

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

March 27, 2014

Vice Chair Danser called the meeting to order at 9:09 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

Members Present

Douglas H. Fisher, Chairperson (Arrived at 10:12 a.m.)
Alan A. Danser, Vice Chairman (Chaired meeting until 10:12 a.m.)
James Requa (rep. DCA Commissioner Constable)
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)
Cecile Murphy (rep. DEP Commissioner Martin)
Denis C. Germano, Esq.
Peter Johnson
Torrey Reade (via telephone conferencing)

Members Absent

Brian Schilling (rep. Executive Dean Goodman)
Jane Brodhecker
James Waltman

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

Others present as recorded on the attendance sheet: Heidi Winzinger, Brian Smith, Timothy Brill, Paul Burns, Dan Knox, Hope Gruzlovic, Jeffrey Everett, Dave Kimmel, Jill Gorman, Cindy Roberts, Steve Bruder, Patricia Riccitello and Sandy Giambrone, SADC staff; Christopher Howard, Esq., Governor's

Authorities Unit; Dan Pace, Mercer County Agriculture Development Board; Nicole Kavanaugh, New Jersey Farm Bureau; Brigitte Sherman, Cape May County Agriculture Development Board; Ursula Leo, Esq., Laddey, Clark and Ryan Law Office, Sussex County; Tom and Phillip Brodhecker, Brodhecker Farms, Sussex County; Brian Wilson, Burlington County Agriculture Development Board; Frank McGovern, Esq., McGovern and Roseman Law Firm, Sussex County; and Eileen Klog, Hampton Township, Sussex County.

Minutes

A. SADC Regular Meeting of February 27, 2014 (Open and Closed Sessions)

It was moved by Mr. Siegel and seconded by Mr. Germano to approve the Open Session minutes and the Closed Session minutes of the SADC regular meeting of February 27, 2014. The motion was unanimously approved.

REPORT OF THE CHAIRPERSON

Vice Chairman Danser indicated that Chairman Fisher will make any comments once he arrives at the meeting.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne made the following comments:

- Bills in the Legislature

Ms. Payne stated there was a lot of activity in the Legislature regarding companion bills A1272 and S837. The legislation as drafted would amend the Right to Farm Act to give Right to Farm protection to a wide range of ag-tourism events, including "special occasion events." Special occasion events include weddings and other social and cultural gatherings. The bills are comprised of pieces of legislation that have been floating around on this issue for a couple of years. Unfortunately, the legislation is really unclear and not properly constructed. An interesting provision in this legislation would give Right to Farm protection to special occasion events at wineries in particular but then it says the municipality has most of the control, from site plan and traffic to noise and curfews. On the one hand, it is trying to give Right to Farm protection to these operations and on the other hand it kind of takes it away. The legislation is problematic on many levels.

Mr. Danser asked if the bills speak to preserved versus nonpreserved? Ms. Payne stated that the text of the legislation does not affect preserved farms; it only amends the Right to Farm Act. The bill statements both talk about the intent of this applying to both preserved and unpreserved farms and that is one of the big problems – that the legislation’s language as drafted is not effecting the intent of the statements. She stated the bills were passed by Assembly and Senate Committees on Monday and the legislation is posted for a vote in the Senate today. Yesterday, the State Board’s legislative committee met and the State Board issued a letter in opposition to the legislation for some of the reasons just stated. The other reason is that the legislation would really up-end the five years of work the SADC just completed on the On-Farm Direct Marketing AMP because it statutorily greatly expands the definition of agri-tourism with no deliberative process. New Jersey Farm Bureau also submitted a letter not supporting the bill in its current form. This legislation would have huge impacts on this program, on Right to Farm, if it is signed into law. The Secretary of Agriculture, the Farm Bureau and the State Board will continue to have their voices heard as this moves forward.

Mr. Johnson stated that he feels the spirit of this bill is good and that the subject keeps popping up and the SADC and New Jersey Farm Bureau keep batting it back. He asked how we can get involved in the process so that we get something that we can all live with. Ms. Payne stated that she didn’t want to speak on the Farm Bureau’s behalf but their letter said that it was not opposed to the bill in that it was a terrible bill that shouldn’t be passed, but they wrote a very long letter saying they think that these kinds of events are something that really need to be looked at carefully and that the SADC needs to go through the AMP process to define what the parameters of special occasion events on farms should be for Right to Farm and for farmland preservation. Basically, she thinks they have been pretty happy with the process we went through developing the On-Farm Direct Marketing AMP in terms of working with the agricultural community and the broader community. Mr. Johnson stated that the AMP didn’t address these points though. Ms. Payne stated that it didn’t and we knew it didn’t. She stated that the Farm Bureau is saying that we should go through a parallel process to deal with these issues. Whether the Committee has the same opinion, we will have to get to that.

Mr. Siegel questioned whether the legislation contained the provision from the original bill that allowed wineries on preserved farms to have events and obtain most of their income from those events. Ms. Payne stated that those provisions are

still in this bill. She stated that another unusual provision is that the legislation has a penalty clause. For the first offense, if a winery violates that income ratio, the SADC is supposed to go after them in civil court to fine them \$1,000. It would cost more to hire an attorney to do that. Then the second offense would be \$2,000, the third offense would be \$3,000 and the like. The irony of that is that Right to Farm is not something we enforce; it is a protection and if a property owner doesn't comply with the standard, then the protection is gone and the SADC does not force the owner to comply with Right to Farm. Those are some of the structural and legal problems of that bill.

Mr. Siegel stated that his opinion on the Dancer bill is that it would be unconstitutional to treat wineries differently from other direct marketing and farm market type operations. Why is wine different from grape juice or apple cider? How can you tell, say Terhune, they are under a different standard than someone who sells a fermented beverage? You would also be wiping out the control mechanisms over our ability to manage markets, which has been a big debate in the past several months here. The income standard becomes vacated and a person can then do anything they want at a farm market and sell anything and still has Right to Farm protections. Ms. Payne stated that was one of the points that the Farm Bureau made in their letter, that this issue is bigger than just wineries. She stated that the League of Municipalities has also been very aware of this all along and she thinks that the reason why all those provisions are in there giving all that deference to municipalities is to get the League's support, and she feels that is completely counter-intuitive to Right to Farm. What the bill means is if you are in a town that likes you as an operator, then you are good to go, and if you are in a town that doesn't then you have zero protections. That is not how Right to Farm works. Mr. Siegel stated that the other significant aspect for municipalities would be that one of the biggest questions regarding Right to Farm eligibility is whether the farm qualifies as a commercial farm. One of the measurements, as we saw in the Brodhecker case, is are you selling farm produce or not? Ms. Payne stated that Assemblyman Dancer's bill proposed basically allowing non-farm produce to be the majority of the income. Ms. Payne stated that the legislation, as drafted for wineries, says that the winery just has to be in compliance with the ABC's laws and regulations. A plenary farm license says that as long as you have three acres of vines you can ship juice and grapes from anywhere in the country or world for that matter and make and manufacture up to 250,000 gallons of wine a year, so that relationship between what is being grown and what is being produced has collapsed. Ms. Payne stated that the State Board of Agriculture's letter also reflects some of those concerns.

Mr. Johnson stated it isn't just wineries. He stated that he is sure everyone is aware that wedding and other life celebratory events are happening on farms throughout the state and there is tremendous demand. Personally, he feels it fits under the ag-tourism venue. Whether or not we can accept that, if we keep trying to lump this in with farm markets it is not going to work. It is different. Ms. Payne stated that is why during deliberations on the On-Farm Direct Marketing AMP she asked that they put that issue aside so that we could deal with marketing like we've contemplated. If this is a new and growing part of the agricultural industry and the SADC gets its head around that and the parameters for that, then we can deal with it on a separate track. But to try to take all of that, which is absolutely new, and try to incorporate it into the AMP was biting off too much. She stated that she hears him loud and clear and the issue is not going away. She felt the Committee should deal with the issue but her position is that this bill would do serious damage to the SADC's ability to do it in any reasonable way. She stated that she would keep the Committee posted going forward.

Mr. Johnson stated that he is on the Committee to speak for the agri-tourism industry in general. There is opportunity and these types of events could contribute greatly to the preservation of a lot of historic structures on farms and that is what this industry wants.

- On-Farm Direct Marketing AMP

Ms. Payne stated that the AMP will be published in the New Jersey Register on April 7th and then we will have an adopted published rule to start using for Right to Farm protection.

- Monmouth County's Preservation Program

Ms. Payne wanted to congratulate Monmouth County on preserving its 200th farm, one of the Lustgarten farms. It was a huge accomplishment. The SADC will send a letter recognizing that accomplishment to Monmouth County.

- New SADC Staff Person

Ms. Payne stated that the SADC will have a new staff person, David Clapp, on board effective April 7th. Mr. Clapp has been a Department of Agriculture employee and has worked very closely with the Natural Resources Conservation

Service (NRCS) and is a certified NRCS Conservationist. He will be part of the SADC's stewardship team and will help staff with the increasing number of issues we have relating to the stewardship of farms, such as erosion issues and management issues, to be able to help farmers deal with issues in a way that is compliant with the deed of easement. He will be a huge help with stewardship and Right to Farm matters.

- Solar Approval – Executive Director (Hansen Farm)

Ms. Payne noted that the Committee delegated routine solar development reviews on preserved farms to the staff and to the Executive Director for approval. She stated that staff promised to report to the Committee any time the SADC issued one of those approvals. She referred the Committee to the Administrative Review of Solar Projects spreadsheet showing the approval of one solar project on the Canright-Hansen Farm in Bethlehem Township, Hunterdon County. She reviewed the specifics with the Committee. No action was required for this agenda item. It is for informational purposes only.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. She stated that in the aftermath of the SADC's decision regarding the Brodhecker matter last month, there is a copy of a letter dated March 26th from McGovern and Roseman, P.A., on behalf of Hampton Township and also a letter dated March 20th sent by the attorney for the Brodhecker Farm objecting to the SADC's decision and requesting a hearing in that matter. The SADC issued a final decision and when staff received this letter, she was uncertain about the SADC's legal options. Staff has been in consultation with the Attorney General's Office and if the Committee wants to hear more about options, it can discuss that in Executive Session to get an understanding of what some of the parameters would be. Then after that deliberation the Committee can take whatever action, if any, it finds appropriate. Mr. Brodhecker's attorney asked that the Committee be provided with their correspondence, which staff sent out to the Committee in advance of today's meeting. As soon as the SADC received the Hampton Township letter, that also was provided to the Committee by email.

Mr. Siegel stated that he read the letter dated March 20th from Ursula Leo and Richard Clark, Counsel for the Brodheckers, briefly and he questioned their assertion that the SADC decision reversed both the Sussex CADB decision and

the OAL decision without any sort of a hearing. He asked what they were talking about. Ms. Payne stated that the Right to Farm process is set forth in the Administrative Procedure Act so when someone appeals a CADB decision, the hearing is held at the Office of the Administrative Law. The Brodheckers were suggesting that there be another opportunity to be heard on the case. That has not been the SADC's procedure and it isn't the procedure in the Act. Mr. Germano stated that to his knowledge it isn't the procedure in any other State agency either. Mr. Siegel stated that is what he couldn't understand -- if they were asking for the SADC to conduct a plenary hearing, which he didn't think the SADC had legal authority to do. Mr. Danser stated that even with the courts if you appeal something it is done on the record typically. Ms. Payne stated that the Brodheckers are present today and will comment on the issue.

PUBLIC COMMENT

Tom Brodhecker thanked the Committee for the opportunity to speak today. He stated that in 1996 to 1998 when the State Board of Agriculture was working on the state Right to Farm Law, he was involved in the process and the biggest issue they had was how to decide what a farm can sell as ancillary or contributory so that it was fair to everyone concerned. They started making lists of things you can and cannot sell and they finally came out with the 49/51 percent rule. He stated that 49 percent of what you sell can be ancillary or contributory to your farm income but 51 percent or more must be grown, raised or manufactured by the farm. That was the limit they came up with and the reason they did was because if they started making a list for every circumstance that farms could eventually be involved in, a list was not going to work.

Mr. Brodhecker stated that this ratio is very limiting to the farm. This has been an issue with his operation and his case. He described for the Committee the origin and history of the complaints from a neighbor who lives directly across the street. After he received a cease and desist order from the Township for selling muck boots and gazebos, he called them and asked what he needed to do. The Township said he had to come in for a variance. They went in for a variance, he started just to go in himself and then he felt he should get the proper legal people to do this and they did. They retained the firm of Laddey, Clark and Ryan and they went in for their first variance. Ultimately, however, his attorney advised that they should put the variance procedure on hold until such time that they could go to the CADB with this issue. They respectfully asked for that delay, the Township granted it and they went to the CADB. Because his wife is the Chair of that CADB, the Township tried to prevent the CADB from hearing the matter and there was a two-year period where they went back and forth arguing over who would hear it.

Meanwhile, they were in limbo. In the meantime, there is a provision in the Right to Farm Act that says a site-specific agricultural management practice (SSAMP) should come under this 49/51% rule. Mr. Brodhecker stated that they put in for the SSAMP. During the hearing they were cross-examined by the Township and examined by anyone who wanted to examine them. They did everything by the book and they got a very favorable SSAMP granted to them by the CADB. The Township appealed this. They have always sold, with the pure intent in mind, something that is accessory or a need to the agricultural community in their county, which is now hobby farms, and there are a lot of them. Everything they do is geared to them. They don't compete with tractor supply or any of these organizations and he doesn't want to compete and he cannot compete with them. They can buy things much cheaper than he can. They try to get things the people need and cannot get readily at other places. They compete with Wal-Mart, which sells corn for deer. They sell corn for deer that they grew. Having said all this he would like to give his attorney an opportunity to speak to the Committee as well.

Ursula Leo, attorney for the Brodheckers, stated that she recognizes that a hearing is not provided for under the Right to Farm Act. However, under the law the CADB is presumed valid unless a certain legal factor is met and that factor isn't accepted unless there is a clear abuse or unreasonably and arbitrary exercise of discretion. When they read this proposed final decision, she doesn't see that in the SADC's proposed decision. It is concerning to them and upsetting to them that the finding of the County as well as the Office of Administrative Law (OAL), who were the ones that rightfully held the hearing, had all the evidence, listened to and saw hundreds of exhibits, they granted the SSAMP. Now we are getting this final decision from this agency that not only reverses that without a hearing, admittedly you don't have to have a hearing, but again there needs to be a clear abuse or there needs to be arbitrary or unreasonable exercise of discretion by the County or the OAL who heard everything. Now we are hearing that not only was the County wrong, not only was the OAL wrong but we've got these regulations that now we know are going to become effective April 7th, and even though this has been going on for seven years, we are going to apply those regulations to the Brodhecker farm. She stated that even applying the new definitions of complementary and supplementary, we meet them and we can argue that if we need to, but it is concerning again. Hopewell Valley Vineyard can have wine stoppers and wine coasters, but the proposed final decision tells us we cannot have fertilizer. How can we not sell the fertilizer that is produced by the cows and produced by the sheep on our farm? She stated that they went for a SSAMP because there was no AMP and the SADC has been working on that and she appreciates that but we are here for an SSAMP that the County heard, that the OAL heard and that applies directly to us. So now if you're the next CADB, the next farmer, you can sell wine stoppers, wine coasters but you cannot sell wood shavings for horses and you

cannot sell manure that is made from the animals on your farm. That is why we are here today and that is why she submitted the letter. They understand there is a veto period and now she understands that the minutes have been sent forward and if they need to pursue that they will, but like she said they are concerned about the procedure and the impact and therefore they are asking that the SADC reconsider for the reasons set forth in her letter. She would be happy to entertain any questions.

Phillip Brodhecker thanked the Committee members for serving on the Committee. The Committee has significance in agriculture in preserving farmland as well as upholding the Right to Farm Act, just as well as the CADBs. There are a lot of volunteers who put a lot of time into those boards. The Right to Farm Act has been changed and modified over the years, and the SADC recognizes the concerns as far as holding up in court the credibility and viability of it. No farm is the same; every farm has a lot of variation. There are a lot of produce farms and a lot of markets that sell peppers, tomatoes, blueberries, corn and peaches and he thinks that is great that everyone has that stereotypical farm market visual but those retail products go directly to consumers. Our farm is far from that. They raise crops, cattle, pigs, sheep, chickens, manure and feeds that we sell directly to consumers. Their consumers aren't the person who is buying blueberries to put on their table and eat. They are buying feeds and they are buying livestock to continue that process of production. He has quite a few farmers who do produce all these items and have a farm market themselves and they are purchasing seed from him to grow for those markets. There are a lot of other things they are purchasing so they are far from the stereotypical farm market. That is the purpose of the SSAMP. That is the purpose of the county level boards, just as the SADC is. Originally this was requested to come to the SADC but it sent it back to the County saying it has to go through the process, which is a very important thing. The SADC's decision really overturned a lot of significance in the county board's decisions and SSAMP. There is a lot of confusion in that decision and he can point out numerous instances of conflicting information if he had the opportunity, and one fine example was wood pellets. They sell wood pellets -- a soft wood pine pellet for bedding, strictly for livestock bedding. It can also be used as fuel, which he sees that the attorney has pointed out that he said it could be used as fuel. It is not economically viable to use it as fuel. It is not as efficient as the hard wood pellets and that is not what it is produced for or what it is marketed as. The SADC also specified that if a farm has sheds and they are selling sheds because they sell garden stuff and they sell nursery stock then they can sell sheds. He just had a customer come to him yesterday and he has been buying cattle from him for at least five years, and has been buying feed from him for those cattle because he is finishing them off and putting them in his freezer as well as selling them to other people. He said he needs a shed for his hay and his grain because he has been using the seed container and the hay and grain are getting moldy because of the

metal sides. Now you are telling me that I cannot sell my sheds if it's complementary to the products he is purchasing from me.

Mr. Brodhecker stated that there are inconsistencies throughout the document that really jeopardize this whole process. That is why he is requesting, if you are going to overturn a county board, to at least seek factual information and reevaluate the way that it is done. The SADC has the ultimate decision and that is an extremely important decision. This decision is going to have future ramifications on every other decision and every other Right to Farm complaint. He cannot over-emphasize the importance of that decision and that it is done right and proper. No, a hearing is not required, that is correct, but if you are going to overturn, at least seek the facts that those boards and the OAL were afforded. When they went to court in Newark, Hampton Township submitted a stack of papers that was 5 ½ inches tall. He doesn't think that anyone from the SADC looked through 5 ½ inches worth of paper before overturning those decisions. He is pretty sure the Judge did and she did that so that this volunteer board doesn't have to. So there is a process in place and that county board has a function and a service and that is what they did.

Tom Brodhecker stated that there is a question of why they did this. He stated that they could have rolled over, played dead and given up the gazebos and muck boots until the next time a neighbor complained that they were selling something else. They fought this for one reason. This case is going to set a precedent for how other cases are handled. This SSAMP is going to be so important to all the farmers in this state and if it doesn't come out right what is the use of having an SSAMP?

Frank McGovern representing the Township of Hampton stated that he was at the last SADC meeting and the last thing he wants to do is relitigate a case that has been in litigation since effectively 2009. He stated that there has been a lot of material submitted over the years and a lot of opportunity for debate, submissions, clarification and everything on the whole process. The last thing they want to do is to open this all up again and to hear it again. All three sides, counting Mr. Pierson who couldn't be here today, have invested a lot of time and effort into this. Mr. Brodhecker refers to setting a precedent. The precedent has already been set. The SADC has already established standards that are in effect that you are citing from when deciding Hopewell. You were citing back to an old draft AMP from 1994. These things have been in play for years. What you have done, he believes, is you simply applied what was already there to the facts of the case. The idea of there being a statewide impact, his concern is the opposite -- that you start changing the standards and/or re-applying them in a different way. That is going to have a statewide impact. This is a site-specific process and we are dealing specifically with the activities on that farm. Also with regard to the SADC's ability to

look at the proposed regulations that are out there that the SADC has spent years investing to develop, he is sure that those are based upon the SADC's own experiences with its own cases that came before it, from which you developed these particular guidelines. He thought it would be absolutely remiss if the SADC didn't look at those regulations because they are there from the SADC's own experiences and help you to determine how to apply the standards that are out there.

Mr. McGovern stated that the idea of any unfairness that may be implied in the process, that now you are applying a set of rules that are proposed, you have to look back to the very beginning of this process. In Brodhecker's own application, they made a direct reference to the SADC's proposed standards of that time in the 1994 guidelines and actually quoted from them at length in their application. That was all copied into the resolution recommending the AMP for them at that time. These things were out there, they were a known quantity. This was not a surprise. It is something we have all been working with over the years. The idea that there has been no shifting of a burden of proof because perhaps the board has already made its decision somehow without any problems or concerns, again you have to look at your own decision to refresh your memory as to each of the things that the county board had overlooked. A lot of the places they didn't even make an evaluation of some of these very material issues that were in play and then that got compounded at the Administrative Law Judge (ALJ) level as well on the products. The ALJ didn't even start an evaluation. She cited the Hopewell case and then that was it. She didn't go to the next step and say here is how it applies to these facts. But the SADC has done that and when he was here last month it was clear that this has been in discussion for many meetings and there has been a lot of investigation and research done on it by the staff and a lot of thought given to this as well. He would ask that the Committee doesn't take this unusual, extraordinary step of having a re-hearing, and reconsidering this whole issue. There are no more facts to look at and you have made your decision.

Tom Brodhecker stated that the Township spent two days going over with the Judge the products that they sold, item by item. They copied all of the webpages on their website plus the connecting pages that they shift you over to from other providers. They went over each item one by one, whether they should be allowed to sell that or not. The ALJ heard all of that, just about every single item that they sell. She did not say in her final writing that yes, they can sell this or that, because she understands the 49/51 percent rule. In fact, she came out to their farm to see the situation and visited with the farm, the Township and Mr. Pierson, who is their neighbor. She went back and then after looking it over, she found in 100 percent favor of the CADB decision. There was a portion of the CADB's hearing, about an hour or so that didn't get on the recorder and he thought that

was very important to her because the Township also had their expert witness testifying on why they should or shouldn't be allowed to sell these different items. They didn't go into it as extensively as they did with the Judge but they went into it. He thought that the Judge had all kinds of information to make a very fair decision. There was nothing left out or not looked at as far as her decision. He thought if she were sitting here today, you would find that the Township is not putting all the truth out.

Ms. Payne asked Ms. Leo if Brodhecker Farms obtained a copy of the ALJ's transcript. Ms. Leo stated no, that it was just a tape, a CD. She stated that what Mr. Brodhecker was just saying was that from the CADB hearing, there are about four or five transcripts, handwritten transcripts, and there is an hour that is missing from the transcript. Ms. Payne stated that she understands there was a transcript from the CADB's deliberations. Ms. Leo stated the ALJ's is just a disk. Ms. Payne stated so the transcript was not ordered. Ms. Leo stated that is correct.

Mr. McGovern stated to be clear he listened to the entire recording of the ALJ's proceedings and he didn't observe anything missing from that recording. He stated that at the county level he was actually there at the meeting. His recollection was that we are not talking about an hour but maybe five or ten minutes of time when the person operating the recorder realized there was a glitch.

Ms. Leo stated that she wanted to make sure it is understood that the Rutgers Cooperative Extension had two officers who went to the farm and prepared a report and that was part of the CADB decision.

NEW BUSINESS

A. Resolutions for Final Approval: County Planning Incentive Grant Program

SADC staff referred the Committee to two requests for final approval under the County Planning Incentive Grant Program. Staff discussed each request with the Committee and stated that their recommendation is to grant final approval, as presented and discussed.

It was moved by Mr. Germano and seconded by Mr. Siegel to approve Resolution FY2014R3(1) 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 and subject to the correction to the language in the sixth "Whereas" as related below:

1. The Land Conservancy of New Jersey/Beaver Brook Farm, SADC# 21-0534-PG (Resolution FY2014R3(1))
Block 3400, Lots 400 and 1400; Block 3401, Lot 400, Hope Township, Warren County, 135 Net Easement Acres
State cost share of \$2,787.40 per acre for a total grant need of \$387,587.97, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."
Base grant funding in the amount of \$386,301.30 and FY 2011 competitive grant funding in the amount of \$1,286.67 (total of \$387,587.97) will be utilized to cover the SADC cost share.

Discussion: The property is located in the Highlands Planning Area. It includes a 0.65-acre nonseverable exception area restricted to one single-family residence and a 1-acre nonseverable exception area restricted to one single-family residence. The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases. Therefore, 139.05 acres will be utilized to calculate the SADC grant need. Staff indicated that on the first page of the draft resolution under the sixth "whereas" it stated that the property had no exception areas but in the fifth "whereas" it listed two exceptions. Staff will correct the resolution by revising the sixth "whereas" to say ... "no pre-existing non-agricultural uses outside of the exception areas."

The motion was approved. (Chairman Fisher was absent for the vote.) (A copy of Resolution FY2014R3(1) is attached to and is a part of these minutes.)

Note: Mr. Johnson recused himself from any discussion/action pertaining to the following agenda item to avoid the appearance of a conflict of interest. Mr. Johnson is a member of the Burlington County Agriculture Development Board.

It was moved by Mr. Siegel and seconded by Mr. Germano to approve Resolution FY2014R3(2) 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 and subject to the clarification regarding access as discussed below:

2. Mary-Ann Thompson and Fred Wright, SADC #03-0382-PG (Resolution FY2014R3(2))
Block 2101, Lot 5, Tabernacle Township, Burlington County, 112.902 Surveyed Acres
State cost share of \$2,141.20 per acre, for a total grant need of \$241,745.76, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "D."

Discussion: The property is in the Pinelands Special Agricultural Production Area. It includes a 3-acre nonseverable exception area restricted to two single-family residences. There are 5.25 Pinelands Development Credits (PDCs) allocated to the property and as a result of the conveyance of the deed of easement to the County, all of the PDCs will be retired. The County is requesting \$241,745.76 from the FY2013 competitive grant eligibility.

Ms. Murphy stated that she had some questions regarding the access because it does appear to be surrounded by State parkland. She stated that at the time of the certification of value staff indicated they would look into that. She wondered if that was looked at and what the outcome was. Brian Wilson from the Burlington CADB stated that it was his understanding that it is a public road through the State forest. Ms. Murphy wanted to make sure there was legal access because things come up and people have what they think is legal access and then it's not and they have to come get access through a State park. Ms. Payne stated that staff will definitely double check to make sure. Ms. Murphy stated that her other question was regarding a provision in the deed of easement that says the land has to remain available for agricultural use. What does that mean for a cranberry farm? Normally that means you have to mow it once a year so it doesn't grow up and turn into a wetland or forest. Ms. Payne felt it would mean that it would not revert to a natural wetlands because if that occurs, and she thinks the period is five years, although she doesn't know if the timeframe is different in the Pinelands, but outside of the Pinelands if a farmer allows a low area, a pasture area, to revert for five years and a wetlands species reestablishes and a wetlands hydrology reestablishes, then the farmer cannot go back in and farm that ground. We would interpret that in the Pinelands as to not let the land revert to natural wetland because she didn't think we would get it back.

The motion was approved. (Mr. Johnson and Ms. Murphy abstained from the vote. Chairman Fisher was absent for the vote.) (A copy of Resolution FY2014R3(2) is attached to and is a part of these minutes.)

B. Resolutions of Final Approval: Municipal Planning Incentive Grant Program

SADC staff referred the Committee to six requests for final approval under the Municipal Planning Incentive Grant Program. Staff reviewed the specifics of the requests with the Committee and stated their recommendation is to grant final approval as presented and discussed.

It was moved by Mr. Requa and seconded by Mr. Germano to approve Resolution FY2014R3(3) through Resolution FY2014R3(8) 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. Donald and Patricia Schanzlin, SADC # 21-0528-PG (Resolution FY2014R3(3))
Block 20, Lot 4, Harmony Township, Warren County, 83 Net Easement Acres
State cost share of \$3,900 per acre (65% of the certified market value), for an estimated total grant need of \$323,700 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The property is located in the Highlands Preservation Area. It includes a 3.8-acre nonseverable exception restricted to one single-family residence.

2. Darla and Benny Waters and Donald and Patricia Schanzlin, SADC #21-0524-PG (Resolution FY2014R3(4))
Block 20, Lot 4.01, Harmony Township, Warren County, 24 Net Easement Acres
State cost share of \$4,400 per acre (62.86% of the certified market value), for an estimated total grant need of \$105,600 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The property is in the Highlands Preservation Area. It includes a 3-acre nonseverable exception restricted to one single-family residence.

3. Alan and Joan Apgar, SADC # 21-0251-PG (Resolution FY2014R3(5))
Block 21, Lot 6, Harmony Township, Warren County, 19 Net Easement Acres
State cost share of \$4,400 per acre (62.86% of the certified market value), for an estimated total grant need of \$83,600 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The property is in the Highlands Preservation Area. It includes a 0.6-acre nonseverable exception restricted to one single-family residence. It also includes a 0.2-acre severable exception for a lot line adjustment to resolve an existing driveway encroachment.

Note: Chairman Fisher arrived at the meeting at this point in time and presided over the meeting.

4. Frank Hahola, Jr. and Margaret Hahola (North), SADC #10-0343-PG (Resolution FY2014R3(6))
Block 11, Lot 12, Alexandria Township, Hunterdon County, totaling approximately 46 Net Easement Acres
State cost share of \$5,050 per acre (60.84%), for a total grant need of approximately \$232,300 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained on Schedule "C."

Discussion: The property includes a 1.5-acre nonseverable exception restricted to one single-family residence and a 2-acre nonseverable exception area around existing agricultural infrastructure and restricted to non-residential use.

5. Frank Hahola, Jr. and Margaret Hahola (South), SADC # 10-0347-PG (Resolution FY2014R3(7))
Block 16, Lot 3, Alexandria Township, Hunterdon County, 13 Net Easement Acres
State cost share of \$5,580 per acre (60%), for a total grant need of approximately \$72,540 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The property includes a 2-acre nonseverable exception restricted to one single-family residence.

6. DeLuca Lot Investors, LP, SADC # 08-0178-PG (Resolution FY2014R3(8))
Block 38, Lot 4; Block 39, Lot 5, Woolwich Township, Gloucester County, 81.348 Net Surveyed Easement Acres
State cost share of \$10,800 per acre (60%), for a total grant need of approximately \$878,558.40 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C." **This final approval is conditioned upon the SADC's receipt of the Gloucester County Freeholders' resolution of April 2, 2014.**

Discussion: The property includes two 1-acre nonseverable exceptions, each restricted to one single-family residence.

The motion was unanimously approved. (Copies of Resolution FY2014R3(3) through FY2014R3(8) are attached to and are a part of these minutes.)

C. Resolutions of Final Approval – State Acquisition Program

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

It was moved by Mr. Danser and seconded by Mr. Siegel to approve Resolutions FY2014R3(9) through FY2014R3(13) granting final approval to the following applications under the State Acquisition Program, as presented and discussed, subject to any conditions of said Resolutions:

1. Howell R. Wentzell, SADC #17-0268-DE (Resolution FY2014R3(9))
Block 69, Lots 6 and 7; Block 70, Lot 8.02, Upper Pittsgrove Township, Salem County, 109 Net Easement Acres
Acquisition of the development easement at a value of \$5,900 per acre for a total of approximately \$643,100, subject to the conditions contained in Schedule "B."

Discussion: The property includes a 1.5-acre nonseverable exception area restricted to one single-family residence. It includes a 9.6-acre severable exception area for the current nonagricultural business, Red Oak Disposal Services, and is restricted to one single-family residence.

2. Duane A. and Lois H. Cruzan, SADC # 06-0066-DE (Resolution FY2014R3(10))
Block 11, Lot 10, Hopewell Township; Block 2, Lot 9, Stow Creek Township
Cumberland County, 115 Easement Acres
Acquisition of the development easement at a value of \$4,600 per acre for a total of approximately \$529,000, subject to the conditions contained in Schedule "B."

Discussion: None

3. George and James Ballinger, SADC # 08-0033-DE (Resolution FY2014R3(11))
Block 263.01, Lot 4.03; Block 273, Lot 20, Mantua Township, Gloucester County, 150.47 Net Easement Acres
Acquisition of the development easement at a value of \$13,000 per acre for a total of approximately \$1,956,110, subject to the conditions contained in Schedule "B."

Discussion: The property includes a 3-acre severable exception area restricted to one single-family residence.

4. Gaetano and Angelina Grasso, SADC #08-0032-DE (Resolution FY2014R3(12))
Block 42, Lots 7.01, 9, 18, Elk Township, Gloucester County, 57.5 Net Easement

Acres

Acquisition of the development easement at a value of \$6,000 per acre for a total of approximately \$345,000, subject to the conditions contained in Schedule "B."

Discussion: The property includes a 1-acre nonseverable exception area restricted to one single-family residence.

5. Robert and Sarah Santini, SADC # 21-0067-DE (Resolution FY2014R3(13))
Block 97, Lot 1; Block 94, Lot 22, Lopatcong Township; Block 5, Lot 1,
Greenwich Township, Warren County, 94 Net Easement Acres
Acquisition of the development easement at a value of \$6,200 per acre for a total of approximately \$582,800, subject to the conditions contained in Schedule "B."

Discussion: The property includes one 9-acre severable exception for and restricted to one single-family residence and to accommodate a future New Jersey Department of Transportation (NJDOT) Route 519 and Route 57 intersection improvement project. The property includes one 2.2-acre severable exception to accommodate a future NJDOT Route 519 and Route 57 intersection improvement project. Currently, the NJDOT is in the planning stage of the project, and NJDOT and the owners have designated the exception areas to accommodate a future purchase of the entire 2.2-acre exception area and a portion of the 9-acre exception area. NJDOT and the owners understand that the exception areas cannot be changed in any way after the farm is preserved.

The motion was unanimously approved. (Copies of Resolution FY2014R3(9) through Resolution FY2014R3(13) are attached to and are a part of these minutes.)

PUBLIC COMMENT

None

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Friday, April 25, 2014, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 10:34 a.m., Mr. Germano 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, 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. Danser and seconded by Mr. Germano to certify the following development easement values as presented and discussed in Closed Session:

County Planning Incentive Grant Program

1. George Demarest, LLC, SADC # 02-0001-PG
Block 2101, Lot 13, Saddle River Borough, Bergen County, 17 SADC Acres
(17.81 per owner's application)

Municipal Planning Incentive Grant Program

1. John Anderson and Cynthia Brown, SADC # 21-0483-PG
Block 3, Lot 3 and 3.01, Knowlton Township, Warren County, 119.975 Acres

Direct Easement Purchase Program

1. Jeffery E. Harris (Mill Hollow), SADC # 17-0266-DE
Block 6, Lot 2, Quinton Township, Salem County, 117 Acres

The motion was unanimously approved. (Copies of the Certification of Value Reports are attached to and are a part of the closed session minutes.)

Mr. Siegel stated he would move to approve the certification of values for the Stella Farm that he recommended as option B in closed session.

It was moved by Mr. Siegel and seconded by Mr. Johnson to certify the following development easement values option “B” as presented and discussed in Closed Session:

2. Stella Farm # 1, SADC # 17-0257-DE
Block 57, Lot 8; Block 59, Lots 18, 20, 21; Block 70, Lots 1, 2; Block 71, Lots 1, 2
Upper Pittsgrove Township, Salem County, 314 Acres

A roll call vote was taken as follows:

Cecile Murphy	Yes
James Requa	Yes
Brian Schilling	Absent
James Waltman	Absent
Denis Germano	Oppose
Jane Brodhecker	Absent
Ralph Siegel	Yes
Alan Danser, Vice Chairman	Oppose
Torrey Reade	Yes
Peter Johnson	Yes
Douglas Fisher, Chairman	Oppose

Motion passed: 5 Yes Votes; 3 Oppose Votes; 3 Members Absent

(A copy of the Certification of Value Report is attached to and is a part of the Closed Session minutes.)

C. Attorney/Client Matters

1. Right to Farm – Final Decision
 - a. Hampton Twp. and Pierson v. Sussex CADB and Brodhecker Farm, LLC

Ms. Payne stated that as discussed in closed session the Brodheckers submitted a letter requesting reconsideration of the SADC's final decision in their site-specific agricultural management practice (SSAMP) matter. The Committee has had the opportunity to discuss that with its attorney in closed session to find out what its legal options are. At this point in time it is up to the Committee to make a decision, whether it is going to accept that reconsideration request or not.

Mr. Germano made a motion that the request to reconsider the Committee's decision be denied. Mr. Danser seconded the motion.

Chairman Fisher asked if he was to make a counter-vote what would need to happen. Mr. Siegel stated that Mr. Germano's motion would need to be voted out or it would need to be tabled. Mr. Stypinski stated that was correct.

Chairman Fisher motioned to table Mr. Germano's motion. Ms. Reade seconded the motion to table Mr. Germano's motion. Mr. Siegel stated that the Committee would now need to vote on Chairman Fisher's motion to table Mr. Germano's motion. To vote yes would be to table the motion, which means it goes away and a no vote means that the Committee gets to discuss a vote on his motion. Ms. Payne stated that Mr. Germano's motion is on the table. Chairman Fisher motioned to table that and Ms. Reade seconded it so she stated the Committee needs to vote on the decision to table the resolution and therefore a new motion can be made. Chairman Fisher called for a roll call vote on his motion to table as follows:

Cecile Murphy	Yes
James Requa	Yes
Brian Schilling	Absent
James Waltman	Absent
Denis Germano	Oppose
Jane Brodhecker	Absent
Ralph Siegel	Oppose
Alan Danser, Vice Chairman	Oppose
Torrey Reade	Yes
Peter Johnson	Yes
Douglas Fisher, Chairman	Yes

Motion passed: 5 Yes Votes; 3 Oppose Votes; 3 Members Absent. Mr. Germano's motion to deny reconsideration is now tabled.

Chairman Fisher motioned to reconsider the Final Decision approved by the Committee at its February meeting. Mr. Johnson seconded the motion. Mr. Danser asked what that means. Does it mean we start all over, because Chairman Fisher didn't suggest a specific piece of it so that means it is a de novo hearing. Mr. Germano stated that as he interpreted the request it is limited to our decision about the items for sale. Mr. Danser stated that the motion was just to reconsider the decision. Chairman Fisher stated he can amend his motion to limit the reconsideration to the decision the Committee made about the items for sale. Mr. Johnson agreed to amend his second to the amended motion.

Discussion: Chairman Fisher stated that he believes, based on information about some of

the items being offered for sale, that the Committee has the opportunity and should discuss it further, perhaps even bringing in transcripts, the items that have been mentioned as for sale in this decision. Mr. Siegel asked who would be paying for these transcripts. Chairman Fisher stated we would. Mr. Danser stated that they are very expensive. Mr. Siegel stated that would be precedent-setting. Everyone who asks for a reconsideration, we are going to fund the production of the transcripts. Mr. Germano asked if Chairman Fisher would consider amending his motion to include that the moving party furnish transcripts, or at least that part of the hearing transcripts that dealt with the items for sale. Chairman Fisher stated he would be agreeable to that. Mr. Johnson stated it would be agreeable to him also as the seconder.

Mr. Siegel asked if this reconsideration would include the receipt of new information or is it going to limit itself to the record that we already have, meaning what we obtain from the ALJ? He stated that this letter from Laddey Clark asks for or implies that there should have been a hearing. Chairman Fisher stated he is not suggesting having a hearing. Mr. Germano stated that he believes the attorney conceded on the record that they are aware that they are not entitled to a re-hearing at this level. Chairman Fisher stated again that his motion is not for a re-hearing or new information. It is based on the transcript of what occurred.

Ms. Payne stated that the motion on the floor is to reconsider the final decision with the obligation to the moving party, which in this case would be the Brodheckers, to supply the transcript of the ALJ's proceedings to the SADC for consideration. Mr. Danser stated it wasn't the moving party, it would be the requesting party. Ms. Payne agreed. Mr. Germano stated that the reconsideration would be limited to the decision about the items offered for sale and because we are limiting our decision to that part, they don't have to produce a whole transcript, but just the transcript that dealt with that portion of the hearing. Chairman Fisher stated that was correct.

Mr. Siegel stated that a reconsideration is supposed to be because of a discovery of a grievous error or a major defect in the record and in his opinion that doesn't exist. Chairman Fisher stated that the only grievous error in his opinion was that the Committee didn't see the record or transcript.

Cecile Murphy	Yes
James Requa	Yes
Brian Schilling	Absent
James Waltman	Absent
Denis Germano	Yes

Jane Brodhecker	Absent
Ralph Siegel	Oppose
Alan Danser, Vice Chairman	Oppose
Torrey Reade	Yes
Peter Johnson	Yes
Douglas Fisher, Chairman	Yes

The motion passes: 6 Yes Votes; 2 Oppose Votes; 3 Members Absent.

Ms. Payne inquired about timing and what else would need to be done. Mr. Stypinski stated that he would guess, because he is not familiar with what the agency's timing would be, that you would need to do this within 45 days, as if it were taking another look at the initial decision. That would bring us to the April 25th SADC meeting. Ms. Payne felt that would not give staff enough time. She stated that the furnishing of the transcript, the portion dealing with the items, would be critical for the Committee to meet that 45-day deadline. Chairman Fisher asked if there were extensions possible. Mr. Stypinski stated that there is a new statute and he isn't sure this would apply; he would have to do some research. They amended the Administrative Procedure Act (APA) to require the consent of all parties in more than one extension of 45 days. He doesn't know how this reconsideration interplays with that statute or amendment to the APA. Chairman Fisher stated that right now it stands at 45 days but he would also ask Mr. Stypinski that within a period of 5-10 days, could you find out whether or not it stands at 45 days. They will assume the clock is ticking at 45 days and you will find out if it can be extended because staff has indicated it would be difficult. Once you determine what can be done you will notify all parties if there is an extension.

Ms. Payne stated that the SADC's ability to function within this clock is going to be driven in great part by how quickly we are furnished with the transcript. She doesn't know how long it takes to get a transcript out of the OAL but she doesn't want the SADC caught between a statutory 45-day clock and not having the evidence before us. She wanted everyone to be aware of that.

Mr. Siegel asked Mr. Stypinski what happens at the 45-day clock on a reconsideration as he understands it. Mr. Stypinski stated that he didn't know. Mr. Siegel stated that normally the consideration would be cancelled. Mr. Stypinski responded yes, normally the original decision would stand. Ms. Payne stated that this new law that was passed basically said you need the parties to agree to get extension. Mr. Stypinski stated that he thought it was beyond the first extension so he thought it was the second extension. You could probably get the first extension without the parties and he believes it would be the

second extension but he would have to research it and let staff know.

Mr. Siegel stated that he had a new business item. He stated that a letter should be written to the recipients copied on the Laddey, Clark letter who serve in the Legislature, explaining to them that it has neither been the Committee's procedure nor its practice to conduct hearings on reviewing ALJ matters. The letter creates a very clear impression that this was expected and it is carbon copied to the legislators. Chairman Fisher stated that he and staff will take it under advisement. He stated that he wasn't sure it was our need to set the Legislature straight. Ms. Payne stated that she would support Mr. Siegel's position. The SADC usually doesn't let letters that go to the Legislature about our program go unanswered. We usually send follow-ups regardless. She would be glad to send something. Chairman Fisher stated that he still doesn't know yet and will take it under advisement.

PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, it was moved by Mr. Siegel and seconded by Ms. Murphy and unanimously approved to adjourn the meeting at 12:40 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

S:\MINUTES\2014\Reg March 27 2014.doc

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2014R3(1)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

WARREN COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
The Land Conservancy of New Jersey ("Owner")
Hope Township, Warren County

N.J.A.C. 2:76-17 et seq.
SADC ID# 21-0534-PG

March 27, 2014

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Warren County received SADC approval of its FY2014 PIG Plan application annual update on May 23, 2013; and

WHEREAS, on August 21, 2013 the SADC received an individual application for the sale of a development easement from Warren County for the Property identified as Block 3400, Lots 400 & 1400; Block 3401, Lot 400, Hope Township, Warren County, totaling approximately 135 net easement acres hereinafter referred to as "Property" (Schedule A); and

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

WHEREAS, the Property includes a 0.65-acre non-severable exception area restricted to one single family residence, and a 1-acre non-severable exception area restricted to one single family residence; and

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

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

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

WHEREAS, the Property has a quality score of 56.51, which is at least 70% of the County's average quality score of 42 as determined by the SADC on September 27, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on October 4, 2013 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, January 23, 2014 the SADC certified a value of \$3,979 / acre based on zoning and environmental regulations in place as of 1/1/04 and based on the "current value" date of November 2013 for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$3,979 per acre for the development easement for the Property; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 139.05 acres will be utilized to calculate the SADC grant need; and

WHEREAS, currently the County has \$386,301.30 of base grant funding and is eligible for up to \$3,000,000 in FY11 competitive funding and \$5,000,000 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, on January 30, 2014, the County submitted a request to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 (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 Warren County Agriculture Development Board is requesting \$386,301.30 its base grant funding, leaving a balance of \$0 (Schedule B); and

WHEREAS, the Warren County Agriculture Development Board is requesting \$1,286.67 of FY11 competitive grant funding, leaving a eligible balance of approximately \$2,998,713.33 (Schedule B); and

WHEREAS, the estimated cost share breakdown is as follows (based on 139.05 acres):

	<u>Cost Share</u>	
SADC	\$387,587.97	(\$2,787.40 per acre)
Warren County	\$165,691.98	(\$1,191.60 per acre)
Purchase Price	\$553,279.95	(\$3,979 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, Hope Township approved the application on March 12, 2014 without a funding commitment; the Warren County Agriculture Development Board approved the application on February 20, 2014, and the Warren County Board of Chosen Freeholders approved the required local match (\$1,191.60/acre) on February 26, 2014; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Warren County for the purchase of a development easement on the Property, comprising approximately 139.05 acres at a State cost share of \$2,787.40 per acre for a total grant need of \$387,587.97 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the County will utilize base grant funding and FY11 competitive grant funding to cover the SADC cost share; and

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

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

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

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

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall 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.

3-27-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

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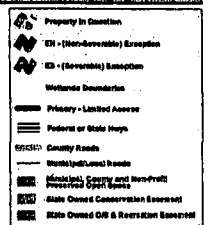
Application within the Highlands Planning Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Beaver Brook Farm/The Land Conservancy of NJ
Block 3400 Lots 400 (92.6 ac); P/O 1400 (35.3 ac);
P/O 1400-EN (non-severable exceptions - 0.65 & 1.0 ac)
& Block 3401 Lot 400 (7.3 ac)
Gross Total = 136.9 ac
Hope Twp., Warren County

500 250 0 500 1,000 Feet

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



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

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

August 28, 2013

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Beaver Brook Farm / TLC NJ
21- 0534-PG
County PIG Program
135 Acres

Block 3400	Lot 400	Hope Twp.	Warren County
Block 3400	Lot 1400	Hope Twp.	Warren County
Block 3401	Lot 400	Hope Twp.	Warren County

SOILS:	Other	89% *	0	=	.00
	Prime	1% *	.15	=	.15
	Statewide	9% *	.1	=	.90
	Unique zero	1% *	0	=	.00

SOIL SCORE: 1.05

TILLABLE SOILS:	Cropland Harvested	49% *	.15	=	7.35
	Wetlands	24% *	0	=	.00
	Woodlands	27% *	0	=	.00

TILLABLE SOILS SCORE: 7.35

FARM USE:	Hay	37 acres
	Corn-Cash Grain	55 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for Future residence
Exception is not to be severed from Premises
Exception is to be restricted to one single family residential unit(s)
 - 2nd (.65) acres for Partially converted barn - possible future residence
Exception is not to be severed from Premises
Exception is to be restricted to one single family residential unit(s)
 - c. Additional Restrictions: NO Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

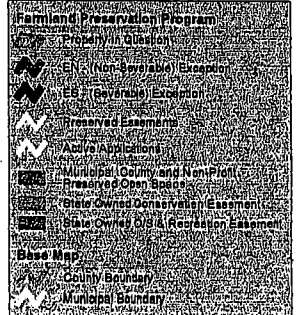
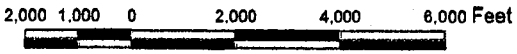
Preserved Farms and Active Applications Within Two Miles

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FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

The Land Conservancy of NJ/Beaver Brook Farm
Block 3400 Lots 400 (92.6 ac); P/O 1400 (35.3 ac);
P/O 1400-EN (non-severable exceptions - 1.0 & 0.6 ac)
& Block 3401 Lot 400 (7.3 ac)
Gross Total = 136.9 ac
Hope Twp., Warren 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
April 30, 2013

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2014R3(2)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Mary-Ann Thompson & Fred Wright ("Owner")

Tabernacle Township, Burlington County

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

SADC ID# 03-0382-PG

March 27, 2014

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Burlington County received SADC approval of its FY2014 PIG Plan application annual update on May 23, 2013; and

WHEREAS, on November 28, 2012 the SADC received an application for the sale of a development easement from Burlington County for the Thompson Birches Farm identified as Block 2102, Lot 5, Tabernacle Township, Burlington County, totaling 112.902 surveyed acres hereinafter referred to as "Property" (Schedule A); and

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

WHEREAS, the Property includes a 3- acre non-severable exception area restricted to two single family residences; and

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

WHEREAS, at the time of application the Property supported a cranberry operation; and

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

WHEREAS, the Property has a quality score of 83.82 which is greater than 70% of the County's average quality score of 45 as determined by the SADC on July 28, 2011; and

WHEREAS, according to New Jersey Pinelands Commission Letter of Interpretation #2088, application #2012-0012.001, there are 5.25 Pinelands Development Credits (PDCs) allocated to the Property; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on February 13, 2013 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

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

WHEREAS, on January 14, 2013, a Pinelands Valuation Formula (Formula) was finalized between SADC and CADB staff as per N.J.A.C. 2:76-19.3 yielding:
Formula Valuation without impervious cover option: \$2,592.03 per acre
Formula Valuation with 10% impervious cover option: \$2,916.03 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on November 14, 2013, the SADC certified a development easement value of \$1,922 per acre based on zoning and environmental regulations in place as of July 1, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted an offer from the County to purchase a development easement for \$2,916 per acre, (which is the formula valuation with 10% impervious coverage); and

WHEREAS, in accordance with N.J.A.C. 2:76-19.14, the formula value of \$2,916 does not exceed 80% of the Committee certified fee simple market value of \$11,270 per acre; and

WHEREAS, currently the County has \$0 of base grant funding, \$0 of FY11 competitive grant funding available, and is eligible for up to \$2,700,600.98 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, on July 30, 2013, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.4 the County is requesting \$241,745.76 from the competitive grant, leaving a maximum FY13 Competitive grant eligibility to the county of \$2,458,855.22 (Schedule B); and

WHEREAS, the estimated cost share breakdown is as follows (based on 112.902 acres):

	<u>Cost Share</u>	
SADC	\$241,745.76	(\$2,141.20 per acre)
County	\$ 87,476.47	(\$774.80 per acre)
	<u>\$329,222.23</u>	<u>(\$2,916 per acre); and</u>

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 the Burlington CADB approved the application on July 11, 2013; the Burlington Board of Chosen Freeholders approved the application on August 14, 2013 with a local cost share of \$774.80 per acre and the Tabernacle Township Committee approved the application on August 12, 2013, but is not participating financially in the easement purchase; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Burlington County for the purchase of a development easement on the Property, comprising approximately 112.902 surveyed easement acres, at a State cost share of \$2,141.20 per acre, for a total grant need of \$241,745.76 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule D); and

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

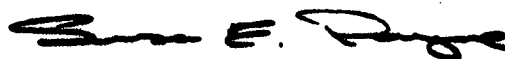
BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC,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

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

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall 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.

3-22-14



Date

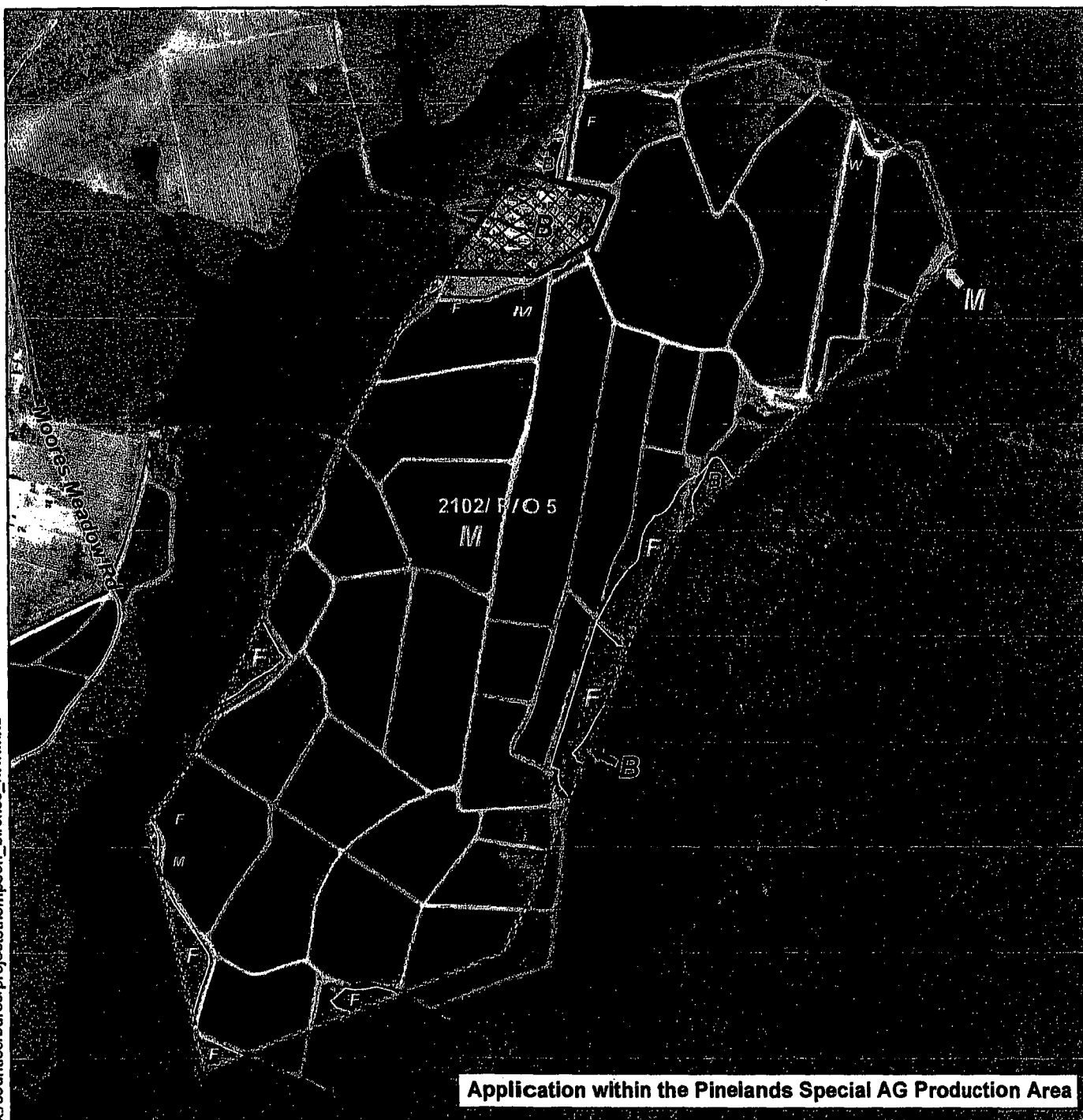
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A

x:\counties\burco\projectstompson_birches_fw.mxd

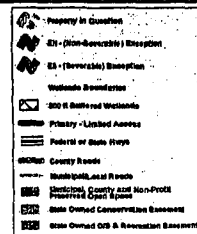


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Charles Thompson and Fred Wright - Birches Farm
Block 2102 Lots P/O 5 (112.5 ac)
& P/O 5-EN (non-severable exception - 3.0 ac)
Gross Total = 115.5 ac
Tabernacle Twp., Burlington County

500 250 0 500 1,000 Feet

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



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

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
DVRPC 2010 Digital Aerial Image

December 12, 2012

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Thompson-Birches Farm
03- 0382-PG
County PIG Program
113 Acres

Block 2102	Lot 5	Tabernacle Twp.	Burlington County
SOILS:		Other	2% * 0 = .00
		Unique .125	98% * .125 = 12.25
			SOIL SCORE: 12.25
TILLABLE SOILS:		Cropland Harvested	94% * .15 = 14.10
		Wetlands	6% * 0 = .00
			TILLABLE SOILS SCORE: 14.10

FARM USE:

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 Flexibility in use around existing residences (2) & ag structures
 - Exception is not to be severed from Premises
 - 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 FY2014R3(3)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

HARMONY TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Donald and Patricia Schanzlin ("Owners")
Harmony Township, Warren County

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

SADC ID# 21-0528-PG

March 27, 2014

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") application from Harmony Township, Warren County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted approval to Harmony Township's Farmland Preservation FY14 PIG Plan application annual update on May 23, 2013; and

WHEREAS, on January 11, 2013, the SADC received an individual application for the sale of a development easement from Harmony Township for the Schanzlin Farm, identified as Block 20, Lot 4, Harmony Township, Warren County, totaling approximately 83 net easement acres (Schedule A); and

WHEREAS, the Schanzlin Farm is located in the Township's Project Area 3 and the Highlands Preservation Area; and

WHEREAS, the Property includes a 3.8-acre non-severable exception restricted to one single family residence; and

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

WHEREAS, at the time of application the Property was in corn, hay and wheat 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 March 8, 2013 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 26, 2013 the SADC certified a development easement value of \$6,000 per acre based on zoning and environmental regulations in place as of 1/01/04 and \$1,000 per acre based on zoning and environmental regulations in place as of the current valuation date of June 2013; and

WHEREAS, the Township has contracted with the owners at \$6,000 per acre for the development easement; and

WHEREAS, to date \$1,250,000 of FY09 – FY13 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Plan; and

WHEREAS, to date Harmony Township has not expended any of its SADC grant funds leaving a cumulative balance of \$1,250,000 (Schedule B); and

WHEREAS, Harmony Township has three other projects pending against this balance; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on February 4, 2014 the Harmony Township Committee approved the application and a commitment of funding for a cost share of \$1,050/acre; and

WHEREAS, the Warren County Agriculture Development Board approved the application on March 20, 2014 and secured a commitment of funding on March 26, 2014 from the Warren County Board of Chosen Freeholders for the required local match (\$1,050/acre); and

WHEREAS, the cost share breakdown is approximately as follows (based on 83 net acres):

	<u>Total</u>	
SADC	\$323,700	(\$3,900/acre and 65% of purchase)
Warren County	\$ 87,150	(\$1,050/acre and 17.5% of purchase)
Harmony Township	\$ 87,150	(\$1,050/acre and 17.5% of purchase)
Total Easement Purchase	\$498,000	(\$6,000/acre)

WHEREAS, the Township is requesting \$323,700 from the available municipal PIG funding, resulting in a balance of \$926,300; 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 Harmony Township for the purchase of a development easement on the Property by Warren County, comprising approximately 83 acres, at a State cost share of \$3,900/acre, (65% of certified market value), for an estimated total grant need of \$323,700 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

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

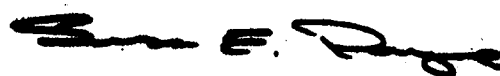
BE IT FURTHER RESOLVED, the Township and County agree to the SADC providing its grant directly to Warren County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that 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.

3-27-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A

Application within the Highlands Preservation Area

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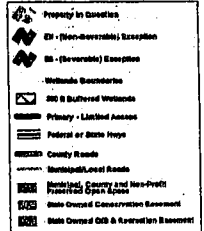


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Donald and Patricia Schanzlin
Block 20 Lots P/O 4 (80.6 ac)
& P/O 4-EN (non-severable exception - 3.6 ac)
Gross Total = 84.3 ac
Harmony Twp., Warren County

500 250 0 500 1,000 Feet

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



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

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
BING DigitalAerial Image

January 14, 2013

Municipal PI 3 Incentive Grant
Harmony Township, Warren County
Plan Approval March 26, 2009

Farm	SADC ID#	Acres	SADC		Negotiated & Approved Per Acre	SADC Grant Per Acre	Grant Per Acre	Easement Consideration	SADC		Federal Grant		753 (SSP)	
			Grants Per Acre	Cost Share					Cost Share	Federal Grant	Encumbered	Expended	Balance	
Schanzlin	21-0247-PG	83.000	6,000.00	6,000.00	3,900.00	65.00%	498,000.00	323,700.00	498,000.00	323,700.00		323,700.00		926,300.00
Waiting for final approval														
Waters & Schanzlin "Ruby"	21-0524-PG	24.000												
Appar Cider Press	21-0251-PG	19.000												
Farley	21-0529-PG	106.000												
Total Pending	4	232.000							323,700.00			323,700.00		
Total Encumbered														
Closed/Expended													0.00	
Total														926,300.00
Reprogram Out														

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Schanzlin Farm
21- 0528-PG
PIG EP - Municipal 2007 Rule
83 Acres

Block 20	Lot 4	Harmony Twp.	Warren County
SOILS:		Other	73% * 0 = .00
		Prime	25% * .15 = 3.75
		Statewide	2% * .1 = .20
			SOIL SCORE: 3.95
TILLABLE SOILS:		Cropland Harvested	63% * .15 = 9.45
		Other	4% * 0 = .00
		Wetlands	20% * 0 = .00
		Woodlands	13% * 0 = .00
			TILLABLE SOILS SCORE: 9.45
FARM USE:		Field Crop Except Cash Grain	51 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (3.8) acres for around existing house
 - Exception is not to be severed from Premises
 - Exception is to be restricted to one single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2014R3(4)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

HARMONY TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Darla and Benny Waters & Donald and Patricia Schanzlin ("Owners")

Harmony Township, Warren County

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

SADC ID# 21-0524-PG

March 27, 2014

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") application from Harmony Township, Warren County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted approval to Harmony Township's Farmland Preservation FY14 PIG Plan application annual update on May 23, 2013; and

WHEREAS, on January 11, 2013, the SADC received an individual application for the sale of a development easement from Harmony Township for the Waters & Schanzlin Farm, identified as Block 20, Lot 4.01, Harmony Township, Warren County, totaling approximately 24 net easement acres (Schedule A); and

WHEREAS, the Property is located in the Township's Project Area 3 and the Highlands Preservation Area; and

WHEREAS, the Property includes a 3-acre non-severable exception restricted to one single family residence; and

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

WHEREAS, at the time of application the Property was in hay and beef 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 March 8, 2013 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 26, 2013 the SADC certified a development easement value of \$7,000 per acre based on zoning and environmental regulations in place as of 1/01/04 and \$1,000 per acre based on zoning and environmental regulations in place as of the current valuation date of June 2013; and

WHEREAS, the Township has contracted with the owners at \$7,000 per acre for the development easement; and

WHEREAS, to date \$1,250,000 of FY09 - FY13 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Plan; and

WHEREAS, to date Harmony Township encumbered \$323,700 of its SADC grant funds, leaving a cumulative balance of \$926,300 (Schedule B); and

WHEREAS, Harmony Township has two other projects pending against this balance; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on February 4, 2014 the Harmony Township Committee approved the application and a commitment of funding for a cost share of \$1,300/acre; and

WHEREAS, the Warren County Agriculture Development Board approved the application on March 20, 2014 and secured a commitment of funding on March 26, 2014 from the Warren County Board of Chosen Freeholders for the required local match (\$1,300/acre); and

WHEREAS, the cost share breakdown is approximately as follows (based on 24 net acres):

	<u>Total</u>	
SADC	\$105,600	(\$4,400/acre and 62.86% of purchase)
Warren County	\$ 31,200	(\$1,300/acre and 18.57% of purchase)
<u>Harmony Township</u>	<u>\$ 31,200</u>	<u>(\$1,300/acre and 18.57% of purchase)</u>
Total Easement Purchase	\$168,000	(\$7,000/acre)

WHEREAS, the Township is requesting \$105,600 from the available municipal PIG funding, resulting in a balance of \$820,700; 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 Harmony Township for the purchase of a development easement on the Property by Warren County, comprising approximately 24 acres, at a State cost share of \$4,400/acre, (62.86% of certified market value), for an estimated total grant need of \$105,600 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

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

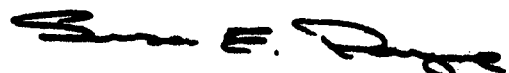
BE IT FURTHER RESOLVED, the Township and County agree to the SADC providing its grant directly to Warren County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that 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.

3-27-14

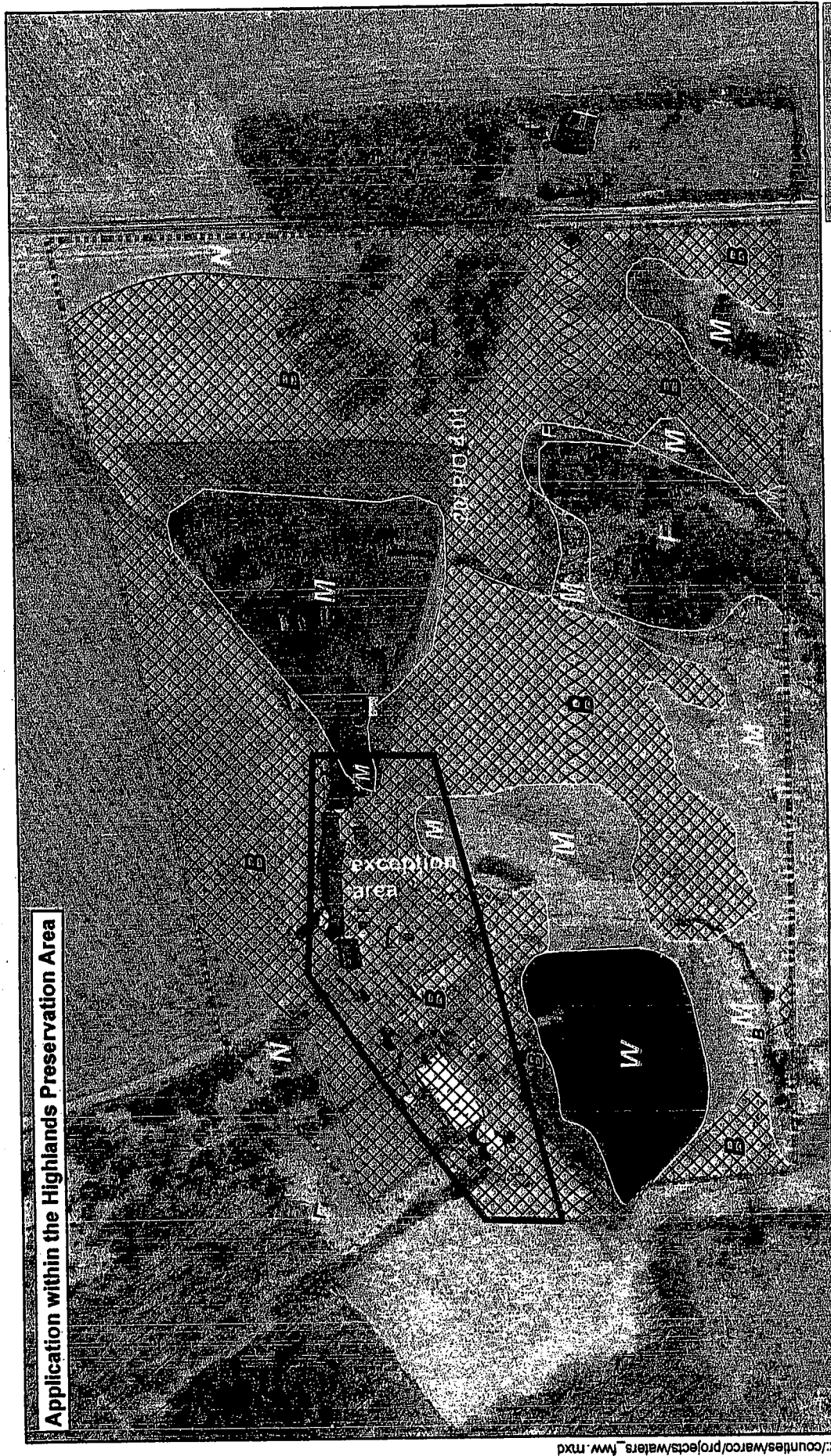
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

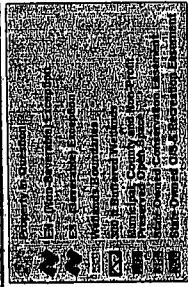
Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	ABSENT
Alan A. Danser, Vice-Chairperson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



x:/countries/warco/projects/waters_fwv.mxd

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Darla and Benny Waters/Don and Pat Schanzlin/AL-Ruby Farm
Block 20 Lots P/O 4.01 (24.2 ac)
& P/O 4.01-EN (non-severable exception - 3.0 ac)
Gross Total = 27.2 ac
Harmony Twp., Warren County



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

DISCLAIMER: Any use of this product with respect to securing and accident shall be the sole responsibility of the user. The configuration and geo-referenced locations of the data points are approximate and were developed primarily for training purposes. The accuracy and precision of the GIS data contained in this and other products are not intended to be relied upon in matters requiring delineation and location of true ground points. Vertical controls are to be obtained by an actual ground survey conducted by a licensed Professional Surveyor.

Farm	SADC ID#	Acres	SADC Certified Acres	SADC	Negotiated Approval Per Acre	SADC Grant Per Acre	Grants Per Acre	Eligible Consideration	Total SADC	Federal Grant		739 GSPT		Balance
										Total	Federal Grant	Encumbered	Expended	
Schanzlin	21-0247-PG	83.000	6,000.00		6,000.00	3,900.00	65.00%	498,000.00	498,000.00			323,700.00		926,300.00
Waters & Schanzlin "Ruby"	21-0524-PG	24.000	7,000.00		7,000.00	4,400.00	62.86%	168,000.00	168,000.00			105,600.00		820,700.00
Waiting for final approval														
Appar Cider Press	21-0251-PG	19.000												
Farley	21-0529-PG	106.000												
Total Pending	4	232.000							429,300.00			429,300.00		
Total Encumbered														
Closed/Expended													0.00	
Total														820,700.00
Reprogram Out														

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Waters & Schanzlin
21- 0524-PG
PIG EP - Municipal 2007 Rule
24 Acres

Block 20	Lot 4.01	Harmony Twp.	Warren County	
SOILS:		Other	50% * 0	= .00
		Prime	30% * .15	= 4.50
		Statewide	20% * .1	= 2.00
				SOIL SCORE: 6.50
TILLABLE SOILS:		Cropland Pastured	19% * .15	= 2.85
		Cropland Harvested	47% * .15	= 7.05
		Other	7% * 0	= .00
		Permanent Pasture	18% * .02	= .36
		Wetlands	6% * 0	= .00
		Woodlands	3% * 0	= .00
				TILLABLE SOILS SCORE: 10.26
FARM USE:		Field Crop Except Cash Grain	12 acres	
		Beef Cattle Except Feedlots	4 acres	

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2014R3(5)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

HARMONY TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Alan and Joan Apgar ("Owners")
Harmony Township, Warren County

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

SADC ID# 21-0251-PG

March 27, 2014

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") application from Harmony Township, Warren County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted approval to Harmony Township's Farmland Preservation FY14 PIG Plan application annual update on May 23, 2013; and

WHEREAS, on October 1, 2012, the SADC received an individual application for the sale of a development easement from Harmony Township for the Apgar Farm, identified as Block 21, Lot 6, Harmony Township, Warren County, totaling approximately 19 net easement acres (Schedule A); and

WHEREAS, the Apgar Farm is located in the Township's Project Area 3 and the Highlands Preservation Area; and

WHEREAS, the Property includes a 0.6-acre non-severable exception restricted to one single family residence; and

WHEREAS, the Property includes a 0.2-acre severable exception for a lot line adjustment to resolve an existing driveway encroachment; and

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

WHEREAS, at the time of application the Property was an apple orchard; 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 March 6, 2013 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 26, 2013 the SADC certified a development easement value of \$7,000 per acre based on zoning and environmental regulations in place as of 1/01/04 and \$1,500 per acre based on zoning and environmental regulations in place as of the current valuation date of June 2013; and

WHEREAS, the Township has contracted with the owners at \$7,000 per acre for the development easement; and

WHEREAS, to date \$1,250,000 of FY09 – FY13 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Plan; and

WHEREAS, to date Harmony Township has encumbered \$428,300 of its SADC grant funds, leaving a cumulative balance of \$820,700 (Schedule B); and

WHEREAS, Harmony Township has one other project pending against this balance; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on January 30, 2014 the Harmony Township Committee approved the application and a commitment of funding for a cost share of \$1,300/acre; and

WHEREAS, the Warren County Agriculture Development Board approved the application on March 20, 2014 and secured a commitment of funding on March 26, 2014 from the Warren County Board of Chosen Freeholders for the required local match (\$1,300/acre); and

WHEREAS, the cost share breakdown is approximately as follows (based on 19 net acres):

	<u>Total</u>	
SADC	\$ 83,600	(\$4,400/acre and 62.86% of purchase)
Warren County	\$ 24,700	(\$1,300/acre and 18.57% of purchase)
<u>Harmony Township</u>	<u>\$ 24,700</u>	<u>(\$1,300/acre and 18.57% of purchase)</u>
Total Easement Purchase	\$133,000	(\$7,000/acre)

WHEREAS, the Township is requesting \$83,600 from the available municipal PIG funding, resulting in a balance of \$737,100; 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 Harmony Township for the purchase of a development easement on the Property by Warren County, comprising approximately 19 acres, at a State cost share of \$4,400/acre, (62.86% of certified market value), for an estimated total grant need of \$83,600 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

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

BE IT FURTHER RESOLVED, the Township and County agree to the SADC providing its grant directly to Warren 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 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.

3-27-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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



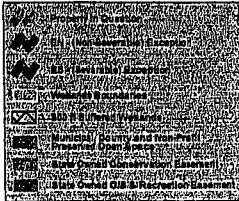
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**FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee**

Alan and Joan Apgar/Apgars Cider Press
Block 21 Lots P/O 6 (18.0 ac); P/O 6-ES (severable exception - 0.2 ac)
& P/O 6-EN (non-severable exception - 0.6 ac)
Gross Total = 18.8 ac
Harmony Twp., Warren County



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



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

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
BING Digital Aerial Image

Schedule B

Municipal Plan Incentive Grant
Harmony Township, Warren County
Plan Approval March 26, 2009

Farm	SADC ID#	Acres	SADC Certified By Date	SADC Certified By Note	Regulated Approved By Date	SADC Grant Payable	Grants Payable Per Acre	Estimated Consideration	Cash Balance	SADC		Federal Grant		730 - GSPT Expended	Balance
										Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered		
Schanzlin	21-0247-PG	83.000	09/26/13	8,000.00	6,000.00	3,900.00	65.00%	498,000.00	498,000.00	323,700.00			323,700.00		926,300.00
Waters & Schanzlin "Ruby"	21-0524-PG	24.000	09/26/13	7,000.00	7,000.00	4,400.00	62.86%	168,000.00	168,000.00	105,600.00			105,600.00		820,700.00
Appar Cider Press	21-0251-PG	19.000	09/26/13	7,000.00	7,000.00	4,400.00	62.86%	133,000.00	133,000.00	83,600.00			83,600.00		737,100.00
Waiting for final approval															
Farley	21-0529-PG	106.000	01/23/14												
Total Pending	4	232.000	4							512,900.00			512,900.00		
Total Encumbered															
Closed/Expended														0.00	
Total															737,100.00
Reprogram Out															

Schedule B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Alan & Joan Apgar
21- 0251-PG
PIG EP - Municipal 2007 Rule
19 Acres

Block 21	Lot 6	Harmony Twp.	Warren County
SOILS:		Other	86% * 0 = .00
		Statewide	14% * .1 = 1.40
			SOIL SCORE: 1.40
TILLABLE SOILS:		Cropland Harvested	33% * .15 = 4.95
		Other	3% * 0 = .00
		Permanent Pasture	20% * .02 = .40
		Wetlands	1% * 0 = .00
		Woodlands	43% * 0 = .00
			TILLABLE SOILS SCORE: 5.35
FARM USE:		Deciduous Tree Fruit	6 acres
		Christmas Trees	1 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (.2) acres for driveway encroachment on outparcel
Exception is severable
 - 2nd (.6) acres for existing residence and barns
Exception is not to be severed from Premises
Exception is to be restricted to one 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 FY2014R3(6)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

ALEXANDRIA TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Frank Hahola, Jr. & Margaret Hahola (North) ("Owners")
Alexandria Township, Hunterdon County

N.J.A.C. 2:76-17A. et seq.
SADC ID# 10-0343-PG

March 27, 2014

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 Alexandria Township, Hunterdon County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of Alexandria Township's 2014 PIG plan annual update on May 23, 2013; and

WHEREAS, on September 20, 2012, the SADC received an individual application for the sale of a development easement from Alexandria Township for the Hahola (North) Farm identified as Block 11, Lot 12, Alexandria Township, Hunterdon County, totaling approximately 46 net easement acres hereinafter referred to as "Property" (Schedule A); and

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

WHEREAS, the Property includes a 1.5-acre non-severable exception restricted to one single family residence and a 2-acre non-severable exception area around existing agricultural infrastructure and restricted to non-residential use; and

WHEREAS, at the time of application the Property was in corn and hay 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 December 14, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 26, 2013 the SADC certified a development easement value of 8,300 per acre based on January 1, 2004 zoning and environmental regulations and \$6,100 per acre based on current zoning and environmental regulations in place as of June 2013; and

WHEREAS, the Township has contracted with the landowner for the certified value of \$8,300 per acre; and

WHEREAS, to date \$1,750,000 of FY09 - FY13 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Plan; and

WHEREAS, to date Alexandria Township has expended \$141,885.48 and encumbered \$75,600 of its SADC grant funds leaving a cumulative balance of \$1,532,514.52 (Schedule B); and

WHEREAS, Alexandria Township has one other project currently pending against this balance; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on December 11, 2013 the Alexandria Township Committee approved the application and a funding commitment for an estimated \$1,625 per acre; and

WHEREAS, the Hunterdon County Agriculture Development Board approved the application on March 13, 2014 and secured a commitment of funding for an estimated \$1,625 per acre from the Hunterdon County Board of Chosen Freeholders for the required local match on March 18, 2014; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 46 net easement acres):

	<u>Total</u>	
SADC	\$232,300	(\$5,050 per acre and 60.84% of purchase)
Hunterdon County	\$ 74,750	(\$1,625 per acre and 19.57% of purchase)
Alexandria Twp.	\$ 74,750	(\$1,625 per acre and 19.57% of purchase)
Total Easement Purchase	\$381.800	(\$8,300 per acre)

WHEREAS, the Township is requesting \$232,300 from the available municipal PIG funding, resulting in a balance of \$1,300,214.52; 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 Alexandria Township for the purchase of a development easement on the Property, comprising approximately 46 net easement acres, at a State cost share of \$5,050 per acre (60.84%), for a total grant need of approximately \$232,300 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); 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

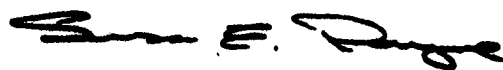
BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC,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

BE IT FURTHER RESOLVED, 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.

3-27-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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



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

Frank and Margaret Hahola, Jr./Hahola Farms, LLC (North)
Block 11 Lots P/O 12 (43.2 ac)
& P/O 12-EN (non-severable exceptions - 1.5 ac & 2.0 ac)
Gross Total = 46.8 ac
Alexandria Twp., Hunterdon 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
NJOT/OGIS 2007/2008 Digital Aerial Image

November 6, 2012

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Frank Hahola, Jr. & Margaret Hahola (North Farm)
10- 0343-PG
PIG EP - Municipal 2007 Rule
46 Acres

Block 11	Lot 12	Alexandria Twp.	Hunterdon County
SOILS:		Other	15% * 0 = .00
		Prime	53% * .15 = 7.95
		Statewide	32% * .1 = 3.20
			SOIL SCORE: 11.15
TILLABLE SOILS:		Cropland Harvested	98% * .15 = 14.70
		Wetlands	2% * 0 = .00
			TILLABLE SOILS SCORE: 14.70
FARM USE:		Corn-Cash Grain	22 acres
		Hay	20 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (1.5) acres for a home site
Exception is not to be severed from Premises
Exception is to be restricted to one single family residential unit(s)
 - 2nd two (2) acres for existing infrastructure
Exception is not to be severed from Premises
Exception is to be restricted to zero single family residential unit(s)
No future residential use
 - 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 FY2014R3(7)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

ALEXANDRIA TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Frank Hahola, Jr. & Margaret Hahola (South) ("Owner")
Alexandria Township, Hunterdon County

N.J.A.C. 2:76-17A. et seq.
SADC ID# 10-0347-PG

March 27, 2014

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 Alexandria Township, Hunterdon County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of Alexandria Township's 2014 PIG plan annual update on May 23, 2013; and

WHEREAS, on October 14, 2012, the SADC received an individual application for the sale of a development easement from Alexandria Township for the Hahola (South) Farm identified as Block 16, Lot 3, Alexandria Township, Hunterdon County, totaling approximately 13 net easement acres hereinafter referred to as "Property" (Schedule A); and

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

WHEREAS, the Property includes a 2-acre non-severable exception restricted to one single family residence; and

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

WHEREAS, the Owner has 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 May 31, 2013 it was determined that the

application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 26, 2013 the SADC certified a development easement value of \$9,300 per acre based on January 1, 2004 zoning and environmental regulations and \$4,000 per acre based on the current zoning and environmental regulations in place as of June 2013; and

WHEREAS, the Township has contracted with the landowner for the certified value of \$9,300 per acre; and

WHEREAS, to date \$1,750,000 of FY09 - FY13 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Plan; and

WHEREAS, to date Alexandria Township has expended \$141,885.48 of its SADC grant funds and encumbered \$307,900 leaving a cumulative balance of \$1,300,214.52 (Schedule B); and

WHEREAS, Alexandria Township has one other project currently pending against this balance; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on December 11, 2013 the Alexandria Township Committee approved the application and a funding commitment for an estimated \$1,860 per acre; and

WHEREAS, the Hunterdon County Agriculture Development Board approved the application on March 13, 2014 secured a commitment of funding for an estimated \$1,860 per acre from the Hunterdon County Board of Chosen Freeholders for the required local match on March 18, 2014; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 13 net easement acres):

	<u>Total</u>	
SADC	\$ 72,540	(\$5,580 per acre and 60% of purchase)
Hunterdon County	\$ 24,180	(\$1,860 per acre and 20% of purchase)
<u>Alexandria Twp.</u>	<u>\$ 24,180</u>	<u>(\$1,860 per acre and 20% of purchase)</u>
Total Easement Purchase	\$120,900	(\$9,300 per acre)

WHEREAS, the Township is requesting \$72,540 from the available municipal PIG funding, resulting in a balance of \$1,227,674.52; 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 Alexandria Township for the purchase of a development easement on the Property, comprising approximately 13 net easement acres, at a State cost share of \$5,580 per acre (60%), for a total grant need of approximately \$72,540 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); 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 premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, 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.

3-27-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

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Application within the Highlands Planning Area

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

Frank and Margaret Hahola, Jr./Hahola Farms, LLC (South)
Block 16 Lots P/O 3 (14.5 ac)
& P/O 3-EN (non-severable exception - 2.0 ac)
Gross Total = 16.5 ac
Alexandria Twp., Hunterdon County



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

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/OGIS 2007/2008 DigitalAerial Image

November 8, 2012

Municipal Planning Incentive Grant
Alexandria Township, Hunterdon County

Farm	SADC ID#	Acres	Pay Acres	SADC GLA	SADC Cert	SADC FA	Closing Review	Closed	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Grant% Per Acre	Easement Consideration	SADC		Total Federal Grant	SADC Federal Grant	723 - CSPT		Balance
														Cost Basis	Cost Share			Encumbered	Expended	
Rosenfield	10-0275-PG	26.239	25.157	10/27/08	07/23/09	08/24/10	•	09/08/11	9,400.00	7,650.00	5,640.00		238,475.80	238,475.80	141,885.48				141,885.48	1,509,114.52
Koppus	10-0332-PG	16.000		05/03/12	07/25/13	12/12/13			7,650.00	7,650.00	4,725.00		122,400.00	122,400.00	75,600.00		75,600.00			1,532,514.52
Parsons North	10-0343-PG	46.000		12/14/12	09/28/13	02/27/14			8,300.00	8,300.00	5,050.00		387,800.00	387,800.00	232,300.00		232,300.00			1,300,214.52
Parsons South	10-0347-PG	13.000		05/31/13	09/28/13	02/27/14			9,300.00	9,300.00	5,580.00		120,900.00	120,900.00	72,540.00		72,540.00			1,227,674.52
pending CMV & FA																				
Jacobson	10-0352-PG	31.000		12/08/13																
withdrawn																				
Parsons	10-0342-PG	28.000		08/27/13	09/28/13				1,300.00											
Koppus	10-0344-PG	64.000		08/27/13	09/28/13															
Parsons	10-0342-PG	68.000		08/27/13	09/28/13															
Total Pending	4	132.239		4	4	4	0	1							0.00			380,440.00	141,885.48	
Total Encumbered																				
Closed/Expended	1	25.239																		
Total																				1,227,674.52

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Frank Hahola, Jr. & Margaret Hahola (South Farm)

10- 0347-PG

PIG EP - Municipal 2007 Rule

13 Acres

Block 16

Lot 3

Alexandria Twp.

Hunterdon County

SOILS:

Other

18% * .0 = .00

Prime

61% * .15 = 9.15

Statewide

21% * .1 = 2.10

SOIL SCORE: 11.25

TILLABLE SOILS:

Cropland Harvested

90% * .15 = 13.50

Woodlands

10% * 0 = .00

TILLABLE SOILS SCORE: 13.50

FARM USE:

Field Crop Except Cash Grain
Christmas Trees

11 acres
1 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st two (2) acres for future residence and flexibility around existing buildings
 - Exception is not to be severed from Premises
 - Exception is to be restricted to one 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 FY2014R3(8)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

WOOLWICH TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
DeLuca Lot Investors, LP ("Owner")
Woolwich Township, Gloucester County

N.J.A.C. 2:76-17A. et seq.
SADC ID# 08-0178-PG

March 27, 2014

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 Woolwich Township, Gloucester County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of Woolwich Township's 2014 PIG plan annual update on May 23, 2014 ; and

WHEREAS, on July 17, 2013, the SADC received an individual application for the sale of a development easement from Woolwich Township for the DeLuca Lot Investors, LP Farm identified as Block 38, Lot 4 and Block 39, Lot 5, Woolwich Township, Gloucester County, totaling 81.348 net surveyed easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property includes two 1-acre non-severable exceptions, each restricted to one single family residence; and

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

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

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

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 Woolwich Township for the purchase of a development easement on the Property, comprising 81.348 net surveyed easement acres, at a State cost share of \$10,800 per acre (60%), for a total grant need of approximately \$878,558.40 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that this final approval is conditioned upon the SADC's receipt of the Gloucester County Freeholders' resolution of April 2, 2014; and

BE IT FURTHER RESOLVED, if the Township and County agree to the SADC providing its grant directly to Gloucester 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 premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, 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.

3-27-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on October 25, 2013 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on January 23, 2014 the SADC certified a development easement value of \$18,000 per acre based on the current zoning and environmental regulations in place as of November 2013; and

WHEREAS, the Township has contracted with the landowner for the certified value of \$18,000 per acre; and

WHEREAS, to date \$1,750,000 of FY09 – FY13 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Plan; and

WHEREAS, to date Woolwich Township has expended \$587,204.88 of its SADC grant funds leaving a cumulative balance of \$1,162,795.12 (Schedule B); and

WHEREAS, Woolwich Township has one other project currently pending against this balance; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on March 17, 2014 the Woolwich Township Committee approved the application and a funding commitment for an estimated \$3,600 per acre; and

WHEREAS, the Gloucester County Agriculture Development Board approved the application on March 20, 2014 secured a commitment of funding for \$3,600 per acre from the Gloucester County Board of Chosen Freeholders for the required local match on April 2, 2014; and

WHEREAS, the cost share breakdown is approximately as follows (based on 81.348 net surveyed easement acres):

	<u>Total</u>	
SADC	\$878,558.40	(\$10,800 per acre; 60%)
Gloucester County	\$292,852.80	(\$ 3,600 per acre; 20%)
Woolwich Twp.	<u>\$292,852.80</u>	<u>(\$ 3,600 per acre; 20%)</u>
Total Easement Purchase	\$1,464,264	(\$18,000 per acre)

WHEREAS, the Township is requesting \$878,558.40 from the available municipal PIG funding, resulting in a balance of \$284,236.72; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, the County shall hold the development

VOTE WAS RECORDED AS FOLLOWS:

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



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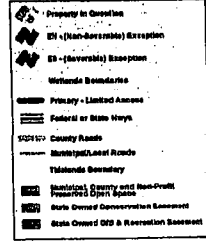
**FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee**

DeLuca Lot Investors, LP
Block 38 Lots P/O 4 (65.6 ac) & P/O 4-EN (non-severable exception - 1.0 ac)
Block 39 Lots P/O 5 (17.1 ac) & P/O 5-EN (non-severable exception - 1.0 ac)
Gross Total = 84.7 ac
Woolwich Twp., Gloucester County



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

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



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

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

July 18, 2013

20140610

Municipal Planning Incentive Grant
Woolwich Township, Gloucester County

Farm	SADC ID#	Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Grants Per Acre	Easement Consideration	SADC			FY 09-10			Balance
								Cost Basis	Cost Share	Encumbered	FY	Expended	FY	
Eastlack	08-0096-PG	47.540	15,500.00	15,500.00	9,300.00	60.00%	736,870.00	724,005.00	434,403.00			434,403.00		1,750,000.00
VanderGracht	08-0149-PG	16.537	15,400.00	15,400.00	9,240.00	60.00%	254,669.80	254,669.80	152,801.88	173,712.00		152,801.88		1,315,597.00
Deluca Lot Investors	08-0178-PG	81.348	18,000.00	18,000.00	10,800.00	60.00%	1,464,264.00	1,464,264.00	878,558.40	878,558.40				1,162,795.12
pending GLA, CMV & FA														284,236.72
Russo Homes, LLC	08-0179-PG	56.000												
Total Pending	3	137.348							1,465,763.28					
Total Encumbered										878,558.40				
Closed/Expended	2	64.077										587,204.88		
Total														284,236.72
Reprogram Out														

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

DeLuca Lot Investors, LP
08- 0178-PG
PIG EP - Municipal 2007 Rule
83 Acres

Block 38	Lot 4	Woolwich Twp.	Gloucester County
Block 39	Lot 5	Woolwich Twp.	Gloucester County
SOILS:		Other	19% * 0 = .00
		Prime	65% * .15 = 9.75
		Statewide	16% * .1 = 1.60
			SOIL SCORE: 11.35
TILLABLE SOILS:		Cropland Harvested	78% * .15 = 11.70
		Wetlands	3% * 0 = .00
		Woodlands	19% * 0 = .00
			TILLABLE SOILS SCORE: 11.70
FARM USE:	Vegetable & Melons		51 acres zucchini

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2014R3(9)

Final Approval and Authorization to Execute Closing Documents
Authorization to Contract for Professional Services
SADC Easement Purchase

On the Property of
Howell R. Wentzell ("Owner")

March 27, 2014

Subject Property: Howell R. Wentzell (Owner)
Block 69, Lots 6 & 7; Block 70, Lot 8.02
Upper Pittsgrove Township
Salem County
SADC ID#: 17-0268-DE
Approximately 109 Net Easement Acres

WHEREAS, on August 13, 2013, the State Agriculture Development Committee ("SADC") received a development easement sale application from Howell R. Wentzell, hereinafter "Owner," identified as Block 69, Lots 6 & 7; Block 70, Lot 8.02, Upper Pittsgrove Township, Salem County, hereinafter "Property," totaling approximately 109 net easement acres, identified in (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 25, 2013, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Salem County (minimum acreage of 95 and minimum quality score of 59) because it is 109 acres and has a quality score of 68.83; and

WHEREAS, the Property includes a 1.5-acre non-severable exception area restricted to one single family residence; and

WHEREAS, the Property includes a 9.6-acre severable exception area for the current non-agricultural business, Red Oak Disposal Services, and restricted to one single family residence; and

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

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

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

WHEREAS, on January 23, 2014, the SADC certified the development easement value of the Property at \$5,900 per acre based on current zoning and environmental conditions as of November 2013; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property for \$5,900 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for its acquisition of the development easement at a value of \$5,900 per acre for a total of approximately \$643,100 subject to the conditions contained in (Schedule B); and

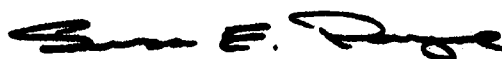
BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; 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.

3-27-14

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

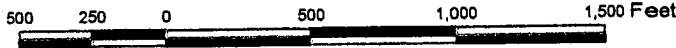
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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Howell Wentzell
Block 69 Lots 6 (4.2 ac) & P/O 7 (73.4 ac)
& P/O 7-EN (non-severable exception - 1.5 ac)
Block 70 Lots P/O 8.02 (31.5 ac) & P/O 8.02-ES (severable exception - 9.6 ac)
Gross Total = 120.2 ac
Upper Pittsgrove Twp., Salem 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

Property in Question

- EW - (Non-Severable) Exception
- ES - (Severable) Exception

Wetlands Boundaries

- Primary - Limited Access
- Federal or State Ways
- County Roads
- Municipal/Land Roads
- Unimproved County and Non-Profit Private Road
- State Owned Conservation Easement
- State Owned DNR & Recreation Easement

N

Wetlands Legend:

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

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

JUN 10 1994

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Wentzell Farm
State Acquisition
Easement Purchase - SADC
109 Acres

Block 69	Lot 6	Upper Pittsgrove Twp. Salem County
Block 69	Lot 7	Upper Pittsgrove Twp. Salem County
Block 70	Lot 8.02	Upper Pittsgrove Twp. Salem County

SOILS:	Other	3% *	0	=	.00
	Prime	86% *	.15	=	12.90
	Unique zero	11% *	0	=	.00

SOIL SCORE: 12.90

TILLABLE SOILS:	Cropland Harvested	79% *	.15	=	11.85
	Wetlands	7% *	0	=	.00
	Woodlands	14% *	0	=	.00

TILLABLE SOILS SCORE: 11.85

FARM USE:	Agricultural Production Crops	66 acres
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This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (9.6) acres for Existing home and business
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
Exception is to be restricted to one single family residential unit
 - 2nd (1.5) acres for Around existing house
Exception is not to be severable from Premises
Right to Farm language is to be included in Deed of Easement
Exception is to be restricted to one single family residential unit
 - 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
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2014R3(10)

Final Approval and Authorization to Execute Closing Documents
Authorization to Contract for Professional Services
SADC Easement Purchase

On the Property of
Duane A. & Lois H. Cruzan ("Owners")

March 27, 2014

Subject Property: Duane A. & Lois H. Cruzan ("Owners")
Block 11, Lot 10
Hopewell Township
Block 2, Lot 9
Stow Creek Township
Cumberland County
SADC ID#: 06-0066-DE
Approximately 115 Easement Acres

WHEREAS, on October 25, 2012, the State Agriculture Development Committee ("SADC") received a development easement sale application from Duane A. & Lois H. Cruzan, hereinafter "Owners," identified as Block 11, Lot 10, Hopewell Township; Block 2, Lot 9, Stow Creek Township, Cumberland County, hereinafter "Property," totaling approximately 115 easement acres, identified in (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 27, 2012, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Cumberland County (minimum acreage of 84 and minimum quality score of 53) because it is 118 acres and has a quality score of 68.43; and

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

WHEREAS, at the time of application, the Property was devoted to wheat, potatoes and corn production; and

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

WHEREAS, on January 23, 2014, the SADC certified the development easement value of the Property at \$4,600 per acre based on current zoning and environmental conditions as of November 2013; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property for \$4,600 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for its acquisition of the development easement at a value of \$4,600 per acre for a total of approximately \$529,000 subject to the conditions contained in (Schedule B); and

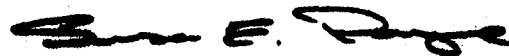
BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; 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.

3-27-14

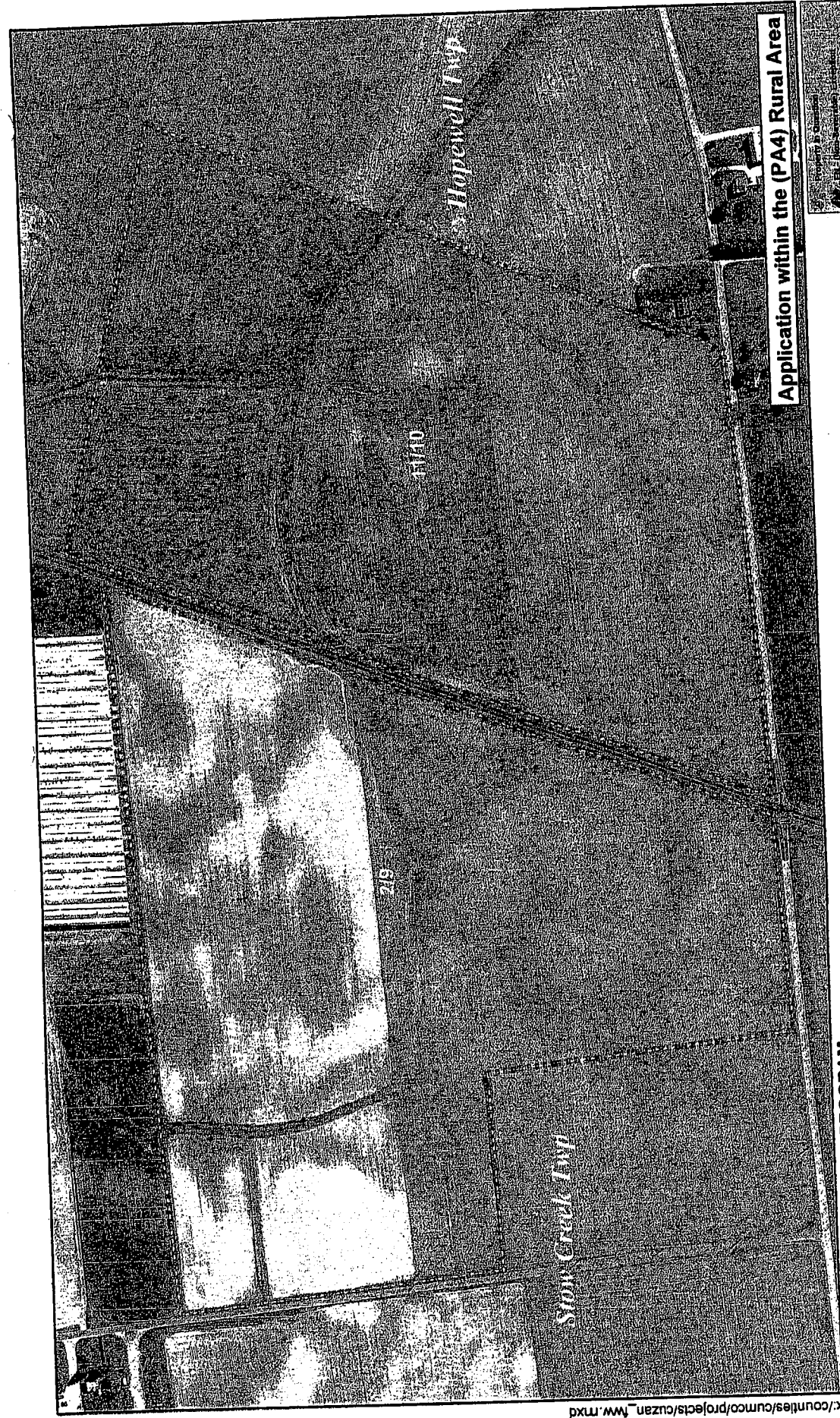
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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



Application within the (PA4) Rural Area

Property ID	Owner
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200	200

Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
N - Non-Wetlands
B - 300' Buffer
W - Water

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Program
NJOT/OGIS 2007/2008 DigitalAerial Image

November 14, 2012

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Duane and Lois Cruzan
Block 11 Lot 10 (55.4 ac) - Hopewell Twp.
Block 2 Lot 9 (59.8 ac) - Stow Creek Twp.
Gross Total = 115.2 ac
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 the polygons in this data layer are approximate and were developed primarily for planning purposes. The geographic accuracy and precision of the GIS data contained in this layer are not intended to be relied upon in matters requiring delineation of boundaries or other features on the ground. No warranty, express or implied, is made by the State of New Jersey or its agencies, departments, or divisions, or any of its employees, or any contractor or subcontractor, or any other person, in connection with the use of this product. A Professional Land Surveyor

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State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Cruzan Farm (B. 11\2, Lot 10\9)
State Acquisition
Easement Purchase - SADC
115 Acres

Block 11	Lot 10	Hopewell Twp.	Cumberland County
Block 2	Lot 9	Stow Creek Twp.	Cumberland County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:		Cropland Harvested	100% * .15 = 15.00
			TILLABLE SOILS SCORE: 15.00
FARM USE:		Wheat-Cash Grain	31 acres
		Irish Potatoes-Field Crop	30 acres
		Corn-Cash Grain	56 acres

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Recorded
 - 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
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2014R3(11)

Final Approval and Authorization to Execute Closing Documents
Authorization to Contract for Professional Services
SADC Easement Purchase

On the Property of
George & James Ballinger ("Owners")

March 27, 2014

Subject Property: George & James Ballinger (Owners)
Block 263.01, Lot 4.03; Block 273, Lot 20
Mantua Township
Gloucester County
SADC ID#: 08-0033-DE
Approximately 150.47 Net Easement Acres

WHEREAS, on May 13, 2013, the State Agriculture Development Committee ("SADC") received a development easement sale application from George and James Ballinger, hereinafter "Owners," identified as Block 263.01, Lot 4.03; Block 273, Lot 20, Mantua Township, Gloucester County, hereinafter "Property," totaling approximately 150.47 net easement acres, identified in (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 27, 2012, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Gloucester County (minimum acreage of 52 and minimum quality score of 56) because it is 151 acres and has a quality score of 65.48; and

WHEREAS, the Property includes a 3-acre severable exception area restricted to one single family residence; and

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

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

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

WHEREAS, on February 27, 2014, the SADC certified the development easement value of the Property at \$13,000 per acre based on current zoning and environmental conditions as of December 2013; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property for \$13,000 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for its acquisition of the development easement at a value of \$13,000 per acre for a total of approximately \$1,956,110 subject to the conditions contained in (Schedule B); and

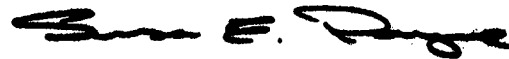
BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; 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.

3-27-14

Date

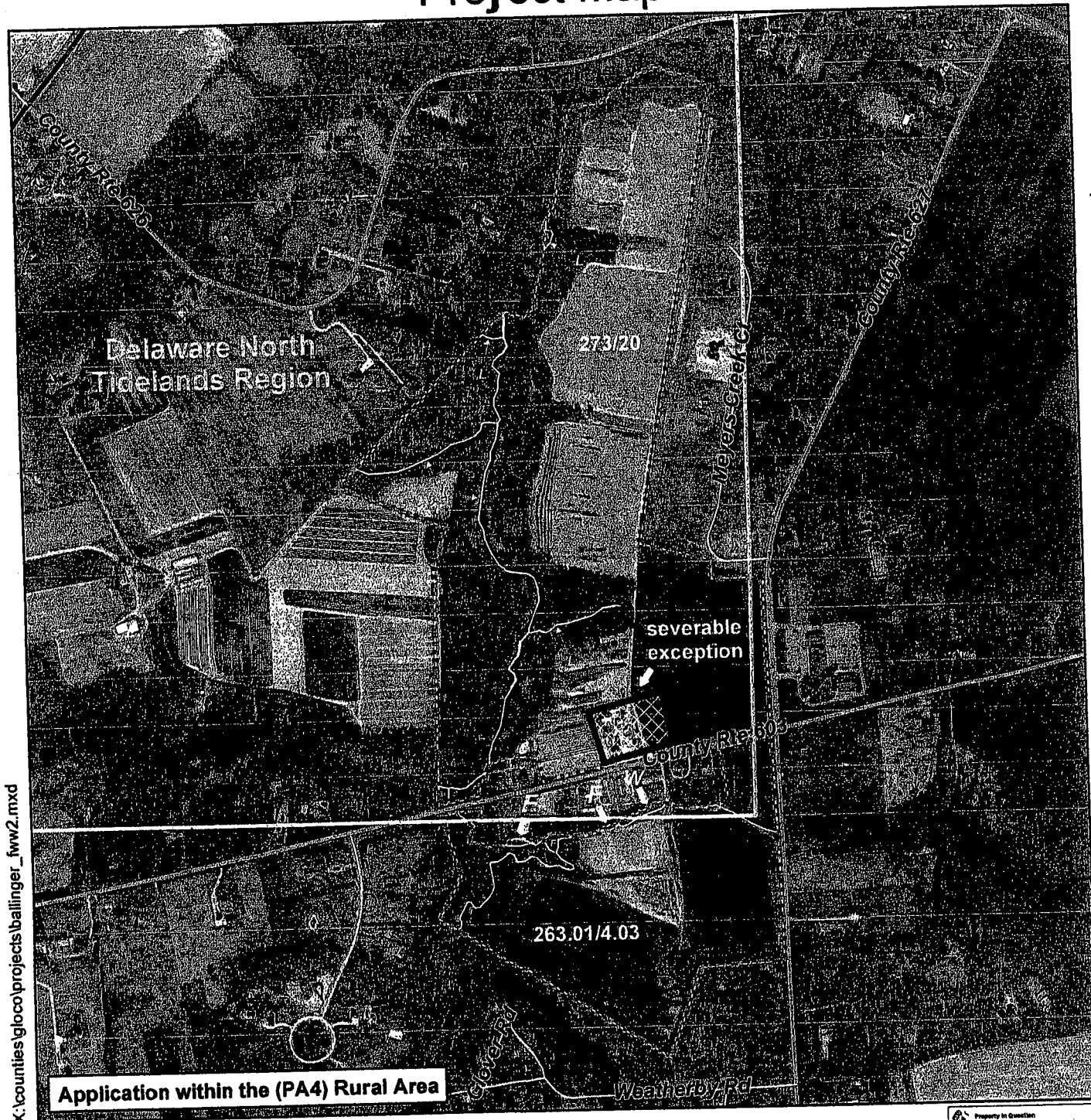


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Project Map



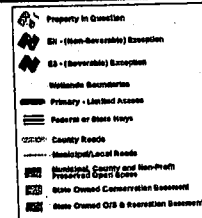
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

George and Barbara & James and Judith Ballinger
Block 263.01 Lot 4.03 (41.8 ac); Block 273 Lots P/O 20 (108.7 ac);
& P/O 20-ES (severable exception - 3.0 ac)
Gross Total = 153.4 ac
Mantua Twp., Gloucester 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
NJOT/OGIS 2012 Digital Aerial Image

November 18, 2013

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State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Ballinger Farm
State Acquisition
Easement Purchase - SADC
151 Acres

Block 263.01	Lot 4.03	Mantua Twp.	Gloucester County
Block 273	Lot 20	Mantua Twp.	Gloucester County
SOILS:		Other	33% * 0 = .00
		Prime	56% * .15 = 8.40
		Statewide	11% * .1 = 1.10
			SOIL SCORE: 9.50
TILLABLE SOILS:		Cropland Harvested	64% * .15 = 9.60
		Woodlands	36% * 0 = .00
			TILLABLE SOILS SCORE: 9.60
FARM USE:	Vegetable & Melons		90 acres

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st three (3) acres for Existing housing and Ag buildings
 - Exception is severable
 - Exception is to be restricted to one single family residential unit
 - c. Additional Restrictions: No Additonal 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
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2014R3(12)

Final Approval and Authorization to Execute Closing Documents
Authorization to Contract for Professional Services
SADC Easement Purchase

On the Property of
Gaetano & Angelina Grasso ("Owners")

March 27, 2014

Subject Property: Gaetano & Angelina Grasso ("Owners")
Block 42, Lots 7.01, 9 & 18
Elk Township
Gloucester County
SADC ID#: 08-0032-DE
Approximately 57.5 net Easement Acres

WHEREAS, on February 4, 2013, the State Agriculture Development Committee ("SADC") received a development easement sale application from Gaetano and Angelina Grasso, hereinafter "Owners," identified as Block 42, Lots 7.01, 9 & 18 Elk Township, Gloucester County, hereinafter "Property," totaling approximately 57.5 net easement acres, identified in (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 27, 2012, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Gloucester County (minimum acreage of 52 and minimum quality score of 56) because it is 57.5 acres and has a quality score of 70.74; and

WHEREAS, the Property includes a 1-acre non-severable exception area restricted to one single family residence; and

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

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

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

WHEREAS, on February 27, 2014, the SADC certified the development easement value of the Property at \$6,000 per acre based on current zoning and environmental conditions as of January 2014; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property for \$6,000 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for its acquisition of the development easement at a value of \$6,000 per acre for a total of approximately \$345,000 subject to the conditions contained in (Schedule B); and

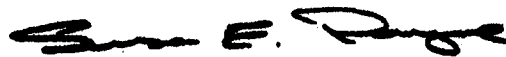
BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; 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.

3-27-14

Date



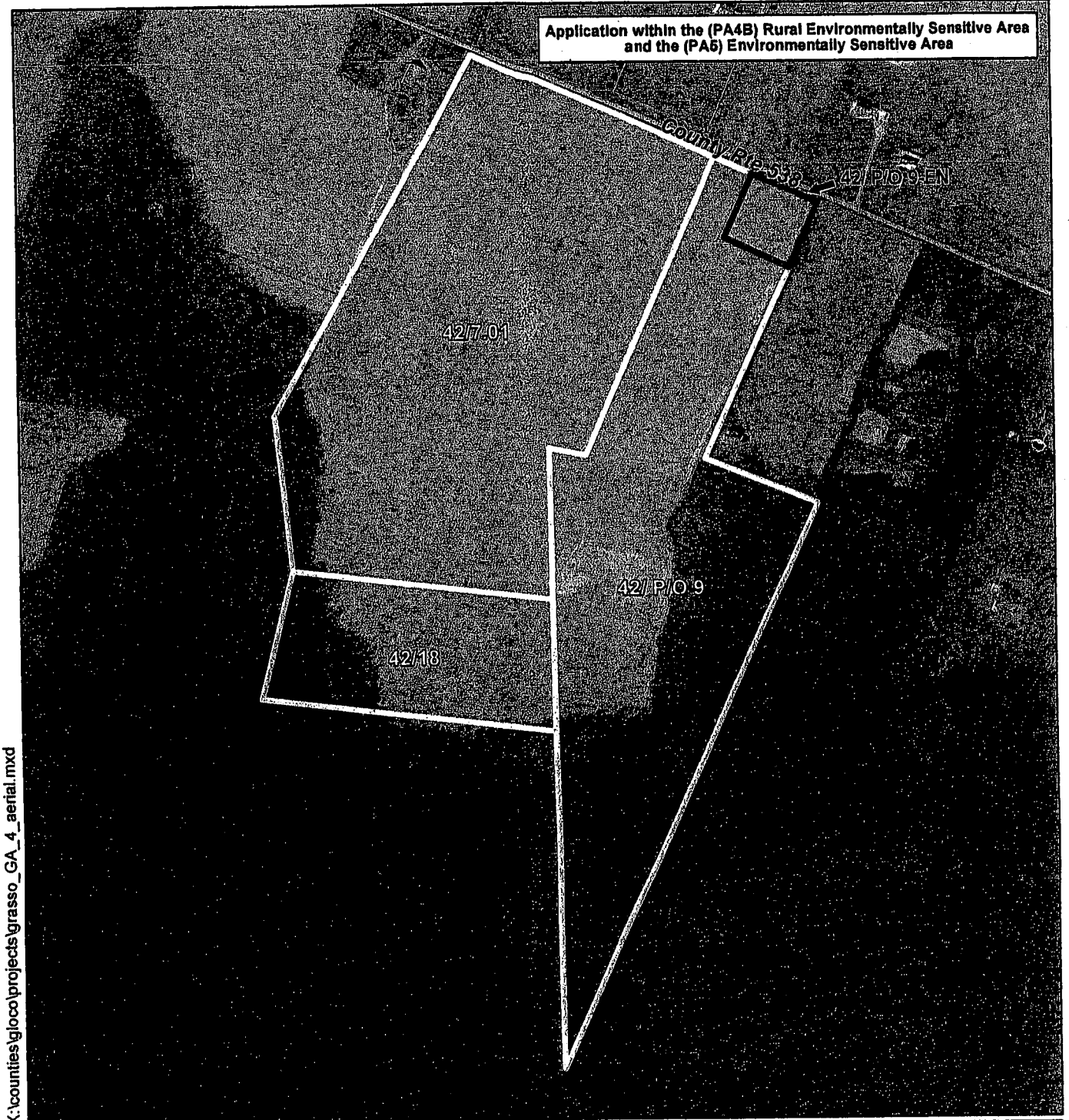
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Project Map

Schedule A



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Grasso, Gaetano & Angelina #1
Block 42 Lots 7.01 (27.6 ac), P/O Lot 9 (22.8 ac),
P/O Lot 9-EN (non-severable exception - 1.0 ac)
& Lot 18 (7.1 ac)
Gross Total - 58.5 ac
Elk Twp., Gloucester County

600 250 0 500 1,000 Feet

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



Property In Question	
	EN - (Non-Severable) Exception
	EA - (Severable) Exception
	Primary - Limited Access
	Federal or State Highways
	County Roads
	Municipal/Local Roads
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned OS & Recreation Easement

Sources:
Green Acres Conservation Easement Data
NJOT/OGIS 2012 Digital Aerial Images

March 6, 2014

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Grasso, Gaetano & Angelina #1
State Acquisition
Easement Purchase - SADC
60 Acres

Block 42	Lot 7	Elk Twp.	Gloucester County
Block 42	Lot 18	Elk Twp.	Gloucester County
Block 42	Lot 9	Elk Twp.	Gloucester County
SOILS:		Other	9% * 0 = .00
		Prime	91% * .15 = 13.65
			SOIL SCORE: 13.65
TILLABLE SOILS:		Cropland Harvested	76% * .15 = 11.40
		Woodlands	24% * 0 = .00
			TILLABLE SOILS SCORE: 11.40
FARM USE:		Corn-Cash Grain	27 acres

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for future homesite
Exception is not to be severable from Premises
Right to Farm language is to be included in Deed of Easement
Exception is to be restricted to one single family residential unit
 - c. Additional Restrictions: No Additonal Restrictions
 - d. Additional Conditions:
The owner must subdivide Lot 7 as soon as they know the farm is picked. Completed prior to appraisals.
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2014R3(13)

Final Approval and Authorization to Execute Closing Documents
Authorization to Contract for Professional Services
SADC Easement Purchase

On the Property of
Robert & Sarah Santini ("Owners")

March 27, 2014

Subject Property: Robert & Sarah Santini ("Owners")
Block 97, Lot 1; Block 94, Lot 22 - Lopatcong Township &
Block 5, Lot 1 - Greenwich Township, Warren County
SADC ID#: 21-0067-DE
Approximately 94 Net Easement Acres

WHEREAS, on February 22, 2013, the State Agriculture Development Committee ("SADC") received a development easement sale application from Robert & Sarah Santini, hereinafter "Owner," identified as Block 97, Lot 1; Block 94, Lot 22, Lopatcong Township; Block 5, Lot 1, Greenwich Township, Warren County, hereinafter "Property," totaling approximately 94 net easement acres, identified in (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 25, 2013, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Warren County (minimum acreage of 60 and minimum quality score of 54) because it is 94 acres and has a quality score of 70.02; and

WHEREAS, the Property includes one, 9-acre severable exception for and restricted to one single family residence and to accommodate a future New Jersey Department of Transportation (NJDOT) Route 519 & Route 57 intersection improvement project; and

WHEREAS, the Property includes one, 2.2-acre severable exception to accommodate a future New Jersey Department of Transportation (NJDOT) Route 519 & Route 57 intersection improvement project; and

WHEREAS, currently the NJDOT is in the planning stage of the project and along with the Owner have designed the exception areas to accommodate a future purchase of the entire 2.2-acre exception area and a portion of the 9-acre exception area; and

WHEREAS, NJDOT and the Owner understand that the exception areas cannot be changed in any way after the farm is preserved; and

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

WHEREAS, at the time of application, the Property was devoted to field crop production; and

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

WHEREAS, on February 27, 2014, the SADC certified the development easement value of the Property at \$6,200 per acre based on January 1, 2004 zoning and environmental conditions and \$1,700 per acre based on current zoning and environmental conditions as of January 2014; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property for \$6,200 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for its acquisition of the development easement at a value of \$6,200 per acre for a total of approximately \$582,800 subject to the conditions contained in (Schedule B); and

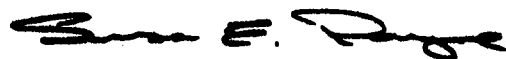
BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; 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.

3-27-14

Date



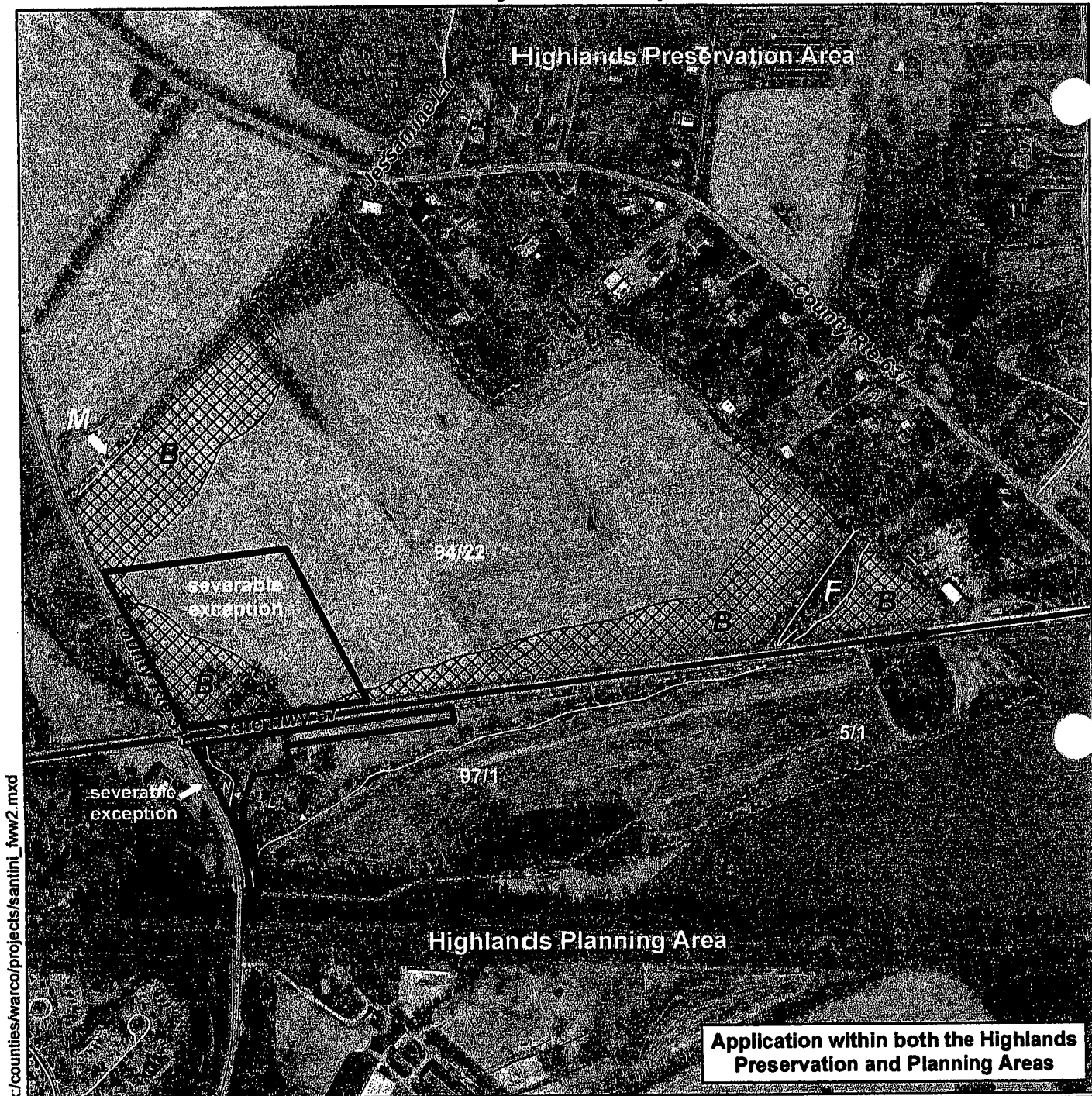
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Project Map

J Cheanik A.



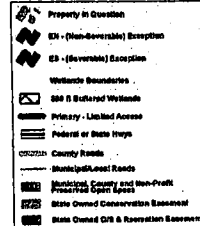
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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Robert and Sarah Santini
Greenwich Twp. - Block 5 Lot 1 (5.9 ac)
Block 94 Lots P/O 22 (62.8 ac) & P/O 22-ES (severable exception - 9.0 ac)
& Lopatcong Twp. - Block 97 Lots P/O 1 (26.2 ac) & P/O 1-ES (severable exception - 2.2 ac)
Gross Total = 106.2 ac
Warren County

500 250 0 500 1,000 Feet

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



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

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

July 10, 2013

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Santini, Robert & Sarah
State Acquisition
Easement Purchase - SADC
94 Acres

Block 94	Lot 22	Lopatcong Twp.	Warren County
Block 97	Lot 1	Lopatcong Twp.	Warren County
Block 5	Lot 1	Greenwich Twp.	Warren County

SOILS:	Other	1% *	0	=	.00
	Prime	92% *	.15	=	13.80
	Statewide	7% *	.1	=	.70

SOIL SCORE: 14.50

TILLABLE SOILS:	Cropland Harvested	86% *	.15	=	12.90
	Wetlands	1% *	0	=	.00
	Woodlands	13% *	0	=	.00

TILLABLE SOILS SCORE: 12.90

FARM USE:	Field Crop Except Cash Grain	81 acres
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This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st nine (9) acres for future flexibility: farm mkt & residence
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
Exception is to be restricted to one single family residential unit
 - 2nd (2.2) acres for DOT roadwork
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
 - c. Additional Restrictions:
2.2 acre severable exception is restricted with zero (0) residential opportunities
 - 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
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.