

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

July 25, 2013

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

Roll call indicated the following:

Members Present

Douglas H. Fisher, Chairperson
Cecile Murphy (rep. DEP Commissioner Martin)
Gina Fischetti (rep. DCA Commissioner Constable) (Arrived at 9:14 a.m.)
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)
Brian Schilling (rep. Executive Dean Goodman)
Alan A. Danser, Vice Chairman
Denis C. Germano, Esquire
Peter Johnson
Jane R. Brodhecker
Torrey Reade

Members Absent

James Waltman

Susan E. Payne, Executive Director
Jason Stypinski, Deputy Attorney General
Alison Reynolds, Deputy Attorney General (Closed Session)

Others present as recorded on the attendance sheet: Heidi Winzinger, Brian Smith, Timothy Brill, Steve Bruder, Chuck Roohr, Paul Burns, Ed Ireland, John

Denlinger, Cindy Roberts, Stefanie Miller, Dan Knox, Judy Andrejko, Hope Gruzlovic, Jeffery Everett, Patricia Riccitello and Sandy Giambrone, SADC staff; Regina Egea, Director, and Kerstin Sundstrom, Esq., Governor's Authorities Unit; Dan Pace, Mercer County Agriculture Development Board; Brigitte Sherman and Ashley Reardon, Cape May County Agriculture Development Board; Nicole Goger, New Jersey Farm Bureau; Tina Boyer, Morris County Agriculture Development Board; Laurie Sobel, Middlesex County Agriculture Development Board; Harriet Honigfeld, Monmouth County Agriculture Development Board; Donna Rue and Wayne VanHise, Rue Brothers, Monmouth County; Casey Jansen, Jr., and Casey Jansen, Sr., Holland Greenhouse, Middlesex County; Bernie Guthertz, BAM Energy, Ocean County; Earle Steeves, Max Spann Real Estate; Brian Wilson, Burlington County Agriculture Development Board; Bill Millette, Hunterdon County Agriculture Development Board; Christine Bell, Ocean County Agriculture Development Board; and Glorianne Robbi, East Amwell Farmland and Open Space Preservation Committee, Hunterdon County.

Minutes

A. SADC Regular Meeting of June 27, 2013 (Open and Closed Sessions)

It was moved by Ms. Brodhecker and seconded by Mr. Danser to approve the open session minutes and the closed session minutes of the SADC regular meeting of June 27, 2013. The motion was approved. (Mr. Germano and Mr. Johnson abstained from the vote and Mr. Siegel was absent for the vote.)

REPORT OF THE CHAIRPERSON

Chairman Fisher stated that the Department of Agriculture is changing in terms of what we do to service the people in the state and beyond. We have an online presence that is changing and evolving. We have to streamline and modernize electronically, and the Department is now on Facebook, Twitter and we also have a Jersey Fresh official website.

REPORT OF THE EXECUTIVE DIRECTOR

- Executive Director of the Governor's Authorities Unit

Ms. Payne introduced Regina Egea, Executive Director of the Governor's Authorities Unit. Ms. Egea visits all of the Authorities as much as possible. Ms.

Payne welcomed Ms. Egea on behalf of the Committee.

- Quaker Valley Farms Litigation

Ms. Payne stated that at the last meeting of the Committee, just prior to going into closed session, staff received the results of the Quaker Valley Farms litigation, the second phase of the trial. She wanted to publicly report on those results. This case involves a large-scale greenhouse grower who destroyed approximately 15-20 acres of farmland on a preserved farm. The SADC had won the first phase of that litigation last year, which was the liability phase. The second phase is related to remediation and what the farmer has to do to put the property back into a condition that could support agricultural production. The Court ordered that the area of disturbance be restored to a 2-6 percent slope, which was the original slope of the soils, and that there be a minimum of 24 inches of subsoil and a minimum of 8 inches of topsoil restored to the property. The property owner has 30 days to issue a plan for restoration, and the Court appointed a master to oversee that work. The landowner has appealed the decision and filed for a stay to hold off on any work until the Appellate Division hears and decides the case.

- On-Farm Direct Marketing AMP

Ms. Payne stated that public comments are due by August 16th on the On-Farm Direct Marketing AMP rule proposal that was published in June. She indicated that staff has not seen any comments come in as yet but she would like to remind everyone of the deadline date for those comments.

- Future Funding

Ms. Payne stated that there was an attempt in the Legislature to get a dedicated funding source on the ballot this fall but that has not been successful. Staff will continue to work with the Administration to secure funding for our programs. Hopefully, we will see something next year.

- Atlantic City Electric Easements on Preserved Farms

Ms. Payne stated that staff has reached out to the Board of Public Utilities (BPU) in an attempt to see if they can assist the SADC in the matter involving Atlantic City Electric (ACE) and broad easements the utility holds on farms that have applied for farmland preservation. The BPU has been very helpful; staff met with

the BPU last week and will meet again next week with both the BPU and ACE. The Governor's Office is aware of this issue. We want to resolve it because it affects our ability to close on farms in Salem, Cumberland and Gloucester County.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. Ms. Payne referred the Committee to the Summary of Preserved Farmland and provided the Committee with an update on that. She stated that the SADC finished FY2013 with closings on 73 farms totaling 5,610 acres, slightly better than last year but not near where the SADC would like to be. She felt that the issue with ACE is responsible for holding up approximately 25 closings. As soon as we can resolve that issue, she expects the numbers will start to come back.

PUBLIC COMMENT

None

NEW BUSINESS

A. Reorganization **1. Appointment of Vice Chairman**

Chairman Fisher called for nominations for Vice Chair of the Committee.

It was moved by Mr. Schilling and seconded by Mr. Germano to nominate Alan Danser to serve as Vice Chair of the Committee. The motion was unanimously approved.

Chairman Fisher called for a motion to close the nominations.

It was moved by Mr. Germano and seconded by Ms. Brodhecker to close the nominations for Vice Chair of the Committee. The motion was unanimously approved.

Chairman Fisher called for a motion to approve Alan Danser as Vice Chair of the Committee.

It was moved by Mr. Germano and seconded by Ms. Brodhecker to appoint Alan Danser as the Vice Chair of the State Agriculture Development Committee. The motion was unanimously approved.

2. August 2013 to July 2014 Meeting Dates

Ms. Payne referred the Committee to the Regular Meeting Dates for the SADC from August 2013 through July 2014. She stated that the months of October and November are combined for meeting purposes, and that the Committee will meet the second Thursday in November and December due to the holiday season. It is also noted that the April 2014 meeting will be held on a Friday (the 25th), due to Take Your Child to Work Day on Thursday the 24th.

It was moved by Mr. Danser and seconded by Ms. Brodhecker to accept the FY2014 SADC meeting dates from August 2013 through July 2014. The motion was unanimously approved. (A copy of the SADC Meeting Dates - August 2013 through July 2014 is attached to and is a part of these minutes.)

3. Program Deadline Dates – 2013/14

Ms. Payne referred the Committee to a list of County Planning Incentive Grant Program deadline dates for FY2014. She stated that this is being provided to the Committee as informational only and that no action is required by the Committee. She stated that when counties come in for final approval, the SADC has to set certain deadline dates for submission of all materials in order for an application to be considered on a subsequent SADC agenda. This gives staff sufficient time to make sure documentation is in place and also if there is competition for funds in the competitive pot, it gives staff the opportunity to rank and evaluate. This information will be sent out to all of the SADC's program participants so they are well aware of the process. (A copy of the Program Deadline Dates-2013/2014 is attached to and is a part of these minutes.)

B. Eight-Year Farmland Preservation Program – Renewals, Terminations and Withdrawals

Ms. Winzinger referred the Committee to the 8-Year Program Summary Report showing no requests for renewal of municipally approved farmland preservation programs, and no requests for withdrawals of eight-year programs. There were four requests for termination of an eight-year farmland preservation program as follows:

1. Desiderio Farm, SADC # 1406-02F-01/14-0002-8F
Chester Township, Morris County, 63 Acres
Soil and water conservation cost share grant funds remaining at time of termination: \$19,846.25

Note: This farm has now been permanently preserved.

2. DiMeo Farm, SADC # 0113-52F-01/01-0005-8F
Town of Hammonton, Atlantic County, 5.64 Acres
Soil and water conservation cost share grant funds remaining at time of termination: \$3,384.00
3. Vandaley Farm SADC # 0120-01F-01/01-0022-8F
Port Republic City, Atlantic County, 58 Acres
Soil and water conservation cost share grant funds remaining at time of termination: \$16,491.72
4. Halpern Farm, SADC #0605-05F-01/06-0014-8F
Fairfield Township, Cumberland County, 15 Acres
Soil and water conservation cost share grant funds remaining at time of termination: \$9,000.00

Note: This farm has now been permanently preserved.

Ms. Winzinger stated that this summary was for informational purposes only and no action was needed by the Committee. (A copy of the Eight-year Program Summary Report is attached to and is a part of these minutes.)

C. Right to Farm

1. **Right to Farm and Agricultural Mediation Programs**
 - a. Summary Report for State FY2013

Mr. Kimmel provided various handouts to the Committee that provide a short update on the Right to Farm and Agricultural Mediation programs for FY 2013 and to facilitate the renewal of the certificates of the program's roster of mediators, as the program's regulations require the SADC to renew them annually. Mr. Kimmel reviewed the various handouts with the Committee.

2. Agricultural Mediation Program
a. Recertification of Mediators

Mr. Kimmel referred the Committee to Resolution FY2014R7(1) for a request to renew the certifications of the Agricultural Mediation Program Mediators as outlined in said resolution. He reviewed the specifics with the Committee and stated that staff recommendation is to renew the certificates of the certified mediators, pursuant to N.J.A.C. 2:76-18.10 as follows:

1. Katherine Buttolph
2. Liza Clancy
3. Gaetano DeSapio
4. Gordon Geiger
5. Melvin Henninger
6. Paul Massaro
7. John Paschal
8. Cari Rincker
9. Barbara Weisman
10. Jim Wren
11. Loretta Yin

It was moved by Mr. Danser and seconded by Ms. Reade to approve Resolution FY2014R7(1) renewing the certificates of eleven certified mediators, as described above and as listed in said resolution. The motion was unanimously approved. (A copy of Resolution FY2014R7(1) is attached to and is a part of these minutes.)

Ms. Payne took a moment to introduce Gina Fischetti to the Committee. Ms. Fischetti is attending today's meeting, filling in for Mr. Requa, who could not make the meeting. The Committee welcomed Ms. Fischetti.

D. Stewardship

1. Division of the Premises Request
Rue Brothers, Inc., Upper Freehold Township, Monmouth County

Mr. Roohr referred the Committee to Resolution FY2014R7(2) regarding a division of the premises request by the owner of Block 15, Lot 17.02; Block 15.01, Lots 17 and 18, and Block 16, Lot 12, known as the Rue Brothers, Inc. farm, located in Upper Freehold Township, Monmouth County. The property totals 331.91 acres. The owner intends to retain ownership of Block 15.01, Lots 17 and 18, and Block 16, Lot 12 (Parcel "A") on

the south side of I-195. The owner proposes to sell Block 15, Lot 17.02 (Parcel "B"), on the north side of I-195 to Casey Jansen of Holland Greenhouses (Purchasers). The owner will also be conveying a 13-acre nonpreserved tract adjacent to Parcel B (Block 15, Lot 41.01) with frontage on County Route 524 to the Purchasers as part of this conveyance.

The Purchasers operate a greenhouse business in Monroe Township, Middlesex County, and they propose to utilize the Premises to expand their existing greenhouse operation, as well as grow field-grown cut flowers. Parcel "A" would result in 252+/- acres and would include four existing single-family residences and several farm outbuildings. It is improved with three irrigation ponds and some underground mains. Parcel "B" would result in 78+/- acres and is unimproved except for an irrigation pond.

Staff recommendation is to approve the request for a division of the premises. The Rue family also owns an adjacent 14-acre parcel, nonpreserved, and as part of the package they are selling this nonpreserved parcel together with Parcel "B." Mr. Jansen (Purchaser) has worked for Rue Brothers for more than 20 years but wants to branch off with his own greenhouse business. He would also be raising potted vegetables, flowers and herb plants. He plans to keep the soil intact in the greenhouses so they would have a natural topsoil floor. The potted plants are a spring and summer endeavor and once they are out he would then pull up the weed fabric and then plant in the soil a vegetable crop. That would be a fall and winter season operation, and he would be selling to a supermarket chain that he already deals with. So he would get a dual use out of the greenhouses. Mr. Roohr stated that Ms. Rue, Mr. VanHise who is part of the Rue family, and Mr. Jansen are present today should the Committee have any questions. Mr. Roohr stated that the SADC recently wrapped up the denHollander litigation regarding construction of greenhouses. Staff has made Mr. Jansen aware of that case and suggested that he come in and give staff a more formal explanation of what his proposal is for the property so that staff can determine if the project conforms with the Deed of Easement, should the division be approved.

Mr. Jansen advised the Committee that it is his vision for the property to continue finish produce, which they have never done, through the off-season of the regular farm. Their core business is vegetable and herb plants, which they supply to many box stores and supermarkets. After that season is done, he would like to continue trying to get income out of his investment. He has a great relationship with Whole Foods, which is one of his biggest customers. He has had discussions with the buyers and they are very excited about this and it is something he is willing to try. Chairman Fisher asked what the expected size of the greenhouse would be. Mr. Jansen responded 232,000 square feet, which is five acres. That would be the first phase he would like to do. He hopes, if his

plans work out, to do a second phase of an additional five acres within the next five years. Ms. Payne stated that if the Committee approves the request, staff will be reaching out to Mr. Jansen within the next week or so to get a better understanding of his full plans for the soil on the property and then staff will bring that issue back to the Committee.

It was moved by Mr. Germano and seconded by Ms. Reade to approve Resolution FY2014R7(2) granting a request to divide the Premises, known as Rue Brothers Inc., Block 15, Lot 17.02, Block 15.01, Lots 17, 18, and Block 16, Lot 12, Upper Freehold Township, Monmouth County, as follows:

Parcel "A" – Block 15.01, Lot 17 and 18; Block 16, Lot 12, 252+/- Acres
Parcel "A" will include four existing single-family residences and several farm outbuildings. It is improved with three irrigation ponds.

Parcel "B" - Block 15, Lot 17.01, 78+/- Acres
Parcel "B" is improved with an irrigation pond

Approval is subject to the conditions set forth in the Resolution and is not transferrable to another purchaser. The SADC has informed the Purchaser of the recent court decisions related to soil disturbance on preserved farms pursuant to litigation filed in the case of State of New Jersey, State Agriculture Development Committee vs. Quaker Valley Farms, LLC and David denHollander, which may be relevant to the proposed use of the Premises by the Purchaser. The SADC has recommended the Purchaser provide details of plans for the development of infrastructure on the Premises to the Monmouth CADB and the SADC prior to conducting any site work to ensure the proposed work does not violate the SADC Deed of Easement. Approval of this division of the Premises shall not constitute, nor be interpreted to constitute, any degree of approval of the use of the Premises as proposed by the Purchaser.

Chairman Fisher advised Mr. Jansen to make sure he fully understands the denHollander case so that he doesn't run into any difficulties down the road with what he wants to do with the property.

The motion was unanimously approved. (A copy of Resolution FY2014R7(2) is attached to and is a part of these minutes.)

E. Resolution for Preliminary Approval: State Acquisition Program

1. Hamorski Farm, Lebanon Township, Hunterdon County (Highlands)

Ms. Winzinger referred the Committee to Resolution FY2014R7(3) for a request for preliminary approval on the Mary Beth Hamorski and Jeffrey Salatiello farm, known as Block 18, Lot 28, in Lebanon Township, Hunterdon County, comprising 65 net easement acres. The property is designated as an "Alternate" farm since it does not meet the SADC's minimum ranking criteria for a "Priority" farm in Hunterdon County. The property is located within the N.J. State Plan-designated Environmentally Sensitive Area (PA5) and within the Highlands Agriculture Priority and Resource Areas, as well as the Highlands Preservation Area's "Protection Zone." The landowner has provided evidence of breeding, raising, training and leasing Welsh ponies with lease income of greater than \$2,500 per acre for calendar years 2012 and 2013, along with approximately \$3,800 in imputed income from grazing. The property has one existing single-family residence. The landowner has requested a 2.5-acre nonseverable exception area for a future residence with the understanding that the Property is subject to enhanced environmental restrictions outlined in the NJ DEP's Highlands Water Protection and Planning Act rules, N.J.A.C. 7:38 et. seq., which may restrict building. The equine production consists of breeding, raising, and leasing Welsh ponies, pasturing horses and ponies, and growing hay. The landowner leases a portion of the farm for certain equine service activities, including boarding, training and riding lessons, which are conducted in an outdoor riding area of approximately one acre and within the indoor ring and barn encompassing approximately 1.2 acres. Staff recommendation is to grant preliminary approval of this property.

It was moved by Mr. Germano and seconded by Mr. Siegel to approve Resolution FY2014R7(3) granting preliminary approval to the Mary Beth Hamorski and Jeffrey Salatiello farm, known as Block 18, Lot 28, in Lebanon Township, Hunterdon County, comprising 65 net easement acres, as presented and discussed, subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2014R7(3) is attached to and is a part of these minutes.)

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

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

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2014R7(4) through Resolution FY2014R7(7) granting final approval to the following applications, as presented and discussed, subject to any conditions of said Resolutions:

1. Cumberland County/Mark Sheppard, SADC #06-0098-PG (Resolution

FY2014R7(4))

Block 21, Lot 16, Stow Creek Township, Cumberland Co., 70.6 Surveyed Acres
State cost share of \$3,500 per acre (58.33% of the purchase price, 67.31% of the
current certified value) for a total grant need of \$245,700, pursuant to N.J.A.C.
2:76-6.11 and the conditions contained in Schedule "D."

Discussion: This farm first was submitted for a cost share in the SADC 2009 County Easement Purchase Round. At that time the SADC had certified a value of \$6,000 per acre and the owner accepted that value. However, due to limited funds in the 2009 County Easement Purchase Round only the six highest ranked farms were funded. This farm did not receive SADC funding. The Cumberland CADB continued with the easement purchase based on the SADC certified value and purchased the easement in November 2009. Subsequently the County submitted the property to the SADC for reimbursement through the County PIG Program. Because the appraisals and certified value were outdated, the County submitted new appraisals and the SADC certified a current easement value in July 2011 based on zoning and environmental regulations in place as of May 1, 2011. The current easement value of \$5,200 per acre is \$800 per acre less than the \$6,000 per acre previously certified by the SADC and utilized to purchase the easement. Therefore the SADC will cost share on the current certified value. The net acreage used for payment purposes when the County preserved the farm was 70.2 acres, which will be utilized to calculate the grant need. Competitive grant funds will be utilized for this property.

Ms. Payne stated that had the County just gone ahead previously, done appraisals, acquired it, never come to the SADC and then subsequently came to the SADC for reimbursement and our appraisal range is below what they paid for it, the SADC would be blocked from participating. The reason is the statute states we cannot participate in an easement purchase where the purchase price is higher than the appraised value as determined by the Committee. In this case however, they did come to the SADC, the Committee certified an easement value and they used that value for the purchase. Staff is interpreting this to mean as long as they've come to us, we've certified an easement value and they bought the easement within the range that was determined by the Committee, then they have not violated any rule -- even if that isn't the round where they are ultimately successful in obtaining funding. This is particularly key at this time when some counties are absolutely running out of funding and there is no more money to grant to them. She wanted to get it on the record to make sure everyone understood that.

2. Readington Township (Owner) – Little Hills Farm, SADC #10-0321-PG
(Resolution FY2014R7(5))

Block 94, Lot 19, Readington Twp., Hun. Co., 81.981 Surveyed Easement Acres
State cost share of \$7,200 per acre (60% of the certified market value) for a total grant need of approximately \$590,263.20 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "D."

Discussion: In 2009 Readington Township purchased the property in fee along with other adjacent land for a total of 108.26 acres, performed a lot line adjustment creating Block 94, Lot 19 (81.981 acres), then auctioned the restricted property in 2010. Now they are submitting it to the County PIG Program for reimbursement. The property includes one two-acre nonseverable exception area restricted to one single-family residence and further restricted by Readington Township to 4,000 square feet of living. The County will utilize base and FY2011 competitive grant funding to cover the SADC cost for this property.

3. Charles and Edith Howard, SADC # 18-0206-PG (Resolution FY2014R7(7))
Block 21007, Lots 6 and 7, Montgomery Twp., Somerset Co., 31 Net Easement Acres
State cost share of \$23,400 per acre (60% of the purchase price and 54.42% of the SADC certified market value) for a total grant need of \$747,162 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: This application was submitted to the Municipal Planning Incentive Grant (PIG) Program but has since been transferred to the County PIG Program. The County has informed the SADC that the landowners approved the transfer of the application using the previously contracted price of \$39,000 per acre. The property includes one four-acre nonseverable exception for and restricted to one single-family residence. The County has requested to encumber an additional three percent buffer for possible final surveyed acreage increases; therefore, 31.93 acres will be utilized to calculate the SADC grant to be secured for this property. FY2011 base grant funding will be utilized to cover the SADC cost share.

The motion was unanimously approved. (A copy of Resolution FY2014R7(4), Resolution FY2014R7(5) and Resolution FY2014R7(7) is attached to and is a part of these minutes.)

Ms. Brodhecker recused herself from any discussion/action pertaining to the following agenda item to avoid the appearance of a conflict of interest. Ms. Brodhecker is the Chairperson of the Sussex County Agriculture Development Board.

It was moved by Ms. Reade and seconded by Mr. Danser to approve Resolution FY2014R7(6) granting final approval to the following application, as presented and discussed, subject to the conditions of said Resolution:

4. Goldman Frankford Farm Partners, SADC #19-0031-PG (Resolution FY2014R7(6))
Block 43, Lot 4; Block 46, Lot 2, Frankford Township, Sussex County, 92 Net Easement Acres
State cost share of \$3,340 per acre for a total grant need of approximately \$316,498.40, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "D."

Discussion: The property has one existing single-family residence. The County has requested to encumber an additional three percent buffer for possible final surveyed acreage increases; therefore, 94.76 acres will be utilized to calculate the SADC grant need. Base grant funding will be used for this property.

Ms. Murphy commented that she had a concern regarding the Division of the Premises acknowledgement form (for Farms with Non-Contiguous Parcels). She is concerned that someone may misconstrue part of it, where it says "although your farm may consist of multiple lots, after preservation you or any future owner may not divide and/or sell any portion of the Premises separately without written approval of the State Agriculture Development Committee (SADC) and the easement holder." It doesn't actually say that approval may not be given and that approval is not guaranteed. Ms. Payne stated that the Deed of Easement says that. You cannot divide without the express authorization. She stated that she thinks "approval" to her always implies there is a chance you're not going to get the approval; it isn't a rubber stamp. She stated that she thinks what Ms. Murphy is saying is that it may be helpful to have the language in there saying that authorization or approval is not guaranteed. Ms. Murphy responded yes. Ms. Payne stated that staff could take that under advisement for the next time the SADC updates its guidance documents for clarification.

The motion was approved. Ms. Brodhecker recused herself from the vote. (A copy of Resolution FY2014R7(6) is attached to and is a part of these minutes.)

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

Ms. Winzinger referred the Committee to two requests for final approval under the

Municipal Planning Incentive Grant (PIG) program. She stated that the first request is for the Paul Ritter (Brook Hollow Winery) farm, located in Knowlton Township, Warren County, comprising 7 net easement acres. The property includes a three-acre nonseverable exception for the winery infrastructure and related nonagricultural uses including weddings, winery events and parties. The landowner has agreed to restrict the exception area to agriculture, rural enterprises, and other uses the SADC may deem to be nonagricultural, none of which may adversely affect the neighboring preserved land. The landowner has read and signed SADC guidance documents regarding exceptions, division of the premises and nonagricultural uses. Staff recommendation is to grant final approval for this application.

Discussion: Ms. Winzinger stated that staff has a copy of the plan for the winery in the file. Mr. Schilling asked what staff was emphasizing in the fourth "Whereas" on Page 1 regarding the nonseverable exception and various intended activities but then in the fifth "Whereas" clause it states that in the future there is going to be the running restriction that it's always going to be for agricultural or rural enterprise. It sounded like staff was emphasizing something but he wasn't sure why. Ms. Winzinger stated that this is the language that will go into the Deed. Mr. Schilling stated that he got the sense that staff was emphasizing something that was out of the usual. Ms. Payne stated that the issue was that the three-acre exception is in a highly commercial zone and even the Township doesn't want to see a used car lot or a WaWa or similar uses on that. This is a nonseverable exception that is forever connected to the preserved farm where it would never survive a subdivision. There was some attempt to say there is broad flexibility to have nonagricultural uses on the exception but they cannot be uses that damage the ability to farm the balance. Mr. Schilling responded that is always the case with an exception. Ms. Payne stated that this is a little stronger than Right to Farm language. Staff went back and forth a lot and didn't want to get very prescriptive on what you can and cannot do, and there is a definite effort here to make sure any nonagricultural use on the exception area is compatible with this farm. She encouraged the landowner to cut it off but they did not want to do that.

Mr. Danser asked if the fact that the resolution says "Whereas the landowner has agreed to restrict..." rather than "Be It Resolved the landowner has agreed to restrict ..." means that provision doesn't have any teeth. Ms. Payne stated that the language will translate into the Deed of Easement documents that get recorded. Mr. Danser stated he understood that but it is still just a "Whereas" clause. In his experience they have very little teeth. Deputy Attorney General Stypinski stated that you could put the clause in the resolution at the end in the "Be It Further Resolved" section.

Ms. Payne stated that we wrestled with this at the staff level. Normally a three-acre exception isn't huge but when it is a third of the property and it is highway commercial, then development on the exception area is going to have a more significant impact on that farm than normal. Staff was trying to deal with that by saying, we understand you want flexibility in the exception area and you are not getting paid for it but it cannot be a use that adversely affects this farm. She stated that this is more explicit than the Right to Farm language. If the Committee is not comfortable with this staff would pull it.

Mr. Schilling stated that any exception always has the rule that you cannot do something that is going to harm the preserved land. Mr. Smith stated that there aren't too many provisions in Paragraph 13. It is usually limited to one single-family dwelling, and cannot be moved or swapped. Then there is the Right to Farm Notice, which notifies owners or occupants of the exception area that there are agricultural activities next door, so if you are renting the exception area or if it is severable, the owners of that property or the occupants are put on notice that there may be dust, fumes and agricultural activities. Mr. Schilling stated that he is always under the assumption that the activities in the exception cannot unduly harm the preserved farm. He stated he doesn't have a problem with the application – he is just trying to understand what is special and different about this. He doesn't think that putting in a condition that any activity in the exception can't harm the preserved land is something new or novel. Mr. Danser stated he doesn't have a problem with it either but the concern should be that this is only a 10-acre parcel in a highway commercial zone and, if the winery goes broke and someone decides that the greatest value is just the three acres of highway commercial that has a seven-acre tail, then those seven acres are going to be ignored. Mr. Schilling stated that he is trying to understand if the novelty or the specific goal here is built around the fact that we are trying to limit what happens in that three-acre exception to something that is agricultural or a rural enterprise, and he assumes that is sort of a given with the current policy discussion in the Legislature and somewhat motivated by that. If the use is nonagricultural by our definition, we want to ensure that it still has some sort of agricultural or rural enterprise development linkage so it's not going to be a purely commercial activity. That is what he perceives to be the novelty of this clause. He just doesn't understand what is new about this clause.

Ms. Payne stated that Mr. Smith pointed out that the normal Right to Farm language that is in our exception is putting the owner of the exception, or the user or occupant of the exception, on notice that they are next to a farm and there may be impacts. This puts a positive obligation on the exception area to be restricted to uses that don't conflict. Mr. Schilling thought that was always the case that if something is occurring within an exception that was damaging the property, he always understood that the activity in the

exception area could be addressed if it is impeding or harming the agricultural value.

Mr. Germano stated that there was an application a few years back on a preserved farm in Springfield Township where the person wanted to do weddings and one of the reasons for denying it was that it needed a use variance. One of the reasons for the denial is that it would have interfered with the agricultural operation, which we understood it to be. It was clearly within the exception area but we preceded on the belief that the exception language limited the use of the exception area to things that don't interfere with the agricultural operation. Ms. Payne felt that would be a favorable decision by a township with regard to farmland preservation but let's say that the township supported it and said OK, we want this person to do wineries, the question is could the county or the SADC have stopped it? She stated she didn't think so unless there is some specific language in the exception area.

Mr. Siegel commented that this is a stipulation in a "Whereas" clause and he felt that the language here is fine and it is more detailed because the owner is stipulating that he is going to be operating a winery, he is going to sell wine that he doesn't raise and he is going to have weddings and that is why he is excepting it. Ms. Payne stated that normally the farms are rural and zoned residential. So when we create an exception area on a residentially zoned piece of property, what they can do by right is build a house and what we do is limit how many houses they can build and sometimes even the size. It is not very often that we get an exception area that is in a highway commercial zone, where the permitted uses are much bigger with a much bigger potential impact on the farm. When we see a landowner with a 100-acre farm wanting to take a 20-acre exception, we get interested in what development is being proposed for this and we limit the exception to that use. We don't want a day-care center popping up next to it or a nursing home or a lot of things where people would say that the farming has to stop.

Mr. Germano stated that if our exception areas don't already say that or if there isn't something somewhere that says you can't use an exception area for anything that interferes with the agricultural operation, then there should be. Ms. Payne stated she thought that would require a regulation on the SADC's part. Ms. Reade felt it was context-related and she didn't think it would hurt anything to include it. If there are no teeth in putting it in the "Whereas" section, then what do we need to do procedurally to put it into the "Be It Further Resolved" clauses? Ms. Payne stated that the Committee could recommend that to staff on the record and staff would then do that.

Chairman Fisher called for a motion on staff's recommendation as drafted.

motion was approved. (Mr. Siegel opposed.)

It was moved by Ms. Reade and seconded by Mr. Germano to approve Resolution FY2014R7(8), as amended above, granting final approval to the following application as presented and discussed:

1. Paul Ritter (Brook Hollow Winery), SADC # 21-0521-PG (Resolution FY2014R7(8))
Block 11, Lot 10, Knowlton Township, Warren County, 7 Net Easement Acres
State cost share of \$6,000 per acre (60% of the certified market value), for an estimated total grant need of \$43,000 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

The motion was unanimously approved. (A copy of Resolution FY2014R7(8) is attached to and is a part of these minutes.)

Ms. Winzinger stated that the second request for final approval is for the Vernon and Beverly Erhardt farm, located in White Township, Warren County, comprising 27 easement acres. Staff recommendation is to grant final approval to this application, as presented and discussed.

It was moved by Mr. Danser and seconded by Mr. Siegel to approve Resolution FY2014R7(9) granting final approval to the following landowner, as presented and discussed, subject to any conditions of said resolution:

2. Vernon and Beverly Erhardt, SADC # 21-0522-PG
Block 10, Lot 33, White Township, Warren County, 27 Easement Acres
State cost share of \$4,500/acre (62.5% of the certified market value), for an estimated total grant need of \$121,500 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

Discussion: The property includes a three-acre nonseverable exception for an existing single-family residence and improvements, to be restricted to two single-family residences. The landowners understand that the property and exception area are subject to a buffer and to enhanced environmental restrictions outlined in the NJ DEP's Highlands Water Protection and Planning Act rules, which may preclude the construction of a second single-family residence within the exception area. A parcel application was submitted by the SADC to the USDA, NRCS Federal Farm and Ranch Lands Protection Program, and the NRCS has determined that the property and landowners qualified for

Mr. Siegel motioned to approve the resolution as presented. Mr. Germano seconded the motion.

Ms. Reade asked about amending the resolution to reflect Mr. Danser's comment about also including that "Whereas" clause into the "Be It Further Resolved" section as well. Ms. Payne stated that staff could move the fifth "Whereas" on page one and it could be reiterated in the "Be It Further Resolved" section to state that the landowner has agreed and the exception area will be restricted to agriculture, rural enterprises, and other uses – as it read on page 1.

Ms. Reade moved to amend the draft resolution to reflect that the fifth "Whereas" on page one be reiterated in the "Be It Further Resolved" section, as discussed.

Mr. Siegel stated that part of this person's after value is the fact that he can sell this parcel to a veterinarian because the wine didn't work out. Now we are putting in a "Now Be It Further Resolved" that could influence his ability to sell this property with a 3-acre commercial exception. He felt that the draft resolution was fine the way it reads now.

Ms. Murphy stated that in this issue she felt there is a difference between severable and nonseverable exceptions and that she is not comfortable putting restrictions on land that we are not paying for. Here you are stripping something without any recompense but she felt that in the case where it is going to be tied to the land it is a little bit different and she is a little bit more comfortable with that. If it were a severable exception, she didn't see that the Committee could do that, but that is not the case in this instance. Ms. Reade felt what was motivating her for more restrictiveness is that this is a very tiny farm way below what we normally preserve and so making sure that it remains a farm is critical. Staff's movement in that direction has been really good because they have identified potential problems down the road if the winery fails or the person gets tired of making wine – what happens to the farm after that? We cannot just preserve this contemplating that it is going to be the Paul Ritter Winery. It has to also be what the future is and the only way with something this small and fragile is to restrict it in that way. She felt it was appropriate in this case, where it may not be appropriate in every case.

It was moved by Ms. Reade and seconded by Mr. Germano to amend Resolution FY2014R7(8) to include the language found in the fifth "Whereas" on page one, that reads: "the landowner has agreed to restrict the exception area to agriculture, rural enterprises, and other uses the SADC may deem to be nonagricultural, none of which may adversely affect the neighboring preserved land," in the "Be It Further Resolved" section of the resolution for the Paul Ritter (Brook Hollow Winery) application. The

federal grant funds. For the purposes of this resolution, the federal grant will be based on an estimated federal current easement value of \$600 per acre, equating to a federal grant of \$300 per acre or approximately \$8,100 in total federal funds. The landowner has agreed to the additional restrictions involved with using federal funds, including a 5.67 percent maximum impervious coverage restriction (approximately 1.53 acres available for impervious cover) on the lands being preserved outside of the exception area. To best leverage available funding, the Township has requested to use the federal grant funds to cover a portion of its cost share.

The motion was unanimously approved. (A copy of Resolution FY2014R7(9) is attached to and is a part of these minutes.)

**H. Resolutions for Final Approval – Nonprofit Grant Program
The Land Conservancy of New Jersey – 2012 Round**

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

It was moved by Mr. Germano and seconded by Ms. Brodhecker to approve Resolution FY2014R7(10) through Resolution FY2014R7(13) granting final approval to the following applications as presented and discussed, subject to any conditions of said Resolutions:

1. The Land Conservancy of New Jersey/Star D Farm, SADC # 21-0027-NP (Resolution FY2014R7(10))
Block 7, Lot 1.03, Harmony Township, Warren County, 40 Net Acres
Cost share grant not to exceed \$3,450 per acre (total of approximately \$138,000 based on 40 acres) for the development easement acquisition on this property, subject to the availability of funds. The property has one four-acre nonseverable exception around an existing two-family residence, barns and outbuildings. The application is subject to the conditions contained in Schedule "C" of said Resolution. Closing cannot take place until the subdivision deed is filed in the County Clerk's office perfecting the creation of Lot 1.03.

Discussion: Final approvals for the Star D farm and the K-J farms are contingent upon the subdivision of Block 7, Lot 1 (approximately 151 gross acres) into the respective Lots 1.03 (40 acres) and Lot 1 (103 acres) prior to closing. This property will be designated as Block 7, Lot 1.03. The SADC certified values in June 2013, subject to a subdivision deed

being filed in the County Clerk's office prior to the preservation of Lot 1.03 perfecting the creation of Lot 1.03.

2. The Land Conservancy of New Jersey/K-J Farm, SADC # 21-0028-NP
(Resolution FY2014R7(11))
Block 7, Lot 1, Harmony Township, Warren County, 103 Net Acres
Cost share grant not to exceed \$1,587.50 per acre (total of approximately \$163,512.50 based on 103 acres) for the development easement acquisition for this property, subject to the availability of funds. The property has one three-acre nonseverable exception for a future single-family residence. The application is subject to the conditions contained in Schedule "C" of said Resolution. Closing cannot take place until the subdivision deed is filed in the County Clerk's Office perfecting the creation of Lot 1.

Discussion: Final approval for the K-J farm and the Star-D farm are contingent upon the subdivision of Block 7, Lot 1 (approximately 151 gross acres) into the respective Lot 1 (103 acres) and Lot 1.03 (40 acres) prior to closing. This property will be designated as Block 7, Lot 1. The SADC certified values in June 2013, subject to the subdivision deed being filed in the County Clerk's office prior to the preservation of Lot 1 perfecting the creation of Lot 1.

3. The Land Conservancy of New Jersey/May Farm, SADC # 21-0030-NP
(Resolution FY2014R7(12))
Block 1100, Lot 400, Hope Township, Warren County, 21 Net Acres
Cost share grant not to exceed \$2,975 per acre (total of approximately \$62,475 based on 21 acres), subject to the availability of funds. The application is subject to the conditions contained in Schedule "C" of said Resolution.

Discussion: The property has one two-acre severable exception restricted to one future single-family residence. In accordance with N.J.A.C. 2:76-15.1, if two appraisals have been obtained on a parcel and the difference between the two appraisal values is 10% of the higher appraisal value or less, the eligible land cost shall be the average of the appraisal values. The two appraisals submitted were within 10% of the highest appraisal values and the resulting average was \$5,950 per acre.

4. The Land Conservancy of New Jersey/Sunny Hill Farm, SADC #21-0029-NP
(Resolution FY2014R7(13))
Block 33, Lot 55, Harmony Township, and Block 2, Lot 5, Lopatcong Township, Warren County, 24 Net Acres

Cost share grant not to exceed \$3,325 per acre (total of approximately \$79,800 based on 24 acres), subject to the availability of funds. The application is subject to the conditions contained in Schedule "C" of said Resolution.

Discussion: The property has one seven-acre nonseverable exception restricted to one existing single-family home and agricultural structures. In accordance with N.J.A.C. 2:76-15.1, if two appraisals have been obtained on a parcel and the difference between the two appraisal values is 10% of the higher appraisal value or less, the eligible land cost shall be the average of the appraisal values. The two appraisals submitted were within 10% of the highest appraisal values and the resulting average was \$6,650 per acre.

The motion was unanimously approved. (A copy of Resolution FY2014R7(10) through Resolution FY2014R7(13) is attached to and is a part of these minutes.)

I. Minimum Standards for Acquisitions

- 1. County PIG Program**
- 2. State Acquisition Program**

Mr. Knox referred the Committee to Resolution FY2014R7(14) – Memorializing Standards for determining Eligible Farms Pursuant to the County Planning Incentive Grant (PIG) Program. He reviewed the specifics with the Committee and stated that staff recommendation is to adopt the standards as outlined in the resolution.

Mr. Knox referred the Committee to Resolution FY2014R7(15) – Memorializing Standards for determining Priority and Alternate Farms Pursuant to the State Acquisition Program. He reviewed the specifics with the Committee and stated that staff recommendation is to adopt the standards as outlined in the resolution.

It was moved by Mr. Danser and seconded by Ms. Reade to adopt Resolution FY2014R7(14) – Memorializing Standards for Determining Eligible Farms Pursuant to the County Planning Incentive Grant (PIG) Program and Resolution FY2014R7(15) – Memorializing Standards for Determining Priority and Alternate Farms Pursuant to the State Acquisition Program, as presented and discussed, subject to any conditions of said Resolutions. The motion was unanimously approved. (Copies of Resolution FY2014R7(14) – Memorializing Standards for Determining Eligible Farms Pursuant to the County Planning Incentive Grant (PIG) Program and Resolution FY2014R7(15) – Memorializing Standards for Determining Priority and Alternate Farms Pursuant to the State Acquisition Program are attached to and are a part of these minutes.)

J. State Ethics Commission Audit Report

Mr. Smith referred the Committee to his memorandum dated July 17, 2013 regarding the State Ethics Commission (SEC) Ethics Compliance Audit that was conducted on May 21, 2013. He stated that it was a routine audit that the SEC schedules periodically with each executive branch agency. The SADC passed the audit, and the Ethics Office brought to his attention a couple of issues as follows:

1. Outside Activities Questionnaire

Whenever an outside activities questionnaire is filled out and it includes a “speaker’s benefit,” where an employee or a member of the Committee is invited in their official capacity to speak at an event and receives a benefit like a free dinner, that form that he signs as the Ethics Officer needs to be sent to the SEC in advance of the event. They would be essentially pre-screening permission for the staff member or Committee member to attend the event. He was given assurance that the turnaround for that review would be quick enough so that the person affected would be able to attend the event.

2. Written Recusals

Any written recusals, that would be for instance, a notice from a Committee member, in writing, of a recusal, or an opinion rendered by the Ethics Officer, in writing, need to be sent to the SEC, not for pre-screening but rather they want it for their records.

3. New Committee Members

When a new Committee member is appointed, the Ethics Officer needs to notify the SEC, in writing, so they can put that individual on their list for the financial disclosure form notice that must be filled out every year. The financial disclosure form is also applicable to certain staff of the SADC, like the Executive Director for instance. The SEC did advise that if any staff member gets promoted to a position that triggers the financial disclosure form, that the Ethics Officer would also need to provide the SEC notice to that effect.

Mr. Smith stated that the only other two items mentioned were that SADC staff has not been given an in-person ethics training session for a long time and therefore we are required to schedule one. That training has been scheduled and will take place here at the

Department of Agriculture on August 15th. The last item was the only deficiency in the audit and he apologizes for not being aware of it. The Uniform Ethics Code that governs all state agencies, including the SADC, in Article 14, has a provision regarding nepotism and dating relationships. The SADC has adopted that UEC so there is no reason to re-adopt, however the SEC did bring to his attention that there is a form that they require supervisors in the agency to complete, which says that they do not supervise any family members or someone they live with or date. He stated that he provided that form to the necessary staff to complete right after the audit and he has gotten all the managers to sign the form. All the SEC wants from the SADC is an acknowledgment that going forward we will continue to use this form and update it as necessary. He stated that all he would need from the Committee is a motion, a second and a vote acknowledging the use of this supervisory conflict of interest form.

It was moved by Ms. Brodhecker and seconded by Ms. Murphy to accept the Ethics Compliance Audit results, as presented by Mr. Smith and as outlined in his Memorandum to the Committee dated July 17, 2013, to adopt a nepotism and supervisory conflict of interest policy, and to begin using a "Supervisory Conflict of Interest" form for completion by employees who supervise other employees, including individuals who are promoted or hired to a supervisory position, and that notification of the adopted policy will be given to the Department of Agriculture's Human Resources Department. The motion was unanimously approved. (A copy of the Ethics Compliance Audit Memorandum to the SADC Members is attached to and is a part of these minutes.)

PUBLIC COMMENT

Michael Cawthon from Green Street Energy addressed the Committee. He stated that he addressed the Committee in May regarding the solar facility that was constructed at the Laurita Winery. He stated that they have since submitted, earlier this month, their application and they were disappointed that they were not able to be on today's agenda. In light of the fact that apparently the Committee is not meeting again until September, they have submitted a letter to the Secretary and to the Committee asking, if at all possible, for their application, which they believe is complete, to be considered before September. He stated that they think in this case there have been some extraordinary delays, none of which they think is the fault of the Committee. That said, the Committee is in the sole position to be able to relieve that as evidence of the fact that this is a serious economic hardship for his firm and for other associated firms, their general contractor, who is here today and the project manager who is here today. He understands that the SADC has a process and a timetable and they are respectful of that. That being said, if the application could be looked at before September they would be most appreciative.

Ms. Payne stated that when the Committee goes into closed session, it will discuss this as it relates to litigation. The Committee will have the opportunity to deliberate somewhat in closed session and then it will come out of closed session and address the issue in open session afterward. She stated that Mr. Cawthon's letter has been provided to the Committee members in their meeting books.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, September 26, 2013, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium, unless the Committee decides to have a meeting in August.

CLOSED SESSION

At 10:50 a.m., Mr. Danser moved the following resolution to go into Closed Session. The motion was seconded by Mr. Germano and unanimously approved.

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

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters - Certification of Values

It was moved by Mr. Siegel and seconded by Mr. Danser to certify the development easement values as discussed in closed session for the County Planning Incentive Grant Program (with a condition placed on the Kappus certification of value as discussed in closed session), the Nonprofit Grant Program and the Municipal Planning Incentive Grant Program as follows:

County Planning Incentive Grant Program

1. Peter S. Watson (#2), SADC #06-0137-PG
Block 89, Lot 25
Hopewell Township, Cumberland County, 69 Acres

Municipal Planning Incentive Grant Program

1. Lisa J. Hale, SADC #08-163-PG
Block 2801, Lots 45, 49
Franklin Township, Gloucester County, 42 (Appraisal Order Checklist)
2. William and Diane Kappus, SADC # 10-0332-PG
Block 18, Lot 47
Alexandria Township, Hunterdon County, 16 Acres
The SADC certification is conditioned upon the acquisition of an agricultural access easement on the William and Diane Kappus farm, Block 18, Lot 9.01.

Nonprofit Grant Program

1. Hunterdon Land Trust Alliance/Mulligan Farm, SADC #10-0066-NP
Block 33, Lot 24
Kingwood Township, Hunterdon County, 63 Acres (Net-SADC & AOC)

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

Previous Certification of Value

Ms. Payne stated that staff recommendation regarding the Domingues Farm in Greenwich Township, Warren County, is to rescind the prior issued certification of value and final approval, based on the fact that one of the major assumptions that supported the development potential on the property as appraised has been amended and the resulting appraisal has been revised substantially downward. Therefore, the SADC no longer has two appraisals to rely upon to support its prior certification. Rescission of this final approval and certification does not deny the application. The SADC will work with the applicant to see if they want to continue with the application and if so under what conditions.

1. Domingues Farm, Greenwich Township, Warren County

It was moved by Mr. Siegel and seconded by Mr. Germano to approve the staff

recommendation regarding the Domingues Farm, located in Greenwich Township, Warren County, to rescind the prior certification of value and final approval as presented and discussed in closed session. The motion was unanimously approved. (A copy of the Memorandum to the SADC Members is attached to and is a part of the closed session minutes.)

B. Attorney/Client Matters

**1. Consideration of Special Meeting to Hear Solar Energy Application
Laurita Winery**

Ms. Payne stated that the question was discussed regarding whether the Committee would consider having a special meeting to hear the solar energy application for Laurita Winery. Based on the volume of work staff still needs to do to finalize that application, along with vacation schedules, staff doesn't feel it would be viable. For the record, staff will notify the landowner that we do not anticipate calling a special meeting.

**C. Real Estate Matters
State Acquisition Funding**

Ms. Payne stated that under Tab 13 of the members' books, staff recommendation for the final issuance of funding (\$21.9 million) for State acquisition funds is to spend that funding, as the SADC has been doing, in rank order with the exception that at least the highest priority farm in each of the three regions be selected for funding to ensure some degree of geographic distribution.

It was moved by Mr. Germano and seconded by Mr. Johnson to approve staff recommendation for the final issuance of funding (\$21.9 million) for State acquisition funds by applying that funding to applications in rank order with the exception that at least the highest priority farm in each of the three regions be selected for funding to ensure some degree of geographic distribution. The motion was unanimously approved. (A copy of the State Acquisitions Funding Status Report is attached to and is a part of the closed session minutes.)

PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, it was moved by Mr. Siegel and seconded by Ms. Brodhecker and unanimously approved to adjourn the meeting at 12:30 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Susan E. Payne". The signature is fluid and cursive, with the first name "Susan" being more prominent.

Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

STATE AGRICULTURE DEVELOPMENT COMMITTEE

REGULAR MEETING DATES

AUGUST 2012 thru JULY 2013

Location (To Extent Known): **Health/Agriculture Building**
Market & Warren Streets
369 South Warren Street
First Floor Auditorium
Trenton, NJ

Time: **9:00 a.m.**

2013

Regular * Thursday, August 22, 2013 AUDITORIUM

Regular Thursday, September 26, 2013
AUDITORIUM

Regular **NO OCTOBER MEETING-MOVED TO 2nd**
THURSDAY IN NOVEMBER

Regular Thursday, November 14, 2013 ** AUDITORIUM

Regular Thursday, December 12, 2013 *** AUDITORIUM

* August date is reservation only in the event the SADC needs to call a meeting. The SADC does not normally hold a meeting in the month of August.

** No October Meeting - November meeting moved to second Thursday in November due to Holiday Season

*** Meeting scheduled for the second Thursday in December due to the Holiday Season.

2014

Regular Thursday, January 23, 2014 AUDITORIUM

Regular Thursday, February 27, 2014 AUDITORIUM

SADC FINAL REVIEW

JULY 25, 2013

Application for the Sale of a Development Easement

Deadline Dates for FY2014

COUNTY PLANNING INCENTIVE GRANT PROGRAM

<u>SADC Scheduled Meeting Date</u>	<u>Application Packet Deadline Date</u>
Thursday, September 26, 2013	Thursday, August 1, 2013
Thursday, November 14, 2013	Tuesday, October 1, 2013
Thursday, December 12, 2013	Friday, November 1, 2013
Thursday, January 23, 2014	Monday, December 2, 2013
Thursday, February 27, 2014	Thursday, January 2, 2014
Thursday, March 27, 2014	Monday, February 3, 2014
Friday, April 25, 2014	Monday, March 3, 2014
Thursday, May 22, 2014	Tuesday, April 1, 2014
Thursday, June 26, 2014	Thursday, May 1, 2014
Thursday, July 24, 2014 (re-Org Mtg)	Monday, June 2, 2014

8 Year Program Summary Report

June 25, 2013

RENEWAL OF EIGHT YEAR PROGRAMS											
old SADC ID#	Perm						New	New	SADC	Renewal	Soil & Water
new SADC ID#	Pres	Landowner/Agent	Municipality	County	Acres	Funds	Eligible	Expiration	Review	Recorded	Funds
								Date	Date	Date	Spent
TERMINATION OF EIGHT YEAR PROGRAMS											
old SADC ID#	Perm						Eligible	Funds At	Expiration	Recorded	Soil & Water
new SADC ID#	Pres	Landowner	Municipality	County	Acres	Funds	Funds	Expiration	Date	Doc Date	Funds
1406-02F-01	✓	Desiderio	Chester Twp.	Morris	63.00	32,600.00	32,600.00	19,846.25	7/8/2013	5/20/2013	12,753.75
0113-52F-01		DiMeo	Hammonton Town	Atlantic	5.64	3,384.00	3,384.00	3,384.00	5/27/2013	5/3/2013	0.00
01-0005-8F		Vandaley	Port Republic City	Atlantic	58.00	31,600.00	31,600.00	16,491.72	4/6/2013	5/3/2013	15,108.28
0120-01F-01		Halpern	Fairfield Twp.	Cumberland	15.00	9,000.00	9,000.00	9,000.00	10/13/2013	6/19/2013	0.00
0605-05F-01	✓										
06-0014-8F											
total		4			141.64						
WITHDRAWAL OF EIGHT YEAR PROGRAMS											
old SADC ID#	Perm						Eligible	Funds At	Withdrawal	Recorded	
new SADC ID#	Pres	Landowner/Agent	Municipality	County	Acres	Funds	Funds	Withdrawal	Date	Doc Date	
total											



VIII - C19
Complete
Version

State of New Jersey

STATE AGRICULTURE DEVELOPMENT COMMITTEE
HEALTH/AGRICULTURE BUILDING
PO Box 330
TRENTON NJ 08625-0330

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

DOUGLAS H. FISHER
Secretary

Susan E. Payne
Executive Director
(609) 984-2504
(609) 292-7988
(609) 633-2004 - FAX

Douglas H. Fisher
Chairman

*Celebrating 30 Years of Preserving Farmland
and
Protecting the Right to Farm*

July 25, 2013

To: SADC Members

From: David Kimmel DK

Re: NJ Right to Farm and Agricultural Mediation Programs –
FY 2013 Report on Program Activity

As you know, the SADC manages the Right to Farm Program in partnership with New Jersey's 18 county agriculture development boards (CADBs). The SADC also coordinates the state's Agricultural Mediation Program.

This handout and presentation is designed to:

- 1) Provide a short update on both programs for FY 2013; and
- 2) Facilitate the renewal of the certificates of the Agricultural Mediation Program's roster of mediators, as the program's regulations require the SADC to renew them annually

Overview of the Right to Farm Program

Under the Right to Farm Act, responsibly operated commercial farms are protected from restrictive municipal ordinances and public and private nuisance actions, provided the farms comply with generally accepted agricultural management practices and satisfy the Act's other eligibility criteria. In the event that a dispute arises concerning the operation of a commercial farm, a formal complaint must be filed with the appropriate CADB or the SADC before a court action can be initiated.

One of the SADC's Right to Farm responsibilities includes hearing and deciding right-to-farm disputes. The SADC is also responsible for promulgating regulations establishing agricultural management practices (AMPs), i.e., formal standards for certain agricultural activities that provide farmers with right-to-farm protection if they operate in accordance with those standards. The SADC also conducts outreach and education to help make farmers, CADBs, local officials, and the public more familiar with and aware of the Right to Farm and Agricultural Mediation Programs.

The Right to Farm Program's primary day-to-day responsibilities include handling inquiries from the public, e.g., from farmers, neighbors, municipal officials, attorneys, farm organizations, and CADB administrators, who are seeking information or assistance with a specific question or issue. Most calls and inquiries involve some type of question, complaint, grievance, or other issue. For example, a zoning officer might call with a question about how the Right to Farm Act applies to a given situation, a neighbor might call with an objection to something a farmer is doing, or a farmer might call with a description of how a municipality is being overly restrictive of the farm's operation.

Numbers of Right to Farm cases/inquiries

During state FY 2013 (July 1, 2012 to June 30, 2013), SADC staff handled 82 new right-to-farm cases/inquiries.

In terms of RTF Program record-keeping, any time SADC staff receives a new RTF complaint or inquiry (formal or informal), staff creates a new record for it in the SADC RTF database. In addition to the 82 new records created during FY 2013, 50 additional cases/inquiries (that had been created prior to FY 2013) had activity during FY 2013. This means that during FY 2013, there were 132 RTF cases/inquiries that SADC staff worked on. If any additional, distinct cases/inquiries that CADBs handled were also included, i.e., RTF matters in which the SADC was not involved, these numbers would be greater.

The chart on the next page shows 1) the numbers of new SADC RTF database records that were created, and 2) the number of SADC RTF database records that had activity, by fiscal year over time.

State Fiscal Year	# of New Cases/ Inquiries Created in the SADC RTF Database	# of Records in the SADC RTF Database That Had Activity
1997	8	8
1998	19	19
1999	72	72
2000	78	78
2001	85	85
2002	84	85
2003	77	81
2004	97	100
2005	82	82
2006	131	177
2007	115	133
2008	124	150
2009	122	159
2010	112	154
2011	103	133
2012	119	165
2013	82	132

Of the 132 active cases during state FY 2013, 56 of them (42%) involved one or more of the following formal processes during the life of the case:

- A formal Site-Specific AMP (SSAMP) request (29 cases)
- A formal Right to Farm complaint (24 cases)
- A formal request for mediation (13 cases)
 - o In 2 of these 13 cases, the mediation request was made before 2013
 - o Regarding the 11 mediation requests made during 2013:
 - 6 of the 11 requests were RTF-related
(with a mediation session being held in 2 of the 6 cases)
 - 5 of the 11 requests were USDA-related
(with a mediation session being held in 4 of the 5 cases)
- [Note: The numbers above in parentheses add up to more than 56 because in some RTF cases, there may have been an SSAMP request and/or a RTF complaint and/or a mediation request.]

For more information on the formal cases noted above from FY 2013, see the spreadsheet report attached to this memo. This spreadsheet report includes a "Brief Summary/Status" column and is broken down into the following four sections:

- 1) Open cases in which one or more of the following formal process were started:
1) a formal SSAMP request was made, 2) a formal RTF complaint was filed, or
3) a mediation session was requested, scheduled, or held; (6 pages)
- 2) Additional open cases currently at the Office of Administrative Law (OAL), i.e., cases in which a formal RTF decision was made, the decision was appealed to the SADC, and the SADC transmitted the case to OAL; (3 pages)
- 3) Formal RTF cases closed in FY 2013, i.e., cases that had one or more of the following: 1) a formal SSAMP request; 2) a formal RTF complaint; or 3) a mediation request/session; and that were closed in FY 2013; (9 pages)
- 4) Cases involving mediation with a USDA client and a USDA agency in New Jersey (1 page)

To see all of the formal RTF Conflict Resolution (Complaint) Process decisions the SADC and CADBs have adopted over time, see the Right to Farm Program's online compilation at

<http://nj.gov/agriculture/sadc/rtfprogram/conflictres/formal/decisions.html>.

To see all of the formal SSAMP resolutions adopted over time, see the Right to Farm Program's online compilation at

<http://nj.gov/agriculture/sadc/rtfprogram/amps/siteamps/determinations.html>.

Formal SADC Right to Farm Decisions

In FY 2013, the SADC issued conflict resolutions determination in four cases:

- #1428 – Adams
- #695 – Raub
- #1033 – Ciufu
- #1120 – Dubrow

In the Adams case, the Morris CADB had forwarded a RTF complaint to the SADC because the complaint, regarding equipment storage and debris, involved activities not addressed by an existing AMP. The SADC's final decision in this case found that the farm did not meet the Right to Farm Act's definition of commercial farm (the SADC

applied the same analysis it had used in its Sipos RTF decision in 2012) and that the farm was therefore not eligible for protection.

In the other three cases, the SADC issued its decision after someone had appealed a CADB's decision to the SADC. Of note regarding these cases is how in the Ciufo decision, one of the SADC's findings was that the procedural approach taken by the CADB was sound, i.e., that the CADB had performed proper and legal due diligence by screening the RTF complaint first to determine whether the activities in dispute were eligible for RTF protection. This is noteworthy because the SADC's current proposal to amend the RTF process rules includes revisions designed to clarify that CADB's have the legal authority and responsibility to make initial jurisdictional decision such as these before forwarding matters to the SADC.

Development of Agricultural Management Practices (AMPs)

During FY 2013, the SADC continued its efforts to develop an On-Farm Direct Marketing AMP. This work has included compiling the comments submitted on a pre-proposal draft the SADC had circulated in FY 2012 to the agricultural community and public, reconvening the AMP Working Group to review revisions to the draft, preparing a final version for publication as a proposal in the NJ Register, and making outreach visits with county agriculture development boards (CADBs) and county boards of agriculture to discuss the AMP and RTF proposal.

On June 17, 2013, the SADC published the AMP rule proposal in the NJ Register. The proposal has a 60-day public comment period, after which the SADC will summarize, review, and respond to the comments, make further revisions to the AMP as appropriate, and potentially adopt and publish an official final version this winter.

Once promulgated, the AMP would establish performance-based standards for commercial farms seeking to qualify for right-to-farm protection for on-farm direct marketing facilities, activities, and events that are used to facilitate and provide for direct farmer-to-consumer sales, such as farm stands, farm stores, community-supported agriculture and pick-your-own operations, and associated activities and events that fit within the scope of the Right to Farm Act. The intent of the AMP is to provide statewide standards on which farmers, municipalities, CADBs, and the public can rely, while also providing flexibility to commercial farm owners and operators.

The proposal published in the NJ Register also includes proposed procedural changes to streamline the general Right-to-Farm process, i.e., the SSAMP process and the Right to Farm complaint process. The proposed amendments clarify the roles of CADBs and the SADC in the Right to Farm review process in a manner consistent with the Right to Farm Act. The proposal also includes a new rule, N.J.A.C. 2:76-2.8, to identify hearing

requirements for CADBs and the SADC when they are considering SSAMP requests and RTF complaints.

To discuss the AMP and RTF proposal with the agricultural community and to answer any questions, SADC staff offered to visit with CADBs and county boards of agriculture around the state. In the spring of 2013, staff made presentations for and met with 13 county boards (in some cases, CADBs and county boards of agriculture arranged for a joint presentation):

- 4/3/13 – Monmouth CADB
- 4/18/13 – Burlington County Board of Agriculture
- 4/18/13 – Warren CADB
- 5/1/13 – Cape May County Board of Agriculture
- 5/6/13 – Mercer CADB
- 5/9/13 – Morris CADB
- 5/13/13 – Somerset CADB
- 5/20/13 – Sussex CADB
- 5/21/13 – Monmouth County Board of Agriculture
- 5/22/13 – Salem CADB
- 5/30/13 – Cape May CADB
- 6/12/13 – Ocean CADB
- 6/26/13 – Bergen CADB
- 7/11/13 – Hunterdon CADB

The SADC also held a webinar on June 21, 2013 to make the AMP and RTF information available to anyone who was unable to attend one of the outreach meetings. To access the Powerpoint presentations that the SADC used, watch or re-watch the webinar, or review the published AMP and RTF rule proposal, visit <http://nj.gov/agriculture/sadc/ruleprop/index.html>.

Overview of the Agricultural Mediation Program

The SADC also administers the NJ Agricultural Mediation Program, which is designed to help farmers and others resolve agriculture-related disputes quickly, amicably, and in a cost-effective manner.

The program's roster of trained mediators is available to help resolve two main types of disputes:

- 1) Right to Farm disputes
 - a. Issues between farmers and neighbors
 - b. Issues between farmers and municipalities

2) USDA program disputes

- a. Issues between USDA clients and USDA agencies in NJ
 - i. Agricultural credit issues with FSA (the program can also be used to mediate agricultural credit issues with private lenders)
 - ii. Farm conservation program issues with NRCS
 - iii. Other issues with other USDA agencies (e.g., Rural Development and the Risk Management Agency)

The Agricultural Mediation Program has been certified by USDA since 2000 to be NJ's agricultural mediation service provider and has received federal cost-share grant funding to support its USDA and Right to Farm mediation activities. The grant funding is organized based on a 70% federal, 30% state match. In FY 2012, the program received \$7,400 as its federal cost-share reimbursement.

As noted in the FY 2011/2012 Right to Farm and Agricultural Mediation Program annual report, the administrators of the USDA Agricultural Mediation Program in Washington, D.C. have communicated over the past few years that USDA grant funding should only be used to support mediation efforts involving USDA agencies and agricultural credit matters. As a result, the NJ Agricultural Mediation Program in 2012 began keeping a separate accounting of its USDA and Right to Farm mediation-related expenses, and in 2012 and 2013 the program requested a cost-share reimbursement only for its USDA (and not Right to Farm) mediation-related expenses.

With this in mind, SADC staff has analyzed its past RTF-related mediation and conflict resolution activity expenses and determined that at a minimum, the SADC could continue to pay for RTF mediations if the federal grant funding issue remains the same.

The State Board of Agriculture, in the Right to Farm Program resolution it adopted at the State Agricultural Convention on February 7, 2013, noted the funding issues and called on the New Jersey Department of Agriculture and the SADC to work with the USDA Secretary of Agriculture to address USDA Agricultural Mediation Program grant funding issues and enable the NJ Agricultural Mediation Program to continue to use mediation grant funding to support mediation and conflict resolution efforts for Right to Farm purposes. The National Association of State Departments of Agriculture (NASDA), in its 2013 Agricultural Mediation Programs policy statement, also supports a broader application of the program. NASDA's statement says that it supports the expansion of state mediation programs and urges the USDA Secretary of Agriculture to authorize all agricultural disputes approved by individual state mediation programs as eligible under the USDA grant program.

NJ Agricultural Mediation Program Basics

Mediation is a voluntary process in which a trained, impartial, and certified mediator helps disputing parties examine their issues, identify and consider options, and determine if they can agree on a solution. In this way, the mediator serves as a facilitator and helps the parties narrow their issues and look for solutions. Because the mediator has no decision-making authority, successful mediation is based on the voluntary cooperation of all the parties.

Mediation allows disputing parties to retain control over shaping a matter's outcome, rather than letting a third-party, e.g., the CADB or SADC in Right to Farm cases, decide the issue. Mediation also enables the parties to express their different or mutual points of view, correct misinformation and misunderstandings, narrow the issues at hand, and maintain relationships.

Mediation is a free service, as the SADC pays for the cost of the independent mediator. Mediation is also confidential and generally takes only a meeting or two to complete. There are currently 14 individuals on the SADC's roster of trained mediators.

One of the foremost benefits of mediation is that it can save farmers and others time and legal fees. With regard to USDA program disputes, mediation exists as an alternative to the lengthy federal appeals process. With regard to Right to Farm disputes, mediation exists as an alternative to the lengthy public hearing process.

Numbers of mediations over time

The following table shows the number of requests for mediation the program has received and the number of mediations the program has held over time, by federal fiscal year. In most cases, mediation resulted in the parties leaving with a better understanding of the issues and potential resolutions, if not also with a written agreement outlining some type of resolution.

Federal Fiscal Year	Requests for Mediation	Mediations that Have Taken Place
2000	3	1
2001	9	4
2002	8	6
2003	11	5
2004	7	1
2005	3	3
2006	8	5
2007	11	7
2008	6	4

2009	10	8
2010	16	9
2011	16	6
2012	19	14
2013	4	2

(Note: the figures above for 2013 are for the first three quarters of Federal FY 2013. Federal FY 2013 will end on 9/30/13.)

Additional educational activities

In addition to being a mediation service provider, the NJ Agricultural Mediation Program has periodically sponsored conflict-resolution and conflict prevention workshops and projects for farmers and agricultural service providers, including the USDA agencies in New Jersey. These efforts fit within the program's overall scope and goal of helping farmers be more productive and viable through the prevention and resolution of agriculture-related disputes.

The program's ability to organize and sponsor such efforts is currently limited, however, considering the aforementioned USDA grant funding issues. In 2013, the USDA program administrator advised that the federal grant funding may be used for outreach activities to USDA agencies and agricultural creditors, such as traveling to USDA agencies and creditors to discuss mediation issues and to provide program brochures, but not for other outreach activities, such as providing conflict resolution or meditation training to USDA agencies.

Mediator training

To be eligible for the program, each mediator is required to have completed a standard 18-hour training on core mediator knowledge. Over time, the Agricultural Mediation Program has also sponsored mediation skills refresher trainings for its mediators as needed, and the program has organized and held specific content-area trainings as well, such as on USDA and Right to Farm Program issues.

In recognition of the fact that agricultural mediation cases in New Jersey may involve preserved farms and that the program's mediators may not be intimately familiar with farmland preservation particulars, the program recently offered a training session for the program's mediators on farmland preservation issues. An important goal of the workshop, which was offered for the mediators as a webinar on May 17, 2013, was to improve their farmland preservation program knowledge so that when they write mediation agreements, the details of the agreements are not in conflict with what the farmland preservation deed of easement allows. The webinar training included presentations from the SADC's Agricultural Mediation Program Manager, Stewardship Manager, and Chief of Legal Affairs. Eleven agricultural mediators attended the May 17

webinar, and each person completed an evaluation form following the training. On their evaluation forms, 11/11 participants indicated that as a result of the workshop, they had a better knowledge of:

- How a farm is preserved
- The standard farmland preservation deed of easement
- Activities and uses that are permitted or not permitted on a preserved farm
- The extent to which Divisions of Premises (of preserved farms) are allowed

For more information on the mediator training webinar, you can view the archived meeting at <https://www3.gotomeeting.com/register/988927678>.

Recertifying the program's roster of mediators

The Agricultural Mediation Program's regulations, N.J.A.C. 2:76-18.10, describe a simple procedure for updating the program's roster of certified mediators, an action that is to be taken at the end of each fiscal year. The mediators' certificates are to be renewed annually, provided the mediators continue to satisfy the program regulations.

At the SADC's February 23, 2012 meeting, the SADC recertified its existing roster of 11 mediators. Since that time, the SADC has added three new mediators to the roster (Cari B. Rincker, Esq, David Lu, Esq., and Gaetano DeSapio, Esq.), increasing the current roster to 14 mediators. Of these 14, three have decided to withdraw from the program: Norman Crawford, in consideration to personal issues; Kevin Kuhl, in consideration of limited mediation activity; and David Lu, in consideration of joining the Attorney General's Office as a Deputy Attorney General.

→ To update the program's roster of mediators, staff recommends that the following 11 individuals have their certifications renewed because they have continued to satisfy program requirements:

- Katherine Buttolph
- Liza Clancy
- Gaetano DeSapio
- Gordon Geiger
- Melvin Henninger
- Paul Massaro
- John Paschal
- Cari Rincker
- Barbara Weisman
- Jim Wren
- Loretta Yin

\\ceres\SADC\RIGHTTOFARM>Status and summary reports\Ag Conv, Annl Rpts, Misc Requests\FY 2013 Report at 7-25-13 SADC mtg\FY 2013 updaterevised.doc

1) OPEN RTF Cases in which: 1) formal SSAMP request was made; 2) formal RTF complaint was filed, or 3) mediation was requested or scheduled for held						
ID#	County	Farmer	Complainant/ Other Party	Process(es) Started	Issue	Brief Summary/Status
707	Cape May	Wilde (Willow Creek Winery)	Township (West Cape May)	RTF Complaint, (FPP Stewardship Review)	Agritourism	(Jan. 2009 - CADB passed SSAMP resolution approving construction of a winery) May 30, 2013 - Municipality filed complaint with CADB re: hosting activities not directly related to selling property's ag output, e.g., weddings, saying that neither RTFA nor preservation easement protect/allow the activities July 2013 - SADC is reviewing FPP stewardship issues first before CADB can proceed with RTF matter Neighbor appealed two 4/9/09 CADB SSAMP decisions, and 1 CADB decision re: OPMA, to SADC, which transmitted them all to OAL 4/09 and 6/09. 8/6/10 OAL decision says CADB didn't have quorum and CADB's actions void. SADC final decision 12/9/10 that says the solar panel SSAMP is closed, and other portions not official b/c of lack of CADB quorum. Bailey appealed SADC decision 1/4/11 and CADB appealed it 1/25/11, but Appellate Division dismissed the appeals because SADC decision not considered final yet (CADB still has to make decision on whether one CADB member, Van Nuys, can/should be a member and count towards quorum). Once CADB takes action, parties could ask SADC for permission to appeal. HCADB wrote 06/20/11 letter to Local Finance Board requesting advice on Van Nuys conflict. 3/19/13 - LF M.Bailey asking about status 6/1/13 - Ms. Bailey passed away
864	Hunterdon	Blew	Neighbor (Bailey)	SSAMP request	General farm operation, solar array	6/5/12 - SSAMP request submitted to CADB 7/24/12 - CADB made site visit to gather more info (also in attendance: DK, Chuck Roehr, Brian Schilling (RCE), E. Windsor official, a CADB member) 8/3/12 - DK and CR provided feedback via email; DK mentioned important RTF provisions to look at (whether activities can fit within 4:1C-9h); CR relayed concerns the some of the entertainment activities may not be permitted by the deed of easement 8/6/12 - CADB tabled the matter at it's meeting (Dan Pace: CADB had several concerns, but most important was need for further information from the SADC on its position regarding deed of easement violations) Oct. 2012 - SADC stewardship staff reviewed matter further regarding FPP issues and communicated with farmers 12/3/12 CADB mtg - SSAMP tabled pending a response from the SADC in regards to any violations of the deed of easement on the property. 1/10/13 - SADC sent stewardship letter to Kyles 1/17/13 - CADB sent letter to Kyles saying CADB will continue to table SSAMP request until agreement is reached between them and the SADC re: resolution of potential deed of easement violations 7/2/13 - SADC staff is working to resolve stewardship issues with Kyles in advance of fall season; if stewardship topics not resolved soon, may send violation letter or have SADC consider Review of Activities at an upcoming meeting 5/15/13 - Farmer makes SSAMP request re: widening the farm driveway; farm doesn't agree with the more expensive material the town wants the farm to use (Belgium block pavers) to discourage cars from cutting corners on driveway; farm instead wants to use same material they have now (gravel) and pave the apron June 2013 - CADB sends letter to Local Finance Board seeking conflict of interest determination (Desiderio is a CADB member)
985	Mercer	Kyle	(East Windsor)	SSAMP request, (FPP Stewardship Review)	Fall agritourism activities (PYO pumpkins, hayrides, petting "zoo"/area with livestock, haunted hayride, haunted cornfield, haunted walk-thru attractions, flashlight maze, day time corn maze, growing fruit and vegetable crops)	
1007	Morris	Desiderio	Township - Chester	SSAMP request	Equine operation - widening of driveway entrance; conflict with township	

1) OPEN RTF Cases in which: 1) formal SSAMP request was made; 2) formal RTF complaint was filed; or 3) mediation was requested or scheduled or held						
ID#	County	Farmer	Complainant/ Other Party	Process(es) Started	Issue	Brief Summary/Status
1120	Hunterdon	DuBrow	Neighbor (Bailey)	RTF complaint	Nursery/ landscaping activities	Neighbor appealed CADB's 10/09 decision on 10/16/09. SADC sent case to OAL 11/25/09. 10/17/11 - SADC rec'd 2 letters from M. DeSapio, Esq. advising OAL that the case will be disposed of by summary judgment motions filed in October (Hunterdon) and November (Bailey) 5/13/13 OAL Initial Decision - says CADB properly denied M. Bailey's request for a hearing because she did not allege in her complaint a nuisance, violation of a local ordinance, or any other facts that would necessitate the HCADB to exercise its jurisdiction under the RTFA 6/27/13 - SADC adopts final decision affirming the OAL Initial Decision
1342	Hunterdon	Stonybrook Meadows	Township (East Amwell)	SSAMP request	Signs, farm market, agri-tourism, equine, porta-potties, processing ag output; zoning that calls agriculture a conditional use	9/29/11 - Rec'd notice from CADB of the SSAMP request Dec. 2011 CADB meeting - started hearing process 2/9/12 - CADB continued public hearing; completed at April meeting 5/10/12 - CADB memorialized its SSAMP decision - approves equine activities (equestrian classes, auctions, birthday parties), farm tastings to market farm's products, educational forums/events pertaining to farm's products, breeding and selling horses, swine, lambs, rabbits, poultry, and goats, producing specialty products, installation of hoop houses for season extension, installation of prep-clean room, increasing parking spaces from 10 to 19, and adding signs. Didn't approve request to expand farm market infrastructure from 250 to 900 sq. ft. w/o needing minor site plan approval from twp (CADB wanted to rely on existing twp. approval for the structure) May 2012 - neighbor and farmer appealed CADB decision 6/11/12 - SADC forwards case to OAL June 2012 - Marie Bailey filed an appeal; transmitted to OAL in July 2012 (as #1342A) 7/12/12 - CADB passes second SSAMP after getting another request (memorialized on 8/9/12) - approves use of existing 250 sq ft farm market/storage facility 9/7/12 - Marie Bailey appeals the 2nd SSAMP decision 9/17/12 - town and farm are encouraging the neighbors to try mediation, but neighbors not interested at this time 11/26/12 - CADB attorney says a Judge Buchsbaum (Law Division) ruling said that the 8/9/12 CADB meeting violated OPMA, so the 8/9/12 decision was voided and CADB should take action on it again, properly this time, at the Dec. 2012 CADB meeting. 12/13/12 - CADB re-adopted resolution for 2nd SSAMP (12/13/2012) in its entirety (except for referencing Law Division litigation) without taking additional testimony or evidence (neither party appealed the 2nd SSAMP; OAL process appears to be continuing using the original (essentially same) SSAMP resolution) 6/19/13 - OAL Initial Decision - finds that farm isn't eligible for RTFA protection because failed to 1) show ag is a permitted use in the zone or 2) was a commercial farm as of 7/2/08 July 2013 - Under SADC review to affirm, modify, or reject OAL Initial Decision

1) OPEN RTF cases in which: 1) formal SSAMP request was made, 2) formal RTF complaint was filed, or 3) mediation was requested or scheduled or held					
ID#	County	Complainant/ Other Party	Process(es) Started	Issue	Brief Summary/Status
		Farmer			(Farm has an SSAMP from 9/29/08) Dec. 2011 - Jan. 2012 - series of local zoning or noise ordinance violation notices/summons, which were then either dismissed or transferred to the CADB; 2 neighbors also filed complaints with the CADB Jan.-March 2012 - 2 neighbors and farmer requested mediation 3/31/12 - CADB site visit during an event to collect sound level measurements - found them within the state noise control standards (below 65 dBA from 7 am - 10 pm) 6/1/12 - mediation session held - agreement with one neighbor (farm agrees to keep music below the 65 dBA level), but other neighbor didn't reach agreement and didn't sign it (asked for a recess) June - August - Other neighbor sends in new complaint and requests a RTF hearing 10/13/12 - site visit done to collect more sound readings/do additional testing on the music levels; testing done by county health department (music was below the 65 dBA level) 4/22/13 - RTF public hearing held 5/20/13 - continuation of RTF hearing held - CADB votes in farm's favor (found the sound levels to be acceptable; was doing what he could to mitigate the sound) 7/9/13 - CADB expects to memorialize resolution at 7/9 meeting
1354	Cape May	Farmer	RTF complaint (former municipal court summons; neighbor complaints); Mediation session	Agritourism/winery events; noise; events possibly in violations of noise ordinance	5/4/12 - town and neighbors filed complaint with CADB 5/30/12 - CADB forwarded complaint to SADC b/c no AMP to address the issues May-June - mediation offered; parties seemed interested but didn't request it 6/5/12 - DEP wetlands notice of violation issued 7/24/12 - CADB asks SADC to return case to CADB so it can revoke w/o the one member who had a conflict of interest (Denny Wiggers) 8/13/12 - DEP rescinds notice of violation (Concerned Citizens disputes that it should have been rescinded) Sept. 2012 update - Farm is working on a farm conservation plan and stormwater management plan; NRCS will provide its position on whether there's a deed of easement violation and will then review the fcp; (a parallel case exists in Superior Court that the town/neighbors brought against the farm; got an injunction prohibiting further clearing and construction of permanent structures; case is adjourned pending outcome of RTF case) 9/27/12 - NJDA (John Showler) says farm is meeting stormwater rules, N.J.A.C. 7:8 and recommends SCD issue approval letter that farm is complying with stormwater rules 11/15/12 - CADB rescinded its 5/30/12 resolutions b/c insufficient number of eligible board members participated and then passed new resolutions, again certifying commercial farm status and forwarding complaints to the SADC. January 2013 - site visit made to farm with new NRCS state conservationist, who wanted to see farm firsthand before making a decision on whether there are deed violations 3/4/13 general update - farm conservation plan was completed and sent to C.Roohr in Feb.; FMinch will review it to confirm legitimacy, and SADC will check with NRCS to check on its position regarding deed violations; SADC will then do stewardship Review of Activities, after which RTF process (SADC public hearing) could take place July 2013 - still under SADC stewardship review before SADC RTF review can begin; SADC put out an RFP to hire several independent soil scientists to review and comment on Vastano's soil disturbance
1369	Bergen	Vastano (Metropolitan Farm)	Township (Closter) Neighbors (Concerned Citizens)	Tree removal, greenhouse construction prep work including soil disturbance	

1) OPEN RTE cases in which: (1) Formal SSAMP request was made (2) Formal RTE complaint was filed (or 3) mediation was requested or scheduled or filed by					
ID#	County	Farmer	Complainant/ Other Party	Process(es) Started	Issue
					Brief Summary/Status B/g - Hunter Farms recently bought the former Selody Sod Farm (a FPP farm SADC had sold at auction several years ago) September 2012 - Emails from twp (Lauren Wasilauski, Twp Open Space Coordinator), recounting the twp's issues and concerns with Hunter Farms preparing the site to be a facility for horseback riding and horse shows (and then having some shows) without getting permits and approval first. Some of the work included: putting up fences, creating parking areas, building judges' stands and pavilions. She said at this time, horses are not being boarded, bred, or grazed on the site on a permanent basis, since there are no stables or barns. She said the farm and twp had some meetings/discussions b/w June and September about building/zoning permits, with the farm (attorney T. Sposaro) at one point saying he didn't think permits were necessary and that they would request an SSAMP determination from the CADB but never did; building permits (for viewing stands) hadn't been issued as of Sept. 2012 because of application deficiencies, yet farm is planning a series of events and open house in Sept. and Oct. 2012. Farm did get a fire prevention permit and temporary food license, but construction official issued a fine for not getting the building permit, and twp engineer filed 2 municipal court complaints for 1) failure to obtain a driveway permit and 2) failure to obtain a road opening permit and discharge of water to a public right-of-way. Farm also did not submit the outdoor assembly permit but did contract with Police for traffic control. October 2012 - The twp's September emails (which led some email discussion between the twp, CADB, and SADC), led to G. Pohorely making a FPP site visit January 2013 - SADC stewardship letter sent to farm: says SADC would like to discuss the activities on the farm because it appears the farm is doing just non-production activities (hosting equine shows and competitive events) and hasn't identified any equine production on the farm, which would be a violation of the DOE. 1/29/13 - Rec'd from CADB a copy of SSAMP request submitted by farmer
1374	Somerset	Hunter Farms	(Township - Montgomery)	SSAMP request, (FPP Stewardship Review)	Establishing an equestrian facility consisting of indoor/outdoor rings, grand prix field, viewing stands, judges/officials tower, temporary stalls, horse barn, parking areas. Will do 12 horse shows annually. Horses will be bred and trained on site; hay production. Construction (completion) of facility capable of handling Olympic trials, competitions, and international events.
1374		Hunter Farms			2/6/13 - C. Roehr emailed CADB with stewardship status update - mentioned monitoring visit and letter, and that T. Sposaro has told him the farms' plans are to also raise/train horses on site and do pasture, and that farm understands equine production is necessary; looking at scale of horse shows and proposed improvements as part of the review Feb 2013 - CADB is putting SSAMP request on hold until SADC completes review of potential FPP issues 3/28/13 - SADC conducted initial Stewardship Review of Activities at monthly meeting 5/23/13 - SADC gives stewardship approval to activities, with conditions; farm asks CADB to restart the SSAMP process 7/8/13 - CADB expects to take action on SSAMP request at its 7/8 meeting

1) OPEN RTE Cases in which: 1) formal SSAMP request was made; 2) formal RTF complaint was filed; or 3) mediation was requested or scheduled or filed					
ID#	County	Farmer	Complainant/ Other Party	Process(es) Started	Issue
					Brief Summary/Status 1/30/12 - CADB provided SADC with notice of the SSAMP request 2/28/12 - CADB update: CADB is in process of collecting income information to do commercial farm certification; neighbor is also suing the farm for allegedly cutting down neighbor's trees; town also issued the farm a summons for widening or fixing the farm's driveway such that it violates a driveway setback ordinance - this will probably be transformed into a RTF complaint sent to the CADB 6/6/12 - CADB memorialized SSAMP resolution - farm provided insufficient proof to demonstrate commercial farm status, so not eligible for RTF and jurisdiction goes back to township June 2012 - farm submitted a second SSAMP request to have additional income considered by CADB (imputed income from grazing, maybe livestock sales); CADB site visit scheduled for July 7/6/10 - LaRue appealed CADB's initial SSAMP decision to SADC 8/3/12 - LaRue asked SADC to hold off on forwarding case to OAL 10/3/12 - SADC got response from LaRue saying she wanted to move forward with her appeal 10/23/12 - SADC forwarded matter to OAL as a contested case Oct. 2012 - CADB/SADC discussion about how to handle the two SSAMP cases - BDS advised that the first SSAMP appeal should move forward Last OAL Notice - hearing scheduled for 6/10/13 6/11/13 - ALJ accepted new income evidence from LaRue and encouraged parties to settle; CADB agreed to take matter back to CADB within next 45 days to see if the new Schedule F docs will have an impact on the CADB's original decision as it relates to income qualification. So: case was returned by OAL temporarily to the CADB in an attempt to resolve the parties' issues. 9/25/12 - CADB said neighbor has filed a complaint 2/8/13 - CADB says hearing scheduled for 2/11/13 3/4/13 update - Public hearing was held April - July 2013 - RTF matter put on hold as CADB/SADC reviews FPP stewardship issues and efforts to resolve the issues more informally. Farm has a farm conservation plan but it doesn't address the current drainage/flood control matter. Farm is working with Dave Clapp/NRCS to potentially develop a stormwater retention facility.
1375	Monmouth	LaRue	Township (Upper Freehold)	SSAMP request	Land clearing to increase pasture area for cows and horses
1441	Camden	Mortellite	Neighbor (Schafer)	RTF complaint, (FPP Stewardship Review)	Water runoff and flooding from blueberry operation

1) OPEN RTF cases in which: a) formal SSAMP request was made; 2) formal RTF complaint was filed; or 3) mediation was requested or scheduled or held; or b) other					
ID#	County	Farmer	Complainant/ Other Party	Process(es) Started	Brief Summary/Status
1469	Monmouth	Camejo/ Rodriguez	Township (Manalapan)	RTF complaint	January 2013 - CADB received RTF complaint (and emailed an FYI copy to SADC) - twp. concerned about animals that get stranded, and environmental impacts on nearby stream, during storms and flooding; farm does not have an animal waste management plan (AWMP) 2/8/13 - CADB update: farm provided proof of income sufficient to proceed with site visit and hearing; NJDA staff will attend site visit re: developing an AWMP; hearing is scheduled for 3/6/13 2/28/13 - CADB update: until outstanding DEP violations are resolved, CADB will not be moving forward with the RTF process 3/12/13 update from Dave Clapp - Dave participated in the CADB's 2/25/13 site visit and provided the farm with the workbook and information it needs to create an AWMP and come into compliance with those rules. He's also staying in touch with DEP to see that DEP's efforts to get the wetlands violation issues addressed are coordinated and not contradictory with the efforts to comply with the AWMP rules. 7/2/13 - CADB update: matter remains outside CADB jurisdiction because of DEP violation and illegal activities (cockfighting); FMinch update: we believe the NOV has been issued by DEP but we're unsure of how the landowner has responded.
1473	Bergen	Rohsler's Allendale Nursery & Florist	Township (Allendale Twp.)	SSAMP request	1/17/13 - Rec'd notice from CADB It had received an SSAMP request 2/28/13 - Telephone discussion b/w CADB (R.Abbatamarco and K.Funabashi) and DK/BDS about issues such as commercial farm eligibility (whether certain type of income needed) and whether all/some of equine AMP needs to be complied with 4/3/13 - BDS email to CADB about above topics, saying regs don't specifically require income from equine-related activities as a condition precedent to seeking SSAMP protection for an equine structure, facility or use. 7/2/13 - CADB update - Farm owner submitted financial information last week, and the info is being reviewed to determine its applicability. If determined to be complete, CADB might review and determine Rohsler's RTF eligibility at next scheduled meeting 7/31/13
1478	Monmouth	Seven Bridges Winery, LLC	Township (Little Silver Boro)	SSAMP request	2/27/13 - Rec'd copy of SSAMP request from CADB 3/5/13 - Emails b/w CADB and BDS re: case (noting Natali, Willow Creek, HVV decisions; RTFA farm market language) 6/19/13 - CADB update: SSAMP is under review, and SSAMP hearing is scheduled to take place at July 10th meeting. 4/3/13 - CADB shares SSAMP notice; farm attorney D.Frank objects to CADB considering it an SSAMP request, wanting rather an AMP certification 4/23/13 - BDS letter responding to D.Frank 7/2/13 - Under CADB review
1490	Morris	Ford	(Township - Boonton) (Neighbor) James Lynott/Pasqualina Primost	SSAMP request	Bees/beekeeping Debris/brush pile near property line; agritourism event (haunted hayride) - lighting, noise, sanitary facilities
1513	Monmouth	Casola		RTF Complaint	6/18/13 - CADB rec'd RTF complaint 7/2/13 - Under CADB review

2) OPEN RTE Cases at the Office of Administrative Law (OAL)						
ID#	County	Farmer	Complainant/ Other Party	Process(es) Started	Issue	Brief summary
218	Hunterdon	Den Hollander	Township (Franklin Twp.) Neighbor (Pierson), Township (Hampton Twp.)	SSAMP request	Greenhouses, impervious cover, RTF jurisdiction issue Farm market (types of products sold, buildings, parking, agritourism activities)	Farm appealed CADB's 12/08 resolution terminating the 2003 CADB SSAMP resolution SADC transmitted case to OAL 2/09 Last OAL notice: Status conference scheduled for 4/16/13 Township and neighbor appealed CADB's 1/19/10 SSAMP resolution. SADC transmitted case to OAL 2/24/10. 4/22/13 - update from OAL - record is now closed; judges is currently working on OAL Initial Decision
852	Sussex	Brodhecker				Oct. 2010 - CADB received complaint March 2011 - CADB decision that activities not protected 3/31/11 - Landowner appeals decision to SADC; and SADC transmits it to OAL 4/8/11 - Rec'd notice of OAL filing as contested case Letters (June to Oct. 2011) b/w parties and ALJ debating whether correct RTF process was filed and whether case should continue or be dismissed. 5/29/12 - OAL Initial decision issued - says CADB/SADC didn't follow proper RTF procedure (should have followed conflict-resolution process rather than SSAMP process), so matter is prematurely before OAL and should be dismissed 7/26/12 - SADC final decision and remand order - decision says: CADB performed proper and legal due diligence by screening the RTF complaint first to determine whether the activities in dispute are eligible for RTFA protection; also find that the matter was a RTF complaint that was filed by Branchburg Twp.; because the OAL decision was limited to whether the CADB followed the proper RTF procedures rather than whether the CADB's finding was correct, we remand it to the OAL to allow the ALJ to make a determination on the substance of the case, i.e., whether the trucks on the farm are a protected agricultural activity per the RTFA. So: SADC AFFIRMS the OAL initial decision that the twp. filed a RTF complaint, but REJECTS the OAL initial decision by saying the CADB did have the legal authority to make its jurisdictional decision before forwarding the matter to the SADC. SADC also REJECTS the OAL initial decision requiring the CADB to remand the case to the SADC for a hearing. 10/26/12 - SADC returned case to OAL after the 7/26/12 SADC minutes had been approved Last OAL news: Telephone conference call scheduled on 01/16/2013.
1033 1148 (aka 218A)	Somerset	Ciulo	Township (Branchburg)	RTF complaint	Equipment storage (landscaping vehicles)	Twp. appealed CADB's 9/10/09 decision. SADC transmitted case to OAL 12/17/09. Last OAL notice: Status conference scheduled for 4/16/13
	Hunterdon	Den Hollander	Township (Franklin Twp.)	RTF complaint	Stormwater management jurisdiction	

2) OPEN RTF Cases at the Office of Administrative Law (OAL)					
ID#	County	Farmer	Complainant/ Other Party	Process(es) Started	Issue
1372	Hunterdon	Hionis	Township (Clinton); Neighbors (Menck)	SSAMP request, (Municipal court summons)	Farm building construction (greenhouse) and conflict with local zoning
					Brief summary At some point in the past: farmer had applied for a zoning permit but was denied because greenhouses are not permitted in the residential zone the farm is located in; he later started constructing the greenhouse (300'x 400') anyway and got the summons. Feb. 2012 - Township was expected to file a RTF complaint with CADB or transfer the case to CADB; 2/13/12 - Got CADB notice that farmer made SSAMP request 8/19/12 - CADB voted to approve SSAMP for the construction of greenhouses, subject to a number of conditions, including that Hionis must apply for site plan approval from the Township and address outstanding DEP issues including submitting a restoration plan for environmentally sensitive areas that have been disturbed 9/7/12 - Neighbors (Gladys and Mark Menck) appealed the SSAMP 9/27/12 - Farm cross-appealed SSAMP's condition that prior to further greenhouse construction, need to apply for site plan approval from the town 9/28/12 - Town cross-appealed SSAMP resolution Sept/Oct 2012 - SADC forwards matter to OAL as contested case 10/2/12 - OAL notice that case has been filed at OAL 11/26/12 - CADB attorney says a Judge Buchsbaum (Law Division) ruling said the 8/9/12 CADB meeting violated OPMA, so the 8/9/12 decision was voided and CADB should take action on it again, properly this time, at the Dec. 2012 CADB meeting. 12/13/12 - CADB adopted a revised SSAMP resolution, necessitated by Law Division voiding prior resolution adopted on 08/09/2012 due to failure to comply with OPMA 1/9/13 - news article mentions Mayor saying the farm has some DEP violations that haven't been completely resolved yet (for clearing an area in riparian zone near C-1 stream, wetlands encroachment, and detention basin construction w/o regard to stormwater management regs) 2/12/13 - Rec'd 2/8/13 appeal of the 12/13/12 revised SSAMP resolution from the "Neighborhood Opposition Group" Feb/March? - the farm also appealed the 12/13/12 revised SSAMP

2) OPEN RTE Cases at the Office of Administrative Law (OAL):					
ID#	County	Farmer	Complainant/ Other Party	Process(es) Started	Brief summary
1372			Hionis		3/5/13 - SADC forwarded appeals to OAL as contested case #1372A to ensure OAL has valid resolutions before it, in case OAL felt previous ones weren't valid 3/14/13 - CADB public hearing to follow up on condition from earlier resolution (if the Clinton Township did not issue a site plan determination within 90 days of the CADB decision and Hionis dissatisfied with progress during the site plan review, Hionis could re-apply and ask for CADB to weigh in on issues they couldn't resolve with township) - outcome of mtg: farm will submit a more limited site plan to twp planning board and probably with a smaller escrow; twp has 45 days to review, or issues could come back to CADB to decide; DEP will review stormwater management 3/20/13 update - Farm has a DEP violation but may be addressed soon with ACO; farm also made a RFA to the SCD for a farm conservation plan, but was tabled because of DEP violation; Dave Clapp will visit farm to get more info after he gets a copy of the ACO. 4/11/13 - CADB approved SSAMP - says twp planning board's site plan conditions re: irrigation well and stormwater management are unreasonable; CADB waives these conditions provided DEP maintains stormwater jurisdiction and farm complies with DEP stormwater management regs and conditions; - farm goes back to twp for site plan approval for landscape buffering, setbacks, lighting, onsite traffic circulation, loading/unloading; if twp hasn't made final decision in 45 days, farm can seek waiver of these conditions from CADB; twp. can charge reasonable application fees and professional review fees for the limited site plan application and review 5/23/13 - Clinton Twp. says it won't be participating in further appeals 6/17/13 - OAL notice - status conference scheduled on 07/25/13
1400	Morris	Simone	Neighbor (Freeholder Cabana)	SSAMP request	May 2012 - SSAMP request made July 2012 - CADB sends letter to Local Finance Board requesting it determine whether there's a conflict of interest for CADB to review the SSAMP request (since Freeholder Cabana, who appoints the CADB members, will be objecting to the SSAMP request) 11/29/12 CADB mtg notes: LFB determined that CADB members don't have a conflict of interest so CADB can hear the case (10/15/12 letter from LFB) 12/19/12 - LF CADB giving SADC notice again of SSAMP request made by farm January 2013 - Email discussion between K.Coyle and BDS about products/income that can be used to satisfy production requirements in definition of commercial farm 3/6/13 - TCT K.Coyle for update - says CADB got more information as requested from L.Simone and will be making determination regarding commercial farm status at 3/14/13 CADB meeting 4/11/13 - CADB passes resolution saying Simone operation does not constitute a commercial farm 6/3/13 - Farmer appeals CADB decision 6/11/13 - SADC transmits case to OAL

3) Formal RTI Cases CLOSED in FY 2013, (re: those cases which had a) formal SSAMP request, 2) formal RTI complaint, or 3) mediation request for session, and were closed)						
ID#	County	Farmer	Complainant/ Other Party	Process(es) Started	Issue	Brief summary
695	Warren	Raub	Township (Lopatcong Twp.)	RTF complaint, SSAMP request	Storage trailers (use, location, screening) Farm market - revised sign plan (revised from past SSAMP), seating inside and in front of farm market	7/30/12 - OAL Initial Decision - finds that the CADB's condition in the SSAMP that Raub plant the tree screen a certain way was reasonable under the circumstances. 11/8/12 - SADC approved a final decision at its 11/8/12 meeting (the SADC decision rejected a part of the OAL initial decision by saying that the CADB's consideration of the town's 2007 complaint was invalid per the entire controversy doctrine, meaning the CADB's 2007 requirement of a planted evergreen buffer was also invalid).
775	Bergen	Demaree	(Closter)	SSAMP request		7/23/12 - CADB passed revised SSAMP 2/20/10 - CADB got SSAMP request; SSAMP request says zoning officer has filed complaints re: storage and display. 6/4/10 CADB update: "the CADB requested that they go before the township formally so that there would be a specific list of grievances/problems that the township had about the operation and the proposed plans. This is still going on at the township level and [farmer] will return [to CADB] when they have better direction from the township." 4/18/11 letter from CADB to SADC asking for determination on whether site plan is needed for farm market; SADC responds that CADB needs to make a decision (as any appeals of decisions will come to SADC) 5/12/11 - CADB passes resolution reiterating its position and that it is referring the case and question to the SADC 7/21/11 - Letter from SADC to CADB saying it will not accept referral of SSAMP application, citing absence of legal authority and impracticality and noting that anyone aggrieved by CADB decision could appeal it to SADC. 10/1/12 - CADB update - Consider case closed because township amended its ordinances, which pretty much eliminated the areas of dispute.
1176	Hunterdon	Daub	Township (Clinton Twp.)	SSAMP request	Farm market (outdoor display of plants and related products); farm buildings (adding new greenhouses and storage barn); conflict with local ordinances	1/27/12 - SSAMP request made to CADB; request says zoning officer told her farm's activities were in violation of local ordinances and to stop them; he also told her she'd have to go before planning board to address parking and ingress/egress issues, and later told her he wanted her to go before zoning board because zoning changed and any further public activities would need a zoning variance. June 2012 - CADB passed SSAMP - approves the farm's agritourism activities, contingent on compliance with a site plan approved by the county planning board (primarily regarding need to improve sight triangle (for the ingress/egress) and parking details) 11/21/12 - Rec'd copy of SSAMP resolution from CADB - approves of agritourism program for farm
1228	Ocean	Wachman - Milk and Honey Meadows	Township (Jackson)	SSAMP request	Agritourism activities - education programs for the public (farm tours, farm classes, family membership for activities like hay and pony rides (pay up-front like with a CSA), farm festivals); conflict with local ordinances	

3) Formal RTF cases CLOSED in May 2013, i.e. those cases which had a 1) formal SSAMP request, 2) formal RTF complaint, or 3) mediation request or session and were closed					
ID#	County	Farmer	Complainant/ Other Party	Process(es) Started	Issue
1243	Burlington	Farmer	Town	RTF complaint; Mediation session	Brief summary 12/10 and 1/11 - CADB received complaints from township 1/11 - fencing complaint withdrawn 2/23/11 - CADB forwarded site plan related complaint to SADC pursuant to RTFA 3/11 - parties agree to try mediation first before doing an SADC hearing. 4/28/11 - mediation held and agreement reached (discusses signs, traffic circulation, driveway maintenance, parking, lighting, building code compliance) 5/31/11 - EF twp attorney saying a two items remain to resolve and that both attorneys are requesting a short hearing on them - "1) a traffic study on the street and its intersection with the access drive to this property and comply with any findings of the report, and (2) pave the drive entrance up to the point of its existing gate. Farm does not agree to perform a traffic study, and will pave the first 50' of the drive but not the full length requested." 6/29/11 - SADC site visit 7/7/11 - SADC RTF public hearing 12/8/11 - SADC reviewed the hearing report at its monthly meeting and requested the "SADC Recommendations to BCADB" section be modified in a few ways; report redrafted to incorporate the SADC's concerns 1/26/12 - SADC adopted the hearing report findings and recommendations; next step would have been CADB holding a public hearing, but: 8/22/12 CADB update: farm and town have reached a settlement agreement; town to pass a resolution at its August planning board meeting probably; farm agreed to move its CSA distribution center/PYO to a different farm they have in town which has few neighbors and much road frontage. 10/1/12 - CADB update - "the settlement agreement still hasn't been signed by both parties, but both parties have been treating the matter as settled for months now. The CADB isn't taking any RTF action at this time." Fencing; CSA distribution site - site plan, signs, traffic circulation, driveway maintenance, parking, lighting, building codes

3) Formal RTF Cases CLOSED in FY2019 (all of those cases which had a formal SSAMP request or session, and were closed)					
ID#	County	Farmer	Complainant/ Other Party	Process(es) Started	Issue
					Brief summary (2004 - Farm got SSAMP for its operation) 11/5/10 complaint filed with CADB and then withdrawn five days later (neighbor might reinstate complaint the following summer if feels issue returns) Oct. 2011 - another neighbor contacted CADB about flies/odor complaints; parties agree to try mediation 11/30/11 - Mediation held - Mediation agreement: "Farmer will continue to do the best management practices to reduce the number of flies if possible and to be a good neighbor. He will share the names of fly-control products for the neighbors to try." 2/6/12 - CADB also passed an updated SSAMP after getting a final site visit report from Rutgers Summer/Fall 2012 - A new neighbor is complaining to CADB about flies and odor 11/5/12 - CADB says both parties are open to trying mediation Nov/Dec - mediation requested by both parties 1/18/13 - Mediation held - interim agreement reached; farm to identify its planned management activities, and parties may have a follow-up mediation session 5/10/13 - Follow-up mediation session held; Farmer agrees to furnish by 5/22 to the neighbors a copy of the written report mentioned in the 1/18 agreement (responding to whether he can change the feed to reduce flies, move the dumpster waste storage, and implement any recommendations from the old RCE report; if parties want another session, they will contact the SADC) 5/17 - Farmer shares report - says: won't be able to change feed; will implement some rec.s from the RCE report; also will be trying new 'fly predator' product; not able to relocate dumpster 6/30/13 - Will consider case closed unless neighbors file a complaint or parties request mediation again
1249	Mercer	Farmer	Neighbors	RTF Complaint; Mediation session	Flies and odor (livestock farm)
1261	Monmouth	Becker's Tree Service		SSAMP request	11/30/10 - CADB got SSAMP request 4/6/11 CADB resolution that farm not eligible because not a commercial farm (couldn't supply proof to meet \$2500 requirement) 5/18/11 - SADC rec'd appeal of CADB decision from farmer and forwarded it to OAL 1/31/13 - OAL Initial Decision 2/28/13 - SADC adopts final decision final decision, affirming OAL Initial Decision. Decision also affirms the July 20, 2011 order that permitted intervention in this matter by the Township of Colts Neck, which had appeared before the MCADB as an objector to petitioner's application for a site specific agricultural management practice determination - Production of firewood, mulch, and other forest products

3) Formal RTF Cases CLOSED in FY 2013 (i.e., those cases which had at least one formal SSAMP request, 2) formal RTF complaint, or 3) mediation request of session, and were closed)					
ID#	County	Complainant/ Farmer	Complainant/ Other Party	Process(es) Started	Issue
					Brief summary 9/15/11 - CADB received written complaints, and it recommended parties try the mediation program 9/22-29/11 - Mediation requested by all parties 10/17/11 - Mediation session held - agreement says: NRCS will do an internal review of the original project to see if any changes can be recommended to reduce the flooding 2/3/12 - Farmer and neighbor have received NRCS' list of options, and farmer is reviewing cost estimates now and will try to inform everyone of his intended actions soon 3/19/12 - Farmer update - he got some design options back from NRCS 2/29/12, has spoken with a contractor re: cost estimates, and will send out an update letter to all parties 7/19/12 - Farmer sent letter providing updates on stormwater management improvements made since mediation session: NRCS conducted review of farm's tailwater recovery project and provided report with various recommendations to consider. NRCS found the project to be have been designed properly; other reasonable changes made which cumulatively bring drainage concerns to a level at or below "pre-current farmer conditions" (half of 17 acre tract has lessened compaction through subsoiling to increase permeability; monitoring a drop structure to prevent clogging; two road culvert pipes replaces with larger ones to increase capacity 100%) 8/15/12 - Neighbor disagrees with some of farmers' conclusions; 9/7/12 - CADB sent letter to both summarizing the actions taken to date and noting current options (another mediation session or a RTF complaint/SSAMP request) if they'd like to pursue it further Sept/Oct 2012 - Neighbor and farmer requested a second mediation session 12/13/12 - Mediation session held - no agreement reached; if something more happens, it will be the restarting of the RTF complaint at the CADB level - will consider matter closed otherwise 10/25/11 - zoning officer issued farm a summons for being in violation of township's revised fence ordinance. 11/16/11 - SADC LT zoning officer, noting the RTF complaint process and CADB jurisdiction re: complaints about commercial farms Farm's attorney is working to either get summons dismissed or transferred to CADB. 3/22/12 - CADB update: fencing complaint is scheduled to be heard at CADB's 5/10/12 meeting (as a separate item from #1243) Spring/Summer - hearing put on hold as parties discuss settlement August - settlement agreement made - supposedly: deer fencing on one side of road will stay; on other side it'll be replaced with split rail fencing 10/1/12 - CADB update - the settlement agreement still hasn't been signed by both parties, but both parties have been treating the matter as settled for months now. The CADB isn't taking any RTF action at this time.
1333	Cumberland	Farmer	Neighbors	RTF complaint, Mediation session	Stormwater runoff
1353	Burlington	Holloway Land, LLC.	Township (Chesterfield)	RTF complaint (Municipal court summons)	Fence installation in violation of local ordinance

3) Formal RTF cases CLOSED in FY 2013, i.e., those cases which had (a) formal SSAMP request, (b) formal RTF complaint, or (c) mediation request or session, and were closed						
ID#	County	Farmer	Complainant/ Other Party	Process(es) Started	Issue	Brief summary
1355	Atlantic	Molinelli	Neighbors (McHale, Gordillo)	RTF complaint	Water runoff and flooding from vegetable farm operation	11/30/11 - SADC received RTF complaint that CADB forwarded. Farm's attorney sent letter asserting that the matter should stay with the CADB because of the Vegetable Production AMP. 3/7/12 - Letter to CADB remanding matter back to CADB, citing how the complaint relates to conservation practices, the farm has a farm conservaton plan, and there is a "Natural Resource Conservation AMP." Letter also references how the Gloucester CADB dealt with similar issues in US Homes v. Marino Farms (involved runoff from a vegetable farm and no farm conservation plan) 7/18/12 CADB update: parties asked that hearing be postponed; Molinelli hired a hydrologist and additional info being gathered by the parties 9/4/12 - CADB update: Molinelli's hired someone to do a site inspection and author a report, which is to be provided to CADB by 9/21; they've requested a CADB site visit for October 10/9/12 - public hearing held by CADB (CADB did site visit in advance), and SSAMP resolution adopted - Board found in favor of Molinelli 1/12/12 - farm submitted SSAMP request to CADB 5/14/12 - CADB made SSAMP determination - found that farm's activities were in compliance with Equine AMP except for not having completed a farm conservation plan; approved SSAMP with condition that farm report back to CADB in 6 months to update CADB on state of the farm with conservation plan (which it has applied for); CADB can rescind SSAMP if farm deviates or purposely delays completion of plan 6/21/12 - Rec'd from CADB a copy of an appeal by Ron Biava (with date of 6/1/12) 7/3/12 - SADC transmitted case to OAL 9/6/12 - SADC re-transmitted to OAL (they didn't get it the first time) 9/13/12 - OAL Notice of Filing (saying case was filed 9/7/12) 2/14/13 - Rec'd entire OAL file stamped "WITHDRAWN". File includes letter to ALJ Russo dated 01/23/2013 from Mr. Biava stating that he is withdrawing the OAL appeal. 3/29/12 notes from CADB - Farmer has been issued 4 ticket violations for his agricultural buildings. One is a chicken coop and another is a movable plastic shed that he houses equipment in. He's violating the ordinance about accessory buildings. April 2012 - CADB approved farm as a commercial farm June/July 2012 - additional information presented to CADB and CADB site visit made which suggest doesn't meet commercial farm definition (no Xmas trees as said, the steers sold were actually from another farm). 9/4/12 - CADB update - tabled matter until farm could show that income requirement was met; also asked for a wetlands map/delineation because neighbors said he has no trees and never had anywhere to plant them because of wetlands; so far he hasn't provided the information requested 11/30/12 - CADB update - Mr. Boslet has not provided proof of income or the wetlands delineation as requested since the Board tabled it in September 6/30/12 - CADB update: Haven't heard from Mr. Boslet in some time so consider the matter closed
1359	Somerset	DiFlorio (Lake View Ranch)	Neighbor (Ron Biava)	SSAMP request	Equine activities (boarding, keeping, training, open houses, educational camps, farm events); traffic, ingress/egress, health and safety concerns	
1395	Warren	Boslet	Township (Knowlton)	SSAMP request	Farm building construction, conflict with local ordinances (zoning ordinance doesn't allow accessory buildings in the front or side yard and setback)	

g) Formal RTF cases CLOSED in FY 2018, (ref: those cases which had a 1) formal SSAMP request, 2) formal RTF complaint, or 3) mediation request or session, and were closed)					
ID#	County	Complainant/ Farmer	Complainant/ Other Party	Process(es) Started	Issue
					Brief summary April 2012 - CADB received complaints and recommended mediation 6/5/12 - mediation session held - agreement reached - farmer will work with NRCS to find economical solution to runoff issue; neighbors will communicate with NRCS and township engineer on progress; neighbors request status meeting in 4-6 weeks 8/16/12 - neighbors interested in a second session and want to be kept in the loop; farmer says he's working with SCD, is waiting for a response from town on whether approvals would be granted for one possible solution, and will forward a status update letter he got from the SCD (that NRCS has completed preliminary work on 2 options and that they're waiting to hear back from the town) 10/23/12 - update from farmer: SCD recently finished the plan and they gave it to the town but haven't gotten any response; plan includes a new ditch and grassed area taking 80' out of production and a pipe to drain some water onto the town's adjacent open property (one of the ideas the neighbors had discussed with the city engineers); farm's plan needed to get approval from the town because of this last element, but haven't gotten a response; if answer is no, then can look into alternatives. 11/5/12 - Rec'd copy of 1-page NRCS report summarizing meeting btw NRCS and town engineers - reports says town engineers would contact town business administrator to begin process of preparing documentation for using town land as part of the solution 12/18/12 - memo from town engineer to business administrator asking her to review the recommended, proposed solution 1/8/13 - business administrator said she's given it now to legal staff to review 4/25/13 - call from farmer with update - says solicitor sent letter back saying he's reviewed the NRCS/town engineer's proposal but will be considering other alternatives and will follow up in another couple of weeks. 6/11/13 - call from farmer with update - didn't get further response from town; decided to seed a cover crop in the 2 acre area behind neighbor's house, so now actively not farming it; SCD will take pictures to document for record if needed later 7/30/12 - Rec'd notice that CADB had gotten SSAMP request 10/9/12 - CADB resolution adopted - Board concluded the operation doesn't meet definition of commercial farm, as land isn't eligible for farmland assessment (is a new farm; hasn't been in operation for 2 years)
1403	Cumberland	Farmer	Neighbors	RTF complaint; Mediation session	Water runoff and flooding from vegetable farm operation
1414	Atlantic	DiMeo	Township (Mullica)	SSAMP request	Water runoff and flooding from vegetable farm operation Construction of farm building (bank barn structure with accessory apartment) in conflict with local ordinance (height)
1422	Warren	Hendricks	Township (Frelinghuysen)	SSAMP request	
1424	Cumberland	Coombs	Neighbor (Kimley)	RTF complaint; SSAMP request	Odors from stockpiling and use of clamshells; state regs re: use of clamshells (DEP)

3) Formal RTF cases CLOSED until FY2013 (i.e., those cases which had a formal SSAMP request, or a formal RTF complaint, or a mediation request, or session, and were closed)						
ID#	County	Farmer	Complainant/ Other Party	Process(es) Started	Issue	Brief summary
1428	Morris	Adams	Township (Denville)	RTF complaint	Equipment storage, trash	11/15/10 - town issued summons complaint for violating ordinance re: outdoor storage; 7/28/11 - farm assessed a fine for the ordinance violation; 4/30/12 - on appeal, farm raised RTF jurisdiction question, and Superior Ct. judge sent matter to CADB, saying conviction is vacated and summons held in abeyance until CADB/SADC decision 6/7/12 - township filed complaint with CADB 6/27/12 - CADB forwarded case to SADC 9/13/12 - SADC sent letter to A.Adams requesting additional proofs and an update of the information he provided in March 2012 Commercial Farm Certification Form 2/28/13 - SADC adopts resolution stating that Adams' farm is not a commercial farm (applying the Sipos decision logic re: farm parcels <5 acres)
1429	Ocean	Muchnick	Township (Jackson)	SSAMP request	General farm operation - livestock, eggs, wool, produce, animal feeding, horse riding; conflict with township on farm status	Feb. 2013 - CADB recieved SSAMP request; says farmer is asking for a determination on his general operation because he got a violation notice from township saying he wasn't a farm/his activities were not permitted in the zone. A b/g issue is whether the farm is a commercial farm; farmer says he never applied for farmland assessment because township told him he wouldn't qualify, but he thinks he does satisfy the eligibility requirements. 6/30/13 - CADB update: farm couldn't provide FA eligibility proof, so CADB couldn't consider the farm a commercial farm and couldn't go forward with reviewing the SSAMP request
1432	Warren	Peck	Township (Knowlton)	SSAMP request	Construction of 36 x 130 equine barn; ag labor housing apt.	July 2012 - SSAMP request made - for site plan waiver for proposed 4800 sq. ft. barn on his 40-acre farm (township's ordinance waives the site plan requirement for barns on farms with 50 acres or more - so sought SSAMP rather than variance/site plan from town) 8/16/12 - CADB passed SSAMP resolution approving request 9/20/12 - CADB memorialized its SSAMP decision 6/21/13 - CADB received follow-up SSAMP request to get approval for an ag labor housing apartment in the barn; use is not eligible for RTF, and farm is a preserved farm, so CADB instructed farmer to apply to CADB/SADC for approval of the ag labor housing. 7/23/12 - complaint filed with CADB 8/20/12 - LF CADB to township saying jurisdiction for matter is with township because trespass is not an activity protected by RTFA and because farm hasn't provided sufficient commercial farm info
1434	Monmouth	Dahlgren	Neighbor (Morgan)	RTF complaint; Mediation request	Livestock fences not working; bull trespass	8/7/12 - Request for mediation by farmer, but for different issues ("Filling in wetlands and moving creek causing my property to flood. Running car repair business on property") 8/21/12 - Letter sent to farmer saying can't use ag mediation because dispute he's describing doesn't involve ag activities 7/23/12 - Mediation requested by township
1438	Monmouth	Pascale	Township (Howell)	Mediation request	Noise from music at team penning and rodeo events	8/2/12 - CADB looks into RTF eligibility status and finds farm isn't a commercial farm, so township has jurisdiction (farm was denied farmland assessment; never appealed it; is applying for it again this year) 8/2/12 - Township says it's no longer interested in mediation and will issue the appropriate summons

3) Formal RTF cases CLOSED in FY 2013, including those cases which had a 1) formal SSAMP request, 2) formal RTF complaint, or 3) mediation request on session, and were closed						
ID#	County	Farmer	Complainant/ Other Party	Process(es) Started	Issue	Brief summary
1446	Morris	Fish	Township (Florham Park)	RTF complaint	Livestock	8/16/12 - CADB forwards complaint from police department to SADC because no AMP (complaint is in response to cows getting out and being in roadway) August - December 2012 - Emails and correspondence between SADC and farmer re: commercial farm certification info December 2012 - Farmer discussed matter with mayor and borough officials, who weren't familiar with it 1/7/13 - Email and memo from boro administrator to BDS advising the boro is dismissing the complaint
1449	Cumberland	Ingraldi	Neighbor (Knoll)	RTF complaint, Mediation request	Predation control - use of Avitrol on sweet corn to control birds; concerns related to farm worker training and safety, well water and soil impacts, health impacts, and whether this will happen every year	8/29/12 - EF CADB with FYI about having gotten a RTF complaint 9/20/12 - CADB sends parties letters encouraging use of mediation program 10/2/12 - Farmer sent back mediation form 11/30/12 - Neighbor decides not to request mediation; also says he won't be pursuing the complaint any further now but doesn't rule out possibility of another complaint next year if appropriate
1451	Gloucester	Cardillo	Township (Woolwich)	Mediation request, SSAMP request	Construction of horse barn; conflict with township	8/28/12 - Request for mediation (for ability to build barn on the 3 acres she wants to use for her 3 hobby horses; not a farm business; may not be able to build it without a variance) 9/12/12 - Staff response: Ag Mediation Program wouldn't be available in this situation because there isn't a farm business; if your activities/horses are for personal use and if not involved in commercial production, then not eligible for using Ag Mediation Program 3/20/13 - SSAMP request submitted to CADB - to construct a barn and conduct equine activities on 3 acres of the farm (13 acres are currently farmed in soybeans/vegetables by a tenant; CADB public hearing scheduled for 4/18/13. 4/9/13 - CADB says "The Township denied her zoning request, as they said their zoning doesn't permit secondary structures if there are no primary structures on the property. The landowner is indicating that this is in violation to both New Jersey Right-to-Act, and the municipality's own Right-to-Farm ordinance." Barn also might be taller (> 25') than local ordinance allows 5/16/13 - CADB held hearing and approved SSAMP request 6/27/13 - CADB memorialized decision
1480	Monmouth	O'Callahan	Middletown	RTF Complaint	Deer fencing	2/28/13 - Rec'd FYI email from CADB with copy of RTF complaint filed by township; complaint says an 8-foot tall fence was installed on property line border "without the proper and required applications and approvals for zoning and building" from the twp. CADB says twp. is aware of the fencing AMP. 5/11/13 - CADB passed final resolution: says property is operated, and fence is installed, in accordance with accepted AMPs.
1485	Gloucester	DeEugenio	Glassboro	SSAMP request	Winery operation - retrofitting portion of packing house for wine tasting/farm market facility, with parking and site improvements	5/14/13 - Rec'd SSAMP packet from CADB; Boro's position is that even if applicant's proposal is covered by RTF, the application still requires formal site plan review and approval from the boro planning board in order to address health and safety concerns, as per MLUL and Boro ordinances. Farm's position is that the time and resources required for formal municipal site plan approval is unreasonable given scope of the project, and such review falls under CADB jurisdiction anyway. 5/16/13 - CADB held hearing and approved SSAMP request 6/27/13 - CADB is memorialized decision

3) If formal RTF/cases CLOSED in FY2013, list those cases which had a) formal SSAMP request, b) formal RTF complaint, or c) mediation request or session, and were closed						
ID#	County	Farmer	Complainant/ Other Party	Process(es) Started	Issue	Brief summary
1488	Atlantic	Walker	Mullica	SSAMP request	Windmill - energy generation	3/27/13 - Rec'd notice from CADB it had gotten an SSAMP request for a windmill to provide the power needs of its irrigation pump 4/3/13 - Sent to CADB our August 2010 memo from saying SADC/CADB's can't offer RTF protection for wind, solar, biomass until SADC adopts AMP rules for them 4/16/13 - CADB resolution saying not eligible for RTF protection
1494	Hunterdon	()	(Township - East Amwell)	SSAMP request	Equine, RTF eligibility and new use/owner, impervious cover ordinance	4/18/13 - New owner of farm (bought farm 3 months ago) wants to do 80K sq. ft. of impervious cover for the new equine operation, however local ordinance only allows 20K sq. ft.; the new farm operation might also be conducted by a leaseholder. Previous farm operation was hay. 4/18/13 - CADB asked, 'Can new owner, who's changing the farm use from hay to equine operation, use prior owner's production to show proof of \$2500 criteria being met? Think so.' - SADC staff response: probably, but need substantial proof of a continuing, viable commercial farm business or activity 6/6/13 - CADB update: case is no longer active. No proof of income from prior years and for 2013 provided so far.
1500	Monmouth	Abate	Township - Middletown	RTF Complaint	Fencing, wineries	5/6/13 - Rec'd copy of final resolution from CADB in response to RTF complaint. Township had filed complaint b/c farm's deer/wildlife fence is 8' but residential zone ordinance says 6' max. CADB resolution: property is operated, and fence is installed, in accordance with accepted AMPs.

4) OPEN cases involving mediation (or a mediation request) with a USDA agency and a USDA client/farmer re: a USDA issue (or other non-RTF issue)					
ID#	County	Farmer or USDA client	Other Party	Process Started	Issue
					Status/Summary

<No open cases at this time>

Cases CLOSED in FY 2013 involving mediation (or a mediation request) with a USDA agency and a USDA client/farmer re: a USDA issue					
ID#	County	Farmer or USDA client	Other Party	Process Started	Issue
1409	Burlington	USDA client	USDA Rural Development	Mediation session	Acceleration of mortgage loan, demand for payment of that debt, intent to foreclose
1427	Cape May	USDA client	USDA Rural Development	Mediation session	Acceleration of mortgage loan, demand for payment of that debt, intent to foreclose
1435	Warren	Farmer	USDA FSA	Mediation session	FSA state committee decision to uphold county committee decision denying his cost-share application under the Emergency Conservation Program (ECP)
1443	Cumberland	USDA client	USDA Rural Development	Mediation session	Acceleration of mortgage loan, demand for payment of that debt, intent to foreclose
1461	Gloucester	USDA client	USDA Rural Development	Mediation request	Denial of request for payment moratorium on RD housing loan

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY14R7(1)

Renewal of Certification of Agricultural Mediation Program Mediators

July 25, 2013

WHEREAS, the State Agriculture Development Committee (SADC) coordinates the New Jersey Agricultural Mediation Program to help farmers and others resolve agricultural disputes quickly, amicably, and in a cost-effective manner; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.10, the SADC shall annually review and renew the certificates of the program's certified mediators to insure satisfactory performance of mediation responsibilities; and

WHEREAS, the SADC last reviewed and renewed the certificates of the program's certified mediators on February 23, 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.10(a)1, in order to have his or her certification renewed, a certified mediator, if assigned a case during the fiscal year, must have satisfied the requirements of the program's regulations; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.10(a)2, if a certified agricultural mediator has not been assigned a case during the fiscal year, his or her certification shall be renewed; and

WHEREAS, the following mediators have been assigned and have mediated a case during the last fiscal year, FY 2012, and have satisfied the requirements of the program's regulations: Liza Clancy, Norman Crawford, Gaetano DeSapio, Melvin Henninger, John Paschal, and Barbara Weisman; and

WHEREAS, the following mediators have not been assigned a case during FY 2012: Katherine Buttolph, Gordon Geiger, Kevin Kuhl, David Lu, Paul Massaro, Cari Rincker, James Wren, and Loretta Yin; and

WHEREAS, the following mediators have indicated they would like withdraw from the program at this time: Norman Crawford, in consideration of personal issues; Kevin Kuhl, in consideration of limited mediation activity; and David Lu, in consideration of joining the Attorney General's Office as a Deputy Attorney General.

NOW THEREFORE BE IT RESOLVED, that the SADC renews the certificates of the following certified mediators pursuant to N.J.A.C. 2:76-18.10: Katherine Buttolph, Liza Clancy, Gaetano DeSapio, Gordon Geiger, Melvin Henninger, Paul Massaro, John Paschal, Cari Rincker, Barbara Weisman, Jim Wren, and Loretta Yin.

7/25/13

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
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	YES
Peter Johnson	YES

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY14R7(2)

Request for Division of Premises

July 25, 2013

Subject Property:

Rue Brothers Inc.

Block 15, Lot 17.02

Block 15.01, Lots 17, 18

Block 16, Lot 12

Upper Freehold Township, Monmouth County

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

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

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

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

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

WHEREAS, the Owner proposes to divide the Premises as shown in Schedule "A"; and

WHEREAS, the Owner intends to retain ownership of Block 15.01, Lots 17 & 18, and Block 16, Lot 12 (Parcel-A) on the south side of route 195; and

WHEREAS, the Owner proposes to sell Block 15, Lot 17.02 (Parcel-B), on the north side of route 195, to Holland Greenhouses, hereinafter "Purchasers"; and

WHEREAS, the Owner will also be conveying a 13-acre, non-preserved, tract adjacent to Parcel B, Block 15, Lot 41.01, with frontage on county route 524 to the Purchasers as part of this conveyance; and

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

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

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

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

WHEREAS, by resolution dated July 10, 2013, the Monmouth CADB, hereinafter "CADB," approved the request to divide the Premises into two (2) parcels along existing lot lines as follows:

Parcel A - Block 15.01, Lot 17 & 18 and Block 16, Lot 2 (252+/- acres)

Parcel B - Block 15, Lot 17.01 (78+/- acres)

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

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

WHEREAS, the resulting Parcel-A would result in a 252+/- acre property that is approximately 73% (184 acres) tillable with 71% (178 acres) prime soils, 13% (32 acres) soils of Statewide Importance, with 27 acres of freshwater wetlands; and

WHEREAS, the resulting Parcel-A would include four (4) existing single-family residences and several farm outbuildings; and

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

WHEREAS, the resulting Parcel-B would result in an 78+/- acre property that is approximately 71% (55 acres) tillable with 34% (27 acres) prime soils, 47% (38 acres) soils of statewide importance identified, with 13 acres of freshwater wetlands; and

WHEREAS, Parcel-B is improved with an irrigation pond; and

WHEREAS, access to both parcels is along Rue's Road, with an additional informal access from County Route 524 to Parcel B through unpreserved Lot 41.04, which will be formalized as part of this transaction; and

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

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

- 1) Each parcel contains a significant acreage of high quality, tillable soils, as follows:
 - Parcel A, at 252 acres, has 184 tillable acres with approximately 178 acres of prime soil and 32 acres soils of statewide importance;
 - Parcel B, at 78 acres, has 55 tillable acres with approximately 27 acres of prime soils and 38 acres of soil of statewide importance;

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

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

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

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

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

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

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

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

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

7/25/13
Date



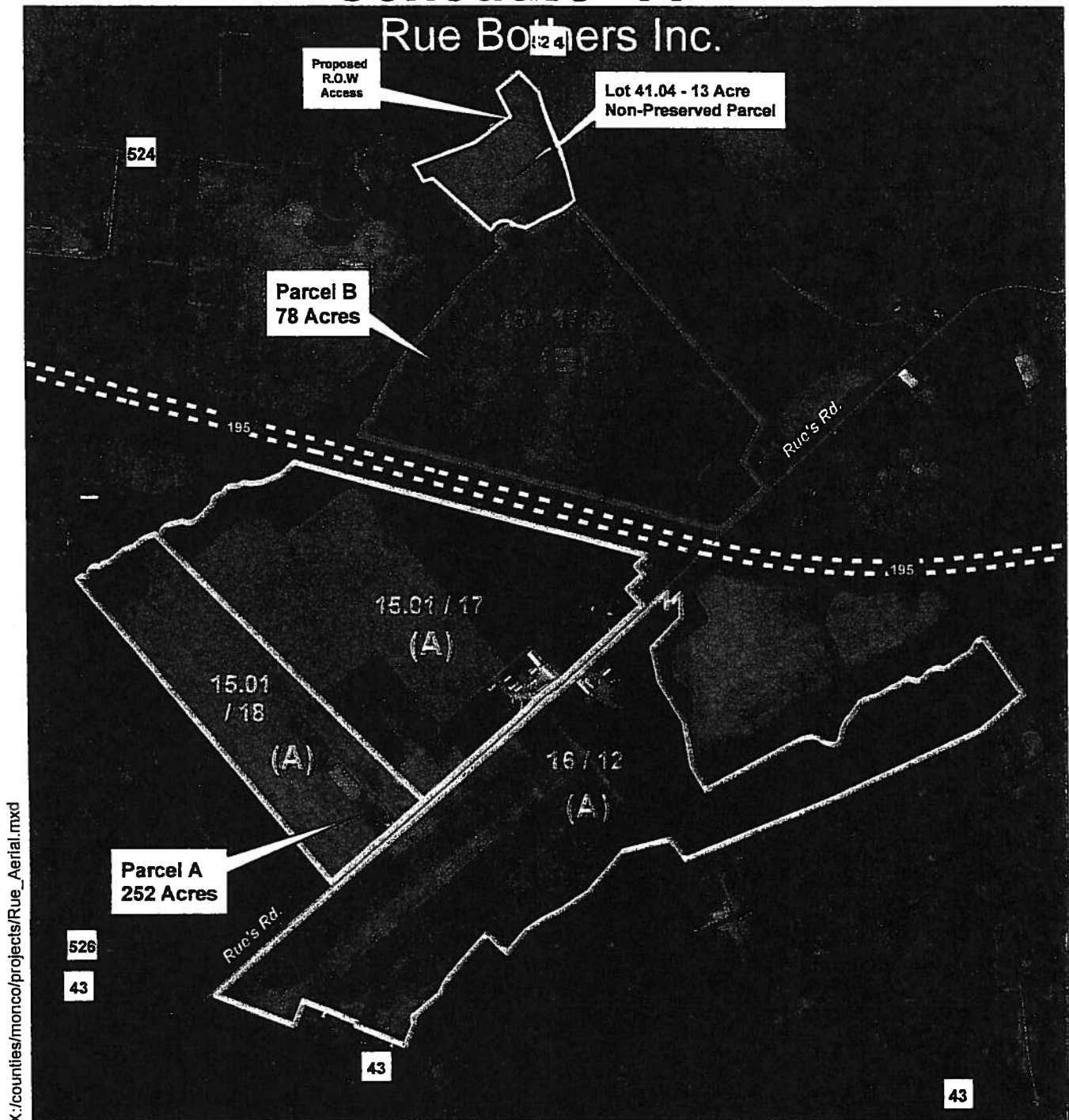
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule "A"

Rue Brothers Inc.



X:\counties\monroco\projects\Rue_Aerial.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Rue Brothers Inc.
Block 15 Lot 17.02
Block 15.01 Lots 17 & 18
Block 16 Lot 12
331 Acres
Upper Freehold, Monmouth County

1,000 500 0 1,000 2,000 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.

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

Date: 7/17/2013

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY14R7(3)

SADC EASEMENT ACQUISITION
PRELIMINARY APPROVAL
of an "ALTERNATE" FARM
IN THE HIGHLANDS PRESERVATION AREA

JULY 25, 2013

Subject Farm: Mary Beth Hamorski & Jeffrey Salatiello
Block 18, Lot 28
Lebanon Township, Hunterdon County
SADC ID# 10-0215-DE
Approximately 65 net easement acres

WHEREAS, pursuant to N.J.A.C. 2:76-11.3, an owner of farmland may offer to sell to the State Agriculture Development Committee ("SADC") a development easement on the farmland; and

WHEREAS, on March 4, 2013 the SADC received an SADC easement acquisition application from Mary Beth Hamorski & Jeffrey Salatiello for Property identified Block 18, Lot 28, Lebanon Township, Hunterdon County, totaling approximately 65 net acres as shown on (Schedule A); 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, staff finds that the Property, has a quality score of 54.76 and 65 net acres (Schedule B); and

WHEREAS, the Property does not meet the SADC's Hunterdon County minimum ranking criteria for the "Priority" category which requires a quality score of at least 58 combined with at least 46 acres, however it is higher than the minimum quality score of 45 and 34 acres needed for an "Alternate" farm designation, therefore, this farm is categorized as an "Alternate" farm, requiring SADC preliminary approval (Schedule B); and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20; and

WHEREAS, the landowners purchased the farm in January 2010, but still qualifies for 01/01/04 zoning consideration in the appraisal because they meet the definition of a "farmer" pursuant to N.J.A.C. 13:20-1 et seq. and N.J.A.C. 13:8C-38j(1); and

WHEREAS, the landowner has provided evidence of breeding, raising, training and leasing Welsh ponies with lease income of greater than \$2,500 per year for calendar year 2012 and 2013 along with approximately \$3,800 imputed income from grazing; and

WHEREAS, the Property is within the County Agriculture Development Area and the County Planning Incentive Grant Northern project area; and

WHEREAS, the Property is located within the New Jersey State Plan-designated Environmentally Sensitive Area (PA5) and within the Highlands Agriculture Priority and Resource Areas as well as the Highlands Preservation Area's "Protection Zone" (Schedule C); and

WHEREAS, the Property has one (1) existing single family residence; and

WHEREAS, the landowner has requested a 2.5-acre non-severable exception area for a future residence with the understanding that the Property is subject to enhanced environmental restrictions outlined in the New Jersey Department of Environmental Protection's Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38 et. seq. which may restrict building, and

WHEREAS, the farm the majority of the farm's acreage is currently in hay and equine production; and

WHEREAS, the equine production consists of breeding, raising, and leasing Welsh ponies, pasturing horses and ponies and growing hay; and

WHEREAS, the landowner leases a portion of the farm for certain equine service activities, including: boarding, training and riding lessons which are conducted in an outdoor riding area of approximately one acre and within the indoor ring and barn encompassing approximately 1.2 acres (Schedule D); and

WHEREAS, on March 23, 2006 the SADC adopted the FY 2006 Highlands Preservation Appropriation Expenditure Policy - Amended, which approves the use of Highlands funds to support additional applications in all farmland preservation programs where demand for funding has outstripped otherwise approved SADC funding. The Property is a candidate for this funding source; and

WHEREAS, at this time there is approximately \$1.5 million available from the \$30 million originally designated as Highlands funding; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.6 there are no "Priority" or "Alternate" Ranked applications at this time in the Highlands Preservation Area which have not already been accepted for processing and have funding earmarked; and

NOW THEREFORE BE IT RESOLVED that the SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:

1. Enter into a 120 day option agreement.
2. Secure two independent appraisals to estimate the fair market value of the Property.
3. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC.

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.

7/25/13
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
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	YES
Peter Johnson	YES

Schedule A

Application within the Highlands Preservation Area

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

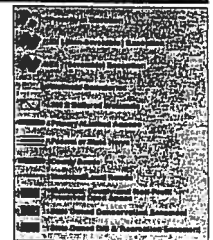


FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mary Beth Hamorski and Jeffrey Salatiello/Pinnacle Farm of Califon, LLC
Block 18 Lots P/O 28 (64.4 ac)
& P/O 28-EN (non-severable exception - 2.5 ac)
Gross Total = 66.9 ac
Lebanon Twp., Hunterdon 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

March 8, 2013

482

State of New Jersey
State Agriculture Development Committee
Farmland Preservation Program
Quality Ranking Score
State Acquisition Easement Purchase - SADC Funding Round
April 30, 2013.

GENERAL INFORMATION

COUNTY OF Hunterdon Lebanon Twp. 1019
APPLICANT Hamorski, Mary Beth & Jeffrey Salatiello

Blocks and Lots

Lebanon Twp. 1019 Block 18 Lot 28 67.31 ACRES

Exceptions

<u>Acres</u>	<u>Reason</u>	<u>Justification</u>	<u>Restrictions</u>	<u>Negative Impact</u>	<u>SADC Impact</u>	<u>Total Score</u>
2.5	Flexibility and possible future residence	Flexibility and possible future residence			0	0
Location: Hun - Lebanon Twp. Block:18 Lot:28 - northern central area of lot						

The Exception is Nonseverable.

NET ACRES 62

RESTRICTIONS NONE

USGS Grid Map Description:

HOUSING, BUILDINGS AND OTHER STRUCTURES

<u>Structure</u>	<u>Ag Use</u>	<u>Leased</u>	<u>Notes</u>
Standard Single Family	N	N	
Barn	Y	N	30 stall barn
Barn	Y	N	
Shed	N	N	

RDSO's

ELIGIBLE 0
SADC APPROVED 0

TYPE OF AGRICULTURAL OPERATION

Horse & Other Equine
Hay

SUBDIVISION OF THE PREMISES

<u>Status</u>	<u>Preliminary</u>	<u>Final Approval</u>	<u>Scale</u>	<u>Notes</u>
No Subdivisions are being Considered				

PRE-EXISTING NON-AG USES ON PREMISE

<u>Type</u>	<u>Extent</u>	<u>Size</u>	<u>Ag Use</u>
No Pre-Existing Uses Considered.			
<u>Lessee</u>	<u>Business</u>	<u>Purpose</u>	<u>Frequency</u>

EASEMENTS AND RIGHT OF WAYS

<u>Type</u>	<u>Description</u>	<u>Dsc Notes</u>
Telephone Lines	general telephone and electric	
<u>Affect</u>	<u>Viability</u>	

Additional Concerns:

Schedule B Continued
(p.2 of 2)

State of New Jersey
State Agriculture Development Committee
Farmland Preservation Program
Quality Ranking Score

GENERAL INFORMATION

COUNTY OF Hunterdon Lebanon Twp. 1019
APPLICANT Hamorski, Mary Beth & Jeffrey Salatiello

PRIORITIZATION SCORE

SOILS:	Other	82% * 0 = .00
	Prime	18% * .15 = 2.70

SOIL SCORE: 2.70

TILLABLE SOILS:	Cropland Harvested	47% * .15 = 7.05
	Other	13% * 0 = .00
	Wetlands	1% * 0 = .00
	Woodlands	39% * 0 = .00

TILLABLE SOILS SCORE: 7.05

BOUNDARIES	Deed Restricted Farmland (Permanent)	34% * .2 = 6.80
AND BUFFERS:	Farmland (Unrestricted)	15% * .06 = .90
	Streams and Wetlands	8% * .18 = 1.44
	Woodlands	43% * .06 = 2.58

BOUNDARIES AND BUFFERS SCORE: 11.72

CONTIGUOUS	Diana Estates	Restricted Farm or Current Application	2
PROPERTIES	Masefield	Restricted Farm or Current Application	2
/ DENSITY:	Hamorski/Salatiello	Restricted Farm or Current Application	2

DENSITY SCORE: 6.00

LOCAL COMMITMENT:	100% * 20 = 20.00
-------------------	-------------------

LOCAL COMMITMENT SCORE: 20.00

SIZE:	SIZE SCORE: 5.00
-------	------------------

IMMIMENCE OF CHANGE: SADC Impact factor = 2.29

IMMINENCE OF CHANGE SCORE: 2.29

COUNTY RANKING:

EXCEPTIONS:	EXCEPTION SCORE: .00
-------------	----------------------

TOTAL SCORE: 54.76

Hamorski/Salatiello - Pinnacle Farm of Califon, LLC

Application Is Within the NJDEP Env Sensitive Area

Application within the Highlands Preservation Area

Hamorski/Salatiello
Pinnacle Farm

x:\counties\hunco\projects\hamorski_EnvS2.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mary Beth Hamorski and Jeffrey Salatiello/Pinnacle Farm of Califon, LLC
Block 18 Lots P/O 28 (64.4 ac)
& P/O 28-EN (non-severable exception - 2.5 ac)
Gross Total = 66.9 ac
Lebanon Twp., Hunterdon County

25,000 12,500 0 25,000 50,000 Feet

- Property in Question
- NJDEP Environmentally Sensitive Area
- Municipal, County and Non-Profit Preserved Open Space
- State Owned Conservation Easement
- State Owned OIS & Recreation Easement
- Highlands Planning Area
- Highlands Preservation Area
- Conservation Zone
- Quiet Community Env Constraint Zone
- Quiet Community Zone
- Low Density Community Zone
- Protection Zone
- Sussex County Project Area

N

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:
Green Acres Conservation Easement Data
NJDEP Environmentally Sensitive Areas
(pursuant to the Permit Extension Act of 2008)
NJDEP Highlands Data

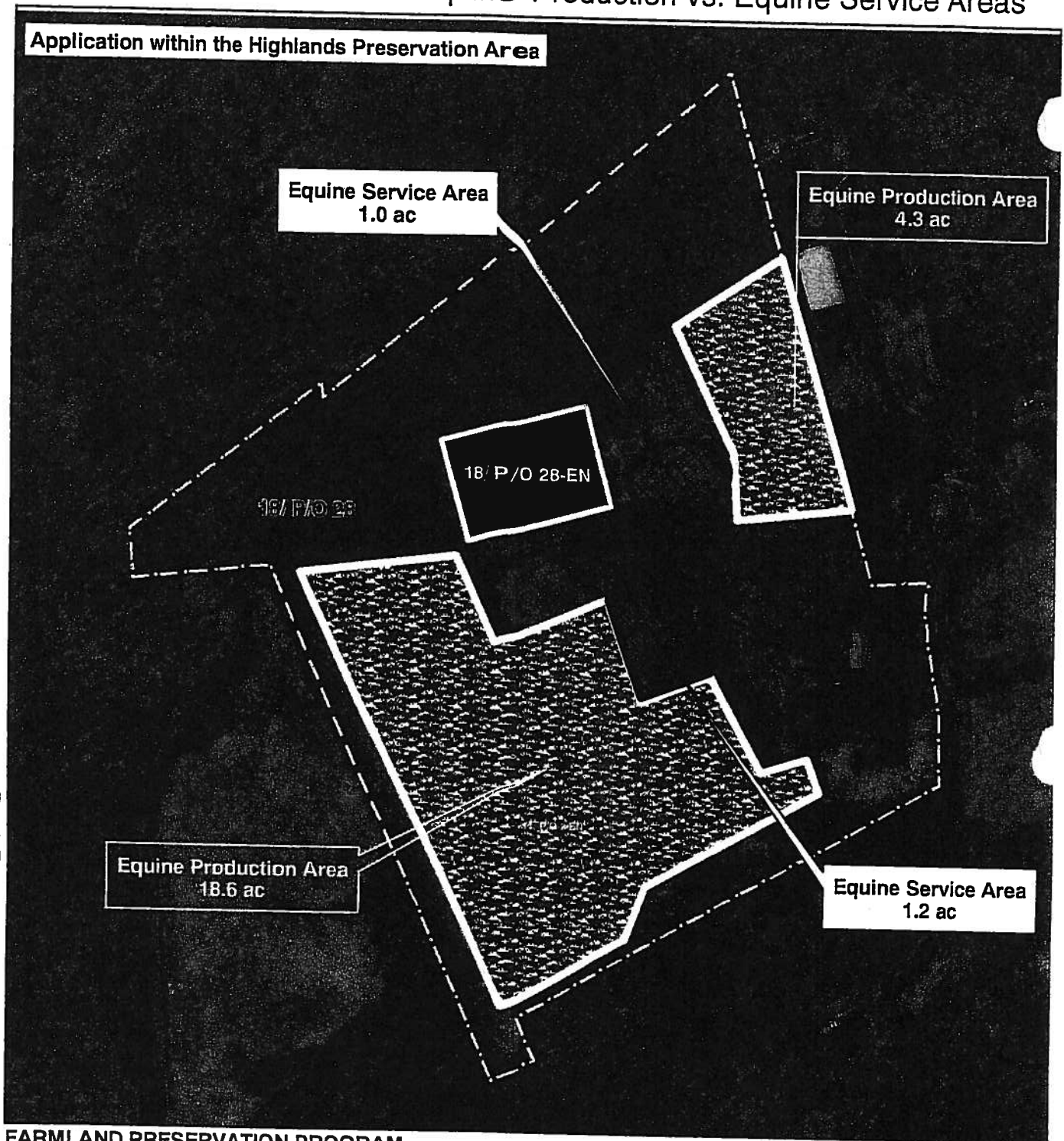
June 14, 2013

Pinnacle/Hamorski Farm - Equine Production vs. Equine Service Areas

schedule V

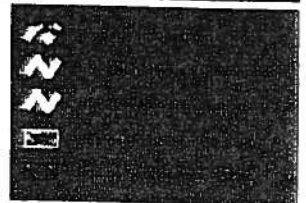
Application within the Highlands Preservation Area

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



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mary Beth Hamorski and Jeffrey Salatiello/Pinnacle Farm of Califon, LLC
Block 18 Lots P/O 28 (64.4 ac)
& P/O 28-EN (non-severable exception - 2.5 ac)
Gross Total = 66.9 ac
Lebanon Twp., Hunterdon 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.

Sources:

NJOIT/OGIS 2007/2008 Digital Aerial Imr

June 14, 2013

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY14R7(4)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

CUMBERLAND COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Cumberland County/Mark Sheppard ("Owner")
Stow Creek Township, Cumberland County

N.J.A.C. 2:76-17 et seq.
SADC ID# 06-0098-PG

July 25, 2013

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the SADC granted final approval of the plan on December 10, 2009 and approval of the FY2014 PIG Plan application annual on May 23, 2013 ; and

WHEREAS, on January 15, 2010 the SADC received an application for the sale of a development easement from Cumberland County for the Property identified as Block 21, Lot 16, Stow Creek Township, Cumberland County, totaling 70.6 surveyed acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, prior to submitting the farm in the SADC County PIG program, the farm was submitted for a cost share in the SADC 2009 County Easement Purchase Round; and

WHEREAS, on March 27, 2008 the State Agriculture Development Committee (SADC) certified a value of \$6,000/acre, the Owner accepted this offer, however, due to insufficient funds in the 2009 Easement Purchase Round, the SADC was unable to provide a cost share grant for the Property; and

WHEREAS, Cumberland County purchased the easement on the Property on November 12, 2009 for the certified value \$6,000 per acre and the Deed was recorded in the Cumberland County Clerk's office on November 13, 2009 in Deed Book 4064, Page 5022; and

WHEREAS, the County subsequently submitted the Property to the SADC for reimbursement through the County PIG program and pursuant to N.J.A.C. 2:76-17.9(b) on May 28, 2010 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, the Property is located in Cumberland County's Greenwich & Stow Creek Project Area; and

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

WHEREAS, the Property is currently a sod operation; and

WHEREAS, although the Property is already preserved, the County provided the Owners with SADC's guidance documents for Exception Areas, Division of the Premises and Non Agricultural Uses; and

WHEREAS, the Property had a quality score of 50.15 at the time of application to the County PIG program which exceeds 42, which is 70% of the County's average quality score as determined by the SADC on June 24, 2010; and

WHEREAS, on June 10, 2011, Cumberland County provided current appraisals in order to process the application through the SADC County PIG Program using FY2011 funding; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on July 28, 2011 the SADC certified a current easement value of \$5,200/acre based on zoning and environmental regulations in place as of May 1, 2011; and

WHEREAS, the current easement value of \$5,200/acre is \$800/acre less than the \$6,000/acre previously certified by the SADC; and

WHEREAS, the Stow Creek Township Committee had previously approved the Owner's application for the sale of development easement through the County Easement Purchase program on June 10, 2008, but did not participate financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on August 10, 2011 the Cumberland CADB passed a resolution granting final approval for reimbursement funding from the SADC for the pre-acquisition of the development easement on the Property based on the current easement value of \$5,200/acre equating to a per acre cost share of \$3,500 as per N.J.A.C. 2:76-6.11; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on October 25, 2011, the Board of Chosen Freeholders of the County of Cumberland passed a resolution granting approval to request \$3,500/ per acre for a partial reimbursement of the County's easement purchase cost from the SADC; and

WHEREAS, currently Cumberland County has no base grant funding available, zero FY11 competitive funding and \$3,572,594.93 in FY13 competitive grant funding , subject to available funds (Schedule B); and

WHEREAS, on May 7, 2013 the County submitted the application to the SADC to conduct a final review 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. 2:76-17.14, competitive grant funds shall be awarded by the SADC based on a priority ranking of the individual farm applications applying for grants from the competitive grant fund based on cumulative points of the project area (Schedule C); and

WHEREAS, the net acreage used for payment purposes when the County preserved the farm was 70.2 acres which will be utilized to calculate the grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.4 the Cumberland County Agriculture Development Board is requesting \$245,700 from the competitive grant, leaving a maximum FY13 Competitive grant eligibility to the county of \$3,326,894.93 (Schedule C); 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 Cumberland County for the purchase of a development easement on the Property, comprising 70.2 acres (net payment acres) at a State cost share of \$3,500 per acre (58.33% of purchase price, 67.31% of the current certified value) for a total grant need of \$245,700 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule D); 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 the competitive grant 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 70.2 acres which is the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement; and

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

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

7/25/13

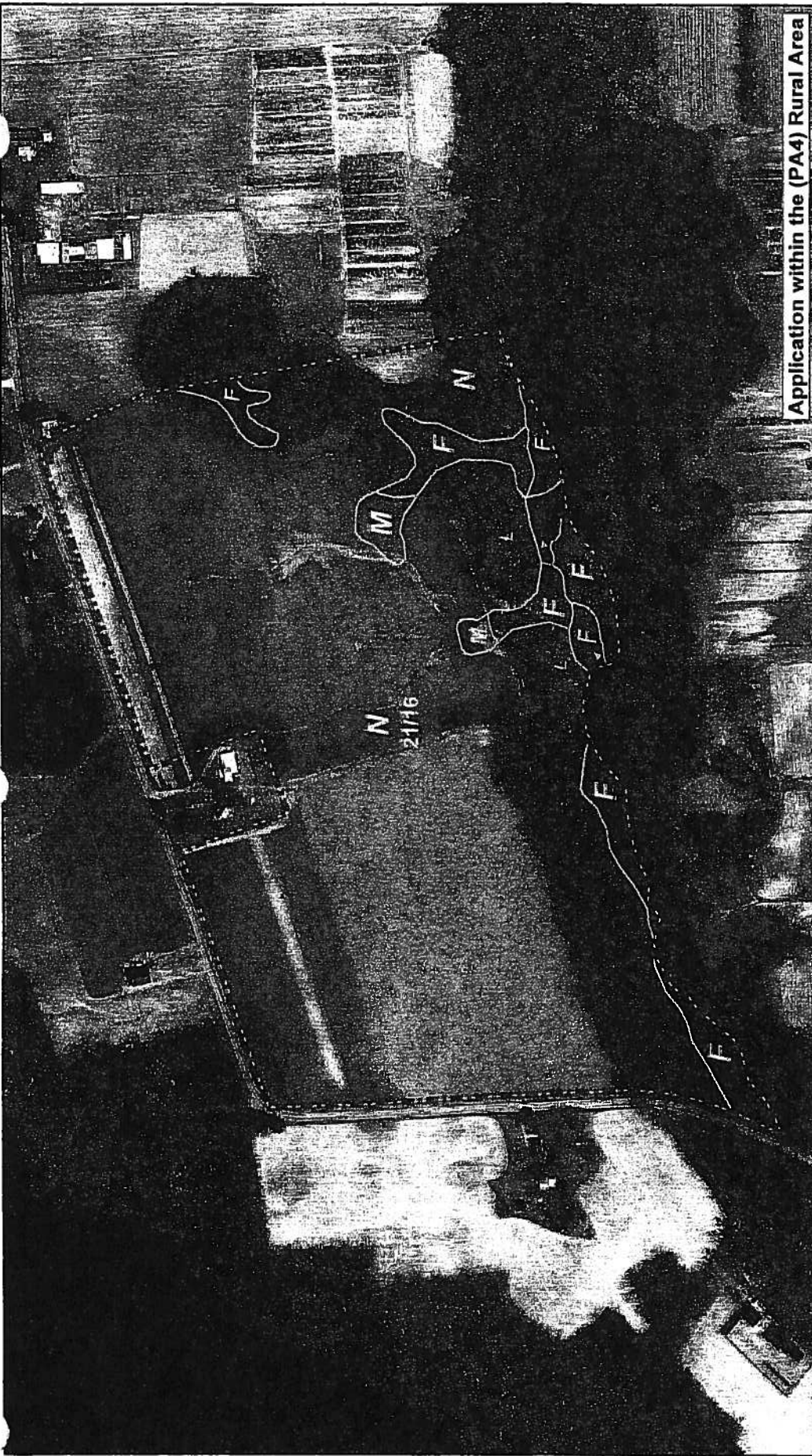
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

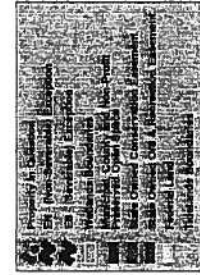
VOTE WAS RECORDED AS FOLLOWS:

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



Application within the (PA4) Rural Area

Schedule A



Wetlands Legend:
 F - Freshwater Wetlands
 M - Marine Wetlands
 L - Low Wetlands
 N - Total Wetlands
 B - 300' Buffer
 W - Water

Sources:
 NJDEP Freshwater Wetlands Data
 NJDEP Marine Wetlands Data
 NJDEP Low Wetlands Data
 NJDEP Total Wetlands Data
 NJDEP 300' Buffer Data
 NJDEP Water Data
 January 21, 2010



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mark and Arah Mae Sheppard

Block 21 Lot 16 (74.5 ac)

Gross Total = 74.5 ac

Stow Creek Twp., Cumberland County



TIDELANDS DISCLAIMER:
 This map was prepared from the NJDEP's CD ROM series 1, volume 4, "Tidelands Change Map".
 These data were 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/Offshore limits.

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.
 The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed
 primarily for planning purposes. The geographic accuracy and precision of the GIS data contained in this file and
 the associated map 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/Offshore limits.
 Professional Land Surveyor

Schedule B

[illegible]

New Jersey Farmland Preservation
Competative Ranking Report
Farms Receiving Final Approval July 25, 2013
Farms to Utilize Competitive Grant Monies

FY 2013 Funding

County	Municipality	Farm	Acres	Total Competative Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Cumberland County	Stow Creek Twp.	Cumberland Cnty/Sheppard, Mark K.	71	90	0	50	40	0

Schedule D

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Cumberland Cnty/Sheppard, Mark K.

06- 0098-PG

County PIG Program

71 Acres

Block 21	Lot 16	Stow Creek Twp.	Cumberland County
SOILS:			
		Other	9% * 0 = .00
		Prime	50% * .15 = 7.50
		Statewide	41% * .1 = 4.10
			SOIL SCORE: 11.60
TILLABLE SOILS:			
		Cropland Harvested	73% * .15 = 10.95
		Permanent Pasture	27% * .02 = .54
			TILLABLE SOILS SCORE: 11.49
FARM USE:			
		Ornament Nursery Products	52 acres sod

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Execution of a Grant Agreement between the County and the State Agriculture Development Committee in compliance with N.J.A.C. 2:76-6.18.
5. 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
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 FY14R7(5)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

HUNTERDON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

Readington Township ("Owner")

Little Hills Farm

Readington Township, Hunterdon County

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

SADC ID# 10-0321-PG

July 25, 2013

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the County received SADC approval of its annual PIG plan update for FY2013 on May 24, 2013; and

WHEREAS, on October 29, 2009 Readington Township purchased the Property in fee along with other adjacent land for a total of 108.26 acres, performed a lot line adjustment creating Block 94, Lot 19 (81.981 acres) and then auctioned the restricted Property in August 2010; and

WHEREAS, the purchase price in fee of the 108.26 acres was approximately \$25,601 per acre and the sale price of the restricted Block 94, Lot 19 was \$9,521.24 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, Readington Township offered to assign the development easement to the County, basing the reimbursement on the SADC certified easement value; and

WHEREAS, on June 17, 2011, the SADC received an individual application for the sale of a development easement from Hunterdon County for the Little Hills Farm identified as Block 94, Lot 19, Readington Township, Hunterdon County, totaling 81.981 surveyed easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Hunterdon County's East Project Area; and

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

WHEREAS, the Property includes one, 2-acre non-severable exception area restricted to one single family residence and further restricted by Readington Township to 4,000 sq. feet of living space as per Deed Restriction dated February 11, 2011 and recorded on March 24, 2011 Bk: 2266 Pg: 834; and

WHEREAS, the application was in process prior to the SADC requiring review of the guidance documents for Exception Areas, Division of the Premises and Non Agricultural Uses, and the Township had already pre-acquired and sold the preserved farm, therefore, the current landowner did not receive or sign guidance documents; and

WHEREAS, the Property had a quality score of 64.72 when the application was received by the SADC, which exceeds 70% of the County's average quality score of 43, as determined by the SADC on June 24, 2010; and

WHEREAS, subsequently another application was preserved nearby increasing the current quality score to 66.72; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b), on May 3, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on February 28, 2013 the SADC certified a development easement value of \$12,000 per acre based on zoning and environmental regulations as of July 2012; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, Readington Township approved the assignment of the development easement and a cost share based upon the SADC certified easement value (which is less than the Township's purchase price) to the County on April 1, 2013, and the County Agriculture Development Board approved the application on May 9, 2013 and the County Board of Chosen Freeholders approved the application on June 4, 2013 with a commitment of providing funding needed to cover the County cost share;

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(d), the County prioritized its farms and submitted the Property to the SADC on May 30, 2013 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. 2:76-17.14, competitive grant funds shall be awarded by the SADC based on a priority ranking of the individual farm applications applying for grants from the competitive grant fund based on cumulative points of the project area (Schedule B); and

Cost share breakdown (based on 81.981-surveyed easement acres):

	<u>Total</u>	
SADC	\$590,263.20	(\$7,200/ acre)
Hunterdon County &	\$196,754.40	(\$2,400/ acre)
Total <i>reimbursement to Township</i>	\$787,017.60	(\$9,600/ acre)

WHEREAS, currently the County has \$100,563.58 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 C); and

WHEREAS, the County will utilize base and FY11 competitive grant funding to cover the SADC cost share; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.4 the Hunterdon County Agriculture Development Board is requesting \$100,563.58 from the base grant, leaving a balance of \$0 and is requesting \$489,699.62 from the FY11 competitive grant (Schedule C); and

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, grants final approval to provide a cost share grant to Hunterdon County for the purchase of a development easement on the Property, comprising 81.981 surveyed easement acres, at a State cost share of \$7,200 per acre (60% of certified market value) for a total grant need of approximately \$590,263.20 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule D); and

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

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

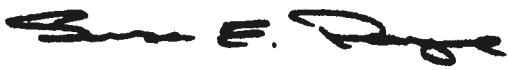
BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC,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

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

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

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

7/25/13
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
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	YES
Peter Johnson	YES

Schedule A

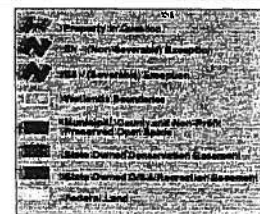


FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Toll Brothers 2/Readington Twp.
Block 94 Lots P/O 19 (83.7 ac)
& P/O19-EN (non-severable exception - 2.0 ac)
Gross Total = 85.7 ac
Readington 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

New Jersey Farmland Preservation
Competative Ranking Report
Farms Receiving Final Approval July 25, 2013
Farms to Utilize Competitive Grant Monies

FY 2011 Funding

County	Municipality	Farm	Acres	Total Competative Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Hunterdon County	Readington Twp.	Readington Toll lot 19 / Little Hills	82	80	10	30	40	0

FY 2013 Funding

County	Municipality	Farm	Acres	Total Competative Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Cumberland County	Stow Creek Twp.	Cumberland Cnty/Sheppard, Mark K.	71	90	0	50	40	0

[illegible]

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Readington Toll lot 19 / Little Hills
10- 0321-PG
County PIG Program
82 Acres

Block 94	Lot 19	Readington Twp.	Hunterdon County			
SOILS:		Other	33.6% *	0	=	.00
		Prime	46.6% *	.15	=	6.99
		Statewide	19.8% *	.1	=	1.98
						SOIL SCORE: 8.97
TILLABLE SOILS:		Cropland Harvested	88% *	.15	=	13.20
		Other	2.4% *	0	=	.00
		Woodlands	9.6% *	0	=	.00
						TILLABLE SOILS SCORE: 13.20
FARM USE:		Wheat-Cash Grain	75 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 Around principal dwelling
 - Exception is not to be severed 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(s)
 - Residence is restricted to a maximum of 4,000 square feet of livable space.
 - 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 FY14R7(7)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

SOMERSET COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Charles and Edith Howard
Montgomery Township, Somerset County

N.J.A.C. 2:76-17 et seq.
SADC ID# 18-0206-PG

July 25, 2013

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Somerset County, which included the Howard Farm, identified as Block 21007, Lots 6 & 7, Montgomery Township, Somerset County, totaling approximately 31 net easement acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the SADC granted final approval of Somerset County's PIG plan on May 24, 2012 and approval of their annual PIG plan update for FY2013 on May 24, 2013 ; and

WHEREAS, the Property is located in Somerset County's Pike Run Project Area; and

WHEREAS, on July 26, 2011 the Howard Farm application was submitted to the Municipal PIG program and pursuant to N.J.A.C. 2:76-17A.9 and on August 8, 2011 was deemed complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, the application was received and processed through certification of value on March 28, 2013 as a Municipal PIG application but has since been transferred to the County PIG program; and

WHEREAS, the Property includes one 4-acre non-severable exception for and restricted to one single family residence; and

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

WHEREAS, the Property was in hay and beef production; and

WHEREAS, the Property has a rank score of 48.60 which exceeds 70% of the County's average quality score of 46, as determined by the SADC on June 24, 2010; 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. 2:76-17A.11, the SADC certified a value of \$43,000 per acre for the development easement for the Property on March 28, 2013 based on the current zoning and environmental regulations as of June 2012; and

WHEREAS, the landowner agreed to accept an offer of \$39,000 per acre which was less than the certified value of \$43,000; and

WHEREAS, on May 6, 2013 the Township and CADB notified SADC staff that the application was being transferred from the Township PIG to the County PIG; and

WHEREAS, on June 20, 2013 the Township passed a resolution transferring the application to Somerset County under the SADC's County PIG Program; and

WHEREAS, the County has informed the SADC the landowners approved the transfer of the application from the Municipal PIG Program to the County PIG Program using the previously contracted price of \$39,000 per acre; and

WHEREAS, the County submitted a request to the SADC on May 16, 2013 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, currently the County has \$2,500,000 of FY11 and FY13 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, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 31.93 acres will be utilized to calculate the SADC grant to be secured for this Property; and

WHEREAS, the estimated cost share breakdown is as follows (based on 31.93 acres):

	<u>Total</u>	
SADC	\$747,162	(\$23,400/acre)
Somerset County	<u>\$498,108</u>	<u>(\$15,600/acre)</u>
Total Easement	\$1,245,270	(\$39,000/acre)

WHEREAS, the County will utilize FY11 base grant funding to cover the SADC cost share; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 the Somerset County Agriculture Development Board is requesting \$747,162 from the base grant, leaving a balance of \$1,752,838; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Somerset County for the purchase of a development easement on the Property, comprising approximately 31.93 net easement acres, at a State cost share of \$23,400 per acre, (60% of purchase price and 54.42% of the SADC certified market value) for a total grant need of \$747,162 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

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

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

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

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

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

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

Date

7/25/13

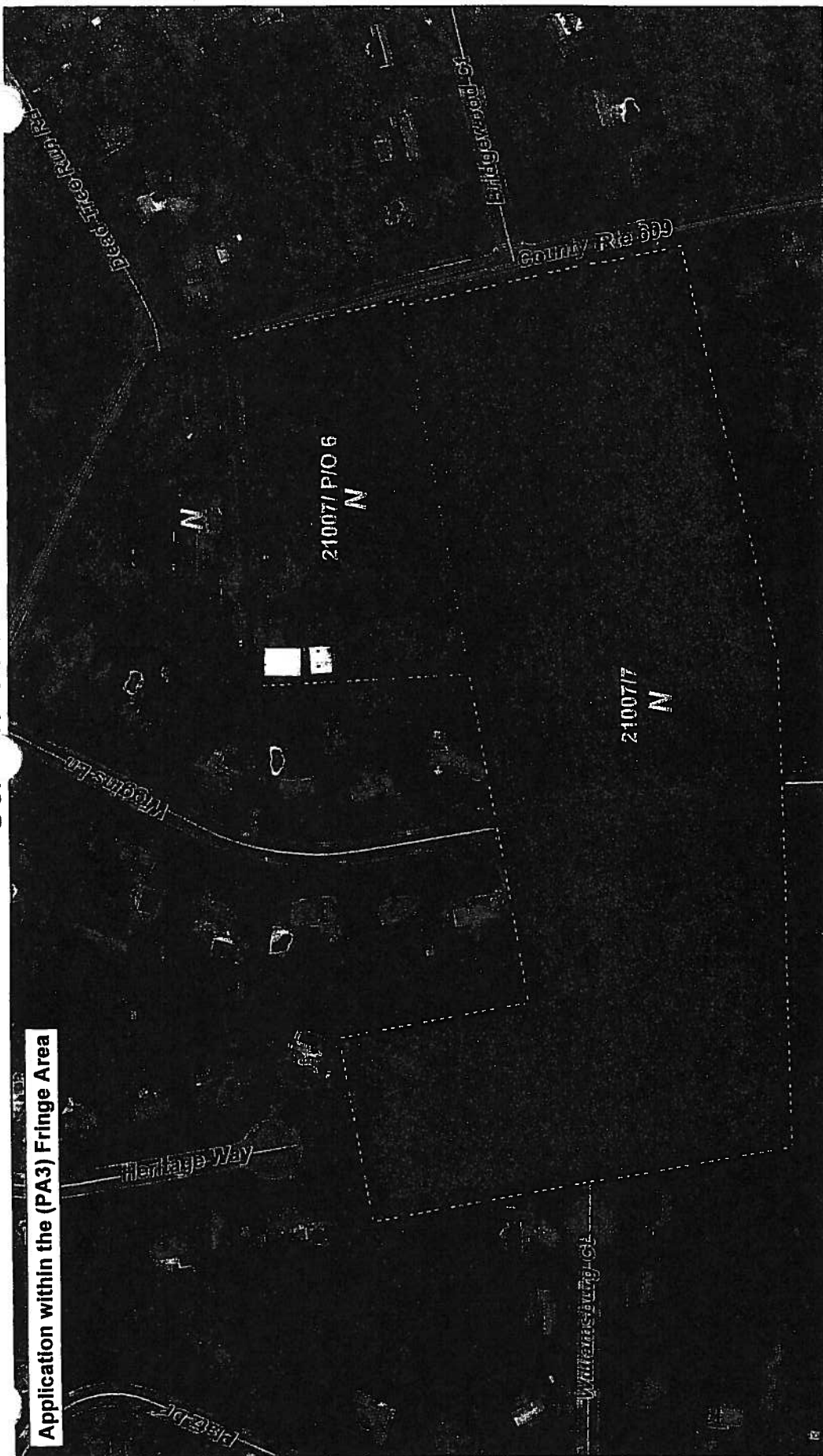


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

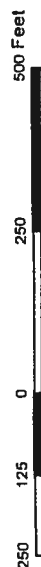
Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT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

Application within the (PA3) Fringe Area

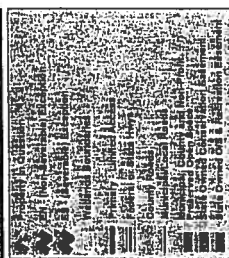


FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Dr. Charles and Edith Howard
Block 21007 Lots P/O 6 (6.3 ac);
Gross Total = 35.4 ac
Montgomery Twp., Somerset County



DISCLAIMER: Any use of this product with respect to accuracy and precision that be the sole responsibility of the user. The configuration and geo-referenced location of partial polygons are not intended to be used as a legal boundary. The configuration and geo-referenced location of partial polygons are not intended to be relied upon in matters regarding definition and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.



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
NJDEP Green Acres Conservation Easement Data
NJDOTGIS 2012 Digital Aerial Image

June 14, 2013

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Howard, Charles & Edith
18- 0206-PG
County PIG Program
31 Acres

Block 21007	Lot 6	Montgomery Twp.	Somerset County
Block 21007	Lot 7	Montgomery Twp.	Somerset County

SOILS:	Local	39% * .05	=	1.95	
	Prime	46% * .15	=	6.90	
	Statewide	15% * .1	=	1.50	
				SOIL SCORE:	10.35

TILLABLE SOILS:	Cropland Harvested	92% * .15	=	13.80	
	Permanent Pasture	8% * .02	=	.16	
				TILLABLE SOILS SCORE:	13.96

FARM USE:	Hay	20 acres
	Beef Cattle Feedlots	acres

4

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st four (4) acres for existing residence and improvements
 - Exception is not to be severed from Premises
 - Right to Farm language is to be included in Deed of Easement
 - 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 FY14R7(6)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

**SUSSEX COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
Goldman Frankford Farm Partners
Frankford Township, Sussex County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 19-0031-PG**

July 25, 2013

WHEREAS, on December 17, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Sussex 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, Sussex County received SADC approval of its FY2014 PIG Plan application annual update on May 23, 2013; and

WHEREAS, on August 15, 2012 the SADC received an application for the sale of a development easement from Sussex County for the Goldman Frankford Farm Partners farm identified as Block 43, Lot 4 and Block 46, Lot 2, Frankford Township, Sussex County, totaling approximately 92 net easement acres hereinafter referred to as "Property" and as identified on the attached map (Schedule A); and

WHEREAS, the Property is located in Sussex County's Central Kittatiny Valley Project area; and

WHEREAS, the Property has one (1) existing single family residence, zero (0) agricultural labor housing units and no pre-existing non-agricultural on the area to be preserved; and

WHEREAS, at the time of application the Property was in 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, because the Property consists of non-contiguous parcels the landowner has signed the SADC Division of the Premises Guidance Document for non-contiguous parcels (Schedule B); and

WHEREAS, the Property has a rank score of 49.35 which exceeds 70% of the County's average quality score of 39, as determined by the SADC on July 28, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on October 1, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on March 28, 2013 the SADC certified a development easement value of \$4,900 per acre based on zoning and environmental regulations in place as of January 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the landowner accepted the County's offer price of \$4,900 per acre for the development easement for the Property; and

WHEREAS, on May 16, 2013 the County prioritized its farms and submitted it to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, currently the County has \$1,054,800.66 of base grant funding available, 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 C); and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 94.76 acres will be utilized to calculate the SADC grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 94.76 acres):

	<u>Cost Share</u>	
SADC	\$316,498.40	(\$3,340 per acre)
Sussex County	\$147,825.60	(\$1,560 per acre)
Purchase Price	\$464,324	(\$4,900 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Frankford Township on approved the application without participating financially on April 23, 2013, the Sussex County Agriculture Development Board approved the application on April 15, 2013, and the Sussex County Board of Chosen Freeholders approved the required local match \$1,560/acre (approximately \$147,825.60) on June 12, 2013; and

WHEREAS, the Sussex County Agriculture Development Board is requesting \$316,498.40 of base grant funding, leaving a balance of approximately \$738,302.26 (Schedule C); 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 the Sussex County for the purchase of a development easement on the Property, comprising approximately 94.76 net easement acres, at a State cost share of \$3,340 per acre for a total grant need of approximately \$316,498.40, 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) after closing on the easement purchase; and

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

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with 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.

7/25/13

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
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	RECUSED
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	YES
Peter Johnson	YES

Schedule A

x:\counties\susco\projects\goldman_fw.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Goldman Frankford Farm Partners
Block 43 Lot 4 (28.8 ac)
& Block 46 Lot 2 (54.2 ac)
Gross Total = 83.0 ac
Frankford Twp., Sussex County

1,000 500 0 1,000 2,000 Feet



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

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
NJOT/OGIS 2007/2008 Digital Aerial Image

August 28, 2012

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY14R7(8)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

KNOWLTON TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Paul Ritter (Brook Hollow Winery)
Knowlton Township, Warren County

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

SADC ID# 21-0521-PG

July 25, 2013

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 Knowlton Township, Warren County; and

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

WHEREAS, on April 25, 2012, the SADC received an individual application for the sale of a development easement from Knowlton Township for the Ritter Farm, identified as Block 11, Lot 10, Knowlton Township, Warren County, totaling approximately 7 net easement acres (Schedule A); and

WHEREAS, the Property includes a 3-acre non-severable exception for the winery infrastructure and related non-agricultural uses including weddings, winery events and parties; and

WHEREAS, the landowner has agreed to restrict the exception area to agriculture, rural enterprises, and other uses the SADC may deem to be non-agricultural, none of which may adversely affect the neighboring preserved land; 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 a vineyard; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Knowlton Township for the purchase of a development easement on the Ritter Farm by Warren County, comprising approximately 7 acres, at a State cost share of \$6,000/acre, (60% of certified market value), for an estimated total grant need of \$42,000 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that the landowner has agreed to restrict the exception area to agriculture, rural enterprises, and other uses the SADC may deem to be non-agricultural, none of which may adversely affect the neighboring preserved land; and

BE IT FURTHER RESOLVED, if 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 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.

7/25/13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

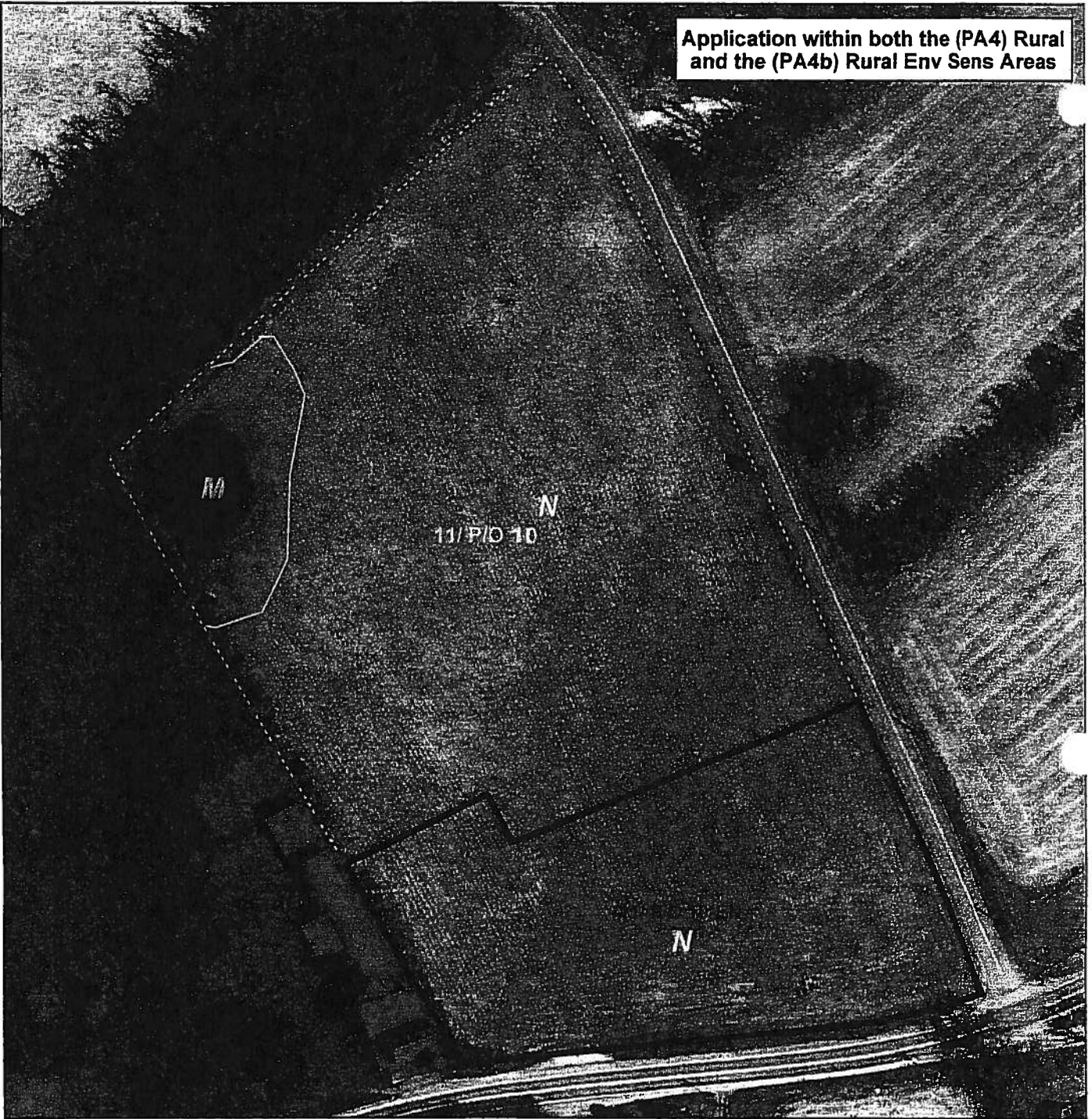
VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A

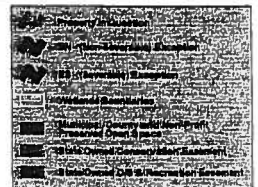
Application within both the (PA4) Rural and the (PA4b) Rural Env Sens Areas

x:\counties\warco\projects\ritter_fw\ritter_fw.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

P. Ritter/Brook Hollow Winery
Block 11 Lots P/O 10 (7.0 ac) & P/O 10-EN (non-severable exception - 3.0 ac)
Gross Total = 10.0 ac
Knowlton 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 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
NJOT/IGIS 2007/2008 Digital Aerial Image

June 11, 2012

schedule B

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

Farm	SADG ID#	Acres	Pay Acres	SADG Guaranteed Per Acre	Negotiated & Approved Per Acre	SADG Grant Per Acre	Grant % Per Acre	Easement Consideration	SADC			78a - GSPT	
									Cost Basis	Cost Share	Encumbered	Expended	Balance
Peck	21-0473	37.643		3,500.00	3,900.00	2,500.00		146,807.70	131,750.50	94,107.50		94,107.50	1,750,000.00
Buchman	21-0485	59.199	59.146	4,300.00	2,736.39	2,015.47	73.65%	161,846.52		119,206.99		119,206.99	1,655,892.50
Ring	21-0495	41.659	38.439	4,100.00	4,100.00	2,860.00	69.76%	157,599.90	157,599.90	109,935.54		109,935.54	1,536,685.51
Bertholf amended	21-0514	60.000		5,300.00		3,550.00	55.98%	318,000.00	318,000.00	213,000.00		213,000.00	1,213,749.97
Flitter	21-0521	7.000		10,000.00	10,000.00	6,000.00	60.00%	70,000.00	70,000.00	42,000.00			1,171,749.97
Total Pending	1	7.000								255,000.00			
Total Encumbered											42,000.00		
Closed/Expended	4	198.501										536,250.03	
Total													1,171,749.97
Reprogram Out													

Schedule B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Ritter Farm (Brook Hollow Winery)
21- 0521-PG
PIG EP - Municipal 2007 Rule
7 Acres

Block 11	Lot 10	Knowlton Twp.	Warren County
SOILS:		Other	14% * 0 = .00
		Statewide	86% * .1 = 8.60
			SOIL SCORE: 8.60
TILLABLE SOILS:		Cropland Harvested	100% * .15 = 15.00
			TILLABLE SOILS SCORE: 15.00
FARM USE:	Grape		7 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 Winery & related NonAgricultural Uses
 - Exception is not to be severed from Premises
 - Right to Farm language is to be included in Deed of Easement
 - Exception is to be restricted to zero single family residential unit(s)
 - c. Additional Restrictions:
 1. 1. The landowner has agreed to restrict the exception area to agriculture, rural enterprises, and other uses the SADC may deem to be non-agricultural, none of which will be allowed to adversely affect the neighboring preserved land. We understand the landowner intends to build infrastructure within the exception area which may be used to host and be rented for parties, winery events, weddings and related events. 2. The exception area will also be restricted from any primary residential uses such as single family homes.
 - 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 FY14R7(9)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

**WHITE TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
Vernon & Beverly Erhardt ("Landowner")
White Township, Warren County**

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

SADC ID# 21-0522-PG

July 25, 2013

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from White Township, Warren County; and

WHEREAS, the SADC granted approval to White Township's Farmland Preservation FY14 PIG Plan application annual update on May 23, 2013; and

WHEREAS, on May 3, 2012, the SADC received an individual application for the sale of a development easement from White Township for the Erhardt Farm, identified as Block 10, Lot 33, White Township, Warren County, totaling approximately 27 easement acres (Schedule A); and

WHEREAS, the Property includes a 3-acre non-severable exception for an existing single family residence and improvements, to be restricted to two single family residences; and

WHEREAS, the Landowner understands that the Property and exception area is subject a buffer (Schedule A) and to enhanced environmental restrictions outlined in the New Jersey Department of Environmental Protection's Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38 et. seq., which may preclude the construction of a second single family residence within the exception area; and

WHEREAS, at the time of application the Property was in hay production; 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, 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 June 22, 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 December 13, 2012 the SADC certified a development easement value of \$7,200 per acre based on zoning and environmental regulations in place as of 1/01/04 and \$525 per acre based on zoning and environmental regulations in place as of the current valuation date of August 2012; and

WHEREAS, the Township has contracted with the landowner at \$7,200 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, a parcel application was submitted by the SADC to the United States Department of Agriculture, Natural Resources Conservation Service Federal Farm and Ranch Lands Protection Program (FRPP); and

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

WHEREAS, for the purposes of this resolution the FRPP grant will be based on an estimated FRPP current easement value of \$600 per acre equating to an FRPP grant of \$300 per acre (50% of \$600) or approximately \$8,100 in total FRPP funds; and

WHEREAS, the landowner has agreed to the additional restrictions involved with the FRPP Grant, including a 5.67% maximum impervious coverage restriction (approximately 1.53 acres available for impervious cover) on the lands being preserved outside of the exception area; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on September 4, 2012 the White Township Committee approved the application and a commitment of funding for their \$1,350/acre cost share; and

WHEREAS, the Warren County Agriculture Development Board approved the application on June 20, 2013 and secured a commitment of funding on July 10, 2013 from the Warren County Board of Chosen Freeholders for the required local match (\$1,350/acre); and

WHEREAS, to best leverage available funding the Township has requested to use the FRPP grants funds to cover a portion of the Township's cost share; and

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

WHEREAS, the cost share breakdown is approximately as follows:

Cost share breakdown prior to FRPP Grant (based on 27 acres):

	<u>Total</u>	
SADC	\$121,500	(\$4,500/acre)
Warren County	\$ 36,450	(\$1,350/acre)
White Township	\$ 36,450	(\$1,350/acre)
Total Easement Purchase	\$194,400	(\$7,200/acre)

Cost share breakdown after \$8,100 FRPP Grant is applied:

	<u>Total</u>	<u>FRPP \$</u>	<u>New Cost Share</u>
SADC	\$121,500 (\$4,500/acre)	\$ 0	\$121,500
Warren County	\$ 36,450 (\$1,350/acre)	\$ 0	\$36,450
White Township	\$ 36,450 (\$1,350/acre)	\$ 8,100	\$28,350
FRPP Grant			\$ 8,100 (\$300/acre)
	\$194,400 (\$7,200/acre)	\$8,100	\$194,400

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 White Township for the purchase of a development easement on the Erhardt Farm by Warren County, comprising approximately 27 acres, at a State cost share of \$4,500/acre, (62.5% of certified market value), for an estimated total grant need of \$121,500 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, if 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.

7/25/13
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
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	YES
Peter Johnson	YES

Schedule A

x:\counties\warco\projects\erhardt_fw\fw.mxd



Application within the Highland Preservation Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Vernon and Beverly Erhardt
Block 10 Lots P/O 33 (22.5 ac)
& P/O 33-EN (non-severable exception - 3.0 ac)
Gross Total = 25.5 ac
White Twp., Warren County

250 125 0 250 500 Feet



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

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
NJCHT/OGIS 2007/2008 Digital Aerial Image

May 9, 2012

Schedule 13

Municipal Planning Incentive Grant
White Township, Warren County

Line Item	SAID ID	Acres	SAID	Per Acre	Eligible Acres	3125 Grant Per Acre	Grant Percentage	Assessment Consideration	SAID Grant	SAID	Local Budget	Bus. Share	SAID Federal Grant	SAID Encumbrance	SAID GSP Encumbrance	Balance
Erhardt	21-0522-PG	27.000		7,200.00		7,200.00	4,500.00	62.50%	194,400.00	8,100.00	194,400.00	121,500.00		121,500.00		1,128,500.00
Walburn	21-0525-PG	26.000														1,128,500.00
Total Pending	2	53.000										121,500.00				
Total Encumbered														121,500.00		
Global/Expended															0.00	
Total																1,128,500.00
Reprogram Out																

Schedule 13

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Vernon & Beverly Erhardt
21- 0522-PG
PIG EP - Municipal 2007 Rule
27 Acres

Block 10	Lot 33	White Twp.	Warren County
SOILS:		Other	4% * 0 = .00
		Prime	96% * .15 = 14.40
			SOIL SCORE: 14.40
TILLABLE SOILS:		Cropland Harvested	91% * .15 = 13.65
		Permanent Pasture	7% * .02 = .14
		Woodlands	2% * 0 = .00
			TILLABLE SOILS SCORE: 13.79
FARM USE:	Hay		26 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 SFR/farmstead & future SFR
 - Exception is not to be severed from Premises
 - Exception is to be restricted to two single family residential unit(s)
 - c. Additional Restrictions:
 1. FY2012 FRPP via SADC
 2. Pursuant to the Federal Farm and Ranch Land Protection Program the landowner has agreed to a maximum impervious coverage of 5.67% or 1.53 acres
 - 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 FY14R7(10)

Final Approval and Authorization to
Execute Deed of Easement, Project Agreement, and Closing Documents
The Land Conservancy of New Jersey – Star D Farm
2012 Non Profit Round – SADC #21-0027 NP

July 25, 2013

WHEREAS, on May 21, 2012 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from The Land Conservancy of New Jersey (TLCNJ) for the Star D farm identified as Block 7, Lot 1.03, Harmony Township, Warren County, totaling approximately 40 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Star D farm and the K-J farm are contingent upon on the subdivision of Block 7, Lot 1, Harmony Township, Warren County (approximately 151 gross acres), into the respective Lots 1.03 (40 acres) and 1.03 (103 acres) prior to closing (Schedule A-1); and

WHEREAS, Harmony Township Land Use Board approved the subdivision on March 6, 2013; and

WHEREAS, the Property will be designated as Block 7, Lot 1.03; and

WHEREAS, the Property has one four (4) acre non-severable exception around an existing two-family residence, barns and outbuildings; and

WHEREAS, the exception will be restricted to either one two-family residence or one single family residence; and

WHEREAS, the farm is approximately 100 percent tilled, was in hay production and pasture at the time of application and meets the minimum criteria as set forth in N.J.A.C. 2:76-6.20; and

WHEREAS, on September 27, 2012 the SADC granted preliminary approval by Resolution #FY2013R9(26) to the TLCNJ's application and appropriated \$1,516,983 for the acquisition of development easements on five farms including the Star D Farm; and

WHEREAS, at this time none of the appropriated money has been encumbered (Schedule B); and

WHEREAS, in accordance with N.J.A.C. 2:76-12.2(b) the SADC determined that any farm that has a quality score (as determined by N.J.A.C. 2:76-6.16) greater than or equal to 70% of the county average quality score as determined in the County PIG program be eligible for funding; and

WHEREAS, the Property has a quality score of 68.43 which is greater than 70% of the County average quality score of 42 as determined by the Committee on September 27, 2012; and

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

WHEREAS, on June 27, 2013 the SADC certified the development easement value of the Property to be \$6,900 per acre based on current zoning and environmental regulations in place (as of April 1, 2013); and

WHEREAS, this certification was contingent upon a subdivision deed being filed in the County Clerk's office prior to the preservation of Lot 1.03 perfecting the creation of Lot 1.03; an

WHEREAS, on June 27, 2013 the SADC informed TLCNJ of the certified value and its willingness to provide a 50 percent cost share grant pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of eligible costs and subject to available funds; and

WHEREAS, on July 2, 2013 TLCNJ informed the SADC that it will accept the SADC cost share of \$3,450 per acre for a total value of \$6,900 per acre; and

WHEREAS, the Warren County Board of Chosen Freeholders entered into a Farmland Preservation Agreement with TLCNJ dated January 25, 2013 which provides 50% matching funds from Warren County for TLCNJ easement acquisition on the Star D farm; and

WHEREAS, the cost share breakdown based on 40 acres is as follows:

Warren County	\$ 138,000	\$3,450/acre
SADC Nonprofit Grant Funds	<u>\$ 138,000</u>	<u>\$3,450/acre</u>
Total	\$ 276,000	\$6,900/acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3, the SADC shall provide a cost share grant to TLCNJ for up to 50% of the eligible ancillary costs which will be deducted from its 2013 appropriation and subject to the availability of funds (Schedule B); and

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to The Land Conservancy of New Jersey for the Star D farm easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, that one four (4) acre non-severable exception around the existing two- family residence, barns and outbuildings is recognized; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$3,450 per acre (total of approximately \$138,000 based on 40 acres) to The Land Conservancy of New Jersey for the development easement acquisition on the Star D farm subject to the availability of funds; and

BE IT FURTHER RESOLVED, the application is subject to the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that closing cannot take place until the subdivision deed is filed in the County Clerk's office perfecting the creation of Lot 1.03; and

BE IT FURTHER RESOLVED that the SADC authorizes staff to proceed with the preparation of a Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1; and

BE IT FURTHER RESOLVED, the SADC's cost share grant to The Land Conservancy of New Jersey for the development easement purchase 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, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED that the SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute by signature all documents necessary to provide a grant to The Land Conservancy of New Jersey for the acquisition of a development easement on the Star D farm; 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 this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

7/25/13
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
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	YES
Peter Johnson	YES

Schedule A



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

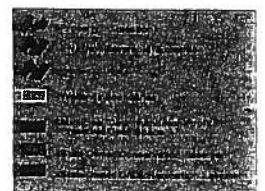
Star D LLC/ LCNJ

Block 7 P/O Lot 1 (39.73 ac) & P/O Lot 1-EN (non-severable exception - 4.02 ac)

Gross Total = 43.76 ac

Harmony Twp., Warren County

500 250 0 500 1,000 Feet



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

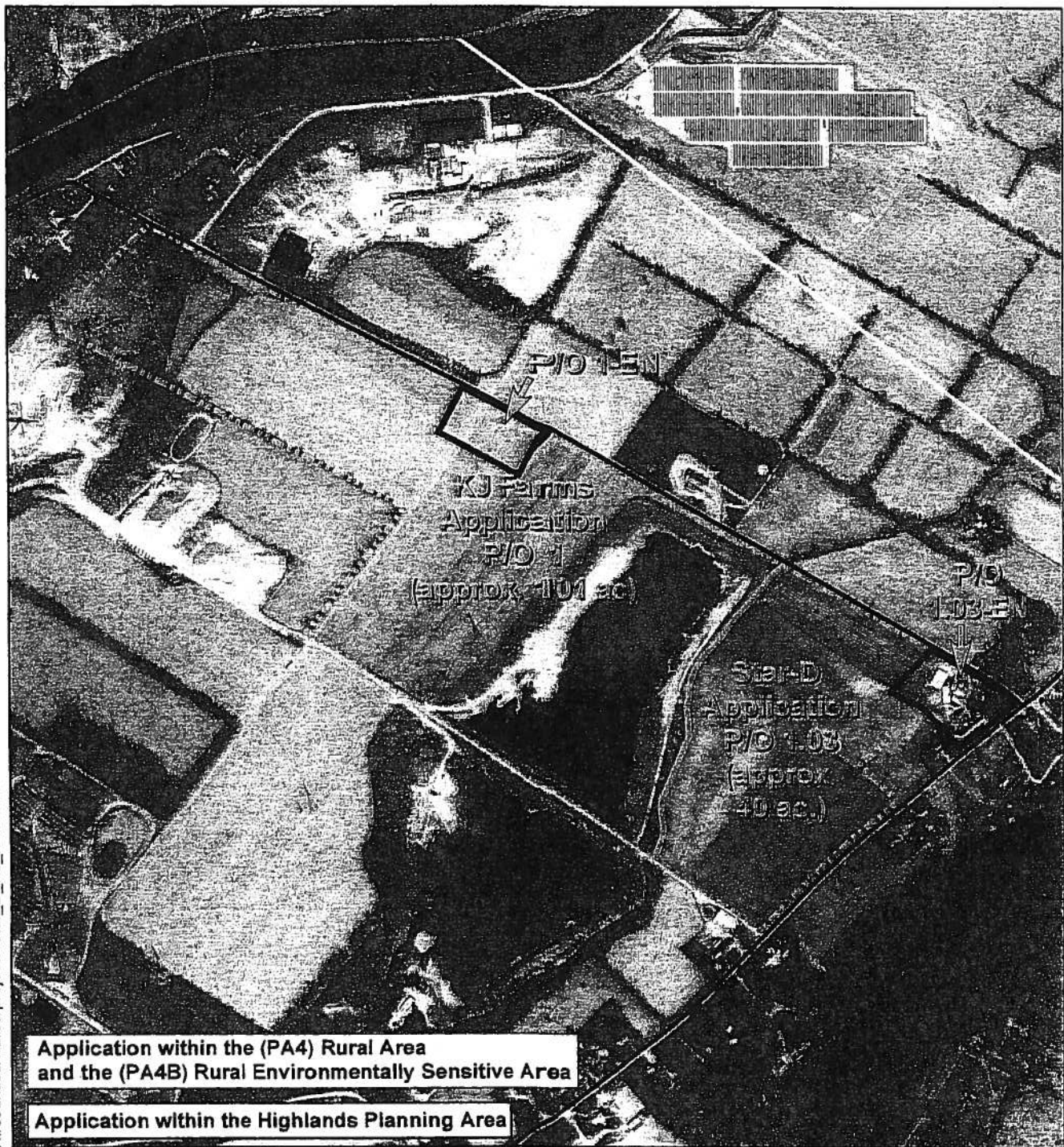
DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision 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
NJOT/OGIS 2007/2008 Digital Aerial Image

Date: 8/4/2012

Schedule A-1

X:\counties\warco\projects\Star_D_KJ_aerial.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

KJ Farms
Block 7 P/O Lot 1 (101.68 ac) & P/O Lot 1-EN (non-severable exception – 3.0 ac)
Star-D Farm
To Be Block 7 P/O Lot 1.03 (39.73 ac) & P/O Lot 1.03-EN (non-severable exception – 4.02 ac)
Gross Total = 148.47 ac
Harmony Twp. Twp., Burlington County

1,000 500 0 1,000 2,000 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.

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

Month xx, 20xx

Schedule B

New Jersey Farmland Preservation Program
2013 NON PROFIT GRANT ROUND

Applicant (Project)	County	Municipality	Acres	CMV	Date Closed	Approp	Total Cost	SADC Grant	Grant Amount/ Balance
The Land Conservancy of New Jersey									1,516,983.00
Siar D	Warren	Harmony	40,000	6,900.00			276,000.00	138,000.00	1,378,983.00
K-J Farm	Warren	Harmony	103,000	3,175.00			327,025.00	163,512.50	1,215,470.50
May	Warren	Hope	21,000	5,950.00			124,950.00	62,475.00	1,152,995.50
Sunny Hill	Warren	Harmony	24,000	6,950.00			168,800.00	83,400.00	1,069,595.50
Bindon	Somerset	Bedminster	75,000						

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Star D LLC
21- 0027-NP
FY 2012 Easement Purchase - Nonprofit
40 Acres

Block 7	Lot 1.03	Harmony Twp.	Warren County
SOILS:	Prime	100% * .15	= 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:	Cropland Harvested	100% * .15	= 15.00
			TILLABLE SOILS SCORE: 15.00
FARM USE:	Field Crop Except Cash Grain	40 acres	hay

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 50% of the eligible costs. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st four (4) acres for around farmstead and duplex
 - Exception is not to be severable from Premises
 - c. Additional Restrictions:
 1. The exception is restricted to one two-family home or one single family home.
 - d. Additional Conditions:

Certified Value is contingent upon subdivision of subject tax lot being finalized prior to closing.
 - 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 eligible costs ancillary to 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, N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY14R7(11)

Final Approval and Authorization to
Execute Deed of Easement, Project Agreement, and Closing Documents
The Land Conservancy of New Jersey - K-J Farm
2012 Non Profit Round - SADC #21-0028 NP

July 25, 2013

WHEREAS, on May 21, 2012 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from The Land Conservancy of New Jersey (TLCNJ) for the K-J farm identified as Block 7, Lot 1, Harmony Township, Warren County, totaling approximately 103 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the K-J farm and the Star D farm are contingent upon on the subdivision of Block 7, Lot 1, Harmony Township, Warren County (approximately 151 gross acres), into the respective Lots 1 (103 acres) and 1.03 (40 acres) prior to closing (Schedule A-1); and

WHEREAS, Harmony Township Land Use Board approved the subdivision on March 6, 2013; and

WHEREAS, the Property will be designated as Block 7, Lot 1; and

WHEREAS, the Property has one three (3) acre non-severable exception restricted to one future single family residence; and

WHEREAS, the farm is approximately 56 percent tilled, was in field corn production at the time of application and meets the minimum criteria as set forth in N.J.A.C. 2:76-6.20; and

WHEREAS, on September 27, 2012 the SADC granted preliminary approval by Resolution #FY2013R9(26) to the TLCNJ's application and appropriated \$1,516,983 for the acquisition of development easements on five farms including the K-J Farm; and

WHEREAS, TLCNJ has received final approval for the Star D farm which used approximately \$138,000 of the appropriated funds, leaving a balance of approximately \$1,378,983 for the K-J farm (Schedule B); and

WHEREAS, in accordance with N.J.A.C. 2:76-12.2(b) the SADC determined that any farm that has a quality score (as determined by N.J.A.C. 2:76-6.16) greater than or equal to 70% of the county average quality score as determined in the County PIG program be eligible for funding; and

WHEREAS, the Property has a quality score of 51.99 which is greater than 70% of the County average quality score of 42 as determined by the Committee on September 27, 2012; and

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

WHEREAS, in accordance with N.J.A.C. 2:76-15.1 if two appraisals have been obtained on a parcel and the difference between the two appraisal values is 10 percent of the higher appraisal value or less, the eligible land cost shall be the average of the appraisal values. The two appraisals submitted were within 10 percent of the highest appraisal value and the resulting average was \$3,175 per acre; and

WHEREAS, on June 27, 2013 the SADC certified the development easement value of the Property to be \$3,175 per acre based on current zoning and environmental regulations in place (as of April 1, 2013); and

WHEREAS, this certification was contingent upon a subdivision deed being filed in the County Clerk's office prior to the preservation of Lot 1 perfecting the creation of Lot 1; and

WHEREAS, on June 27, 2013 the SADC informed TLCNJ of the certified value and its willingness to provide a 50 percent cost share grant pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of eligible costs and subject to available funds; and

WHEREAS, on July 2, 2013 TLCNJ informed the SADC that it will accept the SADC cost share of \$1,587.50 per acre for a total value of \$3,175 per acre; and

WHEREAS, the Warren County Board of Chosen Freeholders entered into a Farmland Preservation Agreement with TLCNJ dated January 25, 2013 which provides 50% matching funds from Warren County for TLCNJ easement acquisition on the K-J farm; and

WHEREAS, the cost share breakdown based on 103 acres is as follows:

Warren County	\$ 163,512.50	\$1,587.50/acre
SADC Nonprofit Grant Funds	<u>\$ 163,512.50</u>	<u>\$1,587.50/acre</u>
Total	\$ 327,025	\$3,175/acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3, the SADC shall provide a cost share grant to TLCNJ for up to 50% of the eligible ancillary costs which will be deducted from its 2013 appropriation and subject to the availability of funds (Schedule B); and

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to The Land Conservancy of New Jersey for the K-J farm easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, that one three (3) acre non-severable exception for a future single family residence is recognized; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$1,587.50 per acre (total of approximately \$163,512.50 based on 103 acres) to The Land Conservancy of New Jersey for the development easement acquisition on the K-J farm subject to the availability of funds; and

BE IT FURTHER RESOLVED, the application is subject to the conditions contained in (Schedule C);
and

BE IT FURTHER RESOLVED, that closing cannot take place until the subdivision deed is filed in the
County Clerk's office perfecting the creation of Lot 1; and

BE IT FURTHER RESOLVED that the SADC authorizes staff to proceed with the preparation of a
Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1;
and

BE IT FURTHER RESOLVED, the SADC's cost share grant to The Land Conservancy of New Jersey
for the development easement purchase 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, and streams or water bodies on the
boundaries of the Premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED that the SADC authorizes Douglas Fisher, Secretary of Agriculture as
Chairperson of the SADC or Executive Director Susan E. Payne to execute by signature all
documents necessary to provide a grant to The Land Conservancy of New Jersey for the
acquisition of a development easement on the K-J farm; 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 this action is not effective until the Governor's review period
expires pursuant to N.J.S.A. 4:1C-4f.

7/25/13
Date

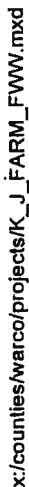


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

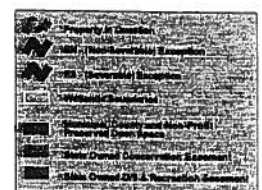
Douglas H. Fisher, Chairperson	YES
Cecile Murphy (rep. DEP Commissioner Martin)	YES
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT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

Schreibe A



**Application within the (PA4) Rural Area
and the (PA4B) Rural Env Sensitive Area**

Block 7 P/O Lot 1 (101.69 ac) & P/O Lot 1-EN (non-severable exception - 3.03 ac)
Gross Total = 104.72 ac
Harmony Twp., Warren County



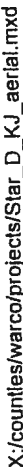
Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

DISCLAIMER: Any use of this product with respect to 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
NJOT/OGIS 2007/2008 Digital Aerial Image

Date: 5/31/2012

Schedule A-1



FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

KJ Farms
Block 7 P/O Lot 1 (101.68 ac) & P/O Lot 1-EN (non-severable exception – 3.0 ac)
Star-D Farm
To Be Block 7 P/O Lot 1.03 (39.73 ac) & P/O Lot 1.03-EN (non-severable exception – 4.02 ac)
Gross Total = 148.47 ac
Harmony Twp. Twp., Burlington County



DISCLAIMER Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of 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:
Green Acres Conservation Easement Data
NJOT/OGIS 2012 Digital Aerial Image

Date: 7/12/2013

Schedule B

New Jersey Farmland Preservation Program
2013 NON PROFIT GRANT ROUND

Applicant (Project)	County	Municipality	Acres	CMV	Date Closed	Approp	Total Cost	SADC Grant	Grant Amount/ Balance
The Land Conservancy of New Jersey									1,516,983.00
Star D	Warren	Harmony	40.000	6,900.00			276,000.00	138,000.00	1,378,983.00
K-J Farm	Warren	Harmony	103.000	3,175.00			327,025.00	163,512.50	1,215,470.50
May	Warren	Hope	21.000	5,950.00			124,950.00	62,475.00	1,152,995.50
Sunny Hill	Warren	Harmony	24.000	6,950.00			166,800.00	83,400.00	1,069,595.50
Blindon	Somerset	Bedminster	75.000						

JCH 2/1/12

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

LCNJ\K-J Farm
21- 0028-NP
FY 2012 Easement Purchase - Nonprofit
102 Acres

Block 7	Lot 1	Harmony Twp.	Warren County
SOILS:		Other	40.57% * 0 = .00
		Prime	57.48% * .15 = 8.62
		Statewide	1.95% * .1 = .20
			SOIL SCORE: 8.82
TILLABLE SOILS:		Cropland Harvested	56% * .15 = 8.40
		Other	38% * 0 = .00
		Woodlands	6% * 0 = .00
			TILLABLE SOILS SCORE: 8.40
FARM USE:	Corn-Cash Grain	57 acres	corn

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 50% of the eligible costs. 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 1 future SFR
 - Exception is not to be severable from Premises
 - 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
6. The SADC's grant for eligible costs ancillary to 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, N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY14R7(12)

Final Approval and Authorization to
Execute Deed of Easement, Project Agreement, and Closing Documents
The Land Conservancy of New Jersey - May Farm
2012 Non Profit Round - SADC #21-0030 NP

July 25, 2013

WHEREAS, on May 21, 2012 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from The Land Conservancy of New Jersey (TLCNJ) for the May farm identified as Block 1100, Lot 400, Hope Township, Warren County, totaling approximately 21 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property has one two (2) acre severable exception restricted to one future single family residence; and

WHEREAS, the farm is approximately 56 percent tilled, was in corn production at the time of application and meets the minimum criteria as set forth in N.J.A.C. 2:76-6.20; and

WHEREAS, on September 27, 2012 the SADC granted preliminary approval by Resolution #FY2013R9(26) to the TLCNJ's application and appropriated \$1,516,983 for the acquisition of development easements on five farms including the May Farm; and

WHEREAS, TLCNJ has received final approval for the Star D and K-J farms which used approximately \$301,512.50 of the appropriated funds, leaving a balance of approximately \$1,215,470.50 for the May farm (Schedule B); and

WHEREAS, in accordance with N.J.A.C. 2:76-12.2(b) the SADC determined that any farm that has a quality score (as determined by N.J.A.C. 2:76-6.16) greater than or equal to 70% of the county average quality score as determined in the County PIG program be eligible for funding; and

WHEREAS, the Property has a quality score of 56.43 which is greater than 70% of the County average quality score of 42 as determined by the Committee on September 27, 2012; and

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

WHEREAS, in accordance with N.J.A.C. 2:76-15.1 if two appraisals have been obtained on a parcel and the difference between the two appraisal values is 10 percent of the higher appraisal value or less, the eligible land cost shall be the average of the appraisal values. The two appraisals submitted were within 10 percent of the highest appraisal value and the resulting average was \$5,950 per acre; and

WHEREAS, on June 27, 2013 the SADC certified the development easement value of the Property to be \$5,950 per acre based on current zoning and environmental regulations in place (as of April 1, 2013); and

WHEREAS, on June 27, 2013 the SADC informed TLCNJ of the certified value and its willingness to provide a 50 percent cost share grant pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of eligible costs and subject to available funds; and

WHEREAS, on July 2, 2013 TLCNJ informed the SADC that it will accept the SADC cost share of \$2,975 per acre; and

WHEREAS, the Warren County Board of Chosen Freeholders entered into a Farmland Preservation Agreement with TLCNJ dated January 25, 2013 which provides 50% matching funds from Warren County for TLCNJ easement acquisition on the May farm; and

WHEREAS, the cost share breakdown based on 21 acres is as follows:

Warren County	\$ 62,475	\$2,975/acre
SADC Nonprofit Grant Funds	<u>\$ 62,475</u>	<u>\$2,975/acre</u>
Total	\$124,950	\$5,950/acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3, the SADC shall provide a cost share grant to TLCNJ for up to 50% of the eligible ancillary costs which will be deducted from its 2013 appropriation and subject to the availability of funds (Schedule B); and

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to The Land Conservancy of New Jersey for the May farm easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, that one, two (2) acre severable exception restricted to one future single family residence is recognized; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$2,975 per acre (total of approximately \$62,475 based on 21 acres) to The Land Conservancy of New Jersey for the development easement acquisition on the May farm subject to the availability of funds; and

BE IT FURTHER RESOLVED, the application is subject to the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED that the SADC authorizes staff to proceed with the preparation of a Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1; and

BE IT FURTHER RESOLVED, the SADC's cost share grant to The Land Conservancy of New Jersey for the development easement purchase 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, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED that the SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute by signature all documents necessary to provide a grant to The Land Conservancy of New Jersey for the acquisition of a development easement on the May farm; 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 this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

7/25/13

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
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	YES
Peter Johnson	YES

Wetlands

Schedule A

X:\counties\warco\projects\may_farm_LCNJ_fwv.mxd



Application within the Highlands Planning Area

Application within the (PA4) Rural Area
and the (PA4B) Rural Env Sensitive Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

May Farm/ LCNJ

Block 1100 P/O Lot 400 (20.89 ac) & P/O Lot 400-ES (severable exception - 1.99 ac)

Gross Total = 22.88 ac

Hope Twp., Warren County



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
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
NJOT/OGIS 2007/2008 DigitalAerial Image

Date: 5/31/2013

Schedule B

**New Jersey Farmland Preservation Program
2013 NON PROFIT GRANT ROUND**

Applicant (Project)	County	Municipality	Acres	CMV	Date Closed	Approp	Total Cost	SADC Grant	Grant Amount/ Balance
The Land Conservancy of New Jersey									1,516,963.00
Star D	Warren	Harmony	40.000	6,900.00			276,000.00	138,000.00	1,378,963.00
K-J Farm	Warren	Harmony	103.000	3,175.00			327,025.00	163,512.50	1,215,470.50
May	Warren	Hope	21.000	5,950.00			124,950.00	62,475.00	1,152,995.50
Sunny Hill	Warren	Harmony	24.000	6,950.00			166,800.00	83,400.00	1,069,595.50
Blindon	Somerset	Bedminster	75.000						

Schrecke C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

May Farm
21- 0030-NP
FY 2012 Easement Purchase - Nonprofit
21 Acres

Block 1100	Lot 400	Hope Twp.	Warren County
SOILS:		Other	97% * 0 = .00
		Prime	3% * .15 = .45
			SOIL SCORE: .45
TILLABLE SOILS:		Cropland Harvested	66% * .15 = 9.90
		Woodlands	34% * 0 = .00
			TILLABLE SOILS SCORE: 9.90
FARM USE:	Corn-Cash Grain		14 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 50% of the eligible costs. 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 home site
 - 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
 - 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 eligible costs ancillary to 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, N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY14R7(13)

Final Approval and Authorization to
Execute Deed of Easement, Project Agreement, and Closing Documents
The Land Conservancy of New Jersey – Sunny Hill Farm
2012 Non Profit Round – SADC #21-0029 NP

July 25, 2013

WHEREAS, on May 21, 2012 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from The Land Conservancy of New Jersey (TLCNJ) for the Sunny Hill farm identified as Block 33, Lot 55, Harmony Township, and Block 2, Lot 5, Lopatcong Township, Warren County, totaling approximately 24 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property has one seven (7) acre non-severable exception restricted to one existing single family home and agricultural structures; and

WHEREAS, the farm is approximately 82 percent tilled, was in field corn production and pasture at the time of application and meets the minimum criteria as set forth in N.J.A.C. 2:76-6.20; and

WHEREAS, on September 27, 2012 the SADC granted preliminary approval by Resolution #FY2013R9(26) to the TLCNJ's application and appropriated \$1,516,983 for the acquisition of development easements on five farms including the Sunny Hill Farm; and

WHEREAS, TLCNJ has received final approval for the Star D, K-J, and May farms which used approximately \$363,987.50 of the appropriated funds, leaving a balance of approximately \$1,152,995.50 for the Sunny Hill farm (Schedule B); and

WHEREAS, in accordance with N.J.A.C. 2:76-12.2(b) the SADC determined that any farm that has a quality score (as determined by N.J.A.C. 2:76-6.16) greater than or equal to 70% of the county average quality score as determined in the County PIG program be eligible for funding; and

WHEREAS, the Property has a quality score of 53.07 which is greater than 70% of the County average quality score of 42 as determined by the Committee on September 27, 2012; and

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

WHEREAS, in accordance with N.J.A.C. 2:76-15.1 if two appraisals have been obtained on a parcel and the difference between the two appraisal values is 10 percent of the higher appraisal value or less, the eligible land cost shall be the average of the appraisal values. The two appraisals submitted were within 10 percent of the highest appraisal value and the resulting average was \$6,650 per acre; and

WHEREAS, on June 27, 2013 the SADC certified the development easement value of the Property to be \$6,650 per acre based on current zoning and environmental regulations in place (as of April 1, 2013); and

WHEREAS, on June 27, 2013 the SADC informed TLCNJ of the certified value and its willingness to provide a 50 percent cost share grant pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of eligible costs and subject to available funds; and

WHEREAS, on July 2, 2013 TLCNJ informed the SADC that it will accept the SADC cost share of \$3,325 per acre; and

WHEREAS, the Warren County Board of Chosen Freeholders entered into a Farmland Preservation Agreement with TLCNJ dated January 25, 2013 which provides 50% matching funds from Warren County for TLCNJ easement acquisition on the Sunny Hill farm; and

WHEREAS, the cost share breakdown based on 24 acres is as follows:

Warren County	\$ 79,800	\$3,325/acre
SADC Nonprofit Grant Funds	<u>\$ 79,800</u>	<u>\$3,325/acre</u>
Total	\$159,600	\$6,650/acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3, the SADC shall provide a cost share grant to TLCNJ for up to 50% of the eligible ancillary costs which will be deducted from its 2013 appropriation and subject to the availability of funds (Schedule B); and

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to The Land Conservancy of New Jersey for the Sunny Hill farm easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, that one seven (7) acre non-severable exception for the existing single family residence and agricultural structures is recognized; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$3,325 per acre (total of approximately \$79,800 based on 24 acres) to The Land Conservancy of New Jersey for the development easement acquisition on the Sunny Hill farm subject to the availability of funds; and

BE IT FURTHER RESOLVED, the application is subject to the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED that the SADC authorizes staff to proceed with the preparation of a Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1; and

BE IT FURTHER RESOLVED, the SADC's cost share grant to The Land Conservancy of New Jersey for the development easement purchase 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, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED that the SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute by signature all documents necessary to provide a grant to The Land Conservancy of New Jersey for the acquisition of a development easement on the Sunny Hill farm; 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 this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

7/25/13
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
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	YES
Peter Johnson	YES

Schedule A

x:\counties\warco\projects\raub_r_fwv.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Raub, Raymond & Gail
Block 33 P/O Lot 55 (18.26 ac)
& P/O Lot 1-EN (non-severable exception - 6.9 ac), Harmony Twp.
Block 2 Lot 5 (5.72 ac) Lopatcong Twp.
Warren County
Gross Total = 30.88 ac

250 125 0 250 500 Feet



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

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
NJOT/OGIS 2007/2008 Digital Aerial Image

July 13, 2012

Schedule B

New Jersey Farmland Preservation Program
2013 NON PROFIT GRANT ROUND

Applicant (Project)	County	Municipality	Acres	CMV	Date Closed	Approp	Total Cost	SADC Grant	Grant Amount/ Balance
The Land Conservancy of New Jersey									1,516,983.00
Star D	Warren	Harmony	40,000	6,900.00			276,000.00	138,000.00	1,378,983.00
K-J Farm	Warren	Harmony	103,000	3,175.00			327,025.00	163,512.50	1,215,470.50
May	Warren	Hope	21,000	5,950.00			124,950.00	62,475.00	1,152,995.50
Sunny Hill	Warren	Harmony	24,000	6,850.00			166,800.00	83,400.00	1,069,595.50
Bindon	Somerset	Bedminster	75,000						

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Land Conservancy of NJ\Sunny Hill Farm
21- 0029-NP
FY 2012 Easement Purchase - Nonprofit
24 Acres

Block 33	Lot 55	Harmony Twp.	Warren County
Block 2	Lot 5	Lopatcong Twp.	Warren County

SOILS:	Other	60% * 0	=	.00
	Prime	11% * .15	=	1.65
	Statewide	29% * .1	=	2.90
				SOIL SCORE: 4.55

TILLABLE SOILS:	Cropland Pastured	81.1% * .15	=	12.17
	Woodlands	18.9% * 0	=	.00
				TILLABLE SOILS SCORE: 12.17

FARM USE:	Soybeans-Cash Grain	4 acres
	Beef Cattle Except Feedlots	22 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 50% of the eligible costs. 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 seven (7) acres for around farmstead
 - Exception is not to be severable from Premises
 - 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 Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for eligible costs ancillary to 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, N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY14R7(15)

**Memorializing Standards for determining Priority and Alternate Farms
Pursuant to the State Acquisition Programs**

July 25, 2013

WHEREAS, pursuant to N.J.A.C. 2:76-8.5(c) and N.J.A.C. 2:76-11.5 (c) the SADC is responsible for prioritizing farms for purposes of acquiring lands in fee simple title or acquiring development easements on eligible farms as a "Priority farm", "Alternate farm" and "Other farm"; and

WHEREAS, a "priority farm" means a farm that meets or exceeds both 75 percent of the average farm size in the county in which it is located and its quality score is at least 90 percent of the average quality score in the county in which it is located; and

WHEREAS, an "alternate farm" means a farm that does not meet the criteria for "priority farm", but meets or exceeds both 55 percent of the average farm size in the county in which it is located and its quality score is at least 70 percent of the average quality score in the county in which it is located; and

WHEREAS an "other farm" means a farm that does not meet the criteria for "priority" or "alternate" farms (Schedule A); and

WHEREAS, the average quality score in a county shall be based on the average quality score determined pursuant to N.J.A.C. 2:76-6.16 for all farms granted preliminary approval by the SADC through the county easement purchase program and/or county planning incentive grant program within the previous three fiscal years, as determined by the SADC; and

WHEREAS, the average farm size in a county shall be based on the average farm size of farms using the 2007 US Census data;

NOW THEREFORE BE IT RESOLVED, that the SADC adopts the Average Quality Scores for each county as identified on the attached Schedule A for State acquisitions; and

BE IT FURTHER RESOLVED, that the SADC adopts the Average Acres for each county as identified on the attached Schedule A; and

S:\Minimum Standards for Programs\July 2013\State Acquisition Resolution.doc

BE IT FURTHER RESOLVED, that the SADC adopts the individual scores for determining a "priority farm" and an "alternate farm" as identified on the attached Schedule A for State acquisition programs pursuant to N.J.A.C. 2:76-8 and 11; and

BE IT FURTHER RESOLVED, the individual scores pursuant to N.J.A.C. 2:76-8 and 11 shall be effective as of July 1, 2013, for all applications that have not which have not had option agreements authorized by that date; and

BE IT FURTHER RESOLVED, the standards established in this resolution and Schedule A shall remain in effect through June 30, 2014.

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

1-25-13

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
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	YES
Peter Johnson	YES

[illegible]

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY14R7(14)

Memorializing Standards for determining Eligible Farms Pursuant
to the County Planning Incentive Grant (PIG) Program

July 25, 2013

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(a)7 and 17.2 (County Planning Incentive Grant Program) the SADC is responsible for establishing the standards for determining an "eligible farm" by determining minimum score requirements in the County planning incentive grant program; and

WHEREAS, Pursuant to N.J.A.C. 2:76-17.2 an "eligible farm" means a targeted farm that qualifies for grant funding under subchapter (17) by achieving an individual rank score pursuant to N.J.A.C. 2:76-6.16 that is equal to or greater than 70 percent of the county's average quality score of all farms granted preliminary approval by the SADC through the county easement purchase program and/or the county planning incentive grant program within the previous three fiscal years, as determined by the SADC ; and

WHEREAS, for all Counties, if a farm fails to meet the minimum score requirements and the County wishes to preserve the farm using Committee funds, the County may request a waiver of the minimum score criterion pursuant to N.J.A.C. 2:76-17.9(a)7 for applications submitted under the county planning incentive grant program; and

NOW THEREFORE BE IT RESOLVED, that the SADC adopts the Average Quality Scores for each county as identified on the attached Schedule "A" for planning incentive grant applications; and

BE IT FURTHER RESOLVED, that the SADC adopts the 70 percent average quality score values for determining an "eligible farm" pursuant to N.J.A.C. 2:76-17.2; and

BE IT FURTHER RESOLVED, that the 70 percent of average quality scores for determining an "eligible farm" pursuant to N.J.A.C. 2:76-17.2 shall be effective as of January 1, 2014, and shall apply to an application for the sale of a development easement that is approved by the SADC pursuant to N.J.A.C. 2:76-17.9 prior to December 31, 2014.

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

7-25-13

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
Gina Fischetti (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	YES
Peter Johnson	YES

SADC County PIG "Eligible" Farm Standard
Effective 1.01.14 - 12.31.14

SADC Minimum Standards for "Eligible" Farm																			
	<u>2009</u> <u>Average</u> <u>Quality</u> <u>Score</u>	<u>FY 2010</u> <u>Average</u> <u>Quality</u> <u>Score</u>	<u>FY 2011</u> <u>Average</u> <u>Quality</u> <u>Score</u>	<u>FY 2012</u> <u>Average</u> <u>Quality</u> <u>Score</u>	<u>FY 2013</u> <u>Average</u> <u>Quality</u> <u>Score</u>	<u>*2014 Average</u> <u>Quality</u> <u>Score</u>	<u>70% of</u> <u>Average</u> <u>Quality</u> <u>Score</u>												
Atlantic	47.61	47.94	52.61	****	64.91	59.9	41												
Bergen	35.91	20.57	****	****	*****	43.4	30												
Burlington	64.12	63.49	65.06	64.91	64.54	68.2	47												
Camden		***	****	****	*****	58.64	41												
Cape May	51.6	51.32	54.69	45.77	49.35	49.89	34												
Cumberland	60.56	60.83	61.55	59.53	58.97	61.98	43												
Gloucester	53.22	58.11	59.69	62.14	62.65	67.38	47												
Hunterdon	57.6	61.26	62.64	65.52	64.97	64.25	44												
Mercer	70.66	72.05	77.19	72.42	68.52	70.69	49												
Middlesex	53.25	58.02	59.49	63.03	57.98	62.06	43												
Monmouth	69.01	69.56	71.75	68.95	70	73.47	51												
Morris	63.55	61.45	60.01	60.42	60.65	60.5	42												
Ocean	46.85	48.58	56.69	61.39	71.17	71.17	49												
Passaic		****	****	****	34.11	34.11	23												
Salem	68.61	71.13	69.77	69.77	65.86	66.26	46												
Somerset	67.31	66.98	66.93	67.09	67	60.58	42												
Sussex	50.39	48.2	51.24	57.02	54.9	53.66	37												
Warren	55.52	56.66	57.51	61.57	60.99	59.89	41												
* Based on preliminary or Green Light quality scores for County '11, '12, and '13 Fiscal Years																			
N.J.A.C. 2:76-17.9 (a) and 17.2 (County Planning Incentive Grant Program)																			
These standards are effective January 1, 2014 through December 31, 2014																			
** all numbers are rounded down to the nearest whole number																			
N.J.A.C. 2:76-17.9 -7: any farm not meeting this standard may seek a waiver																			

VIII - K

To: SADC Members
Susan E. Payne, Executive Director

From: Brian D. Smith, Esq., Ethics Liaison Officer

Subject: Ethics Compliance Audit

Date: July 17, 2013

Please see the attached memorandum dated June 17, 2013 from the State Ethics Commission (SEC) reporting on the results of a May 21, 2013 audit conducted at the SADC offices by John Hughes, Esq., SEC compliance officer. This was a routine audit that the SEC schedules periodically with each executive branch agency. The audit was conducted in-person with Mr. Hughes and me.

Mr. Hughes had provided advanced notice of the audit and a list of ethics-related documents that were to be produced at the meeting. Sandy Giambrone of our staff did a tremendous job accumulating the materials, and I answered Mr. Hughes's questions set forth in a detailed questionnaire and provided copies of most of the documents he was seeking. The audit interview took about one hour to complete.

The attached report lists five (5) "minor deficiencies" in the SADC's implementation program, most of which amount to ethics compliance reminders:

1. **FINDING:** The SADC is due for an in-person ethics training session for the entire staff by an SEC training officer. The session is to be conducted within 90 days of the report.
ACTION: The SADC has scheduled an in-person training session with the SEC on August 15, 2013 as directed in the audit report.
2. **FINDING:** All "Attendance at Event" forms must be filed with the SEC in advance of an event in which an employee or state official is accepting benefits as a speaker.
ACTION: Noted. The SADC will ensure compliance with this requirement when the situation arises.
3. **FINDING:** Written recusals must be filed with the SEC.
ACTION: Noted. The SADC will ensure compliance with this requirement when the situation arises. Recusals occurring during SADC meetings are set forth in the meeting minutes and satisfy this requirement without further documentation.
4. **FINDING:** The SEC is to be notified in writing when an employee has been promoted, or an individual is appointed, to a position in which a Financial Disclosure Statement is warranted.
ACTION: Noted. The SADC will ensure compliance with this requirement when the situation arises.

5. FINDING: The SADC must adopt a nepotism and supervisory conflict of interest policy within 90 days of the report, and begin using a "Supervisory Conflict of Interest" form for completion by employees who supervise other employees.

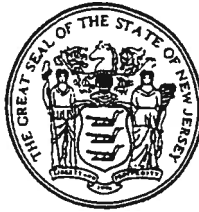
ACTION: All SADC managers have completed the "Supervisory Conflict of Interest" form; the adoption of a policy will be memorialized by motion at the July 25, 2013 meeting. According to Mr. Hughes, adoption of the policy is satisfied by the SADC officially confirming continued use of the form by supervisors, including individuals who are promoted or hired to a supervisory position, and notification of the adopted policy is given to the Department of Agriculture's HR department.

The remainder of the report noted that the SADC had otherwise implemented ethics procedures effectively, including the use of appropriate forms, attendance at quarterly training sessions, retention of employee receipts for various written ethics materials, gift reminders, post-employment letters, and written disclosures from any employee involved in the agency's contract procurement process.

If you have any questions, then please contact me.

Attachment (June 17, 2013 audit report)

S:\ETHICS\Guidelines Memos\July 2013 re SEC audit.doc



State of New Jersey
STATE ETHICS COMMISSION
PO Box 082
Trenton, NJ 08625-0082
www.nj.gov/ethics

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

ANDREW S. BERNS, Esq.
Chair

PETER J. TOBER, Esq.
Executive Director

Tel: (609) 292-1892
(888) 223-1355 in NJ
Fax: (609) 633-9252
Email: ethics@ethics.state.nj.us

June 17, 2013

TO: Susan Payne
Executive Director

FROM: Peter J. Tober *PJT*
Executive Director

John Hughes *JH*
Ethics Compliance Officer

SUBJECT: Ethics Compliance Audit – State Agriculture Development Committee

The State Ethics Commission ("SEC") recently conducted an audit of the State Agriculture Development Committee ("SADC") ethics program. The ethics audit was undertaken as part of the SEC's compliance plan which requires that every agency in the State periodically be subjected to audit. On May 21, 2013, SEC Ethics Compliance Officer John Hughes met with SADC Ethics Liaison Officer ("ELO") Brian Smith to discuss the current status of the SADC ethics program. A detailed Compliance Questionnaire was completed during the meeting and SADC provided documentation to complete this audit.

Based upon a review of the Compliance Questionnaire and accompanying documents, the Commission concludes that the State Agriculture Development Committee is in substantial compliance with reporting, documentation and other requirements of the New Jersey Conflicts of Interest Law, Executive Orders and regulations issued thereunder.

The following minor deficiencies should be remedied by SADC and its ELO:

1. Pursuant to the Conflicts of Interest law, the SEC determines when and at what intervals the employees in a State agency are required to complete ethics training. The SEC Ethics Training Officer has determined that after several years of on-line training, the SADC employees are due for in-person ethics instruction. The SADC ELO should coordinate with the SEC Ethics Training Officer to schedule this training within the next 90 days.
2. Pursuant to *N.J.A.C. 19:61-6.4(f)*, Attendance at Events forms should be filed with the SEC prior to an employee accepting any benefit under the speaker exception. The SADC ELO should review the new Ethics Liaison Officers' Manual for guidance on

how to process Attendance at Events forms and should ensure that in any situation where a State official is accepting benefits from an interested party under the speaker exception a copy of the form is submitted to the SEC.

3. Written recusals must be filed with the SEC. The SADC ELO should review the new Ethics Liaison Officers' Manual for guidance on how to handle and process recusals. The ELO should further submit copies of any written recusals by a State official at SADC within the next 90 days.
4. The SADC ELO should update the SEC when any employee has been promoted to a Financial Disclosure Statement filing position or when a new member has been appointed to the SADC.
5. The SADC must adopt a procedure for detecting nepotism and other supervisory conflicts of interest including but not limited to dating relationships. The SEC has created a form to assist agencies in meeting this requirement which is available in the new Ethics Liaison Officers' Manual. The SADC must adopt a procedure for detecting nepotism and other supervisory conflicts of interest within 90 days.

Apart from the foregoing small deficiencies, the audit revealed that SADC has effectively implemented ethics procedures in all other areas. The following areas have been handled extremely well by SADC and the ELO:

1. SADC uses the most current versions of all forms available from the SEC.
2. The SADC ELO regularly attends the quarterly ELO meetings.
3. Receipts for the Uniform Ethics Code, Plain language Guide, and the supplemental code have been obtained from SADC employees and officers.
4. Holiday gift reminder memorandums are distributed to all employees.
5. Gifts are handled appropriately.
6. Post-employment letters are distributed to employees leaving State service in accordance with SEC recommendations.
7. The Personal and Business Relationship Disclosure form has been distributed and completed by all SADC employees involved in the procurement process.

On behalf of the New Jersey State Ethics Commission, we would like to thank you and your Ethics Liaison Officer for your assistance with this audit. We look forward to assisting you in continuing to bring the highest ethical standards to the State Agriculture Development Committee.

Please feel free to contact the SEC if you have any questions or concerns about the findings in this report.

SADC Audit
Page 3
June 17, 2013

C: Brian Smith, ELO
Margaret Cotoia, SEC Training Officer

