

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

April 22, 2016

Chairman Fisher called the meeting to order at 9:06 a.m. Ms. Riccitello read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

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

Roll call indicated the following:

Members Present

Douglas H. Fisher, Chairperson
Brian Schilling (rep. Executive Dean Goodman)
James Requa (rep. DCA Commissioner Richman)
Denis C. Germano, Esq.
Renee Jones (rep. DEP Commissioner Martin)
Ralph Siegel (rep. Acting State Treasurer Scudder)
Alan Danser, Vice Chairman
W. Scott Ellis
Peter Johnson
Jane Brodhecker

Members Absent

James Waltman

Susan Payne – Absent
John Doyle, Esq., Deputy Attorney General

Others present as recorded on the attendance sheet: Stefanie Miller, Cindy Roberts, Paul Burns, Richard Martin, Dan Knox, Heidi Winzinger, Brian Smith, Esq., Alison Reynolds, Esq., David Kimmel, Charles Roohr, David Clapp, Hope Gruzlovic, Matthew DiStaulo, Steven Bruder, Sandy Giambrone and Patricia Riccitello, SADC staff; Michael Collins, Esq., Governor's Authorities Unit; Daniel Pace, Mercer County Agriculture Development Board; Brian Wilson, Burlington County Agriculture Development Board; Helen Heinrich, New Jersey Farm Bureau; Mark Villinger, Ocean County Agriculture Development Board; Brendan Harrigan, Ocean County; Tom Thorsen, Ocean County; Harriet Honigfeld, Monmouth County Agriculture Development Board; Adam Bradford, Hunterdon County Agriculture Development Board; and Geoff Richter, Outreach Manager, Pinelands Preservation Alliance.

Chairman Fisher stated that SADC Executive Director Payne was not able to attend today's meeting.

Minutes

A. SADC Regular Meeting of March 24, 2016 (Open and Closed Sessions)

It was moved by Mr. Siegel and seconded by Mr. Danser to approve the Open Session and Closed Session minutes of the SADC regular meeting of March 24, 2016. The motion was approved. (Ms. Brodhecker abstained from the vote).

REPORT OF THE CHAIRPERSON

- Passing of Anthony Russo

Chairman Fisher noted the passing this past week of Tony Russo. Mr. Russo was a very well-known farmer in Burlington County and there was a very tragic farm accident that took his life. The Russos are a very venerable farming family and they are beloved throughout the state and the region. Chairman Fisher asked for a moment of silence in honor of Mr. Russo and his family.

- 100 Years of Department of Agriculture

Chairman Fisher stated that the Department of Agriculture celebrated its 100-year anniversary on March 29th. There was a ceremony in the Assembly chambers and it was well attended by members of the Cabinet and a good cross-section of the

agricultural community. It was a tribute to this enterprise of agriculture in our state.

- Corporate Business Tax (CBT) Funding Update

Chairman Fisher stated that there are still discussions taking place between the Governor and the Legislature over CBT funding allocations. We don't have any numbers as yet on what ultimately will be coming to the SADC for distribution in FY 2017.

- Soil Disturbance

Chairman Fisher stated that a number of farmers have been meeting at the State Board on soil disturbance. He believes the State Board will be offering some suggestions on how the SADC may want to wrestle with this issue in its deliberations.

REPORT OF THE EXECUTIVE DIRECTOR

None – Ms. Payne is not in attendance at today's meeting.

COMMUNICATIONS

Ms. Riccitello reminded the Committee to take home the various articles provided in the meeting binders.

PUBLIC COMMENT

Helen Heinrich from New Jersey Farm Bureau offered comments regarding the deed restrictions on cluster development that will be discussed later in the meeting. In 2012 and 2013 a large, very diverse group of people got together many times to figure out how to make clustering – contiguous and noncontiguous – more approachable and interesting to people. The TDR programs are not going very far at all so the idea is to try to set up something that would be easier to happen and meet the approval of towns and the landowners. Clustering, they have always felt, is one more way for the farmland owner to get some of the equity out of their property at no cost to the government. It hasn't gone very far she admits but it's like the fourth wave if they could possibly do it. Ms. Heinrich stated that they felt that anything they can do to make it more feasible and interesting to both the landowner and the towns would help. With the deed, the idea was so the SADC

should be in charge of the deed but not to tie the hands of the farmers in farming the property forever once they have done a cluster and preserved a large part of the property for agriculture forever at no cost to the public. She hopes that the Committee will keep that in mind and she would be happy to answer any questions.

NEW BUSINESS

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

a. Terminations

Mr. Clapp directed the Committee to the Farmland Preservation Program – Eight-Year Program Summary, showing two terminations of eight-year programs as follows:

1. Joseph J. Donio, Sr., 28.79 Acres, SADC # 0113-90F-01/01-0124-8F
Town of Hammonton, Atlantic County, 28.79
2. Benjamin and Elaine Dubois, SADC # 08-0027-8F
Clayton Boro., Gloucester County, 93.78 Acres

Mr. Clapp reviewed the specifics with the Committee and stated that this is informational only and that no action is needed by the Committee.

B. Resolutions for Final Approval – Municipal Planning Incentive Grant Program

Ms. Miller, Ms. Roberts and Mr. Knox referred the Committee to three requests for final approval under the Municipal Planning Incentive Grant Program. The specifics were reviewed with the Committee and staff's recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Germano to approve Resolution FY2016R4(1) through Resolution FY2016R4(3), granting final approval to the following applications under the Municipal Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said resolutions:

1. Amilcare and Angiolina Ianniciello, SADC # 10-0362-PG (Resolution FY2016R4(1))
Block 25, Lot 8, Delaware Township, Hunterdon County, 60.57 Gross Acres
State cost share of \$6,120 per acre (60% of the certified easement value and purchase price), for a total grant need of approximately \$352,328.40 pursuant to

- N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 3-acre nonseverable exception area for and limited to one existing single-family residential unit and one future single-family residential unit and for future flexibility of use, resulting in approximately 57.57 net acres to be preserved. The portion of the property outside of the exception area to be preserved includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses.
2. Todd and Margaret Casper #3, SADC # 06-0148-PG (Resolution FY2016R4(2)) Block 601, Lots 1, 1.01, Upper Deerfield Township, Cumberland County, 15 Easement Acres
State cost share of \$3,400 per acre (68% of the certified easement value and purchase price), for a total grant need of approximately \$51,000 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes zero exceptions, zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses.

Discussion: Mr. Siegel asked whether staff talks to landowners about soil disturbance, especially on a place like this where we have 60-70 percent covered in hoop houses? Ms. Roberts stated yes, that is discussed because staff has to set up that extra type of meeting when they are out there so the landowners understand what the SADC is looking for. They understand that the SADC is currently looking at a soil disturbance regulation but we don't have one at the moment. We also include language to that effect in the Green Light letters. Ms. Roberts stated that even with this farmer, he isn't using all the hoop houses, they are open air, so she doesn't know if he is winding down his operation or whether because this is such a small tract across the road from his main operation it may just be where he does overflow or if he is going to put mums out on plastic. It is more of that in that area. The other issue that she hears when she attends the Cumberland CADB meetings is nursery is their largest agricultural operation in the industry down there, but it is very different than the central and northern nurseries. It is very flat land so they don't need to deal with drainage structures and flow of water on the properties as much, and she doesn't think you have as affluent landowners down there so it tends to be more of these impermanent structures.

3. Constance Wright, SADC # 13-0449-PG (Resolution FY2016R4(3)) Block 24, Lot 12, Upper Freehold Township, Monmouth County, 63 Gross Acres
State cost share of \$9,780 per acre (60% of the certified easement value and purchase price), for a total grant need of \$469,440 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule D. The property includes one

approximately 1-acre nonseverable exception for and limited to one existing single-family residential unit and one approximately 14-acre severable exception for stream corridor protection to be purchased and managed by the Monmouth County Park System, in a separate transaction, with zero housing opportunities, leaving a net of 48 preserved farmland acres. The portion of the property outside of the exception area includes zero housing opportunities, zero agricultural labor units, and no pre-existing nonagricultural uses. This final approval is conditioned on an irrigation easement being provided through the 14-acre severable exception with the location to be determined prior to the survey process, in consultation with the landowner and the SADC. The landowner has agreed to provide a 15-foot wide access easement along the existing farm lane to the 14-acre severable exception for maintenance and emergency access only with no public access.

Discussion: Mr. Ellis stated that regarding the irrigation easement on the Wright farm, that needs to be extremely liberal. Streams change and they are irrigating directly out of the stream; it might need to be moved at some point. He doesn't think it needs to be specified exactly where it is. Mr. Knox stated that we can look to see if we can do that and he will keep it in mind as staff looks at the language for the irrigation easement. Mr. Knox stated that this has been done before with the County Park System and they have always been very cooperative but he thinks they also want to know exactly where it is going to be so whenever they put a trail through, if and ever, they would know where it is.

The motion was unanimously approved. These approvals are considered final agency decisions appealable to the Appellate Division of the Superior Court of New Jersey. (Copies of Resolution FY2016R4(1) through Resolution FY2016R4(3) are attached to and are a part of these minutes.)

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

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

Mr. Knox referred the Committee to one request 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. Germano and seconded by Ms. Jones to approve Resolution

FY2016R4(4) granting final approval to the following application under the County Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said resolution:

1. Melissa Beck-Callanan, (J.B. Heatherwood Farm), SADC #12-0023-PG Block 30, Lot 8.07, Monroe Township, Middlesex County, 22.58 Gross Acres State cost share of \$14,400 per acre (60% of the certified market value and purchase price) for a total grant need of approximately \$252,144 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule E. The property includes one approximately 1.2-acre nonseverable exception, for and limited to one existing single-family residential unit; one approximately 2.1-acre nonseverable exception, which encompasses the equine service area and is limited to zero housing opportunities; and one approximately 2.3-acre severable exception for stream corridor protection, to be donated to and managed by Middlesex County, with zero housing opportunities. The property outside the exception area to be preserved includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses. The Equine map (Schedule B) and specialized "Equine Schedule B" (draft shown in Schedule C) will be recorded with the Deed of Easement.

Discussion: The property is currently an equine operation with approximately 8.5 acres in equine production as pasture. The only equine services (boarding services, lessons and riding ring) take place within the 2.1-acre nonseverable exception. The County has requested to encumber an additional 3 percent buffer for possible final surveyed acreage increases; therefore, 17.51 acres will be utilized to calculate the SADC grant need.

The motion was approved. (Mr. Danser recused himself from the vote.) This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. (A copy of Resolution FY2016R4(4) is attached to and is a part of these minutes.)

D. Installation of Ground-Mounted Solar Energy Generation Facility

- a. Weinstein Farm, Mendham Township, Morris County

Mr. Roohr referred the Committee to Resolution FY2016R4(5) for a request by the Weinstein Family 2012 Trust, owners of Block 103, Lot 9 in Mendham Township and Block 2601, Lots 5 and 6 in the Borough of Mendham, Morris County, for the installation of a ground-mounted solar energy generation facility, structures and equipment, which will be owned by the landowner. Mr. Roohr reviewed the specifics of this request with

the Committee. The owner provided evidence confirming that the solar energy generation facility will provide power to the farm directly through net metering to reduce energy costs on the farm. The energy demand for this facility is from two residences, a barn and cooler on the property. All of the infrastructure is located on a 2.5-acre nonseverable exception area on the farm. The new solar energy generation system will supply approximately 97 percent of the current energy demand for the property. The proposed ground-mounted solar energy facility comprises approximately 3 square feet of impervious cover. N.J.A.C. 4:76-24.4 prohibits solar energy facilities from exceeding one acre of impervious cover on the property. The proposed facility will be located along a hedgerow, just behind one of the homes on the property as identified on Schedule A of the resolution. The proposed facility consists of the area around the panels themselves, including a 20-foot perimeter buffer, and the underground trenches that connect the panels to the meters on the residences, which together comprise an occupied area of approximately 8,935 square feet. The proposed facility will be installed with screw-in posts. N.J.A.C. 2:76-24.6 requires site disturbance associated with a solar energy facility shall not exceed one acre on the property. The proposed facility requires site disturbance of approximately 328 square feet. Staff recommendation is to approve the application for the facility as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2016R4(5) approving the construction, installation, operation and maintenance of the photovoltaic energy generation facilities, structures and equipment consisting of approximately 8,935 square feet of occupied area along an existing hedgerow behind the homes and having a rated capacity of 32,500 kWh's of energy as identified in Schedule A of said Resolution and as described further in said Resolution. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. (A copy of Resolution FY2016R4(5) is attached to and is a part of these minutes.)

E. Proposed SADC Appraisal Handbook Amendments

Mr. Burns referred the Committee to the Summary of Proposed Changes to the SADC Appraisal Handbook. Mr. Burns reviewed the specifics of the requested changes to the handbook as outlined in the summary. The proposed changes are as follows:

1. All references to the term "self-contained appraisal" have been replaced with the term "Appraisal Report" format. **Reason:** The term self-contained appraisal

report has been removed from the Uniform Standards of Professional Appraisal Practice (USPAP). SADC appraisals will still be conducted in compliance with the SADC appraiser handbook, which calls for a detailed appraisal report. Restricted appraisal formats will not be permitted.

2. **Page 7: Appraisal Submission Procedure #10 – Removal of the phrases** “on a disk” and “and the SADC identifying all amendments, if appropriate.” **Replaced by** “Following the SADC’s certification of the market value of the ‘as is’ condition of the development easement, the independent appraiser shall provide a copy of the appraisal report to the Contracting Agent in whatever format(s) they require. The appraiser will download an electronic copy (PDF) of the completed report (not individual revised pages) to the SADC’s DataMotion site.” **Reason:** More indicative of current appraisal submission procedures.
3. **Page 14: Residential Opportunities – Removal of the phrase** “The value should indicate the value of a residential opportunity and the value of the excess land.” **Replaced by** “The subject land value should therefore reflect any value increment associated with the subject dwelling or other use opportunities or the lack thereof.” **Reason:** Better wording of the same concept.
4. **Page 19: Scope of Work – Statement Added:** Appraisers must identify the client and other intended users, intended use of the appraisal report (fee simple, easement acquisition, etc.), definition of value (market), hypothetical conditions/extraordinary assumptions, effective date of the appraisal, salient features of the subject property, methodologies to be used, extent of investigation and the applicable approaches to value. **Reason:** Further clarification of an existing requirement.
5. **Page 19: Hypothetical Conditions and Extraordinary Assumptions – Statement Added:** Using extraordinary assumptions that change the risk level and possibly the market value are prohibited. In general, the appraiser should estimate the market value based on existing conditions with the buyer assuming the risk of future approvals and/or events. **Reason:** Further clarification of an existing requirement.
6. **Page 23: Highest and Best Use – Statement added:** Both the Highest and Best Use as Vacant and as Improved are required, even though only the land is required to be valued. The “effect” of the existing improvements on the value of

the land must be addressed. **Reason:** Further clarification of an existing requirement.

Discussion: Mr. Siegel stated that this statement seems to him to be contradictory. It says that the value of the improvement has to be addressed. Mr. Burns stated that it is the “effect” of the improvement, not the actual valuation of the improvement. It helps to know what the improvements were to make that determination but when you are considering highest and best use of the land you have to make sure we’re getting the value of the land that we are purchasing or easing. You could have two different buyers of your property approach you. Say you have a horse farm and someone wanting to buy that horse farm with the big stables and whatever, may pay \$3 million for the entire property, and let’s say \$2 million of that is for the improvements. That would mean that \$1 million is for the land. You might have a developer come in and say he’ll pay \$2 million for the land but the improvements don’t mean anything to him. Mr. Siegel stated and that the improvements are actually in the way and he would have to knock them down at a cost. Mr. Burns stated correct and that the highest and best use of the land is actually agriculture and the stables and so on and they have a lower value, so that is what we have to be careful of and that is what this amendment tends to address.

7. **Page 24 & 29: Section Added – Listings of Comparable Properties for Sale:**
The Appraiser shall prepare a list of comparable land for sale within the subject’s market area. This list should include at a minimum the listing’s address, list price, price per acre and days on market. Appraisers should carefully consider their subject concluded value against the context of these listings and known sale price to list price ratios. The appraiser may need to explain their value conclusion in light of list prices of comparable land if they are substantially different. **Reason:** To enhance reviewer and appraiser awareness and explanation of the subject’s marketplace. Several appraisers do this and it is helpful in the review of the appraisal and understanding of the marketplace.

Discussion: Mr. Burns stated that it’s good to know the market, people’s expectation of the market. Of course they use sales of properties and that is what we want to rely on but we also want to look at what people are asking for on the market. The most obvious reason is, if your values are coming in higher than what people are asking for, maybe you need to take another look at what is going on or vice-versa. Mr. Siegel stated that so right now an appraiser has to tell us what his comps are and what you are saying is you also want to look at comps of things for sale that haven’t actually transacted. Mr. Schilling stated it sounds like that has to

be taken with a grain of salt because it hasn't been transacted, it is just another indicator you are throwing in the mix. Mr. Burns stated yes, it is just another indicator. Mr. Burns stated that usually what you are going to see is the asking price is up here but you are concluding down here. The real benefit of what this does is when you are up here and they are down here you may need to scratch your head. Chairman Fisher asked if this was a new provision. Mr. Burns responded yes. It is something he is adding. You may get some pushback on this but a lot of appraisers actually do it and it is a good appraisal practice. Mr. Siegel stated that appraisers have been doing it but you are telling all of them, look we want you to look at comparable "for sales" also. Mr. Burns stated it's part of the market study really and you should be doing it. He isn't saying that anyone has to put any weight on it. Chairman Fisher stated let's take it to a transaction. So someone has a farm and they want to preserve it. They turn around and say OK, this is what we are asking and then you decide. So you are doing comps based on farm sales that have happened around them and that is what you are basing it on, right? Mr. Burns stated yes and that isn't changing. Chairman Fisher stated he understands that but then suddenly the market for whatever reason tanks. In this case you are saying if it goes higher that is good and it will justify why we are paying a higher number, but you are also saying we may not pay that comp value because the market is starting to fall apart. Mr. Burns stated that the appraisal is the appraisal as of the date they are appraising the property.

Mr. Siegel stated that if the for sale sign shows you that your comps, the trend is moving down, you want your appraiser to see that, that is all this is saying. Mr. Schilling stated that he sees this as part of the market assessment, like he said and he would say that indicator is really kind of the health of the market. It is just to help inform the general landscape. Mr. Siegel stated but the Secretary's point is we should be looking at comps of transactions, not looking at the "for sale" market, which is somewhat speculative, but he thinks this is a bellwether to what happened in 2007 and 2008 and it is like well wait, your comps are all here but look what is going on in the market right now and the taxpayers have to be careful not to way overpay. Chairman Fisher stated isn't that part of what you do? Mr. Burns stated he is covering the entire state and he doesn't have access to the MLS because we are government. It helps him as a reviewer to have that information. Chairman Fisher stated that you say you casually look at it but it sounds to him like it would be a big factor. Mr. Burns stated it could be and it may not. What people ask for their properties and what they get varies.

Mr. Schilling stated that one thing he thinks is it is sort of a transparency thing because when we got to this point it has been his observation over the last 12 months or so he has been surprised and we have seen more variation between the highs and lows in some of the appraisals and it seems to him the answer that is given is that it is based on the assumptions. It seems to him that this might actually spell out some of the underlying assumptions the appraisers are actually using. It is another piece of information. Chairman Fisher stated he guesses his problem is Mr. Burns is saying things like "it could" or "it might" or "it shall." Mr. Siegel stated that you have to remember that the selection of a comp is also something of an air ball because how far away are we going to find this comp? You have appraisers looking at different comps who are appraising the same piece of property. One guy is looking at comps 10 miles away and the other guy is looking down the block but the frontage is different. Mr. Burns stated there are so many different variables and you have raw land, which is the hardest thing you can appraise. Chairman Fisher stated he guesses what he is saying is that if he is getting ready to change the manual, are you all comfortable with that change? Mr. Danser stated he thinks it should be for the review appraiser to use. The first appraisers should just be including it and then you can use it as a tool in your review. The reason would be that for 30 years our values have lagged with what the market has done. The market does this but comparables are always over the last two or three years so when the market is going up it is hard for us to compete because the comps are lower and if the market goes down to a certain extent we can overpay for things because the value right now is not where it was two or three years ago but that is where the comps are. He thinks if the review appraiser uses this correctly it is just a tool but if you tell the other appraisers to factor it into theirs it just gives them another variable that, in his opinion, they could adjust things 10 or 15 percent for whatever reasons. Mr. Burns stated but that is something they can always do right now. Chairman Fisher stated that before you pass through this right now he wanted you to at least comment on it on how you feel as a Committee but he can see it has an effect. Mr. Burns stated that if you read the certification reports it tells you it is a desk review and this is what I have to work with, whatever they put in there.

8. **Page 24: Section Added – Community and Neighborhood/Market Area Data:** The appraiser shall prepare a description of the subject property's County and Municipal demographic data including but not exclusive to: relevant transportation, employment, income, housing, construction (building permits), education systems, shopping, environmental and other factors the appraisers deem relevant. The immediate neighborhood description should include any structures

or sites that may have an impact on the subject property that was not addressed in the municipal description. **Reason:** Standard narrative appraisal format.

9. **Page 25: Statement Added – Direct Sales Comparison/Comparable Sale Write-Up:** A detailed comparable sale write-up is one of the most important aspects of these appraisal reports. All of the sale characteristics used on the grid chart should be clearly listed in the comparable sales. It is important for the reviewers and appraisers to be able to check that the pertinent sale information has been transferred properly from the sale to the grid chart. Soils characteristics (NRCS data, etc.) should be included in the sale write-up. Any mapping (wetlands, etc.) associated with the sale characteristics is very helpful to the proper review of the appraisal. Aerial photographs are excellent views of farm properties but a street photograph is required. It is important that the appraiser visit the comparable property as it may be very valuable to ascertain neighborhood and other characteristics that may have not been evident if the property was not inspected. The review appraisers reserve the right to require the appraiser to provide such information that is omitted from the sale write-up. **Reason:** Further clarification of an existing requirement.

Mr. Burns stated that this is just for discussion today. The summary will be sent out to the appraisal community, the CADBs, municipalities and nonprofits for their comments as well. Staff will request adoption of the handbook at the May SADC meeting and then it will be presented to the appraisers at the June Appraisal Conference.

F. Review of Non-Agricultural Development Project in an Agricultural Development Area (ADA)

- a. New Jersey Natural Gas Southern Reliability Link Project – Burlington, Monmouth and Ocean Counties.

Mr. Bruder referred the Committee to Resolution FY2016R4(6) regarding the review of a nonagricultural development project in an ADA, pertaining to the New Jersey Natural Gas Southern Reliability Link Project for Burlington, Monmouth and Ocean Counties. This project involves running a 30-inch diameter pipeline to connect the New Jersey Natural Gas (NJNG) transmission system in Manchester Township, Ocean County, with a proposed compressor station associated with the Transcontinental Pipeline Company (Transco) interstate pipeline in Chesterfield Township, Burlington County. The 30-mile project will take place almost entirely within existing State, county and municipal road rights-of-way and will not affect any preserved farmland. Two non-preserved farms will be affected – one in order to avoid the historic village of Chesterfield and the other for

locating a proposed valve site. In its alternatives analysis NJNG first proposed crossing preserved farmland with the project, but because this is not an interstate gas transmission project that falls under the Federal Energy Regulatory Commission (FERC) and overriding federal authority, the gas company does not possess the power to condemn preserved farmland. Therefore, the selected route had to avoid preserved farmland altogether.

New Jersey Natural Gas is a public utility that is intending to advance construction of a facility within the ADA to serve non-farm structures. The SADC's review of these actions is to determine the effect upon the preservation and enhancement of agriculture in the ADA and overall State agriculture and development policies as required under the Agriculture Retention and Development Act.

Mr. Bruder showed the Committee via various maps the proposed project. It is a 30-mile project through Chesterfield, North Hanover, Upper Freehold Township, Plumsted, Jackson and Manchester Townships within three counties. It is a 30-inch diameter, half-inch steel wall pipe with eight valve sites proposed. They have a contracted volume with Transco, the interstate natural gas provider, for 180,000 dekatherms per day.

Mr. Bruder stated that the NJNG service area covers a large part of Monmouth, Ocean, and Burlington Counties. NJNG has 510,000 users, of which 85 percent currently are served by a single interstate connection with Texas Eastern Transmission that comes out of Middlesex County. They are looking for an alternative source of interstate transmission from Transco, as indicated on the map shown to the Committee, adding a connection in Chesterfield Township, Burlington County, to service primarily the southern portion of Monmouth County and all of Ocean County. The intent is to build resiliency into the system.

Mr. Bruder stated that this is a BPU-regulated project. Section 25 of the Agriculture Retention and Development Act gives public bodies the authority to condemn preserved farmland in certain limited circumstances. It does not provide that authority to private utilities so NJNG does not have eminent domain authority over preserved farmland. That is an important part of this project and the reason it is coming to the Committee as it is.

Mr. Bruder stated that the BPU's review of this project is a two-phase approval. The first is an order of finding that the proposed route complies with federal and State safety requirements and BPU authorizes the route after that review. That order was issued by the BPU on January 27th of this year. The second finding is an order that was issued by the BPU under the Municipal Land Use Law (MLUL) determining that the construction

of the project is reasonably necessary for the convenience and welfare of the public and authorizes that the zoning and land use requirements and regulations at the municipal level do not apply to the siting, installation, construction and operation of the project. BPU made that finding on March 18th of this year. Mr. Bruder showed the Committee a map of the Garden State Expansion Project that shows the existing Transco line that NJNG is proposing to tap into. The expansion project is the installation of a new compression station, meter and regulation station on a parcel in Chesterfield Township to provide that 180,000 dekatherms to the Southern Reliability Link project. This is not a pipeline expansion and this compression station project was approved by FERC early this month.

Mr. Bruder reviewed a map showing alternative analyses that were done by NJNG in April 2015. He noted that the area shown on the alternative analyses mapping is a really strong block of preserved land in Monmouth, Mercer, Burlington and Ocean Counties. When NJNG did its alternative analyses they had a very difficult time in this portion of the project finding a cross-country route that would not hit preserved land. When they did this analysis they broke it out into two phases because of the Pinelands regulations. The first phase run encompasses Chesterfield Township down to the point at which it crosses the Joint Base and into the Pinelands area, and then from that point down to the interconnect with NJNG's existing transmission lines in Manchester Township. They looked at these alternatives from the perspective of impacts on agriculture, the cultural/built environment and the natural environment, and then engineering considerations. Originally they looked at 19 alternatives for this first phase of the project and for the first section, and they fully evaluated five alternatives, shown to the Committee today. They ended up picking the "orange" highlighted route as shown on the map that follows just about exclusively county and municipal roads. It is about 16.7 miles.

Mr. Bruder stated that after that alternatives analysis there was another route proposed in the fall of last year that followed Route 68 to connect with a JCP&L electric utility corridor. However, that route would have had to cross preserved lands and it did have some small issues and some wetlands issues so that route did not ultimately get any traction. Chairman Fisher asked what was supposed to be the benefit of that one. Mr. Bruder stated that it was to avoid the impacts to residential properties. Right now the route comes within 100 feet of 132 residences. It certainly has impacts to the folks along the route and the proposed route is not supported by the towns and counties involved.

Mr. Bruder stated that as far as the ADA impacts are concerned, there are two parcels that have direct impacts. The first is Block 502, Lot 16.01, in Chesterfield Township, which is

the Spector farm. It is a 22.3-acre Christmas tree farm. The reason they went onto this property and in the area was to avoid the historic village at Chesterfield, which is surrounded by preserved farms. The parcels that are highlighted on the map are ADA parcels and the crosshatched areas are the preserved farms. They are going to have a 50-foot wide easement, approximately 1,215 feet in length, and an associated temporary workspace of about 1.7 acres. Chairman Fisher asked so are you saying it could still be farmed? Mr. Bruder stated yes, and that he would go through all the mitigation measures that they are going to take and some of the restrictions in a few moments. The second ADA impact is Block 1000, Lot 1, the Paul Hlubik Farm in Chesterfield, and they are proposing a valve site and again, it is an unpreserved farm adjacent to the existing roadway and it is going to be a 50-feet by 50-feet workspace on .06 acres. These valve sites typically are about a 25-feet by 25-feet permanently fenced-in area where they have the above- and below-ground elements of the valve and they will have a pull-off in the road and some parking spots. Those two are the only ADA parcels that are impacted directly as the project currently stands. Mr. Bruder showed the Committee a map of the proposed valve site. Mr. Ellis questioned an area on the map. Mr. Bruder stated that this is an earlier map and they have been working with this property owner to use this property for a number of purposes. This earlier map proposed this valve site in the middle but staff's most recent understanding is that it will be way over toward the right side of the line shown on the map. Mr. Ellis asked if the valve would be directly across from a few houses. Mr. Bruder stated it appears to be. They had a very difficult time finding any unpreserved land that they could use in this corridor for these temporary workspaces and valve sites. Ms. Jones asked if the landowner may be interested in the Farmland Preservation Program in the future. Mr. Bruder stated that it is a landowner he knows the County has worked with in the past but he doesn't know the current situation.

Mr. Bruder stated that there were two additional temporary workspaces that were going to be part of the project as it was being reviewed when staff received the initial NOI in July of last year. This project has continued to morph and from what he understands the company is still looking for temporary workspaces in this area. There was originally, up until a couple of weeks ago, a 4.7-acre temporary workspace on that same Hlubik farm as well as on the other side, just to the east of North Hanover, on Block 200, Lot 1. There was a temporary workspace associated with the hydraulic directional drilling that was going to be done under Blacks Creek. Neither of these are now in play from what he was told by NJNG. He should note that when Burlington County did its review, these two properties were still in play.

Mr. Bruder stated that there are a number of mitigation practices that NJNG has agreed to in a Notice of Intent (NOI), and these are listed in the resolution before the Committee.

There is the easement restriction that is going to be placed on the Spector farm. You are not allowed to build homes or structures over the permanent easement. You are not allowed to place trees over the pipeline or within 5 feet of it and there is some language relating to the use of heavy equipment. He looked into that a little bit and they are really talking about construction equipment, not farming equipment. Ocean County, because the pipe is completely in the roadway, in July found that there was no adverse impact to preserved farmland, the ADA, and State agriculture preservation and development policies. Monmouth County made that finding in January of this year. Burlington County at their meeting in January did find an adverse impact so that triggered a public hearing, which was held on March 10th. Again, at that time there were larger impacts associated with the Grokowski farm in North Hanover and that other five-acre temporary workspace on the Hlubik farm. SADC staff anticipates the report as a result of that public hearing within the next month or so.

Mr. Bruder stated that the staff recommendation as stated in the resolution is to find no adverse impact on the preserved farmland, ADA or state agriculture preservation and development policies, and that is due to the route being almost exclusively in the existing road right-of-way. The project was designed to avoid preserved farmland and there were measures to be taken promised by NJNG to minimize impacts where there are impacts. The total direct impact to the ADA is a 1,215-foot permanent easement and .06 acres needed for the valve site. There are some conditions in the resolution that go a little further into the mitigation practices that were not specifically detailed in the NOI. Chairman Fisher stated that it is possible that Burlington County could say it has no adverse effect and they are comfortable with this path based on this project, but two counties have signed off and one hasn't? Mr. Bruder stated that Burlington County essentially was concerned about the soil impacts and impacts to water and access to farm properties. Chairman Fisher asked would this give them some comfort if it turns out to be a "yes" vote. Mr. Bruder stated that they have already had their public hearing and the last part of that process is to issue the report. His understanding is that the report is really a summary of their concerns.

Chairman Fisher asked if there was a motion to approve. Mr. Germano moved the motion and Mr. Danser seconded the motion to approve. Mr. Siegel asked if the Committee was to vote this down, then will the pipeline not happen. Mr. Bruder stated that regardless of the Committee's finding, the project moves forward. Mr. Siegel stated we are basically certifying that their application is complete and they have complied. Mr. Bruder stated that is correct.

Mr. Ellis asked whether the Committee has any authority to require anything from the

pipeline company. Mr. Bruder stated that the SADC's authority lies with their completeness of the NOI and that they go through this alternatives analysis to avoid agricultural impacts. In this case, they did the alternatives analysis before issuing the NOI, but because they couldn't go through preserved farmland they essentially avoided just about all of the impacts that you would typically look for or discuss with them in avoiding. The projects that he has been associated with, we do have the pipeline company's ear and they have been willing to work with us to the extent that it suits them but we don't have too much more authority than that. Mr. Ellis stated that he is not against the pipeline as it doesn't go through his property but he does farm two farms in Mercer County, one preserved and one not preserved that the Colonial pipeline goes through next to the Turnpike. They are very poor neighbors. Years ago on one piece of property, about a 30-acre field possibly 1,000 feet along the Turnpike, there was a marker at one end of the field and then a marker at the far end of the field. Now there are probably six markers there – straight line – there is about 20 feet roughly between the markers over the pipeline next to the Turnpike. So that area cannot be farmed. He doesn't have equipment small enough to get in there. He asked if the markers could be moved and was told they couldn't do that. His suggestion is we ask that any markers that mark the pipeline be at the ends of the fields to be out of the way of the farmer farming.

Mr. Danser stated to go back to the first question, we have had input on the alignment and one of the reasons that it is going along all the roadways and not across different fields is because of staff's advice earlier on in the project so we have had a fair amount of, not control but certainly input into where it is going to avoid that as much as possible. Mr. Ellis stated he would suggest that we pursue that one regarding the markers. Mr. Schilling stated that you said we have mitigation strategies and could that be recommended as a mitigation strategy so there is no adverse impact? Mr. Bruder stated that he didn't see that brought up in this project in the NOI but we can add it to the mitigation-related recommendations. For the operation on the Spector farm, it is now in Christmas trees that are impacted. But who knows what that property will be in the future.

Mr. Germano stated you are talking about an amendment to the resolution. Chairman Fisher stated yes. Mr. Schilling stated it would be basically to limit the obstructions on markers and so forth. Mr. Ellis stated certainly a minimal amount of markers that don't interfere with the normal agricultural practices. Mr. Schilling stated that the question he had was similar, he guesses it's a timing procedural issue. The Burlington report is outstanding; the Ocean and Monmouth boards issued resolutions. He was wondering about taking action before the Burlington report came out. On page three of the resolution it seems that these are all mitigation things regarding soil, flow of traffic, road closures,

etc. He was puzzled why we are taking action before the report is out. Chairman Fisher asked if the County has additional jurisdiction; in other words, suppose the SADC passes this and then Burlington County finds whatever they find, does this supersede that. Mr. Bruder stated he didn't think one was dependent on the other; they are two separate issues. It is an either/or matter. It says the CADB or the SADC so either can make these findings. Brian Wilson from the Burlington CADB stated that they did find a negative impact back in January, they had the public hearing in March and his Board is really just charged with taking the results of that public hearing and making a written report. He believes that any action taken by the Committee would be completely independent of the County formally releasing the report. He didn't see that that any action here would impact Burlington County.

Chairman Fisher asked if there was any further discussion. Mr. Requa asked if there have ever been any economic metrics associated with this project. He knows the intent was building resilience in terms of jobs being a positive benefit to the state's economy. Did anyone talk about that? Mr. Bruder stated it was discussed extensively in the BPU hearings. This is between a \$150-180 million project according to NJNG. There was much debate about the need for the project at the BPU hearings. When you look at the energy master plan it talks about promotion of natural gas at lower costs and improving the carbon footprint so that discussion certainly happened at the BPU level and the determination by the Division of Rate Counsel is pending to determine if the cost associated with the project can be assumed by the ratepayers.

Mr. Danser stated we have a motion and a second. We should accept an amendment to add something in the mitigation portion that does whatever is possible to minimize the impact on the left-over farmland. Mr. Schilling stated more specifically because there is an issue about physically obstructing the use of farm equipment. He thinks the spirit is right but it doesn't help anyone reading it to understand what the issue is so there has to be some finding of fact or at least some specificity that the concern being addressed among other things is meaning the use of farm equipment on the land. Mr. Germano stated it can't obstruct normal agricultural practices with the use of an excessive number of markers. Mr. Ellis stated he wouldn't say "excessive," he would just say markers and let them fight it out. Chairman Fisher stated that he thinks that staff has the idea, the normal farming activities notwithstanding safety and other concerns. Mr. Bruder stated he has seen that language in other agricultural impact mitigation plans so he will look at those.

Mr. Danser stated that as the seconder of the motion, he finds that acceptable to amend the motion as discussed.

It was moved by Germano and seconded by Mr. Danser to approve Resolution FY 2016R4(6) with the above-noted amendment, finding that the New Jersey Natural Gas Southern Reliability Link Project in Burlington, Monmouth and Ocean Counties would not cause unreasonably adverse effects on preserved farmland, ADAs or State agricultural preservation and development policies pursuant to N.J.S.A. 4:1C-19 for the following reasons:

1. The project has been designed to avoid preserved farmlands and where impacts on non-preserved agricultural land are proposed, practices to minimize disturbance are to be implemented.
2. NJNG and its consultants have evaluated multiple options and proposed a route that is almost exclusively within existing road rights-of-way that will have minor permanent agricultural effects; and

This finding is conditioned on NJNG updating the SADC should additional workspace, access or staging areas be necessary and ensuring that the following practices not specifically described in the NOI be implemented on all farmland:

1. Subsoil shall not be stored directly on unstripped topsoil without a barrier or spread on the surface of existing farmland as a means of disposal.
2. Should excess backfill be necessary, such material shall be of similar texture and quality to existing subsoils and under no circumstance should topsoil be used for this purpose.
3. Should any underground drainage tile or irrigation system be damaged by pipeline construction, it will be immediately repaired in a manner that assures pre-construction operation.
4. Should it be necessary to pump water from open trenches, NJNG shall do so in a manner that will avoid inundation of crops for more than 24 hours or deposition of sediment upon the surface of farm fields and pasture land or in ditches and other water sources.
5. Testing for post-construction soil compaction should be performed by environmental monitors and, if necessary, mitigation measures taken to ensure restoration to pre-construction conditions.

The SADC will work with NJNG, the Burlington, Monmouth and Ocean CADBs, farmers and landowners as needed to resolve site-specific impacts to farms in the ADAs, particularly with respect to soils in agricultural production and surface and subsurface drainage systems, during and after construction. The motion as amended was approved. (Mr. Siegel abstained.) This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. (A copy of Resolution FY2016R4(6) is attached to and is a part of these minutes.)

G. Cluster Development Bill (P.L. 2013, Ch. 106) Agricultural Deed Restriction (Draft/Discussion)

Mr. Bruder referred the Committee to his Memorandum dated April 13th regarding Cluster Agricultural Deed Restriction Review. P.L. 2013, c. 106 amended Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-2) to enhance existing provisions for contiguous and non-contiguous clustering and lot-size averaging. This was an acknowledgment of the need for additional municipal subdivision and development options that create preservation opportunities. It was also a recognition that efforts required to implement full-scale Transfer of Development Rights (TDR) may not be necessary in all applications and that clarifying the legality of non-contiguous cluster may foster its use in circumstances where TDR was previously the only available option.

Mr. Bruder stated that P.L. 2013, c. 106 requires that land identified for preservation as farmland use an agricultural restriction and municipalities either adopt an agricultural restriction template prepared by the SADC or obtain SADC approval of an agricultural restriction. Several municipalities are now poised to begin implementing non-contiguous clustering and are interested in obtaining the Committee's template.

Mr. Bruder stated that this is a discussion only item, so that staff can get the Committee's feedback on the preliminary draft deed template with specific attention to the following items:

1. Paragraph 4: Application of the Rural Microenterprise Bill, N.J.S.A. 4:1C-32.1 and 32.3 (P.L.2015, c.275), to farmland preserved through clustering.
2. Paragraphs 7, 8 & 9: Ability to conduct certain activities in compliance with either an NRCS-approved farm conservation plan or NRCS assessment criteria.
3. Paragraph 16: Additional future housing opportunities on preserved farmland as provided for in the legislation at N.J.A.C. 40:55D-39.1d(2)(c).

4. Paragraph 18: Conditions of approval for division of preserved farmland.

Mr. Bruder referred the Committee to the agricultural restriction template. This template came out of the 2013 cluster development bill. The genesis of that bill was a statewide policy task force associated with the transfer of development rights. There was a wide variety of interests with this task force, looking at the implementation of TDR and why it wasn't being more broadly used. They were also looking at some of the other tools absent full-scale TDR that could be used to augment traditional preservation efforts. These included contiguous clustering, lot size averaging and specifically non-contiguous clustering. New Jersey Future headed up this task force and we were certainly involved with some of the language, with a number of interests on this task force.

Mr. Bruder stated that the development cluster bill really made clear that contiguous clustering, lot size averaging and non-contiguous clustering were specifically permitted and opened up their use. Previously, non-contiguous clustering was restricted to plan development and it wasn't clear that lot size averaging or mandatory clustering was permitted. So this bill made all these things very apparent. There are certain preservation provisions within the bill that say clustering can be used for agricultural land, open space or historic sites. It makes it clear that this is permanent preservation and that these are recorded deed restrictions that run with the land. The land can be privately owned and transferred to another person so that is important, especially with the residual farm parcels that are preserved. There is also the right of enforcement for the municipalities, the State of New Jersey and if designated by the municipality, another public agency or nonprofit.

Mr. Bruder stated that specific to agricultural preservation, it says that municipalities that are going to use any of these tools must use a template provided by the SADC or a deed approved by the SADC as long as it is consistent with the Agriculture Retention and Development Act (ARDA). Any of these municipalities must have a Right to Farm ordinance. These are truly preserved properties and they are eligible for the benefits of traditional preserved farmland such as soil and water conservation grants, eminent domain protection and the exemption for emergency restrictions for water and energy use.

Mr. Bruder stated that staff took the SADC's general template and modified it according to the specific provisions in the bill. What is before the Committee are the typical restrictions that we see in our deed of easement that are transferred over to this Agricultural Deed Restriction template. There are some specific provisions within the bill that he wanted to point out because they are a bit different than what our template specifies. It allows for limited nonagricultural uses, which the SADC finds are

compatible with agricultural use and production. It allows for – and this is directly out of the bill – future amendments to the area subject to the agricultural restriction to accommodate public improvements as long as the amendment results in only a de minimis impact. Thirdly, it allows for the inclusion of existing dwelling units or limited additional future housing opportunities that directly support the agricultural operation and are appropriate to the scale of the preserved farmland. That certainly leaves some room for interpretation. He would like to talk about that one in particular. Mr. Bruder stated that there is a great amount of deference paid to the towns and their wishes. It acknowledges that this is a tool that can be applied across the state, from suburban to urban to rural areas. It allows the towns a little bit of flexibility to adapt to their situations.

Mr. Bruder referred the Committee to the Agricultural Deed Restriction template. Paragraph 4 deals with limited nonagricultural uses that the SADC finds compatible with agricultural use and production. We are interpreting those limited nonagricultural uses to be the rural microenterprises that were part of the microenterprise bill. Under the bill that was signed into law there are two permitted classes of rural microenterprises. First are customary rural activities that rely on the equipment and aptitude historically possessed by the agricultural community, and the second is agricultural support services, which have a direct, positive impact on agriculture (dealers, suppliers, etc.). Mr. Siegel stated that is going to be built into the easement? He stated that the rural microenterprise bill permits applicants to apply for a rural microenterprise, their easement notwithstanding, so why wouldn't that apply here for the farm preserved through a cluster development? Mr. Bruder stated that these are not traditionally preserved properties. Mr. Siegel stated he understands that but it is still going to be an easement restricted farm. Mr. Bruder stated but it is not under the Garden State Preservation Trust. Mr. Siegel stated that you think the bill might not apply then because it is not a traditionally preserved farm? He stated that a TDR farm has access to all of that, doesn't it? Mr. Bruder stated that he isn't sure that this is in conflict with that. It is just saying that such uses shall be governed by the standard. We are looking at the standard as we apply this – the standard as set forth in the rural microenterprise bill. Mr. Siegel stated that we are not saying that it has to be in their easement. Mr. Bruder stated that it doesn't say that. It is just saying that when we are taking about limited nonagricultural uses, they are governed by the standards in the bill. Mr. Schilling stated to be clear, the rural microenterprise bill obviously followed the cluster bill so this is SADC's effort to kind of define the oversight by referencing the rural microenterprise; that is our proposal. Mr. Bruder stated that is correct. Mr. Danser stated that it would be much simpler to just say that the deed restricted remainder of the parcel would be covered by our then current deed of easement that is being used on everything else. He doesn't see where it says anything about further division of the

premises. It should be addressed somehow. Mr. Bruder stated it does and that will be discussed shortly.

Chairman Fisher stated that regarding TDR and clustering, it just says that microenterprise is part of this; it is not in conflict with this. Mr. Bruder stated yes, he thinks the language proposed is just saying that. As you interpret nonagricultural uses, it shall be governed by the standards set forth in the microenterprise bill. We went through this whole process to define them and he thinks that what we are saying is the cleanest way to do that, if we have already defined it, is per the rural microenterprise bill. Mr. Siegel stated that the law says "template" and so that means we have to give them a standard but they can fix that document. The law did not say you have to accept the SADC's easement. It says you have to take that template but based on that you could develop your own easement. Mr. Bruder stated that is right. Mr. Germano stated that the SADC has to approve it though. Mr. Bruder stated yes, that is correct. Either they adopt the SADC's template or they get SADC approval of theirs. Mr. Siegel stated that we have a couple of towns that have limitations on animal agriculture in their ordinances that we have had a problem with. There are quite a few that say, for example, no chickens and no pigs. If someone wanted to cluster and decided to say they don't want any animal agriculture and they want to put that in the easement, that comes to this board. Mr. Bruder stated yes, it does. Mr. Siegel stated we can shoot it back and say you don't get to tell this farmer he isn't allowed to sell to a chicken guy later. Mr. Bruder stated that we used the agricultural use definition that we typically use in our easement. Mr. Siegel stated they could make their case as to why they should amend that and we would listen to them but we would have the jurisdiction to say no. Mr. Bruder stated we have 60 days from when they submit their template.

Ms. Jones asked if a municipality wants to cluster and they want to put that remaining area into preservation for open space for park purposes, are they getting a companion deed? Mr. Bruder stated yes. The Department of Environmental Protection has to adopt a similar conservation restriction. Ms. Jones stated she would find out who is working on that. Mr. Bruder stated that it is interesting because the legislation says for open space and historic, the municipality "may" use a template provided by the Historic Trust and Green Acres but it says "shall" use for the agricultural restriction. Mr. Siegel stated because if it just goes with the ownership to the municipality then it is theirs and they may not want a Green Acres limitation because they may want to do something. Chairman Fisher stated that the Legislature might come back and do provision #3 of the microenterprise bill. He explained that there was a third class of permitted rural microenterprises that was removed from the bill prior to its passage. If the Legislature decided to reinstate it, what would that do to this as you are mentioning #1 and #2? Mr.

Bruder stated he mentioned #1 and #2 because that is what is in the recent bill. He would have to look to see if the third one was to be reincorporated, would it be applicable. Mr. Schilling stated that it is by reference so it would seem to him that it would update with the law. If it is referencing the statute and the statute changes by reference, the deed effectively updates to the new law. Mr. Germano stated that the language here has to be governed by the standards. Those standards are general, not specific. The uses are probably specifically identified. He thinks it would be OK.

Mr. Bruder stated that the next paragraphs he would like to discuss are paragraphs 7, 8 and 9. These have a bit of a change from our existing deed of easement. They deal with the ability to conduct certain activities and require an NRCS-approved farm conservation plan prepared according to NRCS assessment criteria. Mr. Bruder stated that we added language here in paragraph 7 about materials that can be deposited on the premises only for agricultural purposes in accordance with an approved conservation plan pursuant to Paragraph 9. Similarly in paragraph 8 we talk about the placement of manure and other waste material only if promulgated as an agricultural management practice approved by the Committee. Mr. Germano asked do we somewhere define what we mean by waste material. What do we mean by that? Mr. Everett stated that if you look at the AMP or the Right to Farm Act, it gets into poultry manure. We are not calling that trash, we are calling that waste material or manure. In other words, if it is trash we don't want it. If it is a waste material that is a soil amendment, that is OK but it has to be consistent with the Right to Farm Act. Mr. Germano stated what he is suggesting by the question is that perhaps somewhere we need to say what we mean by waste material. Mr. Everett stated that waste material/manure is what is defined by AMPs adopted pursuant to the Right to Farm Act, like the on-farm composting AMP. Mr. Schilling stated that frankly it is adaptable in the sense that if the standards or practices change or are updated, it updates automatically in the deed provision rather than having a static provision in the deed that locks you in when practices change. Mr. Germano stated that what he thinks he hears Mr. Everett saying is that he is suggesting some additional language. Is that correct? Mr. Everett stated that is correct. Mr. Germano stated it is waste material as defined throughout AMPs promulgated by the SADC that contemplate waste materials. Mr. Germano stated that staff would need to clean up the language somewhat.

Mr. Bruder stated that paragraph 9 talks about no activity that is detrimental to drainage, flood control, water conservation, erosion control, or soil conservation for the continued agricultural use of the property for agricultural purposes. We are adding two subsections to that, saying activities performed in conformance with a farm conservation plan so they are considered permissible and that an approved farm conservation plan must meet or exceed the basic assessment level in the USDA, NRCS National and State Resource

Concerns and Planning Criteria. The intent here was to provide a measure against which it would be so open to interpretation. This manual has certain concrete criteria that can be measured against so it isn't arbitrary. These are new. Mr. Siegel stated that the bottom line is that it all comes back to the Committee to vote on after we see a specific one on a specific application to a specific piece of property. Mr. Bruder stated that we will not see these. The intent here is not if there is a conflict it will come back to the SADC. These are municipal easements and we are just providing a template so these will be local determinations. That is part of the reason we wanted to have a standard, so it is not so open to interpretation, some standard by which you can look at an issue and say either yes it meets the standard or it doesn't. So we are not having municipalities interpret these. They would come to us with some change to the easement, not to interpret the deed.

Mr. Germano commented that staff indicated that this is just for discussion purposes today. Mr. Bruder stated that was correct. Mr. Germano stated that he has a suggestion for the "ii" subsection of paragraph 9. He stated he would put that suggestion in writing and send it on to staff. It is just a minor thing that no one would want to hear. Mr. Bruder asked if there was any more comment on paragraphs 7, 8 or 9. There were no further questions. Mr. Bruder stated that he would like to adopt this next month if possible if we could come to some resolution on it. We do have two municipalities now that have adopted noncontiguous cluster ordinances in accordance with the 2013 law that he is aware of – the Township of Delaware in Hunterdon County and Hopewell Township in Mercer County. There is a project in Hopewell Township where the developer is trying to solicit interest from landowners who want to see what this deed would look like.

Mr. Bruder stated that next is paragraph 16, which deals with the provision in the law for limited additional future housing opportunities for agricultural purposes that may be permitted. We are saying here that such opportunities may be permitted "upon a determination by the Planning Board in consultation with the Township Agricultural Advisory Committee, if applicable, that future housing opportunities directly support the property's agricultural operations and are appropriate to the scale of the preserved farmland ...," which is in the statute. So the discussion would be whether we need more clarity. Mr. Siegel stated so it doesn't come to us at all. Mr. Bruder stated no. The town is going to interpret "directly supports" and "appropriate to the scale of preserved farmland." There is a definition for "use for agricultural purposes" listed under paragraph 16, but this "directly support" question and "appropriate to the scale of preserved farmland" are two things that the town will interpret. Mr. Bruder stated that regarding future housing, there were two approaches that were discussed. One was the SADC could, as part of this template, set a standard like we do for a Residual Dwelling Site Opportunity (RDSO) where 100 acres is required, or we could put a placeholder in the

template where the town will put in what it feels would be an acreage that is appropriate to the scale of preserved farmland. We don't want to open it completely so that additional future housing opportunities can be applied so that you get one house per every 5 acres so it has to be some sort of nexus here. Mr. Siegel stated why not a house size limit? Mr. Bruder stated that they didn't contemplate that, it wasn't in the rule, but it is something that we could talk about. But regarding the number of houses, staff thought that the problem with the first approach is that you are setting a number that is going to apply statewide and with the diversity of the state, it is difficult to do. The second part, staff felt that if you put a placeholder in the template, the town could provide a number. We thought that we should have the ability to approve that so they would come back to us for approval. Mr. Danser stated it seems to him to be simpler to say no more than one additional or no more than two additional. The township could fill in that blank and if it was anything more than zero or anything more than two they could come back to us, if we wanted to do it. Because you are right, over the whole state it is hard to say one for 50 acres or one for 30 acres, etc. Mr. Siegel stated it is also the appropriateness issue as a value judgment that most of us have figured out what that means in terms of what is appropriate to a piece of farmland – we have our own value judgment on it. You go out there into a municipal world and they are not familiar with agriculture. “Appropriate to agriculture” could be the farmer says he needs to build 5 houses because he needs the income from renting them and the municipality says OK, that seems appropriate. To us, no, that has nothing to do with agriculture. Mr. Schilling stated that the agricultural purpose is clearly defined here. Mr. Bruder stated he reached out to Delaware and Hopewell Townships. They both have an analogous situation with a provision in their codes for a second housing opportunity on a farm without subdivision. He thinks Delaware Township allows a second housing opportunity on farms above 45 acres and he believes it's 35 acres in Hopewell Township without a formal subdivision. Mr. Siegel stated that in truth, and it is totally conjectural, but he would bet that the problem would be in the other direction, that if town councils approve a cluster they would consider that property to be open space, because that is really what happens right now and if it actually becomes a preserved farm they are still going to think it's open space. They clustered all the houses down here so all of this has to stay open and then the guy comes back to put in a stable and they have a fit, or if he wants to put in a farm labor unit and they will say no, the houses are all over here. He felt that this section should be more detailed. Mr. Germano stated that he is thinking that the big paragraph on the bottom of the page was generated by someone who was thinking about single-family homes, under paragraph 16 “use for agricultural purpose” defined. He stated that agricultural labor housing is a different animal. The dormitories – they wouldn't even be contemplated by any of them. Mr. Bruder stated we are not talking about agricultural labor here. It is separate. He stated that in paragraph 15 under subsection “ii” it indicates that improvements to residential

buildings for the purposes of housing agricultural labor are permitted.

Mr. Danser stated for paragraph 15 subsection "iii," it says improvements to recreational buildings shall be consistent with agricultural or recreational uses." He felt it should say "consistent with agricultural AND recreational uses, if it is preserved farmland.

Chairman Fisher stated that you have all these paragraphs and you are working through this. You have some suggestions. We are not adopting it today. Let's see if we can take it apart and see what the areas of concern are. Mr. Schilling stated his is an overreach concern because these are transactions that are initiated at the municipal level for clustering and they are looking to us for guidance in the form of a template. First of all the scale issue, he would be curious to know the average set-aside in a cluster arrangement is going to be, 20 acres, 50 acres. Down south there are a couple of projects where they are doing a cluster, then having a farm that basically has a farm market and the farm is producing, so who knows how this is going to be executed, but there is a level of deference to the municipality in terms of determining some of these things and we are being charged with providing them with a template as the experts on farmland preservation so it is sort of the less is more approach. We are getting a little into the weeds in terms of intensity of residential development that is going to occur. He thinks it will be self-limiting because we are setting aside land and we want to keep it open. Mr. Siegel stated you may be over self-limiting. For instance, is there agri-tourism in here yet? That may be something we may want to specify that the farmer can have pick-your-own operations or pumpkin operations. This farmer is going to have a double level of government. He is going to have the municipality and then the people on the other side of the cluster.

Chairman Fisher stated that he would go around the table and ask the members for their concerns. Mr. Schilling stated he made his main point, kind of less is more. We are being asked to provide a template. He doesn't think we need to be so over-prescriptive. Mr. Siegel stated that he will take Mr. Bruder up on his offer and provide to him written notes regarding items he feels should be in the template and he would just ask that before the next SADC meeting if this could get posted earlier so that the Committee has ample time to absorb it. Ms. Jones agrees with Mr. Schilling to keep it broad strokes. In addition there should be more of an education with the town. If the towns decide, OK, we want the cluster and what is remaining to go into farmland, they have to really educate the public to say this is going to be a farm and maybe they do need housing and farm labor, so that everyone really understands that it is not open space but farmland restrictions. Mr. Schilling stated he doesn't want it to be a deterrent by being overly restrictive. Chairman Fisher stated that we could request sort of an educational component. Mr. Johnson stated

that there is nothing in here that supersedes Right to Farm. Mr. Requa concurred with Mr. Schilling and stated that a general guidance template would be very useful, especially with local planning boards and zoning boards to guide them in the right direction. Mr. Danser stated he just feels like we are reinventing the wheel and just say to use the SADC's existing deed of easement would be simpler. If you have your 200 acres and you are going to build on 50 acres and preserve the 150 acres, it is subject to the SADC's deed of easement. Mr. Schilling stated that Mr. Johnson's comment regarding Right to Farm is informative too, so you know what you are getting into in advance. Mr. Siegel stated except that we do specify housing in our deeds, RDSOs and so forth. That does vary so we may want to address that issue. Mr. Bruder stated that there are some specific provisions in the legislation where the drafters felt it important to create a bit of flexibility in the restriction with regard to limited nonagricultural uses and the future amendments to the easement area to deal with things like rough road straightenings and limited public improvements. By and large however, aside from sections addressing these special provisions, we used language from the SADC model deed restriction template. Mr. Danser stated that the bridges and roadways are really easy because they are not paying for that preserved part. If they wanted to widen the right of way or preserve a corner for a bridge improvement they can just do or not do it when they put the easement on.

Mr. Bruder stated that the last paragraph he wanted to discuss was paragraph 18. However, for paragraph 16 are we leaning toward a placeholder in the template where the town would put a number or do we leave it in the easement without a number so that it is interpreted? Interpretation over time changes. Mr. Schilling stated how he envisions this is you have a 50-acre tract and you can have 100 homes but instead you put 100 homes on 25 acres and keep 25 acres open. That is what he envisions here. So when you establish it there is going to be an interest in keeping that land relatively open. He agrees with Mr. Siegel, if anything the interpretation is going to be pretty limiting in terms of what the town will approve for future agricultural development. Secondly, he feels biased here in his understanding of how this works. These are going to tend to be smaller projects so to him the future residential opportunities are going to be a rarity where that is a discussion. He doesn't see a 500-acre set-aside where we are talking about 5 per 100. Mr. Siegel stated that we don't know because clustering has been going on for decades on a single parcel. What this municipality allows is multi-parcel clustering so we are entering a whole new world. This could be the actual TDR that TDR never was because you could get a consortium of 50 landowners. Mr. Schilling stated that he just feels that the number of parcels where we are going to be talking about a big enough area of acreage where future housing is going to be a relevant discussion – he could be wrong, but deferring that to municipalities, because there are clauses in here about consultation

with agricultural advisory committees if they exist, the likelihood is there is going to be some agricultural input in that discussion. He is nervous about doing a hard and fast recommendation when there is going to be a lot of variability.

Mr. Bruder stated that regarding paragraph 18 that deals with the subdivision question, it says prior to approval of division of the premises, the township planning board, in consultation with the agricultural advisory committee, if applicable, shall consider whether the division is for an agricultural purpose and results in agriculturally viable parcels. Here we have an option. For the purposes of the agricultural restriction, agriculturally viable parcel means that each parcel maintains a minimum of fill-in-the-blank many acres. Again we were wrestling with putting a number in here of what an agriculturally viable parcel means. Mr. Siegel and various members responded no. Mr. Germano stated that what is jumping out at him is the language "shall consider" as the wrong words. Just as when one of these comes to us we must determine that it meets both standards, this should be drafted in similar terms. Before it happens, the planning board has to decide that it meets the two criteria. Mr. Siegel asked what do you do in TDR when someone wants to divide. That would be a query that you should make. Mr. Bruder stated he would check that out. Mr. Wilson from Burlington CADB stated it is a 50-acre minimum.

Chairman Fisher stated that the Committee made some suggestions to staff on this item for the next draft. It was also mentioned that the Committee could send in some suggestions individually to staff and it is welcome to do that and then we will see what the next draft produces.

PUBLIC COMMENT

Geoff Richter from the Pinelands Preservation Alliance stated that he would like to comment regarding the New Jersey Natural Gas proposed project. His organization is opposing the project and they find that it violates the Pinelands Comprehensive Management Plan as well as in many ways the public trust. He stated that their concern is that it impacts farmland within zones that actually aren't in the Pinelands, but through Chesterfield specifically and in Burlington County and they aren't very well understood to the public and a public hearing may be in order. There are concerns not just about the pipeline but also the compressor station, which he knows that the SADC doesn't have any authority over because it is under FERC. But once residents found out about it and the details of the project they came out in strong opposition and the gentleman from Burlington County can attest to that. That is just from mainly a noise complaint and air quality perspective. In terms of the impacts to farmland, his understanding of the initial

opposition from the County is that they centered around traffic concerns – that county roads would be closed for what he first heard was for months, potentially two months, maybe four months. While that doesn't have a long-term impact on agricultural viability, that does have an economic impact on the agricultural businesses within Chesterfield, which are diverse and robust. Chesterfield has the longest-standing farmland preservation in the state and the community reflects that and those businesses are still very viable. They require a lot of out-of-the-area travel through there. Last year he was a member of one of the CSAs in Chesterfield, the second largest with 300 members from around the state and the area who had to drive there. There are a number of examples of that within Chesterfield Township along the route that would be impacted by traffic. Those are some of the concerns and he was unaware that the County Agriculture Development Board was reviewing the impacts to agriculture but again, this project is a lot bigger and has a lot more impact than NJNG wanted to let on in the beginning so their concern is perhaps a more comprehensive understanding to the public is necessary, and maybe not just through the release of your findings but actually in a public hearing. He doesn't know if the Committee does that but perhaps a recommendation would be good. Chairman Fisher stated that you won't get an answer today on that. You are here to make that point to the Committee and the Committee heard it and will take it under advisement.

Helen Heinrich asked what happens next with the cluster draft. She understands that the suggestions will be added from today's discussion and then what, are you going to send it out for comments to the CADBs, and possibly to the Farm Bureau and so forth?

Chairman Fisher stated he doesn't know because he isn't the Executive Director. Mr. Siegel asked if it was staff's intention to have it adopted at the next meeting. Mr. Bruder stated it is up to the Committee. Chairman Fisher stated we are not going to rush through anything. Mr. Siegel stated there isn't any hidden timeline that we cannot send it over to Ms. Heinrich and the CADBs to look at it and give us their thoughts without a regulatory process. Chairman Fisher stated here is the issue for him. Sometimes when you send something out to solicit input, people look at it like it's final and you get a lot of misinformation from that. Whatever goes out it is going to say it is a draft. To answer Ms. Heinrich's questions, his understanding is that it will come back next month and then we will decide what the next steps are in moving this along. He doesn't believe there is any rush. Mr. Bruder stated that he knows there is that project in Hopewell Township and that they are looking to get that going and the developer is looking to talk to landowners. Chairman Fisher stated let's say at its best, if the final draft is done and then it had to get adopted by this Committee, are there other steps involved like regulation review or administrative law review? Mr. Bruder stated that the statute says it has to be adopted by the Committee. Mr. Siegel stated it isn't a regulation, we are sending a template for advice. There is nothing to stop this town from asking for a blank copy of our easement

now. Chairman Fisher stated that we will have more information at the next meeting.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, May 26, 2016, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 11:27 a.m., Mr. Danser moved the following resolution to go into Closed Session. The motion was seconded by Mr. Germano and unanimously approved.

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

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters - Certification of Values

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

County Planning Incentive Grant Program

1. Frank Baitinger, #1, SADC # 06-0181-PG
Block 21, Lots 12.11, 12.12, 12.13; Block 22, Lots 4.03, 4.04
Hopewell Township, Cumberland County, 69 Gross/69 Net Acres Appraisal Order Checklist (AOC)
2. Kevin and Jessica Bishop, SADC # 17-0157-PG
Block 50, Lot 2.01, Upper Pittsgrove Township, Salem County, 31 Gross Acres

Municipal Planning Incentive Grant Program

1. Anita Ardia (High Acres Farm), SADC # 21-0589-PG
Block 1901, Lot 34; Block 1803, Lot 10, Blairstown Township, Warren County,

120.68 Net Acres (AOC) and 133.68 Gross Acres (AOC)

2. Gabriele, Andrea, Howard, Nicole and Matt Malone, SADC # 21-0588-PG
Block 1100, Lot 1900, Hope Township, Warren County, 63.80 Acres

Easement Donation - SADC

1. Ag-Mart Produce, Inc., SADC # 06-0004-DN
Block 193, Lots 6, 10, 11; Block 194, Lots 2, 3
Lawrence Township, Cumberland County, 81 Acres

Direct Easement Purchase Program

1. Tranquility Farms LP/Mase LP, SADC # 10-0233-DE
Block 22, Lot 21, Alexandria Township, Hunterdon County
Block 5, Lot 1.01, Kingwood Township, Hunterdon County
148.10 Net Acres (AOC); 153.10 Gross Acres (AOC)
2. Joseph Bercaw, SADC # 10-0234-DE
Block 44, Lots 4, 6, Franklin Township, Hunterdon County
Block 12, Lots 5, 9, Raritan Township, Hunterdon County
74.5 Net Acres (AOC); 98 Gross Acres (AOC)

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

PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, it was moved by Mr. Germano and seconded by Mr. Siegel and unanimously approved to adjourn the meeting at 12:03 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R4(1)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

DELAWARE TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Amilcare and Angiolina Ianniciello ("Owner")
Panorama Farm LLC
Delaware Township, Hunterdon County

N.J.A.C. 2:76-17A. et seq.
SADC ID# 10-0362-PG

April 22, 2016

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Delaware Township, Hunterdon County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Delaware Township received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on December 22, 2014 the SADC received an application for the sale of a development easement from Delaware Township for the subject farm identified as Block 25, Lot 8, Delaware Township, Hunterdon County, totaling approximately 60.57 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property is located and targeted in Delaware Township's Sandbrook Headquarters/ Locktown (I) Project Area; and

WHEREAS, the Property includes one (1), approximately 3-acre non-severable exception area for and limited to one (1) existing single family residential unit and one (1) future single family residential unit and for future flexibility of use resulting in approximately 57.57 net acres to be preserved; and

WHEREAS, the portion of the Property outside the exception area to be preserved includes zero (0) housing opportunities, zero (0) agricultural labor units and (0) non-agricultural uses; and

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

WHEREAS, at the time of final approval the Owner had two ponies for personal use; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on April 8, 2015 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on December 10, 2015 the SADC certified a development easement value of \$10,200 based on current zoning and environmental regulations in place as of October 2015; and

WHEREAS, the Owner accepted the Township's offer of \$10,200 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on March 28, 2016 the Delaware Township Committee approved the application and a funding commitment for an estimated \$2,040 per acre; and

WHEREAS, the Hunterdon County Agriculture Development Board approved the application on April 14, 2016 and secured a commitment of funding from the Hunterdon County Board of Chosen Freeholders for the \$2,040 per acre required local match on April 19, 2016; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 57.57 net easement acres):

	<u>Total</u>	
SADC	\$352,328.40	(\$6,120 per acre)
Hunterdon County	\$117,442.80	(\$2,040 per acre)
<u>Delaware Twp.</u>	<u>\$117,442.80</u>	<u>(\$2,040 per acre)</u>
Total Easement Purchase	\$587,214.00	(\$10,200 per acre)

WHEREAS, Delaware Township is requesting \$352,328.40 and sufficient funds are available (Schedule B); and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.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

WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Delaware Township for the purchase of a development easement on the Property, comprising approximately 57.57 net easement acres, at a State cost share of \$6,120 per acre, (60% of certified easement value and purchase price), for a total grant need of approximately \$352,328.40 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 3-acre non-severable exception area for and limited to one (1) existing single family residential unit and one (1) future single family residential unit and for future flexibility of use resulting in approximately 57.57 net acres to be preserved; and

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

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

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

BE IT FURTHER RESOLVED, 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.

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

4.22.16

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	ABSENT

Schedule A



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 data layer 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.

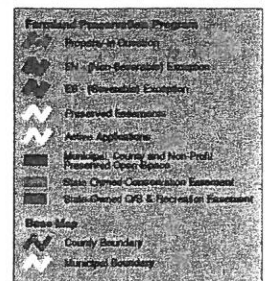
Schedule A (continued)

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Panorama Farm (Ianniciello)
Block 25 P/O Lots 8 (57.57 ac) & P/O Lot 8-EN (non-severable exception - 3.0 ac)
Gross Total = 60.57 ac
Delaware Twp., Hunterdon 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: 1/6/2015

Municipal Planning Incentive Grant
Delaware Township, Hunterdon County

Schedule B

Farm	SADC ID#	Acres	Pay Acres	SADC		SADC			Federal Grant				
				Certified Per Acre	SADC Grant Per Acre	Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	Expended	Balance	
Copeland	10-0318-PG	74.407	73.987	12,700.00	7,620.00	939,634.90	563,780.94	481,741.19	105,887.23			457,893.71	1,750,000.00
Yard	10-0333-PG	33.320	32.981	9,950.00	5,970.00	328,160.95	196,896.57	181,395.50	50,131.12	146,765.45		146,765.45	1,292,106.29
Cyktor	10-0323-PG	21.459	21.445	15,600.00	9,360.00	334,542.00	200,725.20					200,725.20	1,145,340.84
Lovenberg	10-0334-PG	42.063	41.332	8,800.00	5,300.00	363,721.60	219,059.60	191,100.00	44,100.00	222,933.90		219,059.60	944,615.64
Ianniciello / Panorama	10-0362-PG	57.570	57.570	10,200.00	6,120.00	587,214.00	352,328.40			352,328.40			725,556.04
													373,227.64
Total Pending													
Total Encumbered	1	57.570								352,328.40			
Closed/Expended	4	171.249				1,966,059.45	1,180,462.31	854,236.69	200,118.35			1,024,443.96	
Total													373,227.64
Reprogram Out													

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Ianniciello, Amilcare and Angiolina (Panorama Farm)

10- 0362-PG

PIG EP - Municipal 2007 Rule

58 Acres

Block 25	Lot 8	Delaware Twp.	Hunterdon County
SOILS:		Other	28% * 0 = .00
		Prime	5% * .15 = .75
		Statewide	67% * .1 = 6.70
			SOIL SCORE: 7.45
TILLABLE SOILS:		Cropland Harvested	62% * .15 = 9.30
		Woodlands	38% * 0 = .00
			TILLABLE SOILS SCORE: 9.30
FARM USE:		Hay	acres
		Agriculture Production Livestock	acres
			Sheep, Emu, personal use horses

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 three (3) acres for Existing and future single family residential unit
 - Exception is not to be severed from Premises
 - Exception is to be limited to one existing single family residential unit(s) and one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No 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 FY2016R4(2))

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

UPPER DEERFIELD TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Todd and Margaret Casper ("Owners")

Casper (3) Farm, (Casper Nurseries, LLC)

Upper Deerfield Township, Cumberland County

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

SADC ID# 06-0148-PG

April 22, 2016

WHEREAS, on December 15, 2008, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Upper Deerfield, Cumberland County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of Upper Deerfield's 2016 PIG plan annual update on May 28, 2015; and

WHEREAS, on July 10, 2013, the SADC received an application for the sale of a development easement from Cumberland County for the subject farm identified as Block 601, Lots 1, 1.01, Upper Deerfield Township, Cumberland County, totaling approximately 15 easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, although the Property was in a Cumberland County Agricultural Development Area (ADA) it was not a County targeted farm; and

WHEREAS, the Property is an Upper Deerfield Township targeted farm and on June 19, 2014 the Township passed a resolution approving the application transfer to the Municipal Planning Incentive Grant Program; and

WHEREAS, on July 9, 2014 the Cumberland County Agriculture Development Board (CADB) approved transferring the application to Upper Deerfield Township's Municipal Planning Incentive Grant; and

WHEREAS, the targeted Property is located in Upper Deerfield Township's Deerfield - Upper Deerfield North Project Area; and

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

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on October 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. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on April 24, 2015 the SADC certified a development easement value of \$5,000 per acre based on current zoning and environmental regulations in place as of May 1, 2013; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on April 14, 2015 the Upper Deerfield Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, the Salem County Agriculture Development Board approved the application on June 10, 2015 and secured a commitment of funding from the Salem County Board of Chosen Freeholders for the \$1,600 required local match on July 28, 2015; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 15 easement acres):

	<u>Total</u>	
SADC	\$51,000	(\$3,400 per acre)
Salem County	\$24,000	(\$1,600 per acre)
Total Easement Purchase	\$75,000	(\$5,000 per acre)

WHEREAS, Upper Deerfield Township is requesting approximately \$51,000 and sufficient funds are available (Schedule B); and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.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

WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Upper Deerfield Township for the purchase of a development easement on the Property, comprising approximately 15 easement acres, at a State cost share of \$3,400 per acre (68% of the certified easement value and purchase price), for a total grant need of approximately \$51,000 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 zero (0) exceptions, zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

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

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

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

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

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

4.22.16

Date



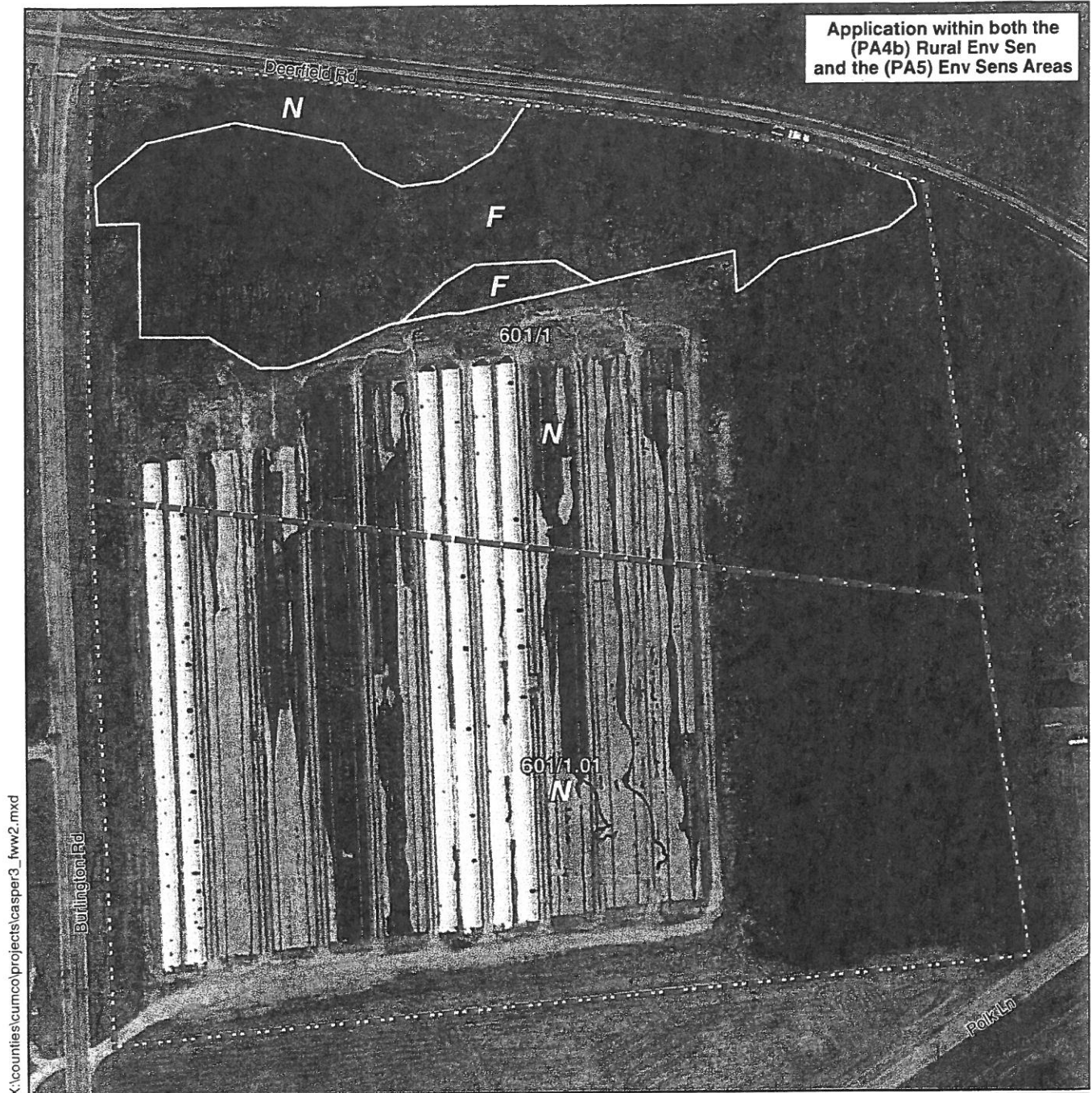
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James.Waltman	ABSENT

S:\Planning Incentive Grant - 2007 rules Municipal\Cumberland\UDeerfield\Casper, T&M, (Casper (3), Casper Nurseries, LLC)\final approval resolution.docx

Schedule A



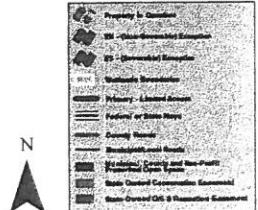
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Todd and Margaret Casper (#3)
Block 601 Lots 1 (7.0 ac); & 1.01 (7.6 ac)
Gross Total = 14.5 ac
Upper Deerfield Twp., Cumberland County



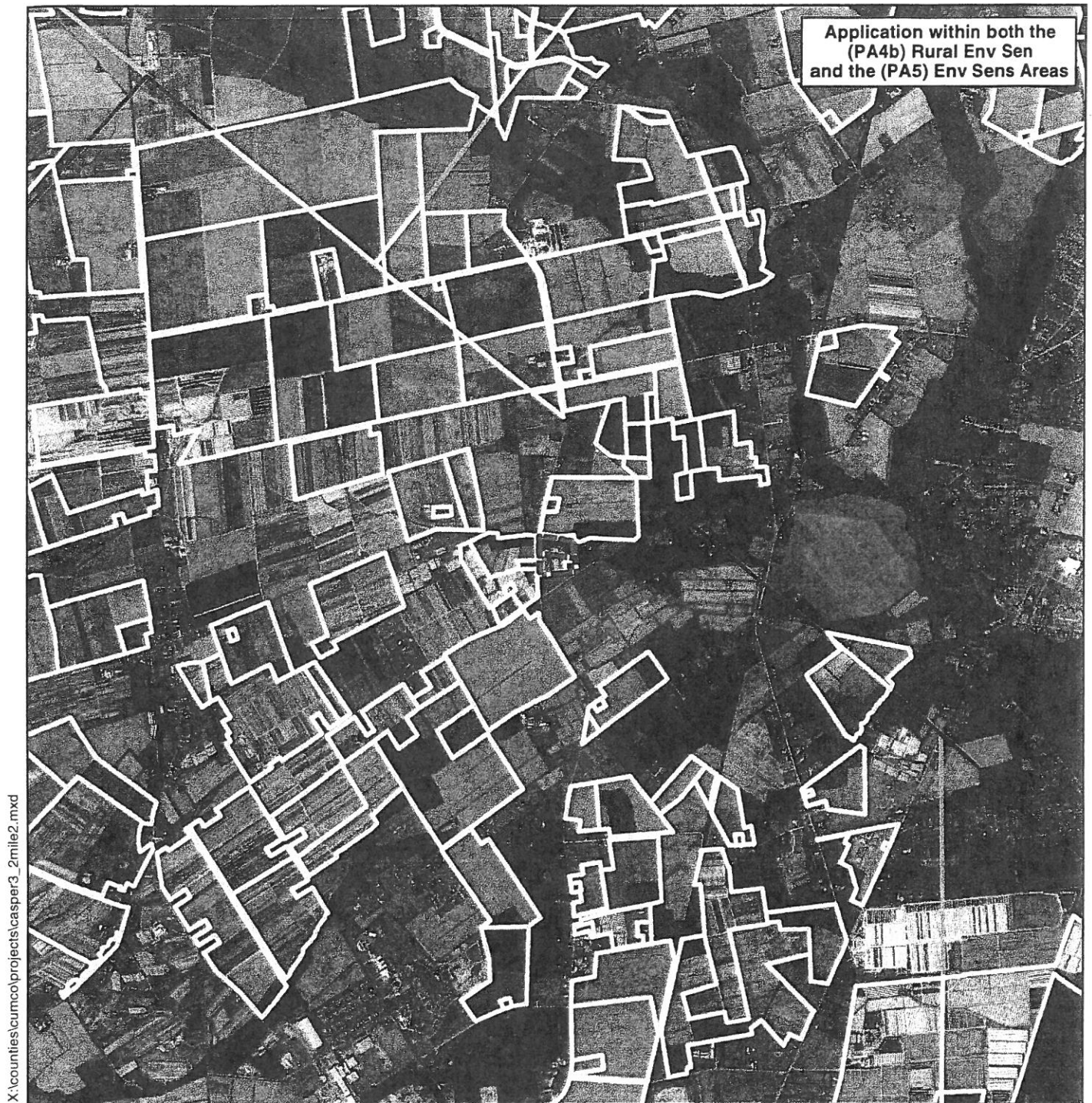
DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision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



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

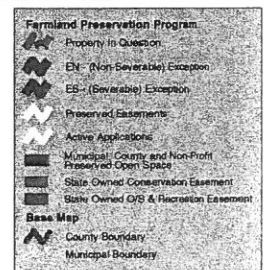
Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJDOT Road Data
NJOT/OGIS 2012 Digital Aerial Image

October 6, 2014



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

Todd and Margaret Casper (#3)
Block 601 Lots 1 (7.0 ac); & 1.01 (7.6 ac)
Gross Total = 14.5 ac
Upper Deerfield Twp., Cumberland County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOTTOGIS 2012 Digital Aerial Image

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

**Municipal Planning Incentive Grant
Upper Deerfield Township, Cumberland County**

Schedule B

Farm	SADC ID#	Acres	Pay Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Easement Consideration	SADC				Encumbered	Voucher	Expended	Balance
								Cost Basis	Cost Share						
Garton #2, Jeffrey & Deborah	06-0122-PG	33.766	33.766	7,500.00	7,500.00	4,650.00	253,245.00	253,245.00	157,011.90					157,011.90	1,250,000.00
Grace Fox	06-0123-PG	23.087	23.087	7,200.00	7,200.00	4,500.00	166,226.40	166,226.40	103,891.50			43,865.30		43,865.30	1,092,988.10
Clarks Branch (Rio)	06-0125-PG	54.581	54.174	6,000.00	6,000.00	3,900.00	325,044.00	325,044.00	211,278.60			211,278.60		211,278.60	837,844.20
Fox, Frank A.	06-0121-PG	59.027	59.027	5,100.00	5,100.00	3,450.00	301,037.70	301,037.70	203,643.15			203,643.15		203,643.15	634,201.05
Overstreet & Chiari	06-0124-PG	81.504	81.504	7,900.00	7,900.00	4,850.00	643,881.60	643,881.60	395,294.40			395,294.40		395,294.40	238,906.65
Casper (3), (Casper Nurseries, LLC)	06-0148-PG	15,000	15,000	5,000.00	5,000.00	3,400.00	75,000.00	75,000.00	51,000.00			51,000.00			187,906.65
Total Pending															
Total Encumbered	5	1	15,000				643,881.60				51,000.00				
Closed/Expended	5	5	251,558				1,045,553.10	1,689,434.70	1,071,119.55					1,011,093.35	
Total															187,906.65
Reprogram Out															

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase
April 22, 2016

Casper (3) Farm, Casper Nurseries, LLC
06- 0148-PG
PIG EP - Municipal 2007 Rule
15 Acres

Block 601	Lot 1	Upper Deerfield Twp. Cumberland County
Block 601	Lot 1.01	Upper Deerfield Twp. Cumberland County

SOILS:	Prime	98% *	.15	=	14.70
	Unique zero	2% *	0	=	.00

SOIL SCORE: 14.70

TILLABLE SOILS:	Cropland Harvested	57% *	.15	=	8.55
	Wetlands	16% *	0	=	.00
	Woodlands	27% *	0	=	.00

TILLABLE SOILS SCORE: 8.55

FARM USE:	Ornament Nursery Products	8 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 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 FY2016R4(3)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
UPPER FREEHOLD TOWNSHIP

for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Constance Wright ("Owners")
Upper Freehold Township, Monmouth County

N.J.A.C. 2:76-17A. et seq.
SADC ID# 13-0449-PG

April 22, 2016

WHEREAS, on December 15, 2007 pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Upper Freehold Township, Monmouth County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Upper Freehold Township received SADC approval of its PIG Plan and FY2016 application annual update on May 28, 2015; and

WHEREAS, on October 6, 2014 the SADC received an application for the sale of a development easement from Upper Freehold Township for the subject farm identified as Block 24, Lot 12, Upper Freehold Township, Monmouth County totaling approximately 63 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the targeted Property is located in Upper Freehold Township's Upper Freehold Project Area; and

WHEREAS, the Property includes one (1) approximately 1-acre non-severable exception for and limited to one (1) existing single family residential unit and one (1) approximately 14-acre severable exception for stream corridor protection to be purchased and managed by the Monmouth County Park system, in a separate transaction, with zero (0) housing opportunities leaving a net 48 preserved farmland acres; and

WHEREAS, there will be an irrigation easement through the 14-acre severable exception and the location will be determined prior to the survey process, in consultation with the landowner and the SADC; and

WHEREAS, the Landowner has agreed to provide a 15 foot wide access easement along the existing farm lane to the 14-acre severable exception for maintenance and emergency access only with no public access. (Schedule A); and

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

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on January 29, 2015 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 24, 2015 the SADC certified a development easement value of \$16,300 per acre based on current zoning and environmental regulations in place as of May 27, 2015; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township's offer of \$16,300 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on March 3, 2016 the Upper Freehold Township Committee approved the application and a funding commitment for an estimated \$2,608 per acre; and

WHEREAS, the Monmouth County Agriculture Development Board approved the application on March 1, 2016 and secured a commitment of funding from the Monmouth County Board of Chosen Freeholders for the \$3,912 per acre required local match on March 24, 2016; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 48 net easement acres):

	<u>Total</u>	
SADC	\$469,440	(\$ 9,780 per acre)
Monmouth County	\$187,776	(\$ 3,912 per acre)
<u>Upper Freehold Twp.</u>	<u>\$125,184</u>	<u>(\$ 2,608 per acre)</u>
Total Easement Purchase	\$782,400	(\$16,300 per acre)

WHEREAS, Upper Freehold Township is requesting \$469,440 and sufficient funds are available (Schedule C); and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.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

WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Upper Freehold Township for the purchase of a development easement on the Property, comprising approximately 48 net easement acres, at a State cost share of \$9,780 per acre, (60% of certified easement value and purchase price), for a total grant need of \$469,440 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule D);

BE IT FURTHER RESOLVED, the Property includes one (1) approximately 1-acre non-severable exception for and limited to one (1) existing single family residential unit and one (1) approximately 14-acre severable exception for stream corridor protection to be purchased and managed by the Monmouth County Park system, in a separate transaction, with zero (0) housing opportunities leaving a net 48 preserved farmland acres; and

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

BE IT FURTHER RESOLVED, that this final approval is conditioned on an irrigation easement being provided through the 14-acre severable exception with the location to be determined prior to the survey process, in consultation with the landowner and the SADC; and

BE IT FURTHER RESOLVED, the Landowner has agreed to provide a 15 foot wide access easement along the existing farm lane to the 14-acre severable exception for maintenance and emergency access only with no public access. (Schedule A); and

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

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

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

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

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

4.22.16

Date

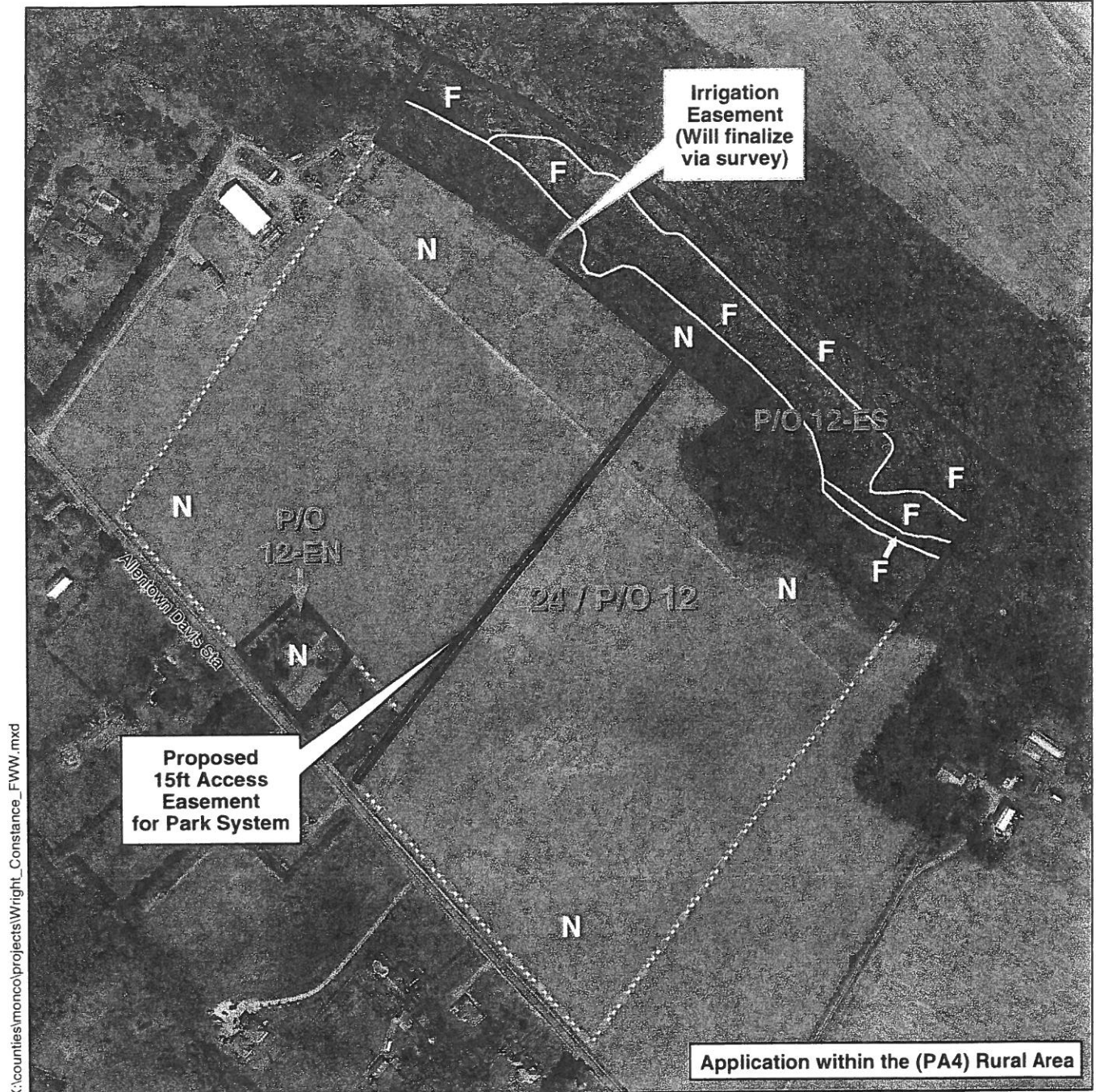


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	ABSENT

Schedule A



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Wright, Constance
Block 24 P/O Lot 12 (47.94 ac), P/O Lot 12-EN (non-severable exception – 1.0 ac.)
& P/O Lot 12-ES (severable exception – 14.2 ac)
Gross Total = 63.14 ac
Upper Freehold Twp., Monmouth County



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
NJDOT Road Data
NJOT/OGIS 2012 Digital Aerial Image

Date: 10/23/2014

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

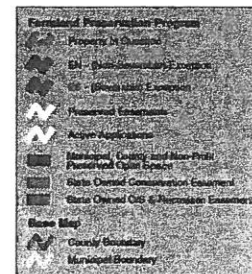
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FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Wright, Constance
 Block 24 P/O Lot 12 (47.94 ac), P/O Lot 12-EN (non-severable exception – 1.0 ac.)
 & P/O Lot 12-ES (severable exception – 14.2 ac)
 Gross Total = 63.14 ac
 Upper Freehold Twp., Monmouth County

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



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

NOTE:

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

Date: 10/23/2014

Schedule B

Schedule B

Schedule B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Wright, Constance (Wright Way Farm)
13- 0449-PG
PIG EP - Municipal 2007 Rule
48 Acres

Block 24	Lot 12	Upper Freehold Twp.	Monmouth County
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SOILS:	Other	17% *	0	=	.00
	Prime	62% *	.15	=	9.30
	Statewide	21% *	.1	=	2.10
				SOIL SCORE:	11.40

TILLABLE SOILS:	Cropland Harvested	98% *	.15	=	14.70
	Woodlands	2% *	0	=	.00
				TILLABLE SOILS SCORE:	14.70

FARM USE:	Wheat-Cash Grain	47 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 one (1) acres for flexibility around existing single family residential unit
Exception is not to be severed from Premises
Exception is to be limited to one existing single family residential unit(s)
 - 2nd fourteen (14) acres for stream corridor for Mon. Cnty Pk System
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
Exception is to be limited to zero future single family residential unit(s)
Conservation easement
 - c. Additional Restrictions:
 1. 15 foot wide access easement from the road to 14 acre exception for maintenance and emergency purposes. No public access.
 - d. Additional Conditions:
Park System will grant an irrigation easement across the 14 acre exception, exact location still TBD.
 - 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 FY2016R4(4)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

MIDDLESEX COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Melissa Beck-Callanan ("Owner")
J.B. Heatherwood Farm
Monroe Township, Middlesex County

N.J.A.C. 2:76-17 et seq.
SADC ID# 12-0023-PG

April 22, 2016

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Middlesex County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on April 28, 2014 the SADC received an application for the sale of a development easement from Middlesex County for the subject farm identified as Block 30, Lot 8.07, Monroe Township, Middlesex County, totaling approximately 22.58 gross acres hereinafter referred to as ("Property") (Schedule A); and

WHEREAS, the targeted Property is located in Middlesex County's Southeastern Project Area; and

WHEREAS, the Property includes one (1), approximately 1.2-acre non-severable exception, for and limited to, one (1), existing single family residential unit; one (1) approximately 2.1-acre non-severable exception which encompasses the equine service area and is limited to zero (0) housing opportunities; and one (1), approximately 2.3-acre severable exception for stream corridor protection, to be donated and managed by Middlesex County, with zero (0) housing opportunities, resulting in approximately 17 net acres to be preserved; and

WHEREAS, the portion of the Property to be preserved outside of the exception areas includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses; 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 is currently an equine operation with approximately 8.5 acres in equine production as pasture (Schedule B); and

WHEREAS, the only equine service (boarding services, lessons and riding ring) take place within the 2.1 acre non-severable exception ; and

WHEREAS, the equine map (Schedule B) and specialized "*Equine Schedule B*" (Schedule C) will be recorded with the Deed of Easement; and

WHEREAS, the Property has a quality score of 55.81 which exceeds 70% of the County's average quality score of 43, as determined by the SADC on July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on March 11, 2015 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on August 27, 2015 the SADC certified a development easement value of \$24,000 per acre based on current zoning and environmental regulations as of the March 11, 2015 valuation date; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$24,000 per acre for the development easement for the Property; and

WHEREAS, on February 22, 2016 the County submitted the application to the SADC to conduct a final review of the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on December 9, 2015 the Monroe Township approved the Owner's application for the sale of development easement and a funding commitment for an estimated \$4,800 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on January 27, 2015 the County Agriculture Development Board passed a resolution granting final approval for funding the application for the sale of a development easement; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on the February 18, 2016 the Middlesex County Board of Chosen Freeholders approved the Owner's application for the sale of development easement and a funding commitment for an estimated \$4,800 per acre; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 17.51 acres will be utilized to calculate the SADC grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 17.51 acres):

	<u>Cost Share</u>	
SADC	\$252,144	(\$14,400 per acre)
Monroe Twp.	\$ 84,048	(\$ 4,800 per acre)
<u>Middlesex County</u>	<u>\$ 84,048</u>	<u>(\$ 4,800 per acre)</u>
	\$420,240	(\$24,000 per acre); 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 Middlesex County Agriculture Development Board is requesting \$252,144, of which they will expend the remainder of funds in their base grant (\$89,925.55) and the balance from competitive funding, approximately (\$162,218.45) and sufficient funds are available ; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, grants final approval to provide a cost share grant to Middlesex County for the purchase of a development easement on the Property, comprising approximately 17.51 acres, at a State cost share of \$14,400 per acre (60% of certified market value and purchase price) for a total grant need of approximately \$252,144 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule E); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 1.2- acre non-severable exception, for and limited to, one (1), existing single family residential unit; one (1) approximately 2.1- acre non-severable exception, which encompasses the equine service area and is limited to zero (0) housing opportunities; and one (1), approximately 2.3-acre severable exception for stream corridor protection, to be donated to and managed by Middlesex County, with zero (0) housing opportunities; and

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

BE IT FURTHER RESOLVED that, the equine map (Schedule B) and specialized "*Equine Schedule B*" (draft shown in Schedule C) will be recorded with the Deed of Easement; and

BE IT FURTHER RESOLVED, any unused funds including the 3% buffer, if utilized, encumbered from either the base or competitive grants shall be returned to their respective sources (competitive or base grant fund) after closing on the easement purchase; and

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

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

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

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

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

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

4.22.16

Date

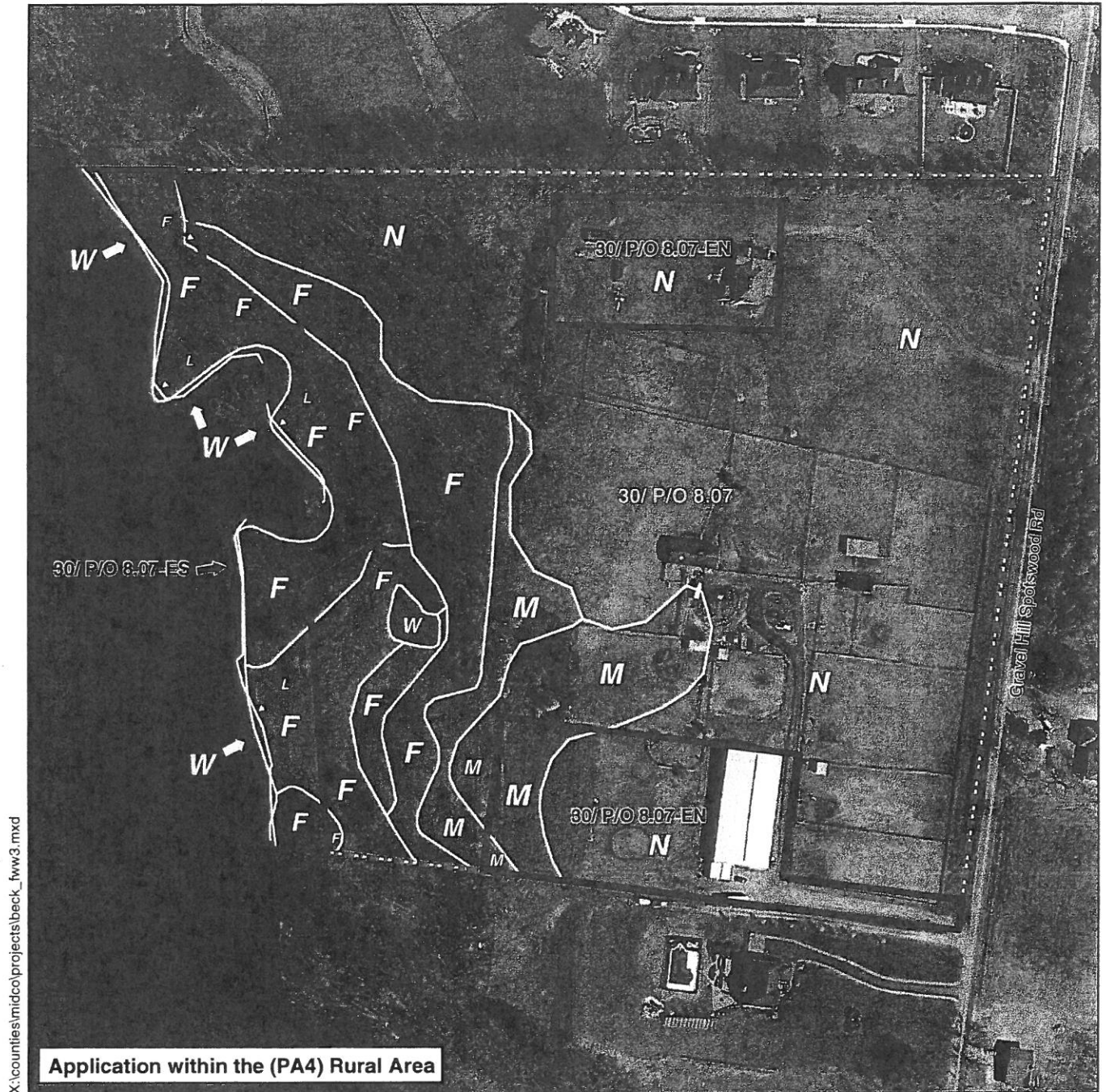


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Alan Danser, Vice Chairman	RECUSED
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	ABSENT

Schedule A



X:\counties\midco\projects\beck_fw3.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Melissa Beck-Callanan
Block 30 Lots P/O 8.07 (17.1 ac); P/O 8.07-ES (severable exception - 2.3 ac)
& P/O 17-EN (non-severable exceptions - 2.1 & 1.2 ac)
Gross Total = 22.6 ac
Monroe Twp., Middlesex County

200 100 0 200 400 Feet

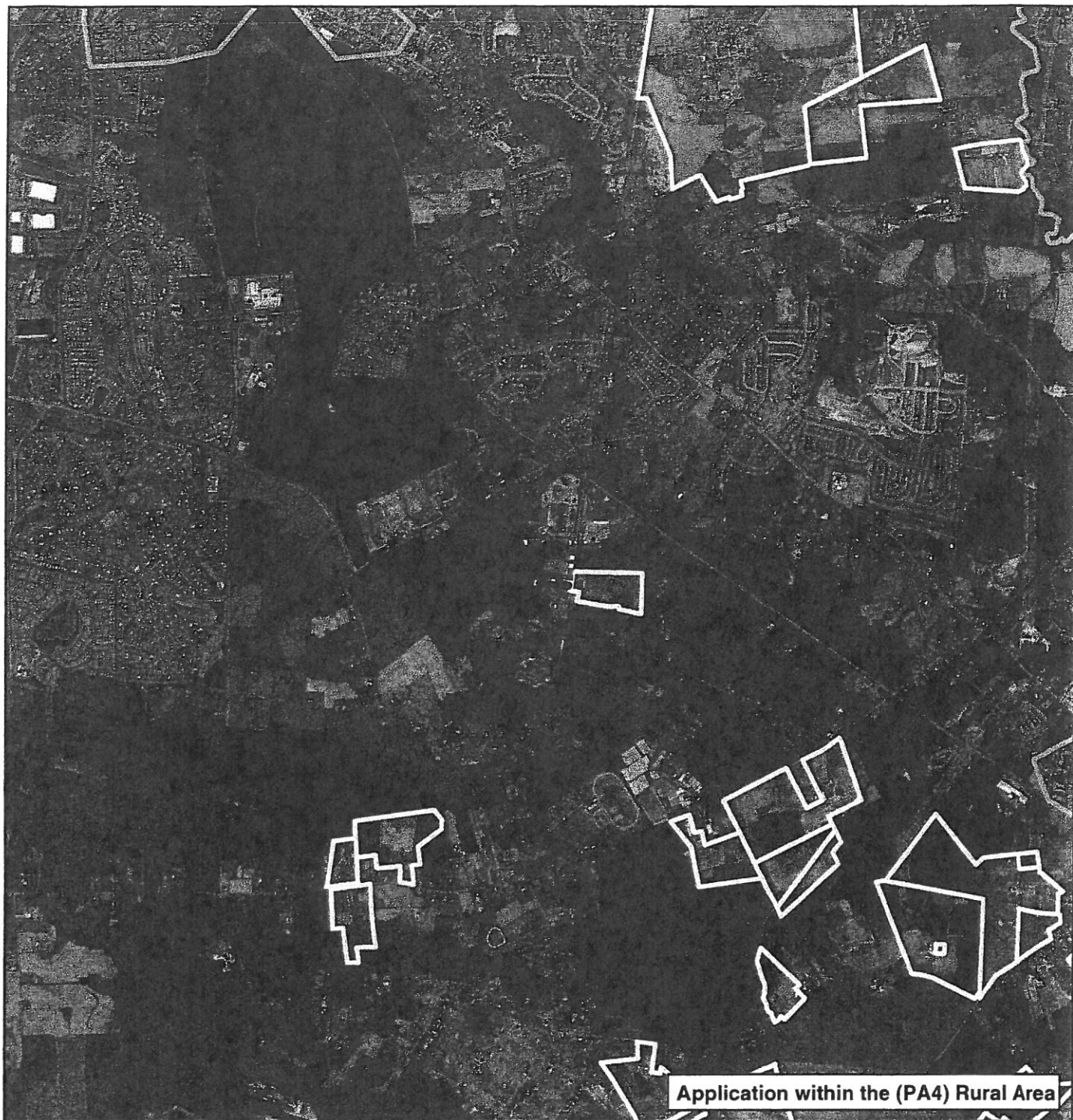


DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision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

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

September 19, 2014

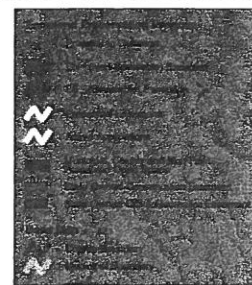
X:\counties\midco\projects\beck_2mile3.mxd



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

Melissa Beck-Callanan
Block 30 Lots P/O 8.07 (17.1 ac); P/O 8.07-ES (severable exception - 2.3 ac)
& P/O 17-EN (non-severable exceptions - 2.1 & 1.2 ac)
Gross Total = 22.6 ac
Monroe Twp., Middlesex County

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



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

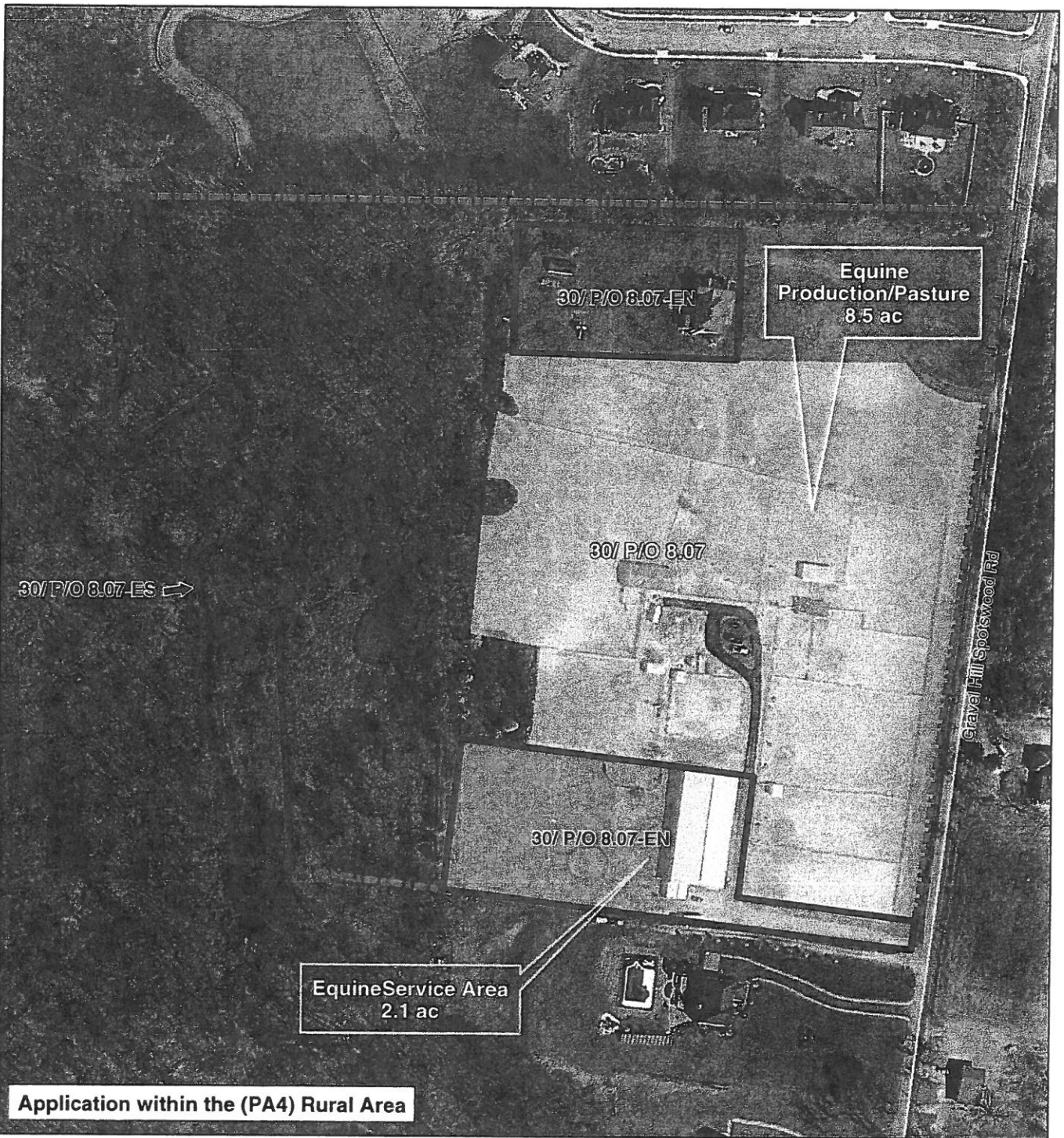
NOTE:

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

September 19, 2014

Schedule B

X:\counties\midco\projects\beck_equine3.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Melissa Beck-Callanan
Block 30 Lots P/O 8.07 (17.1 ac); P/O 8.07-ES (severable exception - 2.3 ac)
& P/O 17-EN (non-severable exceptions - 2.1 & 1.2 ac)
Gross Total = 22.6 ac
Monroe Twp., Middlesex County

250 125 0 250 500 Feet



	Property In Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Equine Production (Pasture) - 8.5 ac
	Equine Production (Training Area) - 0.0 ac
	Equine Service Area - 1.4 ac
	Farmstead - 0.0 ac

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

Sources:
NJDOT Road Data
NJOT/OGIS 2012 Digital Aerial Image

September 19, 2014

EQUINE SCHEDULE B

Grantor certifies that at the time of the application to sell the development easement to the Grantee no non-agricultural uses existed. Grantor further certifies that at the time of the execution of this Deed of Easement no non-agricultural uses exist.

Grantor certifies that at the time of the application to sell the development easement to the Grantee and at the time of the execution of this Deed of Easement the following uses occur on the Premises:

Horseback riding lessons, boarding, training and schooling horses, in an arena and stalls, as depicted on the survey dated _____, prepared by _____.

Grantor further certifies that the above uses (hereinafter "equine service activities") are currently ancillary to equine-related production, including pasturing, horse breeding and hay production. "Ancillary" means that the area of land on which equine service activities are conducted is subordinate, secondary and auxiliary in comparison to the area of the farm devoted to equine production activities. Grantor understands and agrees that because the equine service activities are ancillary to equine-related production, the said equine service activities are deemed agricultural uses and are not currently subject to the restrictions placed on non-agricultural uses in Paragraphs 3 and 4 of the Deed of Easement. The areas occupied by equine service activities and equine production activities are depicted on the attached aerial photograph identified as Schedule B1.

Grantor also understands and agrees that if, in the future, equine service activities are no longer "ancillary" as defined above, then the equine service activities will be deemed non-agricultural and will be subject to the restrictions contained in Paragraphs 3 and 4 of the Deed of Easement.

S:\EQUINE\SCHEDULE B - service ancillary updated 6.12.12 FINAL plus aerial language.doc

Middlesex County

continue ✓

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase
April 22, 2016

Melissa Beck-Callahan/ Heatherwood Farms
12- 0023-PG
County PIG Program
17 Acres

Block 30	Lot 8.07	Monroe Twp.	Middlesex County
SOILS:		Other	12% * 0 = .00
		Prime	13% * .15 = 1.95
		Statewide	75% * .1 = 7.50
			SOIL SCORE: 9.45
TILLABLE SOILS:		Cropland Pastured	54% * .15 = 8.10
		Other	31% * 0 = .00
		Wetlands	15% * 0 = .00
			TILLABLE SOILS SCORE: 8.10
FARM USE:	Horse & Other Equine	17 acres	26 animals

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 (2.3) acres for Wetlands Conservation for County
Exception is severable
Exception is to be limited to
no housing opportunities.
 - 2nd (2.1) acres for Indoor equine arena/horse stalls
Exception is not to be severed from Premises
Exception is to be limited to
no housing opportunities
 - 3rd (1.2) acres for existing single family residential unit
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 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 #FY2016R4(5)

**Installation of Ground-Mounted Solar Energy Generation Facility, Structures and
Equipment on a Preserved Farm**

Weinstein Family 2012 Trust Farm

**Subject Property: Weinstein Family 2012 Trust Farm
Block 103, Lot 9
Mendham Township, Morris County
Block 2601, Lots 5 & 6
Borough of Mendham, Morris County
33.18-Acres**

April 22, 2016

WHEREAS, the Weinstein Family 2012 Trust, hereinafter "Owner", is the record owner of Block 103, Lot 9, in the Township of Mendham and Block 2601, Lots 5 & 6, in the Borough of Mendham, County of Morris, by Deed dated November 14, 2014, and recorded in the Morris County Clerk's Office in Deed Book 22634, Page 363, totaling approximately 33.18 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the original Premises was conveyed to the County on December 17, 2007, by the former owners, Alan and Clarissa Willemsen, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, as a Deed of Easement recorded in Deed Book 20983, Page 1502; and

WHEREAS, P.L. 2009, c.213 signed into law on January 16, 2010, requires the State Agriculture Development Committee (SADC) approval before constructing, installing, and operating renewable energy generating facilities, structures and equipment on preserved farms, including areas excepted from the Premises; and

WHEREAS, on June 3, 2013, the regulations (N.J.A.C. 2:76-24.1 et seq.) implementing the legislation allowing owners of preserved farms to install solar energy systems on preserved farms became effective; and

WHEREAS, the regulations state that the owner of a preserved farm may construct, install and operate renewable energy generation facilities on preserved farms for the purpose of generating power or heat, provided the systems:

1. The facilities will not interfere significantly, as set forth in N.J.A.C. 2:76-24.6, with the use of the land for agricultural or horticultural production;
2. The facilities are owned by the landowner, or will be owned by the landowner upon the conclusion of the term of an agreement with the installer or operator of the solar energy generation facilities, structures, or equipment by which the landowner uses the income or credits realized from the solar energy generation to purchase the facilities, structures, or equipment;
3. The facilities will be used to provide power or heat to the farm, either directly or indirectly, or to reduce, through net metering or similar programs and systems, energy costs on the farm;
4. Solar energy facilities on the farm are limited in total annual energy generation to:
 - i. The farm's previous calendar year's energy demand plus 10 percent, in addition to energy generated from facilities, structures, or equipment existing on roofs of buildings or other structures on the farm on January 16, 2010; or
 - ii. Alternatively at the option of the landowner, to an occupied area consisting of no more than one percent of the area of the farm;
5. If wind or biomass energy generation systems are located on the farm, the limits in (a) 4i and ii above shall apply to the cumulative total energy generated or area occupied by all the solar, wind, and biomass energy facilities;
6. The owner(s) of the farm and the solar energy facilities will sell energy only through net metering, or as otherwise permitted under an agreement pursuant to (a)2 above, and/or directly to the electric distribution system provided that the solar energy facilities occupy no greater than one percent of the farm;
7. The land occupied by the solar energy facilities is eligible for valuation, assessment, and taxation pursuant to P.L. 1964, c. 48 (N.J.S.A. 54:4-23.1 et seq.) and will continue to be eligible for such valuation after construction of the solar energy facilities;
8. The solar energy facilities do not exceed the one acre of impervious cover on the premises; and
9. A solar energy facility located in the Pinelands Area, as defined and regulated by the Pinelands Protection Act, P.L. 1979, c. 111 (N.J.S.A. 13:18A-1 et seq.), complies

with the standards of P.L. 1979, c. 111 and the comprehensive management plan for the Pinelands Area adopted pursuant to P.L. 1979, c. 111; and

WHEREAS, the Owner submitted an "Application for Energy Generation Facilities on Preserved Farmland" pursuant to N.J.A.C 2:76-24.5; and

WHEREAS, the solar energy generation facility will be owned by the Owner; and

WHEREAS, the Owner provided evidence confirming that the solar energy generation facility will provide power to the farm directly through net metering to reduce energy costs on the farm; and

WHEREAS, the energy demand for this ground mounted solar energy facility is from the two residences, barn and cooler on the Premises; and

WHEREAS, all of the infrastructure is located on a 2.5-acre non-severable exception on the farm; and

WHEREAS, the energy demand for the previous calendar year for the Premises was approximately 33,297 kWh's as confirmed by the Owner's submission 12 months of utility bills; and

WHEREAS, the rated capacity of the proposed new solar energy generation facility is 32,500 kWh's per year; and

WHEREAS, the new solar energy generating system will supply approximately 97% of the current energy demand for Premises; and

WHEREAS, the Owner provided evidence that the annual solar energy generation does not exceed 110% of the previous calendar year's energy demand; and

WHEREAS, N.J.A.C. 4:76-24.4 prohibits solar energy facilities from exceeding one acre of impervious cover on the Premises; and

WHEREAS, N.J.A.C. 2:76-24.3. defines impervious cover as any structure or surface that prevents the infiltration of precipitation into the land including, but not limited to, the inverter, pilings, poles, concrete, asphalt, machine-compacted soil, compacted stone areas, plastic or other impermeable ground cover, and foundations; and

WHEREAS, the proposed ground mounted solar energy facility comprises approximately 3 square feet of impervious cover; and

WHEREAS, N.J.A.C 2:76-24.6 requires that the solar energy facilities, structures, and equipment not interfere significantly with the use of the land for agricultural and horticultural production; and

WHEREAS, the proposed ground mounted solar energy facility will be located along a hedgerow, just behind one of the homes on the Premises as identified on Schedule "A"; and

WHEREAS, N.J.A.C. 2:76-24.6 requires that any solar energy facility with an occupied area larger than one-acre be constructed, installed, operated, and maintained in accordance with a farm conservation plan; and

WHEREAS, N.J.A.C. 2:76-24.6 requires that the occupied area of any solar energy facility located outside of a non-severable exception area primarily servicing nonagricultural or nonresidential uses within the non-severable exception shall not exceed one acre or 1 % of the farm, whichever is less; and

WHEREAS, N.J.A.C. 2:76-24.3 defines occupied area as the total contiguous or noncontiguous area(s) supporting the solar facilities and related infrastructure, including all areas of land that are devoted to or support the solar energy facilities; any areas of land no longer available for agricultural or horticultural production due to the presence of the solar energy facilities; nonfarm roadways including access roads; any areas of the farm used for underground piping or wiring to transmit solar energy or heat where the piping or wiring is less than three feet from the surface; the square footage of solar energy facilities mounted on buildings; areas consisting of other related facilities, structures, and equipment, including any other buildings or site amenities, deemed necessary for the production of solar energy on the farm; and the total contiguous or noncontiguous area(s) supporting any wind or biomass energy generation facilities and related infrastructure on the farm; and

WHEREAS, the proposed ground mounted solar energy facility consists of the area around the panels themselves, including a 20ft perimeter buffer, and the underground trenches that connect the panels to the meters on the residences, which together comprise an occupied area of approximately 8,935 square feet; and

WHEREAS, N.J.A.C. 2:76-24.6 requires ground mounted solar energy facilities be installed with screws, pilings, or similar systems that do not require a footing, concrete, or permanent mounting; and

WHEREAS, the proposed ground mounted solar energy facility will be installed with screw in posts; and

WHEREAS, N.J.A.C. 2:76-24.6 requires site disturbance associated with the solar energy facility, including but not limited to, grading, topsoil, and subsoil removal, excavation, and soil compaction, shall not exceed one acre on the Premises; and

WHEREAS, the proposed ground mounted solar energy facility requires site disturbance of approximately 328 square feet; and

WHEREAS, the Morris CADB has reviewed the application and on April 14, 2016, and submitted comments in support of the project.

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the Owner has complied with all of the provisions of N.J.A.C. 2:76-24.1 et seq. concerning the installation of a photovoltaic solar energy generation facility, structures and equipment on the Premises; and

BE IT FURTHER RESOLVED, that the SADC approves of the construction, installation, operation and maintenance of the photovoltaic energy generation facilities, structures and equipment consisting of approximately 8,935 square feet of occupied area along an existing hedgerow behind the homes and having a rated capacity of 32,500 kWh's of energy as identified in Schedule "A", and as described further herein; and

BE IT FURTHER RESOLVED, that total electrical energy demand for the two residences, barn and cooler is 33,297 kWh's annually; and

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

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

4.22.16

DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

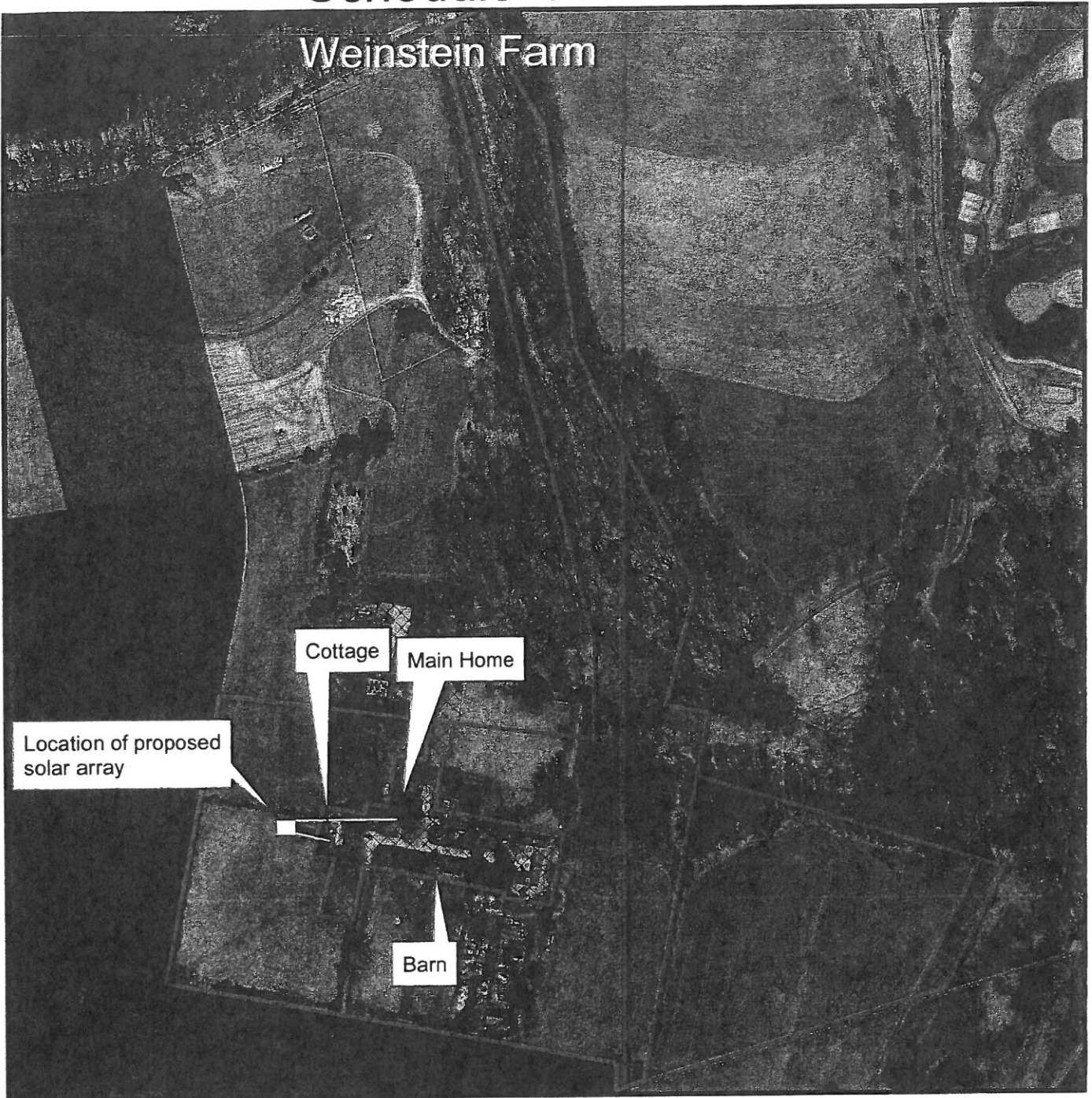
Douglas H. Fisher, Chairperson	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	ABSENT

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Schedule "A"

Weinstein Farm

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Weinstein Farm
Block 103, Lot 9
Township of Mendham, Morris County
Block 2601, Lots 5 & 6
Borough of Mendham, Morris County
36.15 acres



0 190 380 760 1,140 Feet

4/11/2016

Farmland Preservation Program

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE
REVIEW OF A NON-AGRICULTURAL DEVELOPMENT PROJECT IN AN
AGRICULTURAL DEVELOPMENT AREA
NEW JERSEY NATURAL GAS SOUTHERN RELIABILITY LINK PROJECT IN
BURLINGTON, MONMOUTH AND OCEAN COUNTIES
RESOLUTION FY2016R4(6)

April 22, 2016

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

WHEREAS, CADBs and the SADC are charged with the responsibility, pursuant to N.J.S.A. 4:1C-19, to review the proposed action to determine its effect upon the preservation and enhancement of agriculture in the ADA, the municipally approved program, and overall State agriculture preservation and development policies; and

WHEREAS, while N.J.S.A. 4:1C-25 of ARDA gives public bodies the authority to condemn preserved farmland, the statute does not provide such authority to public utilities; accordingly, public utilities such as natural gas companies can only institute condemnation proceedings on preserved farmland for interstate transmission of natural gas pursuant to the Natural Gas Act, 15 U.S.C.A. § 717, *et seq.* (Natural Gas Act), and after obtaining a Certificate of Public Convenience and Necessity from the Federal Energy Regulatory Commission (FERC); and

WHEREAS, New Jersey Natural Gas (NJNG), through its environmental consultants, submitted initial NOI documents to the Burlington, Monmouth and Ocean CADBs and the SADC in June 2015 for a new natural gas pipeline project proposal, the Southern Reliability Link (SRL), identified in Schedule A; and

WHEREAS, as the SRL project is not an interstate natural gas transmission project, it is not regulated under the Natural Gas Act and, therefore, NJNG does not possess the power of eminent domain on preserved farmland in implementing the project; and

WHEREAS, according to NJNG, the SRL is needed to provide NJNG's Ocean, Burlington and southern Monmouth County customers an alternate interstate natural gas transmission source for the southern end of its distribution system; and

WHEREAS, the proposed 30-inch diameter steel pipeline would connect the NJNG transmission system in Manchester Township, Ocean County with a proposed compressor station associated with the Transcontinental Pipeline Company (Transco) interstate pipeline in Chesterfield Township, Burlington County; and

WHEREAS, as shown on Schedule B, and documented in the Southern Reliability Link Alternatives Analysis dated April 2015, before selecting the final alignment the environmental consultants evaluated a number of alternative pipeline routes to select a route that avoids or minimizes adverse impacts to agriculture, the cultural / built environment and the natural environment to the extent possible while maintaining the viability and technical feasibility of the SRL project; and

WHEREAS, due to the extensive presence of preserved farmland in the project study area outside of the New Jersey Pinelands, few “cross-country” opportunities were identified and the 30-mile pipeline project has been designed to be placed largely within existing County and Municipal road rights-of-way; and

WHEREAS, once the pipeline route was selected, the environmental consultants identified 2 non-preserved parcels within the Burlington County ADA that would be directly impacted by the construction of the pipeline; and

WHEREAS, the pipeline right-of-way will traverse Block 502, Lot 16.01 in Chesterfield Township, as shown on Schedule C, to avoid impacts to the historic village of Chesterfield and to preserved farmland, resulting in a permanent easement approximately 1,215 feet in length with an associated 1.7 acres of temporary workspace required; and

WHEREAS, Schedule D shows the location of a proposed valve site with an easement area of approximately 50 feet x 50 feet (0.06 acres) on Block 1000, Lot 1 in Chesterfield Township; and

WHEREAS, the proposed 50 foot x 50 foot valve site will be covered with clean stone and contain a 25 foot x 25 foot permanently fenced area for the above- and below-ground elements of the valve and will also contain an unfenced parking area and pull-off from the adjacent roadway; and

WHEREAS, the NOI indicates that for all potential sites in the ADA:

1. Best management practices set forth in Soil Conservation District approved Soil Erosion and Sediment Control Plans will be implemented to prevent soil erosion and sedimentation.
2. The top 12 inches of topsoil within the entire right-of-way will be removed, stockpiled in a windrow parallel to the pipeline trench, and replaced following construction to avoid soil mixing, rutting and compaction.
3. Temporary fencing will be provided as necessary to restrict access to active work areas by livestock until adequate vegetative cover over the work area is reestablished

4. Following construction, disturbed areas will be regraded, revegetated and otherwise restored to pre-existing conditions in accordance with Soil Erosion and Sediment Control Plans unless variations on typical practice are requested by the landowner.
5. NJNG will employ third party environmental inspectors to monitor all construction and restoration to ensure consistency with Soil Erosion and Sediment Control Plans and landowner agreements.
6. NJNG will provide each landowner, landowner's designee and/or tenant a single point of contact to address concerns; and

WHEREAS, the NOI provides that on agricultural lands, the pipeline will be constructed with a minimum of 4 feet of cover, allowing most regular field cultivation activities to continue unrestricted; and

WHEREAS, the NOI indicates that easement agreements with landowners will identify certain restrictions to be placed on agricultural uses in the permanent right of way, including a prohibition on permanent structures built over the pipeline, limitations on tree height and tree placement over and within 5 feet of the pipeline, and use of certain heavy machinery; and

WHEREAS, the NOI states that for all potential sites in the ADA, the pipeline project and the temporary impact areas have been designed to allow farmer access to remaining fields during construction and to avoid or minimize impacts to existing buffer areas, surface waters and groundwater aquifers; and

WHEREAS, the NOI states that traffic control will be set up to provide either a safe travel way for passing traffic while maintaining adequate workspace or a roadway detour to permit local traffic property access; and

WHEREAS, at its July 30, 2015 meeting, the Ocean CADB found the SRL project, as described in the NOI, would not cause unreasonably adverse effects on preserved farms, the ADA, or State agricultural preservation and development policies. This finding was transmitted to NJNG via letter dated August 4, 2015; and

WHEREAS, on January 12, 2016 the Monmouth CADB issued a similar finding as memorialized in Monmouth CADB resolution #2016-1-1; and

WHEREAS, at its meeting of January 14, 2016, the Burlington CADB found the SRL project would cause unreasonably adverse effects on the ADA, citing the need for additional information regarding the restoration of agricultural drainage systems and soil, and concerns regarding impacts of road closure and/or detours on local farm markets. This finding was transmitted to NJNG via letter dated March 3, 2016; and

WHEREAS, NJNG issued a response and, pursuant to N.J.S.A. 4:1C-19(b), a public hearing was held by the Burlington CADB on March 10, 2016; and

WHEREAS, it is anticipated that the Burlington CADB will issue a report containing its recommendations concerning the SRL project in the next 30 days; and

WHEREAS, the SADC has reviewed the NOI documents submitted by NJNG and its environmental consultants, discussed the project with the Burlington, Monmouth and Ocean CADB staffs, and determined that NJNG has adequately addressed all requirements and information about the project pursuant to N.J.S.A. 4:1C-19 and N.J.A.C. 2:76-7.1, et seq.

NOW, THEREFORE, BE IT RESOLVED that the SADC has reviewed the proposed action to determine its effect upon the preservation and enhancement of agriculture in the ADAs, the municipally approved program, and upon overall State agriculture preservation and development policies, and finds that disturbance associated with a permanent easement approximately 1,215 feet in length and an associated 1.7 acres of temporary workspace and a proposed valve site (0.06 acres) in the Burlington County ADA would not cause unreasonably adverse effects on preserved farmland, ADAs or State agricultural preservation and development policies pursuant to N.J.S.A. 4:1C-19 for the following reasons:

1. The project has been designed to avoid preserved farmlands and, where impacts on non-preserved agricultural land are proposed, practices to minimize disturbance are to be implemented.
2. NJNG and its consultants have evaluated multiple options and proposed a route that is almost exclusively within existing road right-of-ways that will have minor permanent agricultural effects; and

BE IT FURTHER RESOLVED that this finding is conditioned on NJNG updating the SADC should additional workspace, access or staging areas be necessary and ensuring that the following practices not specifically described in the NOI be implemented on all farmland:

1. Subsoil shall not be stored directly on unstripped topsoil without a barrier or spread on the surface of existing farmland as a means of disposal.
2. Should excess backfill be necessary such material shall be of similar texture and quality to existing subsoils and under no circumstance should topsoil be used for this purpose.
3. Should any underground drainage tile or irrigation system be damaged by pipeline construction it will be immediately repaired in a manner that assures pre-construction operation.
4. Should it be necessary to pump water from open trenches NJNG shall do so in a manner that will avoid inundation of crops for more than 24 hours or deposition of sediment upon the surface of farm fields and pasture land or in ditches and other water sources.

5. Testing for post-construction soil compaction should be performed by environmental monitors and, if necessary, mitigation measures taken to ensure restoration to pre-construction conditions.
6. Unless otherwise required by law, the use of pipeline markers should be minimized within active agricultural areas and, if installed, such markers should be located at roads, fence lines and the edges of fields in order to reduce the potential for damage to or interference with normal farming operations.

BE IT FURTHER RESOLVED that the SADC will work with NJNG, the Burlington, Monmouth and Ocean CADBs, farmers and landowners as needed to resolve site-specific impacts to farms in the ADAs, particularly with respect to soils in agricultural production and surface and subsurface drainage systems, during and after construction; and

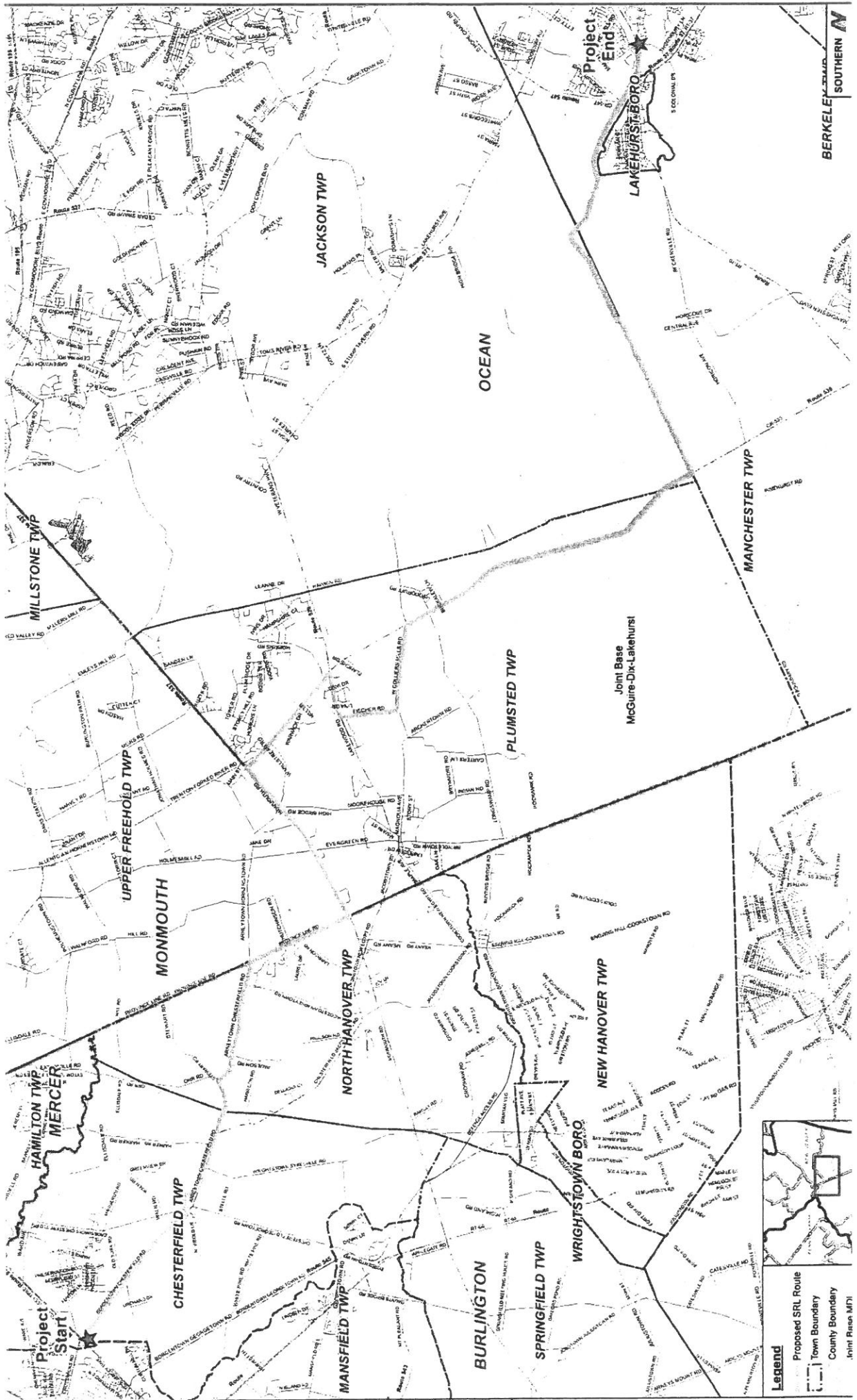
BE IT FURTHER RESOLVED that this action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

4/22/16
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	ABSTAINED
Brian Schilling (rep. Executive Dean Goodman)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	ABSENT



BERKELEY, CALIF. SOUTHERN

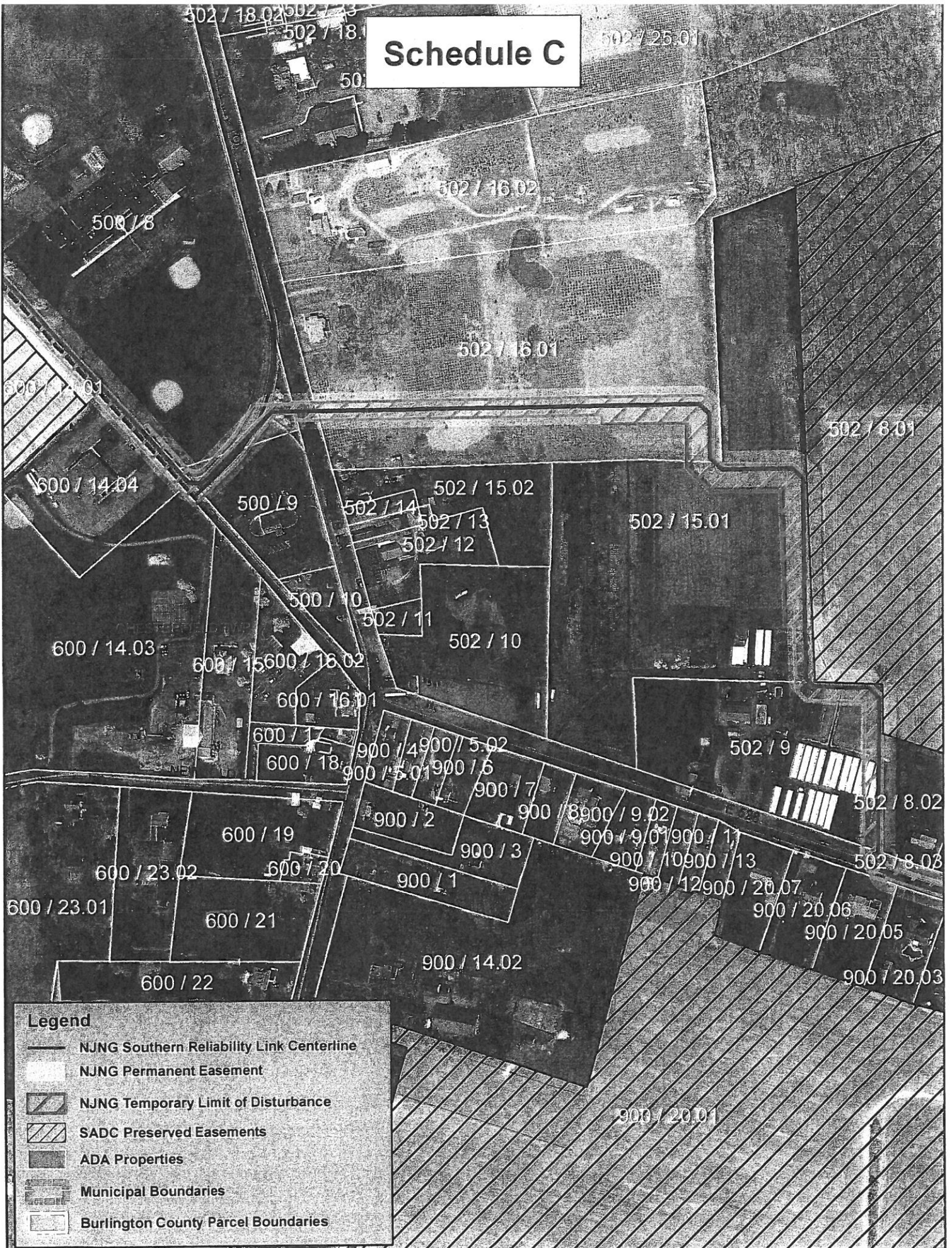
Legend

- Proposed SRL Route
- Town Boundary
- County Boundary
- Joint Base MFJ



SOUTHERN
RELIABILITY LINK

Schedule C



Schedule D

