

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

June 27, 2013

Chairman Fisher called the meeting to order at 9:10 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
Renee Jones (rep. DEP Commissioner Martin)
James Requa (rep. DCA Commissioner Constable)
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)
Brian Schilling (rep. Executive Dean Goodman)
Alan A. Danser, Vice Chairman
Jane R. Brodhecker
James Waltman
Torrey Reade

Members Absent

Denis C. Germano, Esquire
Peter Johnson

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

Others present as recorded on the attendance sheet: Heidi Winzinger, Brian Smith, Timothy Brill, Steve Bruder, 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; Kerstin Sundstrom, Governor's Authorities Unit; Dan Pace, Mercer County Agriculture Development Board; Brigitte Sherman, Cape May County Agriculture Development Board; Nicole Goger, New Jersey Farm Bureau; Steve Parker, Parker Engineering; Donna Traylor, Sussex County Agriculture Development Board; Steven Ewing, Engineer, Woodard and Curran Engineering Consultants; Tina Boyer, Morris County Agriculture Development Board; Laurie Sobel, Middlesex County Agriculture Development Board; and Harriet Honigfeld, Monmouth County Agriculture Development Board.

Minutes

A. SADC Regular Meeting of May 23, 2013 (Open and Closed Sessions)

It was moved by Mr. Siegel and seconded by Mr. Danser to approve the open session minutes and the closed session minutes of the SADC regular meeting of May 23, 2013. The motion was unanimously approved.

REPORT OF THE CHAIRPERSON

Chairman Fisher discussed the following with the Committee:

He stated that every week, he has the opportunity to see the diversity of New Jersey's agricultural industry. When you have 10,000 farms of widely varying sizes, the magnitude and scope of what we are doing in this state is extraordinary. At the last meeting he advised that the Secretaries of Agriculture throughout the country would be assembling in Cape May this year. Eight Commissioners attended from eight states and they were astounded when they were taken on a tour of New Jersey farms. They had preconceived notions of what they expected to see but the Department took them on an extraordinary tour, including highlighting the fishing industry in the state with 165 million pounds of seafood caught annually and having the fourth largest port on the East Coast in Cape May. He also participated in air surveillance to monitor the gypsy moth and also noted on that trip pine beetles, which are making a significant presence in the state. He stated that at yesterday's State Board of Agriculture meeting, which was held in Middlesex County, they saw some extraordinary farms and also visited the Equine Science Center. He stated that agriculture is really an amazing industry in this state and encouraged the Committee members to take advantage of any opportunity to tour farming operations so they too can see the many types of

agricultural operations in New Jersey.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne discussed the following with the Committee:

- Future Funding

Ms. Payne stated that the Senate has passed a bill that would dedicate .2 cents of the State sales tax to farmland, open space, Blue Acres and historic preservation, but the bill was posted for the Assembly for Monday and then pulled. She felt that this is an issue of timing more than anything else and there is still interest in the bill within the Legislature and the Administration. She didn't want anyone to get the impression that this is a dead issue. Mr. Siegel stated that Assemblyman McKeon indicated that a new bill was being dropped today with a fixed number of \$200 million annually, replacing the percentage, and he is hopeful that a session will be called in July to post that bill in time to get the question on the ballot.

- On-Farm Direct Marketing AMP

Ms. Payne stated that the On-Farm Direct Marketing AMP was published on June 17th as a proposed rule and we are now in the 60-day comment period, which will end August 16th. Staff members so far have done 16 presentations across the state on that proposal and also conducted a webinar last Friday morning, which was attended by approximately 35 people. Staff has received good feedback on the webinar from people who appreciate the opportunity to sit in on the presentation without having to travel to Trenton. Staff will continue to focus on those types of tools to get the word out and educate partners on everything that is going on with the SADC.

COMMUNICATIONS

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

PUBLIC COMMENT

Donna Traylor, Administrator for the Sussex County Agriculture Development Board,

stated that the County recently closed on the David Lane farm, which brought the County's preserved acreage up to 17,000 acres between the State and County programs. The Committee congratulated Sussex County on its preservation efforts.

NEW BUSINESS # 1

A. Agricultural Development

1. Beginning Farmer and Rancher Development Program Grant Project
 - a. Presentation of new guidebook, "Leasing Farmland in New Jersey: A Guide for Landowners and Farmers"

Hillary Barile addressed the Committee regarding the Beginning Farmer and Rancher Development Program Grant Project and the new guidebook, "Leasing Farmland in New Jersey: A Guide for Landowners and Farmers." She provided a brief presentation on the specifics of the program and the purpose of the new guidebook for the Committee.

Ms. Barile stated that the SADC is working on the second year of a three-year grant for the Beginning Farmer and Rancher Development Grant project in conjunction with NOFA-NJ. The SADC's goals under that program were to produce this leasing guidebook and also to work on some educational informational outreach pieces. She stated that a couple of informational meetings have been done over the past couple of years and an educational meeting was held for landowners this past year. The last offering of that class was in the beginning of June, and at that class the guidebook was distributed. The guidebook is the result of the last couple of years of work. It was developed through conversations with farmers and landowners throughout the state and also they did some surveying of some county extension agents and various other partners who wanted to contribute information or ideas for what they thought was important to consider when you are looking to get into a leasing relationship in New Jersey.

Ms. Barile stated that the goal was to produce a practical guidebook that provided some information for landowners and farmers who either never had been in a land lease relationship before and didn't quite know where to start, or were looking to improve a lease relationship or lease document that they already had. She stated that the majority of the guidebook focuses on the questions each party should be asking themselves when developing a lease. The biggest message of this guidebook is that a lease relationship is a relationship, it's not just what a landowner wants or what the farmer wants. It has to be a mutual document that is beneficial to both parties. She stated that the guidebook also includes a couple of sample leases that give people an idea of how they could word various things in their lease if they wanted to, not with the idea that we want them to cut

and paste because we think that it's a document that needs to be reflective of that person's specific land and needs and wants for the property. Rather, the idea is that some people may need somewhat of a template to get started. Ms. Barile stated they also profiled four different leasing relationships around the state. It doesn't give really in-depth detail so as to allow some privacy but it gives a little detail so that you know the thought process behind what was important to them in developing a lease and how that was addressed.

Ms. Barile stated that the guidebook is available for anyone who would like a copy in either PDF form or hard copy. Moving forward there will be another round of information meetings. Those meetings have included farmer panel speakers who have talked about their lease relationships and what was important to them and the pitfalls they experienced in the past. She stated she has gotten good feedback from farmers and landowner attendees who say they never thought about certain aspects. She stated that they have also tried to do some matchmaking between farmers and landowners through some of these meetings. Ms. Barile stated there are also landowner educational courses, and they are planning and developing a second one. The first course, Leasing 101, was offered at the NOFA-NJ winter conference, and then again at the beginning of June of this year. It was attended by more than 30 people, mostly landowners who had no farming or very little farming experience. The idea of the course was to provide some practical advice on what they should be thinking about and where they can get information, such as where can you find a soils map for your farm and how do you contact your county agricultural agent if you need information on production? Those are the things that are being worked on. The second course should be offered next year, which will be on a new topic. Some of the feedback received is they are looking for more legal advice or conflict resolution ideas. She stated they often get people who come to the meetings who are having a problem with their tenant or landowner and are looking for some resolution ideas or ideas on how to proceed. She stated they are targeting a second course in that direction but it is still in development and if anyone has information that they feel is important to include to please let her know. Ms. Barile stated that in other outreach efforts, they worked with land trusts and the counties. Over the winter they spoke at the Land Conservation Rally with the hope of encouraging some of the land trusts to open up to agriculture pieces of land that they have acquired.

Chairman Fisher thanked Ms. Barile for her efforts and those of the SADC in getting the guidebook out to everyone. Ms. Payne stated that Ms. Barile has been a contractor for the SADC, and the SADC has been financing that contract through the USDA grant that it is working on with NOFA-NJ. She noted that Ms. Barile's agricultural background has been a huge asset in this project and thanked her for all her efforts.

OLD BUSINESS

A. Resolution for Amended Final Approval: County Planning Incentive Grant Program

1. Robert Smith Farm, Washington Township, Morris County

Mr. Brill referred the Committee to Resolution FY2013R6(1) for a request for a fourth extension of a previously approved conditional final approval for the Robert W. Smith application. The issue involved a well that has been drilled on the Smith farm for the Washington Township Municipal Utilities Authority (WTMUA) in a water-deficit sub-watershed in the Highlands Preservation Area. The SADC granted conditional final approval to the application in June 2010 conditioned on results of a condemnation action instituted by the WTMUA against the Smith Farm. In June 2011, the SADC amended the conditional final approval by establishing a one-year time limit during which the WTMUA would secure proper well drilling, water supply and other required permits and approvals from all necessary agencies. The July 2011 amended final approval included a one-year time limit on the conditional final approval that could be extended for any time period deemed reasonable by the Committee, upon the County's written request detailing sufficient reasons for an extension. In June 2012, the SADC amended the July 2011 final approval to provide a six-month extension of its conditional final approval until January 2013. In January 2013, the SADC amended its June 2012 conditional final approval to provide an additional six-month extension, concluding that the County had made significant progress in addressing outstanding issues.

Mr. Brill stated that SADC staff needs additional time to obtain and review copies of the test well report, applications to the Highlands Council and NJ DEP Bureau of Water Allocation and Well Permitting, and other such information as may be necessary in order to make a recommendation to the Committee regarding the impacts of the proposed public water supply well. Morris County has submitted a letter requesting a 12-month extension, based on significant progress in obtaining all necessary permits. Staff recommendation is to grant the 12-month extension. Staff is confident that it can address the two remaining issues and then their appraisal impact in the relatively near future. We do not believe that staff will need most of the 12 months that this extension request is establishing for the final approval but we felt that we should recommend the 12-month extension in conjunction with Morris County to be on the safe side. The two basic questions here are 1) will the existing and future agricultural activities be unduly limited, based on all the information that has been gathered, based on the presence of this public well on the farm, and 2) will agricultural water use likely be restricted or limited in any

unusual way as a result of the location of this particular well? We want to try to look at future uses that may change over time on this property before staff authorizes the State's investment in the preservation of this property and then we will rely on Mr. Burns to make sure the appraisal inclusions are still valid in the certifications of value that are associated with the final approval for this project. At this point in time, the application is making its way through the Highlands Council and the various NJ DEP divisions. We are hopeful that it will arrive at the Bureau of Water Allocation and Well Permitting in the very near future and then we can conclude this. Mr. Smith is anxious to move forward on this farm preservation, if at all possible. Mr. Danser stated that staff should make sure there are no limitations on what chemicals or fertilizers or whatever applications in the proximity of the well, to make sure that wouldn't limit the agricultural potential as well.

It was moved by Mr. Schilling and seconded by Mr. Danser to approve Resolution FY2013R6(1) granting a 12-month extension to the conditional final approval for the Robert W. Smith application, as outlined in said Resolution and as presented and discussed, subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2013R6(1) is attached to and is a part of these minutes.)

NEW BUSINESS # 2

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

Ms. Payne referred the Committee to the 8-Year Program Summary Report showing one request for renewal of a municipally approved farmland preservation program for the Horner Farm, SADC # 0824-03M-01/08-0023-7M, Woolwich Township, Gloucester County, comprising 39.54 acres, with a new soil and water conservation cost-share grant eligibility (subject to available funding) in the amount of \$23,724.00 and a new expiration date of July 15, 2021. There was one request for termination of an eight-year farmland preservation program for the Calabro Farm, SADC # 0816-21F-01/08-0026-8F, South Harrison Township, Gloucester County, comprising 9.79 acres, with \$409.57 in soil and water conservation cost-share grant funds expended, leaving a balance at the time of termination of \$5,464.43. There were no withdrawals of eight-year farmland preservation programs at this time. Ms. Payne stated that this was for informational purposes only and no action was needed by the Committee.

B. Soil and Water Conservation Cost-Share Grant Extension Requests

Ms. Payne referred the Committee to the Soil and Water Conservation Project Cost-Share Grants Extension of Project Approval Summary showing two requests for extensions of soil and water conservation cost-share grants. The requests are based on the owners indicating that they did not have the funds on their end to get these projects done. Both are saying that their financial situation has improved and that they anticipate being able to complete these projects. Ms. Payne stated that normally when the SADC gives extension requests, it is because of issues that are out of a landowner's control, e.g., extreme weather, condemnations of land or funds from other agencies not coming through. The State Soil Conservation Committee did review these and recommended them for approval. She noted that these funds, if not used for these farms, would go back to Treasury and would be lost from the program. The SADC will not have the ability to use the funds for other projects on the list. Staff recommendation is to grant approval as presented and discussed.

It was moved by Mr. Danser and seconded by Mr. Schilling to approve the following Resolutions, granting an extension of a soil and water conservation cost-share grant for the following landowners as presented and discussed, subject to any conditions in said Resolutions:

1. JSM Blueberries, SADC # 01-0080-PN (Resolution FY2013R6(2))
Hammonton, Atlantic County
Extension Request Amount: \$34,400.00(Obligation # 1)
Extension Request Expires on: January 28, 2014 (12 months)
2. Ralph and John Formisano, SADC # 01-0010-8F (Resolution FY2013R6(3))
Buena Borough, Atlantic County
Extension Request Amount: \$28,750.00 (Obligation # 2)
Extension Request Expires on: January 28, 2014 (12 months)

The motion was unanimously approved. (Copies of Resolution FY2013R6(2) and Resolution FY2013R6(3) are attached to and are a part of these minutes.)

Note: Chairman Fisher stepped out of the meeting at this point. Vice Chair Danser presided over the meeting.

C. Resolutions for Approval – FY2009 Planning Incentive Grant (PIG) Program – Final Approval of a Municipal PIG Application Including the

Comprehensive Farmland Preservation Plan and Project Area Summary

1. Colts Neck Township, Monmouth County

Ms. Bruder referred the Committee to Resolution FY2013R6(4) for a request for final approval of Colts Neck Township's Planning Incentive Grant Application, including the Comprehensive Farmland Preservation Plan and Project Area summary. He reviewed the specifics with the Committee and stated that staff recommendation is to grant approval, as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Waltman to approve resolution FY2013R6(4) granting final approval to Colt Neck Township's Planning Incentive Grant Application, including the Comprehensive Farmland Preservation Plan and Project Area summary, as presented and discussed, subject to any conditions of said Resolution. The motion was approved. (Chairman Fisher was absent for the vote.) (A copy of Resolution FY2013R6(4) is attached to and is a part of these minutes.)

Chairman Fisher returned and presided over the meeting.

D. Stewardship

1. New Home Construction

- a. Theodore and Susan Blew (Oak Grove Plantation), Franklin Township, Hunterdon County

Mr. Roohr referred the Committee to Resolution FY2013R6(5) for a request by Theodore and Susan Blew, owners of Block 42, Lot 4, in Franklin Township, Hunterdon County, totaling 159.12 acres, to construct a single-family residence on the property in accordance with paragraph 12 of their Deed of Easement. The property would be utilized by their son Eric Blew, who is a full-time employee and partner of the farm and whose primary responsibilities include management of the livestock, vegetable, orchard, grain and hay production activities. The owners have indicated that the farm couldn't be operated at its current production levels without the participation of their son. The owners have proposed to build an approximately 3,000 square foot, two-story residential unit to be located on the northern edge of the current farmstead complex in the center of the property. The proposed location along the wood line on the northern edge of the existing farmstead complex area would result in a minimal amount of land being taken out of production to accommodate the residence. The residence will be accessed from an existing farm lane coming from Oak Grove Road. The Hunterdon CADB approved the owners' request in May 2013.

Mr. Roohr noted that back in November 2006, the SADC approved a similar house construction request for the owners' daughter but that never came to fruition as their daughter has since moved to another home located off-site. It was also noted that a neighbor had contacted Mr. Roohr just prior to today's meeting with concerns that the Blews were coming to the SADC in order to supersede local zoning ordinances in building their house and were seeking Right to Farm protection. Mr. Roohr stated that he assured the neighbor that was not the case and that the owners would have to follow whatever local zoning is required for building a house. He stated that staff recommendation is to approve the request to construct the residence, as outlined in said resolution and as discussed. Staff is also recommending that the November 6, 2006 approval to build a residence for the owners' daughter be rescinded.

It was moved by Mr. Schilling and seconded by Mr. Danser to approve Resolution FY2013R6(5) granting a request by Theodore and Susan Blew, owners of Block 42, Lot 4, in Franklin Township, Hunterdon County, totaling 159.12 acres, to construct a single-family residence on the property, in accordance with paragraph 12 of their Deed of Easement. The Committee also finds that in order to continue to reside in the new single-family residence, the primary source of income for the residents of this household shall be from production agricultural activities conducted on the premises. An Affidavit from the Owners and Eric Blew acknowledging an understanding and compliance with the Deed of Easement for this property, in particular paragraph 12, shall be prepared and filed with the Hunterdon County Clerk's Office. The SADC and the Hunterdon County Agriculture Development Board shall coordinate annual monitoring of the premises to assure continued compliance with the Deed of Easement, which shall include the new residence. The Committee approves the construction of a single-family residence, consisting of approximately 3,000 square feet, in the location shown in Schedule "A." This approval is non-transferable to any other party and is valid for a period of three years from the date of approval. The Committee hereby rescinds without prejudice its November 6, 2006 approval for the construction of a residential unit on the farm for the owners' daughter, which approval was never acted upon and the residential unit was never built. The motion was unanimously approved. (A copy of Resolution FY2013R6(5) is attached to and is a part of these minutes.)

2. Stormwater Basin Outside Exception Area

- a. Hayfields Farm (Brian Maher), Bedminster Township, Somerset County

Mr. Roohr referred the Committee to Resolution FY2013R6(6) for a request by Brian Maher, owner of Block 13, Lot 5, located in Bedminster Township, Somerset County, totaling 51.53 acres, to construct a stormwater management facility outside an exception

area. The property contains a 9.63-acre nonseverable exception area. There is no existing formal access road to the exception area. In August 2012, the owner was given approval by the SADC and Somerset CADB to locate a driveway to access the exception area. The proposed driveway is located predominantly in a wooded area of the property, and the owner proposes to construct a new single-family residence and ancillary single-family infrastructure on the nonseverable exception. In May 2013, the owner made a request to construct a stormwater basin outside of the nonseverable exception area to accommodate runoff from the driveway on the preserved farm. The basin is designed to capture only the runoff that will be created from the new driveway. The owner will be constructing a separate stormwater management facility on the exception area, which is designed to capture the runoff from all the new infrastructure on the exception area. The size and disturbance of the stormwater management facility for the driveway is significantly reduced because of the use of the second basin on the exception area.

Mr. Roohr stated that the owner's engineer has provided correspondence stating that for topographical reasons there is only one location, the lowest area of the driveway, which could feasibly be used for a stormwater management facility. Staff has verified that the proposed basin would be located at the lowest area of the driveway. The proposed location of the facility for the driveway is in a wooded area of the property adjacent to the new driveway, resulting in a minimal impact to the agricultural operation. The Township of Bedminster is requesting that a landowner enter into a maintenance agreement with the Township to allow for the ability to maintain stormwater management facilities in the event that the landowner fails to do so.

Mr. Roohr stated that in June 2013, the Somerset CADB approved the request to construct the stormwater management facility, conditioned upon review and acceptance of the maintenance agreement language involving the Township. Staff doesn't object to this maintenance agreement language but the SADC is conditioning the approval on its ability to review and approve the method of how the Township does that before it gets done. Staff's concern was that the Township may want to do an easement, which could overlay on the farmland preservation easement and that would be a problem. Staff recommendation is to approve the request for the stormwater management facility.

Mr. Waltman questioned the curving of the driveway. Steve Parker, engineer for the project, stated that they had to put the curving in to decrease the slope in the driveway.

It was moved by Mr. Danser and seconded by Ms. Brodhecker to approve Resolution FY2013R6(6) finding that there is not a feasible location on the exception area that would accommodate stormwater management facilities related to the driveway. The Committee

finds that the location of the driveway and stormwater management facilities creates a minimal impact on the ability to utilize the Premises for agricultural production purposes. The Committee also finds that the nature and scale of the driveway, as designed, do not constitute a self-imposed hardship by the landowner and approves the construction of the stormwater management facility, as shown in Schedule "A," for the purpose of addressing runoff from the driveway on the Premises. This approval is conditioned on review and approval by the Somerset CADB and SADC of any maintenance agreement impacting the preserved Premises. This approval is non-transferable to any other party and is valid for a period of three years from the date of approval. The motion was unanimously approved. (A copy of Resolution FY2013R6(6) is attached to and is a part of these minutes.)

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

SADC staff referred the Committee to two requests for final approval under the County Planning Incentive Grant Program. Staff 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. Requa and seconded by Mr. Schilling to grant final approval to the following application, as presented and discussed, subject to any conditions of said Resolution:

1. Joel and Rosemary Gross, SADC # 10-0325-PG (Resolution FY2013R6(7)) Block 5, Lot 4.03, Kingwood Township, Hunterdon County, 58 Net Acres State cost share of \$4,750 per acre (61.69% of the certified market value and purchase price) for a total grant need of approximately \$283,765, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C." To account for any potential increase in the final surveyed acreage, a three percent acreage buffer has been applied to the funds encumbered. The SADC will utilize any remaining federal grant funds (estimated \$200,767) to offset SADC grant needs on the property. This final approval is contingent upon federal funding or other federal funding being secured to cover the local cost share.

Discussion: The property has one 1.5-acre nonseverable exception area for an existing single-family residence and a 2.5-acre nonseverable exception area for an existing barn, equine arena and future apartment. The equine operation consists of a barn on the 2.5-acre exception area with seven stalls, housing approximately five horses, and an indoor ring for personal use with no current equine service activities occurring within the exception area or on the property outside of 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 this property and landowner qualify for federal grant funds. The landowner has agreed to the additional restrictions involved with the use of federal grant funds, including a 5.67% maximum impervious coverage restriction (approximately 3.29 acres) for the construction of agricultural infrastructure on the property outside of the exception areas, which is the maximum allowable for this property through the federal program at this time. The County has requested to encumber an additional three percent buffer for possible final surveyed acreage increases; therefore 59.74 acres will be utilized to calculate the grant need. The County will utilize base grant funding to cover the SADC cost share.

The motion was unanimously approved. (A copy of Resolution FY2013R6(7) is attached to and is a part of these minutes.)

Note: Chairman Fisher recused himself from any discussion/action pertaining to the Maccherone, Lawall, Fardella farm to avoid the appearance of a conflict of interest. Mr. Maccherone has been nominated to the State Board of Agriculture. Chairman Fisher is the Secretary of Agriculture and reports to the State Board of Agriculture. Vice Chair Danser called for action on this agenda item.

It was moved by Ms. Reade and seconded by Mr. Requa to grant final approval to the following application, as presented and discussed, subject to any conditions of said Resolution:

1. Maccherone, Lawall, Fardella (Owner), SADC #08-0108-PG (Resolution FY2013R6(8))
Block 45.28, Lots 2, 3, Harrison Township; Block 1205, Lot 1, East Greenwich Township, Gloucester County, 77.115 Surveyed Acres
State cost share of \$4,293.45 per acre for a total grant of \$331,089.18 (19.51% of the certified value and purchase price), pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "D." The SADC grant will be funded from the competitive grant funds and no additional competitive SADC grant funds can be sought for this property in the future.

Discussion: Due to insufficient funding in 2011, it was not until April 18, 2013 that the Gloucester CADB approved the application to use its remaining funding eligibility, and the Gloucester County Board of Chosen Freeholders approved the CADB's recommendation by resolution dated May 8, 2013. The Gloucester CADB is requesting \$331,089.18 from its FY13 Competitive funding leaving a remaining balance of \$0.00

and a shortfall of \$686,828.82.

The motion was approved. (Chairman Fisher recused himself from the vote.) (A copy of Resolution FY2013R6(8)) is attached to and is a part of these minutes.)

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

SADC staff referred the Committee to two requests for final approval under the Municipal Planning Incentive Grant Program. Staff reviewed the specifics of the Cicalese Farm in Colts Neck Township, Monmouth County, with the Committee and stated that the recommendation is to grant final approval as presented and discussed.

SADC staff stated that the second request for final approval is for the Erhardt farm in White Township, Warren County. Normally staff receives approval from a county's Board of Chosen Freeholders prior to presenting a request for final approval to the Committee. However, in this case, the meeting of the Warren County Board of Chosen Freeholders, which was scheduled for last evening, was cancelled at the last minute. Therefore, the SADC does not as yet have the Freeholders' approval. Staff suggested that the Committee could either grant conditional final approval, contingent upon securing the necessary approval from the Freeholders, or it could table the request until next month's meeting. Ms. Payne recommended tabling action until all the local approvals have been secured. She stated she was not comfortable moving forward without all the necessary local approvals in place. **It was the consensus of the Committee to table action on the Erhardt farm at this time.**

It was moved by Mr. Requa and seconded by Mr. Danser to grant final approval to the following application as presented and discussed, subject to any conditions of said resolution:

1. Cicalese Farm, SADC # 13-0426-PG (Resolution FY2013R6(9))
Block 20, Lot 5, Colts Neck Township, Monmouth Co., 16 Net Easement Acres
State cost share of \$32,750 per acre (59.55% of the certified market value) for a total grant need of \$524,000, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule "C."

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

The motion was unanimously approved. (A copy of Resolution FY2013R6(9) is attached to and is a part of these minutes.)

G. Resolutions for Final Approval – State Acquisition Program

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

Note: Action on the two requests for final approval will be taken separately. Ms. Brodhecker recused herself from any discussion/action pertaining to the K. & J. Kleindienst/K. Hoyer Farm, in Stillwater Township, Sussex County and Frelinghuysen Township, Warren County, 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 Mr. Danser and seconded by Mr. Regua to grant final approval to the following application, as presented and discussed, subject to any conditions of said Resolution:

1. K. & J. Kleindienst and K. Hoyer, SADC # 19-0016-DE (Resolution FY2013R6(10))
Block 3302, Lot 20, Stillwater Twp., Sussex County, 87.7 Acres
Block 101, Lots 12, 14; Block 102, Lots 8, 8.01, Freylinghuysen Twp., Warren Co., 39.1 Acres
Approximately 129 Net Acres
Acquisition of the development easement at a value of \$4,000 per acre (129 net acres) for a total of approximately \$516,000, subject to the conditions contained in Schedule "B." Should federal funding of approximately \$187,050 not be obtained to offset the SADC funding, the SADC will fund the full easement value.

Discussion: This property is categorized as a "Priority" farm. The owner has requested a 2.5-acre nonseverable exception area for the existing duplex with an apartment and a 1.5-acre nonseverable exception area for a future single-family residence. There are 10-12 horses boarded on the 2.5-acre exception. 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 this property and landowner are qualified for federal grant funds. The landowner has agreed to the additional restrictions involved with the use of

federal funds, including an approximate 2.67% maximum impervious coverage restriction (approximately 3.44 acres available for impervious cover) on the lands being preserved outside of the exception areas.

The motion was approved. (Ms. Brodhecker recused herself from the vote.) (A copy of Resolution FY2013R6(10) is attached to and is a part of these minutes.)

It was moved by Mr. Danser and seconded by Mr. Requa to grant final approval to the following application, as presented and discussed, subject to any conditions of said Resolution:

1. Pleasant Run, LLC (Lot 30), SADC # 10-0202-DE (Resolution FY2013R6(11)) Block 75, Lot 30, Readington Twp., Hunterdon County, 151 Net Easement Acres Acquisition of the development easement at a value of \$15,500 per acre (151 net easement acres) for a total of approximately \$2,340,500, subject to the conditions contained in Schedule "E." At the time of closing, any existing equine-related nonagricultural uses as described in said Resolution, their expiration, and other ancillary equine uses will be identified in and restricted by Schedule B of the Deed of Easement. The SADC's approval and purchase of the development easement is conditioned on finalizing the terms and area of the additional Transco Pipeline Easement prior to completing survey work and scheduling a closing.

Discussion: The property has a 1-acre severable exception area around three existing single-family residences. There is one single-family residence, one detached garage apartment and zero agricultural labor units on the area to be preserved outside of the exception area. The landowner leases a portion of the farm out for certain equine service activities, which are conducted on an area of approximately 10 acres, including boarding, training and riding lessons. The landowner also leases this area and approximately 5.25 additional acres for horse shows, parking for horse shows and equine camps, which are considered nonagricultural uses. The landowner has submitted documentation clarifying that the existing nonagricultural uses will cease by the end of calendar year 2013, when the previously planned horse show season ends, and the lease will not be renewed for future years. Should the SADC close on the easement sale prior to the end of the calendar year 2013, and if the cessation of the nonagricultural uses (horse shows, parking for horse shows and equine camps) has not come to fruition, the condition of ceasing these activities by the end of 2013 will be included in the Schedule "B" of the Deed of Easement.

The property currently has a 60-foot wide Transco gas pipeline easement, and the owner has notified the SADC that Transco has proposed a new pipeline to be installed parallel to the existing pipelines (Schedule "D"). After the SADC certified an easement value, a new Transco easement was proposed to accommodate installation of an additional gas line, which is approximately 25-foot wide (approximately 2 acres), and will require temporary workspace, alongside the existing easement area. SADC staff will continue to coordinate closely with the landowner and Transco regarding the terms and recording of the new easement prior to finalizing the survey and scheduling a closing. The SDC appraisal manager has reviewed the proposed additional easement area with both independent appraisers, who conducted the appraisals for the property and have determined that there is no impact on the certified easement value.

The motion was unanimously approved. (A copy of Resolution FY2013R6(11) is attached to and is a part of these minutes.)

H. Resolutions for Final Approval – Nonprofit Grant Program

SADC staff referred the Committee to two requests for final approval under the Nonprofit Grant Program. Staff reviewed the specifics with the Committee and stated that the recommendation is to grant final approval, as presented and discussed.

Ms. Brodhecker recused herself from any discussion/action pertaining to the following two agenda items 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 Mr. Danser and seconded by Mr. Waltman to grant final approval to the following applications, as presented and discussed, subject to any conditions of said Resolutions:

1. The Land Conservancy of New Jersey/McCain-Golden View Farm
SADC #19-0019-NP (Resolution FY2013R6(12))
Block 48, Lots 20, 20.07, Frankford Township, Sussex County, 75 Net Acres
Cost share grant not to exceed \$2,100 per acre (total of approximately \$157,500 based on 75 Acres), subject to availability of funds. The application is subject to the conditions of Schedule "C." A one-acre nonseverable exception for a future single-family residence is recognized.

2. The Land Conservancy of New Jersey/Allison-Wintergreen Farm
SADC # 19-0017-NP (Resolution FY2013R6(13))
Block 23, Lots 2.03, 3, 9, Lafayette Township, Sussex County, totaling
approximately 137 Net Acres
Cost-share grant not to exceed \$2,337.50 per acre (total of approximately
\$320,237.50 based on 137 acres), subject to availability of funds. The application
is subject to the conditions of Schedule "C." A two-acre nonseverable
exception around an existing single-family residence is recognized.

The motion was approved. (Ms. Brodhecker recused herself from the vote.) (Copies of Resolution FY2013R6(12) and Resolution FY2013R6(13) are attached to and are a part of these minutes.)

I. Certification of the list of Approved Appraisers

Mr. Burns referred the Committee to Resolution FY2013R6(14), including Schedule "A," listing those appraisers who attended the annual appraisal conference held in June and who are being recertified (Schedule "A"). The resolution also reflects those appraisers who did not attend the appraisal conference for two years and are being removed for that reason (Schedule "B"). Mr. Burns stated that there are no new appraisers requesting to be included on the list at this time. He stated that staff recommendation is to approve Resolution FY2013R6(14) to reflect the re-certifications to and the deletions from the Approved Appraiser List, as presented and discussed.

It was moved by Ms. Brodhecker and seconded by Mr. Danser to approve Resolution FY2013R6(14) recertifying the list of appraisers to the Approved Appraiser List, as presented and discussed (Schedule "A"), and deleting those appraisers on the Deleted Appraiser List (Schedule "B"), as presented and discussed, subject to any conditions of said resolution. The motion was unanimously approved. (A copy of Resolution FY2013R6(14) is attached to and is a part of these minutes.)

J. Review of a Non-Agricultural Development Project in an Agricultural Development Area

1. South Jersey Gas Pipeline Project – Cumberland, Atlantic and Cape May Counties

Mr. Brill referred the Committee to Resolution FY2013R6(15) regarding the review of a nonagricultural development project in an agricultural development area (ADA). He stated that South Jersey Gas (SJG), through its environmental consultants Woodard & Curran, contacted the Cape May CADB and the SADC in December 2012 to present for review a new natural gas pipeline project proposal from Maurice River Township in Cumberland County to the existing Beasley's Point electric generating plant in Upper Township, Cape May County. The proposed 24-inch diameter steel pipeline is needed to supply natural gas from the existing South Jersey Gas pipeline system to the existing B. L. England Generating Station in order to facilitate the conversion of the facility from a coal to a natural gas-fueled generating plant for the production of electricity, pursuant to the terms of a New Jersey Department of Environmental Protection (NJDEP) Administrative Consent Order designed to significantly reduce air quality impacts. The environmental consultants evaluated a number of alternative pipeline routes as documented in a Route Analysis Study and Addendum to minimize environmental impacts to the maximum extent possible before selecting the final alignment, as shown on Schedule B, in order to extend a new pipeline from the closest infrastructure with sufficient capacity to serve the new gas-fired power turbine.

Mr. Brill stated that the 21.7-mile pipeline project has been designed to be placed largely within existing State, County and Municipal road rights-of-way, within a cleared Atlantic City Electric power line easement and along a rail line, avoiding or minimizing impacts to the New Jersey Pinelands, wetlands, threatened and endangered species habitat, a Wild and Scenic River corridor, archaeological and historic resources as well as areas regulated by the Coastal Area Facilities Review Act (CAFRA), as shown on Schedule C. Once the pipeline route was selected, the environmental consultants identified 17 potential temporary storage and staging areas to support the construction of the pipeline as shown in Schedule D.

Mr. Brill stated that through a series of meetings and information exchanges between the environmental consultants and Cape May CADB and SADC staff, the number of potential temporary storage and staging areas was reduced to seven sites totaling approximately 15.88 acres, including five in the Cape May County ADA totaling roughly 13.31 acres, removing some of the preserved farmland and public open space and parkland, environmentally sensitive sites including forested areas and properties where landowners expressed no interest in using their lands to support the project. Of these seven potential sites ranging in size from 1.1 to 4.7 acres, it is anticipated that only three or four sites will be needed by the contractor from August 1, 2013 through June 30, 2014 as temporary storage and staging areas for the storage of material (e.g., pipes, fittings, etc.), storage of equipment, welding, cleaning of pipe and machinery, storage containers

and a field office/trailers with portable toilets. He stated that the two potential storage/staging areas outside the Cape May County ADA (Areas #8 and 15 in the list attached as Schedule D), totaling about 2.57 acres, appear to be ideal sites. Two of the potential storage/staging areas in the Cape May County ADA (Areas #5 and 10 in the list attached as Schedule D) have been permanently preserved by Cape May County through its Easement Purchase Program without SADC cost share and are not enrolled in the State Farmland Preservation Program. For all potential sites in the ADA, pursuant to Soil Conservation District requirements, best management practices to prevent soil erosion and sedimentation such as silt fences and stone construction entrance roads will be incorporated into each storage area design, and roughly the top 10 inches of topsoil will be removed and stockpiled, construction fabric will be installed and gravel placed temporarily until project completion when the gravel and fabric will be removed, the site will be tilled or "root-raked" to alleviate any soil compaction, the topsoil will be returned to its original location and the disturbed areas will be replanted with an appropriate herbaceous cover crop.

Mr. Brill stated that for all potential sites in the ADA, the pipeline project and the temporary storage/staging areas have also been designed to allow farmer access to remaining fields during construction and to avoid or minimize impacts to existing buffer areas, surface waters and groundwater aquifers. He stated that condemnation proceedings in accordance with N.J.S.A. 20:3-1, et seq. are not necessary for this project. It is anticipated that the Cape May CADB, at a special meeting in the next 30 days, will also review the project to determine if the proposed action would cause unreasonably adverse effects on preserved farms, the ADA, or State agricultural preservation and development policies.

The SADC has reviewed the NOI submitted by South Jersey Gas and their environmental consultants, met with the Cape May CADB staff, and determined that South Jersey Gas has adequately addressed all requirements and information about the project. Mr. Brill stated that in working with the environmental consultants and Cape May County, staff recommendation is that we not find that there is an unreasonably adverse effect on preserved farms or agricultural preservation and development policies for reasons as stated in the draft resolution.

Mr. Brill stated that Cape May County has scheduled its review of this project at a special meeting on July 9th. SADC staff will be at that meeting. Should Cape May County find that there is an unreasonably adverse impact associated with this project, there could be an additional 60-day review period during which a public hearing could be held and a report prepared with additional recommendations. Staff recommendation is to not trigger

that second phase of the review process. He stated that Brigitte Sherman, Administrator for the Cape May CADB, as well as the representative for the environmental consultant, Steve Ewing, are present today.

It was moved by Mr. Requa and seconded by Mr. Danser to approve Resolution FY2013R6(15) finding that the SADC has reviewed the proposed action to determine its effect upon the preservation and enhancement of agriculture in the ADAs, the municipally approved program, and upon overall State agriculture preservation and development policies, and finds that the temporary use of a maximum total of 13.31 acres of lands in the Cape May County ADA including 8.46 acres of farmland permanently preserved by Cape May County and not enrolled in the SADC Farmland Preservation Program as listed in Schedule D would not cause unreasonably adverse effects on the preserved farms, ADA or State agricultural preservation and development policies pursuant to N.J.S.A. 4:1C-19, N.J.S.A. 4:1C-25, and N.J.S.A 40:55D-128 for the following reasons:

1. The proposed project is necessary in order to satisfy a need to reduce air emissions in the State pursuant to an Administrative Consent Order with the NJDEP;
2. The project has been designed to avoid and/or minimize environmental and agricultural impacts to environmental and cultural resources as well as the ADAs and preserved farms in this very environmentally sensitive corridor to the greatest extent possible;
3. South Jersey Gas and their consultants have evaluated all options and determined that the proposed route almost exclusively within existing roadway and utility rights-of-way will have little or no permanent agricultural effects; and

The SADC recommends that South Jersey Gas strongly urge the contractors selected to construct the pipeline attempt to prioritize the use the temporary storage/staging areas in the following order:

1. Storage Areas outside the ADA first (Areas #8 and 15 on Schedule D);
2. Unpreserved farmlands in the ADA next (Areas #6, 7 and 11); and
3. Farmland permanently preserved by Cape May County but not enrolled in the SADC Farmland Preservation Program (Areas #5 and 10).

The SADC will work with South Jersey Gas, the Cape May CADB and farmers/landowners to resolve site-specific impacts to farms in the ADAs, particularly

with respect to soils in agricultural production and surface and subsurface drainage systems, during and after construction. The motion was approved. (Mr. Waltman abstained from the vote.) (A copy of Resolution FY2013R6(15) is attached to and is a part of these minutes.)

PUBLIC COMMENT

None

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, July 25, 2013 **(Re-Organization)**, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 11:16 a.m., Mr. Danser moved the following resolution to go into Closed Session. The motion was seconded by Mr. Siegel 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, the Nonprofit Grant Program and the Municipal Planning Incentive Grant Program as follows:

County Planning Incentive Grant Program

1. Thompson-Peach Farm, SADC # 03-0383-PG
Block 102, Lots 10.01, 10.02; Block 702, Lots 4, 6
Tabernacle Twp. (Block 702); Woodland Twp. (Block 102), Bur. Co., 223 Acres

2. Associated Tree Movers, Inc./Papazian, SADC #10-0310-PG
Block 15, Lot 27, Alexandria Township, Hunterdon County, 48 Acres
3. Czar Brothers (Czar 1), SDC # 21-0527-PG
Block 111, Lot 6, Pohatcong Township, Warren County, 94 Acres

Nonprofit Grant Program

1. The Land Conservancy of New Jersey/K-J Farm, SADC # 21-0028-NP
Block 7, Lot 1, Harmony Township, Warren County, Approx. 103 Net Acres
2. Star D, LLC, SADC # 21-0027-NP
Block 7, Lot 1.03, Harmony Township, Warren County, 40 Acres
3. The Land Conservancy of New Jersey/Raub/Sunny Hill Farm
SADC#21-0029NP
Block 33, Lot 55, Harmony Township, Warren County
Block 2, Lot 5, Lopatcong Township, Warren County
Approximately 24 Net Acres (Schedule A)
4. The Land Conservancy of New Jersey/May Farm, SADC # 21-0030-NP
Block 1100, Lot 400, Hope Township, Warren County
Approximately 21 Net Acres (Schedule A)

Municipal Planning Incentive Grant Program

1. John J. Walburn, Jr., SADC # 21-0525-PG
Block 13, Lot 22, White Township, Warren County, 26 Acres

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

Note: Ms. Brodhecker recused herself from any action pertaining to the following agenda item to avoid the appearance of a conflict of interest and left the room. Ms. Brodhecker is the Chairperson of the Sussex County Agriculture Development Board.

It was moved by Mr. Danser and seconded by Mr. Schilling to certify the development easement value as discussed in closed session for the SADC Direct Easement Purchase Program as follows:

1. Tor Anderson, SADC # 19-0017-DE
Block 19, Lot 109; Block 19.06, Lots 62, 64, Sparta Twp., Sussex Co., 13 Acres

The motion was approved. (Ms. Brodhecker recused herself from the vote.) (A copy of the Certification of Value Report is attached to and is a part of the closed session minutes.)

B. Litigation

1. Proposed Final Decision, OAL Appeal, Bailey v. Dubrow's Nurseries

Ms. Payne stated that there is a proposed Final Decision by the SADC in the matter of Marie Bailey v. the Hunterdon Agriculture Development Board. The Initial Decision granting summary decision is hereby adopted and the recommendations of the Administrative Law Judge are incorporated herein by reference. The SADC finds that it was reasonable and properly based on the record. This case involves Marie Bailey's filing of an appeal of the CADB's dismissal of her request for a Right to Farm interpretation from the CADB. The SADC finds that the CADB properly dismissed it and the Administrative Law Judge properly upheld the County's decision.

It was moved by Mr. Schilling and seconded by Ms. Reade to approve the Final Decision in the matter of Marie Bailey, Petitioner, vs. Hunterdon County Agriculture Development Board and Dubrow's Nurseries, Respondents, as presented and discussed in closed session. The motion was unanimously approved. (A copy of the Final Decision 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 Ms. Reade and seconded by Mr. Waltman and unanimously approved to adjourn the meeting at 12:00 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" and last name "Payne" being the most legible parts.

Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

S:\MINUTES\2013\Reg June 27 2013.doc

STATE AGRICULTURE DEVELOPMENT COMMITTEE

EXTENSION OF

RESOLUTION #FY2013R6(1)

**AMENDED FINAL REVIEW AND CONDITIONAL APPROVAL
OF A PLANNING INCENTIVE GRANT TO**

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

**On the Property of
Robert W. Smith
Washington Township, Morris County**

**N.J.A.C 2:76-17 et seq.
SADC ID# 14-0096-PG**

June 27, 2013

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC granted conditional final approval on June 24, 2010 to provide a cost share grant to Morris County for the purchase of a development easement on the Property conditioned on the results of the condemnation action instituted by the Washington Township Municipal Utilities Authority (WTMUA) against the Smith Farm (Schedule A); and

WHEREAS, on July 28, 2011 the SADC amended its June 24, 2010 conditional final approval for the Smith Farm by establishing a one (1) year time limit during which the WTMUA would secure proper well drilling, water supply and other required permits and approvals from all necessary agencies including but not limited to the NJDEP and the NJ Highlands Council (Schedule B); and

WHEREAS, the July 28, 2011 amended final approval included a one (1) year time limit of the conditional final approval that could be extended for any time period determined to be reasonable by the Committee, upon the County's written request detailing sufficient reasons for the extension; and

WHEREAS, on June 28, 2012 the SADC amended its July 28, 2011 final approval to provide a six (6) month extension of its conditional final approval until January 28, 2013, concluding that the County had made significant progress in addressing all outstanding issues (Schedule C); and

WHEREAS, in addition, the SADC resolved that upon expiration of the one (1) year time period (July 28, 2012), or any approved extension thereof, the SADC reserve the right, in the SADC's sole discretion, to rescind its conditional final approval for the

Smith Farm due to the existence of still unresolved issues regarding the public water supply well and its impact on the value of the Smith Farm easement and future agricultural use of the property; and

WHEREAS, the WTMUA completed a 72-hour aquifer well test on the new well on the Smith Farm in July 2012 and submitted incomplete reports on the test results to the SADC on December 5, 2012; and

WHEREAS, the NJDEP provided a letter indicating the adequacy of the 50-foot buffer around the new well on the Smith Farm in correspondence dated December 21, 2012; and

WHEREAS, on January 24, 2013 the SADC amended its June 28, 2012 final approval to provide an additional six (6) month extension of its conditional final approval until July 28, 2013, concluding that the County had made significant progress in addressing all outstanding issues (Schedule D); and

WHEREAS, SADC staff needs additional time to obtain and review full copies of the test well report, applications to the Highlands Council and NJDEP Bureau of Water Allocation and Well Permitting and other such information as may be necessary in order to make a recommendation to the SADC regarding the impacts of the proposed public water supply well on the Smith Farm as set forth in the SADC's prior resolutions on the matter, attached hereto and referred to as Schedules A, B, C and D; and

WHEREAS, Morris County has submitted a letter requesting a twelve month extension (Schedule E) based on significant progress in obtaining all necessary permits and approvals.

NOW THEREFORE BE IT RESOLVED that the SADC finds that the County has made significant progress in addressing all outstanding issues and has provided supporting documentation highlighting sufficient reasons to warrant an extension of twelve months until July 28, 2014; and

BE IT FURTHER RESOLVED, that upon receipt of information supporting the determinations set forth above, the SADC reserves complete authority to reassess the validity of the appraisals, in both the "before" and "after" valuations, upon which the SADC relied upon to certify the easement value, and if determined necessary by the SADC, require updated appraisals be submitted to reflect the conditions then known as a result of the permits/approvals obtained; and

BE IT FURTHER RESOLVED, that the SADC will continue to encumber the \$646,823.52 in State funding allocated to its share of the cost of the development rights to the Smith Farm and will exclude the Smith Farm encumbrance from any and all calculations regarding future funding eligibility of Morris County pursuant to N.J.A.C. 2:76-17.8; and

BE IT FURTHER RESOLVED, should the well-related issues be resolved and the SADC determines the closing can proceed, if the County requires additional funds for the Property due to an increase in the final surveyed acreage, the County may utilize unencumbered and available base grant funds to supplement the shortfall; however, no additional SADC competitive grant funds above the \$646,823.52 are available for this Property; and

BE IT FURTHER RESOLVED, that the provisions of the SADC's June 24, 2010 conditional approval, the SADC's July 28, 2011 amended and conditional final approval, the June 30, 2012 amended and conditional final approval and the January 24, 2013 amended and conditional final approval, to the extent not inconsistent herewith, remain in full force and effect as though set forth herein at length; and

BE IT FURTHER RESOLVED, that this Extension of Amended Final Review and Conditional Approval is subject to the Governor's review pursuant to N.J.S.A. 4:1C-4f.

6-27-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY10R6(12)

**FINAL REVIEW AND CONDITIONAL APPROVAL OF A PLANNING INCENTIVE
GRANT TO**

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

**On the Property of
Robert W. Smith
Washington Township, Morris County**

**N.J.A.C 2:76-17 et seq.
SADC ID# 14-0096-PG**

June 24, 2010

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Morris 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 Morris County's 2010 PIG application on May 28, 2009; and

WHEREAS, on June 30, 2009 the SADC received an application for the sale of a development easement from Morris County for the Smith Farm, hereinafter referred to as "Owner", identified as Block 12 Lot 4, Washington Township, Morris County, totaling approximately 100.8 acres hereinafter referred to as "Property" and as identified on the attached map (Schedule A); and

WHEREAS, the Property is a targeted farm located in Morris County's Agriculture Development Area (ADA) West Project Area and is within the Highlands Preservation Area; and

WHEREAS, the Property contains a 6.2+- acre conservation/drainage easement area servicing the neighboring school which the SADC may not provide a cost share towards due to its restriction on development and agricultural use; and

WHEREAS, the Washington Township Municipal Utilities Authority (WTMUA) filed a Notice of Intent dated August 19, 2009 with the SADC and the Morris County Agriculture Development Board (MCADB) regarding the proposed condemnation of a portion of the Smith Farm for purposes of placing a public water supply well on the Property; and

WHEREAS, while the Notice of Intent was filed with the MCADB and SADC as required by N.J.S.A. 4:1C-19a., the WTMUA instituted condemnation proceedings against the Smith Farm on or about January 2010 without first obtaining the review and findings of the MCADB and SADC pursuant to N.J.S.A. 4:1C-19b., and

WHEREAS, pursuant to N.J.S.A. 4:1C-19b., on May 10 2010 and June 10, 2010, the MCADB conducted its review of the Notice of Intent, conducted a public hearing, and issued a resolution concluding that the proposed condemnation will "cause unreasonably adverse effects upon: 1) preservation and enhancement of agriculture in the ADA; and 2) upon overall State agricultural preservation and development policies", and recommended that the eminent domain action against the Smith Farm be withdrawn by the WTMUA; and

WHEREAS, the SADC staff continues to review all information submitted by the WTMUA in order to determine whether the Notice of Intent is complete, with the most recent information having been submitted to the SADC by the WTMUA on June 8, 2010; and

WHEREAS, upon the SADC's determination that it has received a complete Notice of Intent, the SADC will have 30 days to issue findings regarding the effect of the proposed taking upon the preservation and enhancement of agriculture in the ADA, the municipally approved program, and upon overall State agricultural preservation and development policies; and

WHEREAS, since the return date of the order to show cause on the Smith Farm condemnation is scheduled for July 9, 2010, pursuant to NJSA 4:1C-19c., the Secretary of Agriculture has authorized the Office of the Attorney General to intervene in and to seek a postponement of those proceedings in order allow the SADC to issue its findings and conclusions related to this proposed taking of land in an ADA in accordance with N.J.S.A. 4:1C-19b., and

WHEREAS, to some extent, the preservation of the Smith Farm will be dependent upon a final judicial disposition of the proposed condemnation action which may, in turn, effect the final size and configuration of the Smith Farm; and

WHEREAS should the configuration of the Smith Farm change due to a successful taking by the WTMUA, the application would be reviewed, appraisal updates would be evaluated and this final conditional approval would be submitted to the SADC for amendments, as appropriate; and

WHEREAS, the Property includes a one (1) acre nonseverable exception area for a future single family home and zero (0) residences used for agricultural labor; and

WHEREAS, the Property includes a Garage/Barn, approximately 32'x130' and parking area for the storage and year round sale of antiques which will be noted and fully described as a pre-existing non-agricultural use in the Deed of Easement and final survey; and

WHEREAS, the Property has a rank score of 62.55 which exceeds the County's average quality score of 44, as determined by the SADC on July 24, 2008; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b), on September 23, 2009 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 25, 2010 the SADC certified a development easement value of \$14,200 per acre based on zoning and environmental regulations in place as of January 1, 2004 and \$2,800 per acre based on zoning and environmental regulations in place as of the date of valuation June 30, 2009; and

WHEREAS, Morris County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 103.824 acres will be utilized to calculate the grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner offered to sell the development easement to the County for \$14,350 per acre which is higher than the highest certified easement value, but not higher than the highest appraised value ; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Washington Township Committee approved the Owner's application for the sale of a development easement on August 24, 2009, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Morris County Agriculture Development Board approved the application on April 1, 2010 and secured a commitment of funding for approximately 57% of the easement purchase price from the Morris County Board of Chosen Freeholders for the required local match on April 26, 2010; and

WHEREAS, Morris County has requested the SADC approve and encumber a reduced cost share for the Smith farm in order to preserve competitive grant funds which may be available for future projects; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(d) and 17.14, on May 3, 2010 the County established a prioritization of farms and submitted a request to the SADC to conduct a final review of the application for the sale of a development easement; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8 and Resolution # FY08R9(33), adopted on July 26, 2007, the SADC authorized a FY09 funding allocation to provide eligible counties with a base grant of \$2,000,000.00 with the ability to obtain an additional competitive grant not to exceed \$3,000,000.00 to purchase development easements on eligible farms, subject to available funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, and 17.14 Morris County is eligible to apply for an additional \$3,000,000.00 dollars of competitive grant funding for a maximum FY 2009 grant of \$5,000,000.00, subject to the availability of funds; and

WHEREAS, to date the County has closed the Cobb/Headly Farm and the Estate of Hansel/Greenway Flowers Farm expending \$1,903,206.60 of their \$2,000,000 base grant and requested final approval for the Farrand #5, Farrand #6, Lare and McLaughlin Farms encumbering the remaining base grant and leaving \$2,335,038.94 potentially available in FY09 competitive funding (Schedule C); 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, 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 (Schedule D); and

WHEREAS, Morris County is requesting to encumber \$646,823.52 from its available competitive funds for the purchase of development easements on the Smith Farm;

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, grants final conditional approval to provide a cost share grant to Morris County for the purchase of a development easement on the Property comprising approximately 103.824 acres, at a State cost share of \$6,230 per acre (approximately 43% of certified market value) for a total grant of approximately \$646,823.52 which is less than the SADC cost share pursuant to N.J.A.C. 2:76-6.11 at the request of Morris County; and

BE IT FURTHER RESOLVED, the SADC grants final approval based on the conditions contained in Schedule B and further conditioned upon the results of the condemnation action instituted against the Smith Farm by the WTMUA; and

BE IT FURTHER RESOLVED, that the SADC reserves the right to reevaluate the Smith Farm application at the conclusion of the aforesaid condemnation action; and

BE IT FURTHER RESOLVED, that based on the priority ranking of applications competing for competitive grant funds pursuant to N.J.A.C. 2:76-17.14 (e), and as identified in Schedule D, the subject Property qualifies for competitive grant funds; and

BE IT FURTHER RESOLVED, should the County require additional funds for the Property due to an increase in the final surveyed acreage the County may utilize unencumbered and available base grant funds to supplement the shortfall, however no additional SADC competitive grant funds above the \$646,823.52 are available for this Property; and

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

BE IT FURTHER RESOLVED, that the SADC's expenditure of a cost share grant to the County for the purchase of a development easement on the Smith Farm shall be conditioned upon and 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, for residual dwelling site opportunities allocated pursuant to Policy P-19-A, and areas taken as a result of a final, nonappealable judgment or order entered in the aforesaid condemnation action; and

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

BE IT FURTHER RESOLVED, that final authorization to provide a cost share grant to the County for the purchase of a development easement on the Property is subject to the review and approval of the Attorney General's Office for compliance with the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq. and the Garden State Preservation Trust Act, N.J.S.A. 13:8C-1, et seq.

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-4f.

6/24/10

Date



Susan E. Craft, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	ABSTAINED
Richard Boornazian (rep. DEP Commissioner Martin)	YES
Donna Rendeiro (rep. DCA Commissioner Grifa)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James R. Waltman	YES
Denis C. Germano	ABSENT
Jane Brodhecker	YES
Torrey Reade	YES
Alan A. Danser	YES
Dr. Stephen P. Dey	YES

Wetlands

Application within the Highlands Preservation Area

x:/counties/morco/projects/smith10fww.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Robert Smith

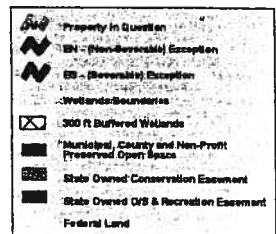
Block 12 Lots P/O 4 (100.8 ac) & P/O 4-EN (non-severable exception - 1.0 ac)

Gross Total = 101.8 ac

Washington Twp., Morris 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 2007/2008 Digital Aerial Image

July 29 2009

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Willow Pond Farm
14- 0096-PG
FY 2009 County PIG Program
101 Acres

Block 12	Lot 4	Washington Twp.	Morris County
SOILS:		Other	20.3% * 0 = .00
		Prime	75.5% * .15 = 11.32
		Statewide	4.2% * .1 = .42
			SOIL SCORE: 11.75
TILLABLE SOILS:		Cropland Harvested	54.6% * .15 = 8.19
		Permanent Pasture	8% * .02 = .16
		Wetlands	27.4% * 0 = .00
		Woodlands	10% * 0 = .00
			TILLABLE SOILS SCORE: 8.35
FARM USE:		Corn-Cash Grain	40 acres
		Hay	15 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:

storage of antiques for sale
year-round
 - b. Exceptions:

1st one (1) acres for future 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)
Can not be further subdivided.
 - c. Additional Restrictions:
 1. can not be further subdivided
 - 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 #FY2012R7(33)

**AMENDED FINAL REVIEW AND CONDITIONAL APPROVAL
OF A PLANNING INCENTIVE GRANT TO**

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

**On the Property of
Robert W. Smith
Washington Township, Morris County**

**N.J.A.C 2:76-17 et seq.
SADC ID# 14-0096-PG**

July 28, 2011

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Morris County ("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 County's 2010 PIG application on May 28, 2009; and

WHEREAS, on June 30, 2009 the SADC received an application for the sale of a development easement from Morris County on lands designated as Block 12, Lot 4, Washington Township, Morris County, totaling approximately 100.8 acres ("Smith Farm"), as identified on the attached map (Schedule A); and

WHEREAS, the Smith Farm is a targeted farm located in Morris County's Agricultural Development Area (ADA) West Project Area and is within the Highlands Preservation Area; and

WHEREAS, the Smith Farm contains a 6.2+- acre conservation/drainage easement area, servicing a neighboring elementary school, for which the SADC will not provide a cost share grant due to the easement's restrictions on development and agricultural use; and

WHEREAS, the Washington Township Municipal Utilities Authority (WTMUA) filed a Notice of Intent dated August 19, 2009 with the SADC and the Morris County Agriculture Development Board (MCADB) as required by N.J.S.A. 4:1C-19a. regarding the proposed condemnation of a portion of the Smith Farm for purposes of placing a public water supply well thereon; and

WHEREAS, while the Notice of Intent was filed with the MCADB and SADC as required by N.J.S.A. 4:1C-19a., the WTMUA instituted condemnation proceedings against the Smith Farm in or about January 2010 without first obtaining the review and findings of the MCADB and SADC pursuant to N.J.S.A. 4:1C-19b., and

WHEREAS, pursuant to N.J.S.A. 4:1C-19b., at meetings held on May 10 and June 10, 2010, the MCADB reviewed the Notice of Intent, conducted a public hearing, and issued a resolution concluding that the proposed condemnation will "cause unreasonably adverse effects upon: 1) preservation and enhancement of agriculture in the ADA; and 2) upon overall State agricultural preservation and development policies", and recommended that the eminent domain action against the Smith Farm be withdrawn by the WTMUA; and

WHEREAS, pursuant to N.J.S.A. 4:1C-19b., the SADC completed its review of the Notice of Intent, conducted a public hearing on August 23, 2010, and approved by motion on September 17, 2010 a Summary of Findings and Recommendations Report concluding that the proposed condemnation will cause unreasonably adverse effects upon Morris County's ADA and State agriculture preservation and development policies, and recommended that:

1. The WTMUA should be required to exhaust all other water supply options prior to consideration of a new well on the Smith farm;
2. The ADA review process should be included in all pertinent NJ Department of Environmental Protection (NJDEP) permit procedures;
3. All parties involved should expedite the process so as to not unduly interfere with the permanent preservation of the Smith Farm; and

WHEREAS, on October 1, 2010, Superior Court Judge B. Theodore Bozonelis ruled that the WTMUA could proceed with its condemnation of a 0.72 acre easement on the Smith Farm to accommodate the new well, well housing and piping and provide for a 50-foot minimum buffer around the well; and

WHEREAS, the SADC recognized that, should the final size and configuration of the Smith Farm change due to a successful eminent domain taking by the WTMUA, the application would be reviewed, appraisal updates would be evaluated and this final conditional approval would be submitted to the SADC for amendments, as appropriate; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC granted conditional final approval on June 24, 2010 to provide a cost share grant to Morris County for the purchase of a development easement on the Property comprising approximately 103.824 acres, at a State cost share of \$6,230 per acre (approximately 43% of certified market value) for a total grant of approximately \$646,823.52 which is less than the SADC cost share pursuant to N.J.A.C. 2:76-

6.11 at the request of Morris County; and

WHEREAS, the SADC's issuance of conditional final approval was based on the conditions contained in Schedule B and upon the results of the condemnation action instituted by the WTMUA against the Smith Farm; and

WHEREAS, the SADC reserved the right to reevaluate the Smith Farm application at the conclusion of the aforesaid condemnation action; and

WHEREAS, the SADC gathered additional information from the NJDEP, the WTMUA and Morris County staff on the potential impact of the proposed community well on the ability of current and future landowners to use the preserved farmland for a full range of agricultural activities and concluded that:

1. The ultimate size of the required buffer around the well is not yet known;
2. The potential limitations on agricultural activity, including the ability of a future farm operator to obtain an agricultural water use permit, are also unclear;
3. Depending on the ultimate impact of the public water supply well on the Smith Farm, the appraised easement value certified by the SADC pursuant to N.J.A.C. 2:76-17.11 on March 25, 2010 could be negatively impacted;
4. Preservation of the Smith Farm at this time could necessitate the WTMUA's condemnation of additional buffer area which in turn would require the SADC and the MCADB to proceed with the time consuming process of releasing an easement pursuant to N.J.S.A 4:1C-25, including an assessment of immediately apparent feasible alternatives and the Governor's declaration that the action is necessary for public health, safety and welfare; and

WHEREAS, the SADC evaluated various options regarding the timing of the closing on the development rights to the Smith Farm in relation to the approval of the community well on the Property at its June 23, 2010 meeting.

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, amends its June 24, 2010 conditional final approval of a planning incentive grant for the Smith Farm by establishing a one (1) year time limit during which the WTMUA shall apply for and secure proper well drilling, water supply and other required permits and approvals from all necessary agencies including but not limited to the NJDEP and the NJ Highlands Council; and

BE IT FURTHER RESOLVED, as a result of securing all necessary permits and approvals the final extent, configuration and nature of the buffer necessitated by the well will be determined and its impact on the ability of current and future landowners to use the Smith Farm for a full range

of agricultural activities, including the ability to secure agricultural water use permits, will be established to the satisfaction of the Committee; and

BE IT FUTURE RESOLVED, that upon receipt of information supporting the determinations set forth above, the SADC reserves complete authority to reassess the validity of the appraisals, in both the "before" and "after" valuations, upon which the SADC relied upon to certify the easement value, and if determined necessary by the SADC, require updated appraisals be submitted to reflect the conditions then known as a result of the permits/approvals obtained;

BE IT FURTHER RESOLVED, that should updated appraisals be necessary the SADC will review the new appraisals and certify a new easement value pursuant to N.J.A.C. 2:76-17.10-17.11; and

BE IT FURTHER RESOLVED, that the SADC will continue to encumber the \$646, 823.52 in State funding allocated to its share of the cost of the development rights to the Smith Farm and will exclude the Smith Farm encumbrance from any and all calculations regarding future funding eligibility of Morris County pursuant to N.J.A.C. 2:76-17.8; and

BE IT FURTHER RESOLVED, that the WTMUA is encouraged to expedite the permit process and associated well tests in order to minimize the delay to the closing on the development rights to the Smith Farm; and

BE IT FURTHER RESOLVED that the one (1) year time limit of the conditional final approval of the planning incentive grant for the Smith Farm may be further extended for any time period determined to be reasonable by the Committee, upon the County's written request detailing sufficient reasons for the extension; and

BE IT FURTHER RESOLVED, that upon expiration of the one (1) year time period, or any approved extension thereof, the SADC reserves the right, in the SADC's sole discretion, to rescind its conditional final approval for the Smith Farm due to the existence of still unresolved issues regarding the public water supply well and its impact on the value of the Smith Farm easement and future agricultural use of the property; and

BE IT FURTHER RESOLVED, should the well-related issues be resolved and the SADC determines the closing can proceed, if the County requires additional funds for the Property due to an increase in the final surveyed acreage, the County may utilize unencumbered and available base grant funds to supplement the shortfall; however, no additional SADC competitive grant funds above the \$646,823.52 are available for this Property; and

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

BE IT FURTHER RESOLVED, that the SADC's expenditure of a cost share grant to the County for the purchase of a development easement on the Smith Farm shall be conditioned upon and 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, for residual dwelling site opportunities allocated pursuant to Policy P-19-A, and areas taken as a result of a final, nonappealable judgment or order entered in the aforesaid condemnation action; 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 final authorization to provide a cost share grant to the County for the purchase of a development easement on the Smith Farm is subject to the review and approval of the Attorney General's Office for compliance with the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq. and the Garden State Preservation Trust Act, N.J.S.A. 13:8C-1, et seq.; and

BE IT FURTHER RESOLVED that the provisions of the SADC's June 24, 2010 conditional approval, to the extent not inconsistent herewith, remain in full force and effect as though set forth herein at length; and

BE IT FURTHER RESOLVED, that this Amended Final Review and Conditional Approval is subject to the Governor's review pursuant to N.J.S.A. 4:1C-4f.

7/28/11
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

Douglas H. Fisher, Chairperson	YES
Richard Boornazian (rep. DEP Commissioner Martin)	ABSENT
James Requa (rep. DCA Commissioner Grifa)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser	ABSENT
James Waltman	ABSENT
Denis C. Germano	YES
Torrey Reade	

Wetlands

Schedule A

Application within the Highlands Preservation Area

x:\counties\morco\projects\smith10fww.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Robert Smith
Block 12 Lots P/O 4 (100.8 ac) & P/O 4-EN (non-severable exception - 1.0 ac)
Gross Total = 101.8 ac
Washington Twp., Morris County



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



Property In Question	
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
Wetlands Boundaries	
	300 ft Buffered Wetlands
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned DWS & Recreation Easement
	Federal Land

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

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

July 26, 2008

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Willow Pond Farm
14- 0096-PG
FY 2009 County PIG Program
101 Acres

Block 12	Lot 4	Washington Twp.	Morris County
SOILS:		Other	20.3% * 0 = .00
		Prime	75.5% * .15 = 11.33
		Statewide	4.2% * .1 = .42
			SOIL SCORE: 11.75
TILLABLE SOILS:		Cropland Harvested	54.6% * .15 = 8.19
		Permanent Pasture	8% * .02 = .16
		Wetlands	27.4% * 0 = .00
		Woodlands	10% * 0 = .00
			TILLABLE SOILS SCORE: 8.35
FARM USE:	Corn-Cash Grain	40 acres	
	Hay	15 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:
 - storage of antiques for sale year-round
 - b. Exceptions:
 - 1st one (1) acres for future 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)
 - Can not be further subdivided.
 - c. Additional Restrictions:
 - 1. can not be further subdivided
 - 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. 4:16-11 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.

County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

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[illegible]

Schedule 1

STATE AGRICULTURE DEVELOPMENT COMMITTEE

EXTENSION OF

RESOLUTION #FY2012R6(1)

AMENDED FINAL REVIEW AND CONDITIONAL APPROVAL
OF A PLANNING INCENTIVE GRANT TO

MORRIS COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Robert W. Smith
Washington Township, Morris County

N.J.A.C 2:76-17 et seq.
SADC ID# 14-0096-PG

June 28, 2012

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC granted conditional final approval on June 24, 2010 to provide a cost share grant to Morris County for the purchase of a development easement on the Property conditioned on the results of the condemnation action instituted by the Washington Township Municipal Utilities Authority (WTMUA) against the Smith Farm (Schedule A); and

WHEREAS, on July 28, 2011 the SADC amended its June 24, 2010 conditional final approval for the Smith Farm by establishing a one (1) year time limit during which the WTMUA would secure proper well drilling, water supply and other required permits and approvals from all necessary agencies including but not limited to the NJDEP and the NJ Highlands Council (Schedule B); and

WHEREAS, the July 28, 2011 amended final approval included a one (1) year time limit of the conditional final approval that could be extended for any time period determined to be reasonable by the Committee, upon the County's written request detailing sufficient reasons for the extension; and

WHEREAS, in addition the SADC reserved that upon expiration of the one (1) year time period (July 28, 2012), or any approved extension thereof, the SADC reserves the right, in the SADC's sole discretion, to rescind its conditional final approval for the Smith Farm due to the existence of still unresolved issues regarding the public water supply well and its impact on the value of the Smith Farm easement and future agricultural use of the property; and

WHEREAS, Morris County has submitted a letter requesting a six month extension (Schedule C) based on significant progress in obtaining all necessary permits and approvals outlined in a letter from the WTMUA dated May 9, 2012 (Schedule D)

NOW THEREFORE BE IT RESOLVED, the SADC finds that the County has made significant progress in addressing all outstanding issues and have provided supporting documentation highlighting sufficient reasons to warrant an extension of six months until January 28, 2013; and

BE IT FUTURE RESOLVED, that upon receipt of information supporting the determinations set forth above, the SADC reserves complete authority to reassess the validity of the appraisals, in both the "before" and "after" valuations, upon which the SADC relied upon to certify the easement value, and if determined necessary by the SADC, require updated appraisals be submitted to reflect the conditions then known as a result of the permits/approvals obtained; and

BE IT FURTHER RESOLVED, that the SADC will continue to encumber the \$646,823.52 in State funding allocated to its share of the cost of the development rights to the Smith Farm and will exclude the Smith Farm encumbrance from any and all calculations regarding future funding eligibility of Morris County pursuant to N.J.A.C. 2:76-17.8; and

BE IT FURTHER RESOLVED, should the well-related issues be resolved and the SADC determines the closing can proceed, if the County requires additional funds for the Property due to an increase in the final surveyed acreage, the County may utilize unencumbered and available base grant funds to supplement the shortfall; however, no additional SADC competitive grant funds above the \$646,823.52 are available for this Property; and

BE IT FURTHER RESOLVED, that the provisions of the SADC's June 24, 2010 conditional approval and the SADC's July 28, 2011 amended and conditional final approval, to the extent not inconsistent herewith, remain in full force and effect as though set forth herein at length; and

BE IT FURTHER RESOLVED, that this Extension of Amended Final Review and Conditional Approval is subject to the Governor's review pursuant to N.J.S.A. 4:1C-4f.

4/29/13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Acting Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Jane Brodhecker	ABSENT
Alan Danser	ABSENT
Denis Germano	YES
Torrey Reade	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
James Waltman	YES

WHEREAS, at the time of application the Property was in cut flowers and soy bean/corn production; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on June 10, 2011 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, the SADC certified a value of \$55,000 per acre for the development easement for the Property on April 27, 2012, based on the current zoning and environmental regulations as of June 1, 2011; and

WHEREAS, the Township has contracted with the landowner for the certified value of \$55,000 per acre; and

WHEREAS, to date \$1,250,000 of FY09 and FY11 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Project Area; and

WHEREAS, to date Colts Neck Township has expended \$0 of its SADC grant funds (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on December 12, 2012 the Colts Neck Township Committee approved the application and a funding commitment for an estimated \$9,001.14 per acre; and

WHEREAS, the Monmouth County Agriculture Development Board approved the application on December 5, 2012 secured a commitment of funding for an estimated \$13,248.86 per acre from the Monmouth County Board of Chosen Freeholders for the required local match on December 13, 2012; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 16 net easement acres):

	<u>Total</u>	
SADC	\$524,000	(\$32,750/acre)
Monmouth County	\$211,981.76	(\$13,248.86/acre)
Colts Neck Twp.	<u>\$144,018.24</u>	<u>(\$9,001.14/acre)</u>
Total Easement Purchase	\$880,000	(\$55,000/acre)

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 Colts Neck Township for the purchase of a development easement on the Property, comprising approximately 16 net easement acres, at a State cost share of \$32,750 per acre, (59.55% of certified market value) for a total grant need of \$524,000 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

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

BE IT FURTHER RESOLVED, that 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.

6-27-13



Date

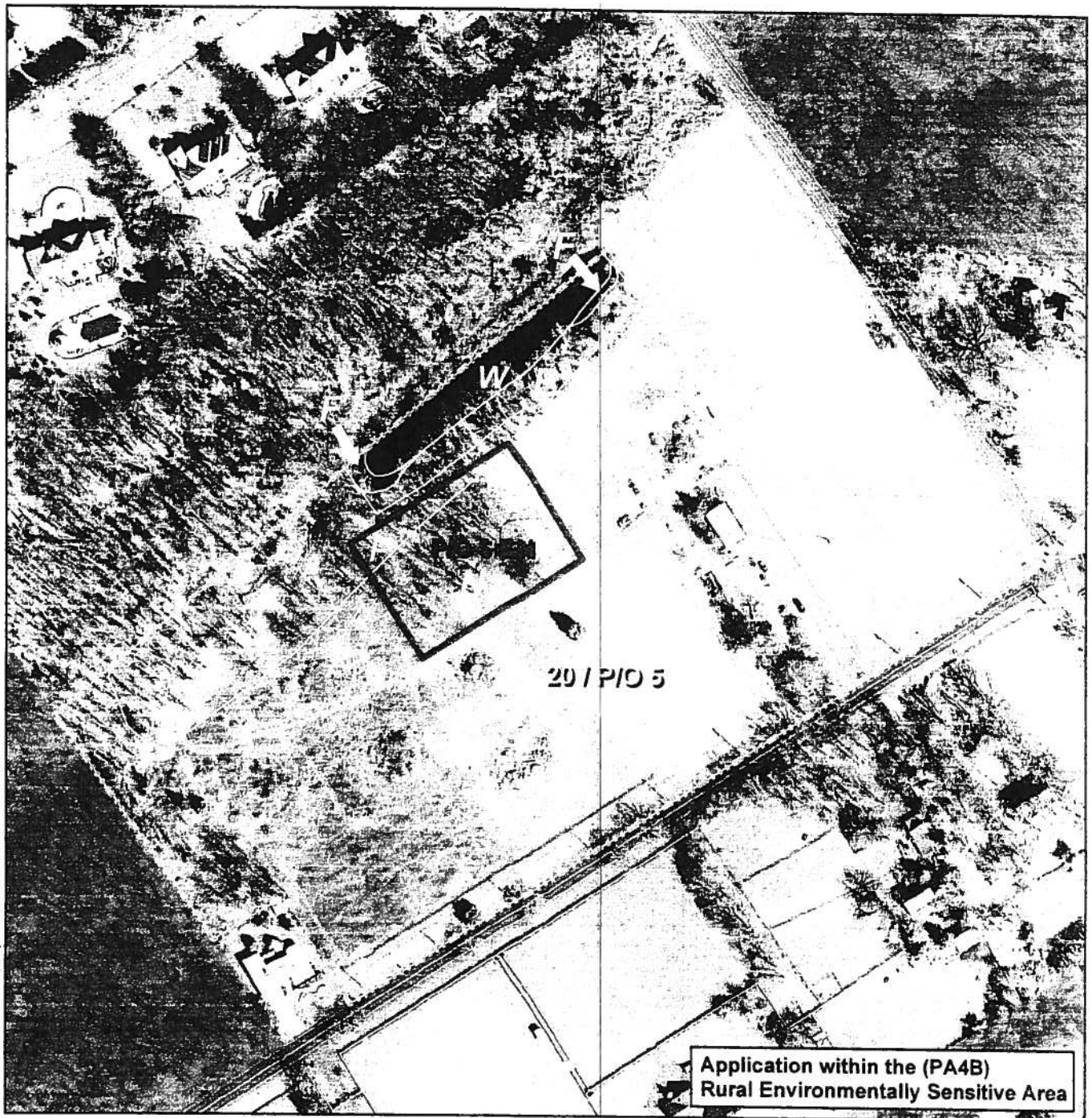
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Schedule A

x:\counties\monco\projects\Cicalese\H09fwfww.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Cicalese, Helen, Estate of
Block 20 P/O Lot 5 (15.46 ac) & P/O Lot 5-EN (non-severable exception - 1.0 ac)
Gross Total = 16.46 ac
Colt's Neck Twp., Monmouth County

250 125 0 250 500 Feet



Property in Question	
	EN - (Non-Severable) Exception
	SS - (Severable) Exception
Wetlands Boundaries	
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned O.S. & Recreation Easement

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 DigitalAerial Image

Date: 5/2/2011

Schedule D

Municipal Planning Incentive Grant
Colts Neck Township, Monmouth County

Farm	SADC ID#	Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Grant% Per Acre	Easement Consideration	SADC			Federal Grant			733 - GSPT		
								Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	Expended	Balance		
Cicalese	13-0426-PG	16.000	55,000.00	55,000.00	32,750.00	59.55%	880,000.00	880,000.00	524,000.00			524,000.00		1,250,000.00		
														726,000.00		
Total Pending	1	16.000							524,000.00							
Total Encumbered												524,000.00				
Closed/Expended													0.00			
Total														726,000.00		
Reprogram Out																

Schedule D

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Cicalese, Est. of Helen c/o Veronica & Dominic
13- 0426-PG

PIG EP - Municipal 2007 Rule
16 Acres

Block 20	Lot 5	Colts Neck Twp.	Monmouth County
SOILS:			
	Other	11% * 0	= .00
	Prime	19% * .15	= 2.85
	Statewide	70% * .1	= 7.00
			SOIL SCORE: 9.85
TILLABLE SOILS:			
	Cropland Harvested	77% * .15	= 11.55
	Other	7% * 0	= .00
	Woodlands	16% * 0	= .00
			TILLABLE SOILS SCORE: 11.55
FARM USE:	Ornament Nursery Products	6 acres	cut flowers

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for future residence
 - Exception is not to be severed from Premises
 - Exception is to be restricted to one single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 - Existing home restricted to 2,000 SF
 - e. Dwelling Units on Premises:
 - Standard Single Family
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R6910)

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

**On the Property of
K. & J. Kleindienst and K. Hoyer
June 27, 2013**

Subject Property: Block 3302, Lot 20
Stillwater Township, Sussex County (87.7 acres)
Block 101, Lots 12 & 14; Block 102, Lots 8 & 8.01
Freylinghuysen Township, Warren County (39.1 acres)
SADC ID# 19-0016-DE
Approximately 129 Net Acres

WHEREAS, on August 29, 2012, the State Agriculture Development Committee ("SADC") received a development easement sale application from the Kleindienst family, hereinafter "Owner," identified as Block 3302, Lot 20, Stillwater Township, Sussex County; Block 101, Lots 12 & 14; Block 102, Lots 8 & 8.01, Freylinghuysen Township, Warren County, hereinafter "Property," totaling approximately 129 net acres (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 28, 2011 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property does meet the SADC's "Priority" category for Sussex County (minimum acreage of 46 and minimum quality score of 51) because it is 129 acres and has a quality score of 57.21; and

WHEREAS, on the Property to be preserved there are zero (0) single family residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

WHEREAS, the Owner has requested a 2.5-acre non-severable exception area for the existing duplex with an apartment; and

WHEREAS, the Owner has requested a 1.5-acre non-severable exception area for a future single family residence; and

WHEREAS, the Property is currently devoted to hay and equine production; and

WHEREAS, there are 10-12 horses boarded on the 2.5 acre exception; and

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

WHEREAS, on April 26, 2013, the SADC certified the development easement value of the entire Property at \$4,000 per acre based on zoning and environmental regulations in place as of January 1, 2004 and at \$2,700 per acre based on current zoning and environmental condition as of February 2013; and

WHEREAS, the SADC extended, and the Owner accepted, the offer of \$4,000 per acre; 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 which is \$2,900 per acre equating to an FRPP grant of \$1,450 per acre (50% of \$2,900) or approximately \$187,050 in total FRPP funds; and

WHEREAS, the landowner has agreed to the additional restrictions involved with the FRPP grant, including an approximate 2.67% maximum impervious coverage restriction (approximately 3.44 acres available for impervious cover) on the lands being preserved outside of the exception areas; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Kleindienst/Hoyer Property, for the acquisition of a development easement at a

value of \$4,000 per acre (129 net acres) for a total of approximately \$516,000 subject to the conditions (Schedule B); and

BE IT FURTHER RESOLVED, should the FRPP funding of approximately \$187,050 not be obtained to offset the SADC funding the SADC will fund the full easement value; and

BE IT FURTHER RESOLVED, that the SADC's cost share shall be based on the final surveyed acreage of the Property adjusted for proposed road rights of way, other rights of way or easements as determined by the SADC, tidelands claim and streams or water bodies on the boundaries of the Property as identified in Policy P-3-B Supplement; and

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

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

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

6-27-13



Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Schedule A



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

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

James and Katherine Kleindienst and Katherine Hoyer

Block 3302 Lot 20 (87.7 ac)
Stillwater Twp., Sussex County

Block 101 Lots P/O 12 (7.4 ac); P/O 12-EN (non-severable exception -2.5 ac); & 14 (0.1 ac)
Block 102 Lots P/O 8 (30.1 ac); P/O 8-EN (non-severable exception - 0.5 ac);
P/O 8 01 (5.5 ac); & P/O 8.01-EN (non-severable exception - 1.0 ac)
Frelinghuysen Twp., Warren County
Gross Total = 134.8 ac

500 250 0 500 1,000 Feet



Property in Question	
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
Wetlands Boundaries	
	Municipal, County and Non-Profit Preserved Open Spaces
	State Owned Conservation Easement
	State Owned GIS & Recreation Easement

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

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

September 10, 2012

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Kleindienst, Katherine and James Kleindienst and Katherine Hoyer
State Acquisition
Easement Purchase - SADC
129 Acres

Block 3302	Lot 20	Stillwater Twp.	Sussex County
Block 101	Lot 12	Frelinghuysen Twp.	Warren County
Block 101	Lot 14	Frelinghuysen Twp.	Warren County
Block 102	Lot 8	Frelinghuysen Twp.	Warren County
Block 102	Lot 8.01	Frelinghuysen Twp.	Warren County

SOILS:	Other	79% * 0	=	.00
	Prime	21% * .15	=	3.15
SOIL SCORE:				3.15

TILLABLE SOILS:	Cropland Harvested	27% * .15	=	4.05
	Other	7% * 0	=	.00
	Wetlands	4% * 0	=	.00
	Woodlands	62% * 0	=	.00
TILLABLE SOILS SCORE:				4.05

FARM USE:	Hay	36 acres
	Horse & Other Equine	acres

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (2.5) acres for existing duplex w/ apartment & improvements
Exception is not to be severable from Premises
 - 2nd (1.5) acres for future residence
Exception is not to be severable from Premises
Exception is to be restricted to one single family residential unit
 - c. Additional Restrictions:
 - 2.67% impervious cover max (approx 3.5 acres) pursuant to Federal Farm and Ranch Land Protection Program
 - 2.5 acre exception area is to be restricted to one duplex or single family residence
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 - No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R6(11)

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

**On the Property of
Pleasant Run, LLC (Lot 30)**

June 27, 2013

Subject Property: Pleasant Run, LLC (Lot 30)
Block 75, Lot 30
Readington Twp., Hunterdon County
SADC ID # 10-0202-DE
Approximately 151 Net Easement Acres

WHEREAS, on August 5, 2011, the State Agriculture Development Committee ("SADC") received a development easement sale application from Pleasant Run, LLC, hereinafter "Owner," identified as Block 75, Lot 30, Readington Twp., Hunterdon County, hereinafter "Property," totaling approximately 151 net acres, (Schedule A); and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on June 24, 2010, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property has a quality score of 72.83, which exceeds the Priority Quality score for Hunterdon County of 56, and the Property's size exceeds the Priority acreage for Hunterdon County of 46 acres, so therefore the Property is categorized as a Priority farm; and

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

WHEREAS, the Property has a one acre severable exception area around 3 existing single family residences; and

WHEREAS, there is, one (1) single family residence, one (1) detached garage apartment and zero (0) agricultural labor units on the area to be preserved outside of the exception area; and

WHEREAS, the majority of the Property is currently devoted to grain and equine production including pasturing and hay production (Schedule B); and

WHEREAS, the landowner leases a portion of the farm out for certain equine service activities, which are conducted on an area of approximately 10 acres including: boarding, training and riding lessons; and

WHEREAS, the landowner also leases this area and approximately 5.25 additional acres for horse shows, parking for horse shows and equine camps, which considered non-agricultural uses; and

WHEREAS, the Landowner has submitted documentation clarifying that the existing non-agricultural uses will cease by the end of calendar year 2013, when the previously planned horse show season ends, and the lease will not be renewed for future years; and

WHEREAS, should the SADC close on the Easement sale prior to the end of the calendar year 2013, and if the cessation of the non-agricultural uses (horse shows, parking for horse shows and equine camps) has not come to fruition, the condition of ceasing these activities by the end of 2013 will be included in the Schedule B of the Deed of Easement; and

WHEREAS, the Property currently has a 60' wide Transco gas pipeline easement and the Owner has notified the SADC that Transco has proposed a new pipeline to be installed parallel to the existing pipelines (Schedule D); and

WHEREAS, after the SADC certified an easement value, a new Transco easement was proposed to accommodate installation of an additional gas line which is approximately 25' wide (approximately 2 acres), and will require temporary workspace, alongside the existing easement area; and

WHEREAS, SADC staff will continue to coordinate closely with the Landowner and Transco regarding the terms and recording of the new easement prior to finalizing the survey and scheduling a closing; and

WHEREAS, the SADC appraisal manager has reviewed the proposed additional easement area with both appraisers, who conducted the appraisals for the Property, and determined that there is no impact on the certified easement value; and

WHEREAS, on February 28, 2012, the SADC certified the development easement value of the Property at \$15,500 per acre based on current zoning and environmental conditions as of January 2013; and

WHEREAS, on April 8, 2013 the Owner accepted the SADC's offer to purchase the development easement on the Property at \$15,500 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for the acquisition of the development easement at a value of \$15,500 per acre (151 net easement acres) for a total of approximately \$2,340,500 subject to the conditions contained in (Schedule E); and

BE IT FURTHER RESOLVED, that at the time of closing, any existing equine related nonagricultural uses as described herein, their expiration, and other ancillary equine uses will be identified in and restricted by Schedule B of the Deed of Easement; and

BE IT FURTHER RESOLVED, SADC's approval and purchase of the Development Easement is conditioned on finalizing the terms and area of the additional Transco Pipeline Easement prior to completing survey work and scheduling a closing; and

BE IT FURTHER RESOLVED, that the SADC's cost share shall be based on the final surveyed acreage of the Property adjusted for proposed road rights of way, other rights of way or easements as determined by the SADC, tidelands claim and streams or water bodies on the boundaries of the Property as identified in Policy P-3-B Supplement; and

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

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

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

6-27-13



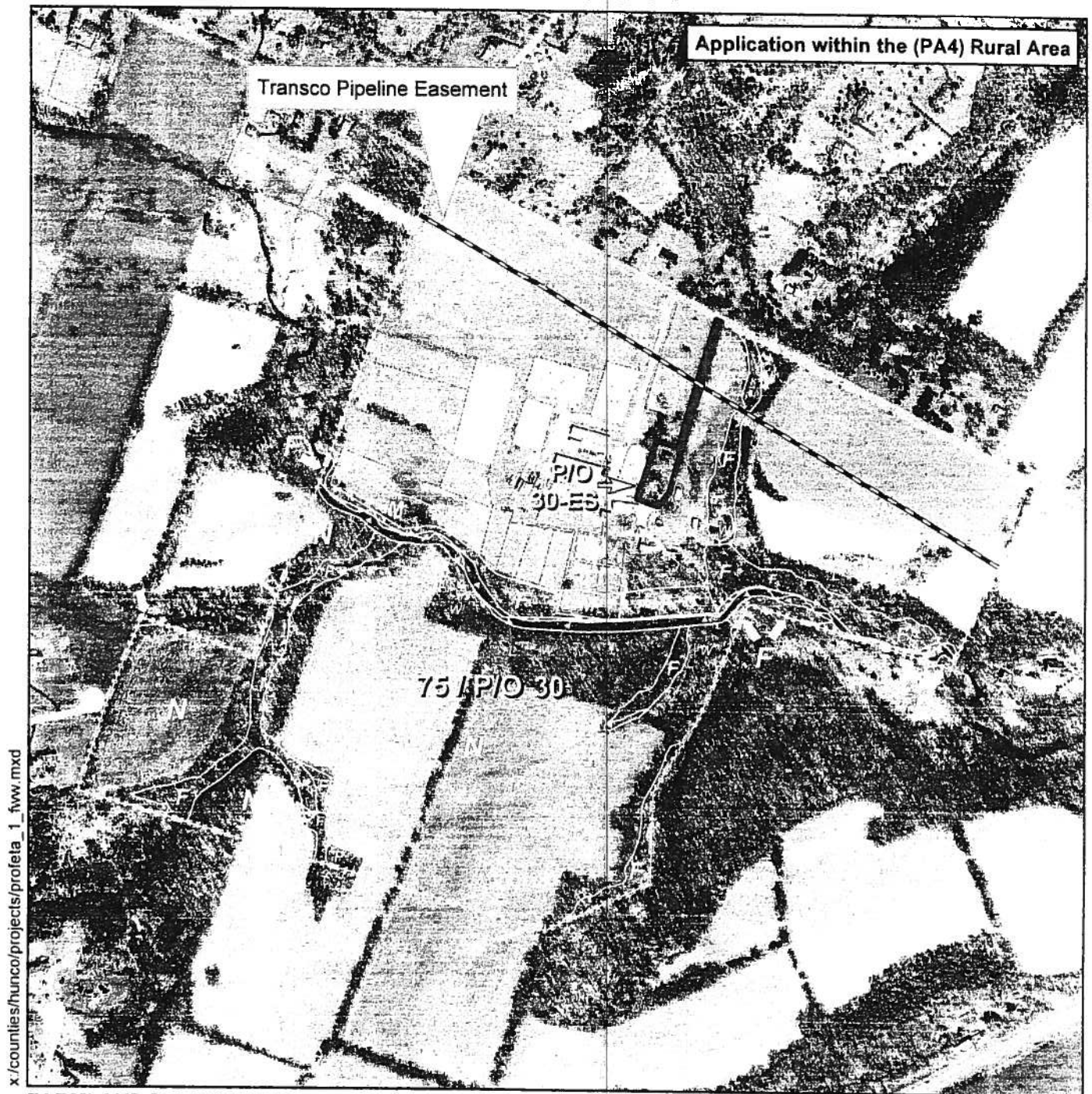
Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Schedule A



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

P. Profeta/Pleasant Run Farm (1)
Block 75 P/O Lot 30 (148.7 ac)
& P/O 30-ES (severable exception - 1.0 ac)
Gross Total = 149.7 ac
Readington Twp., Hunterdon County



Property in Question	
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned OR & Recreation Easement
	Federal Land

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

500 250 0 500 1,000 Feet

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

Date: 7/12/2012

SCHEDULE B

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

Parking in an area of the field along Pleasant Run Road (to be delineated on the final survey) during equine events approximately, but not limited to, 41 times a year. as depicted on the survey dated _____, prepared by _____.

Horseback riding lessons, boarding, training and schooling horses, as well as a 10 week equine summer camp and approximately, but not limited to, 41 equine show events in the arenas and stalls as depicted on the attached map.

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

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

READINGTON TOWNSHIP
L.L. NO. 5-16.1
BLOCK 75, LOT 19.01

**PLEASANT RUN, LLC
C/O PAUL V. PROFETA**

L.L. NO. 5-14 & 5-16
BLOCK 75, LOT 30
(PARCEL NO. 5)
D.B. 881, PG. 471

PLEASANT RUN, LLC
C/O PAUL PROFETA
LL NO. 5-14 & 5-16
BLOCK 75, LOT 30.01

1. BEARINGS SHOWN ARE BASED ON THE NEW JERSEY STATE PLANE COORDINATE SYSTEM
NAD83 US FOOT.

2. LENGTH OF SURVEY LINE FOR PROPOSED R.O.W.	2,998.61'
AREA OF EXISTING R.O.W.	3.99 ACRES
AREA OF PROPOSED R.O.W.	2.00 ACRES
AREA OF TEMPORARY WORK SPACE	3.85 ACRES
AREA OF LIMITS OF DISTURBANCE WITHIN EXIST. R.O.W.	2.33 ACRES

3. TAX MAP SHEET 24.

THE INFORMATION SHOWN ON THIS DRAWING IS FROM A FIELD SURVEY PERFORMED BY WILLIAMS/TRANSCONTINENTAL GAS PIPE LINE COMPANY, L.L.C. FOR THE SOLE PURPOSE OF CREATING A RIGHT OF WAY ACQUISITION AND REPRESENTS THE CONDITIONS AS THEY EXIST ON THE GROUND AS OF THIS DATE.

SCALE IN FEET

TRANSCONTINENTAL GAS PIPE LINE COMPANY, L.L.C.
PROPOSED 42" PIPELINE "C", AREA OF PROPOSED
RIGHT OF WAY, AND TEMPORARY WORK SPACE
CROSSING THE PROPERTY OF
PLEASANT RUN, L.L.C., C/O PAUL PROFFA
READINGTON TOWNSHIP, HANDEDON COUNTY,
STATE OF NEW JERSEY



20

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Pleasant Run Farm (Lot 30)
State Acquisition
Easement Purchase - SADC
151 Acres

Block 75	Lot 30	Readington Twp.	Hunterdon County
SOILS:		Other	33.7% * 0 = .00
		Prime	41.1% * .15 = 6.17
		Statewide	25.2% * .1 = 2.52
			SOIL SCORE: 8.69
TILLABLE SOILS:		Cropland Pastured	40% * .15 = 6.00
		Cropland Harvested	40% * .15 = 6.00
		Other	20% * 0 = .00
			TILLABLE SOILS SCORE: 12.00
FARM USE:		Cash Grains	50 acres
		Horse & Other Equine	30 acres

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use:
 - Equine event parking in field along Pleasant Run Road (to be delineated on the final survey)
 - horse shows
 - Equine Camp
 - b. Exceptions:
 - 1st one (1) acres for 3 single family residences
 - Exception is severable
 - Right to Farm language is to be included in Deed of Future Lot
 - c. Additional Restrictions: No Additomal Restrictions
 - d. Additional Conditions:
 - e. Dwelling Units on Premises:
 - Standard Single Family
 - Apartment - in Garage
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R6(12)

Final Approval and Authorization to
Execute Deed of Easement, Project Agreement, and Closing Documents
The Land Conservancy of New Jersey - McCain/Golden View Farm
2011 Non Profit Round - SADC #19-0019 NP

June 27, 2013

WHEREAS, on December 16, 2010 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from The Land Conservancy of New Jersey (TLCNJ) for the McCain/Golden View farm identified as Block 48, Lots 20 and 20.07, Frankford Township, Sussex County, totaling approximately 75 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property has one (1) acre non-severable exception for a future single family residence; and

WHEREAS, the farm is approximately 76 percent tilled, was in hay 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 April 28, 2011 the SADC granted preliminary approval by Resolution #FY2011R4(7) to the TLCNJ's application and appropriated \$1,393,000 for the acquisition of development easements on six farms including the McCain Farm; and

WHEREAS, at this time none of the appropriated money has been encumbered; 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 43.55 which is greater than 70% of the County average quality score of 33 as determined by the Committee on June 24, 2010; and

WHEREAS, the landowners have read and signed acknowledgements stating that they fully understand the benefits and/or restrictions regarding exception areas, 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 \$4,200 per acre; and

WHEREAS, on April 26, 2013 the SADC certified the development easement value of the Property to be \$4,200 per acre based on current zoning and environmental regulations in place (as of February 1, 2013); and

WHEREAS, on April 26, 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 May 6, 2013 TLCNJ informed the SADC that it will accept the SADC cost share of \$2,100 per acre for a total value of \$4,200 per acre; and

WHEREAS, the Sussex County Board of Chosen Freeholders entered into a Farmland Preservation Agreement with TLCNJ dated December 12, 2012 which provides 50% matching funds from Sussex County for TLCNJ easement acquisition on the McCain farm; and

WHEREAS, the cost share breakdown based on 75 acres is as follows:

Sussex County	\$ 157,500	\$2,100/acre
SADC Nonprofit Grant Funds	<u>\$ 157,500</u>	<u>\$2,100/acre</u>
Total	\$ 315,000	\$4,200/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 2011 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 McCain/Golden View farm easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, that one (1) 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 \$2,100 per acre (total of approximately \$157,500 based on 75 acres) to The Land Conservancy of New Jersey for the development easement acquisition on the McCain/Golden View 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 McCain/Golden View 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.

6-27-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

Wetlands

Schedule A

x:\counties\susco\projects\mccain_fw2.mxd

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

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Dan McCain/Golden View Farm/LCNJ
Block 48 Lots P/O 20 (57.9 ac)
P/O 20-EN (non-severable exception - 1.0 ac) & 20.07 (18.3 ac)
Gross Total = 77.1 ac
Frankford Twp., Sussex 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.

Property in Question:
EN - (Non-Severable) Exception
E - (Severable) Exception
Wetlands & Boundaries:
Primarily - Limited Access
Federal or State Ways
County Roads
Wetlands (Local) Roads
Wetlands (County and Non-County)
Wetlands (County and Non-County)
Wetlands (County and Non-County)
Wetlands (County and Non-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

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

April 11, 2013

**New Jersey Farmland Preservation Program
2011 NON PROFIT GRANT ROUND**

Applicant (Project)	County	Municipality	Acres	CMV Date	CMV	Final Approval	Date Closed	Total Cost	SADC Grant	Grant Amount/ Balance
The Land Conservancy of New Jersey										
McCaig	Sussex	Frankford	75,000	4/26/13	4200.00			315,000.00	157,500.00	1,293,000.00
Allison/Wintergreen	Sussex	Lafayette	137,000	5/23/13	4675.00			640,475.00	320,237.50	1,235,500.00
McMahon	Sussex	Frankford	52,000							915,262.50
Williams	Sussex	Frankford	36,000							915,262.50
CF Investment	Sussex	Stillwater	88,000							915,262.50
Syberg	Sussex	Stillwater	111,000							915,262.50
6			499,000							

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

TLC-NJ/Golden View Farm
19- 0019-NP
FY 2011 Easement Purchase - Nonprofit
75 Acres

Block 48	Lot 20	Frankford Twp.	Sussex County
Block 48	Lot 20.07	Frankford Twp.	Sussex County

SOILS: Other 100% * 0 = .00

SOIL SCORE: .00

TILLABLE SOILS:

Cropland Harvested	67% * .15	= 10.05
Permanent Pasture	9% * .02	= .18
Wetlands	1% * 0	= .00
Woodlands	23% * 0	= .00

TILLABLE SOILS SCORE: 10.23

FARM USE: Field Crop Except Cash Grain 52 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 one (1) acres for future house
 - Exception is not to be severable from Premises
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for 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 FY2013R6(13)

Final Approval and Authorization to
Execute Deed of Easement, Project Agreement, and Closing Documents
The Land Conservancy of New Jersey – Allison/Wintergreen Farm
2011 Non Profit Round - SADC #19-0017 NP

June 27, 2013

WHEREAS, on December 16, 2010 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from The Land Conservancy of New Jersey (TLCNJ) for the Allison/Wintergreen farm identified as Block 23, Lots 2.03, 3, and 9, Lafayette Township, Sussex County, totaling approximately 137 net acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property has one two (2) acre non-severable exception around an existing single family residence; and

WHEREAS, the farm is approximately 38 percent tilled and was in Christmas tree 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 April 28, 2011 the SADC granted preliminary approval by Resolution #FY2011R4(7) to the TLCNJ's application and appropriated \$1,393,000 for the acquisition of development easements on six farms including the Allison Farm; and

WHEREAS, TLCNJ has received final approval for the McCain farm which used approximately \$157,500 of the appropriated funds, leaving a balance of approximately \$1,235,500 for the Allison 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 51.66 which is greater than 70% of the County average quality score of 33 as determined by the Committee on June 24, 2010; 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 \$4,675 per acre; and

WHEREAS, on May 23, 2013 the SADC certified the development easement value of the Property of \$4,675 per acre based on current zoning and environmental regulations in place (as of February 1, 2013); and

WHEREAS, on May 23, 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 May 28, 2013 TLCNJ informed the SADC that it will accept SADC cost share of \$2,337.50 per acre and a total value of \$4,675 per acre; and

WHEREAS, the Sussex County Board of Chosen Freeholders entered into a Farmland Preservation Agreement with TLCNJ dated December 12, 2012 which provides 50% matching funds from Sussex County for TLCNJ easement acquisition on the Allison farm; and

WHEREAS, the cost share breakdown based on 137 acres is as follows:

Sussex County	\$ 320,237.50	\$2,337.50/acre
SADC Nonprofit Grant Funds	<u>\$ 320,237.50</u>	<u>\$2,337.50/acre</u>
Total	\$ 640,475.00	\$4,675/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 2011 appropriation and subject to the availability of funds (Schedule B); and

WHEREAS, the landowners have read and signed acknowledgements stating that they fully understand the benefits and/or restrictions regarding exception areas, division of the premises and non-agricultural uses;

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to The Land Conservancy of New Jersey for the Allison/Wintergreen 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 non-severable exception around an existing single family residence is recognized; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$2,337.50 per acre (total of approximately \$320,237.50 based on 137 acres) to The Land Conservancy of New Jersey for the development easement acquisition on the Allison/Wintergreen 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 Allison/Wintergreen 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.

6-27-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

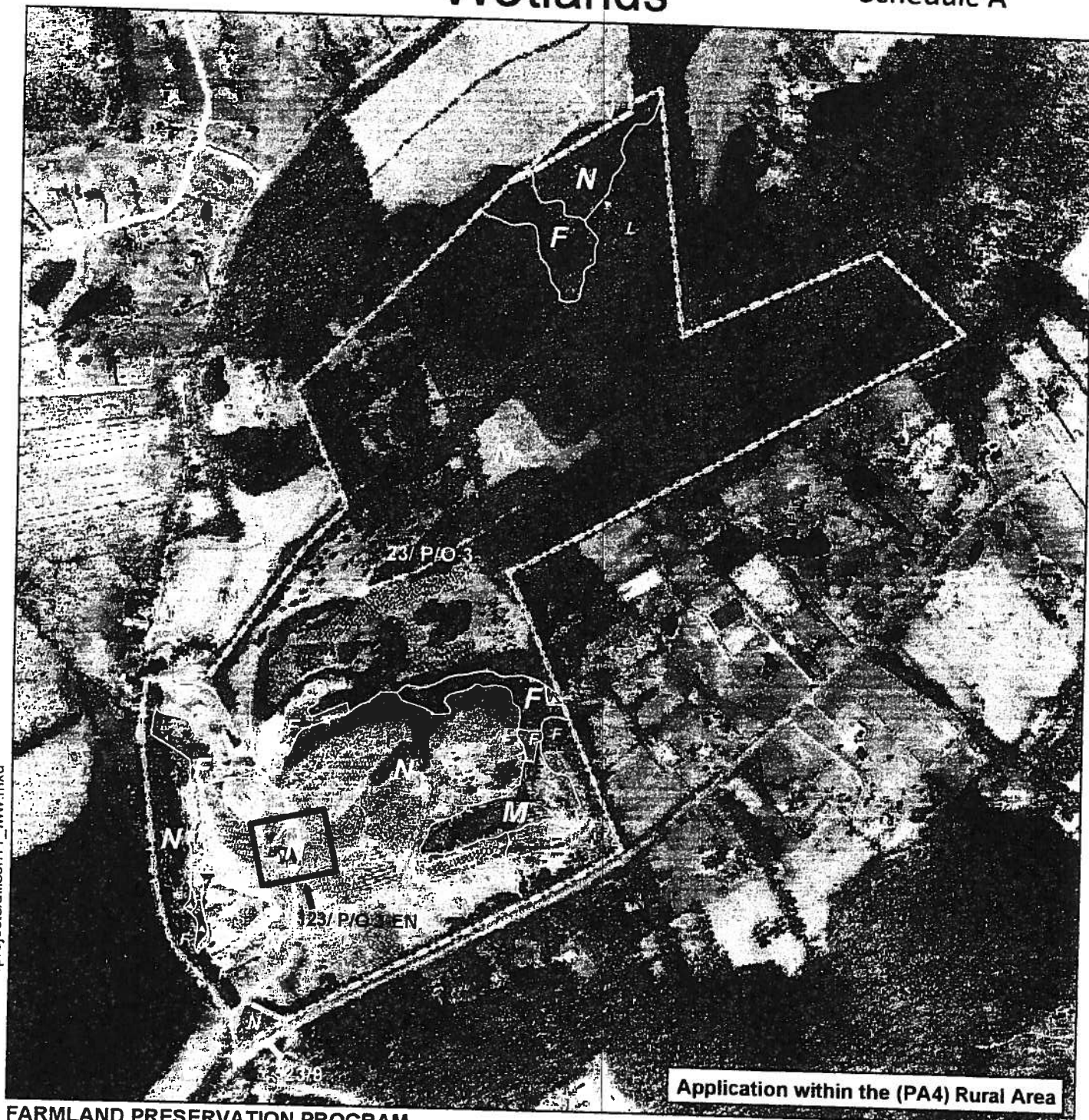
VOTE WAS RECORDED AS FOLLOWS

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

Wetlands

Schedule A

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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

William and Barbara Allison/Wintergreen Treen Farm/LCNU
Block 23 Lots 2.03 (1.0 ac) P/O 3 (126.5 ac)
& P/O 3-EN (non-severable exception - 2.0 ac) & 9 (0.6 ac)
Gross Total = 130.0 ac
Lafayette Twp., Sussex County

500 250 0 500 1,000 Feet



Property In Question	
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
Wetlands Boundaries	
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned DWS & Recreation Easement
	Federal Land

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

February 9, 2011

**New Jersey Farmland Preservation Program
2011 NON PROFIT GRANT ROUND**

Applicant (Project)	County	Municipality	Acres	CMV Date	CMV	Final Approval	Date Closed	Total Cost	SADC Grant	Grant Amount/ Balance
The Land Conservancy of New Jersey										
McCain	Sussex	Frankford	75,000	4/26/13	4200.00			315,000.00	157,500.00	1,393,000.00
Allison Wintergreen	Sussex	Lafayette	137,000	5/23/13	4675.00			640,475.00	320,237.50	1,235,500.00
McMahon	Sussex	Frankford	52,000							915,262.50
Williams	Sussex	Frankford	36,000							915,262.50
CF Investment	Sussex	Stillwater	88,000							915,262.50
Syberg	Sussex	Stillwater	111,000							915,262.50
6			499,000							

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

TLC-NJ/Wintergreen Tree Farm
19- 0017-NP
FY 2011 Easement Purchase - Nonprofit
137 Acres

Block 23	Lot 2.03	Lafayette Twp.	Sussex County
Block 23	Lot 3	Lafayette Twp.	Sussex County
Block 23	Lot 9	Lafayette Twp.	Sussex County

SOILS:

Other	90.3% *	0	=	.00
Prime	9.7% *	.15	=	1.46
				SOIL SCORE: 1.46

TILLABLE SOILS:

Cropland Harvested	38% *	.15	=	5.70
Other	10% *	0	=	.00
Wetlands	7% *	0	=	.00
Woodlands	45% *	0	=	.00
				TILLABLE SOILS SCORE: 5.70

FARM USE: Christmas Trees
52 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 primary residence
 - Exception is not to be severable from Premises
 - Right to Farm language is to be included in Deed of Easement
 - Exception is to be restricted to one single family residential unit
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No 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 #FY2013R6(14)

CERTIFICATION, RE-CERTIFICATION AND
REMOVAL OF APPRAISERS
FROM THE SADC
APPROVED APPRAISER LIST

JUNE 27, 2013

WHEREAS, pursuant to N.J.A.C. 2:76-6.7, the State Agriculture Development Committee (SADC) shall adopt a list of appraisers who are designated as state certified general real estate appraisers (SCGREA) pursuant to N.J.A.C. 13:40A-1.2; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.22 the SADC shall conduct an annual review of all approved appraisers for the purpose of re-certification; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.22 staff has confirmed that the approved appraisers contained in Schedule "A" satisfy all the requirements for re-certification and the appraisers as identified in Schedule "B" do not meet the requirements for re-certification due to not attending at least one of the SADC's annual appraiser seminars in the last two years; and

WHEREAS, any new appraiser that requests inclusion on the approved appraiser list must satisfy the requirements of N.J.A.C. 2:76-6.21;

NOW THEREFORE BE IT RESOLVED that pursuant to N.J.A.C. 2:76-6.21 and 22, the SADC certifies the appraisers identified in Schedule "A" and as approved appraisers and removes the appraisers identified in Schedule "B" from the SADC list of approved appraisers.

6-27-13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

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

State Agriculture Development Committee
Farmland Preservation Program
Approved Appraisers
As of June 27, 2013

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Ms. Thelma Achenbach Approved for Yellow Book	Achenbach & Associates, LLC 23 Shetwood Drive	Herristown	NJ	07960	Morris	(973) 586-0181	(973) 656-0567	June 5th, 2013, Mercer
Mr. J. Paul Eainbridge Approved for Yellow Book	5 Woodland Rd 3 P Bainbridge & Assoc., Inc.	Cape May Court House	NJ	08210-1517	Cape May	(609) 465-9976	(609) 465-9969	Maintained - Special Permission
Mr. Steven W. Bartelt Approved for Yellow Book	P O Box 8166 Bartlett Associates	Turnersville	NJ	08012	Gloucester	(609) 582-5892	(609) 582-3493	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. A. Craig Black SRF, CTA	Todd, Black, Inc. 1209 South Union Avenue	Cherry Hill	NJ	08002	Camden	(856) 662-7676	(856) 662-0198	June 6th 2012, Mercer
Mr. Allen Black NAI Approved for Yellow Book	Todd & Black Inc. 1209 S. Union Ave.	Cherry Hill	NJ	08002-3333	Camden	(609) 662-7676	(856) 662-0198	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Edward J. Bligh NAI	8 Charter Oak Drive	Harlton	NJ	08053	Burlington	(856) 983-3218	(856) 983-0677	June 6th 2012, Mercer
Ms. Pamela J. Brodowski	BRE Valuation & Consulting Service Eastampton 22 Windham Drive	Eastampton	NJ	08060-4362	Burlington	(609) 261-4220	(509) 261-4224	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Richard J. Carabelli	123 Franklin Corner Rd., Suite 20 Lawrenceville Hartlin Appraisal Associates	Lawrenceville	NJ	06549-2372	Merced	(609) 896-2245	(609) 896-1533	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Bruce L. Carlin	PO Box 372 One S. Finley Ave.	Basking Ridge	NJ	07920	Somerset	(908) 766-2500	(908) 766-7371	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Phillip L. Cassell SRA	Cassell's Appraisal Serv. 58 Flatbrook Rd	Branchville	NJ	07826	Sussex	(973) 222-8554	(973) 242-4952	June 5th, 2013, Mercer
Ms. Lana D. Chiappetta Approved for Yellow Book	547 McKendin Road	Medford	NJ	08055	Burlington	(609) 714-7402	(609) 784-7899	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Lynford L. Collins Approved for Yellow Book	302 Spruce St, Box 348 C L Crabtree & Assoc., Inc.	Doylstown	PA	18901		(484) 782-3900	(215) 349-5410	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Patrick K. Conover Approved for Yellow Book	Conover Appraisal Assoc. 722 E. Second Ave	Absecon	NJ	08201-9546	Atlantic	(609) 652-6553	(609) 746-9007	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Robert S. Cooper, Jr. Approved for Yellow Book	555 East Main St, P O Box 101 Holzhauer & Holzerstein, LLC	Cheser	NJ	07820	Morris	(908) 579-2424	(908) 879-8014	June 5th, 2013, Mercer June 6th 2012, Mercer

Schedule A

State Agriculture Development Committee
Farmland Preservation Program
Approved Appraisers
As of June 27, 2013

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. George A. Copeland, Jr., MAI	Copeland Appraisal Associates, Inc. 371 U.S. Route 202	Somerville	NJ	08876	Somerset	(908) 526-5520	(908) 526-5765	June 5th, 2013, Mercer
Mr. Albert Crosby	E & A Associates, LLC 109 Appaloosa Way	Sewell	NJ	08080	Gloucester	(609) 922-4815	(856) 582-4711	June 6th 2012, Mercer
Ms. Susanne H Curran MAI, FP Approved for Yellow Book	Curran Realty Advisors 195 Nassau Street, Suite 17	Princeton	NJ	08542	Mercer	(609) 921-8778	(609) 921-8224	June 5th 2012, Mercer
Mr. Ernest R. Darpine PhP, ASA	137 Stokes Road	Medford Lakes	NJ	08055	Burlington	(609) 654-2125	(609) 953-7434	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Thomas Dellartin	100 Federal City Road, Suite 102 DeMartin Schwartz Consulting Sv	Trenton	NJ	08648-1664	Mercer	(609) 587-2144	(509) 587-4557	June 6th 2012, Mercer
Mr. Kenneth Depew Approved for Yellow Book	302 H. Washington Ave, Suite 201 DeFew & Martin Real Estate Appr.	Mcriston	NJ	08037	Burlington	(856) 231-9300	(856) 231-7419	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Victor D. DiSanto Approved for Yellow Book	145 West End Avenue P O Box 977	Somerville	NJ	08876	Somerset	(908) 526-4244	(908) 526-3228	June 5th, 2013, Mercer
Mr. Daniel F. Donovan Approved for Yellow Book	19 Skytop Road	Cedar Grove	NJ	07009-1316	Essex	(973) 857-3120		June 5th, 2013, Mercer
Mr. Halver G. Egeland MAI Approved for Yellow Book	1415 Hecet Ave, Suite 202 Integra Realty Resources	Toms River	NJ	08753-2887	Monmouth	(732) 244-7000	(732) 505-9498	June 5th, 2013, Mercer
Mr. Darryl Fanelli	Fanelli Real Estate, LLC 151 Fries Mill Road, Suite 306B	Turnersville	NJ	08012	Gloucester	(609) 313-1721	(856) 227-7226	June 5th, 2013, Mercer
Mr. Carl Fleming	2 Ridge Lane	Colonia	NJ	07057-3207	Middlesex	(908) 388-2177	(908) 499-7233	June 5th, 2013, Mercer June 6th 2012, Mercer
Christopher C. Fleming	Fleming White Appraisals, Inc. Two Ridge Lane	Colonia	NJ	07057-3207	Middlesex	(732) 388-2177	(732) 499-7233	June 6th 2012, Mercer
Mr. Robert W. Frankenfield Approved for Yellow Book	521 Middle Road Robert W. Frankenfield Associate	Hampton	NJ	08037	Atlantic	(609) 457-9570	(509) 704-6665	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Robert Gagliardi MAI Approved for Yellow Book	1129 Broad Street Suite 104	Somersbury	NJ	07702	Monmouth	(732) 330-0890	(732) 380-1521	June 5th, 2013, Mercer

State Agriculture Development Committee
Farmland Preservation Program
Approved Appraisers
As of June 27, 2013

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. Jerome J. Hall SOGREAH	10 Woodbridge Ct Dr., P O Box 14 Woodbridge Jarchen, Goldfarb & Tanzman	Clinton	NJ	07035-1406	Hiddlesex	(732) 759-4000	(732) 750-1250	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Norman J. Goluberg Approved for Yellow Book	44 Leigh Street	Clinton	NJ	08809	Hunterdon	(908) 730-6808	(908) 730-6242	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Anthony S. Graziano Approved for Yellow Book	Atlantic Coast Realty Advisory 1415 Hooper Ave. Suite 202	Toms River	NJ	08753-2887	Ocean	(732) 244-7000	(732) 505-9498	June 5th, 2013, Mercer
Mr. Andrew Gyetvan Jr.	21 Kennedy Drive	Fairless Hills	PA	19030-2008	Honmouth	(609) 637-0333	(609) 637-0301	June 5th, 2013, Mercer
Mr. Ronald A. Hagel MAI, SRA Approved for Yellow Book	605 Rostan Court E. A. Hagel & Associates	Vineland	NJ	08361	Cumberland	(856) 691-7055	(856) 691-7017	June 5th 2012, Mercer
Mr. Richard E. Hall MAI, CRE Approved for Yellow Book	29 Hadley Avenue	Toms River	NJ	08753	Ocean	(732) 503-4109	(856) 360-8596	June 5th, 2013, Mercer
Mr. Mark J. Hanson PC Approved for Yellow Book	809 Second Street	Ocean City	NJ	06226-4117	Cape May	(609) 398-3189	(609) 398-6213	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Joseph V. Heenan	600 Ocean Avenue, Suite 12 PO Box 1495	Ocean City	NJ	06226	Cape May	(609) 391-8862	(609) 399-1915	June 5th, 2013, Mercer
Mr. Robert F. Heffernan Approved for Yellow Book	19 Upton Pine Rd PO Box 811	Clintock, NJ	NJ	08858-0511	Hunterdon	(908) 236-7098	(908) 236-7613	June 5th, 2013, Mercer
Mr. Francis C. Heil III Approved for Yellow Book	750 Route 73, South Suite 505	Marlton	NJ	08053	Burlington	(856) 985-7799	(856) 985-1771	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Michael E. Hohenstein Approved for Yellow Book	222 High Street, Suite 202, Box 1 Newton Holzhauer & Hohenstein, LLC	Newton	NJ	07860	Sussex	(973) 300-0121	(973) 300-0171	June 5th, 2013, Mercer
Mr. Mohammad Imran Approved for Yellow Book	Imran Appraisals 479 Skyline Lake Drive	Ringwood	NJ	07456	Passaic	(973) 335-0045	(973) 835-6238	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Paul R. Johnson	P O Box 424	Sea Girt	NJ	08750-0424	Honmouth	(732) 442-1400	(732) 449-1333	June 5th, 2013, Mercer
Mr. Michael E. Jones Approved for Yellow Book	Leggett & Jones Appraisal 554 Washington Street, 1st Floor	Cape May	NJ	06210	Cumberland	(609) 779-7145	(609) 770-7194	June 5th, 2013, Mercer June 6th 2012, Mercer

State Agriculture Development Committee
Farmland Preservation Program
Approved Appraisers
As of June 27, 2013

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. Patrick Josephs Approved for Yellow Book	21 Crestview Drive PO Box 5055	Kendall Park	NJ	06824	Middlesex	(732) 297-5400	(732) 297-7220	June 6th 2012, Mercer
Mr. Edwin F. Kay Approved for Yellow Book	Kay & Assoc. Inc. 107 E. Commerce St.	Bridgeton	NJ	06302	Cumberland	(856) 451-2000	(856) 451-2000	June 6th 2012, Mercer
Mr. Barry J. Krauser III, CRE Approved for Yellow Book	110 South Jefferson Road Integra Realty Resources	Whippany	NJ	07981-1078	Morris	(973) 539-3168	(973) 285-5045	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Matthew Krauser III, CRE Approved for Yellow Book	110 South Jefferson Road Integra Realty Resources	Whippany	NJ	07981	Morris	(973) 539-3168	(973) 515-2599	June 5th, 2013, Mercer June 6th 2012, Mercer
Arthur A. Linfante	Value Research Group 301 South Livingston Avenue Suite	Livingston	NJ	07039	Essex	(973) 422-9800	(973) 422-9797	June 6th 2012, Mercer
Mr. William L. Linville	Valuation Consultants 1021 Tullo Farm Road	Bridgegewater	NJ	08807	Somerset	(732) 627-0567	(732) 627-0571	June 6th 2012, Mercer
Ms. Bonnie L. Longo Approved for Yellow Book	438 Ganttown Road, Unit A2	Sexell	NJ	08080	Gloucester	(856) 582-4511	(856) 582-4711	June 6th 2012, Mercer
Mr. Joshua D. Mackoff	44 Maple Avenue	Herristown	NJ	07960	Morris	(973) 539-0402	(973) 540-1492	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Peter A. Maher	PO Box 1002 Cayuga-Lamp	Jackson	NJ	08527	Ocean	(732) 928-1550	(732) 928-1501	June 6th 2012, Mercer
Mr. Henry J. Mancini Approved for Yellow Book	Henry J. Mancini & Associates 591 Mill Creek Rd, Unit 11	Manahawkin	NJ	08050	Ocean	(609) 978-9750	(609) 978-9180	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Richard J. Martin Approved for Yellow Book	302 N Washington Ave, Suite 201 DeFew & Martin Real Estate Appr	Moorestown	NJ	08057	Burlington	(856) 231-9300	(856) 231-7419	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Joseph L. Mazotas	344 Nassau Street	Princeton	NJ	08540	Mercer	(609) 924-5353	(609) 487-9325	June 5th, 2013, Mercer
Mr. Thomas J. McCartney Approved for Yellow Book	James P. Casey Appraisal Assoc. 2154 Route 35 - Bldg. C, Suite 1	Sea Girt	NJ	08750	Monmouth	(732) 974-7744	(732) 974-7765	June 5th, 2013, Mercer
Mr. John K. McChesney Approved for Yellow Book	Swift Real Estate Solutions 16 Church Street	Hewter	NJ	07860	Sussex	(973) 300-9044	(973) 300-0079	June 5th, 2013, Mercer

State Agriculture Development Committee
Farmland Preservation Program
Approved Appraisers
As of June 27, 2013

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. Charles A. McCullough Approved for Yellow Book	Giuliano, Miller & Co. 140 Bradford Drive	West Berlin	NJ	08052	Camden	(856) 767-3000	(856) 767-3500	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Jerome J. McHale	J McHale & Associates Inc. 693 Main St, Bldg 2 2nd Fl. P.O. Box	Lumberton	NJ	08048	Burlington	(609) 914-4679	(609) 914-0079	June 5th 2012, Mercer
Mr. Edward T. Molinari Approved for Yellow Book	14 Harrison St., Suite 202 Harrison Professional Building	Woodbury	NJ	08096	Gloucester	(856) 653-7522	(856) 653-7527	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Joseph Murray	P.O. Box 5401 Paramount Appraisal Services, Inc	North Branch	NJ	08876-1304	Somerset	(908) 218-4333	(908) 526-0291	June 5th, 2013, Mercer
Mr. John J. Musnuff, PAI Approved for Yellow Book	Musnuff Group, LLC 17 E. Main Street - P.O. Box 517	Clinton	NJ	08809-0175	Hunterdon	(908) 735-0009	(908) 735-0067	June 5th, 2013, Mercer
Mr. Mark Pomykacz Approved for Yellow Book	460 US Highway 22 West Suite 403	Whitehouse Station	NJ	08889	Hunterdon	(908) 534-3590	(908) 623-0575	June 6th 2012, Mercer
Mr. Ronald B. Rebish Approved for Yellow Book	Appraisal Services of North Jersey Hexfoundland P.O. Box 706		NJ	07435	Passaic	(973) 726-9304	(973) 726-9314	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Harry F. Renwick Jr	104 E. Main Street Penick & Associates	Maple Shade	NJ	08052	Burlington	(856) 779-7050	(856) 608-8551	June 5th, 2013, Mercer June 6th 2012, Mercer
Ms. Tracy A. Reuter	44 Leigh Street	Clinton	NJ	08509	Hunterdon	(908) 730-8808	(908) 730-6242	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Jay R. Ricigliano Approved for Yellow Book	1410 Route 1 23	Hamilton	NJ	08590	Mercer	(609) 890-7535	(609) 850-1152	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Thomas Rodriguez Approved for Yellow Book	74 Lambert Road	Stockton	NJ	08559	Hunterdon	(908) 788-5543	(908) 788-6861	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Lee L. Romm Approved for Yellow Book	12000 Lincoln Drive West Suite 207, Route 73	Marlton	NJ	08053	Burlington	(856) 983-5500	(856) 983-9523	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Ronald L. Rubinstein	Comprehensive Appraisal Corp. 101 E. Pt. 23	Freshford	NJ	07728	Dorchester	(732) 303-0909	(732) 431-5031	June 6th 2012, Mercer
Mr. S. Michael Schaeble	Vanguard Appraisal Services 7 Sandford Road	Stockton	NJ	08559	Hunterdon	(609) 460-4530	(609) 460-4776	June 5th, 2013, Mercer

State Agriculture Development Committee
Farmland Preservation Program
Approved Appraisers
As of June 27, 2013

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Ms. Colleen Schwartz	Rehartin Schwartz Consulting Serv 100 Federal City Road, Suite 102	Princeton-Circle Branch	NJ	08548	Mercer	(609) 587-2144	(609) 587-4551	June 6th 2012, Mercer
Mr. Robert G. Schwarz NAI	26-30 W. Sussex Street PO Box 1009	Dover	NJ	07802	Morris	(973) 366-5600	(973) 366-6594	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Timothy W. Sheehan NAI, SRA Approved for Yellow Book	1209 South Union Avenue Suite 101	Cherry Hill	NJ	08002	Camden	(856) 313-8767	(856) 547-3559	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Richard S. Sheldon	420 Bradshaw Avenue	Haddonfield	NJ	08033	Camden	(856) 546-5992	(856) 546-6311	June 5th, 2013, Mercer June 6th 2012, Mercer
Ms. Bettina Durmaskin Sholk Approved for Yellow Book	5 Rosemary Road	East Brunswick	NJ	08815	Middlesex	(732) 254-4410	(732) 254-0451	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Peter E. Sockler	299 Ward Street, Suite C	Hightstown	NJ	08520	Mercer	(609) 918-1090	(609) 918-1006	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Frank J. Stearle Jr.	Associates Appraisal Agcy of NJ I 1111 South Clinton Avenue	Trenton	NJ	08611	Mercer	(609) 695-4565	(609) 595-2427	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Russell K. Sterling Approved for Yellow Book	145 West End Avenue PO Box 977	Somerville	NJ	08876	Somerset	(908) 556-4244	(908) 526-3228	June 6th 2012, Mercer
Mr. James Stuart	Mon CADB Member 28-Finwood Lane	Colts Neck	NJ	07722	Monmouth	(732) 801-9720	(732) 842-0115	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Christopher Sullivan Approved for Yellow Book	Sullivan & Company 136 Meadows Road	Lafayette	NJ	07848	Sussex	(973) 875-7430	(973) 875-7986	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Mark W. Sussman Approved for Yellow Book	Lasser Sussman Assoc. 220 S. Orange Ave.	Livingston	NJ	08039	Essex	(973) 535-9500	(973) 535-9811	June 5th, 2013, Mercer
Mr. Merrill Taub Approved for Yellow Book	205 W. Main Street - Suite 304 PO Box 914	Somerville	NJ	08875	Somerset	(908) 229-5161	(732) 627-0571	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Robert Tighue NAI Approved for Yellow Book	Eastern Valuation Group 24 Buxton Road	Cherry Hill	NJ	08003	Camden	(609) 792-0564	(556) 831-7199	June 5th, 2013, Mercer
Mark W. Tindler	Mark Tindler Appraisals, LLC 29 Somerset Street - 2nd Floor	Somerville	NJ	08875	Somerset	(908) 526-1225	(908) 526-6267	June 5th, 2013, Mercer June 6th 2012, Mercer

State Agriculture Development Committee
Farmland Preservation Program
Approved Appraisers
As of June 27, 2013

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. Danton Tryjanowski	General Appraisal Services 121 Inverness Drive	Moorestown	NJ	08057	Burlington	(856) 220-3182		June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Robert H. Vance Approved for Yellow Book	29 Somerset Street Second Floor	Somerville	NJ	08876	Somerset	(908) 526-1226	(908) 526-6267	June 5th, 2013, Mercer
Mr. Richard H. Ward	17 Balmeral Drive	Jackson	NJ	08527	Monmouth	(732) 253-7192	(732) 615-0337	June 5th, 2013, Mercer June 6th 2012, Mercer
Mr. Daniel C. Webb Approved for Yellow Book	Lasser Sussman Associates, LLC 220 South Grange Avenue	Livingston	NJ	07039	Essex	(973) 535-9600	(973) 535-9811	June 6th 2012, Mercer
Mr. John R. Weber Jr.	Curini Appraisal Inc. 1540 Kuser Road - Suite A-7	Hamilton	NJ	08619	Mercer	(609) 586-3500	(609) 586-3504	June 5th, 2013, Mercer June 6th 2012, Mercer
Ms. Barbara H. Wenner	BMW Inc. Real Estate 108 Pixie Moss Trail	Medford	NJ	08055	Burlington	(609) 654-7842	(609) 654-2872	June 5th, 2013, Mercer
Mr. Michael White	2 Ridge Lane	Colonia	NJ	07067-3207	Middlesex	(908) 388-2177	(908) 439-7233	June 5th, 2013, Mercer
Mr. William S. Yetke Approved for Yellow Book	1315 Walnut Street Suite 808	Philadelphia	PA	19107		(215) 546-3241	(215) 546-3873	June 5th, 2013, Mercer

State Agriculture Development Committee
Farmland Preservation Program
Appraisers Which Will Be Removed
Effective June 27, 2013

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. Jay Bruscone	37 Beach Road The Heets Group, Ltd.	Richmouth Beach	NJ	07750	Monmouth	(732)571-3900	(732)571-7272	June 10th 2009, Mercer June 2000 Middlesex June 2002 Middlesex June 2004 Mercer June 2005 Mercer June 6th 2007, Mercer June 8th 2011, Mercer
Mr. A. Fred Maffec MAI	2 Primrose Lane	West Long Branch	NJ	07764-1524	Monmouth	(732)530-1550	(732)530-9986	June 1997 Mercer June 2000 Middlesex June 8th 2011, Mercer
Mr. William H. Herdinger	Dickinson & McCormick 5 Valley View Road	Long Valley	NJ	07853	Morris	(908)876-9074	(508)376-9134	June 10th 2009, Mercer June 1998 Mercer June 2000 Middlesex June 2002 Middlesex June 2003 Mercer June 2004 Mercer June 2005 Mercer June 6th 2007, Mercer June 7th 2006, Mercer June 8th 2011, Mercer June 9th 2010, Mercer
Ms. Heidi M. Quinn	199 Sixth Street	Green Brook	NJ	08812	Somerset			June 11th 2008, Mercer June 1995 Hunterdon June 1997 Mercer June 1999 Mercer June 2000 Middlesex June 2001 Middlesex June 2002 Middlesex June 2003 Mercer June 2005 Mercer June 6th 2007, Mercer June 8th 2011, Mercer

schedule B

State Agriculture Development Committee
Farmland Preservation Program
Appraisers Which Will Be Removed
Effective June 27, 2013

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. William J. Sapio MAI	North Star Appraisal Company 199 New Road, Suite 61, FNE 398	Lindwood	NJ	08221		(856) 933-1272	(856) 933-1262	June 10th 2009, Mercer June 8th 2011, Mercer
Mr. Paul R. Szyrenoff Approved for Yellow Book	18 W. White Horse Road Suite 200, PO Box 476	Voorhees	NJ	08043-0476	Burlington	(956) 504-5950	(609) 258-2045	June 11th 2008, Mercer June 1986 Burlington June 1998 Mercer June 1999 Mercer June 2000 Middlesex June 2001 Middlesex June 2002 Middlesex June 2003 Mercer June 2004 Mercer June 2005 Mercer June 7th 2005, Mercer June 8th 2011, Mercer June 9th 2010, Mercer

STATE AGRICULTURE DEVELOPMENT COMMITTEE
REVIEW OF A NON-AGRICULTURAL DEVELOPMENT PROJECT IN AN
AGRICULTURAL DEVELOPMENT AREA

SOUTH JERSEY GAS NATURAL GAS PIPELINE PROJECT IN
CUMBERLAND, ATLANTIC AND CAPE MAY COUNTIES

RESOLUTION FY2013R6(15)

June 27, 2013

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

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

WHEREAS, South Jersey Gas (SJG), through its environmental consultants Woodard & Curran, contacted the Cape May CADB and the SADC in December 2012 to present for review a new natural gas pipeline project proposal from Maurice River Township in Cumberland County to the existing Beasley's Point electric generating plant in Upper Township, Cape May County as identified in Schedule A; and

WHEREAS, the proposed 24-inch diameter steel pipeline is needed to supply natural gas from the existing South Jersey Gas pipeline system to the existing B. L. England Generating Station in order to facilitate the conversion of the facility from a coal to a natural gas fueled generating plant for the production of electricity, pursuant to the terms of a New Jersey Department of Environmental Protection (NJDEP) Administrative Consent Order designed to significantly reduce air quality impacts; and

WHEREAS, the environmental consultants evaluated a number of alternative pipeline routes as documented in a Route Analysis Study and Addendum to minimize environmental impacts to the maximum extent possible before selecting the final alignment, as shown on Schedule B, in order to extend a new pipeline from the closest infrastructure with sufficient capacity to serve the new gas-fired power turbine; and

WHEREAS, the 21.7-mile pipeline project has been designed to be placed largely within existing State, County and Municipal road rights-of-ways, within a cleared Atlantic City Electric power line easement and along a rail line, avoiding or minimizing impacts to the New Jersey Pinelands, wetlands, threatened and endangered species habitat, a Wild and Scenic River corridor, archeological and historic resources as well as areas regulated by the Coastal Area Facilities Review Act (CAFRA), as shown on Schedule C; and

WHEREAS, once the pipeline route was selected, the environmental consultants identified 17 potential temporary storage and staging areas to support the construction of the pipeline as shown in Schedule D; and

WHEREAS, through a series of meetings and information exchanges between the environmental consultants and Cape May CADB and SADC staff, the number of potential temporary storage and staging areas was reduced to 7 sites totaling approximately 15.88 acres, including 5 in the Cape May County ADA totaling roughly 13.31 acres, removing some of the preserved farmland and public open space and parkland, environmentally sensitive sites including forested areas and properties where landowners expressed no interest in using their lands to support the project; and

WHEREAS, of these 7 potential sites ranging in size from 1.1 to 4.7 acres, it is anticipated that only 3 or 4 sites will be needed by the contractor from August 1, 2013 through June 30, 2014 as temporary storage and staging areas for the storage of material (e.g., pipes, fittings, etc.), storage of equipment, welding, cleaning of pipe and machinery, storage containers and a field office / trailers with portable toilets; and

WHEREAS, the 2 potential storage / staging areas outside the Cape May County ADA (Areas # 8 and 15 in the list attached as Schedule D), totaling about 2.57 acres, appear to be ideal sites; and

WHEREAS, 2 of the potential storage / staging areas in the Cape May County ADA (Areas # 5 and 10 in the list attached as Schedule D) have been permanently preserved by Cape May County through its Easement Purchase Program without SADC cost share and not enrolled in the State Farmland Preservation Program; and

WHEREAS, for all potential sites in the ADA, pursuant to Soil Conservation District requirements, best management practices to prevent soil erosion and sedimentation such as silt fences and stone construction entrance roads will be incorporated into each storage area design, and roughly the top 10-inches of topsoil will be removed and stockpiled, construction fabric will be installed and gravel placed temporarily until project completion when the gravel and fabric are removed, the site will be tilled or "root-raked" to alleviate any soil compaction, the topsoil will be returned to its original location and the disturbed areas will be replanted with an appropriate herbaceous cover crop; and

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

WHEREAS, condemnation proceedings in accordance with N.J.S.A. 20:3-1, et seq. are not necessary for this project; and

WHEREAS, it is anticipated that the Cape May CADB, at a special meeting in the next 30 days, will also review the project to determine if the proposed action would cause unreasonably adverse effects on preserved farms, the ADA, or State agricultural preservation and development policies; and

WHEREAS, the SADC has reviewed the NOI submitted by South Jersey Gas and their environmental consultants, met with the Cape May CADB staff, and determined that South Jersey Gas has adequately addressed all requirements and information about the project pursuant to N.J.S.A. 4:1C-19 and N.J.A.C. 2:76-7.1, et seq.

NOW, THEREFORE, BE IT RESOLVED that the SADC has reviewed the proposed action to determine its effect upon the preservation and enhancement of agriculture in the ADAs, the municipally approved program, and upon overall State agriculture preservation and development policies, and finds that the temporary use of a maximum total of 13.31 acres of lands in the Cape May County ADA including 8.46 acres of farmland permanently preserved by Cape May County and not enrolled in the SADC Farmland Preservation Program as listed in Schedule D would not cause unreasonably adverse effects on the preserved farms, ADA or State agricultural preservation and development policies pursuant to N.J.S.A. 4:1C-19, N.J.S.A. 4:1C-25, and N.J.S.A. 40:55D-128 for the following reasons:

1. The proposed project is necessary in order to satisfy a need to reduce air emissions in the State pursuant to an Administrative Consent Order with the NJDEP;
2. The project has been designed to avoid and/or minimize environmental and agricultural impacts to environmental and cultural resources as well as the ADAs and preserved farms in this very environmentally-sensitive corridor to the greatest extent possible;
3. South Jersey Gas and their consultants have evaluated all options and determined that the proposed route almost exclusively within existing roadway and utility rights-of-way will have little or no permanent agricultural effects; and

BE IT FURTHER RESOLVED that the SADC recommends that South Jersey Gas strongly urge the contractors selected to construct the pipeline attempt to prioritize the use the temporary storage / staging areas in the following order:

1. Storage Areas outside the ADA first (Areas # 8 and 15 on Schedule D);
2. Unpreserved farmlands in the ADA next (Areas # 6, 7 and 11); and
3. Farmland permanently preserved by Cape May County but not enrolled in the SADC Farmland Preservation Program (Areas # 5 and 10).

BE IT FURTHER RESOLVED that the SADC will work with South Jersey Gas, the Cape May CADB and farmers / landowners to resolve site-specific impacts to farms in the ADAs, particularly with respect to soils in agricultural production and surface and subsurface drainage systems, during and after construction; and

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

6-27-13

Date

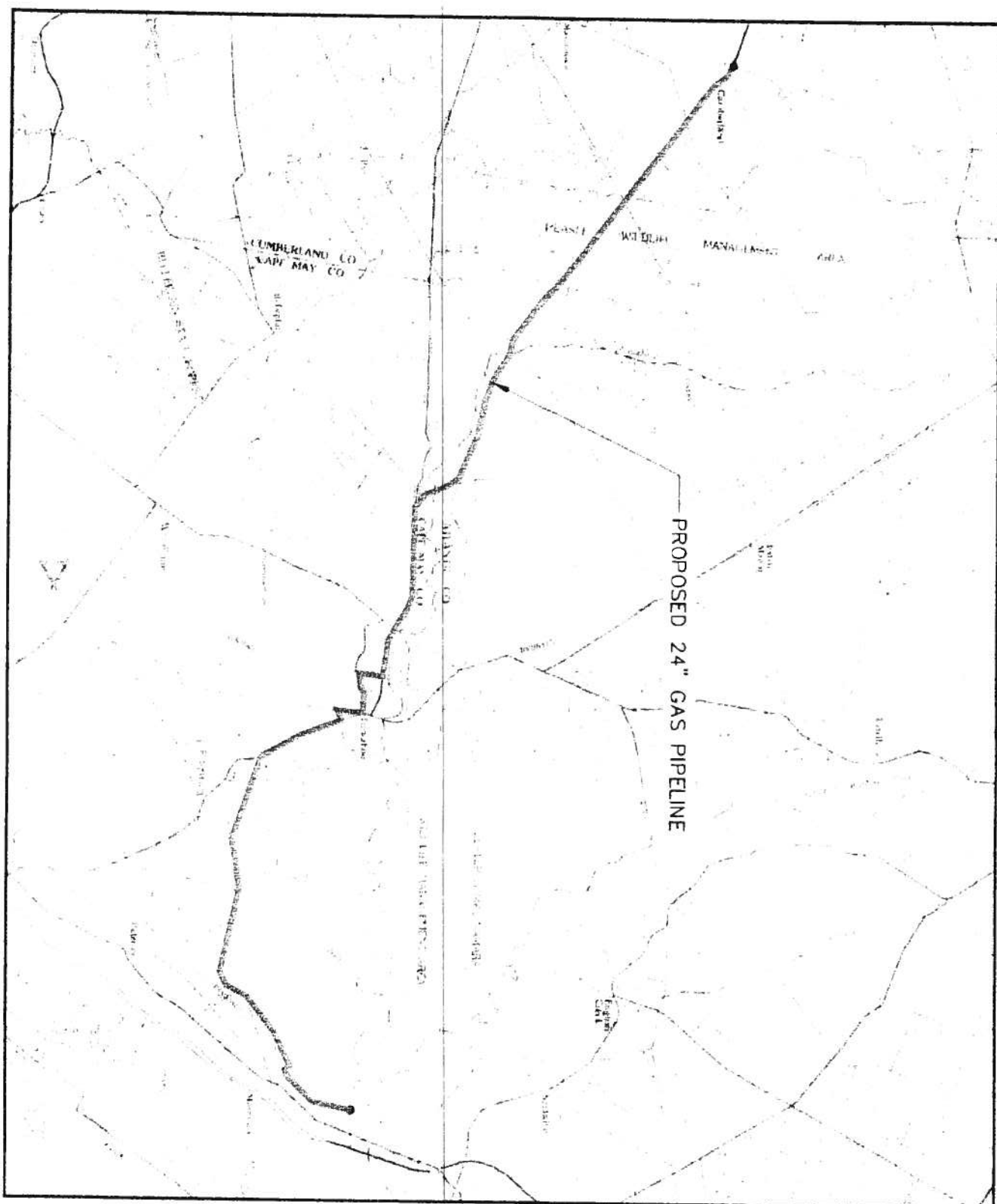


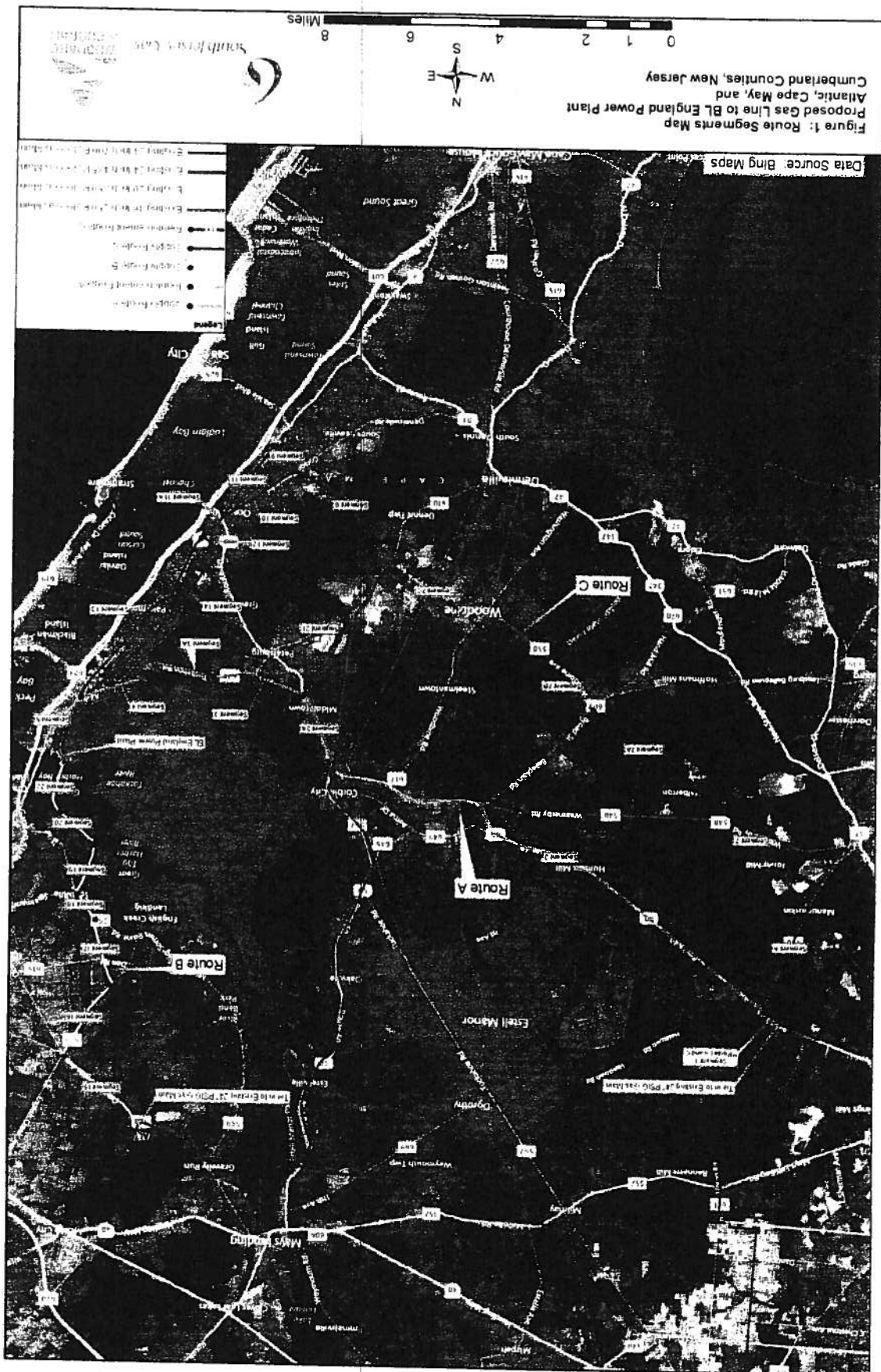
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

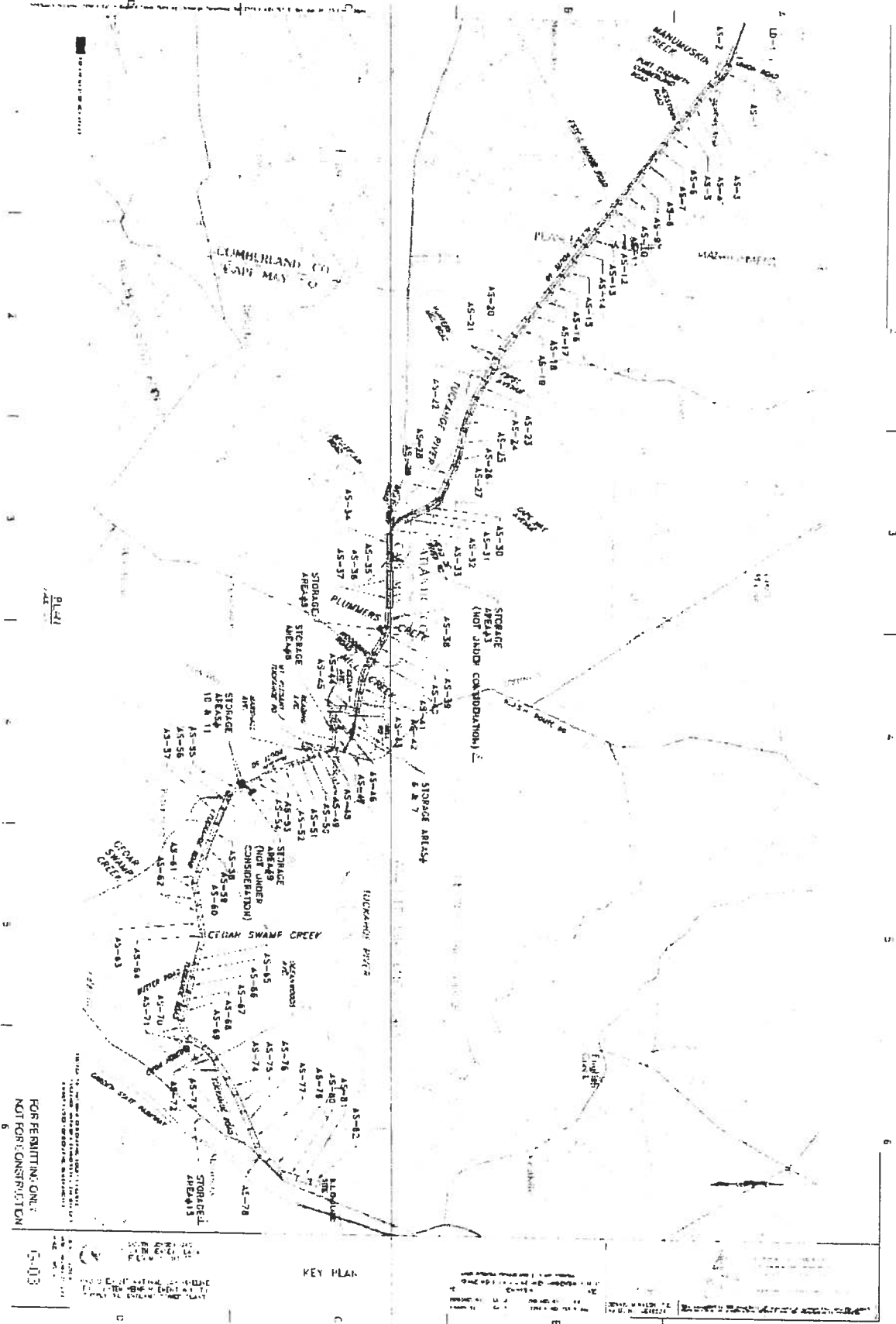
Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
James Waltman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

Schedule A





Schedule C



South Jersey Gas 24" Pipeline Project - Potential Storage Areas



WOODWARD
CURRAN

[illegible]

PROPOSED 24" GAS PIPELINE

Schedule C

