

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

February 28, 2013

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

Roll call indicated the following:

Members Present

Monique Purcell, Acting Chairperson
Renee Jones (rep. DEP Commissioner Martin)
Brian Schilling (rep. Executive Dean Goodman)
James Requa (rep. DCA Commissioner Constable)
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff) (Arrived at 9:11 a.m.)
James Waltman
Torrey Reade
Peter Johnson
Jane R. Brodhecker (via telephone conferencing – Left meeting at 9:57 a.m.)

Members Absent

Denis C. Germano, Esq.
Alan A. Danser, Vice Chairman

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, Charles Roohr, Bryan Lofberg, Jeffrey Everett, David Kimmel, Cindy Roberts, Hope Gruzlovic, Patricia Riccitello and Sandy Giambrone, SADC staff; Kerstin Sundstrom, Governor's Authorities Unit; Nicki Goger, New Jersey Farm Bureau; Dan Pace, Mercer County Agriculture Development Board; Laurie Sobel, Middlesex County Agriculture Development Board; Katherine Coyle, Morris County Agriculture

Development Board; Brian Wilson, Burlington County Agriculture Development Board; Harriet Honigfeld and Amanda Brockwell, Monmouth County Agriculture Development Board; Bridgitte Sherman, Cape May County Agriculture Development Board; Amy Hansen, New Jersey Conservation Foundation; and Christine Bell and Ryan Allen, Ocean County Agriculture Development Board.

Minutes

A. SADC Regular Meeting of January 24, 2013 (Open and Closed Session)

It was moved by Mr. Requa and seconded by Mr. Schilling to approve the open session minutes and the closed session minutes of the SADC regular meeting of January 24, 2013. The motion was unanimously approved.

REPORT OF THE CHAIRPERSON

Acting Chairperson Purcell discussed the following with the Committee:

- The Governor delivered his budget address this week and it looks like the Department of Agriculture's budget will remain pretty much the same as FY 2013 with the exception of a small cut. Earlier this month, the annual State Agricultural Convention was held in Atlantic City in conjunction with the Vegetable Growers convention. Based on feedback, the convention was very well received and there were a lot of positive comments. The convention had some very good listening sessions related to the federal health care bill and there also were in-depth discussions regarding the five or six top resolutions presented at the convention.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne discussed the following with the Committee:

- Governor Christie signed the appropriation bills for the SADC's last appropriations request. Those funds are now available, and staff will accept closing packets now and proceed to closing for any farms that require the FY2013 allocations. This puts focus on the fact that there are no additional funds going forward, so Secretary Fisher continues to work with the Administration to see how that will be addressed and the timing.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. There are several articles relating to the solar industry and also a couple of articles regarding the Chesterfield Township TDR program. An Inspector General's report was issued condemning the actions of one of the elected officials in Chesterfield. The report was locally focused and she was glad to see that it didn't cast TDR in a negative light.

Ms. Payne stated that the State TDR Bank Board met about two weeks ago, and the goal is to meet more regularly. The meeting was held to reauthorize adoption of the rules. The State TDR Bank Board is authorized to purchase credits in TDR programs and to give grants to counties and towns to purchase TDR credits. With the Highlands meeting last week on TDR, TDR is getting increased attention and is being highlighted as a tool for conservation and equity protection. She suspects that the TDR Bank Board's activity is going to be more pronounced as the next couple of years unfold. It was a very good meeting, and staff brought the Bank Board up to date on the active TDR programs. There was a request from Woolwich Township that the TDR Bank Board consider getting involved in the purchase of credits in that market. Staff will be meeting with them some more, exploring the merits of that idea.

Ms. Payne stated that approximately three years ago there was a TDR Task Force convened of people around the state who are knowledgeable about TDR and its history to talk about what needs to be done to help implement TDR more broadly statewide. We were very involved in that task force, which was headed up by NJ Future as the lead agency. It produced a report of some of the things that should be considered for change if TDR is going to be more effective. One of the recommendations was based on an acknowledgment that not all municipalities are going to need to do a full-blown TDR program. TDR can be very complex and very involved with lots of planning work, and the scale of that investment sometimes is too big for a town, particularly if it is just trying to do a smaller scale cluster. One of the outcomes of this was an effort to amend Municipal Land Use Law to explicitly allow noncontiguous cluster of development potential. That recommendation got momentum and after two years of work there is now a bill – A3761 – that will be heard on Monday. There has been a broad consensus with developers, the agricultural community and the planning community all being involved and having input. If passed, this bill would be a very effective tool for municipalities to advance land conservation through a voluntary cluster option on the part of the landowners. It is not a "you shall" cluster. It is really allowing municipalities to adopt ordinances to allow property owners to do noncontiguous cluster. There are lots of distinctions between that and a full TDR but it is an important bill. The CADBs should definitely be aware of this bill because it may be an effective tool for municipalities to help augment farmland preservation efforts.

PUBLIC COMMENT

None

OLD BUSINESS

A. Right to Farm – Draft Rules

1. On-Farm Direct Marketing Agricultural Management Practice (AMP)
(NJAC 2:76-2A.13)

Ms. Payne stated that at the last meeting of the Committee, staff had scheduled for the Committee to approve the draft rule in its final form, however we were not able to do that because of review periods and timing with the Governor's Office. At last month's meeting, concerns were raised by members of the agricultural community from North Jersey along with their attorney, Anthony Sposaro. Staff stated that they would meet with those involved, which did occur. It was a very good meeting, and there were several SADC members in attendance, two public and two farmer members and Mr. Schilling. As a result of that meeting, staff today is presenting a final draft of the rule. If the Committee is comfortable with the draft, staff would forward it to the Governor's Office following this meeting and then bring it back to the Committee next month for formal approval to publish it in the New Jersey Register as a proposed rule. The DEP's Green Acres Program has suggested a technical change, which can be discussed during Mr. Smith's presentation.

Mr. Smith referred the Committee to the On-Farm Direct Marketing Facilities, Activities, and Events draft rule. He reviewed the specific changes to the draft rule with the Committee. He stated that there were no changes being made to the draft rule from pages one through ten. Mr. Schilling stated that he recalled at the last meeting questioning the interpretation of de minimis in the context of fees from entertainment-based activities. He isn't proposing making changes but was wondering about things like corn mazes and similar events that typically have over 14 to 18 day periods a significant number of visitors and significant income generation from fees for corn mazes, for example. Ms. Payne stated it is referring to fee and collections, and ancillary activities should be very small in comparison to the value of the output of the farm. It doesn't say during those days. The whole essence of this rule is, we understand that these kinds of things occur on farms, but they have to be very ancillary and accessory to the main event, which is you selling your agricultural product. These ancillary entertainment activities are not protected under the Right to Farm Act, like recreation and education activities are specifically enumerated in the Act. She stated that we are stretching it to say that we recognize that these are common, that this is normal practice at an operation but if you are getting money for it, it cannot be a substantial contribution to the overall value of what the farm takes in.

Ms. Reade stated that she still has a concern about setbacks and how they would affect small roadside stands (page 11 of draft rule). She stated that in South Jersey a lot of these farm markets start up in this way and the 50-foot requirement could have a quelling effect for parking because typically you're just on the verge of the road. Ms. Payne stated that at the bottom of page 11 of the draft rule under "v," it says that setbacks of a lesser distance than those specified in 2.ii-iv may be permissible provided certain conditions are met. Ms. Reade stated that screening is not appropriate in a retail site like that. Ms. Payne responded that section further says that screening is considered and, if appropriate, installed, so the Board could say screening a roadside stand to sell cucumbers and tomatoes is not appropriate and wouldn't require it. Ms. Reade felt it was a pretty torturous path to get to, to say it is OK to put up your roadside stand where people can pull their cars over to purchase, say strawberries.

Ms. Payne stated that section "v" basically tells the Board it can allow a smaller setback if it considers certain things. For example, one question is whether screening is necessary. If you look at item # 3 on page 12, it says the site-specific agricultural management practice determination takes certain factors, at a minimum, into consideration, including: 1) adjacent land uses; 2) scale and the size of the facility; 3) the nature and scale, frequency and visitors. So the Board has some leeway and that is what the language on pages 11 and 12 is intended to do. She stated that this is intended to give some basic setbacks for new and expanded facilities.

Mr. Smith reviewed the remaining recommended changes to the draft rule with the Committee. He reviewed with the Committee the language Ms. Jones suggested at today's meeting for section "k" on page 23. Mr. Smith stated that he didn't have any problems with that request. Mr. Smith stated that the suggested amendment will read as follows with the recommended language in red:

"If a municipal ordinance, county resolution, or any portion(s) thereof, exceed(s) state regulatory standards, then the board shall have the authority to determine whether the ordinance, resolution or portion thereof that exceeds state laws and regulations, is preempted by the board's approval of the commercial farm owner or operator's site-specific agricultural management practice." He stated that the only tweaks that he has to this is that earlier on we struck out the wording "but not limited to" because it is unnecessary to have it there, and the DEP regulation, he believes, says "stormwater management" as opposed to stormwater control, so those would be the only changes he would make to this. Ms. Jones felt that was fine.

Mr. Smith continued with the remaining changes to the draft rule. Ms. Payne stated that staff is requesting a motion to approve the draft rule, which will allow staff to move forward with it. It will come back to the Committee next month for formal adoption.

It was moved by Mr. Johnson and seconded by Mr. Schilling to approve the On-Farm Direct Marketing Facilities, Activities and Events Draft Rule as presented and discussed, with the amendments requested by the Department of Environmental Protection's Green Acres Program and discussed with the Committee. The motion was approved. (Mr. Siegel and Mr. Waltman abstained from the vote.) (A copy of the On-Farm Direct Marketing Facilities, Activities and Events Draft Rule is attached to and is a part of these minutes.)

2. Right to Farm Process Revisions (NJAC 2:76-2.3, 2.4, 2.5 and 2.7)
3. Right to Farm Hearing Procedures (NJAC 2:76-2.8)
4. Pick-Your-Own RTF Eligibility Rule Revisions (NJAC 2:76-2B.2)

Mr. Smith stated that SADC staff, as part of these proposed regulations, has done very extensive review of the Right to Farm Act and related procedures, or lack of procedures. Staff also has experience in dealing with right-to-farm cases that are arising from the counties. What the Committee just voted on includes revisions that staff believes are consistent with the right-to-farm law and needed the Committee's attention. There are two kinds of matters that appear before CADBs – right-to-farm complaints and site-specific agricultural management practices (SSAMPs). Ms. Payne stated that staff had created a flow chart to try to paint a picture of the right-to-farm process; however, the Committee has not had an opportunity to review that flow chart so staff will present it next month when the draft rule comes back for formal action.

B. Review of Draft Rules for Wind Energy on Preserved Farms

Ms. Gruzlovic referred the Committee to her memo dated February 20th regarding the draft rules for wind energy generation on preserved farms, as they apply to exception areas. She stated that the intent today is to revisit just one aspect of the wind rule proposal that was discussed at last month's meeting dealing with severable exception areas. There was a discussion last month where a question was raised regarding what would happen if you had a house on a severable exception area, in relation to where you could locate a turbine to serve the house's energy demand. She stated that she wanted to clarify for the Committee that when you have an energy use on a severable exception area, regardless of what type of use it is, the entirety of the wind energy facility that services that use needs to be located within the severable exception area. This mirrors the provision that is in the solar rule. She wanted to make sure that this was clear to the Committee that you cannot have any portion of a wind energy facility or a solar facility located on the premises if it services a use on a severable exception area.

Ms. Payne stated that the purpose is to try and avoid enforcement problems down the road. She stated that for example, it's all one farm today, one owner now, then you have the solar panels and the wind turbine on the farm and you're stretching the wires across the premises to service their office building on the severable exception area. It seems like

it all makes sense now but the day that exception area is severed, now we have facilities on a preserved farm providing energy to an unrelated piece of land. That is definitely a problem. One of the thoughts was we'll condition our approval on them severing that tie at the time of subdivision but as the Committee knows we see complete subdivisions and sales of land that don't get Committee approval properly, let alone moving utilities around. On the other hand, for the most part severable exceptions are not where the infrastructure of the farm is. The applications we look at, they have a three-acre vacant piece of land that is a severable exception and they sell it off to their child. Typically that is not where the infrastructure of the farm is so will we occasionally run into this, yes, but she doesn't think it is going to be a constant irritation to the program and she thinks it helps us down the road on enforcement issues. This is why we wanted to make this clear to the Committee.

Mr. Siegel asked about a nonseverable exception and a nonagricultural use. Ms. Payne stated that the rule talks about limits to that. It talks about how much of the electricity demand is being generated from a nonagricultural use and if it exceeds 50 percent, then there is a limit of how much of the preserved farm they can use to support that energy use on the nonseverable exception area. So for example, if someone puts in a massive refrigerator operation on a nonseverable exception that had nothing to do with the farm, there is a limit of one acre or one percent of the farm, whichever is less, of how much of the preserved farm they can put solar panels on. However for a severable exception area it is an absolute prohibition. Mr. Siegel stated it would seem to him that on a typical farm that is taking an exception, most of the power use will be on the exception. Ms. Payne stated that most of those uses are agricultural and we don't have a problem with that. Mr. Siegel stated that if somebody expands a farm market into a broader entertainment operation for instance, that is going to take electricity. We want people to take exceptions where it is appropriate and here we are creating a disincentive. Ms. Payne stated that for most exception areas she doesn't think that nonagricultural uses are the predominant use. It's mostly the house and the barn but it is built in there sort of a catch so that if you do get a very energy-intensive nonagricultural use occurring in an exception, there is a limit of how much of the farm you could use to generate electricity for that nonagricultural use.

Ms. Reade stated that Mr. Germano raised another issue at the last meeting that had to do with the decommissioning costs on a large wind plant being borne by the landowner and, how disastrous that can be to the landowner economically. She asked if that has been addressed. Ms. Gruzlovic stated that we talked about this in the context of what limit we should place on the lease purchase agreement in terms of in what timeframe did the farmer need to assume ownership of the turbine. She stated that she is still doing more research on the issue and will come back next month with more information for the Committee.

Ms. Payne advised Ms. Brodhecker who was attending the meeting via telephone conferencing from Florida that if she needed to step away at this point in the meeting that would be fine since the action has been taken on the proposed AMP rule and we would still have quorum without her. Ms. Brodhecker was calling in while on vacation. Ms. Brodhecker left the meeting at this point.

NEW BUSINESS

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

Ms. Winzinger referred the Committee to the Eight-Year Program Summary Report, showing no renewals or withdrawals of eight-year programs. There were two terminations of eight-year programs, as outlined on the summary report. She stated that this is informational only for the Committee and that no action is needed.

B. Municipally Approved Farmland Preservation Program – New Enrollment

1. Fusco Farm, Upper Freehold Township, Monmouth County

Ms. Winzinger referred the Committee to Resolution FY2013R2(1) for a request for a new enrollment in the Municipally Approved Farmland Preservation Program for Heidi M. Fusco, owner of Block 47, Lot 16, located in Upper Freehold Township, Monmouth County, comprising 10.8 acres. The specifics were discussed with the Committee and staff recommendation is to certify the new eight-year farmland preservation program.

It was moved by Ms. Reade and seconded by Mr. Siegel to approve Resolution FY2013R2(1) granting certification of a new Municipally Approved Farmland Preservation Program for the following landowner as presented and discussed, subject to any conditions of said resolution:

1. Heidi M. Fusco, SADC #13-0017-8M
Block 47, Lot 16, Upper Freehold Township, Monmouth County
10.8 Acres
Soil and Water Conservation Cost Share Eligibility Amount
(subject to available funding): \$6,480.00

The motion was approved. (Ms. Brodhecker was absent for the vote.) (A copy of Resolution FY2013R2(1) is attached to and is a part of these minutes.)

Ms. Reade stated that at her soil conservation district, they signed up three people who want to participate in state conservation projects. This is a very attractive option for farmers because there are practices that the state cost shares on that EQUIP does not. She

knows that there is no money at this time in the program but they have three farmers signing up and the NRCS is still generating those applications. She asked what kind of hope we have for the program. Ms. Payne stated that the hope for future funding is mostly tied to the bigger future funding issue for the program. She is hearing a lot of discussion in the environmental and nonprofit community related to funding for preservation and stewardship of lands. That is a debate to be had, but it sounds to her like there is definitely an effort to build stewardship of lands into the next dedicated funding resource. So for us that would include conservation plans as an element of that. To her, they are tied together unless we are able to find some other source.

Ms. Reade stated there is another sort of ancillary point that they discussed at the district level and that was if someone had to pay money back into the program for some reason, where would that go? The speculation at the district was that Treasury would take it all. Would we have access to that to redeploy it to landowners who have applied for cost sharing? Ms. Payne stated that when we approve maximum grant eligibility, that money doesn't get set aside until we actually get invoices. Ms. Reade stated that there are some questions coming out of Ms. Purcell's division regarding whether a farmer who removed equipment from an installation on an eight-year preserved farm and put it on another preserved farm where he presumably would have been entitled to it, whether that money would have to be repaid in some form. Ms. Payne stated she didn't know the answer to that question.

C. Stewardship

1. House Replacement Request
 - a. Camp Farm, Pittsgrove Township, Salem County

Mr. Roohr referred the Committee to Resolution FY2013R2(2) for a request by Salvatore and Anette Manno, contract purchasers of Block 2002, Lot 3, Pittsgrove Township, Salem County, comprising 19.95 acres to replace an existing single-family residence on the property. The Mannos' purchase of this property is contingent on the ability to replace the existing residence. The proposed new house will be built in a partially wooded area, approximately 25 feet northeast of the existing house and will utilize the existing driveway. The new residence will be a two-story house with approximately 2,000 square feet of heated living space to replace the original farmhouse, which is approximately 2,300 square feet. The contract purchasers intend to remove the existing residence, fill, grade and reseed the area. Staff recommendation is to grant the request, as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Waltman to approve Resolution FY2013R2(2) granting a request by Salvatore and Anette Manno, contract purchasers of Block 2002, Lot 3, Pittsgrove Township, Salem County, comprising 19.95 acres to construct a new single-family residence, consisting of approximately 2,000 square feet of heated living space, in the location shown in Schedule "A" of said Resolution, to replace

the single-family residence that currently exists on the Premises. The existing residence shall be removed and the area restored prior to or within thirty days of receipt of the certificate of occupancy on the new residence. This approval is valid for a period of three years from the date of this resolution and is non-transferable. The construction of the new residence is subject to all applicable local, State and Federal regulations. The motion was approved. (Ms. Brodhecker was absent for the vote.) (A copy of Resolution FY2013R2(2) is attached to and is a part of these minutes.)

2. Request to Exercise a Residual Dwelling Site Opportunity
 - a. Alpaugh Farm, Washington Township, Warren County

Mr. Roohr referred the Committee to Resolution FY2013R2(3) for a request by Andrew and Sara Alpaugh, owners of Block 38, Lot 15 and part of 16 in Washington Township, Warren County, comprising 144.59 acres to exercise a residual dwelling site opportunity (RDSO) on the property. The proposed location of the RDSO is in the corner of a front field on the eastern side of the property. The owners are proposing a new house of approximately 2,500 square feet. The owners are regularly engaged in the day-to-day agricultural production activities of the farm and upon establishing a residence they intend to increase the size of their nursery, convert additional acreage into an orchard and raise pumpkins. Staff recommendation is to grant the request to exercise an RDSO, as presented and discussed.

It was moved by Mr. Waltman and seconded by Ms. Reade to approve Resolution FY2013R2(3) granting approval to exercise a Residual Dwelling Site Opportunity on the Property as a residence for Andrew and Sara Alpaugh, owners of Block 38, Lot 15 and part of 16, Washington Township, Warren County, 144.59 acres, where at least one person will be involved in the daily agricultural production activities of the farm. The Committee finds that the location for the new house, as shown in Schedule "A" of said Resolution, minimizes the impact to the agricultural operation. The SADC shall prepare and record a corrective deed of easement with the Warren County Clerk's Office showing the reduction of the RDSO allotted to the Premises. This approval is valid for a period for three years from the date of approval and is non-transferable. The construction of the new residence is subject to all applicable local, State and Federal regulations. The motion was approved. (Ms. Brodhecker was absent for the vote.) (A copy of Resolution FY2013R2(3) is attached to and is a part of these minutes.)

D. Agricultural Development

1. Beginning Farmer and Rancher Development Program (BFRDP) Grant Project
 - a. overview of project and work completed to date
 - b. Upcoming farmland leasing meetings, workshops, and resources for landowners and farmers

Mr. Kimmel provided the Committee with an update of the SADC's USDA Beginning Farmer and Rancher Development Program (BFRDP) grant project in coordination with the Northeast Organic Farming Association of New Jersey (NOFA-NJ). His presentation included the background of the project, summary of the work completed to date, and additional activity through the project – the scope of NOFA-NJ's work. He stated that the SADC and NOFA-NJ will be hosting a series of informational meetings around the state to introduce landowners to the basics on leasing and making their land available for agriculture. Farmers seeking land are invited to attend these meetings, which are an excellent opportunity to meet potential leasing partners.

Mr. Kimmel stated that the SADC's focus is on enhancing leasing resources for landowners and farmers to increase access to land. The SADC has done a lot of research on farmland availability. Approximately one year ago as this project was getting under way, he updated the Committee on the first task of the project, which was creating a leasing resource guide for landowners and farmers. We did a lot of research on other states and regions and held some interviews with farmers and landowners, with much of this work done by Hillary Barile of our staff. We have been compiling, writing and editing the draft document and are very near completion, hopefully in the next couple of months.

Mr. Kimmel stated that the second task for the SADC is collaborating on some outreach informational meetings to connect with landowners who are interested in making their land available for agriculture. These meeting will discuss leasing considerations, resources and opportunities. He stated that the SADC will be holding three meetings each year of this project; the first set of meetings was held in 2012. Mr. Kimmel stated that the Committee has been provided with the flyer that was sent out regarding the three regional meetings, showing the date, time and location of each meeting.

Mr. Kimmel stated that the third task that staff is working on is educational courses. The informational meetings are somewhat introductory but the education courses are something more in-depth like a workshop. He stated that last year they developed the basic leasing course for making land available for farming. The grant project's requirement is that we develop a course and offer it twice the following year. We developed it last year and offered it once this year so far and will offer it again in either May or June. This year we will develop a second course that we will offer twice in 2014. The topic for this second course will probably be formed from some of the feedback we get from the informational meetings and from other people as well. Mr. Siegel asked if we include the DEP leases in this informational program. Mr. Kimmel stated that in the leasing guide that staff is developing, we have a section that talks about leasing State-owned and publicly-owned land so there will be some information provided about that. Mr. Siegel stated that he has heard complaints from some folks that they don't get to find out about State leasing opportunities once a lease expires. Would that be included in the informational session or are you dealing mainly with private transactions? Mr. Kimmel

stated that at these meetings we are inviting landowners and farmers and anyone who wants to attend, so it's primarily private landowners but the information that we will provide in this leasing guide, and also on the website, will include the website where the DEP lists its properties for bid and where more information is available. Ms. Jones stated that for DEP lands managed by Parks and Forestry and Fish and Wildlife, they did do a very large overhaul of their leasing process because there were many complaints about how they were leasing lands. They made a very good, positive change. You may want to coordinate with the person who is handling that for DEP. She stated she would provide staff with the information on whom to contact regarding that. Ms. Payne stated that the person who did such a great job in the overhaul process was former SADC attorney Marci Green, who is no longer with the DEP. She stated that there is now a whole new public process for leasing so maybe this will be germane to the guide that Mr. Kimmel is working on. Mr. Siegel stated that possibly staff could invite a member from the DEP to brief the members on this public process.

Ms. Reade asked if the SADC tracks at all the number of hits on the website from farmers for Farm Link. She stated she would be interested in finding out how often farmers are using this link. Mr. Kimmel stated that we can only track the number of hits to the website as whole. He stated that possibly getting more information and making it more sophisticated would allow us to be able to answer those types of questions. There have been discussions about improvements to the entire SADC website platform and database so possibly this could be included in that.

Mr. Kimmel stated that the last part of this project is to enhance the linking capacity and make it more user-friendly. When people fill out their forms they create a listing on the website and then we'll have that in the database. Ms. Jones stated that you might want to know who the regional superintendents are at the different facilities because if this comes up at the public meetings, then they have a contact to go to.

E. Resolutions for Final Approval – State Acquisition Program

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

It was moved by Ms. Reade and seconded by Mr. Schilling to approve Resolution FY2013R2(4) through Resolution FY2013R2(6) granting final approval to the following applications as presented and discussed, with the corrections made to Resolution FY2013R2(4) for the Riverwatch Partnership farm, subject to any other conditions of said Resolutions:

1. Riverwatch Partnership, SADC #06-0056-DE (Resolution FY2013R2(4))
Block 20, Lot 2, Greenwich Township, Cumberland County

141 Net Easement Acres, Approximately 68 Upland/Non-tidal Wetlands Acres
Acquisition of the development easement on approximately 141 acres at a value of \$4,150.00 per acre to be paid on approximately 68 upland acres for a total of approximately \$282,200.00, subject to the conditions in Schedule "B" and subject to verification that the non-tidal and non-boundary water acreage is within 10 percent of the estimated 68 acres, exclusive of the six-acre exception area.

Discussion: On Page One of the draft resolution at the top of the page it lists approximately 74 upland/non-tidal wetlands acres – that should read 68 upland/non-tidal wetland acres. There are actually 74 acres of the expected wetlands area that we will not pay on. The second correction to the acreage is found on Page Two of the resolution in the sixth "whereas" where it lists the acreage as 74 acres – that should also read 68 upland acres. Also on the last page of the draft resolution under the "now therefore be it resolved" section it lists 68 acres of uplands, but we'll only be paying on 62 acres because of the six-acre severable exception. The approximate value of \$282,200 should read \$257,300.00.

The property originally had a two-acre nonseverable exception area around the existing single-family residence, restricted to one residence. Due to the extensive amount of boundary water and tidal wetlands on the property, only the estimated upland acres were appraised. The development easement value was certified in September 2012 and subsequent to that the owner asked to amend the application to increase the size of the exception area from two acres to six acres, which is required by zoning. The request was also to change the exception from nonseverable to severable. The SADC then recertified the development easement value based on the upland acres. The property now has a six-acre severable exception area around the existing single-family residence, also restricted to one residence. Although the Deed of Easement will cover the tidal wetlands and bordering water areas, the SADC will not pay on that acreage as well as acreage in the exception area. Therefore the estimated payment acreage will be approximately 68 acres, to be confirmed by the survey. Ms. Roberts stated that there are some corrections to the acreage listings in the draft resolution due to non-tidal wetland acres and water on the property.

Ms. Payne stated that the severable exception looks like it is cutting off the field to the left of the map that was shown to the Committee. She stated that staff will need to make sure that the severable exception is configured such that they can get farm equipment easily back through that area, or place easements on the severable exception area to make sure they have access to cross. Ms. Roberts stated that staff was concerned about the configuration and the feeling staff got from speaking to the landowner was that they already had it surveyed so they were preparing to get a subdivision, and that when you have a six-acre exception, a landowner, usually in order to maintain farmland assessment, would rent the tillable area for the same farm activity that is going on in the main farm. Ms. Payne stated that we have to plan for that not being the case. Ms. Roberts stated that

once staff receives the survey we'll have a better understanding if there is a path and a sufficient area; otherwise we would condition that access.

2. John and Sheri Vinciguerra, SADC # 17-0227-DE (Resolution FY2013R2(5))
Block 76, Lot 4, Pilesgrove Township, Salem County, 121 Net Easement Acres
Acquisition of the development easement at a value of \$4,300.00 per acre (121 net easement acres) for a total of approximately \$520,300.00, subject to the conditions contained in Schedule "B."

Discussion: The property has one two-acre nonseverable exception area for one existing single-family residence.

3. Scott A. and Valerie A. Robinson, SADC#17-0233-DE (Resolution FY2013R2(6))
Block 53, Lots 28, 29.01 and 32, Mannington Township, Salem County, 112 Net Easement Acres
Acquisition of the development easement at a value of \$5,600.00 per acre for a total of approximately \$627,200.00 based on 112 easement acres and subject to the conditions contained in Schedule "B." Approval is conditioned upon a recorded access easement establishing agricultural access from Block 53, Lot 28 to Block 53, Lot 32 across the railroad owned by Salem County separating these parcels.

Discussion: The property has a one-acre nonseverable exception area for one future single-family residence on Lot 28. The SADC certified the development easement value in July 2012, conditioned upon an agricultural access easement to allow crossing over a railroad separating Lots 28 and 32 and owned by Salem County, being recorded prior to closing. Currently the landowner crosses the railroad in the improved crossing to access the back field. SADC staff has coordinated with the landowner's attorney and Salem County to finalize the access easement across the railroad but it has been taking a long time so the landowner has hired an attorney in order to facilitate that. Staff has provided to the landowner for guidance a template from a previous similar situation in Burlington County.

The motion was approved. (Ms. Brodhecker was absent for the vote.) (Copies of Resolution FY2013R2(4) through Resolution FY2013R2(6) are attached to and are a part of these minutes.)

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

SADC staff stated that there were six requests for final approval under the County Planning Incentive Grant Program. The specifics of each application were reviewed with

the Committee and staff recommendation is to grant final approval as presented and discussed.

Note: Mr. Johnson recused himself from any discussion/action pertaining to the DiTullio farm and the Alloway Family LP farm in Burlington County to avoid the appearance of a conflict of interest. Mr. Johnson is a member of the Burlington County Agriculture Development Board.

It was moved by Mr. Siegel and seconded by Mr. Schilling to approve Resolution FY2013R2(7) through Resolution FY2013R2(12) granting final approval to the following applications, as presented and discussed, subject to any conditions of said Resolutions:

1. Angen, LLC, SADC #14-0110-PG (Resolution FY2013R2(7))
Block 6801, Lots 10, 10.01, 10.02, Mt. Olive Twp., Morris County, 24 Net Easement Acres
State cost share of \$37,700.00 per acre (58.91% of the certified market value and purchase price)

Discussion: The property has one one-acre nonseverable exception for a future single-family residence. Base grant funding will be utilized to cover the SADC cost share. The County has requested to encumber an additional three percent buffer for possible final surveyed acreage increases; therefore, 24.72 acres will be utilized to calculate the SADC grant need. The property is located in the Highlands Preservation Area.

2. Irma DiRisio, SADC #21-0513-PG (Resolution FY2013R2(8))
Block 501, Lot 14; Block 602, Lot 6, Mansfield Twp., Warren Co., 67 Net Acres
State cost share of \$4,150.00 per acre (63.85% of the certified market value and 59.29% of the purchase price.)

Discussion: The property has one one-acre nonseverable exception area around the existing barns with the potential for one future single-family residence. The property also has one single-family residence that also contains an apartment and attached garage on the area to be preserved outside of the exception area. The owners understand that the apartment cannot be replaced with a different type of dwelling unit (single-family, duplex, etc.) and this restriction will be defined in the Deed of Easement. The County has requested to encumber an additional three percent buffer for possible final surveyed acreage increases; therefore, 69.01 acres will be utilized to calculate the grant need. The County will utilize base grant funding to cover the SADC cost share. The property is located in the Highlands Preservation Area.

3. Timothy Pruden, SADC # 21-0507-PG (Resolution FY2013R2(9))
Block 700, Lots 100, 1300 and 1302, Hope Twp., Warren Co., 127 Net Acres

State cost-share of \$2,800.00 per acre (70% of the certified market value). A perpetual access easement for agricultural purposes along existing driveways and farm lanes through the severable exception area, subject to the approval of SADC counsel, will be recorded prior to closing.

Discussion: The property is located in Warren County's Northwest Project Area and in the Highlands Planning Area. It has a three-acre nonseverable exception for, and is restricted to, one future single-family residence. The property has a 32-acre severable exception for the existing airstrip, which is restricted to "private use" and cannot be expanded, and one existing single-family residence along with the potential for another future single-family residence. Outside of the existing and future single-family homes and existing airstrip, the 32-acre severable exception will be restricted to agriculture, rural enterprises and other uses deemed compatible with agriculture. A perpetual access easement benefiting the preserved farm for agricultural purposes utilizing existing driveways and farm lanes through the severable exception area, will be recorded prior to closing. The County has requested to encumber an additional three percent buffer for possible final surveyed acreage increases; therefore, 130.81 acres will be utilized to calculate the grant need. The County will utilize base grant funds to cover the SADC cost share.

4. Benjamin Konopacki/(Indyk), SADC #12-0019-PG (Resolution FY2013R2(10))
Block 54, Lot 7.01, Monroe Township, Middlesex County, 37 Acres
State cost-share of \$14,400.00 per acre (60% of the certified market value and purchase price) for a total grant need of approximately \$548,784.00.

Discussion: The property has one existing single-family residence. The County has requested to encumber an additional three percent buffer for possible final surveyed acreage increases; therefore, 38.11 acres will be utilized to calculate the SADC grant need. The County will use base grant funding to cover the SADC cost share.

5. Anthony DiTullio, SADC #03-0369-PG (Resolution FY2013R2(11))
Block 6.01, Lot 6.01, Mansfield Township, Burlington County, 90 Acres
State cost share of \$4,750.00 per acre (61.7% of the certified market value and 49.2% of the per acre purchase price of \$9,645.71) for a total request of \$427,500.00.

Discussion: The property is located in Burlington County's North Project Area and includes one two-acre nonseverable exception for a future single-family residence. Burlington County closed on the development easement on this property in October 2012. The United States of America, through the Department of the Air Force, contributed fifty percent of the total purchase price for the development easement with no additional restrictions, to assist in providing a three-mile buffer around existing military installations. The County will utilize base grant funding to cover the SADC cost share.

6. Alloway Family LP, SADC #03-0375-PG (Resolution FY2013R2(12))
Block 23.01, Lot 9.01, Shamong Township, Burlington County, 109.578 Acres
State cost share of \$3,064.00 per acre (69% of the certified value and 67.52% of the purchase price), totaling \$335,746.99.

Discussion: This property includes a three-acre nonseverable exception for one future single-family residence. According to the N.J. Pinelands Commission Amended Letter of Interpretation # 2056, there are 5.25 Pinelands Development Credits (PDCs) allocated to this property. As a result of the conveyance of the deed of easement to the County, the landowner will retain .25 PDCs for the construction of a home within the nonseverable exception, and the remaining 5 PDCs will be retired. The County will utilize base grant funding to cover the SADC cost share.

The motion was approved. (Ms. Brodhecker was absent for the vote and Mr. Johnson abstained from the vote.) (Copies of Resolution FY2013R2(7) through Resolution FY2013R2(12) are attached to and are a part of these minutes.)

PUBLIC COMMENT

Amy Hansen from the New Jersey Conservation Foundation (NJCF) stated that regarding the wind energy draft rules, the NJCF would like to urge the SADC to discourage the disturbance of more than one acre for large facilities as well, although she understands that there may be a need for more in certain cases. She would rather the SADC err on the side of caution to say except where necessary. She stated she did send in these comments in writing to the SADC. She stated that regarding section 2:76-25.7ii7c, they are concerned that it says the SADC is encouraging access roads for large wind facilities along ridge tops, which the NJCF opposes if they are wooded. The NJCF does not support cutting trees and that wouldn't help the agricultural land either.

Ms. Hansen stated that she understands that the Pinelands Commission's approval is required for any wind generation facility proposed for the Pinelands areas. The NJCF is urging that the SADC require the approval of the Highlands Council as well and that the facilities adhere strictly to the Highlands Water Protection Planning Act as well as the regional master plan. The last question she has is regarding the status of the soil disturbance/impervious cover limit standards and where that stands at the moment. Ms. Payne stated that staff is preparing a draft report to go back to the subcommittee and it should be done by the end of March, and we will then be convening the subcommittee in in late March or early April.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, March 28, 2013, beginning at 9:00 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 10:47 a.m., Mr. Siegel moved the following resolution to go into Closed Session. The motion was seconded by Mr. Schilling 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

County Planning Incentive Grant Program

Mr. Johnson recused himself from any discussion/action pertaining to the Burco/Bush Farm and the Thompson-Goose Pond Farm, to avoid the appearance of a conflict of interest. Mr. Johnson is a member of the Burlington County Agriculture Development Board.

It was moved by Ms. Reade and seconded by Mr. Requa to certify the development easement values on the following applications, as presented and discussed in closed session:

1. Burco/Bush, R&F, SADC # 03-0372-PG
Block 841, Lots 3, 4, 5, 6, 71, 76, Pemberton Twp., Bur. Co., 62 Acres
Certification is conditioned upon the subject property being subdivided as described in this report and not subject to any development restrictions prior to closing.
2. Thompson-Goose Pond, SADC # 03-0381-PG
Block 1601, Lot 4.01, Tabernacle Twp., Bur. Co., 620 Acres

The motion was approved. (Mr. Johnson recused himself from the vote.) (Copies of the Certification of Values Reports are attached to and are a part of the closed session minutes.)

It was moved by Mr. Requa and seconded by Ms. Reade to certify the development easement values on the following applications, as presented and discussed in closed session:

1. Donald H. and Jill H. Zander # 1, SADC # 10-0339-PG
Block 22, Lot 26, Alexandria Twp., Hun. Co., 27 Acres
Certification is contingent upon a fifty-foot wide access easement being provided to the subject farm in the 0.5 acre northeasterly nonseverable exception area on Kingwood Block 5, Lot 3 (Zander # 2).
2. Donald H. and Jill H. Zander # 2, SADC # 10-0340-PG
Block 5, Lot 3, Kingwood Township, Hun. Co., 24 Acres
Certification is contingent upon the landowner providing a fifty-foot wide access easement on the 0.5 acre nonseverable exception to allow unrestricted access to Alexandria Township Block 22, Lot 26 (Zander # 1)
3. Gerald and Emory Helmer and Andy Helmer, SADC # 10-0330-PG
Block 2, Lot 5, Kingwood Twp., Hun. Co., 50 Acres
4. Readington Toll Lot 19/Little Hills, SADC # 10-0321-PG
Block 94, Lot 19, Readington Twp., Hun. Co., 82 Acres
5. Stanley Skeba, SDC # 11-0174-PG
Block 30, Lot 19.01, East Windsor Twp., Mer. Co., 18.64 Acres
6. Betsy S. Michel # 1, SADC # 14-0109-PG
Block 7, Lot 44.02, Chester Twp., Mor. Co., 111 Acres
7. Betsy S. Michel # 2, SADC # 14-0108-PG
Block 7, Lot 15, Chester Twp., Mor. Co., 97 Acres

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

Municipal Planning Incentive Grant Program

It was moved by Mr. Waltman and seconded by Ms. Reade to certify the development easement values for the following applications, as presented and discussed in closed session:

1. Barbara Hay/Rainbow Ridge Farm, SADC # 10-0341-PG
Block 21, Lot 16.03, East Amwell Twp., Hun. Co., 24 Acres
2. Adrian and Barbara Nunn, SADC #10-0336-PG
Block 8, Lot 29.01, West Amwell Twp., Hun. Co., 25 Net Acres/30 Gross Acres
3. Joanne M. Lewis, SADC # 17-0111-PG
Block 48, Lot 5.01, U. Pittsgrove Twp., Sal. Co., 19 Net Acres/19 Gross Acres
4. Robert and Deborah Schmid, SADC # 17-0108-PG
Block 48, Lot 5, U. Pittsgrove Twp., Sal. Co., 23 Net Acres/23 Gross 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.)

Direct Easement Purchase Program

Mr. Schilling recused himself from any discussion/action pertaining to the Pleasant Run LLC properties (3) to avoid the appearance of a conflict of interest. Mr. Profeta has had consultations with Rutgers University in the past.

It was moved by Mr. Requa and seconded by Ms. Reade to certify the development easement values for the following applications, as presented and discussed in closed session:

1. Pleasant Run, LLC # 3/Profeta, SADC #10-0200-DE
Block 75, Lot 19, Readington Twp., Hun. Co., 71 Acres (SADC)
2. Pleasant Run, LLC # 1/Profeta, SADC # 10-0202-DE
Block 75, Lot 30, Readington Twp., Hun. Co., 149 Acres (SADC)
3. Pleasant Run, LLC # 2/Profeta, SADC # 10-0201-DE
Block 75, Lot 30.02, Readington Twp., Hun. Co., 113.79 Acres (SADC)

The motion was approved. (Mr. Schilling recused himself from the vote.) (Copies of the Certification of Value Reports are attached to and are a part of the closed session minutes.)

It was moved by Ms. Reade and seconded by Mr. Johnson to certify the development easement values for the following applications, as presented and discussed in closed session:

1. Elizabeth Wydner, SADC #10-0153-DE
Block 14, Lot 20, Kingwood Twp., Hun. Co., 87 Acres
2. Linden Associates VI (Chris and Robert Wade), SADC #10-0208-DE
Block 12, Lot 1.01, Union Twp., Hun. Co., 11 Acres
3. Reid, Norwood Farm # 2, SADC #10-0155-DE
Block 12, Lot 10, Alexandria Twp., Hun. Co., 96 Acres
4. George Cassaday, SADC #17-0084-DE
Block 18, Lots 8, 8.02
Block 21, Lots 11.03, 12
Block 22, Lot 16
Block 24, Lot 5
Upper Pittsgrove Twp., Sal. Co., 149.80 Acres

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

Mr. Waltman recused himself from any discussion/action pertaining to the Gund farm to avoid the appearance of a conflict of interest. The Gunds are members/donors to the Stony Brook/Millstone Watershed Association.

It was moved by Mr. Siegel and seconded by Ms. Reade to certify the development easement values for the following application, as presented and discussed in closed session:

1. Gordon and Lura Gund, Farm # 1, SADC #18-0031-DE
Block 9, Lot 13.01, Franklin Twp., Som. Co., 106 Acres (SADC)

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

B. Attorney/Client Matters

1. Litigation

- a. **Proposed Final Decision, OAL Appeal, Pomanowski/Becker's Tree Service v. Monmouth CADB and Colts Neck Township**

Ms. Payne stated that there is a draft Final Decision of the SADC affirming the decision of the Office of Administrative Law judge denying commercial farm eligibility for the Wayne Pomanowski/Becker's Tree Service, which further affirmed the decision of the Monmouth CADB in denying commercial farm certification to that farm.

It was moved by Mr. Siegel and seconded by Ms. Reade to approve the draft Final Decision of the SADC regarding Wayne Pomanowski/Becker's Tree Service v. Monmouth CADB and Colts Neck Township, 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.)

B. Right to Farm – Alexander Adams, Oak Shade Farm LLC – Denial of Commercial Farm Eligibility

Ms. Payne stated that this is a right-to-farm complaint, and because there is no adopted agricultural management practice (AMP) for the activities described in the complaint, the matter was forwarded to the SADC. The SADC has done its due diligence with the property owner to provide documentation and staff finds that the property is not eligible for right-to-farm protection because the owner cannot prove that the farm meets the criteria for a commercial farm under the Right to Farm Act. Staff is recommending the passage of the resolution to deny right-to-farm protection in this matter.

It was moved by Mr. Siegel and seconded by Mr. Requa to approve Resolution FY2013R2(13) finding that Mr. Adams has not provided the SADC with sufficient documentation for it to conclude that Oak Shade Farm, LLC has met the criteria for "commercial farm" eligibility. In applying the Sipos decision to the present case, Mr. Adams is prohibited from aggregating the noncontiguous parcels of land listed in his Certification in order to meet the minimum five-acre requirement for farmland assessment under the Farmland Assessment Act. The SADC finds that the 0.55-acre property in Denville Township that is comprised of three separate parcels (Block 60206, Lots 244, 273 and 275), together with the 10-acre parcel in Mount Olive Township (Block 8300, Lot 13) and the 5.6-acre parcel in Rockaway Township (Block 50003, Lot 16) listed in Mr. Adams' Certification, do not meet the criteria of one "farm management unit" as defined in the Act because Mr. Adams has not provided the SADC with any required documentation as proof thereof, such as LLC certificates of formation and operating agreements; property tax records; business tax returns; integrated business resources; centralized accounting; a showing of allocation of profits and losses; whether or not the entities have separate bank accounts; and how the entities cover their expenses. For purposes of right-to-farm protection, the 0.55 acre property in Denville Township (Block 60206, lot 244) must be analyzed on its own, as a farm management unit of less than five acres in size; and Mr. Adams has not provided the SADC with any documentation proving that the 0.55-acre property in Denville Township produces agricultural or horticultural products worth \$50,000.00 or more annually and otherwise

satisfies the eligibility criteria for different property taxation pursuant to the Farmland Assessment Act. The SADC finds that the property is not entitled to the designation of "commercial farm" and that the disputed activities on the property are therefore not eligible for the protections of the Act. The motion was unanimously approved. (A copy of Resolution FY2013R2(13) is attached to and is a part of the closed minutes.)

C. Resolution Delegating Approval of Appraised Values and Easement Conveyances in Eminent Domain Takings Cases

Ms. Payne stated that there is a draft resolution of the SADC delegating approval of appraised and final values and conveyances of development easements on farm properties subject to eminent domain actions by public bodies and public utilities. The purpose of this is to try to expedite the SADC's review and settlement of these cases as described in the resolution.

Mr. Siegel stated he would like the staff to inform the Committee as to what the SADC ends up receiving in terms of payments. He wasn't sure if the resolution needs to be amended for that or not. Ms. Payne stated for clarification purposes that Mr. Siegel would like the monthly report that staff will provide to include what the final fixing by the Court was. She stated that staff will include that in the report.

It was moved by Mr. Siegel and seconded by Ms. Reade to approve Resolution FY2013R2(14) finding that the SADC has determined that circumstances warrant the delegation of, and it so delegates, joint authority to the Executive Director and the Secretary of Agriculture, in his capacity as chairman of the SADC, and upon the positive recommendation of the SADC Review Appraiser, to approve the final appraised values of preserved farm parcels, or parts thereof, subject to eminent domain takings in connection with public works projects as described in said Resolution. Such approvals may be issued without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director and the Secretary of Agriculture, and notification of all such approvals shall be provided to the SADC at its regular monthly meetings in the form of a written report submitted by the Executive Director. Upon the Executive Director and Secretary of Agriculture's joint approval, as aforesaid in the Resolution, the Executive Director is authorized to execute any and all documents necessary or appropriate to convey the development easement or other interests held by the SADC on farm parcels subject to eminent domain takings in connection with the public works projects described herein from this date forward and until such authority is revoked or modified by the SADC. The motion was unanimously approved. (A copy of Resolution FY2013R2(14) is attached to and is a part of the closed session minutes.)

PUBLIC COMMENT

None

ADJOURNMENT

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

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Susan E. Payne".

Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

S:\minutes\2013\Reg February 28 2013.docx

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R2(1)

**MUNICIPALLY APPROVED FARMLAND PRESERVATION PROGRAM
CERTIFICATION**

NEW ENROLLMENT

MONMOUTH COUNTY

Heidi M. Fusco

February 28, 2013

WHEREAS, the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, provides for the creation of MUNICIPALLY APPROVED FARMLAND PRESERVATION PROGRAMS; and

WHEREAS, the Monmouth County Agriculture Development Board has submitted an approved PETITION, AGREEMENT and supporting documents to the State Agriculture Development Committee for certification of a MUNICIPALLY APPROVED FARMLAND PRESERVATION PROGRAM involving **Heidi M. Fusco, SADC ID# 13-0017-8M**, concerning the parcel of land located in the Township of Upper Freehold, in the County of Monmouth, known and designated as the following: Block 47, Lot 16, consisting of 10.8 acres; and

WHEREAS, the State Agriculture Development Committee has reviewed said PETITION and accompanying documents to assure compliance with the provisions of N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32 and N.J.A.C. 2:76-3 et seq.;

NOW THEREFORE, BE IT RESOLVED that the State Agriculture Development Committee, under the authority of N.J.S.A. 4:1C-7 and N.J.A.C. 2:76-3.7, certifies the MUNICIPALLY APPROVED FARMLAND PRESERVATION PROGRAM of **Heidi M. Fusco, SADC ID# 13-0017-8M**, Block 47, Lot 16, 10.8 acres, as identified in the attached map marked Schedule "A", which shall continue for an eight (8) year period beginning from the recording date of the fully executed AGREEMENT with the Monmouth County Clerk's Office; and

BE IT FURTHER RESOLVED that upon the effective date of the MUNICIPALLY APPROVED FARMLAND PRESERVATION PROGRAM, the landowner is eligible to receive the benefits described in the AGREEMENT pursuant to N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32 and N.J.A.C. 2:76-3 et seq.; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 2:76-5.4(d), the landowners or farm agent as an agent for the landowners shall be eligible to apply to the local soil conservation district for up to the following soil and water state cost-share grant in the amount of \$6,480.00, subject to availability of such funds; and

BE IT FURTHER RESOLVED that work performed on projects prior to Soil Conservation District and State Soil Conservation Committee approval will not be eligible for cost sharing.

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

2-28-13



Date

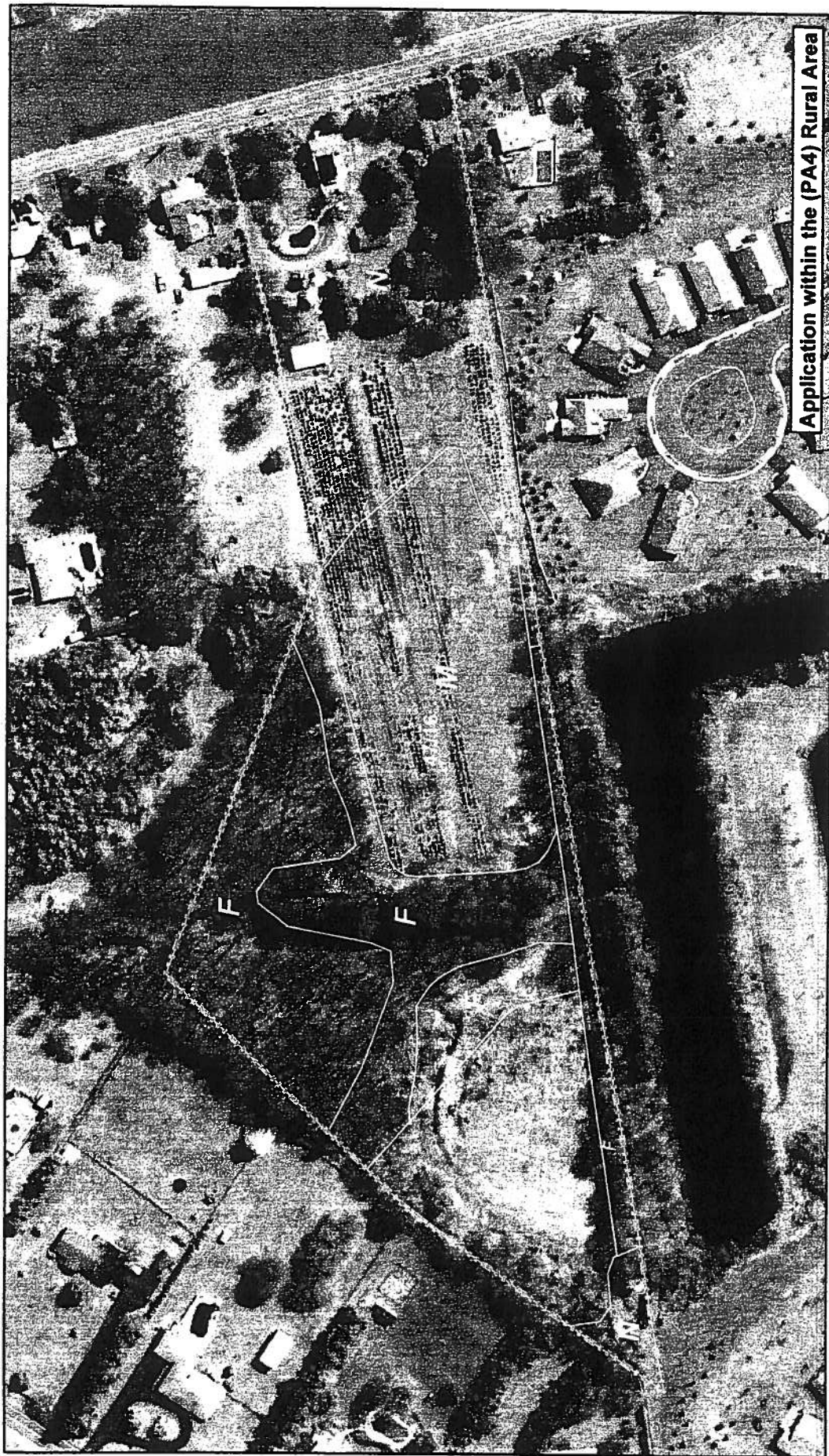
Susan E. Payne, Executive Director
State Agriculture Development Committee

Monique Purcell, Acting 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	ABSENT
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT
Torrey Reade	YES

Date Agreement (F3-A) Recorded

Authorized CADB Signature

S:\8-YEAR PROGRAM\COUNTIES\MONMOUTH\FUSCO\re-enrollment resolution.doc



Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Joseph and Heidi Fusco Jr.
 Block 47 Lot 16 (10.8 ac)
 Gross Total = 10.8 ac
 Upper Freehold Twp., Monmouth County

Schedule A

- Property in Question**
- PA - (Non-Severable) Exception
 - ES - (Severable) Exception
- Wetlands Boundaries**
- Primary - Linear Access
 - Federal or State Ways
 - County Roads
 - Municipal/Local Roads
 - Preserved Open Space
 - State Owned Conservation Easement
 - State Owned GIS & Information Easement



- Wetlands Legend**
- F - Freshwater Wetlands
 - L - Linear Wetlands
 - T - Total Wetlands
 - N - Non-Wetlands
 - W - Water
- Source:**
 NJDEP Freshwater Wetlands Data
 Green Acres Conservation Easement Data
 DVRPC 2010 Digital Aerial Image
 February 11, 2013

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geospatial accuracy and precision of the GIS data contained in this file and horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Preserved Farms and Active Applications Within Two Miles

x:/counties/monco/projects/fusco_2mile.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Joseph and Heidi Fusco Jr.
Block 47 Lot 16 (10.8 ac)
Gross Total = 10.8 ac
Upper Freehold Twp., Monmouth County

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



NOTE:

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

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
DVRPC 2010 Digital Aerial Image
NJOT/OGIS 2007/2008 Digital Aerial Image

February 11, 2013

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R2(2)

Request to Replace a Single Family Residence

**Camp Farm
Salvatore & Anette Manno - Contract Purchasers**

February 28, 2013

Subject Property: Block 2002, Lot 3
Pittsgrove Township, Salem County
19.95 - Acres

WHEREAS, the Estate of Edith Camp, hereinafter "Owner", is the record owner of Block 2002, Lot 3 in Pittsgrove Township, Salem County, by Deed dated March 20, 1991, and recorded in the Salem County Clerk's Office in Book 796, Page 212, totaling approximately 19.95 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the County of Salem, by Deed dated March 24, 2011, and recorded in the Salem County Clerk's Office in Book 3311, Page 856, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, and the Garden State Preservation Trust Act, N.J.S.A. 13:8C, et seq.; and

WHEREAS, Salvatore & Anette Manno, hereinafter, "Contract Purchasers", are under contract, dated January 15, 2013, to purchase the Premises, contingent upon the ability to replace the existing residence; and

WHEREAS, on January 30, 2013 the SADC received a request to replace an existing single family residence on the Premises from the Salem County Agriculture Development Board on behalf of the Contract Purchasers; and

WHEREAS, the Deed of Easement identifies one single-family residence on the Premises, no exception areas and no RDSOs; and

WHEREAS, paragraph 14 ii of the Deed of Easement allows for the replacement of any existing single family residential building anywhere on the Premises with the approval of the Grantee and Committee; and

WHEREAS, on February 15, 2013, SADC staff visited the site; and

WHEREAS, the Premises has been maintained primarily as a grain farm; and

WHEREAS, the Contract Purchasers propose to replace the existing residence on the premises with a new residence for themselves; and

WHEREAS, the proposed new house will be built in a partially wooded area approximately 25 feet northeast of the existing house, as shown on Schedule "A"; and

WHEREAS, the new house will utilize the existing driveway; and

WHEREAS, the Owners propose to build a two-story house with approximately 2,000 sq./ft. of heated living space to replace the original farmhouse which is approximately 2,300 sq./ft.; and

WHEREAS, the Contract Purchaser intends to remove the existing residence, fill, grade and reseed the area; and

WHEREAS, SADC staff have verified that the existing house was not included on the NJ Register of Historic Places as of the date the development easement was conveyed; and

WHEREAS, on January 23, 2013 the Salem CADB reviewed and approved the replacement of the existing residence on the Premises; and

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to the restrictions as contained in the Deed of Easement, finds that the replacement of a single-family residence on the Premises will have a positive impact on the continued agricultural operations of this farm by replacing the deteriorated residence with a new residence which shall serve as the primary residence for the Contract Purchasers; and

BE IT FURTHER RESOLVED, that the Committee approves the construction of a single family residence, consisting of approximately 2,000 sq./ft. heated living space, in the location shown in Schedule "A", to replace the single family residence which currently exists on the Premises; and

BE IT FURTHER RESOLVED, that the existing residence shall be removed and the area restored prior to or within 30 days of receipt of the certificate of occupancy on the new residence; and

BE IT FURTHER RESOLVED, that this approval is valid for a period of three years from the date of this resolution; and

BE IT FURTHER RESOLVED, that this approval is non-transferable; and

BE IT FURTHER RESOLVED, that the construction of the new residence is subject to all applicable local, State and Federal regulations; 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.



2-28-13
Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE TO BE RECORDED AS FOLLOWS:

Monique Purcell, Acting 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	ABSENT
Alan A. Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
Torrey Reade	YES
James Waltman	YES

Schedule "A"

Camp Farm



Camp Farm
Block 2002, Lot 3
Pittsgrove Township, Salem County
20 - Acres



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R2(3)

Application to Exercise a Residual Dwelling Site Opportunity

**Alpaugh Farm
February 28, 2013**

Subject Property: Block 38, Lot 15 & p/o 16
Washington Township, Warren County
144.59 - Acres

WHEREAS, Andrew and Sara Alpaugh, hereinafter "Owners", are the record owners of Block 38, Lot 16, in the Township of Washington, Warren County, by deed dated March 27, 2003, and recorded in the Warren County Clerk's office in Deed Book 1860, Page 248, totaling approximately 144 acres, hereinafter referred to as "Premises" (as shown in the attached Schedule "A"); and

WHEREAS, the property was acquired by the SADC in fee from the former owners Walter and Betty McDonough through the SADC's fee simple purchase program on March 7, 2002, as recorded in the Warren County Clerk's office in Deed Book 1797, Page 77; and

WHEREAS, on January 10, 2003 the SADC auctioned the Premises through its fee simple auction process and the Owners were the successful bidders; and

WHEREAS, on January 30, 2013 the SADC received an application to exercise the Residual Dwelling Site Opportunity "RDSO" on the Premises from the Owners; and

WHEREAS, paragraph 13ii of the Deed of Easement states that one RDSO has been allocated to the Premises; and

WHEREAS, paragraph 13iii of the Deed of Easement states that in the event the RDSO is exercised the residential unit shall not exceed a maximum heated living space of 4,500 square feet; and

WHEREAS, the proposed location of the RDSO site is in the corner of a front field on the eastern side of the Premises as shown in Schedule "A"; and

WHEREAS, the Owners are proposing a new house of approximately 2,500 square feet; and

WHEREAS, since acquiring the Premises the Owners have planted approximately 40-acres of various types of evergreen trees, with the remaining acreage being used for grain crops; and

WHEREAS, the Owners have developed a nursery and choose-and-cut Christmas tree operation known as Evergreen Valley Christmas Tree Farm; and

WHEREAS, the farm sells live trees to the nursery industry during the spring and fall and cut trees during the holiday season; and

WHEREAS, Andrew Alpaugh is regularly engaged in the day-to-day agricultural production activities of the farm which include planting, shearing, pest management, mowing and harvesting; and

WHEREAS, Sara Alpaugh is regularly engaged in the day-to-day agricultural production activities of the farm which include marketing, shearing, mowing and sales; and

WHEREAS, upon establishing a residence on the Premises the Owners intend to increase the size of the nursery, convert additional acreage into an orchard and raise pumpkins; and

NOW THEREFORE BE IT RESOLVED, that the Committee, pursuant to Policy P-31 and N.J.A.C. 2:76-6.17, finds that the construction and use of the residence is for agricultural purposes where at least one person residing in the residence shall be involved in the day-to-day production agricultural activities of the farm; and

BE IT FURTHER RESOLVED, that the Committee approves exercising the RDSO on the Premises as a residence for the Owners, where at least one person will be involved in the daily agricultural production activities of the farm; and

BE IT FURTHER RESOLVED, that the Committee finds that the location for the new house, as shown in the attached Schedule "A", minimizes the impact to the agriculture operation; and

BE IT FURTHER RESOLVED, that the SADC shall prepare and record a corrective deed of easement with the Warren County Clerk's office showing the reduction of the RDSO allotted to the Premises; and

BE IT FURTHER RESOLVED, that this approval is valid for a period of three years from the date of approval; and

BE IT FURTHER RESOLVED, that this action is non-transferable; and

BE IT FURTHER RESOLVED, that the construction of the new residence is subject to all applicable local, State and Federal regulations; 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.

2/28/13
Date

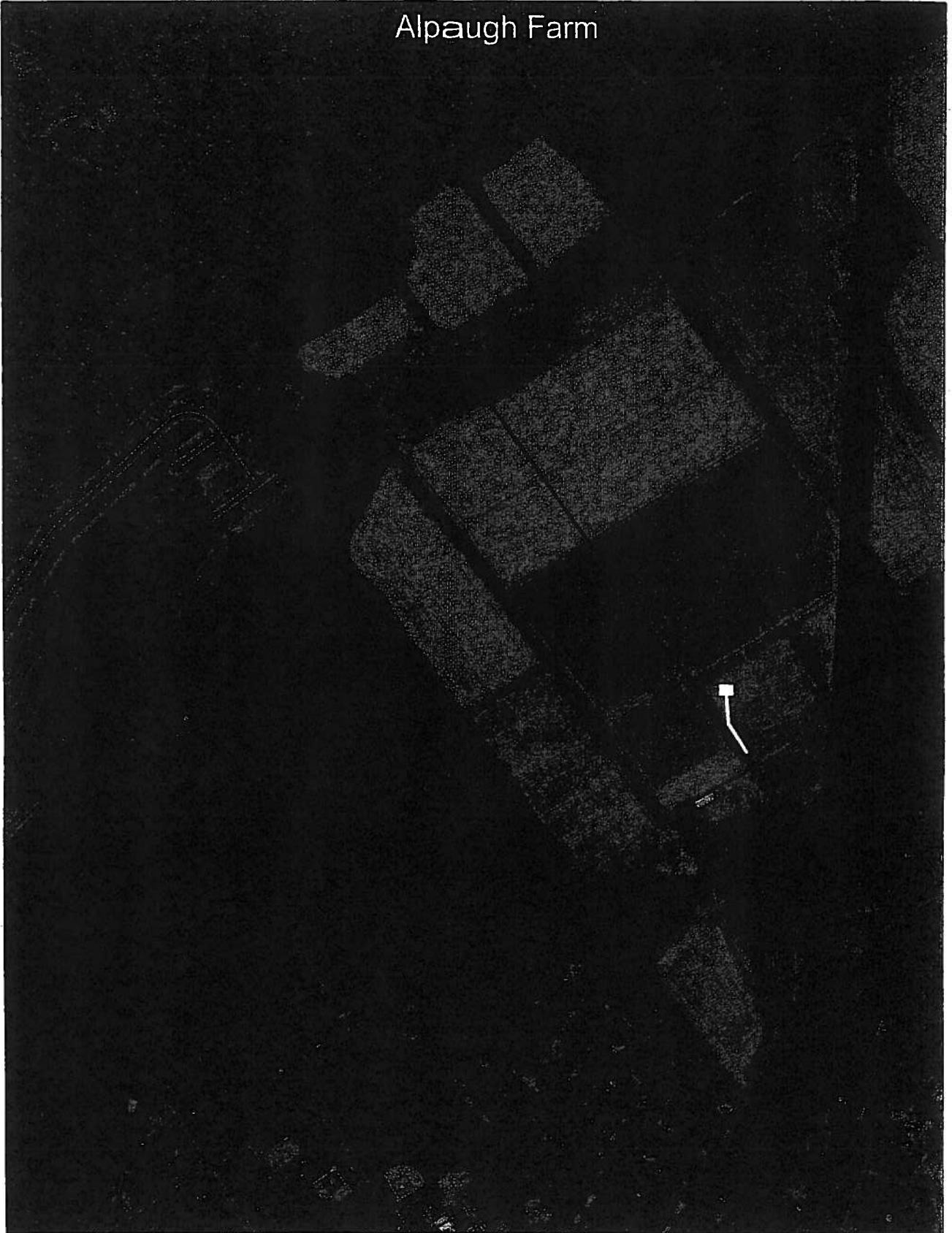

|
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting 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	ABSENT
Alan A. Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
Torrey Reade	YES
James Waltman	YES

Schedule "A"

Alpaugh Farm



Alpaugh Farm
Block 38, Lot 16
Washington township, Warren County



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R2(4)

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

**On the Property of
Riverwatch Partnership**

February 28, 2013

Subject Property: Riverwatch Partnership
Block 20, Lot 2
Greenwich Twp., Cumberland County
SADC ID # 06-0056-DE
Approximately 141 Net Easement Acres
Approximately 68 Upland/Non-Tidal Wetland Acres

WHEREAS, on April 21, 2010, the State Agriculture Development Committee ("SADC") received a development easement sale application from Riverwatch Partnership, hereinafter "Owner," identified Block 20, Lot 2 Greenwich Twp., Cumberland County, hereinafter "Property," totaling approximately 141 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 23, 2009, which categorized applications into "Priority", "Alternate" and "Other" groups; and

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

WHEREAS, the Property has a quality score of 64.52, which exceeds the Priority Quality score for Cumberland County of 54, and the Property's 141 acres exceeds the Priority acreage for Cumberland County of 84 acres, so therefore the Property is categorized as a Priority farm; and

WHEREAS, the Property is currently devoted to grain production and has 59% prime soils; and

WHEREAS, the Property originally had a two-acre non-severable exception area around the existing single family residence, and restricted to one residence; and

WHEREAS, due to the extensive amount of boundary water and tidal wetlands on the Property, only the estimated upland acres were appraised; and

WHEREAS, on September 27, 2012, the SADC certified the development easement value of the Property at \$4,250 per acre based on current zoning and environmental conditions as of July 2011; and

WHEREAS, after the September certification of value, the Owner asked to amend the application to increase the size of the exception area from 2 acres to 6 acres, which is required by zoning and to change the exception from non-severable to severable; and

WHEREAS, per the amended application, on December 13, 2012, the SADC re-certified the development easement value of the Property at \$4,150 per acre based on current zoning and environmental conditions as of July 2012 based upon 68 +/- upland acres; and

WHEREAS, the Property now has a six-acre severable exception area around the existing single family residence and also restricted to one residence; and

WHEREAS, on February 8, 2013, the Owner accepted the SADC's offer to purchase the development easement on the Property at \$4,150 per acre on approximately 68 acres of non-boundary water land; and

WHEREAS, although the Deed of Easement will cover the tidal wetlands and bordering water areas, the SADC will not pay on that acreage as well as acreage in the Exception area, and therefore, the estimated payment acreage will be approximately 62 acres, to be confirmed by survey; 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 on approximately 141 acres at a value of \$4,150 per acre to be paid on approximately 62 upland acres for a total of approximately \$257,300 subject to the conditions in Schedule B and subject to verification the non-tidal and non-boundary water acreage is within 10% of the

estimated 68 acres, exclusive of the 6 acre exception area; 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

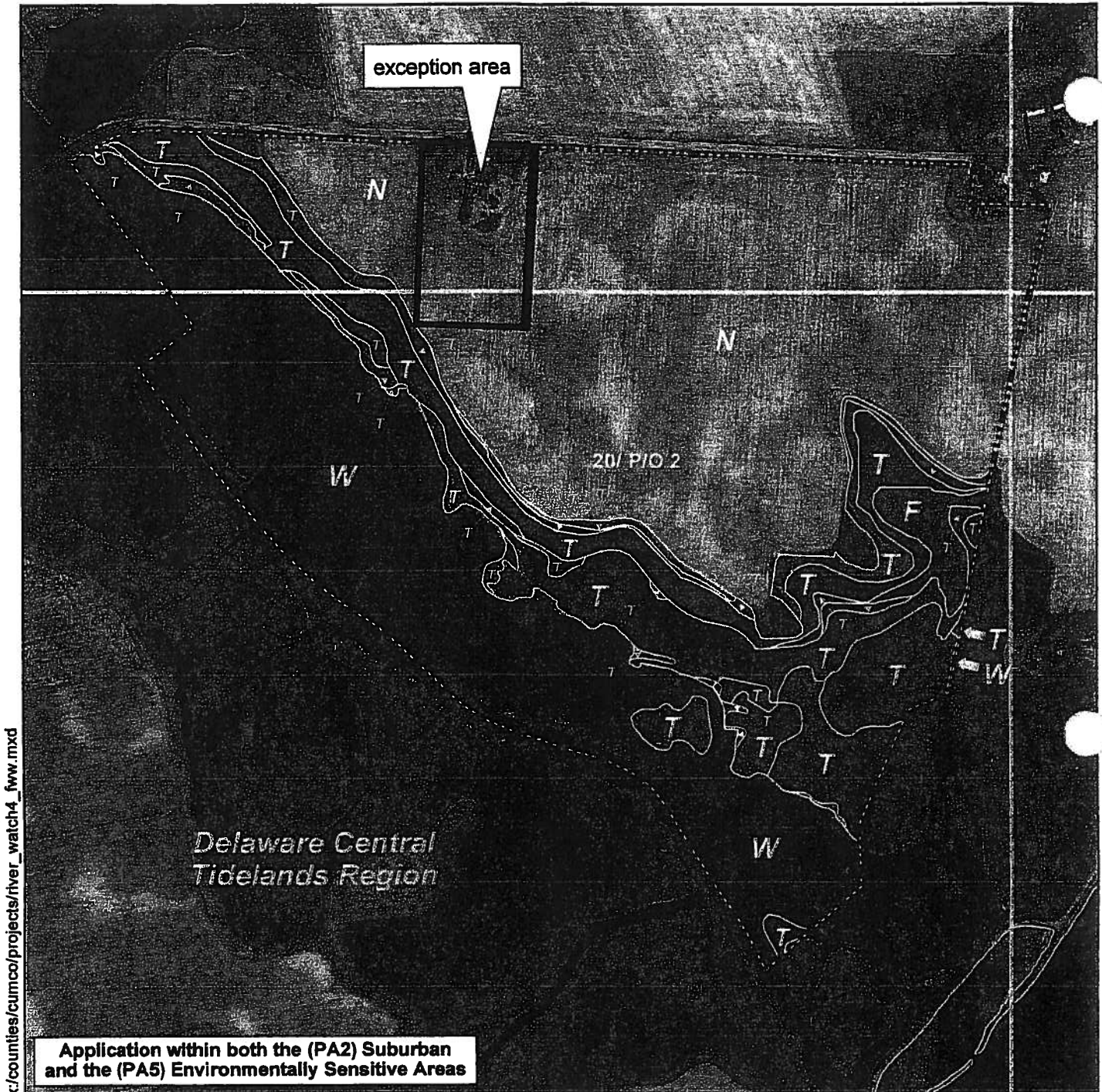
BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

2/28/13
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting 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	ABSENT
Alan A. Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
Torrey Reade	YES
James Waltman	YES



x:\counties\cumco\projects\river_watch4_fwv.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

River Watch Partnership
Block 20 Lots P/O 2 (141.24 ac) & P/O 2-ES (severable exception - 6.0 ac)
Gross Total = 147.24 ac
Greenwich Twp., Cumberland County

500 250 0 500 1,000 Feet

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

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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Riverwatch Partnership
State Acquisition
Easement Purchase - SADC
141 Acres

Block 20	Lot 2	Greenwich Twp.	Cumberland County
SOILS:		Prime	59.68% * .15 = 8.95
		Unique zero	40.32% * 0 = .00
			SOIL SCORE: 8.95
TILLABLE SOILS:		Cropland Harvested	44% * .15 = 6.60
		Wetlands	56% * 0 = .00
			TILLABLE SOILS SCORE: 6.60
FARM USE:		Field Crop Except Cash Grain	65 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 six (6) acres for existing house
 - Exception is severable
 - Exception is to be restricted to one single family residential unit
 - c. Additional Restrictions: No Additonal Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2013R2(5)

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

**On the Property of
John and Sheri Vinciguerra
February 28, 2013**

Subject Property: Vinciguerra Farm
Block 76, Lot 4
Pilesgrove Twp., Salem County
SADC ID # 17-0227-DE
Approximately 121 Net Easement Acres

WHEREAS, on May 27, 2010, the State Agriculture Development Committee ("SADC") received a development easement sale application from John and Sheri Vinciguerra, hereinafter "Owner," identified as Block 76, Lot 4, Pilesgrove Twp., Salem County, hereinafter "Property," totaling approximately 121 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.I.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, the owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 65.40, which exceeds the Priority Quality score for Salem County of 62, and the Property's size exceeds the Priority acreage for Salem County of 95 acres, so therefore the Property is categorized as a Priority farm; and

WHEREAS, the Property is currently devoted to hay production and has approximately 50% prime soils; and

WHEREAS, the Property has one, 2-acre non-severable exception area for one existing single family residence; and

WHEREAS, on November 8, 2012, the SADC certified the development easement value of the Property at \$4,300 per acre based on current zoning and environmental conditions as of 9/14/12; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property at \$4,300 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 \$4,300 per acre (121 net easement acres) for a total of approximately \$520,300 subject to the conditions contained in (Schedule B); 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.

2/28/13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting 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	ABSENT
Alan A. Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
Torrey Reade	YES
James Waltman	YES

x:/counties/salco/projects/vinciguerra2_fwv.mxd



Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

John and Sheri Vinciguerra
Block 76 Lots P/O 4 (120.9 ac)
and P/O 4-EN (non-severable exception - 2.0 ac)
Gross Total = 122.9 ac
Pilesgrove Twp., Salem County



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

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

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

October 28, 2010

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Vinciguerra Farm
State Acquisition
Easement Purchase - SADC
121 Acres

Block 76	Lot 4	Pilesgrove Twp.	Salem County	
SOILS:		Other	8.53% * 0	= .00
		Prime	49.98% * .15	= 7.50
		Statewide	19% * .1	= 1.90
		Unique zero	22.49% * 0	= .00
				SOIL SCORE: 9.40
TILLABLE SOILS:		Cropland Harvested	59% * .15	= 8.85
		Woodlands	41% * 0	= .00
				TILLABLE SOILS SCORE: 8.85
FARM USE:	Hay		65 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 two (2) acres for existing improvements
 - 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 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 #FY2013R2(6)

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

**On the Property of
Scott A. and Valerie A. Robinson**

February 28, 2013

Subject Property: Robinson Farm
Block 53, Lots 28, 29.01 and 32
Mannington Twp., Salem County
SADC ID # 17-0233-DE
Approximately 112 Net Easement Acres

WHEREAS, on February 24, 2011, the State Agriculture Development Committee ("SADC") received a development easement sale application from Scott A. and Valerie A. Robinson, hereinafter "Owner," identified as Block 53, Lots 28, 29.01 and 32, Mannington Township, Salem County, hereinafter "Property," totaling approximately net 112 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 owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 74.92, which exceeds the Priority Quality score for Salem County of 62, and the Property's size of 112 net acres exceeds the Priority acreage for Salem County of 95 acres, so therefore the Property is categorized as a Priority farm; and

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

WHEREAS, the Property has a 1-acre non-severable exception area for one future single family residence on Lot 28; and

WHEREAS, on July 26, 2012, the SADC certified the development easement value of the Property at \$5,600 per acre based on current zoning and environmental conditions as of 5/11/12; and

WHEREAS, the certification was conditioned upon an agricultural access easement, to allow crossing over the railroad separating lots 28 & 32 and owned by Salem County, being recorded prior to closing; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property at \$5,600 per acre; and

WHEREAS, SADC staff is coordinating with the landowner's attorney and Salem County to finalize the access easement across the railroad; 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 \$5,600 per acre for a total of approximately \$627,200 based on 112 easement acres and subject to the conditions contained in (Schedule B); 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 the SADC conditions this approval on a recorded access easement establishing agricultural access from Block 53, Lot 28 to Block 53, Lot 32 across the railroad owned by Salem County separating these parcels; 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.

2/28/13
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

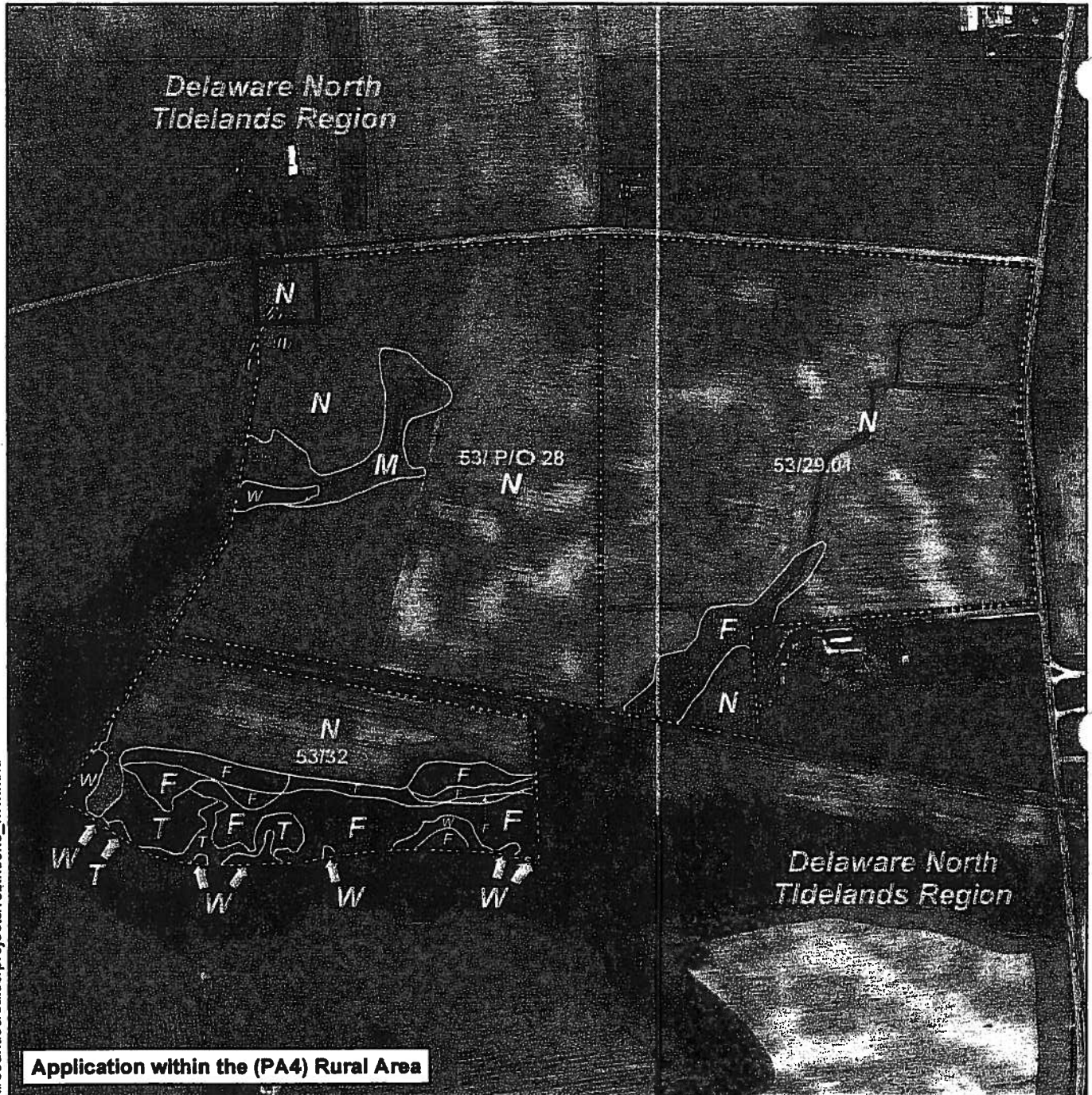
VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting 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	ABSENT
Alan A. Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	ABSENT
Peter Johnson	YES
Torrey Reade	YES
James Waltman	YES

Wetlands

Schedule A

x:\counties\sabco\projects\robinson3_fw\w.mxd



Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Scott A. Robinson
Block 53 Lots P/O 28 (42.0 ac), P/O 28-EN (non-severable exception - 1.0 ac)
29.01 (49.3 ac) & 32 (21.3 ac)
Gross Total = 113.7 ac
Mannington Twp., Salem County

500 250 0 500 1,000 Feet

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

DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The 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
T - Tidal Wetlands
W - Wetlands Modified for Agriculture
B - 300' Buffer
N - Non-Wetlands

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

February 2, 2012

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Robinson, Scott
State Acquisition
Easement Purchase - SADC
112 Acres

Block 53	Lot 28	Mannington Twp.	Salem County
Block 53	Lot 32	Mannington Twp.	Salem County
Block 53	Lot 29.01	Mannington Twp.	Salem County

SOILS:	Other	12.64% *	0	=	.00	
	Prime	87.36% *	.15	=	13.10	
					SOIL SCORE:	13.10
TILLABLE SOILS:	Cropland Harvested	84% *	.15	=	12.60	
	Woodlands	16% *	0	=	.00	
					TILLABLE SOILS SCORE:	12.60
FARM USE:	Field Crop Except Cash Grain			100 acres		

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for future single family 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:

The applicant must obtain a recorded access easement for agricultural purposes over the railroad separating lots 28 & 32 prior to closing.
 - 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 FY2013R2(7)

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

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

**On the Property of
Angen LLC
Mount Olive Township, Morris County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 14-0110-PG**

FEBRUARY 28, 2013

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan 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 County received SADC approval of their annual PIG plan update for FY2013 on May 24, 2012; and

WHEREAS, on April 23, 2012, the SADC received an application for the sale of a development easement from Morris County for the Angen LLC Farm identified as Block 6801, Lots 10, 10.01 and 10.02, Mount Olive Township, Morris County, totaling approximately 24 net easement acres (Schedule A); and

WHEREAS, the Property is located in Morris County's West Project Area and in the Highland Preservation Area; and

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

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

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

WHEREAS, the Owner has read and signed the SADC's guidance document for Exception Areas, Division of the Premises and Non Agricultural Uses; and

WHEREAS, the Property has a quality score of 52.42 which is greater than 70% of the County's average quality score of 42 as determined by the SADC on July 28, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on June 15, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 27, 2012, the SADC certified a development easement value of \$64,000/acre based on the zoning and environmental regulations as of January 1, 2004; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted Morris County's offer of \$64,000 per acre for the development easement for the Property; and

WHEREAS, on November 29, 2012 the County prioritized its farms and submitted its application in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, currently the County has \$2,500,00 of base grant funding, and is eligible for up to 3,000,000 in FY11 competitive funding and \$5,000,000 in FY13 competitive grant funding, subject to available funds (Schedule B); and

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

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 24.72 acres will be utilized to calculate the SADC grant need; and

WHEREAS, the estimated cost share breakdown below is based on 24.72 acres:

	<u>Cost Share</u>	
SADC	\$931,944	(\$37,700 per acre or 58.91%)
Morris County	\$650,136	(\$26,300 per acre or 41.09%)
	\$1,582,080	(\$64,000 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, the Mount Olive Township Committee approved the application on November 22, 2011, the Morris County Agriculture Development Board approved the application on January 10, 2013 and the Morris County Board of Chosen Freeholders for the required local match on December 12, 2012; and

WHEREAS, Morris County Agricultural Development Board is requesting \$931,944 from its base grant funding, leaving cumulative balance of \$1,568,056 in their base grant fund; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Morris County for the purchase of a development easement on the Angen LLC farm, comprising approximately 24.72 acres, at a State cost share of \$37,700 per acre (58.91% of certified market value and purchase price) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

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

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

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

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

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

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

2/28/13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

Monique Purcell, Acting 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	ABSENT
Alan A. Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	ABSENT
Peter Johnson	ABSTAINED
Torrey Reade	YES
James Waltman	YES

Schedule A

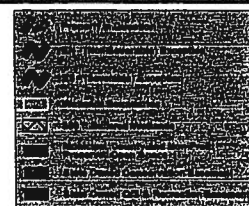


x:\counties\morco\projects\angen_fw\mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Gennaro and Angela Matera/Angen, LLC.
Block 6801 Lots P/O 10 (12.4 ac);
P/O 10-EN (non-severable exception - 1.0 ac); 10.01 (5.3 ac) & 10.02 (6.0 ac)
Gross Total = 24.6 ac
Mt. Olive Twp., Morris County

500 250 0 500 1,000 Feet



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

April 25, 2012

Schedule C

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Angen, LLC
14-0110-PG
FY 2012 County PIG Program
24 Acres

Block 6801	Lot 10	Mount Olive Twp.	Morris County
Block 6801	Lot 10.01	Mount Olive Twp.	Morris County
Block 6801	Lot 10.02	Mount Olive Twp.	Morris County

SOILS:	Prime	100% * .15	= 15.00
---------------	-------	------------	---------

SOIL SCORE: 15.00

TILLABLE SOILS:	Cropland Harvested	97% * .15	= 14.55
	Woodlands	3% * 0	= .00

TILLABLE SOILS SCORE: 14.55

FARM USE:	Cash Grains	22 acres
------------------	-------------	----------

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R2(8)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

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

**On the Property of
Irma DiRisio ("Owner")
Mansfield Township, Warren County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 21-0513-PG**

February 28, 2013

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the SADC granted final approval to Warren County's PIG plan on July 24, 2008; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Warren County received SADC approval of its FY2013 PIG Plan application annual update on May 24, 2012; and

WHEREAS, on September 29, 2011 the SADC received an application for the sale of a development easement from Warren County for the subject farm identified as Block 501, Lot 14 and Block 602, Lot 6, Mansfield Township, Warren County, totaling approximately 67 net acres hereinafter referred to as "Property" (Schedule A); and

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

WHEREAS, at the time of application the Property was in hay, beef cattle and egg production; and

WHEREAS, the Property has one (1) acre non-severable exception area around the existing barns with the potential for one (1) future single family residence; and

WHEREAS, the Property has one (1) single family residence that also contains an apartment and attached garage on the area to be preserved outside of the exception area; and

WHEREAS, the Owner understands that the apartment cannot be replaced with a different type of dwelling unit (single family, duplex, etc.) and this restriction will be defined in the Deed of Easement; and

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

WHEREAS, the Owner has read and signed the SADC's guidance document for Exception Areas, Division of the Premises and Non Agricultural Uses; and

WHEREAS, the Property has a rank score of 62.75 which exceeds 40, which is 70% of the County's average quality score as determined by the SADC on June 24, 2010; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on February 13, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 27, 2012 the SADC certified a development easement value of \$6,500 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$2,000 per acre based on zoning and environmental regulations in place as of the current valuation date 5/3/12; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$7,000 per acre for the development easement for the Property which is greater than the certified value of \$6,500, but less than the highest appraised value of \$8,000 per acre; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 69.01 acres will be utilized to calculate the grant need; and

WHEREAS, on December 12, 2012 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, currently the County has \$1,731,631.40 of base grant funding, and is eligible for up to 3,000,000 in FY11 competitive funding and \$5,000,000 in FY13 competitive grant funding, subject to available funds (Schedule B); and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Warren County Agriculture Development Board is requesting \$286,391.50 from its base grant, leaving a cumulative balance of \$1,445,239.90 (Schedule B); and

Cost share breakdown based on 69.01 acres:

	<u>Total</u>	
SADC	\$286,391.50	\$4,150/ac. (63.85% of CMV & 59.29% of Purchase Price)
County	<u>\$196,678.50</u>	\$2,850/ac. (40.71% of Purchase Price)
Total	\$483,070.00	

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on December 26, 2012 the Mansfield Township Committee approved the sale of a development easement on the Property, but is not participating financially in the easement purchase; on December 20, 2012 the Warren CADB passed a resolution granting final approval for funding the Property and the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and a commitment of funding for \$2,850/acre per acre to cover the entire local cost share on January 9, 2013; and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Warren County for the purchase of a development easement on the Diriso farm, comprising 69.01 acres, at a State cost share of \$4,150 per acre (63.85% of CMV and 59.29% of Purchase Price) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

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

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

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

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

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

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

Date

2/28/13


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting 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	ABSENT
Alan A. Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	ABSENT
Peter Johnson	ABSTAINED
Torrey Reade	YES
James Waltman	YES

x:\counties\warco\projects\dirisio_fw\www.mxd

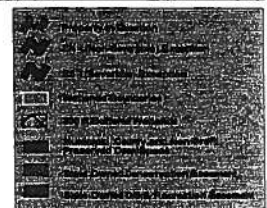


Application within the Highlands Preservation Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Irma Dirisio
Block 501 Lot 14 (49.9 ac)
Block 602 Lots P/O 6 (20.0 ac)
& P/O 6-EN (non-severable exception - 1.0 ac)
Gross Total = 70.9 ac
Mansfield Twp., Warren County

500 250 0 500 1,000 Feet



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

October 5, 2011

[illegible]

Schedule B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Dirisio Farm
21-0513-PG
FY 2011 County PIG Program
67 Acres

Block 501	Lot 14	Mansfield Twp.	Warren County
Block 602	Lot 6	Mansfield Twp.	Warren County

SOILS:	Other	38% *	0	=	.00
	Prime	55% *	.15	=	8.25
	Statewide	7% *	.1	=	.70

SOIL SCORE: 8.95

TILLABLE SOILS:	Cropland Harvested	70% *	.15	=	10.50
	Permanent Pasture	20% *	.02	=	.40
	Woodlands	10% *	0	=	.00

TILLABLE SOILS SCORE: 10.90

FARM USE:	Hay	47 acres
	Beef Cattle Except Feedlots	11 acres
	Chicken Eggs	1 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for Flexibility around barns/ poss. SFR opportunity
 - 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)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 - Single Family with Apartment - with attached garage
 - 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 FY2013R2(9)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

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

**On the Property of
Timothy Pruden ("Owner")
Hope Township, Warren County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 21-0507-PG**

FEBRUARY 28, 2013

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Warren County received SADC approval of its FY2013 PIG Plan application annual update on May 24, 2012; and

WHEREAS, on May 9, 2011 the SADC received an application for the sale of a development easement from Warren County for the subject farm identified as Block 700, Lots 100, 1300 and 1302, Hope Township, Warren County, totaling approximately 127 net acres hereinafter referred to as "Property" (Schedule A); and

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

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

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

WHEREAS, the Property has a 32-acre severable exception for the existing airstrip, which is restricted to "private use" and cannot be expanded and one existing single family residence along with the potential for another future single family residence; and

WHEREAS, outside of the existing and future single family homes and existing airstrip, the 32-acre severable exception will be restricted to agriculture, rural enterprises and other uses deemed compatible with agriculture; and

WHEREAS, a perpetual access easement benefiting the preserved farm for agricultural purposes utilizing existing driveways and farm lanes through the severable exception area will be recorded prior to closing; and

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

WHEREAS, the Owner has read and signed the SADC's guidance document for Exception Areas, Division of the Premises and Non Agricultural Uses; and

WHEREAS, the Property has a rank score of 56.87 which exceeds 40, which is 70% of the County's average quality score as determined by the SADC June 24, 2010; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on June 26, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on December 13, 2012 the SADC certified a development easement value of \$4,000 per acre based on both the zoning and environmental regulations in place as of 1/1/04 and zoning environmental regulations in place as of 10/5/12; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$4,000 per acre for the development easement for the Property; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 130.81 acres will be utilized to calculate the grant need; and

WHEREAS, on December 19, 2012 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, currently the County has \$1,445,239.90 of base grant funding, and is eligible for up to 3,000,000 in FY11 competitive funding and \$5,000,000 in FY13 competitive grant funding, subject to available funds (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, the Hope Township Committee approved the application on December 26, 2012, the Warren County Agriculture Development Board approved the application on December 20, 2012 and the Warren County Board of Chosen Freeholders for the required local match (\$1,200/acre) on January 9, 2013; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Warren County Agriculture Development Board is requesting \$366,268.00 from its base grant, leaving a cumulative balance of approximately \$1,078,971.90 (Schedule B); and

WHEREAS, no competitive grant funding is needed for the SADC cost share grant on this Property, therefore the entire estimated SADC grant need will be encumbered from the County's base grant; and

Cost share breakdown based on 130.81 acres:

	<u>Total</u>	
SADC	\$366,268	(\$2,800/acre or 70% of CMV)
County	<u>\$156,972</u>	(\$1,200/acre or 30% of CMV)
Total	<u>\$523,240</u>	

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Warren County for the purchase of a development easement on the Pruden farm, comprising 130.81 acres, at a State cost share of \$2,800 per acre (70% of CMV) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in(Schedule C); and

BE IT FURTHER RESOLVED, a perpetual access easement for agricultural purposes along existing driveways and farm lanes through the severable exception area, subject to the approval of SADC counsel, recorded prior to closing; and

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

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

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

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

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

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

2/28/13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting 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	ABSENT
Alan A. Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	ABSENT
Peter Johnson	ABSTAINED
Torrey Reade	YES
James Waltman	YES

Wetlands

existing common driveway access easement & access for farming to be provided prior to closing

Application within the Highlands Planning Area

Application within the (PA4) Rural Area, the (PA4B) Rural Environmentally Sensitive Area and the (PA5) Environmentally Sensitive Area

existing access easement

access easement to be procured before closing

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Timothy Pruden

Block 700 Lots 100 (30.07 ac); P/O 1300 (57.07 ac)

P/O 1300-ES (severable exception - 32 ac.)

P/O 1302 (40.94 ac) & P/O 1302-EN (non-severable exception - 3.01 ac)

Gross Total = 163.09 ac

Hope Twp., Warren County

500 250 0 500 1,000 Feet

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



Wetlands Legend:
F - Freshwater Wetlands
L - Littoral Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 100' Buffer
W - Wetland

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

Date: 6/11/2012

Schedule B

Warren County

New Jersey Farmland Preservation Program
Preservation Program

SADC FY2013 Funding

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

County Planning Incentive Grant - FY10-17 et seq.																
Farm	Municipality	App Acres	Plus \$ Percent Acres	SADC Subsidy Per Acre	Negotiated & Approved Plus Acres	SADC Grant Per Acre	Expenditure Contribution	Open Bids	Seal Bids	BASE GRANT			Competitive Grant	TOTAL	ELIGIBILITY	
										Encumbered at Final	Expended	Balance				
															Encumbered at Final	Expended
Drake et al	Allamuchy	202.000	208.0600	4,000.00	4,000.00	2,800.00	792,348.00	792,348.00	554,643.60	582,568.00	554,643.60	1,945,356.40			FY18 Balance subject to availability	
Bowers, Russell	Pohatcong	50.000	51.5000	6,500.00	6,500.00	4,150.00	334,750.00	334,750.00	213,725.00	213,725.00		1,731,831.40				
Diriglo, Irma	Mansfield	67.000	69.0100	6,500.00	7,000.00	4,150.00	448,565.00	448,565.00	286,391.50	286,391.50		1,445,239.90				
Pruden, Timothy	Hope	127.000	130.8100	4,000.00	4,000.00	2,800.00	523,240.00	523,240.00	366,268.00	366,268.00		1,078,971.90				
Carson, Dan and Whitney	Frelinghuysen	285.290		5,200.00		3,500.00										
Gardner Richard	Franklin	108.000		5,850.00		3,825.00										
McConnell	Oxford	56.000		6,200.00												
McCullough Road Land	Washington	39.000														
Cooke	Hope	47.000														
Czar	Pohatcong	94.000														
On hold																
Blair/Myer Grant (hold)	White	41.5														
Withdrawn																
Wohlens, Frank & Janet	Blairstown	56.000	57.6800	4,200.00	5,200.00	2,920.00	299,936.00	242,256.00	168,425.60							
	</															

Schedule B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Pruden, Timothy
21-0507-PG
FY 2011 County PIG Program
127 Acres

Block 700	Lot 1300	Hope Twp.	Warren County
Block 700	Lot 1302	Hope Twp.	Warren County
Block 700	Lot 100	Hope Twp.	Warren County

SOILS:	Other	100% * 0	=	.00
				SOIL SCORE: .00
TILLABLE SOILS:	Cropland Harvested	82% * .15	=	12.30
	Woodlands	18% * 0	=	.00
				TILLABLE SOILS SCORE: 12.30

FARM USE:	Corn-Cash Grain	100 acres
------------------	-----------------	-----------

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st three (3) acres for Future single family residence
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)
 - 2nd (32) acres for existing residence & airstrip
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
Exception is to be restricted to two single family residential unit(s)
 - c. Additional Restrictions:
 1. 32 acre nonseverable exception to be restricted to agriculture, rural enterprises and other uses deemed compatible with agriculture
 2. no expansion of the runway in size and must remain for 'private use.'
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R2(10)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

MIDDLESEX COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

**On the Property of
Benjamin Konopacki /(Indyk)
Monroe Township, Middlesex County**

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

SADC ID# 12-0019-PG

February 28, 2013

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Middlesex County received its latest SADC approval of its FY2013 PIG Plan application annual update on May 24, 2012; and

WHEREAS, on November 2, 2011 the SADC received an individual application for the sale of a development easement from Middlesex County for the Benjamin Konopacki ("Owner") a.k.a. Indyk Farm identified as Block 54, Lot 7.01, Monroe Township, Middlesex County, totaling approximately 37 acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Middlesex County's Matchaponix Project area; and

WHEREAS, the Property has one (1) existing single family residence, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

WHEREAS, the Property is currently in rye production for straw, strawberries, corn and cucumber; and

WHEREAS, the Owner has read and signed the SADC's guidance document for Exception Areas, Division of the Premises and Non Agricultural Uses; and

WHEREAS, the Property has a rank score of 69.52 which exceeds 70% of the County's average quality score of 41, as determined by the SADC on June 24, 2010; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on March 8, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 27, 2012 the SADC certified a development easement value of \$24,000 per acre based on current zoning and environmental regulations as of the March 8, 2012; and

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

WHEREAS, on December 5, 2012 the County submitted the application to the SADC to conduct a final review of the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, currently the County has \$1,268,437.55 of base grant funding available, and is eligible for up to \$3,000,000 in FY11 competitive funding and \$5,000,000 in FY13 competitive grant funding , subject to available funds (Schedule B); and

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

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

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 38.11 acres will be utilized to calculate the SADC grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 38.11 acres):

	<u>Cost Share</u>	
SADC	\$548,784.00	(\$14,400 per acre or 60%)
Monroe Twp.	\$182,928.00	(\$4,800 per acre or 20%)
<u>Middlesex County</u>	<u>\$182,928.00</u>	<u>(\$4,800 per acre or 20%)</u>
	\$914,640.00	(\$24,000 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, Monroe Township approved the application on December 3, 2012 with its funding commitment, the County Agriculture Development Board approved the application on January 9, 2013 and the County Board of Chosen Freeholders approved the application on February 7, 2013 with its funding commitment; and

WHEREAS, the Middlesex County Agriculture Development Board is requesting \$548,784.00 from its base grant funding, leaving a cumulative balance of \$719,653.55 in its base grant (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, grants final approval to provide a cost share grant to Middlesex County for the purchase of a development easement on the Konopacki/Indyk Farm, comprising approximately 38.11 acres, at a State cost share of \$14,400 per acre (60% of certified market value and the purchase price) for a total grant need of approximately \$548,784.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, that to account for any potential increase in the estimated acreage utilized for evaluation purposes has been increased by 3% and has been applied to the funds encumbered from the County's base grant: and

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

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

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

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

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

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

Date

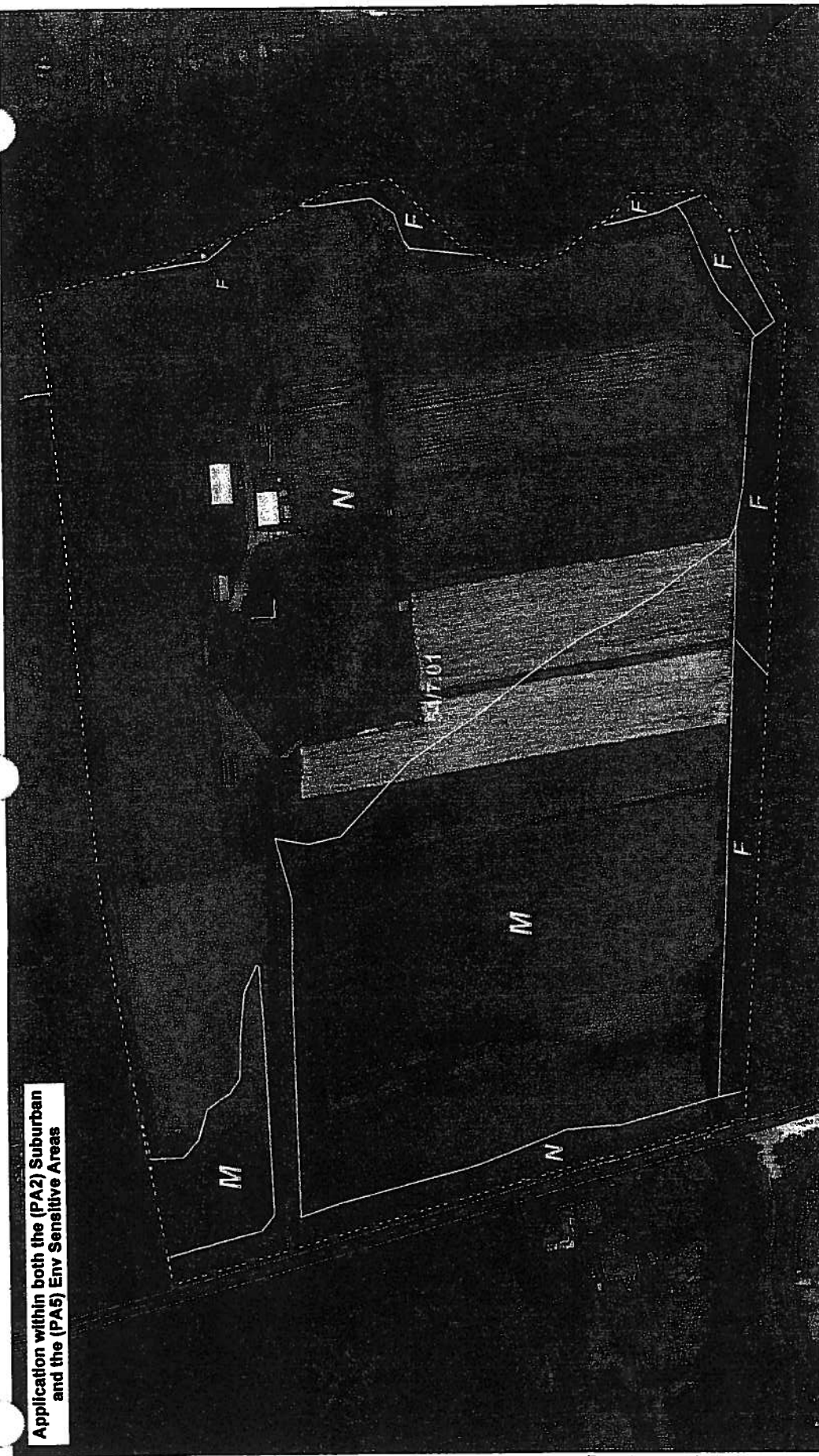
2/28/13


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

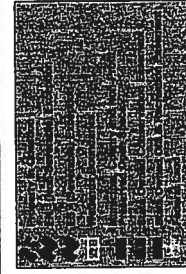
Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	ABSENT
Alan A. Danser, Vice Chairman	ABSENT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

Application within both the (PA2) Suburban
and the (PA5) Env Sensitive Areas



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

Benjamin S. Konopacki, Jr./Indyk's Farm
Block 54 Lot 7.01 (37.3 ac)
Gross Total = 37.3 ac
Montroe Twp., Middlesex County



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

Sources:
NJDEP Freshwater Wetlands Data
NJDEP Tidal Wetlands Data
NJOT/COS 2007/2008 Digital Image

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 legal or financial decisions. The data and information herein are provided as is, without warranty, and as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Farm	Municipality	App Acres	Percent Acres	SAB's Certified Per Acre	Negotiated & Approved Per Acre	SAB's Grant Per Acre	Base Grant Consideration	SAB's Best Share	BASE GRANT			COMPETITIVE GRANT	TOTAL	COMPETITIVE GRANT ELIGIBILITY
									Encumbered at FY09	Expended	Balance			
Kurek	Cranbury	155	159.650	7,750	7,750.00	4,775	1,237,287.50 Balance-\$294,985.10 paid with FY09 (2007) Base grant funds	762,328.75	467,343.65	2,032,656.35				
Vought, Jesse	South Brunswick	36.000	37.080	34,350	34,350.00	20,610	1,273,698.00	764,218.80	764,218.80	1,268,437.55				
Konopack/Indyk Farm	Monroe	37.000	38.110	24,000	24,000.00	14,400	914,640.00	548,784.00	548,784.00	719,653.55				
pending March 2013 meeting Reinhardt	Cranbury	41.000		28,500		17,100	1,168,500.00	701,100.00						
Withdrawn Trustee of Thomas Swale	Monroe	124.300												
Gasko	Monroe	72.000												
Total	4	269.00	224.04				4,584,135.50	2,776,431.55	1,768,945.45	9.00	719,653.55	Expended	Balance	
Encumbered/Expended FY11									1,500,000.00	0.00	1,000,000.00	0.00	3,000,000	
Encumbered/Expended FY12									268,945.45	0.00	719,653.55	0.00	5,000,000.00	

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Indyk Farm
12-0019-PG
FY 2011 County PIG Program
37 Acres

Block 54	Lot 7.01	Monroe Twp.	Middlesex County
SOILS:		Other	5% * 0 = .00
		Prime	48% * .15 = 7.20
		Statewide	47% * .1 = 4.70
			SOIL SCORE: 11.90
TILLABLE SOILS:		Cropland Harvested	94% * .15 = 14.10
		Wetlands	6% * 0 = .00
			TILLABLE SOILS SCORE: 14.10
FARM USE:	Field Crop Except Cash Grain	11 acres	
	Vegetable & Melons	17 acres	
	Berry	6 acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Recorded
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - 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 FY2013R2(11)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

**On the Property of
Anthony DiTullio ("Owner")
Mansfield Township, Burlington County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 03-0369-PG**

February 28, 2013

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Burlington County received SADC approval of its FY2013 PIG Plan application annual update on May 24, 2012; and

WHEREAS, on May 9, 2012 the SADC received an application for the sale of a development easement from Burlington County for the Anthony DiTullio Farm identified as Block 6.01, Lot 6.01, Mansfield Township, Burlington County, totaling 90 acres hereinafter referred to as "Property" (Schedule A); and

WHEREAS, the Property is located in Burlington County's North – Burlington County Project Area; and

WHEREAS, the Property also includes one, 2-acre non-severable exception for a future single family residence; and

WHEREAS, at the time of application the Property was in 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, the Property has a rank score of 66.54 which exceeds 45, which is 70% of the County's average quality score as determined by the SADC on July 28, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on June 22, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 27, 2012 the SADC certified a development easement value of \$7,700 per acre based on zoning and environmental regulations in place as of August 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted an offer from the County to sell their development easement for \$9,650.00 per acre, (which is higher than the certified value, of \$7,700, but not higher than the highest appraised easement value of \$12,000); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 the Burlington CADB approved the application on February 9, 2012, the Burlington Board of Chosen Freeholders approved the application on March 28, 2012 and the Mansfield Township Committee approved the application on June 27, 2012, but is not participating financially in the easement purchase ; and

WHEREAS, Burlington County closed on the development easement on October 5, 2012 for \$868,114 (\$9,645.71 per acre) which was recorded in Deed Book 13035, Page 8558; and

WHEREAS, the United States of America, through the Department of the Air Force, contributed 50% (\$434,057) of the total purchase price for the development easement with no additional restrictions, to assist in providing a three mile buffer around existing military installations; and

WHEREAS, on October 15, 2012 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, currently the County has \$1,000,000 base grant funding available, and is eligible for up to \$7,554.44 in FY11 competitive funding and \$5,000,000 in FY13 competitive grant funding, subject to available funds (Schedule B); and

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

WHEREAS, the cost share breakdown is as follows (based on 90 acres):

	<u>Cost Share</u>	
SADC	\$427,500.00	(\$4,750 per acre, 61.7% of the CMV and 49.2% of Purchase Price)
Burlington County	\$ 6,557.00	(\$72.85 per acre, .8% of Purchase Price)
<u>US Dept. of Defense</u>	<u>\$434,057.00</u>	<u>(\$4,822.86 per acre, 50% of the Purchase Price)</u>
	\$868,114.00	(\$9,645.71 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Burlington County CADB is requesting \$427,500.00 of base grant funding leaving a \$572,500.00 base grant balance (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Burlington County for the purchase of a development easement on the DiTullio Property, comprising 90 acres, at a State cost share of \$4,750 per acre (61.7% of certified market value and 49.2% of the per acre purchase price of \$9,645.71), for a total request of \$427,500 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

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

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

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

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

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

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

2/28/13
Date

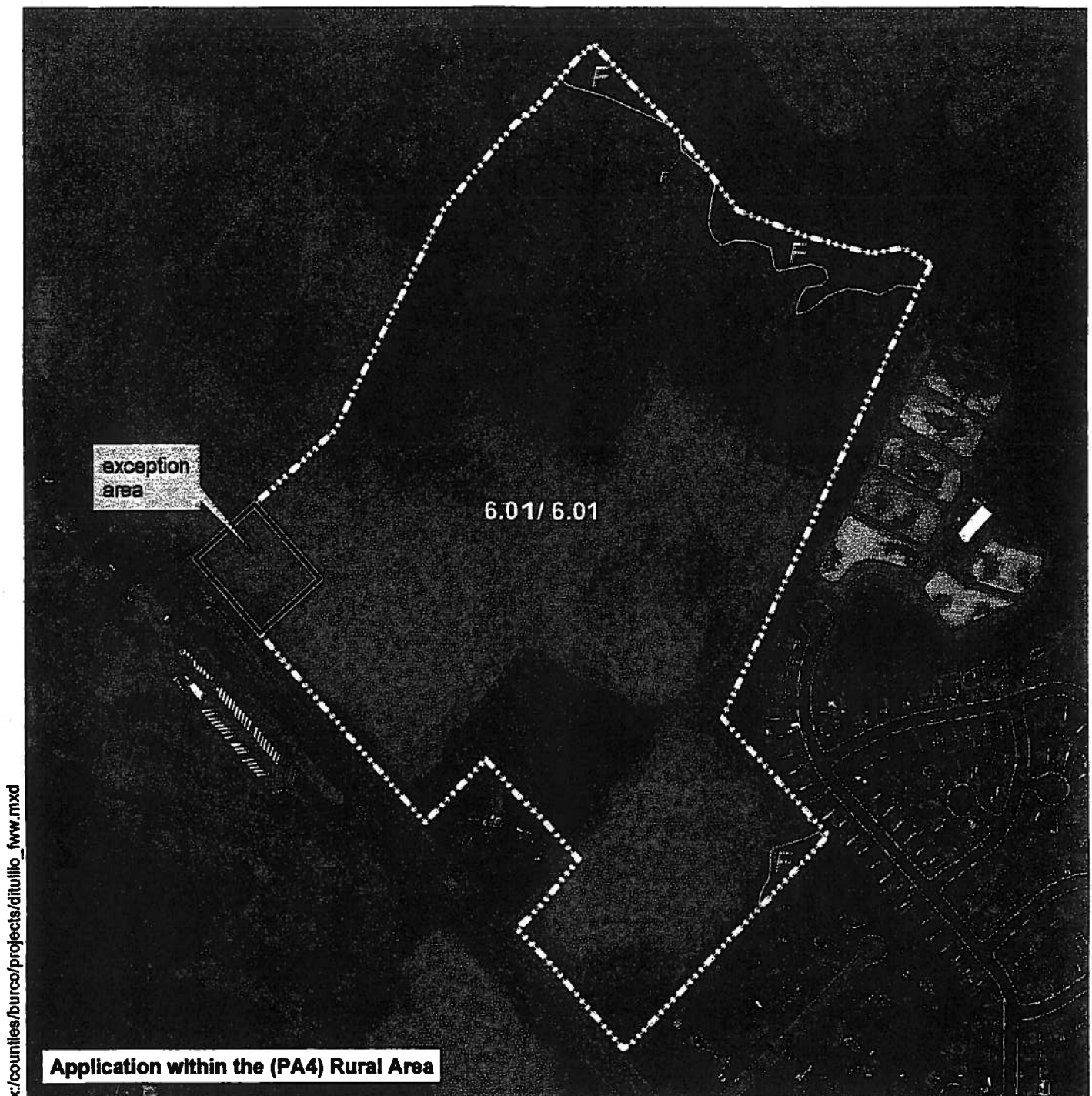


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting 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	ABSENT
Alan A. Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	ABSENT
Peter Johnson	ABSTAINED
Torrey Reade	YES
James Waltman	YES

Schedule A



x:\counties\burco\projects\ditulio_fwv.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Anthony DiTullio
Block 6.01 Lots P/O 6.01 (87.3 ac)
& P/O 6.01-EN (non-severable exception - 2.0 ac)
Gross Total = 89.3 ac
Mansfield Twp., Burlington County

500 250 0 500 1,000 Feet



Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
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
DVRPC 2010 Digital Aerial Image

May 28, 2012

1000000 10

2/12/2013

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

BurCo\DiTullio Farm
03-0369-PG
FY 2011 County PIG Program
85 Acres

Block 6.01	Lot 6.01	Mansfield Twp.	Burlington County
SOILS:		Other	4% * 0 = .00
		Prime	60% * .15 = 9.00
		Statewide	36% * .1 = 3.60
			SOIL SCORE: 12.60
TILLABLE SOILS:		Cropland Harvested	60% * .15 = 9.00
		Wetlands	4% * 0 = .00
		Woodlands	36% * 0 = .00
			TILLABLE SOILS SCORE: 9.00
FARM USE:	Corn-Cash Grain	50 acres	

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

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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2013R2(12)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

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

**On the Property of
Alloway Family LP ("Owner")
Shamong Township, Burlington County**

**N.J.A.C. 2:76-17 et seq.
SADC ID# 03-0375-PG**

February 28, 2012

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Burlington County received SADC approval of its FY2013 PIG Plan application annual update on May 24, 2012; and

WHEREAS, on June 28, 2012 the SADC received an application for the sale of a development easement from Burlington County for the Alloway Family LP Farm identified as Block 23.01, Lot 9.01, Shamong Township, Burlington County, totaling 109.578 acres hereinafter referred to as "Property" (Schedule A); and

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

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

WHEREAS, the Property also includes a 3-acre non-severable for one future single family residence; and

WHEREAS, the Property has a quality score of 74.43 which is greater than 70% of the County's average quality score of 45 as determined by the SADC on July 28, 2011; and

WHEREAS, according to New Jersey Pinelands Commission Amended Letter of Interpretation #2056, there are 5.25 Pinelands Development Credits (PDCs) allocated to the Property; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, landowner will retain .25 PDC for the construction of a home within the non-severable exception and the remaining 5 PDCs will be retired; and

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

WHEREAS, the owners have been provided the SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses (Schedule B) and CADB staff informed SADC staff they will not sign the acknowledgement of receipt of the documents; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on September 7, 2012 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

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

WHEREAS, on August 14, 2012 a preliminary Pinelands Valuation Formula (Formula) was finalized between SADC and CADB staff as per N.J.A.C. 2:76-19.3 yielding:

Formula Valuation without impervious cover option: \$3,409.33 per acre

Formula Valuation with 10% impervious cover option: \$3,835.50 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on November 8, 2012, the SADC certified a development easement value of \$4,440 per acre based on zoning and environmental regulations in place as of August 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted an offer from the County to purchase a development easement for \$4,538 per acre, (which is higher than the Pinelands Formula Valuations and the certified value, but less than the highest appraised per acre easement value of \$4,635); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 the Burlington CADB approved the application on February 9, 2012, the Burlington Board of Chosen Freeholders approved the application on March 28, 2012 and the Shamong Township Committee approved the application on May 1, 2012, but is not participating financially in the easement purchase ; and

WHEREAS, on August 24, 2012, the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, currently the County has \$572,500 of base grant funding available, and is eligible for up to \$7,554.44 in FY11 competitive funding and \$5,000,000 in FY13 competitive grant funding, subject to available funds (Schedule C); and

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

WHEREAS, Burlington County closed on the development easement on September 5, 2012 for \$497,264.96 (\$4,538 per acre) which was recorded in Deed Book 13035, Page 8558; and

WHEREAS, the estimated cost share breakdown is as follows (based on 109.578 acres):

	<u>Cost Share</u>	
SADC	\$335,746.99	(\$3,064 per acre, 69% of the CMV and 67.52% of Purchase Price)
County	\$161,517.97	(\$1,474 per acre, 33.2% of the CMV and 32.48% of the Purchase Price)
	\$497,264.96	(\$4,538 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Burlington County CADB is requesting \$335,746.99 from its Base Grant monies, leaving a Base Grant balance of \$236,753.01 (Schedule C); and

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Burlington County for the purchase of a development easement on the Alloway Family LP Property, comprising 109.578 acres, at a State cost share of \$3,064 per acre (69% of Certified Value and 67.52% of purchase price), totaling \$335,746.99 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule D); and

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

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

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

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

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

2/28/13

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting 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	ABSENT
Alan A. Danser, Vice Chairman	ABSENT
Denis C. Germano, Esq.	ABSENT
Peter Johnson	ABSTAINED
Torrey Reade	YES
James Waltman	YES

Schedule A

Application within the Pinelands Ag Production Area

x:\counties\burco\projects\alloway_fw.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Alloway Family LP
Block 23.01 Lots P/O 9.01 (103.3 ac)
& P/O 9.01-EN (non-severable exception - 3.0 ac)
Gross Total = 106.3 ac
Shamong Twp., Burlington County

500 250 0 500 1,000 Feet



	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 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 Digital Aerial Image

July 18, 2012

Schedule B

(copies of guidance documents)

Division of the Premises

The Deed of Easement sets forth the legal restrictions that will apply to your farm once it is preserved. The survey metes and bounds description of your farm has the effect of tying all of your lots together as one preserved "premises." Although your farm may consist of multiple lots, after preservation they cannot be divided, transferred individually or conveyed to other owners without written approval of the State Agriculture Development Committee (SADC) and the easement holder, which may be the County Agriculture Development Board (CADB) or a non-profit agency.

To request approval to divide the preserved premises, you need to submit an application to the easement holder demonstrating that the division would meet both of the following tests:

The Agricultural Purpose Test

First, the proposed division must be for an agricultural purpose. The SADC considers enhanced agricultural production activities, such as agricultural expansion, diversification and/or intensification resulting from a division as typically meeting the agricultural purpose test.

The Agricultural Viability Test

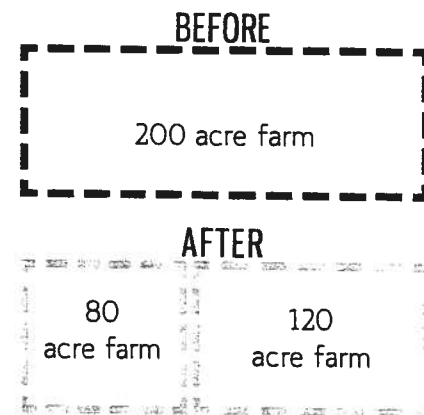
Second, the division must result in agriculturally viable parcels, each capable of sustaining a variety of agricultural operations that produce a reasonable economic return under normal conditions, solely from the parcel's agricultural production. So, the SADC would need to be confident that each newly created farm has sufficient agricultural resource value (soil quality, tillable land, size, etc.) to support a variety of agricultural operations into the future.

Additionally, any parcel not meeting the minimum eligibility criteria for new applications to the program set forth in the SADC regulations will not be approved.

Major SADC Considerations

- Total Tillable Acreage
- Quality of Soils
- Configuration of New Parcels
- Historical Agricultural Uses
- Existing Agricultural Infrastructure
- Proximity to Other Farms/Preserved Farms
- Proposed Agricultural Uses
- Benefit to Production Agriculture

Diagram of a Division



The SADC's objective is to retain large masses of viable agricultural land. Agricultural parcels may become less viable if reduced in size. Therefore, the SADC will carefully consider the criteria to evaluate whether a permanently preserved farm should be divided.



Why might an application for a division of the Premises be denied?

- Each parcel does not meet the minimum eligibility criteria on its own - for example, the newly created farms may not be of sufficient size or may have a lack of tillable acres on at least one parcel.
- Large wooded areas or areas of marginal soils render the tillable land of one parcel insufficient or unable to support a variety of agricultural production activities
- Lack of a concrete plan for agricultural production for one or both of the new parcels to be created
- The purpose of the division is speculative resale of one or multiple preserved parcels
- The purpose of the division is to accomplish 'estate planning' or to only provide for retirement of the current owner with no agricultural purpose

Division Procedure

1. Submit completed application and required maps to the CADB or designated easement holder
2. The easement holder will ensure that the application is complete and evaluate it based on the Deed of Easement and the agricultural purpose and viability tests
3. If approved, the easement holder will forward the application to the SADC for further review (the SADC will only review applications approved by the easement holder)
4. The SADC will review the application and evaluate it based on the Deed of Easement and the agricultural purpose and viability tests
5. If approved by the SADC, new surveys and legal descriptions may be required as a condition of approval. In addition, the SADC may request to review any deed which transfers a portion of the Premises to a new owner. Upon review and approval of all necessary documents the SADC will record its approval resolution with the appropriate County Clerk's office

Application and additional information can be found at <http://www.nj.gov/agriculture/sadc/rules/> under Policies.

Acknowledgement of Receipt

By signing below, I acknowledge receipt of this guidance document.

Print Name

Signature/Date

Print Name

Signature/Date

Print Name

Signature/Date

Block

Lot

Township

County

SADC ID#



Nonagricultural Uses

The restrictions in the Deed of Easement limit a preserved farm to agricultural uses. Once your farm has been preserved, no nonagricultural uses will be allowed, except if otherwise outlined in the Deed of Easement or if they occur within an exception area. Because nonagricultural uses are not related to agricultural production, they cannot continue unless recorded in a Schedule B in the Deed of Easement or contained within an exception area. Both of these options are designed to protect you and allow you to continue your nonagricultural use into the future.

Do you have a nonag use on your farm?

Some examples of a nonagricultural use include:

- An existing business, not related to your farm's agricultural production, located in your barn or home
- A lumber processing business that uses timber produced/grown by other farmers
- A facility used to process or sell agricultural products not raised on the farm or by the owner's farming operation
- A portion of your farm or structure on your farm that is rented or used by someone else for a use or business not related to the production of your farm (e.g., equipment, vehicle parking, office)
- A portion of your farm or structure on your farm that is used for the storage of agricultural products or materials not derived from or intended for use on your farm (e.g., grain/cold storage, parts, chemicals, fertilizers)

Schedule B Nonagricultural Use

This option allows you to continue your nonagricultural use following the preservation of your farm at the same scale and location it is at the time of preservation. Before appraisals and surveys are conducted, you will be asked to identify and describe any nonagricultural uses occurring on your farm. Details of the use(s), such as the type, frequency, intensity, size and location, will be recorded as a Schedule B and attached to the Deed of Easement. This document binds your use to its current parameters so that you cannot expand or change it in the future.

Although you will still be paid for the land under the use, this option provides you with little flexibility and no opportunity to expand the use, change the use, or start a new use in the future. Additionally, if the current nonagricultural use ceases at some point, you are not permitted to resume it in the future.

Nonagricultural Uses in Exception Areas

You also have the option of excepting out some of your land under and surrounding a nonagricultural use(s) from the Deed of Easement. This option provides you with maximum flexibility for your use in the future since the land in exception areas is not subject to the restrictions of the Deed of Easement. Although you will not be paid for the land in an exception area, you will be able to change, improve and expand your use within the exception area as you wish, subject to all applicable local and state regulations.

An exception area around a nonagricultural use is ideal if you can foresee the use or an area of your farm changing in the future. For instance, you may have an older barn that is becoming too small for modern tractors and your agricultural operation. Rather than razing it or allowing it to go into disrepair, you may want to rent this space out to a carpenter or other small business. By including the structure in an exception area, you maintain the flexibility to repurpose an agricultural structure and adapt to the changes of your farm.



Acknowledgement of Receipt

By signing below, I acknowledge receipt of this guidance document.

Print Name

Signature/Date

Print Name

Signature/Date

Print Name

Signature/Date

Block

Lot

Township

County

SADC ID#



Exception Areas

An exception is an area free from the farmland preservation Deed of Easement restrictions that will apply once the farm is preserved. It is very important to consider exception areas prior to preservation because they will not be granted, moved or expanded once the farm is preserved.

Types of Exceptions

There are two types of exceptions: non-severable and severable.

Non-severable Exceptions:

A non-severable exception is an area of the farm which is excepted from the easement restrictions but remains tied to the farm and cannot be subdivided, transferred or conveyed separately from the farm.

Severable Exceptions:

A severable exception is an area that can be subdivided and sold separately from the farm provided it meets local subdivision requirements. It is not necessary to sever (subdivide) a severable exception prior to preservation.

A landowner will not be paid for areas designated as a severable or non-severable exception because the Deed of Easement restrictions will not apply to the area(s).

Why should I take an exception area?

Do you wish to provide a building lot for a child?
Do you have a barn where you might want to operate a business that might not be permitted under the farmland Deed of Easement (i.e. a nonagricultural use)? Would you like to have the flexibility to replace your home without farmland preservation program approvals? Perhaps you are entertaining the idea of operating a Bed & Breakfast in the main farmhouse someday?

These are just a few common reasons why landowners choose to take exception areas. If your plans for future uses of the premises include any nonagricultural production based activity you should consider an exception area.

Although nonagricultural uses existing and recognized at the time of preservation are allowed, did you know they cannot be expanded in the future unless they are within an exception area?

Locating an Exception Area

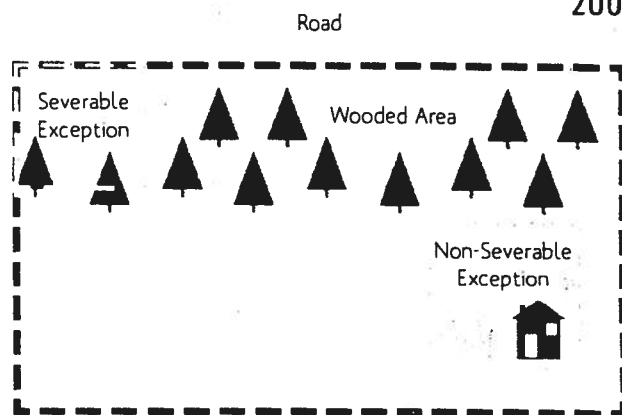
It is very important to consider the number, size and location of exception areas. Exception area requests which negatively impact the farm or are found to allow excessive housing around the agricultural operation may not be approved. Therefore, balancing landowners' needs with a sensitivity to the agricultural operation, now and into the future, is important. The SADC considers the following in evaluating exceptions:

- Number of exceptions requested - is it excessive?
- Size of exception(s) - is it a very large area of the farm?
- Purpose of the exception(s) - will future uses negatively impact the farm?
- Location and planned use of the exception area - sensitive to the farming operation?



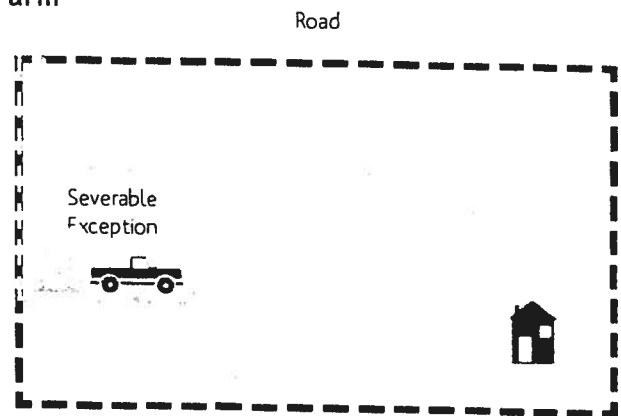
If you are requesting an exception for a future housing opportunity, you are strongly encouraged to thoroughly explore the feasibility of that location including septic suitability, ability to obtain water, road access, wetlands, wetland buffers and special regulations that may apply in your area, such as the Highlands or Pinelands. If the access to an exception area is used exclusively for nonagricultural purposes, the access must also be included in the exception area. Residential use is not considered a nonagricultural purpose, so, if the exception is being used for a residential use the driveway does not have to be included within the exception area. Remember - you must make decisions about exceptions at the time of application, prior to appraisals being conducted. If you change your mind during the preservation process, this could result in delays in processing your application.

Sample Exception Area Layouts 200 Acre Farm



Example #1

A 200 acre farm with a non-severable exception around an existing barn and house and a severable exception along the road for the landowner's child to subdivide and own separate from the farm.



Example #2

A farm with a severable exception around a nonagricultural use and driveway, and a house on the farm outside of an exception area

Acknowledgement of Receipt

By signing below, I acknowledge receipt of this guidance document.

Print Name

Signature/Date

Print Name

Signature/Date

Print Name

Signature/Date

	Block _____	Lot _____	Township _____	County _____	SADC ID# _____
---	-------------	-----------	----------------	--------------	----------------

NEW JERSEY
State Agriculture Development Committee

Preservation Pointers #6: Exception Areas
Updated 11/19/12
Page 2

Farm	Municipality	App Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	Formula Value Done?	SADC Grant Per Acre	Easement Consideration	Cost Basis	Cost Share	SADC			BASE GRANT		COMPETITIVE E GRANT	TOTAL	ELIGIBILITY	
										Encumbered at Final	Expend	Balance	Balance FY11	FY13 Balance subject to availability				
																	Encumbered at Final	Expend
Bur Cty/Griffin	North Hanover	104.0730	2,745.00	2,956.00		2,021.50	307,639.79	307,639.79	199,945.86	210,383.57	199,945.86	2,300,054.14						
Bur Cty/Krause	North Hanover	96.0750	6,800.00	6,700.00		4,250.00	643,702.50	643,702.50	405,845.25	408,318.75	405,845.25	1,894,208.89						
Bur Cty/Clayton Block East	New Hanover	196.3000	2,300.00	2,287.30		1,701.11	448,996.60	448,996.99	291,847.72	316,817.11	291,847.72	1,602,361.17						
Bur Cty/Walright, Cora	Mansfield	135.0000	9,600.00	9,650.00		5,760.00	1,318,890.95	1,310,467.20	786,280.32	602,361.17	602,361.17	1,000,000.00						
Bur Cty/Walright, Curtis	Mansfield	106.0000	10,700.00	10,650.00		6,390.00	1,132,947.00	1,107,802.35	664,681.41									
Bur Cty/D'Amico	North Hanover	52.0000	8,000.00	7,550.00		4,675.00	387,450.90	387,450.90	239,911.85									
Bur Cty/Murphy	Hainesport	80.0000	5,300.00	7,425.00		3,550.00	596,732.40	424,890.40	284,596.40									
Bur Cty/Durr Estate	Mansfield	110.0000	17,300.00	19,000.00		10,380.00	2,152,700.00	1,960,090.00	1,176,054.00									
Bur Cty/Stattel	Pemberton	152.400	1,700.00	3,195.00	yes	1,917.00	486,918.00	486,918.00	292,151.00									
Bur Cty/Stevenson	Pemberton	110.653	3,050.00	4,550.00	yes	2,230.00	503,471.15	337,491.65	246,756.19									
Balance: \$95,624.24 paid with FY09 (2007) competitive grant funds																		
Bur Cty/Di Tullio, Anthony	Mansfield	85.000	7,700.00	9,650.00	NA	4,750.00	868,114.00	693,000.00	427,500.00	427,500.00		572,500.00						
Bur Cty/Alloway Family	Shamong	103.000	4,440.00	4,538.00	yes	3,064.00	487,264.96	486,526.32	335,746.99	335,746.99		236,753.01						
Thompson - Vincentown	Southampton	26.000	7,400.00			4,600.00		192,400.00	119,600.00									
In Progress	Southampton	111.0000	12,000.00	12,000.00		7,200.00	1,332,000.00		823,176.00									
Bur Cty/Schontz	Chesterfield	35.000	12,000.00	12,000.00		7,200.00	estimate:		259,560.00									
Bur Cty/Salnetri	Medford	44.000																
Bur Cty/Conti	Pemberton	62.000																
Bur Cty/Brick Ent., LP	Medford	684.000																
Bur Cty/Haines, V	Tabernacle	138.000																
Bur Cty/Kucowski north	Chesterfield																	
Bur Cty/Kucowski south	N. Hanover																	
Chung	Shamong	91.000																
Cramer	Tabernacle	45.000																
Thompson - Goose Pond	Tabernacle	640.000																
Thompson - Birches	Tabernacle	112.000																
Simon's Berry Farm	Tabernacle	266.000																
Thompson - Peach	Woodland	224.000																
on hold:	Springfield	95.000				9,300.00			106,950.00									
withdrawn:	Springfield	191.000																
Bur Cty/Black Dog Indus	Springfield	139.000																
Bur Cty/Batten	Pemberton	46.000																
	Lumberton	11.500	15,500.00															
Encumbered/Expanded FY11	10	1,143																
Encumbered/Expanded FY13	10	1,143																
Total	10	1,143																
Reprogram Out																		

- acreage D

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Alloway Family Limited Partnership
03-0375-PG
FY 2012 County PIG Program
103 Acres

Block 23.01	Lot 9.01	Shamong Twp.	Burlington County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:		Cropland Harvested	88% * .15 = 13.20
		Wetlands	7% * 0 = .00
		Woodlands	5% * 0 = .00
			TILLABLE SOILS SCORE: 13.20
FARM USE:		Soybeans-Cash Grain	91 acres

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

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