

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**  
**Department of Agriculture**  
**Market and Warren Streets**  
**1<sup>st</sup> Floor Auditorium**  
**Trenton, NJ 08625**

**REGULAR MEETING**

**June 24, 2010**

Chairman Fisher called the meeting to order at 9:16 a.m. In compliance with the “Open Public Meetings Notice”, the following statement was read:

“Pursuant to N.J.S.A. 10:4-6 et seq., adequate public notice of this meeting has been provided by giving written notice of the time, date, location and, to the extent known, the agenda. At least 48 hours in advance, this notice has been posted on the public announcement board, third floor, Health/Agriculture building, John Fitch Plaza, Trenton, NJ, mailed and/or faxed to the Newark Star Ledger, the Times of Trenton, the Camden Courier Post, and filed with the Office of the Secretary of State.”

Roll call indicated the following:

**Members Present**

Douglas H. Fisher, Chairperson  
Richard Boornazian (rep. DEP Commissioner Martin)  
Ralph Siegel (rep. State Treasurer Andrew P. Sidamon-Eristoff)  
Brian Schilling (rep. Executive Dean Goodman)  
Donna Rendeiro (rep. DCA Commissioner Grifa)  
James Waltman  
Torrey Reade  
Stephen P. Dey  
Jane Brodhecker  
Alan Danser

**Members Absent**

Denis C. Germano

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

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**Others present as recorded on the attendance sheet:** Robert Baumley, Heidi Winzinger, Charles Roohr, Paul Burns, Edward Ireland, Ed Madsen, Timothy Brill, Steve Bruder, Cassandra McCloud, Daniel Knox, Bryan Lofberg, Dave Kimmel, Patricia Riccitello and Sandy Giambrone, SADC staff, Daniel Pace, Mercer County Agriculture Development Board, Thomas Hower, Governor's Authorities Unit, Amanda Brockwell and Harriet Honigfeld, Monmouth County Agriculture Development Board, Nicki Goger, New Jersey Farm Bureau, Barbara Ernst, Cape May County Agriculture Development Board, Richard Allen, Landowner, Southampton Township, Burlington County, Brian Wilson, Burlington County Agriculture Development Board, Glorianne Robbi, East Amwell Township, Hunterdon County, Jennifer McCulloch, Morris County Agriculture Development Board, Anthony Favorito, Landowner, Salem County, Ben Sorbello, GSI Solar, Salem County, Robert Resker, Warren County Agriculture Development Board, Andy Coeyman, Mercer County Park System, Monmouth County, Renee Jones and Fawn McGee, NJ Department of Environmental Protection - Green Acres Program, Donna Traylor, Sussex County Agriculture Development Board, Pat Butch, Millstone Township Open Space Committee, Monmouth County.

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## **Minutes**

- A. SADC Regular Meeting of May 27, 2010 (Open Session and Closed Session)

It was moved by Dr. Dey and seconded by Ms. Reade to approve the open session minutes and the closed session minutes of the SADC regular meeting of May 27, 2010. The motion was approved (Ms. Brodhecker, Mr. Danser and Mr. Siegel abstained.)

## **REPORT OF THE ACTING CHAIRPERSON**

Chairman Fisher indicated that there is a full agenda for today's meeting and therefore he would not be giving his chairperson's report.

## **REPORT OF THE EXECUTIVE DIRECTOR**

Ms. Craft discussed the following with the Committee:

- New Ex-Officio SADC Member

Ms. Craft introduced Richard Boornazian to the Committee. She stated that Mr. Boornazian is the new administrator of the NJ Department of Environmental

Protection's Green Acres Program and is the designee to represent Commissioner Martin at the SADC meetings.

➤ Funding Allocations

Ms. Craft stated that the SADC will make its funding allocations at next month's meeting. Staff is in the process of looking at all accounts to make sure that everything out there is associated with an active application or it is being pulled back. Staff is anticipating recommending appropriating \$73 million from the \$146 million that was allocated to the Farmland Preservation Program from the November 2009 bond question of \$400 million at next month's meeting.

**COMMUNICATIONS**

Ms. Craft reminded the Committee to take home the various articles provided in the meeting binders. She stated that there are also two letters from the Monmouth County Park System that is associated with an agenda item before the Committee today and will be discussed later.

**PUBLIC COMMENT**

Anthony Favorito from Pittsgrove Township, Salem County addressed the Committee regarding a solar project he would like to construct on his farm. He stated that he has some problems regarding this project as far as a time line is concerned. He stated that he has been working on this project since January 2009, first going to Pittsgrove Township for a variance. During this process Bill # S1538 was signed. At that time the Solicitor from the Township gave the zoning officer instructions not to issue him a zoning permit until he receives approval from the SADC or his county agency, which is what the law states as he reads it. He stated that his farm does comply with various components of the law in his opinion. He has approached the county agency however they do not have the right to hear it until they hear something from the State. He stated that his system is ready to go and he certified plan was completed by the soil conservation agency and it has been filed with the NRCS. His application is filed with PJM and he should be getting his approval at any time from Atlantic City Electric for his connection. He stated that time is a very big factor for him. He stated that back in April the New Jersey Clean Energy Program rebate was forfeited. His system has already lost a \$50,000.00 rebate from the state because of the time issue. He stated that right now there is a 30% tax credit that has now turned into a rebate for these systems. Come December, if these systems are not complete by at least 5% that rebate will revert back to a credit again and if that happens any farmer will not benefit from that credit and they will have to bring in large companies and

will get the benefit themselves. He stated that he anticipates getting his connection from Atlantic City Electric some time next week and once he gets that he has thirty days to sign that contract and give them a fairly large deposit for the connection. This is more funding he is putting out not knowing if that will all happen before the end of the year. He stated that time is of the essence and the law has been in effect since January 18<sup>th</sup> so right now he is at a dead end because nothing is being done. He stated that there are other farms out there in the same situation. Right now he needs the SADC to provide some type of criteria to the county board so it can hear his plan. The county board will not hear his plan until it receives guidance from the SADC because right now they have no direction from the SADC. Mr. Favorito stated that his project will be a 2 megawatt project on a nonpreserved farm. His farm is three parcels comprising 107 acres. The panels will cover 2.4 acres and the land around the panels will be 4.2 acres for a total of 6.6 acres, which is less than the 10 acres that the law states. He stated that he has a better than 1-5 ratio. The land around the panels will be planted in hay and half of the land under the panels will be planted with an ornamental grass plant, which will be harvested and sold as a bare root crop. Everything will be farmed except that one acre parcel, even though the solar will be on there.

Ben Sorbello, owner of GSI Solar in Pilesgrove Township, Salem County addressed the Committee regarding questions being asked by the Committee to Mr. Favorito. Mr. Sorbello stated that he is a farmer in Pilesgrove Township, Salem County. He has a 42 acre farm. He is looking to develop the project as a community farm. That is why he is looking at solar as a way to power the farm and get them off the grid. He stated that he has begun representing farmers with his marketing company (GSI Solar). He stated that at the present time he has 18 farms that he represents throughout Central and Southern New Jersey. He stated that he represents both preserved and nonpreserved farms, Pinelands farms, dairy and horse farms, along with nursery and vegetable farms. He stated that regarding what the usage is, in most cases you'll see that if you want to take advantage of the full potential of PL2009, Chapter 213, it states that if you are a preserved farm you are allowed to use one percent of your agricultural acreage or your energy usage plus ten percent. On the nonpreserved side you are allowed to use up to a maximum of two megawatts of energy and you have a ratio of every five acres of agriculture you own you are allowed one acre of solar up to a maximum of ten acres. Those are for the most part the guidelines. For Mr. Favorito's situation he would guess that if it is a vegetable type farm you'll generally see those fall around fifty to one hundred kilowatts, more like fifty kilowatts. He stated that for example if you have a 2 megawatts system that is 2,000 kilowatts of energy. All that extra energy will be sent back into the grid and the farmer is going to have a revenue stream of wholesale costing. He stated that there is a lot of miscommunication out there right now so they are not sure of

what the wholesale costing number is. He stated that if you assume it is say six cents per kilowatt, that extra energy that is produced goes to the farm in the form of a revenue stream and that should be paid monthly by the utility company. The right side of the equation is called the SREC (Solar Renewal Energy Certificate). That revenue stream starts as soon as you turn the switch on and the BPU approves the operation to enter into the grid and then the farmer gets paid fifteen years of SREC. He stated however, that the first ten years roughly is used to usually subsidize the loan to build the project so the farmer gives up that ten years of SREC but the last five years is their IRA, 401K or their pension. He stated that farmers never had that before so that last five years would be their type of a pension.

Mr. Favorito asked when the SADC would be giving the county boards the criteria that will enable it to hear his application so that he can move forward with his project. Chairman Fisher stated that Mr. Favorito's comments are very timely because the Committee will be discussing this issue today in closed session. He stated that the SADC has been moving as fast as it can. There were some issues that it needed to have clarified from the Attorney General's Office. The SADC finally has those clarifications and will be discussing that today. He felt that the counties will be seeing that guidance document soon so that they can begin to move these applications forward. Mr. Sorbello stated that he wanted to make the Committee aware that the reason for the timeliness is because of the HR bill, with the Department of Treasury saying that you can get thirty percent upfront when you start your project. He stated that the installers that he is working with are large company installers and they have indicated that it will take approximately four months from the time you begin with the zoning and permitting to the time of completion of the project for the BPU to flip the switch. He stated that they need to start that process by September 1<sup>st</sup>.

Chairman Fisher stated that he has been in touch with Mr. Favorito and Mr. Sorbello and he believes from what he has heard that Mr. Favorito's project is a poster project for what the legislation was intending to have happen. Mr. Sorbello stated that the process needs to be streamlined because it took Mr. Favorito almost two years. They are looking to do what he did in two years within less than a month. He stated that they need the PJM to look at agricultural applications in a serious manner to where they have weeks to process it not months.

Andrew Coeyman from the Monmouth County Park System (MCPS) addressed the Committee regarding the High Ridge Holding Company, Inc. property, which is on the agenda. The MCPS sent two letters to the SADC regarding the High Ridge Holding Company, Inc. property in Upper Freehold Township, Monmouth County, comprising 339 acres on Doctor's Creek. He stated that the Monmouth

County Open Space Plan has targeted a number of stream corridors in Monmouth County, including four in Upper Freehold Township and this particular farm is on Doctor's Creek which is one of the targeted stream corridors. He stated that back in January 2009 the MCPS received a call from the owner of High Ridge Holding Company, Inc. stating his interest in reviewing some options after dealing with a neighbor of his on acquiring property. He stated that he went out to visit the owner along with a representative from the Monmouth Conservation Foundation. He met a couple of times with the owner and toured the property and discussed a portion of the property in the County's interest for park and recreation purposes. He stated that the discussions went back and forth and finally they agreed on a line comprising approximately 14 acres at which time it was turned over to the Monmouth CADB who processed the application for the property and did the maps that were sent to the SADC. In the meantime they have been working on Princeton Nurseries with staff from the SADC and on occasion we asked the SADC how the application for High Ridge was moving along and staff indicated that it was moving along good. He stated that he asked if the 14 acres was still in the mix and SADC staff indicated that it was and that staff was getting appraisals etc. Mr. Coeyman stated that two weeks ago he heard that the appraisals were done and the entire property was appraised, not two separate pieces and that a certified market value was issued by the SADC with an offer being made on the entire piece. He stated that this has left a bad taste in the county's mouth, the Park System in particular, which it feels is "dirty pool". He stated that the MCPS, the county and the SADC has been able to work together for many years and have preserved thousands of acres in Upper Freehold Township. He stated that this is not a good way to do business.

Mr. Coeyman stated that the outcome he is looking for here is to see the 14 acre piece cut out of the application and he would like copies of the appraisals so they can make their own offer. He doesn't think that the SADC should be spending state funds on inferior lands, there are other sources of revenue for that with other programs. He stated that if the MCPS is unable to acquire this property there will be a gap in the greenway. He stated that the letters submitted by the MCPS are self explanatory and details what it is looking for. Mr. Boornazian inquired regarding the landowner contacting the MCPS. He asked if it took this project for additional funding or as a funding partner to the SADC. Mr. Coeyman responded no, the MCPS talked to the owner about options. The owner did not want to sell the whole property to the Park System but they talked about various options and then he was also interested in farmland preservation. The owner agreed to sell the fourteen acres to the Park System and it explained to the owner how that would work. Mr. Coeyman stated that the Park System has funding ready for the project and normally they work with the county program and they get a copy of the appraisals, the value is whatever it is and then the Park System makes its own

offer for the piece in the back. He stated that the county has a farmland preservation plan and the Park System coordinates its two plans so that Monmouth County has two plans. He feels that the SADC should have to honor the local plan.

Ms. Craft stated that it was her understanding that Monmouth County, when it approaches a landowner in one of the Park System's target area entertains both the farmland preservation piece and the open space piece simultaneously and the county conditions its farmland preservation program participation on the county's ability to secure that area. She stated that this application started at the county level and then it stopped. Mr. Coeyman stated that he just read in one of the information pieces provided at today's meeting that there were state funds available for this where there were not county funds. Ms. Craft stated that the county stopped processing it as farmland preservation application. She stated that it was her understanding that this application was referred to the SADC's direct easement purchase program. Mr. Coeyman stated that it is his understanding that they filed the application initially and the maps that were prepared showed the 14 acre exception and at some point it became a state project. Ms. Craft stated that it is a direct easement purchase application at this time for which the county is not participating financially. Mr. Coeyman stated that this is the second time this has happened where they were in the loop the entire time and the owner's simply did not want to sell to the county and that piece was lost but at least it was above board and this was different and he felt it was not above board.

Mr. Coeyman stated that a couple times at Princeton Nursery meetings he would pose the question and was told by staff that this project was moving forward and then he ran into a SADC staff member who said they were getting appraisals done and nothing was said about the Park System no longer being a part of the project.

Ms. Winzinger stated that the staff person who was out on-site was Dan Knox along with his staff person John Denlinger. She stated that the application did come to the SADC and it was at a time when the SADC had some funding for state acquisition. She stated that Mr. Brill forwarded a call to her to see if the SADC could get this really important parcel into the state acquisition program, which staff did. She stated that her advice was to have the application sent to the SADC and it would rank it, score it and put it into the list of applications to see where it would fall. Within a short period of time that was completed and it ranked very high and so we went down the list. Monmouth County sent up some mapping to the SADC and staff did speak to the owner, Mr. Wojchik, who is present at today's meeting. Staff asked him what he wanted to do as far as the exception areas because there were exception areas for housing, for all the woods

and the stream. She stated that Mr. Wojchik indicated that he was not committed to it at this point in time. She stated that the SADC appraised the entire farm, regardless if the owner decided to sell it for conservation purposes, or ease it in a different way, the SADC would require that it be paid for based on an allocation, which means that there is one price per acre for the entire acreage. Ms. Winzinger stated that she advised the owner that the SADC wouldn't be doing things any differently along the line anyway so why not certify a value and see if we can come to an agreement on price and when the time comes and the landowner thinks we are at an agreement on price he can then guide the SADC as to what he wants to do with the woods and wetlands. She stated that the time came and the owner represented that he is not interested in doing the MCPS piece but he did want to change around some of his housing opportunities and that is why it is before the Committee today, mainly because of the housing opportunities issue and also it is a change in the application because he was considering selling off this land for open space and he does not want to do that at this time. She stated that in state acquisition the landowner has the say so this is where we are today.

Ms. Craft stated that this is the first time in the history of the program where the county is coming in and asking the SADC to withhold an area for its park purposes on a direct easement purchase application, or at least the first one that she is aware of. She understands that this application had a life with the county previously but once it becomes a state acquisition it is an SADC, not a local, project. She stated that there have been substantial discussions between the NJ DEP Green Acres Program, the county and the SADC trying to resolve the issue of trails in the Princeton Nurseries project and it has been a long, detailed and complex conversation. The SADC made a judgment call not to cloud its ability to even certify a value on this until it had complete resolution of what the alignment, buffers or management of the open space on this property would be. It was appraised as a whole, as the SADC always does and made the landowner an offer, which he has accepted and now it is time to resolve these issues. The SADC never told the landowner to opt out; the landowner advised the SADC that they were not interested in having the open space corridor. Ms. Craft stated that for the record she rejects the characterization of how the SADC has handled the transaction. She stated that there is a substantial policy issue on the table, which is an important one for both agencies to deal with, along with the county but that is where we are at the moment on this issue.

Mr. Siegel asked what changed on the part of the landowner regarding the MCPS piece. Ms. Winzinger stated that it didn't change in her mind that much. When the property was first appraised and spoke to the owner beforehand he was on the fence about that portion. The owner indicated that he was unsure if he wanted to

sell the whole area and that he wanted to keep control of his woods and wanted to have water access. He stated that he didn't want any public on his property and that he might also change the line.

Mr. Coeyman stated that the second item he would like to discuss is Princeton Nurseries. He stated that this project has been going on for over three years. It is a very important project comprising 1,900 acres in three counties. He would urge the SADC to get together with the NJ DEP to work out the disagreements over the trails issues as soon as possible so that it can be locked in with contracts. He stated that the owners are anxious to close as well as the nine funding partners. Chairman Fisher stated that he has spoken with NJ DEP Commissioner Martin this morning and will relate that issue shortly.

Harriet Honigfeld, Monmouth CADB Administrator addressed the Committee regarding the history of partnering with the Park System and the way Monmouth County's Master Plan works. She stated that Monmouth County has been participating in farmland preservation for over twenty years and from the inception it has coordinated with its county park system and its open space plan. She stated that when Monmouth county did its county farmland plan update it did include these two High Ridge properties on its target farms list and are very clear in that plan that they honor the greenway and stream corridors that are a priority for the county that are in that county open space plan. She stated that sometimes it is very difficult in coordinating these projects and sometimes landowners do not want to work with either agency. She stated that what Monmouth County has done in several instances is leave out the stream corridor from the farmland easement so that we don't prevent the opportunity in the future for that greenway to connect. Possibly a future landowner would want to have a deal with the Park System or as the landowners get more comfortable with us as an agency they may strike a deal in the future. She stated that in her mind it never occurred to her that they would get totally shut out of the negotiations and she felt it was important to understand that. She stated that in her time in working with farmland preservation there has been a couple of direct programs that have left out these stream corridors in Upper Freehold. She stated that the SADC does have a history of doing that. She stated that it is curious to her whether the SADC has the legal requirement to honor the municipal and county master plans but certainly the SADC has adopted Monmouth County's element of the master plan so the county would appreciate being involved in the conversations to make sure the best effort is made to uphold their goals.

Mr. Danser asked why it wasn't a county application. Ms. Honigfeld responded that there was a lot of competition for the county easement purchase program funding and the county didn't think, just the way the timing was, the county

thought it would need more funds and the county needed to tap as many sources as possible. Mr. Danser commented that Monmouth County decided not to process this application and process others. Ms. Honigfeld stated that the Committee would have to ask her co-worker Ms. Brockwell regarding the history but she believed Upper Freehold was the one who made the call to SADC staff. Mr. Brill stated that staff routinely gets calls from counties and towns with the most competitive farms and clearly this was a superior farm in terms of ranking under any of the program options. He stated that there was a decision about a year ago to try to advance it through the program that minimized the local contribution and allowed the county and municipality to concentrate on other farms. Mr. Danser stated that at that point when it came in as a direct easement application the SADC is dealing with the property owner and can only process the application with the property owner. If at that point if the landowner states they want to submit the entire property for direct easement it is not up to the SADC to say no, we're only going to process a part of it. Ms. Honigfeld stated that it was only recently that this reconfiguration in the exception line has come up so for over a year it has moved along in a manner consistent with what they were aware of.

Martin Wojcik of High Ridge Farms Holding Company addressed the Committee regarding the Park System issue. He stated that at no time did he tell the county that they would definitely be involved. He stated that he related that he was interested but when he found out that there would be public access and he wouldn't have control of it he went to the State and advised that he wanted to put the entire property into the program. He stated that he does not want public people on his property and if he is going to go into this program he wants complete control of the farm to work it. He stated that they deal with big trees and he doesn't want people walking around where he has equipment all the time along with employees. He doesn't want any accessibility for people to come on to the property. That is the way he left it with the county and he never said for sure that he would do the project with them. He stated that he indicated to the county he was interested but he kept asking what it would entail. He stated that the State came in and he wanted the State to give him an explanation, which they did. He stated that what Ms. Winzinger stated was true and that the SADC staff has not done anything underhanded and that everything was done above board. He stated that at no time did he ever say to the county or the park system it was a deal.

Pat Butch from the Millstone Township Open Space Committee in Monmouth County addressed the Committee. She stated that they have a similar project before the SADC where they received a certified market value on the Pearl Acres property. It is similar in the fact that it has a stream corridor in the back that

Millstone Township is asking for a severable exception to be put into open space in partnership with Green Acres and the front portion that is being farmed is to stay as a farm in preservation, owned by the farmer and will continue to be owned by the farmer. She stated that when she received the certified market value it said that there would be restrictions, which they had talked about before because this project along with the previous project, Princeton Nurseries and other projects that have this dual aspect to it has been discussed for over a year and a half regarding how trails and open space are going to work these projects together. She stated that these projects are embroiled in the issue of trails. She stated that there have been discussions about possibly having some language in the open space easement when the time comes to close and possibly they would want a management agreement. She stated that when they received their green light approvals it said those kinds of words in it and now she gets the certified market values with the same kinds of words in it that the SADC was going to require at least a 25-foot buffer from the trail and the farm over on to the open space property.

Ms. Butch stated that when she spoke to Green Acres they indicated that they would not accept buffer language in the deed, so she cannot move forward with doing the farmland piece because the SADC is saying it is going to need this language in its deed and if Green Acres isn't going to accept it, they are our funding partner in the Green Acres piece. She stated she has a deadline of July 2<sup>nd</sup> to make an offer to the landowner so she has to make the offer based on the certified value and then the landowner has sixty days to accept or not accept. At this point she doesn't know if they can close or not because she doesn't know if this trails issue is ever going to be resolved. She stated that out of frustration she went to the statute that created the new program 2:76-Chapter 6 that states "factors to be considered are the type and quality of buffers, including compatible uses to preserve farms" and lists deed restricted wildlife corridors, streams and wetlands, parks with limited public access as a compatible neighbor to preserved farms. Golf courses, if they are public, are compatible partners and neighbors to farms." She stated that language is in the SADC's statute. This is what she is proposing, a limited use, a passive recreation use on an open space property next this farm. She wants this to take place because this area is in their township's open space master plan component so it is compatible with their township's master plan. She stated that they have a very willing seller/landowner who is happy to sell that portion off.

Ms. Butch referred the Committee to another portion of the statute that states "factors to be considered in preservation are consistency with municipal, county, state and regional plans". She stated that this is consistent with their municipal plan and is consistent with its stream corridor preservation and is definitely part of

their master plan's parks and recreation component. She stated that they have a very good stewardship of their lands, they are monitored and issues are dealt with and they maintain their trails. Whether or not we will ever come up with deed restrictive language that can go into a deed of open space, which the SADC has no financial portion being used for that purchase she is not sure that the SADC even has a legal right to ask for deed of easement language on a property that it is not contributing to financially.

Mr. Danser commented that Ms. Butch indicated that she agrees with everything that the SADC is asking for and that her township is already doing it. He stated that documents for him that you think it is a good idea. He stated that the SADC is putting a lot of money into preserving property and the SADC's obligation is to ensure that the land is available for production agriculture. In order for the SADC to do that it feels that there is a need to have some agreement with that adjacent property that protects the farmer from intrusion by say kids throwing rocks at animals, trash and everything else. Ms. Butch responded that Green Acres is not willing to accept that in deed of easement language that they are sharing costs in. She stated that for a year and a half there has been no agreement between the SADC and Green Acres on this issue. She stated that she only has one week left to make an offer to the landowner and she has no resolve to this issue. Therefore there is no way to close on the property. After the one week period she will be out of compliance with the statute. Ms. Craft stated that the SADC could provide an extension. Mr. Waltman stated that he is sympathetic to this issue and he hopes the Committee would grant an extension.

Robert Resker, Warren CADB Administrator addressed the Committee. He wondered if the SADC has the statutory authority to impose any restrictions on the adjacent property that was discussed today. Ms. Craft stated that the SADC's regulations under the Planning Incentive Grant Program say that the SADC will not approve exceptions that have a negative impact on the agricultural operation.

### **OLD BUSINESS**

#### **A. Farmland Stewardship**

1. Review of Activities on Preserved Farm
  - a. Grassed Airstrip, Allen Farm, Southampton Township, Burlington County
  - b. Consignment Auction, Allen Farm, Southampton Township, Burlington County

Ms. Craft stated that there was a very lengthy discussion at the last meeting on this issue. She stated that Mr. Roohr will fill in the Committee as to where the

discussion has gone since that time. If at any time the Committee wishes to speak to its Deputy Attorney General about the legal impacts of one direction or another it would be entitled to go into closed session to receive that legal advice. She would ask that the Committee not request legal advice during the open session period.

**Note: A transcript of the discussion pertaining to this agenda item has been taken via a court reporting service.**

Mr. Roohr was sworn in by the court reporter. Mr. Roohr stated that this agenda item involves activities occurring on a preserved farm. The farm in question is the Allen Farm, located in Southampton Township, Burlington County, comprising approximately 220 acres. He stated that the issue of a grass airstrip and a consignment auction was brought to the SADC's attention last summer. Since that time the CADB found that the airstrip could be considered a recreational use consistent with the language in that deed of easement. He noted that the deed is an older deed which doesn't have as specific recreational use language in it as today's deeds do. The county also found that under the current conditions the annual consignment auction that occurs two weekends each year could be considered a common farm site activity and would also be permitted under the deed of easement.

Mr. Roohr stated that at its May 27<sup>th</sup> meeting staff presented a resolution that found the airstrip not to be a recreational use and the consignment auction not to be considered a common farm site activity. After a long discussion the Committee seemed in agreement with the Burlington CADB that the grass airstrip could be considered a recreational use and that perhaps under certain conditions the consignment auction could be considered a common farm site activity. The Committee directed staff to rewrite the resolutions to address the comments made by the Committee at the May meeting and come back this month with the resolutions. Ms. Craft wanted to state a minor correction to Mr. Roohr's comments, that at the last meeting the Committee did not support the resolution as drafted. The resolution dealing with the recreation was whether the SADC found it in compliance with the deed or not, not necessarily whether it was recreational use. She stated that they always acknowledged that it was recreational use but staff position was that it was not in compliance with the deed but the Committee found otherwise. She stated that staff was directed to go back and draft new resolutions to reflect the Committee's discussion at the May meeting. He referred the Committee to two separate resolutions, one for the airstrip and one for the consignment auction.

Mr. Roohr stated that regarding the grass airstrip staff was able to draft the resolution to reflect that the airstrip be able to be permitted as a personal recreational use under the current configuration as a grass airstrip with no infrastructure, no storage of planes or equipment associated with flying on the preserved part of the farm and only for personal use of Mr. Allen and the friends that he invites. He stated that it was noted last month by Mr. Allen that it is a fairly low amount of usage, a few times a month for him and his friends. Staff determined that it was a low intensity use that used a small amount of the overall premises, which resulted in a de minimis impact of the property. The other part that is included in the resolution is that no commercial or business use of the airstrip be allowed, including uses that may be associated with the adjacent property use, which would be the consignment auction business that is run on his adjacent nonpreserved lot.

It was moved by Dr. Dey and seconded by Mr. Danser to approve Resolution FY2010R6(1) finding that the personal use of the grassed airstrip as described in said Resolution is deemed in compliance with the Deed of Easement recorded against the subject property as a recreational activity that does not interfere with the actual use of the land for agricultural activities, for the reasons set forth in said Resolution, and is subject to the conditions set forth in Resolution FY2010R6(1). The motion was unanimously approved. (A copy of Resolution FY2010R6(1) is attached to and is a part of these minutes.)

Mr. Roohr referred the Committee to Resolution FY2010R6(2) regarding the consignment auction. He stated that Mr. Allen runs his auction business in a carved out nonpreserved 4 acre property. He stated that the Burlington CADB found that this could be considered a common farm site activity based on the fact that other consignment auctions occur on other farms in the State. The Committee seemed to be sympathetic to the application at the May meeting but when staff went to write the resolution, staff had difficulty distilling different comments they heard at the last meeting and was trying to develop a resolution that reflected the SADC's findings. He stated that staff requested a meeting of the Deed of Easement Subcommittee to discuss the issue and at the end of that meeting it was determined that there was more merit to the fact that this is a use that has existed on the property prior to preservation. Mr. Allen had made a comment under oath at the last meeting that this auction has been occurring for forty years and he has since been able to provide documentation of that. He stated that he has also been able to speak to people that live in the area and have attended these auctions and could vouch for at least thirty years of attending the auctions. Therefore there was probably more merit to allowing this to occur as a pre-existing nonagricultural use, which was just not picked up at the time of closing. The resolution before the Committee today reflects that thought process

that it is a pre-existing nonagricultural use that would be allowed to occur in its current configuration. The area is approximately eight acres for the display and three acres for parking. It happens two weekends a year in the spring and one week prior to the auction to bring equipment on and one week after the auction to remove equipment. He stated that except for that month of the auction the property is farmed and the owner does plow and plant and harvest a crop so this auction doesn't materially impact the use of the property currently so that the size and frequency of the auction would all have to remain the same as it is now. Mr. Roohr stated that the use of the auction could not be expanded and very similar to a pre-existing nonagricultural use if the auction business ever ceases or if the relationship between Mr. Allen's nonpreserved auction barn and the farm ever ceased, if he ever sold one or the other, the use of the property for this purpose would extinguish.

It was moved by Dr. Dey and seconded by Ms. Reade to approve Resolution FY2010R6(2) finding that the consignment auction as described in said Resolution is not a common farm site activity for the reasons set forth in said Resolution. The SADC finds that the consignment auction as described in Said Resolution is a commercial nonagricultural activity, which according to Richard Allen, existed prior to the preservation of the Premises. The owner did not disclose the nature and extent of the consignment auction that was occurring on the Premises at the time of application and sale of the development easement to the Burlington CADB, the result of which was the auction was not properly identified as a pre-existing nonagricultural use at that time. The SADC agrees to recognize the consignment auction as a pre-existing nonagricultural use with certain conditions, since the use was not properly document at the time of application or sale of the development easement as reflected in Resolution FY2010R6(2).

Mr. Waltman asked what does the SADC do differently now so as to avoid this type of situation going forward. He stated he is comfortable with this resolution but would not be if this were to become common practice. Mr. Roohr stated that staff is asking the questions that apparently were not asked when the program began. Ms. Craft stated that the question is asked on the application now that the landowner signs and when the green light approval is generated and it is issued to the counties, it lays out in an attached report exceptions, if there are or are not pre-existing nonagricultural uses etc.

The motion was unanimously approved. (A copy of Resolution FY2010R6(2) is attached to and is a part of these minutes.)

**NEW BUSINESS**

Ms. Craft asked for a motion to provide Millstone Township, Monmouth County an extension of ninety (90) days to make an offer to the owners of the Perlman Farm as discussed during the public comment period today.

It was moved by Mr. Siegel and seconded by Mr. Shilling to grant an extension to Millstone Township, Monmouth County of ninety (90) days to make an offer to the owners of the Perlman Farm as presented and discussed during public comment. The motion was unanimously approved.

**A. Eight Year Farmland Preservation Program: Renewals, Terminations and Withdrawals**

Ms. Craft referred the Committee to the Eight Year Program Summary for FY2010 for renewals, terminations and withdrawals of eight year programs, listing two (2) terminations of eight year programs, the first being the Henry, Roy and Scott Daum Farm in Manalapan Township, Monmouth County, which was permanently preserved on November 15, 2006. That farm had \$13,944.61 in soil and water conservation cost share eligibility at the time the eight-year program terminated. The second termination was the Harold P. and Cynthia M. Sagar Farm, located in Pemberton Boro, Burlington County. That farm was not permanently preserved and had \$38,218.00 in soil and water conservation cost share eligibility at the time of termination. Ms. Craft indicated that the summary was for informational purposes only and that no action is needed by the Committee.

**B. Request for Final Approval - FY 2009 Municipal Planning Incentive Grant Program Applications, Including Comprehensive Farmland Preservation Program Plans and Project Area Summaries**

1. Alexandria Township, Hunterdon County
2. East Amwell Township, Hunterdon County

Mr. Brill and Mr. Bruder referred the Committee to Resolution FY2010R6(3) for a request for final approval of the Alexandria Township, Hunterdon County and the East Amwell Township, Hunterdon County comprehensive farmland preservation program plans and project area summaries. They reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Waltman to approve Resolution FY2010R6(3) granting final approval to the Alexandria Township, Hunterdon County and East Amwell Township, Hunterdon County FY2009 Municipal Planning Incentive

Grant Program Applications, including the Comprehensive Farmland Preservation Program Plans and Project Area Summaries, as presented and discussed, subject to any conditions of said Resolutions. The motion was unanimously approved. (A copy of Resolution FY2010R6(3) is attached to and is a part of these minutes.)

**C. Request for Final Approval - FY 2010 Municipal Planning Incentive Grant Program Application, Including The Comprehensive Farmland Preservation Program Plan and Project Area Summaries**

1. Elk Township, Gloucester County

Mr. Bruder referred the Committee to Resolution FY2010R6(4) for a request for final approval of the Elk Township, Gloucester County comprehensive farmland preservation program plan and project area summaries. He reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval as presented and discussed.

It was moved by Mr. Danser and seconded by Ms. Brodhecker to approve Resolution FY2010R6(4) granting final approval to the Elk Township, Gloucester County FY2010 Municipal Planning Incentive Grant Program Application, including the Comprehensive Farmland Preservation Program Plan and Project Area Summaries, as presented and discussed, subject to any conditions of said resolution. The motion was unanimously approved. (A copy of Resolution FY2010R6(4) is attached to and is a part of these minutes.)

**D. Request for Final Approval - FY 2011 Planning Incentive Grant Program Application, Including The Comprehensive Farmland Preservation Program Plan Amendments and Project Area Summaries**

**Note: Chairman Fisher left the room at this point. Vice Chair Danser presided over the meeting.**

1. Amended FY 2009 Plan - Mercer County

Mr. Bruder referred the Committee to Resolution FY2010R6(5) for a request for final approval of Mercer County's comprehensive farmland preservation program plan amendments and project area summaries. He stated that in drafting its application for the 2011 County Planning Incentive Grant Program the Mercer CADB determined it was necessary to amend its county agricultural development area (ADA) map to reflect updated data showing a decrease in the agricultural land mass of Mercer County, which also necessitated changes to its comprehensive farmland preservation plan which was adopted in June 2008. Mr. Bruder stated that staff recommendation is to grant final

approval to the amended FY 2009 Plan for Mercer County as presented and discussed.

It was moved by Dr. Dey and seconded by Ms. Brodhecker to approve Resolution FY2010R6(5) granting final approval to Mercer county's Planning Incentive Grant Application Including its Comprehensive Farmland Preservation Plan Amendments and Project Area Summaries for FY 2011 as presented and discussed, subject to any conditions of said resolution. The motion was approved. (Chairman Fisher was not present for the vote.) (A copy of Resolution FY2010R6(5) is attached to and is a part of these minutes.)

**Note: Chairman Fisher returned and presided over the meeting.**

**E. Request for Final Approval – County Planning Incentive Grant Program**

Ms. Winzinger referred the Committee to Resolution FY2010R6(6) through Resolution FY2010r6(12) for seven requests for final approval under the County Planning Incentive Grant Program. She reviewed the specifics of each final approval request with the Committee. She stated that Morris County has requested that the SADC approve and encumber a reduced cost share for each of the seven farms in order to preserve competitive grant funds, which may be available for future projects. Ms. Craft stated that Morris County is doing that because the previous bond funds that were used were able to support the dual appraisal provision. When the SADC clarified what thresholds you had to meet in order to keep that 2004 zoning protection, one was you had to have certain things done by June 30<sup>th</sup>. The second one was that you had to use money from the State that was an authorized use. She stated that what this strategy by Morris County is to take their funds and spread it among as many applications as they can so they can secure that 2004 zoning protections for these landowners. She stated that staff recommendation is to grant final approval as presented and discussed.

It was moved by Dr. Dey and seconded by Mr. Danser to approve Resolution FY2010R6(6) through Resolution FY2010R6(11) granting final approval to the following farms as presented and discussed and subject to any conditions of said resolutions:

1. Daniel and Janet Farrand Farm # 5 (Resolution FY2010R6(6))  
Block 33, Lots 96.02 and 70.02, Washington Township, Morris County,  
25.45 Acres  
State cost share grant at \$6, 230.00 per acre (approximately 30% of the certified market value) for a total grant of approximately \$101,002.01, which is less than the SADC cost share at the request of Morris County,

utilizing competitive funds and encumbering an additional three (3) percent buffer for possible final surveyed acreage increases. Therefore 26.214 acres will be utilized to calculate the grant need.

Discussion: Ms. Winzinger stated that during the initial review of this application the County advised the SADC that this property contains an area (approximately 9.75 acres) restricted by a conservation easement that was imposed by the municipality in the rear of the property. SADC staff notified the County that since this conservation easement restricts agricultural activities the SADC may not cost share on this portion of the property.

2. Daniel and Janet Farrand Farm # 6 (Resolution FY2010R6(7))  
Block 33, Lot 68, Washington Township, Morris County, 15.06 Acres  
State cost share grant at \$6,216.68 per acre (approximately 31.96% of the certified market value) for total grant of approximately \$96,431.90, which is less than the SADC cost share at the request of Morris County, utilizing competitive funds and encumbering an additional three (3) percent buffer for possible final surveyed acreage increases. Therefore 15.512 acres will be utilized to calculate the grant need.
3. William Lare (Resolution FY2010R6(8))  
Block 8, Lot 7, Chester Township; Block 100, Lot 15, Mendham Township, Morris County, 62.68 Total Acres  
State cost share grant at \$6,230.00 per acre (approximately 31.87% of the certified market value) for a total grant of approximately \$402,211.29, which is less than the SADC cost share at the request of Morris County, utilizing competitive funds and encumbering an additional three (3) percent buffer for possible final surveyed acreage increases. Therefore 64.56 acres will be utilized to calculate the grant need.

Discussion: Ms. Winzinger noted that this property has one 1.3 acre exception area and that the owner stores and repairs excavating equipment within the exception area.

4. William and Helen McLaughlin (Resolution FY2010R6(9))  
Block 50.02, Lot 17, Washington Township, Morris County, 15.74 Acres  
State cost share grant at \$6,230.00 per acre (approximately 30% of the certified market value) for a total grant of approximately \$101,002.01, which is less than the SADC cost share at the request of Morris County, utilizing competitive funds and encumbering an additional three (3) percent buffer for possible final surveyed acreage increases. Therefore 16.212 acres will be utilized to calculate the grant need.

5. Allen and Denise Richardi (Resolution FY2010R6(10))  
Block 43, Lot 74.01, Washington Township, Morris County, 36.92 Acres  
State cost share grant at \$6,242.82 per acre (approximately 56% of the certified market value) for a total grant of approximately \$237,399.46, which is less than the SADC cost share at the request of Morris County, utilizing competitive funds and encumbering an additional three (3) percent buffer for possible final surveyed acreage increases. Therefore 38.028 acres will be utilized to calculate the grant need.

Discussion: Ms. Winzinger noted that the property has a one-acre nonseverable exception area for a mechanical contracting business which operates out of a barn.

6. Edward Terry (Fox Hill Farm) (Resolution FY2010R6(11))  
Block 38, Lot 11, Washington Township, Morris County, totaling approximately 18 acres  
State cost share grant at \$6,195.58 per acre (approximately 26% of the certified market value) for a total grant of approximately \$114,866.05, which is less than the SADC cost share at the request of Morris County, utilizing competitive funds and encumbering an additional three (3) percent buffer for possible final surveyed acreage increases. Therefore 18.54 acres will be utilized to calculate the grant need.

Discussion: Ms. Winzinger noted that the property has an apartment and farm office located within the main barn.

The motion was unanimously approved. (A copy of Resolution FY2010R6(6) through Resolution FY2010R6(11) is attached to and is a part of these minutes.)

It was moved by Mr. Danser and seconded by Dr. Dey to approve Resolution FY2010R6(12) granting conditional final approval to the following farm with the following conditions:

1. Robert W. Smith (resolution FY2010R6(12))  
Block 12, Lot 4, Washington Township, Morris County, 100.8 Acres  
State cost share grant at \$6,230.00 per acre (approximately 43% of the certified market value) for a total grant of approximately \$646,823.52, which is less than the SADC cost share at the request of Morris County, utilizing competitive funds and encumbering an additional three (3) percent buffer for possible final surveyed acreage increases. Therefore 103.824 acres will be utilized to calculate the grant need. **Final approval is contingent upon any conditions in Scheduled B of said resolution,**

**and further conditioned upon the results of a condemnation action instituted against the Smith Farm by the Washington Township Municipal Utilities Authority. The SADC reserves the right to re-evaluate the Smith Farm application at the conclusion of the condemnation action.**

Discussion: Ms. Winzinger stated that this property contains a 6.2+ acre conservation/drainage easement area servicing the neighboring school, which the SADC may not provide a cost share towards due to its restriction on development and agricultural use. Ms. Craft stated that this property is subject to a proposed taking by the Washington Township Municipal Utilities Authority (WTMUA) for placement of a water supply well on the property. She stated that there has been a lot of correspondence with the WTMUA and staff has met with the NJ DEP and also met numerous times with the county on the issue. She stated while the property currently is not preserved it is in an agricultural development area (ADA). She stated that because it is in an ADA and there is a utility condemnation proposed for serving nonfarm structures, it is subject to review under the SADC's statute by both the county and the SADC.

Ms. Craft stated that the Morris CADB conducted its review of the NOI and conducted a public hearing and issued a resolution concluding that the proposed condemnation would cause unreasonably adverse effects on the preservation and enhancement of agriculture in the agricultural development area (ADA) and on the overall State agricultural preservation and development policies. She stated that matter will be before the SADC at the July meeting. She stated that the SADC will be conducting its own review of the proposed action and will come to a finding and that this farm is at the point of requesting final approval. She stated that the resolution before the Committee today is drafted to say that the SADC gives final approval conditioned upon no changes occurring as a result of a taking. If the WTMUA is successful in its condemnation action the SADC reserves the right to revisit all aspects of the application because it could have valuation impacts and would certainly have impacts on the ability to farm the ground. Dr. Dey inquired about how much acreage would be involved. Ms. Craft stated that under the rules an absolute would be a minimum of fifty feet but based on her discussions with the NJ DEP the thinking is that it will be quite a bit bigger than that. Jennifer McCullough from the Morris CADB stated that the CADB's reading of the regulations is that the buffer is either on an active farm, which is considered a minor pollutant source. If it were a livestock farm it would be a major pollutant source but even as a minor pollutant source the buffer area would be either five hundred feet or 200 days time of travel of water, meaning how far can water travel in 200 days. She stated that based on Morris County's mapping of that it would be about eighteen acres taken out of production, which is

significant. She stated that the WTMUA never notified the county or the state that they were going to do this within an ADA. She stated that Morris County contacted the WTMUA and advised that the WTMUA had to file a notice of intent, it has to be reviewed by the county and the state. She stated that even though neither the county nor the state had even deemed the information sufficient to present it to the board, the WTMUA proceeded with condemnation in a court in December. Ms. McCullough stated that one of the items at issue was that the well permits that the WTMUA applied for on this property was filed fraudulently and have since been rescinded by the NJ DEP. She stated that the WTMUA went to the NJ DEP initially and stated that they were the landowner of vacant land. She stated that the Morris CADB recommended that the eminent domain action be withdrawn by the WTMUA.

The motion was approved. (Mr. Siegel abstained.) (A copy of Resolution FY2010R6(12) is attached to and is a part of these minutes.)

**F. Request for Final Approval – New Rule Municipal Planning Incentive Grant Program**

1. Herbert Rosenfield, Alexandria Township, Hunterdon County

Ms. Winzinger referred the Committee to Resolution FY2010R6(13) for a request for final approval on the Herbert Rosenfield farm, known as Block 18, Lots 14 and 14.09, in Alexandria Township, Hunterdon County, comprising approximately 30 acres. She reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Dr. Dey and seconded by Ms. Brodhecker to approve Resolution FY2010R6(13) granting final approval to the following landowner:

1. Herbert Rosenfield  
Block 18, Lots 14 and 14.09, Alexandria Township, Hunterdon County, 30 Acres  
State cost share grant at \$5,640.00 per acre for an estimated total of \$169,200.00 (60% of the certified market value and 60% of the purchase price and estimated total cost.) The SADC may exclude from payment the area encumbered with a stream easement since the easement potentially limits the areas use for agricultural purposes as well as the driveway easement area since the driveway appears to only serve the adjacent landowners to access their own lands.

Discussion: Ms. Winzinger advised the Committee that there is an existing 25-foot wide stream easement estimated to be approximately 1.177 acres, and a 20-foot wide driveway easement to a neighboring property noted in the landowners June 1983 deed, which may be excluded from the SADC payment acreage should either be found to be in conflict with the deed of easement and/or the SADC's regulations and policies.

The motion was unanimously approved. (A copy of Resolution FY2010R6(13) is attached to and is a part of these minutes.)

**G. Committee Review – Green Light Approval Application**

1. High Ridge Farm # 1 and # 2 – Upper Freehold Township, Monmouth County

Chairman Fisher stated that this was an application, originally a county application, that was forwarded to the SADC for participation in the direct easement purchase program. He stated that the application has two issues 1) they are requesting additional housing and 2) a request to remove the open space portion of this application. He stated that regarding the open space part of the request, the SADC has received this week two letters from Monmouth County that have been provided to the Committee prior to the meeting. He stated that the letters request that the SADC not preserve that area along Doctor's Creek so that the county can acquire it for conservation purposes. The landowner has indicated today that he does not want this conservation area. He stated that while we are talking about the issues of trails and conservation corridors as part of a preserved farmland application it is a bigger issue than just this individual application.

Chairman Fisher stated that for that reason he requests that the Committee table action on the High Ridge farm # 1 and 2 today. He stated that the NJ DEP staff and SADC staff will be meeting so that they can get this broader public policy issue on the table so that we will not be constantly visiting these issues on a case by case basis.

It was moved by Dr. Dey and seconded by Mr. Siegel to table action on the Green Light Approval Application – Committee Review – High Ridge Farm # 1 and # 2, Upper Freehold Township, Monmouth County, for the reasons related by Chairman Fisher noted above. The motion was unanimously approved.

Mr. Boornazian commented that he is not sure of all the subcommittees that the SADC has but it is clear that the local municipalities and counties have done an excellent job in planning out what they want. He wondered if there wasn't some mechanism as a Committee to look at those plans as part of the PIG applications

and say when it involves both organizations, both open space and farm preservation, that we look at those plans and give them some weight, that we agree with the plan or we don't agree with the plan before we get into these problem areas. He suggested that might be a good discussion for Commissioner Martin and SADC staff. He stated that possibly there could be some type of a subcommittee or an extension of an existing one that looks at these plans in a detailed manner and say it is good or not.

Ms. Winzinger stated that she wanted to make sure that everyone understands that the reason that staff was coming to the Committee regarding the High Ridge farm was mainly because the landowner has asked for a change in the number of housing opportunities and it has gotten overshadowed by the other issues. He has two farms and originally he had two exception areas for houses and for his business and then after staff and the owner came to an agreement on price he asked to modify his application to provide for a severable exception area for his own home and for homes for his children up to four lots. She stated that we at staff level for state acquisition are fairly comfortable with two additional housing opportunities on the whole 350 acres but really didn't feel completely comfortable on our own allowing for four extra. She stated that is why originally staff is coming to the Committee. Mr. Waltman stated that the request for the additional housing affects the open space issue. He felt the issue of a severable exception for an open space corridor is very much linked to the request for additional housing opportunities. Chairman Fisher stated that the motion to table action was approved but he would like to hear from the landowner as to why he came today.

Mr. Wojcik stated that he came today to explain that the area he chose for the houses, one was for his son and himself. He also has a grandson and a granddaughter. The grandson works in the business also. The houses would be in a wooded area and about a 20+ acre piece and it wouldn't be farmed but the rest would be farmed. It was an exception area that would be off the road and back in the woods. He stated that he wanted the lots and that he has never had a new home and has always lived in a farm house. He stated he son doesn't want to live in the farm house and they are rented by the people that work for him. He wanted a lot for his grandson, he is 14 years old and works on the farm. He asked how do you keep farms unless you keep your family in them. It won't keep going if family doesn't work the farm, you can't hire people to do it. He stated that he is sixty five years old now. He wants them to live on the farm and love the farm and if you don't you won't be a good farmer. He stated that he has 1,000 acres between Freehold and Mercer County and this is the main farm and he wants to put it in farmland preservation so they can work off that farm. The buildings are there, it is a profitable farm and they grow big trees and have a lot of equipment. He stated that he certainly does not want people from the public walking on his

farm and having a problem. They come off the right of ways and then all of a sudden they are on your farm. How does a farmer make a living like that with people walking through the farms right of way. There are problems like that in Princeton. Do you think the farmers want these people in a farm? They have to make a living and a profit without aggravation. The more people that come on to that farm destroys the farm.

Chairman Fisher stated that he appreciates Mr. Wojcik's comments but the agenda item will remain tabled at this meeting. He stated that there is a lot of work to do and staff will move as fast as possible.

**H. Request for Final Approval – State Acquisition**

1. Elizabeth Kelly/Tighue Farm, Pilesgrove Township, Salem County
2. Daniel Cervini Farm, City of Vineland, Cumberland County

Mr. Knox referred the Committee to two requests for final approval under the State Acquisition Program. He reviewed the specifics of each request with the Committee and stated that staff recommendation is to grant final approval as presented and discussed.

It was moved by Mr. Siegel and seconded by Dr. Dey to approve Resolution FY2010R6(14) and Resolution FY2010R6(15), granting final approval to the following landowners as presented and discussed, subject to any conditions of said Resolutions:

1. Elizabeth Kelly/Tighue Farm (Resolution FY2010R6(14))  
Block 8, Lot 8, Pilesgrove Township, Salem County, 130 Net Acres  
At a value of \$9,500.00 per acre for approximately \$1,235,000.00 based on 130 acres.
2. Daniel Cervini Farm (Resolution FY2010R6(15))  
Block 7301, Lots 3 and 7, City of Vineland, Cumberland County, 528 Net Acres  
At a value of \$4,000.00 per acre for approximately \$2,112,000.00 based on 528 acres.

The motion was unanimously approved. (A copy of Resolution FY2010R6(14) and Resolution FY2010R6(15) is attached to and is a part of these minutes.)

**I. Request for Preliminary Approval – Nonprofit Grant Program**

1. New Jersey Conservation Foundation/Millburn 78 Farm,  
Greenwich Township, Warren County

2. New Jersey Conservation Foundation/Gilde Farm, Delaware Township, Hunterdon County

Mr. Knox referred the Committee to two requests for preliminary approval under the Nonprofit Grant Program. He reviewed the specifics of the requests with the Committee and stated that staff recommendation is to grant final approval as presented and discussed.

It was moved by Mr. Waltman and seconded by Ms. Brodhecker to approve Resolution FY2010R6(16) and Resolution FY2010R6(17) granting preliminary approval to the following landowners as presented and discussed and subject to any conditions of said resolutions:

1. New Jersey Conservation Foundation/Milburn 78 Farm (Resolution FY2010R6(16))  
Block 26, Lot 33, Greenwich Township, Warren County, 92 Acres
2. New Jersey Conservation Foundation/Gilde Farm (Resolution FY2010R6(17))  
Block 22, Lot 21, Delaware Township, Hunterdon County, 20 Acres

The motion was unanimously approved. (A copy of Resolution FY2010R6(16) and Resolution FY2010R6(17) is attached to and is a part of these minutes.)

**J. Farmland Stewardship**

1. Request for Agricultural Labor Housing  
Daniel Franchetti, Sr., Daniel Franchetti, Jr. and Evelyn Franchetti,  
Mullica Township, Atlantic County

Mr. Roohr referred the Committee to Resolution FY2010R6(18) regarding the Daniel Franchetti Sr., Daniel Franchetti, Jr. and Evelyn Franchetti farm, which was preserved in 2004. He stated that the deed of easement identifies no existing single family residential buildings, no residual dwelling site opportunities, three residential units used for agricultural labor purposes and a one one-acre exception area. He stated that during the annual site visit to the property this year staff found three additional mobile home trailers onsite, next to the existing agricultural labor housing units, which are used to house seasonal agricultural laborers. He stated that the owners brought the mobile trailers on to the farm to serve as alternative housing for agricultural laborers that work on the property and also work on another 33-acre preserved farm that they own. He stated that the deeds

states that the grantee may construct any new buildings for agricultural purposes and to provide structures for seasonal housing of agricultural labor employed on the premises but only with the approval of the Committee and the Pinelands Commission since the property is located in the Pinelands Agricultural Production Area. Mr. Roohr stated that the owners brought the mobile trailers on site to house an additional ten (10) agricultural laborers and that these additional units serve only as sleeping quarters for the employees with cooking, cleaning and bathing facilities provided for in the previously existing dormitory style main housing unit. He stated that these units were brought on to the property without SADC approval but there are no other issues with the units.

Mr. Roohr stated that staff has reviewed the owners' request to utilize the mobile trailer units for the purpose of housing agricultural labor and has determined that the size and location of the units minimizes any adverse impact on the agricultural operation and also finds that the mobile trailer units proposed to be used as seasonal agricultural labor housing units are consistent with the requirements of the deed of easement. He stated that approval by the Pinelands Commission is required for the use of the mobile trailer units to house agricultural labor in the Pinelands.

It was moved by Ms. Rendeiro and seconded by Mr. Danser to approve Resolution FY2010R6(18) approving a request to locate three mobile trailers, consisting of approximately (2) 250 square feet and (1) 450 square feet in size on the Premises as seasonal agricultural housing units to house agricultural labor employed on the Premises approximately six (6) to eight (8) weeks of the year during blueberry harvest season, subject to review and approval of the three agricultural labor units by the Pinelands Commission and subject to any conditions of said Resolution.

Mr. Waltman stated that the title of the resolution states "construction" of on site agricultural labor housing. He stated that we are not talking about construction of anything. He suggested revising the title. Ms. Craft suggested "approval" of onsite agricultural labor housing.

The motion was unanimously approved as amended to reflect Mr. Waltman's comments. (A copy of Resolution FY2010R6(18) is attached to and is a part of these minutes.)

2. Birch Creek Farm (Joseph and Judith Jannuzzelli), Upper Freehold Township, Monmouth County

Mr. Roohr referred the Committee to Resolution FY2010R6(19) regarding the

Joseph and Judith Jannuzzelli farm, known as Block 38, Lot 9 and Block 39, Lots 1 and 13, in Upper Freehold Township, Monmouth County, comprising 208.76 acres. He stated that the farm was preserved in 2003 and that the Jannuzzellis also have another preserved farm consisting of 49 acres nearby, which is the home farm and that they operate both farms as one operation. In September 2008 the SADC approved an agricultural labor unit for this property which consisted of a mobile home trailer, approximately 1,000 square feet in size located behind the farm shop in a wooded area on the western edge of the farm. During the annual site visit this year staff found a second mobile home trailer onsite, next to the previously existing approved agricultural labor housing unit used to house up to two agricultural laborers. The owners brought the second mobile home on to the farm to serve as alternative housing for an agricultural laborer that is currently employed on the property and the unit would allow for a second employee to be housed if needed.

Mr. Roohr stated that the SADC has reviewed the owner's request to utilize a second mobile home unit on the property for the purpose of housing agricultural labor and has determined that the size and location of the unit minimizes any adverse impact on the agricultural operation. Staff finds that the second mobile home proposed to be used as an agricultural labor unit is consistent with the requirements of the deed of easement and that the amount of labor needed to sustain the equine production related activities on both preserved farms and warrants the need for the requested second agricultural labor unit on the property. He stated that the second mobile home is consistent with the requirements of the deed of easement.

It was moved by Dr. Dey and seconded by Ms. Brodhecker to approve Resolution FY2010R6(19) granting a request by Joseph Jannuzzelli, Sr., Joseph Jannuzzelli, Jr., and Judith Jannuzzelli, owners of Block 28, Lot 9 and Block 39, Lots 1 and 13, Upper Freehold Township, Monmouth County, 208.76 acres, to utilize a second existing mobile home unit, approximately 1,000 square feet, on the Premises to house agricultural labor, as presented and discussed, and subject to any conditions of said resolution. The motion was unanimously approved. (A copy of Resolution FY2010R6(19) is attached to and is a part of these minutes.)

**K. SADC Approved Appraiser List (Recertification/Additions/Deletions)**

Mr. Burns referred the Committee to Resolution FY2010R6(20), including Schedule "A" and "B", listing those appraisers who attended the annual appraisal conference held in June and who are being recertified (Schedule "A"). The resolution also reflects those appraisers who did not attend the appraisal conference for two years and are being removed for that reason (Schedule "B").

He stated that Schedule "C" reflects appraisers requesting inclusion on the Approved Appraiser List. He stated that there are four appraisers listed that were previously removed from the list due to non-attendance at the appraisers conference. He stated that they have attended this year's conference and are being placed on the Approved Appraiser List. He stated that there are also four (4) new appraisers requesting inclusion on the Approved Appraiser List. He stated that staff recommendation is to approve Resolution FY09R6(4) to reflect the recertifications, deletions and new inclusions to the Approved Appraiser List as presented and discussed. Ms. Rendeiro and Mr. Schilling stated that they would abstain from the vote due to knowing a person on the listing.

It was moved by Dr. Dey and seconded by Mr. Danser to approve Resolution FY2010R6(20) recertifying the list of appraisers as presented and discussed to the Approved Appraiser List (Schedule "A") and deleting those appraisers on the Deleted Appraiser List (Schedule "B"), and approving the new and previously removed appraisers to the Approved Appraiser List (Schedule "C"), as presented and discussed and subject to any conditions of said resolution. The motion was approved. (Ms. Rendeiro and Mr. Schilling abstained.) (A copy of Resolution FY2010R6(20) is attached to and is a part of these minutes.)

**L. State Acquisition Minimum Standards – FY 2011  
County Planning Incentive Grant Minimum Standards – FY 2011**

Mr. Knox referred the Committee to Resolution FY2010R6(21) for the State Acquisition Program Minimum Standards for FY 2011 and Resolution FY2010R6(22) for the County Planning Incentive Grant Program Minimum Standards for FY 2011. He reviewed the specifics with the Committee and stated that staff recommendation is to approve those standards as presented and discussed.

It was moved by Ms. Brodhecker and seconded by Dr. Dey to approve Resolution FY2010R6(21) for the State Acquisition Program Minimum Standards for FY 2011 and Resolution FY2010R6(22) for the County Planning Incentive Grant Program Minimum Standards for FY 2011, as presented and discussed and subject to any conditions of said resolutions. The motion was unanimously approved. (A copy of Resolution FY2010R6(21) for the State Acquisition Program Minimum Standards for FY 2011 and Resolution FY2010R6(22) for the County Planning Incentive Grant Program Minimum Standards for FY 2011 is attached to and is a part of these minutes.)

Ms. Craft stated that earlier in the meeting she neglected to recognize the new summer intern that the SADC hired, Carly Jones. She stated that Ms. Jones is a graduate student in the University of Pennsylvania in the city and regional planning program with emphasis on a certificate in land conservation. She stated that the SADC is very happy to have Ms. Jones on board to help in some policy and research on issues like trails.

## **PUBLIC COMMENT**

Jennifer McCullough from the Morris CADB addressed the Committee. She stated that on behalf of her Board and the Morris CADB staff she wanted to thank the SADC staff for all their hard work. She stated that it has been a very challenging year getting the Highlands Preservation farms through. Ms. Winzinger and Mr. Burns have worked very hard as well as Ms. Craft. She stated that the Smith farm has presented an incredibly complex situation and there is no way at the county level that it could have been properly addressed without the help of Ms. Craft, Mr. Brill, Mr. Smith and Deputy Attorney General Stypinski.

## **TIME AND PLACE OF NEXT MEETING**

SADC Regular Meeting: Thursday, July 22, 2010 (**Re-Organization Meeting**), beginning at 9:00 a.m. Location: **Health/Agriculture Building, First Floor Auditorium.**

**Note: Ms. Rendeiro left the meeting at this point.**

## **CLOSED SESSION**

At 1:27 p.m. Dr. Dey moved the following resolution to go into Closed Session. The motion was seconded by Mr. Danser and unanimously approved.

“Be it resolved, in order to protect the public interest in matters involving minutes, real estate, attorney-client matters and personnel, pursuant to N.J.S.A. 10:4-12, the NJ State Agriculture Development Committee declares the next one 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**

##### **County Planning Incentive Grant Program**

It was moved by Mr. Siegel and seconded by Dr. Dey to certify the development easement values on the following farm as presented and discussed in closed session:

1. Sisters Schoolhouse LLC/Pitarresi (Jeannine Matt Pitarresi)  
Block 52, Lots 4.16 and 4.22, Monroe Township, Middlesex County, 12  
Acres

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

**B. ATTORNEY/CLIENT MATTERS**

None

**ADJOURNMENT**

There being no further business, it was moved by Mr. Danser and seconded by Dr. Dey and unanimously approved to adjourn the meeting at 3:17 p.m.

Respectfully Submitted,

Susan E. Craft, Executive Director  
State Agriculture Development Committee

Attachments