grant eligibility to the County of \$1,188,892.27 (Schedule B); and

WHEREAS, the estimated cost share breakdown is as follows (based on 162.74 acres):

	<u>Cost Share</u>	
SADC	\$215,402.66	(\$1,323.60 per acre)
County	\$ 69,066.86	(\$ 424.40 per acre)
	\$284,469.52 (\$1,748 per acre); and	

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 the Burlington CADB approved the application on May 8, 2014; the Burlington Board of Chosen Freeholders approved the application on June 25, 2014; and the Pemberton Township Committee approved the application on November 5, 2014; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Burlington County for the purchase of a development easement on the Property, comprising approximately 162.74 easement acres, at a State cost share of \$1,323.60 per acre, (75.72% of purchase price and 169.26% of certified value) for a total grant need of \$215,402.66 (from FY13 Competitive funds) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has no pre-existing non-agricultural uses, zero (0) residences, and zero (0) agricultural labor units; and

BE IT FURTHER RESOLVED, that the landowner has agreed to limit impervious coverage on the property to a maximum of 10% of the total property acreage; and

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

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

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

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

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

11-13-14

Date



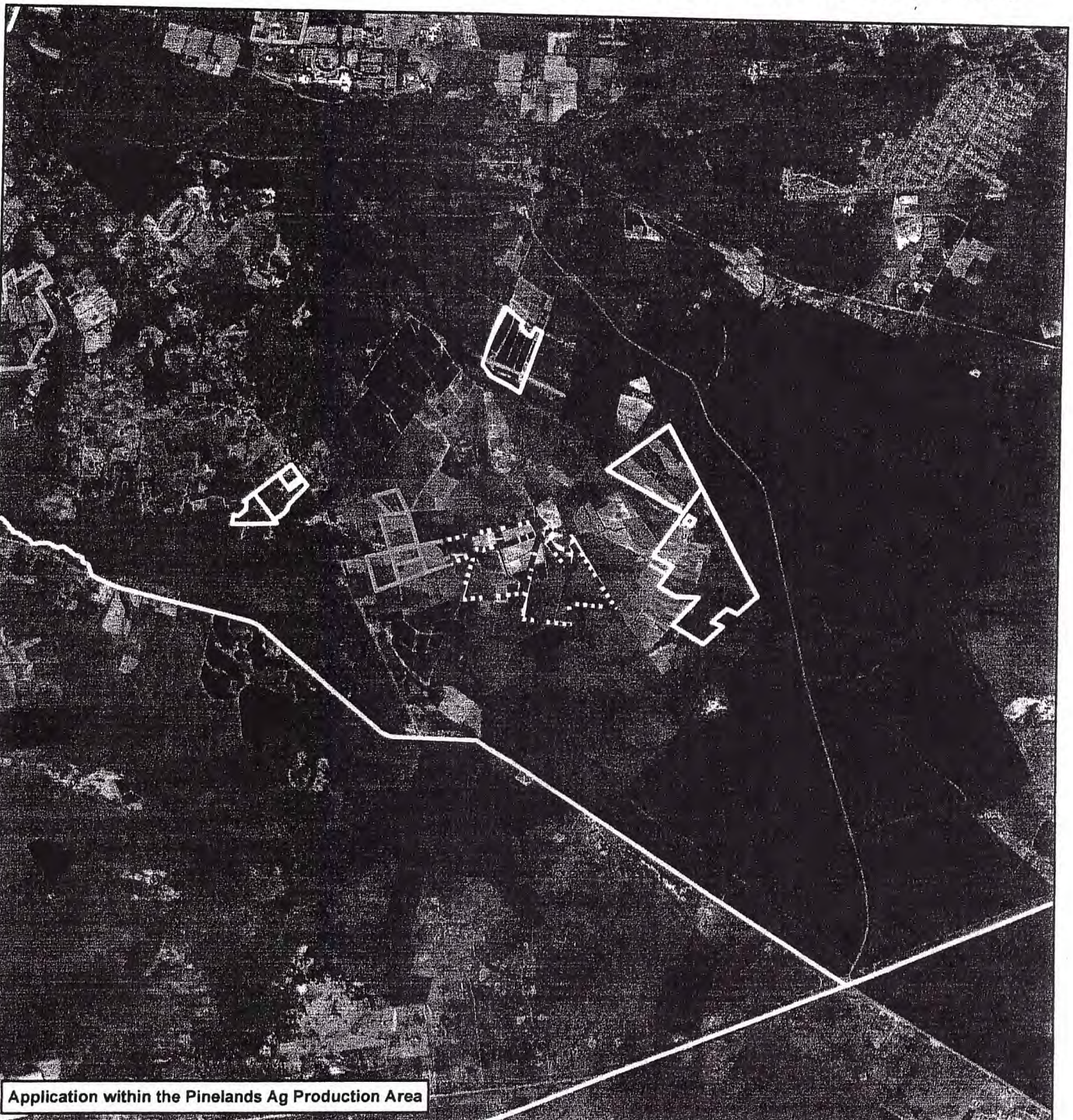
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Preserved Farms and Active Applications Within Two Miles

X:\counties\burco\projects\haines_1_2mile.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Thomas Haines
Block 841 Lots 7 (9.3 ac); 8 (8.3 ac); 9 (9.3 ac); 10 (0.8 ac);
12 (51.6 ac); 13 (51.7 ac); 31 (25.5 ac) and Block 842 Lot 59 (1.2 ac)
Gross Total = 157.8 ac
Pemberton Twp., Burlington County

2,000 1,000 0 2,000 4,000 6,000 Feet

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



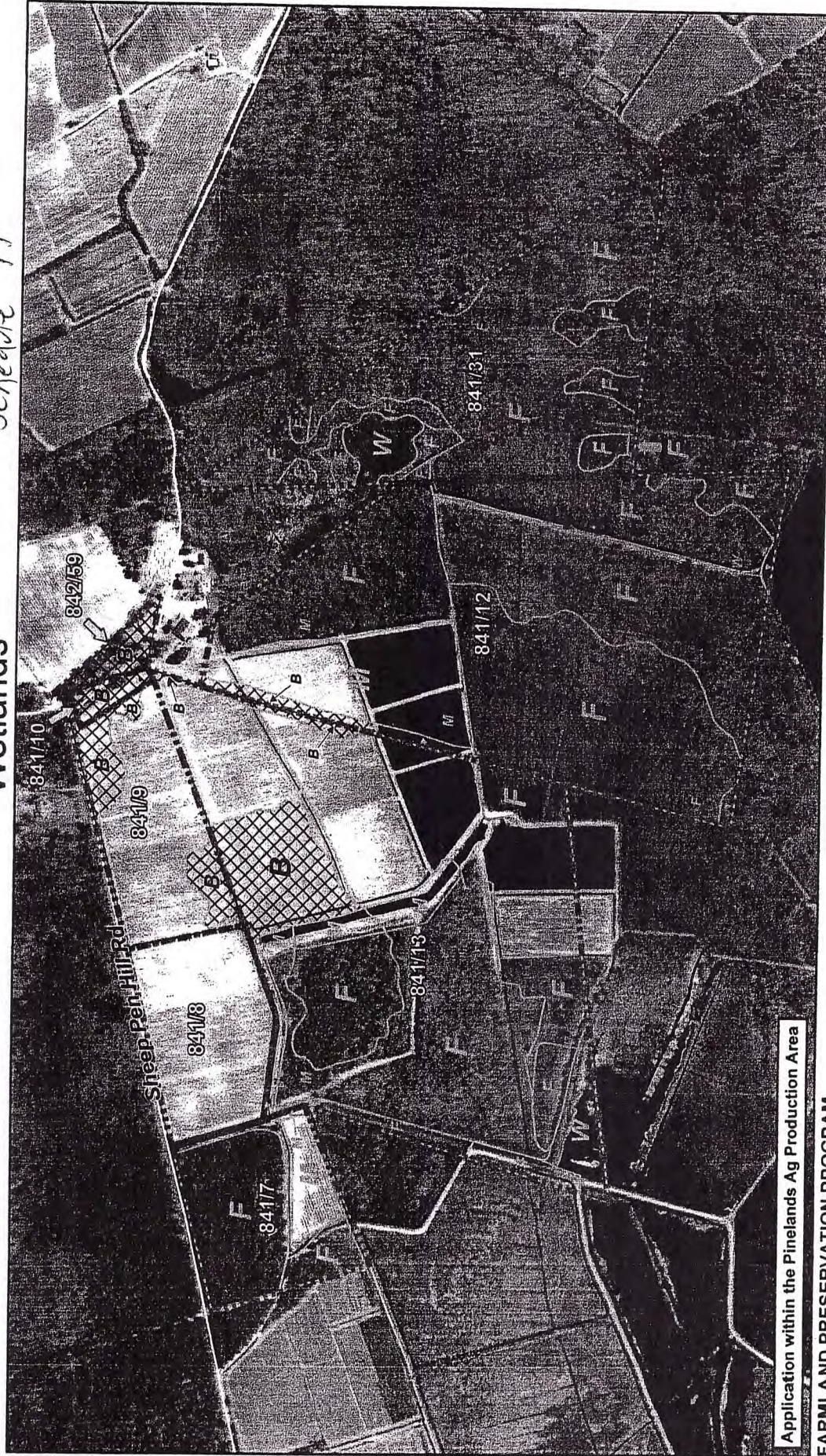
Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOT/OGIS 2012 Digital Aerial Image

October 18, 2013

Wetlands

Schedule A

Schedule A



Property in Question	Exception
BN - (Non-Severable) Exception	
BA - (Severable) Exception	
Wetlands Boundaries	
300 ft Buffered Wetlands	
Primary - Limited Access	
Federal or State Hwy	
County Roads	
Municipal/Local Roads	
Municipal, County and Non-Profit	
Preserved Open Space	
State Owned Conservation Easement	
State Owned GIS & Recreation Easement	

Wetlands Legend:
 F - Freshwater Wetlands
 M - Marine Wetlands
 L - Linear Wetlands
 N - Non-Wetlands
 B - 300 ft Buffer
 W - Water

Sources:
 NJDEP Freshwater Wetlands Data
 NJDEP Marine Wetlands Data
 NJDEP GIS 2012 Digital Aerial Image
 October 18, 2013

Application within the Pinelands Ag Production Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Thomas Haines
 Block 841 Lots 7 (9.3 ac); 8 (8.3 ac); 9 (9.3 ac); 10 (0.8 ac);
 12 (51.6 ac); 13 (51.7 ac); 31 (25.5 ac) and Block 842 Lot 59 (1.2 ac)
 Gross Total = 157.8 ac
 Pemberton Twp., Burlington County



DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of the wetlands shown on this map are approximate and were developed primarily for planning purposes. The geospatial accuracy and precision of the GIS data and the location of the wetlands shown on this map shall not be relied upon in matters requiring delineation and location of true ground. Professional Land Surveyor.

Schedule B

Schedule B

FARM	Municipality	App Acres	Plus 3 Percent Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	Formula Value Done?	SADC Grant Per Acre	Easement Consideration	SADC			COMPETITIVE GRANT		STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (subject to available funds statewide)	
									Cost Basis	Cost Share	Encumbered at Final	Voucher	Expend			Balance
Bur Cty/Griffin	North Hanover	104.0730	107.1952	2,745.00	2,956.00		2,021.50	307,639.79	307,639.79	199,945.86	210,383.57	199,945.86	199,945.86	2,300,054.14		
Bur Cty/Krause	North Hanover	96.0750	98.9673	2,745.00	2,956.00		4,750.00	643,702.50	643,702.50	405,945.25	408,318.75	405,945.25	405,945.25	1,884,208.69		
Bur Cty/Wainwright, Cora	Mansfield	135.0000	202.1890	2,900.00	2,287.30		1,701.11	448,996.60	448,996.60	291,847.72	315,817.11	291,847.72	291,847.72	1,902,351.17		
Bur Cty/Wainwright, Curtis	Mansfield	106.0000	109.1800	10,700.00	10,650.00		5,760.00	1,310,457.20	1,310,457.20	786,280.32	802,361.17	602,361.17	602,361.17	1,000,000.00		
Bur Cty/D'Amico	North Hanover	82.0000	83.8600	3,000.00	7,550.00		6,390.00	1,132,947.00	1,107,603.35	664,581.41						
Bur Cty/Murphy	Hainesport	80.0000	82.4000	5,300.00	7,425.00		4,975.00	387,450.90	387,450.90	235,911.65						
Bur Cty/Durr Estate	Mansfield	110.0000	113.3000	17,300.00	19,000.00		3,500.00	596,732.40	424,890.40	284,596.40						
Bur Cty/Battell	Pemberton	162.4000		3,195.02	3,195.00	yes	1,917.00	485,918.00	1,147,974.02	1,147,974.02						
Bur Cty/Stevenson	Pemberton	110.6533		3,050.00	4,650.00	yes	2,230.00	503,471.16	337,481.65	246,756.19						
Balance-\$96,924.24 paid with FY09 (2007) competitive grant funds																
Bur Cty/D'Iulio, Anthony	Mansfield	90.0000		7,700.00	9,650.00	NA	4,750.00	868,114.00	689,881.60	425,638.00	427,500.00	425,638.00	425,638.00	574,382.00		
Bur Cty/Alloway Family	Shamong	103.0000		4,440.00	4,530.00	yes	3,064.00	497,246.96	486,526.32	335,746.99	335,746.99	335,746.99	335,746.99	238,815.01		
Bur Cty/Bush	Pemberton	60.6899		2,852.00	4,001.00	yes	2,166.40	242,816.89	179,153.93	121,408.34	121,408.34	121,408.34	121,408.34	117,206.67		
Bur Cty/Chung	Shamong	91.0000	93.7300	3,590.00	4,165.00		2,554.00	362,387.50	312,322.82	222,192.89	117,206.67	117,206.67	117,206.67	0.00		
											117,206.67	117,206.67	117,206.67			
											7,554.44	7,554.44	7,554.44	28,079.98		
											114,625.31	97,431.78	97,431.78			
Bur Cty/Simon's Berry Farm	Tabernacle	266.0000	273.9800	974.00	1,725.00		1,307.50	482,707.10	482,707.10	350,718.57						
Thompson - Goose Pond	Tabernacle	620.0000	638.8000	1,355.00	2,564.00		1,894.79	1,638,865.21	1,638,865.21	1,211,117.56						
Thompson - Peach	Woodland	224.0000	230.7200	1,735.00	2,912.00		2,138.28	634,084.70	634,027.69	465,593.36						
Thompson - Vincentown	Southampton	28.0000	28.7600	7,400.00	7,400.00		4,000.00	182,710.80	192,688.60	119,779.40						
Thompson & Wright (Birches)	Tabernacle	112.902		1,932.00	2,916.00	yes	2,141.20	325,222.23	329,222.23	241,745.76						
Cramer	Tabernacle	45.0000		2,200.00	3,848.00	yes	1,640.00	164,160.00	99,000.00	73,800.00						
Alloway - Prickett	Southampton	129.0000	132.8700	2,590.00	3,189.00	yes	2,313.40	423,722.43	423,722.43	307,381.46						
											28,079.98			0.00		
Alloway - Hall	Southampton	65.0000	68.9500	3,450.00	3,751.00	yes	2,550.60	251,129.45	251,129.45	177,457.87						
Whalen Home	Shamong	145.0000	149.3500	720.00	2,831.00	yes	2,081.70	422,809.85	422,809.85	310,901.90						
Whalen South	Shamong	114.0000	117.4200	1,766.00	3,151.00	yes	2,290.80	369,990.42	369,990.42	268,962.25						
Haines, Thomas	Pemberton	158.0000	162.7400	782.00	1,748.00	yes	1,323.60	284,469.52	284,469.52	215,402.66						
														</		

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Haines, Thomas R.
03- 0395-PG
County PIG Program
158 Acres

Block 841	Lot 7	Pemberton Twp.	Burlington County
Block 841	Lot 8	Pemberton Twp.	Burlington County
Block 841	Lot 9	Pemberton Twp.	Burlington County
Block 841	Lot 10	Pemberton Twp.	Burlington County
Block 841	Lot 12	Pemberton Twp.	Burlington County
Block 841	Lot 13	Pemberton Twp.	Burlington County
Block 841	Lot 31	Pemberton Twp.	Burlington County
Block 842	Lot 59	Pemberton Twp.	Burlington County

SOILS:	Other	4% * 0	=	.00
	Unique .125	34% * .125	=	4.25
	Unique zero	62% * 0	=	.00
			SOIL SCORE:	4.25
TILLABLE SOILS:	Cropland Harvested	34% * .15	=	5.10
	Wetlands	64% * 0	=	.00
	Woodlands	2% * 0	=	.00
			TILLABLE SOILS SCORE:	5.10
FARM USE:	Berry	57 acres		

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: 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
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 FY2015R11(12)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Estate of Harriet Hlubik ("Owner")

North Hanover Township, Burlington County

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

SADC ID# 03-0390-PG

November 13, 2014

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Burlington County received SADC approval of its FY2015 PIG Plan application annual update on May 22, 2014; and

WHEREAS, on September 26, 2013 the SADC received an application for the sale of a development easement from Burlington County for the subject farm identified as Block 102, Lot 6; Block 200, Lot 4; Block 201, Lot 23, North Hanover Township, Burlington County, totaling approximately 74 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is a targeted farm located in Burlington County's North Project Area; and

WHEREAS, the Property has (2) two-acre non-severable exception area limited to zero residences; and

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

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

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

WHEREAS, the Property has a quality score of 75.87 which is greater than 70% of the County's average quality score of 45 as determined by the SADC on September 27, 2012;

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on March 31, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on April 25, 2014 the SADC certified a development easement value of \$8,400 per acre based on zoning and environmental regulations in place as of November 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$9,350 per acre for the development easement for the Property, which is higher than the Committee certified value but less than the high appraisal value of \$10,300 per acre; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 77.25 acres will be utilized to calculate the grant need; and

WHEREAS, currently the County has \$0 of base grant funding available, and \$0 available from the FY11 competitive grant and is eligible for up to \$1,188,892.27 in FY13 competitive grant funding, subject to available funds (Schedule B); and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.4, the County is requesting the \$393,975 from the FY13 competitive grant, leaving a maximum FY13 Competitive grant eligibility to the County of \$794,917.27 (Schedule B); and

WHEREAS, the estimated cost share breakdown is as follows (based on 77.25 acres):

	<u>Cost Share</u>	
SADC	\$393,975	(\$5,100 per acre)
County	\$256,083.75	(\$3,315 per acre)
Township	\$ 72,228.75	(\$ 935 per acre)
Purchase Total	\$722,287.50	(\$9,350 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 the Burlington CADB approved the application on May 8, 2014; the Burlington Board of Chosen Freeholders approved the application on June 25, 2014 with a cost share of \$3,315 per acre; and the North Hanover Township Committee approved the application on July 17, 2014 with a cost share of \$935 per acre; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Burlington County for the purchase of a development easement on the Property, comprising approximately 77.25 easement acres, at a State cost share of \$5,100 per acre, (54.55% of purchase price and 60.71% of certified value) for a total grant need of \$393,975 (from FY13 Competitive funds) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has a (2) two-acre non-severable exception area limited to zero residences; one (1) single family residence, zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area

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

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

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

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

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

11-13-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Preserved Farms and Active Applications Within Two Miles

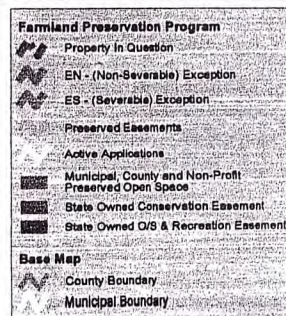
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Estate of Harriet Hlubik
Block 102 Lot 6 (13.6 ac); Block 200 Lots P/O 4 (41.4 ac)
& P/O 4-EN (non-severable exception - 2.0 ac) & Block 201 Lot 23 (20.0 ac)
Gross Total = 77.0 ac
North Hanover Twp., Burlington County

2,000 1,000 0 2,000 4,000 6,000 Feet



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

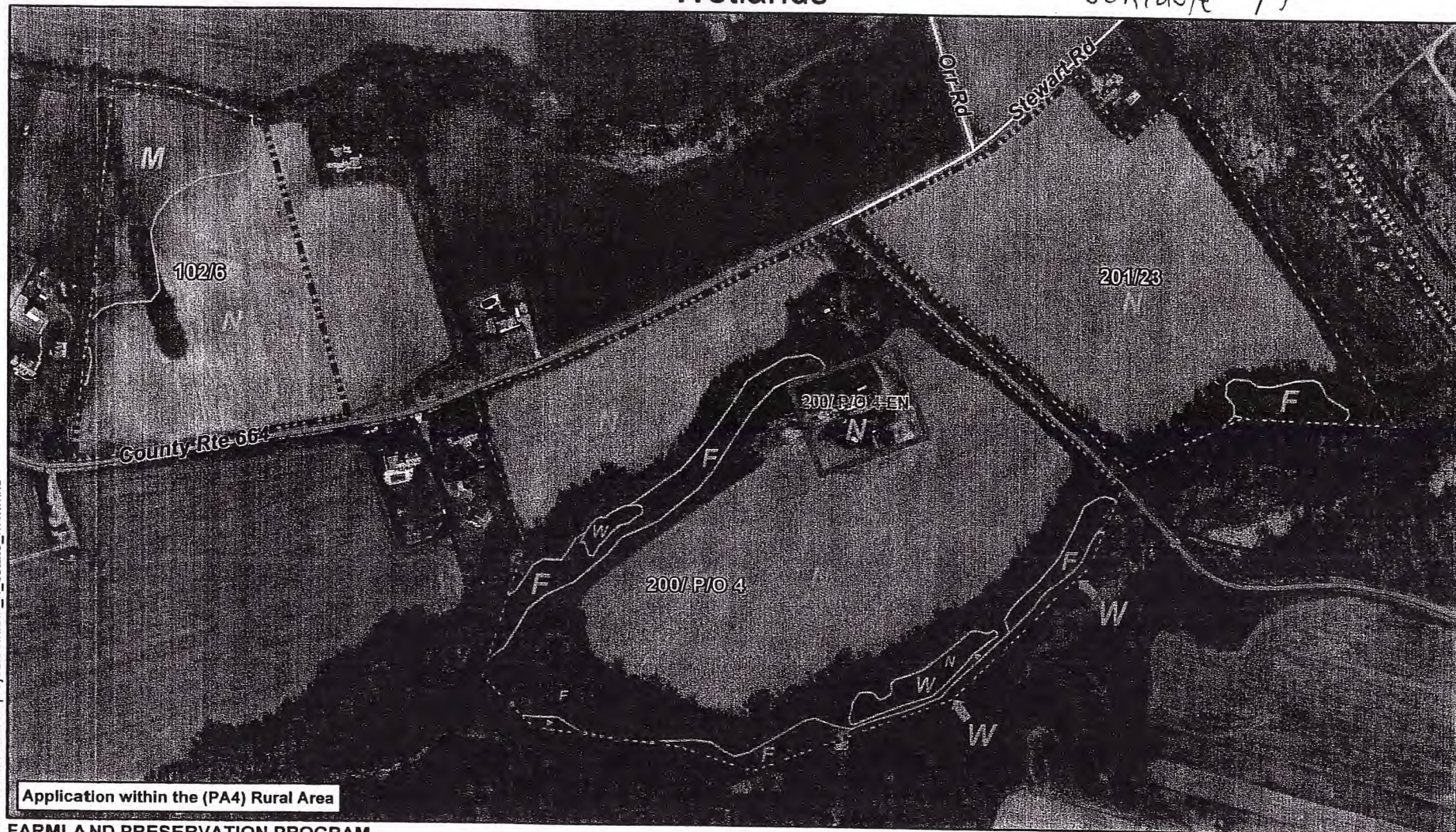
Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOT/OGIS 2012 Digital Aerial Image

October 17, 2013

Wetlands

Schedule H

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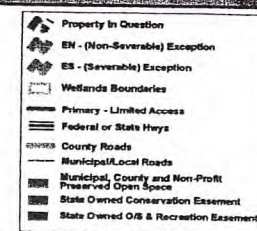


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Estate of Harriet Hlubik
Block 102 Lot 6 (13.6 ac); Block 200 Lots P/O 4 (41.4 ac)
& P/O 4-EN (non-severable exception - 2.0 ac) & Block 201 Lot 23 (20.0 ac)
Gross Total = 77.0 ac
North Hanover Twp., Burlington County

500 250 0 500 1,000 Feet

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



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

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/OGIS 2012 Digital Aerial Image

October 16, 2013

Schedule H

Schedule B

Schiedvle 13

Municipality	App Acres	Plus 3 Percent Acre	SADC Certified Per Acre	Negotiated & Approved Per Acre	Formula Value Done?	SADC Grant Per Acre	Easement Consideration	Cost Basis	Cost Share	BASE GRANT				COMPETITIVE GRANT		STATEWIDE TOTAL	COMPETITIVE GRANT ELIGIBILITY (Subject to available funds statewide)	
										Encumbered at Final	Voucher	Expend	Balance	Encumbered at Final	Voucher			
Farm	North Hanover	104,073.00	107,195.2	2,745.00	2,555.00	2,021.50	307,539.79	307,539.79	129,945.86	210,333.97	129,945.86	2,300,054.14						
	North Hanover	96,075.00	94,957.3	5,000.00	6,700.00	4,250.00	443,702.60	643,702.60	405,845.25	406,318.75	405,845.25	1,894,208.99						
	New Hanover	196,300.00	202,189.0	2,300.00	2,287.30	1,701.11	448,996.60	648,996.60	291,847.72	316,817.11	291,847.72	1,602,361.17						
	Mansfield	135,000.00	139,050.0	9,600.00	9,650.00	7,101.11	1,318,890.95	1,310,487.20	785,280.32	602,361.17	602,361.17	1,000,000.00						
	Mansfield	106,000.00	109,180.0	10,700.00	10,650.00	6,360.00	1,132,947.00	1,107,802.35	664,681.41	183,919.16	183,919.15	2,816,080.85						
	North Hanover	82,000.00	83,580.0	8,000.00	7,450.00	4,675.00	387,450.90	387,450.90	235,911.85	239,911.65	239,911.65	2,151,339.44						
	Hainesport	80,000.00	82,400.0	6,300.00	7,425.00	3,550.00	596,732.40	424,890.40	284,596.40	285,308.40	284,596.40	1,626,891.39						
	North Hanover	80,000.00	82,400.0	6,300.00	7,425.00	3,550.00	596,732.40	424,890.40	284,596.40	285,308.40	284,596.40	1,626,891.39						
	North Hanover	112,902.00	112,902.00	1,922.00	2,916.00	yes	10,340.00	2,123,079.00	1,913,290.04	1,147,974.02	1,147,974.02	1,147,974.02	186,768.37					
	Pemberton	152,400.00	152,400.00	3,195.02	3,195.00	yes	1,917.00	486,918.00	482,614.34	292,151.00	292,151.00	292,151.00	186,768.37					
Pemberton	110,653		3,050.00	4,550.00	yes	2,230.00	503,471.15	337,491.65	246,756.19	151,131.95	151,131.95	35,534.42						
Farm	Mansfield	90,000	7,700.00	9,550.00	NA	4,750.00	585,114.00	689,981.60	425,638.00	427,500.00	425,638.00	574,362.00					5,000,000.00	
	Shamong	103,000	4,440.00	4,530.00	yes	3,064.00	497,244.56	488,526.32	335,746.99	335,746.99	335,746.99	238,616.01						
	Pemberton	60,889	2,952.00	4,001.00	yes	2,166.40	242,816.69	178,153.93	121,408.34	121,408.34	121,408.34	117,206.97						
	Shamong	91,000	3,590.00	4,165.00	yes	2,554.00	382,367.50	312,322.82	222,192.89	117,206.97	117,206.97	0.00						
Farm	Tabernacle	266,000	273,980.00	978.00	1,725.00	1,307.50	482,707.10	482,707.10	350,718.57									
	Tabernacle	620,000	638,000.00	1,355.00	2,564.00	1,694.78	1,638,695.21	1,638,695.21	1,211,117.56									
	Woodland	224,000	230,720.00	1,735.00	2,912.00	2,138.28	634,064.70	634,027.69	465,593.36	1,210,012.89	350,718.57	350,718.57						
	Southampton	26,000	26,780.00	7,400.00	7,400.00	4,600.00	192,710.80	192,688.80	119,779.40	493,343.99	485,593.36	2,876,243.39						
	Tabernacle	112,902	1,922.00	2,916.00	yes	2,141.20	329,222.23	329,222.23	241,745.76	241,745.76	119,779.40	2,756,463.99						
	Tabernacle	45,000	2,900.00	3,648.00	yes	1,640.00	184,160.00	99,000.00	73,800.00	73,800.00	241,745.76	2,514,718.23						
	Cranner - Prickett	129,000	132,670.00	2,900.00	3,189.00	2,313.40	423,722.43	423,722.43	307,381.46	28,079.98	28,079.98	0.00						
	Southampton	65,000	68,550.00	3,450.00	3,751.00	2,650.80	251,129.45	251,129.45	177,457.67	279,301.48	279,301.48	2,440,918.23						
	Shamong	145,000	149,350.00	720.00	2,851.00	2,081.70	422,808.85	422,808.85	310,901.90	310,901.90	310,901.90	2,161,616.75						
	Shamong	114,000	117,420.00	1,766.00	3,151.00	2,290.80	359,990.42	359,990.42	268,962.25	268,962.25	268,962.25	1,894,159.08						
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,469.52	284,469.52	215,402.66	215,402.66	215,402.66	1,404,294.93							
Haines, Thomas	162,400	162,400.00	782.00	1,748.00	1,323.60	284,												

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Estate of Harriet Hlubik
03- 0390-PG
County PIG Program
74 Acres

Block 102	Lot 6	North Hanover Twp.	Burlington County
Block 201	Lot 23	North Hanover Twp.	Burlington County
Block 200	Lot 4	North Hanover Twp.	Burlington County

SOILS:	Other	9% *	0	=	.00
	Prime	84% *	.15	=	12.60
	Statewide	7% *	.1	=	.70
					SOIL SCORE: 13.30

TILLABLE SOILS:	Cropland Harvested	72% *	.15	=	10.80
	Other	2% *	0	=	.00
	Wetlands	5% *	0	=	.00
	Woodlands	21% *	0	=	.00
					TILLABLE SOILS SCORE: 10.80

FARM USE:	Soybeans-Cash Grain	59 acres
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In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

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