

**STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC)
REGULAR MEETING**

June 22, 2023

Secretary Fisher called the meeting to order at 1:36 p.m.

Ms. Payne read the notice stating that the meeting was being held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.

Roll call indicated the following:

Members Present

Chairman Fisher
Martin Bullock
Scott Ellis
Pete Johnson
Richard Norz
Charles Rosen
Brian Schilling
Judeth Yeany

Members Absent

Tiffany Bohlin
Gina Fischetti
Julie Krause

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

Minutes

SADC Regular Meeting of May 25, 2023 (Open and Closed Session)

It was moved by Mr. Norz and seconded by Mr. Schilling to approve the Open and Closed session minutes of the SADC regular meeting of May 25, 2023. A roll call vote was taken. Mr. Ellis, Mr. Johnson, and Ms. Yeany abstained from the vote. The motion was approved.

Report of the Chairman

Chairman Fisher stated this is his last week as Chairman of the State Agriculture Development Committee (SADC) and Secretary of Agriculture. He thanked the members and staff for all their hard work and dedication. Mr. Fisher commented that the Farmland Preservation Program is extraordinary and the envy of many states. Chairman Fisher stated New Jersey (NJ) is the most densely populated state in America, but this program provides a way to keep farmers and farming in the Garden State both now and for future generations. He stated preservation in a state like New Jersey can be expensive and the citizens continue to vote in

support of the program which is indicative that the public understands the importance of its mission.

Chairman Fisher stated the committee members and staff do well to find a balance between agricultural practices and land conservation when necessary. He thanked everyone for their dedication of time and commitment to keeping the program pristine. Mr. Fisher stated that he was honored to lead both the SADC and the Department of Agriculture and thanked everyone for their hard work and support.

Report of the Executive Director

Ms. Payne thanked Secretary Fisher for his service to the committee and the time he dedicated to finding solutions while balancing the interest of the farmers and the public. Ms. Payne commented that SADC staff has always felt supported by Secretary Fisher. Ms. Payne complimented his leadership which has been great for morale and keeps people wanting to contribute to the program. Ms. Payne thanked Secretary and Chairman Fisher for his great service.

Ms. Payne stated that Ms. Renee Jones of the Department of Environmental Protection (DEP) who has been a board member for many years has retired. Ms. Payne announced that Ms. Judeth Yeany is present today as the representative for the DEP.

Ms. Payne stated that the Formula Based Value Bill, that is currently with the legislature, was released from the senate economic growth last week. There was testimony from the agriculture community including Brian Wilson and Paul Hlubik. She said the bill seems to be well supported. Ms. Payne stated if the bill passes, it will create a new effort for the committee to develop a statewide formula for easement values. Ms. Payne reiterated that Mr. Wilson stated in his testimony, the Formula Based Value Bill is probably the most important thing that has happened in the farmland preservation for 40 years. Ms. Payne stated that staff is working hard to develop as much data as possible on land use, value, sales, and resources. She stated that if the bill passes the future programs subcommittee will be reconvened to start working on this topic.

Ms. Payne stated that staff has been busy making presentations regarding Special Occasion Events (SOEs). On June 5th a statewide webinar was presented to landowners. On June 12th the Stewardship staff hosted a meeting with Central Jersey municipalities on preserved farmland topics with an emphasis on SOEs. Ms. Payne stated that on June 14th she gave a presentation to County Agriculture Development Board (CADB) representatives, hosted by Somerset County. Ms. Payne stated that four counties attended the presentation. The webinar on SOEs and other guidance documents are on the website.

Ms. Payne gave a brief overview of the delegation reports including the FY2024 final approval deadlines, State Acquisition selections, term agreements, certified market values, and the 2023 approved appraiser memo, which information is posted to the web. The information was also sent to SADC's partners so they are aware of who is authorized to do appraisals.

Communications

Ms. Payne stated that there was an article in the communications packet that memorializes the

passing of former DEP commissioner, Robert Shinn. Staff issued a press release acknowledging Commissioner Shinn's amazing contributions in getting the Farmland Preservation program established in Burlington County. Commissioner Shinn pushed for the first farm to be preserved in the state of New Jersey in Chesterfield Township. He was a lifelong advocate of farmland protection. Commissioner Shinn's greatest passion was to protect land. He sponsored the Transfer of Development Rights (TDR) legislation when he was an assemblyman. Commissioner Shinn also started a Pinelands Credit Purchase program in Burlington County. Ms. Payne stated that she appreciated Robert Shinn's contributions and legacy.

Public Comment

Ms. Patricia Springwell of Hunterdon County thanked Secretary Fisher for the time and effort that he devoted to agriculture. She appreciated his patience and understanding in allowing her to speak during public comment. Ms. Springwell stated that in the past year she has spoken many times before the committee to reiterate the importance of protecting and saving the soil. Ms. Springwell commented that at the last meeting there was a committee member who suggested forming a subcommittee to address large houses being built on preserved farmland. Ms. Springwell implored the committee to do all that the committee can protecting fertile soil. She suggested the committee require limitations on house sizes, require construction to be done on non-fertile areas as well as construction in the footprint of the original structures. Chairman Fisher thanked Ms. Springwell for coming in.

Old Business

A. Approval of proposed regulation: Soil Protection Standards

Ms. Payne stated that at its April 2023 meeting the SADC authorized staff to release the draft of the Soil Protection Standards (SPS) and to submit the final draft rule proposal to the Governor's Office (GO) for approval. The draft rules have been reviewed and approved by other state agencies. Staff received the GO's approval and are prepared to present the final draft rule for SADC approval and publication in the New Jersey Register as a proposed rule. Based on the review process, a few minor changes have been made to the draft rule reviewed by the Committee in April.

Ms. Payne summarized of the rule proposal and impact statements drafted by Brian Smith. She stated that the twenty-two page summary reviews the Quaker Valley Farms' litigation, the origination of SPS, the SPS changes and the requirement of the agency to adopt regulations. Ms. Payne stated the summary and the statements discuss the dual roles of supporting agricultural viability and protecting agricultural resources. The summary covers GIS work, mapping and all the technical work that was done, and references the professional publications, materials and agency standards that were considered. It also summarizes stakeholder engagement, person-to-person meetings, and written and verbal comments from the public.

Ms. Payne highlighted the changes in the rule text, starting with the definition of "solar panels" to mean photovoltaic panels that are mounted to the ground by a screw piling or similar system and do not require a footing, concrete or other permanent mounting.

Ms. Payne stated that the next change concerned the effective date for GIS mapping. The prior draft of the rule indicated that the base map for each farm would reflect the disturbance existing on the premises as of “the date this subchapter is published in the New Jersey Register”. Ms. Payne received feedback that the text was too vague. The text has been updated throughout the document to “July 1, 2023”, which enables the regulated community to clearly understand the effective date of the base line mapping. Mr. Norz noted the date change clarification.

Ms. Payne stated that the next changeany clarified that slopes equal to or greater than five (5) percent as measured over a minimum of 10 feet term would be defined as “constrained slopes.” Previously this definition referred to “sleep slopes”, and she explained that most individuals would typically not perceive a 5% slope as “steep”.

Ms. Payne stated that there was a change in the on-farm utilities construction standards . This section has been reorganized to be easier to read. It lays out the criteria for general construction standards for on-farm utilities and rehabilitation. Section (c) now adds “horizontal directional drilling” as a potentially exempt practice. A change in Section (d) reflects the revised solar panel definition discussed earlier.

Ms. Payne reviewed the last change involving construction standards for expedited production waivers. This subsection previously reflected that any areas of contaminated soil should be avoided. The prior draft directed that if contamination occurs the landowner will need to consult with the committee. This provision has been deleted, as laws about spills and contamination are outside of the SADC authority.

Mr. Schilling stated that SPS has been a long road, but the process has been handled in a professional way working with the agricultural community. Its leaders were given substantial input in the creation of this rule. This publication will now go to the New Jersey Register, input will be received, and each comment will be responded to. It has taken an exceptional amount of time and work over the last 10 years, but the process was right.

It was moved by Mr. Schilling and seconded by Mr. Rosen to advance the rule as presented with the modifications that were outlined for publication in the Register as a proposed rule. A roll call vote was taken. The motion was unanimously approved.

Chairman Fisher stated that there has been an extraordinary amount of information sharing to be able to get to this point in the process. He thanked the committee for its efforts. Ms. Payne thanked the committee, subcommittee, and staff for the time and contributions.

B. Executive Director’s Reporting Role

Mr. Norz inquired as to whom the executive director reported. Ms. Payne replied that the executive director reported to the committee. Ms. Payne explained that the scope of the executive director’s authority is spelled out in detail in SADC’s bylaws. Ms. Payne indicated that the Committee can change the bylaws in its discretion. The bylaws were in the member orientation packet.

New Business

Note: Mr. Schilling recused from this matter as Mr. Hart is on the experiment station board of managers and is a part of the leadership team at Rutgers University.

A. Stewardship

1. Resolution: Rural Microenterprise Permit
John Hart Jr. SADC ID# 11-0002-EP
Block 37, Lot 23
Hopewell Township, Mercer County
15.004 Acres.

Mr. Willmott stated that the committee received a request for a Rural Microenterprise (RME) permit for Mr. Hart's farm. Mr. Willmott stated an RME is a small-scale business that is fully compatible with and incidental to agricultural use and production on a preserved farm. To date the committee has approved RMEs for an equine vet clinic, farm-to-table dinners and a farm equipment repair shop.

Mr. Willmott stated that Mr. Hart is requesting issuance of a 20-year RME permit to lease a pre-existing livestock butchering facility to a new operator to provide local butchering services to the agricultural community. Mr. Hart received approval for the shed structure in which the butchering facility is located in 2018 to process his own livestock, which is a permissible activity under the Deed of Easement (DOE). Mr. Hart started leasing the facility to a butcher who is processing Mr. Hart's livestock and custom processing from other producers, deer from local hunters, and deer for the Hunters Helping the Hungry program. Processing deer and livestock from other farms is considered a service activity and not permitted by the DOE. Mr. Willmott stated that the activity is also not consistent with local zoning. If the committee does approve Mr. Hart's RME request, the lease of the facility will be conditioned on a use variance.

Mr. Pizzio stated that Mr. Hart has owned his property since the mid 1980's and preserved the farm in 1990. The property was one of the first farms to be preserved in the township. The farm is approximately 15 acres. Mr. Hart's farm management unit includes an adjacent farm totaling approximately 73.8 acres. The agricultural operation consists of hay, straw production, raising beef cattle, and the operation will expand into pigs, goats, lamb, and chicken. The farm also has an equine boarding operation.

Mr. Pizzio stated that in 2018, Mr. Hart converted an agricultural shed, historically used to store deer carcasses, into a facility to process butchered livestock raised on his farm management unit. The structure was fully converted into a butcher shop in 2018 when Mr. Hart added HVAC, waterproof walls, necessary plumbing, butchering equipment, and a small addition to the building that became a cooler. The structure was previously equipped with a wastewater storage tank and leach field which is used by the facility. Mr. Pizzio stated that since Mr. Hart found himself no longer able to process and butcher his livestock, he would like to lease the building to a local butcher. Since these activities and the converted building have expanded beyond processing the production of Mr. Hart's farm, an RME permit is required for activities to continue and for compliance with the DOE.

Mr. Pizzio stated that the operation follows federal standards for livestock slaughtered offsite at a USDA facility and brought back in quarter sections. The proposed RME then provides the butchering services to further break down the product. In addition, the proposed RME: will not sell individual cuts for retail sales; consists of a drop-off and pick-up system; will not require more than the existing parking; will operate year-round between the hours of 8:00 a.m. to 4:30 p.m. Monday through Saturday; anticipates four (4) cars per day during peak deer season which is September through January; will require two employees, a butcher and an assistant, during peak deer season each day. During the off season, the proposed RME only anticipates an average of five cars per week, and only a butcher will be needed in the facility.

Mr. Pizzio stated that butcher waste on site will be minimal as slaughtering is done offsite. The produced butcher waste will be shipped off the farm by a renderer. Mr. Pizzio explained the wastewater is contained in an underground storage tank connected to a leach field. The facility will be annually inspected by the local health department. No additional improvements have been made since the building was leased. Mr. Hart is not planning any future improvements for the structure.

Mr. Pizzio stated that Mr. Hart's application is consistent with the SADC's RME regulations and that the Mercer County Agriculture Development Board has approved the application. Mr. Pizzio recommends the committee approve a permit for the proposed custom butcher shop as a Class 2 agricultural support service RME, conditioned on the applicant receiving all federal, state, and local permits.

Mr. Hart thanked the committee for considering his application.

Mr. Rosen asked for clarification should an RME be expanded or additional RME's were requested. Ms. Payne answered that an approved SADC amendment to the existing RME could be possible if the operation wanted to be expanded or be modified. Ms. Payne clarified that there can only be one RME at a time.

Mr. Norz questioned if the site's daily car traffic was counted during peak season. Mr. Roohr clarified that parking spaces would limit the site's traffic.

Mr. Willmott pointed out a correction to the proposed draft resolution on page 7, eliminating a double negative. Paragraph C 4 should say "*special permit does not apply to processing and butchering of livestock raised on the owners farm management unit*".

It was moved by Mr. Bullock and seconded by Mr. Rosen to approve Resolution FY2023R6(1) granting the issuance of a 20-year RME Permit to allow the current owner to lease a preexisting livestock butchering facility to a new operator to provide local butchering services to the agricultural community. A roll call vote was taken. The motion was unanimously approved.

Mr. Hart asked the committee if there were grants available to farmers to help restore old barns. Ms. Payne stated that while the SADC does not have grants available for restoration of old barns, she suggested Mr. Hart contact the State Historic Preservation Office and other programs. Ms. Payne said that she would investigate it further and report back to Mr. Hart.

Chairman Fisher stated that he came to Ms. Payne several years ago regarding RMEs

specifically for barns. SADC staff knew that in certain industries there would be ancillary uses for old barns. Chairman Fisher was pleased to hear that Mr. Hart would investigate a restoration grant for his barn. Chairman Fisher told Mr. Hart that he appreciates Mr. Hart attending the committee meeting.

C. Resolutions: Preliminary Approval – State Acquisition Program

Ms. Roberts and Mr. Zaback referred the committee to two requests for preliminary approval under the State Acquisition Program. Ms. Roberts and Mr. Zaback reviewed the specifics of both requests with the committee and stated that the staff recommendation is to grant the two preliminary approvals.

It was moved by Mr. Norz and seconded by Mr. Schilling to approve Resolution FY2023R6(2) granting preliminary approval under the State Acquisition Program, as presented, subject to any condition of said resolution.

1. Eberdale Farms, Inc., SADC ID#17-0387-DE, FY2023R6(2), Block 62, Lot 5 and 7, Quinton Township, Salem County, 59.6 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R6(2) is attached to and a part of these minutes.

It was moved by Mr. Schilling and seconded by Mr. Bullock to approve Resolution FY2023R6(3) granting preliminary approval under the State Acquisition Fee Simple Program, as presented, subject to any condition of said resolution.

2. Edward and Genevieve Ossowski, SADC ID#11-0032-FS, FY2023R6(3), Block 2739, Lots 9.02, Hamilton Township, Mercer County, 46.5 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R6(3) is attached to and a part of these minutes.

D. Resolutions: Final Approval- Municipal PIG Program

Ms. Roberts referred the committee to one request for final approval under the Municipal PIG program. She reviewed the specifics of the request with the committee and stated that the staff recommendation is to grant approval.

It was moved by Mr. Norz and seconded by Mr. Schilling to approve Resolution FY2023R6(4) granting final approval under the Municipal PIG Program, as presented, subject to any condition of said resolution.

1. Graiff Enterprise, LLC, SADC ID#08-0234-PG, FY2023R6(4), Block 5702, Lot 84, Franklin Township, Gloucester County, 22.01 net acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R6(4) is attached to and a part of these minutes.

Public Comment

There was no public comment.

Mr. Schilling commented that Chairman Fisher was a very successful Secretary of Agriculture. Mr. Schilling commented that NJ is the most successful state in the country in terms of acquisition and agriculture. In addition to the establishment of this program, the funding, and the constitutional amendments, our Right to Farm program is nationally recognized. Mr. Schilling stated that he enjoyed working with Chairman Fisher because Chairman Fisher got things done which is important to the future of the program.

Chairman Fisher stated that he is very proud of the work that everyone has done.

CLOSED SESSION

At 2:52 p.m. Ms. Payne read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss the acquisition of fee simple title to farmland in Hopewell Township, Mercer County; the certification of value of a farm in East Amwell Township, Hunterdon County, under the county planning incentive grant program; pending or anticipated litigation, including an update from the attorney general's office on SADC v. Quaker Valley Farms; any matters falling within the attorney-client privilege; and any matters under N.J.S.A. 10:4-12(b) that have arisen during the public portion of the meeting. The minutes of such meeting shall remain confidential until the Committee determines that the need for confidentiality no longer exists.

It was moved by Mr. Schilling and seconded by Mr. Johnson to go into Closed Session. The motion was unanimously approved.

ACTION AS A RESULT OF CLOSED SESSION

A. Attorney/Client Matters

SADC vs Quaker Valley Farms

It was moved by Mr. Norz and seconded by Mr. Bullock to have Mr. Stypinski make a counteroffer in the QVF case. A vote was taken. The motion was approved.

B. Real Estate Matters – Certification of Values

1. County Incentive Grant Program

- a. Amwell Valley Conservancy (East), East Amwell Township, Hunterdon County, SADC #10-0445-PG, Block 8, Lots 25, 26, & 26.02, 16.6 gross Acres

2. SADC Fee Simple Program

- a. Estate of Patricia Patricelli, Hopewell Township, Mercer County, SADC ID11-0031-FS, Block 62, Lots 2.02 & 3, 130.809 gross acres.

June 22, 2023

It was moved by Mr. Rosen and seconded by Mr. Johnson to approve the Certification of Values as a result of closed session. The motion was approved.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., July 27, 2023

Location: 200 Riverview Plaza, Trenton, NJ

ADJOURNMENT

The meeting was adjourned at 3:29 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

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2023R6(1)

Special Permit for Rural Microenterprise Activity on a Preserved Farm

John R. Hart, Jr.

June 22, 2023

Subject Property:

**Block 37, Lot 23
Hopewell Township, Mercer County
15.004 Acres
SADC ID# 11-0002-EP**

WHEREAS, John R. Hart, Jr., hereinafter "Owner," is the current record owner of Block 37, Lot 23, in the Township of Hopewell, County of Mercer, by deed dated August 8, 2000 and recorded on August 15, 2000 in the Mercer County Clerk's office in Deed Book 3886, Page 027, totaling approximately 15.004 easement acres, hereinafter referred to as the "Premises" (as shown in Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the County of Mercer by John R. Hart, Jr. and Pamela Hart on April 20, 1990, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., as a Deed of Easement recorded on April 23, 1990 in the Mercer County Clerk's office in Deed Book 2525, Page 435 and by Corrective Deed of Easement dated August 28, 1991 recorded on November 4, 1991 in the Mercer County Clerk's office in Deed Book 2503, Page 249; and

WHEREAS, John Hart, Jr. is the owner of the adjacent preserved farm identified as Block 37, Lot 23.01 comprising 58.821 easement acres and is included as part of the farm management unit, totaling 73.825 acres (as shown in Schedule "B"); and

WHEREAS, the Premises contains agricultural buildings, including cattle and horse barns, the farmhouse, and the agricultural structure that will contain the RME (as shown on Schedule "C"); and

WHEREAS, the Owner's agricultural operation consists of breeding, raising and processing beef cattle, hay and straw production, and future plans include raising goats, lamb, pigs, and chickens; and

WHEREAS, in 2018, the Owner converted an existing shed as shown in Schedule "D" into a facility to process livestock raised on the Owner's farm management unit; and

WHEREAS, the improvements made to the shed to process the Owners livestock include: a cooler, waterproof walls, improved floor drainage, HVAC and installation of butcher equipment/tools; and

WHEREAS, the Owner no longer performs the processing of the livestock himself and has since leased the facility to a local butcher; and

WHEREAS, according to the Owner, the butcher processes livestock raised on the Owner's farm management unit, livestock from local producers, deer for local hunters, and participants of the Hunter's Helping the Hungry program; and

WHEREAS, the Owner received a Denial of Application letter dated January 3, 2023 from Hopewell Township that a commercial butcher shop is not a permitted use in the Township's VRC Zone and requested documentation from the Mercer County Agriculture Development Board (MCADB) or the State Agriculture Development Committee (SADC) confirming the activity conforms with N.J.S.A. 4:1C-1 et seq.; and

WHEREAS, on February 1, 2023, the SADC performed a site inspection of the Premises; and

WHEREAS, on March 8, 2023, the SADC received an "Application for a Special Permit for a Rural Microenterprise Activity on Preserved Farmland" (RME) from the Owner; and

WHEREAS, N.J.S.A 4:1C-32.1 and N.J.A.C. 2:76-22.1, et seq. allow a farmer who owns a qualifying preserved farm to apply for a special permit to conduct an RME on the land, establish standards governing SADC review of such applications, and designate certain RME activities as "Class 1" and "Class 2"; and

WHEREAS, the RME statute and regulations define "Class 2" activities as those which have a direct and positive impact on agriculture by supplying needed equipment, supplies, and services to the surrounding agricultural community, such as veterinary practices, seed suppliers, and tractor or equipment repair shops; and

WHEREAS, the RME statute and regulations define "Qualifying land" as a farm in which a development easement was conveyed to, or retained by, the Committee, a board, or a qualifying tax exempt nonprofit organization prior to January 12, 2006, and for which no portion of the farm was excluded from the area preserved under the deed of easement, in accordance with N.J.A.C. 2:76-22.3; and

WHEREAS, the RME regulations state that farms preserved with Federal Farm and Ranch Lands Protection Program funds are not eligible for the permit; and

WHEREAS, the RME statute and regulations define "farmer" as a person who owns and operates the premises subject to the following:

- i. Exclusive of any income received from the rental of lands, realized gross sales of at least \$2,500 for agricultural or horticultural products produced on the premises during the calendar year immediately preceding submission of an application for a special permit;
- ii. Continues to own and operate the premises and meet the income threshold every year during the term of the special permit; and

WHEREAS, the RME regulations provide that the definition of “farmer” is satisfied when the owner and operator of the premises are comprised of one or more of the same individuals, whether singly or as managers(s)/owner(s) of a business entity; and

WHEREAS, the RME regulations allow for no more than 2,500 sq. ft. of the interior of an existing residential or agricultural structure be substantially altered or finished for a RME activity if such alteration or finishing requires improvements to the structure, such as installation of new walls, insulation, flooring, lighting, HVAC systems, sanitary plumbing, and associated wiring; and

WHEREAS, the RME statute and regulations limit the number of employees associated with the RME activity to four full-time employees, or the equivalent, in addition to the owner or operator; and

WHEREAS, the RME statute and regulations require the applicant to specify a time period for the permit to be effective, up to a maximum of 20 years; and

WHEREAS, the Owner’s RME application and SADC review reflects the following:

1. The development easement on the Premises was acquired without an exception area or other area excluded from the deed of easement.
2. The development easement was acquired without the participation of Federal Farm and Ranch Lands Protection Program funds.
3. The Owner provided the 2022 FA-1 form documenting beef cattle, corn and hay sales from the farmland management unit satisfying the \$2,500 income requirement.
4. The entire structure consisting of 948 sq./ft., has undergone substantial improvements to process the Owner’s livestock, which include: a cooler, waterproof walls, improved floor drainage, HVAC and installation of butcher equipment/tools to be utilized for the RME.
5. The butcher wastes are hauled off site by a disposal service.
6. The facility utilizes an existing storage tank and drainage field south of the structure for waste water disposal.
7. No new improvements are proposed as part of this application.
8. The application states that the maximum number of employees needed on a daily, weekly, and annual basis for anticipated peak operational periods is two (2) full-time employees, consisting of the butcher, and an assistant.
9. The Owner is requesting that the special permit to operate the RME activity be effective for a duration of 20 years.

10. The Owner has explained that it will be using 2 existing parking spaces near the RME for employees and will be using the existing driveway as an area to drop-off/pick-up the products, (as shown on Schedule "D").
11. The Owner has stated that on average the facility receives 3 to 4 cars per day during the peak season of September to January and receives 5 cars per week during the off season of February to August.
12. All of the space being used for parking related to the RME is being used in its existing condition.

WHEREAS, in accordance with N.J.A.C. 2:76-22.7(a), the SADC provided a copy of the RME application to the Mercer County Agriculture Development Board (MCADB); and

WHEREAS, at its June 5, 2023, the MCADB reviewed the RME application and provided comments on the application to the SADC pursuant to N.J.A.C. 2:76-22.7(b)1, 2, and 3, respectively:

- i. No other rural microenterprise activities exist on the premises;
- ii. The board recommended the permit be valid for a period of 20 years from the date of SADC approval; and
- iii. The owner of the premises is not in violation of any provision of the deed of easement as determined by the board.

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The processing/butchering of livestock raised on the Owner's farm management unit is a permissible activity under paragraph 2 of the DOE which states:

The Premises shall be retained for agricultural use and production in compliance with N.J.S.A 4:1C-11 et seq., and all other rules promulgated by the SADC. "Agricultural use" shall mean the use of the Premises for farm activities including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management, grazing and conservation.

3. The SADC finds that the Owner's proposed RME activity constitutes a "Class 2" agricultural support service as defined in the RME statute and regulations because creating access to a livestock butchering/processing facility for the surrounding agricultural area supports the livestock industry and has a direct and positive impact on that sector of the agricultural industry.

4. The SADC makes the following findings of fact and conclusions of law regarding the application by Owner for the issuance of a special permit to conduct a RME activity on the Premises:
 - a. The Premises meets the definition of a “commercial farm” in accordance with N.J.A.C. 2:76-22.6(a)1, produces agricultural and horticultural products worth at least \$2,500.00 or more annually, and satisfies the eligibility criteria for differential property taxation under the Farmland Assessment Act, N.J.S.A. 54:4-23.1, et seq.;
 - b. The Owner of the Premises is a farmer, in accordance with N.J.A.C. 2:76-22.6(a)2;
 - c. The Premises meets the definition of “qualifying land” as set forth in N.J.S.A. 4:1C-32.1(k) and N.J.A.C. 2:76-22.3, as it was preserved by the MCADB with no portion of the farm excluded from the area preserved, by Deed of Easement recorded on April 20, 1990, and Corrective Deed of Easement recorded on November 4, 1991 in accordance with N.J.A.C. 2:76-22.6(a)3 and 4, respectively;
 - d. No other special permit for a RME activity has been issued by the Committee, in accordance with N.J.A.C. 2:76-22.6(a)5;
 - e. The proposed RME activity will be located within a structure that existed on the date of the conveyance of the development easement, in accordance with N.J.A.C. 2:76-22.6(a)6i.;
 - f. The entire structure, consisting of 948 sq./ft., will be utilized for the RME activity, already contains the improvements necessary for the purpose of processing livestock raised on the farm, and no new improvements are proposed, in accordance with N.J.A.C. 2:76-22.6(a)7i.;
 - g. The RME will utilize existing on-site septic and well facilities, in accordance with N.J.A.C. 2:76-22.6(a)7iii.;
 - h. No public utilities or wastewater facilities are being created or expanded in accordance with N.J.A.C. 2:76-22.6(a)7iv.;
 - i. No new structures will be constructed on the premises to support the RME, in accordance with N.J.A.C. 2:76-22.6(a)8;
 - j. The application does not propose to use agricultural labor housing for the RME activity, pursuant to N.J.A.C. 2:76-22.6(a)9;
 - k. The proposed RME activity does not interfere with the use of the qualifying land for agricultural production purposes, because aside from the existing structure housing the butcher/processing space, the land and all other facilities will continue to be used for the agricultural purposes for which they were designed and built, in accordance with N.J.A.C. 2:76-22.6(a)10;
 - l. The RME activity is incidental to or compatible with the use of the Premises as a farm in accordance with N.J.A.C. 2:76-22.6(a)11 because the activity will utilize less than one-quarter acre of the Premises, including the existing structure and parking/drop

- off area, and does not change the use of the Premises;
- m. The RME activity is compatible with the agricultural use of the premises and surrounding land use of adjacent properties because the activity is a low intensity use, is not anticipated to have any off-site impacts, is approximately 900 ft. from the closest residential property, is set back approximately 800 ft. from the road, there have been no complaints against the operation, and the Premises will continue to be operated as it has been, in accordance with N.J.A.C. 2:76-22.6(a)12;
 - n. The RME activity uses the qualifying land in its existing condition, in accordance with N.J.A.C. 2:76-22.6(a)13i., ii., and iii., respectively:
 - i. No new improvements to farm lanes will be created to support the RME activity;
 - ii. The RME activity will not dedicate any outdoor space to the activity except for 2 parking spaces, for employee parking, as depicted in Schedule "D";
 - iii. The driveway and surrounding curtilage shall be sufficient to accommodate visitors to the RME activity under normal conditions because visitors to the butcher will only be there for short durations to load and unload products;
 - o. The total area of land and structures devoted to supporting the RME does not exceed a one-acre envelope on the qualifying land, in accordance with N.J.A.C. 2:76-22.6(a)14 as shown in Schedule "D";
 - p. The RME activity does not have an adverse impact upon the soils, water resources, air quality, or other natural resources of the qualifying land or the surrounding area, as it utilizes the qualifying land and structures in their existing condition, in accordance with N.J.A.C. 2:76-22.6(a)15;
 - q. The RME activity consists of only one business, "The Valley Butcher", in accordance with N.J.A.C. 2:76-22.6(a)17;
 - r. The RME activity will employ two (2) employees at peak operational periods, in accordance with N.J.A.C. 2:76-22.6(a)19i.;
 - s. The location, design, height, and aesthetic attributes of the RME activity will reflect the public interest of preserving the natural and unadulterated appearance of the landscape and structures, in accordance with N.J.A.C. 2:76-22.6(a)20 because the qualifying land and structure are being utilized in their existing condition;
 - t. The SADC considers processing/butchering of deer and livestock not raised on the Owner's farm management unit to be a service activity unrelated to the production or processing of the output of the farm and is only permissible on the Premises by issuance of the special permit;

- u. There are no other existing violations of the Deed of Easement, in accordance with N.J.A.C. 2:76-22.6(a)21;
 - v. There are no other facts or issues presented by the Owner's application that could be considered inconsistent with a finding that the RME activity otherwise complies with N.J.S.A. 4:1C-32.1;
5. Based on the above findings of fact and conclusions of law, the SADC determines that the Owner is eligible to receive, and is hereby granted, a special permit for an RME activity on the Premises pursuant to applicable provisions in the RME statute and regulations, which grant of approval will become effective only upon the following conditions:
- a. No special permit shall be issued until the Owner receives all necessary Federal, State and local approvals, provided that if such approvals contain any requirements for implementation of the RME activity that the SADC determines are inconsistent with the RME statute and regulations, the special permit itself, the deed of easement, applicable SADC regulations, or this resolution, the permit may be denied;
 - b. All pending Federal, State and local approvals related to implementation of the RME activity shall be forwarded to the SADC for review upon receipt by the Owner;
 - c. The special permit:
 - i. Shall be valid for a period of 20 years from the date this resolution becomes effective;
 - ii. Applies to the current record owner, and is not transferrable;
 - iii. Shall automatically terminate upon a change in record ownership of the property.
 - iv. Does not apply to processing/butchering of livestock raised on the Owner's farm management unit.
 - d. The RME Activity is considered to be initiated upon the effective date of this approval in accordance with N.J.A.C 2:76-22.8(g)2;
6. The Owner shall be subject to all applicable requirements, not specifically referenced herein, as set forth in N.J.S.A. 4:1C-32.1 and 32.3 and N.J.A.C. 2:76.22.1 et seq.
7. The Owner shall record the special permit with the Mercer County Clerk's office, and a copy of the recorded permit shall be provided by the Owner to the Committee, the clerk of the municipality in which the Premises is located, the MCADB, and the owner of land that was subdivided from the initial preserved farm (if applicable).
8. SADC staff is authorized to issue an appropriate permit document to the Owner consistent with this Resolution.

9. The special permit shall be displayed in clear view on or in the structure(s) for which it was issued in accordance with N.J.A.C. 2:76-22.9(f).
10. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
11. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

Susan E. Payne, Executive Director
 State Agriculture Development Committee

DATE



6/22/2023

VOTE WAS RECORDED AS FOLLOWS:

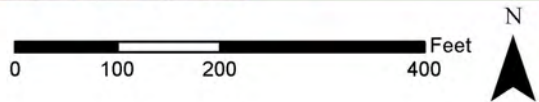
Martin Bullock	YES
Pete Johnson	YES
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	ABSENT
Judeth Yeany (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	RECUSED
Douglas Fisher, Chairperson	YES

Schedule A

Hart Farm 11-0002-EP
Hopewell Twp. Block 37, Lot 23
New Jersey Farmland Preservation Program



For Planning Purposes Only
Date: 3/17/2023

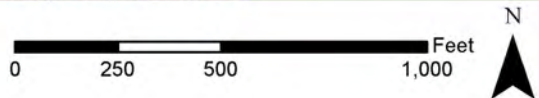


Schedule B

Hart Farm 11-0002-EP
Hopewell Twp. Block 37, Lot 23
New Jersey Farmland Preservation Program



For Planning Purposes Only
Date: 3/17/2023



Schedule C

Hart Farm 11-0002-EP
Hopewell Twp. Block 37, Lot 23
New Jersey Farmland Preservation Program



- 1. Butcher Shop (RME)
- 2. Main Cow Barn
- 3. Grain Bins
- 4. Machine & Hay Barn
- 5. Horse Barn

- 6. In-door Riding Arena
- 7. Farm House
- 8. Hay Hut
- 9. Run-in Sheds

For Planning Purposes Only
Date: 4/3/2023

0 75 150 300 Feet

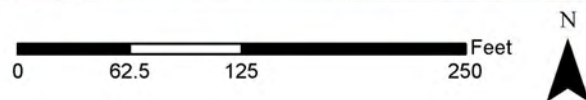


Schedule D

Hart Farm RME Envelope Area Hopewell Twp. Block 37, Lot 23 New Jersey Farmland Preservation Program



For Planning Purposes Only
Date: 3/17/2023



**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2023R6(2)**

**Preliminary Approval of SADC Easement Purchase on an "OTHER" FARM
On the Property of Eberdale Farms**

JUNE 22, 2023

Subject Property: **Eberdale Farms**
Block 60, Lot 1.01, Block 62, Lot 5 and 7
Quinton Township, Salem County
SADC ID# 17-0387-DE

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

WHEREAS, on May 15, 2023, the SADC received a development easement sale application from Eberdale Farms, hereinafter "Owner," for the property identified as Block 60, Lot 1.01, Block 62, Lot 5 and 7, Quinton Township, Salem County, hereinafter "the Property," totaling approximately 59.6 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes zero (0) exceptions, zero (0) housing opportunities, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

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

WHEREAS, the Owners' application has been evaluated in accordance with N.J.A.C. 2:76-6.16, SADC Policy P-14-E, Prioritization criteria, and the State Acquisition Selection Criteria approved by the SADC on September 14, 2022, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, has a quality score of 62.45 and contains approximately 59.6 net acres (Schedule B); and

WHEREAS, the Property meets the SADC's Salem County minimum score criteria for the "Priority" category which requires a quality score of at least 62.45 but the property does not meet the minimum size criteria for "Priority" or "Alternate" farm designation, which requires a minimum size of 92 and 69 respectively; therefore, this farm is categorized as an "Other" farm, pursuant to N.J.A.C. 2:76-11.5(c)3, requiring SADC preliminary approval in accordance with N.J.A.C. 2:76-11.6(c)1i. through iii; and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and, pursuant to N.J.A.C. 2:76-11.5(b), (c)1 and (c)2, there are no "priority" or "alternate" ranked applications that have not already been selected for processing at this time; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC approves selecting the Property for processing as an "Other" farm, pursuant to N.J.A.C. 2:76-11.5 (b) and (c)2 because the farm:
 - a. has a quality score of 62.45, which is above minimum ranking criteria for a "Priority" farm in Salem County; and
 - b. has approximately 92% Statewide Important soils; and
 - c. is within the County Agriculture Development Area; and
 - d. is located immediately adjacent to another preserved farm.
3. The SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:
 - a. Enter into a 120 day option agreement with the Landowner; and
 - b. Secure two independent appraisals to estimate the fair market value of the Property; and
 - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC.
4. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
5. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

6/22/2023
Date

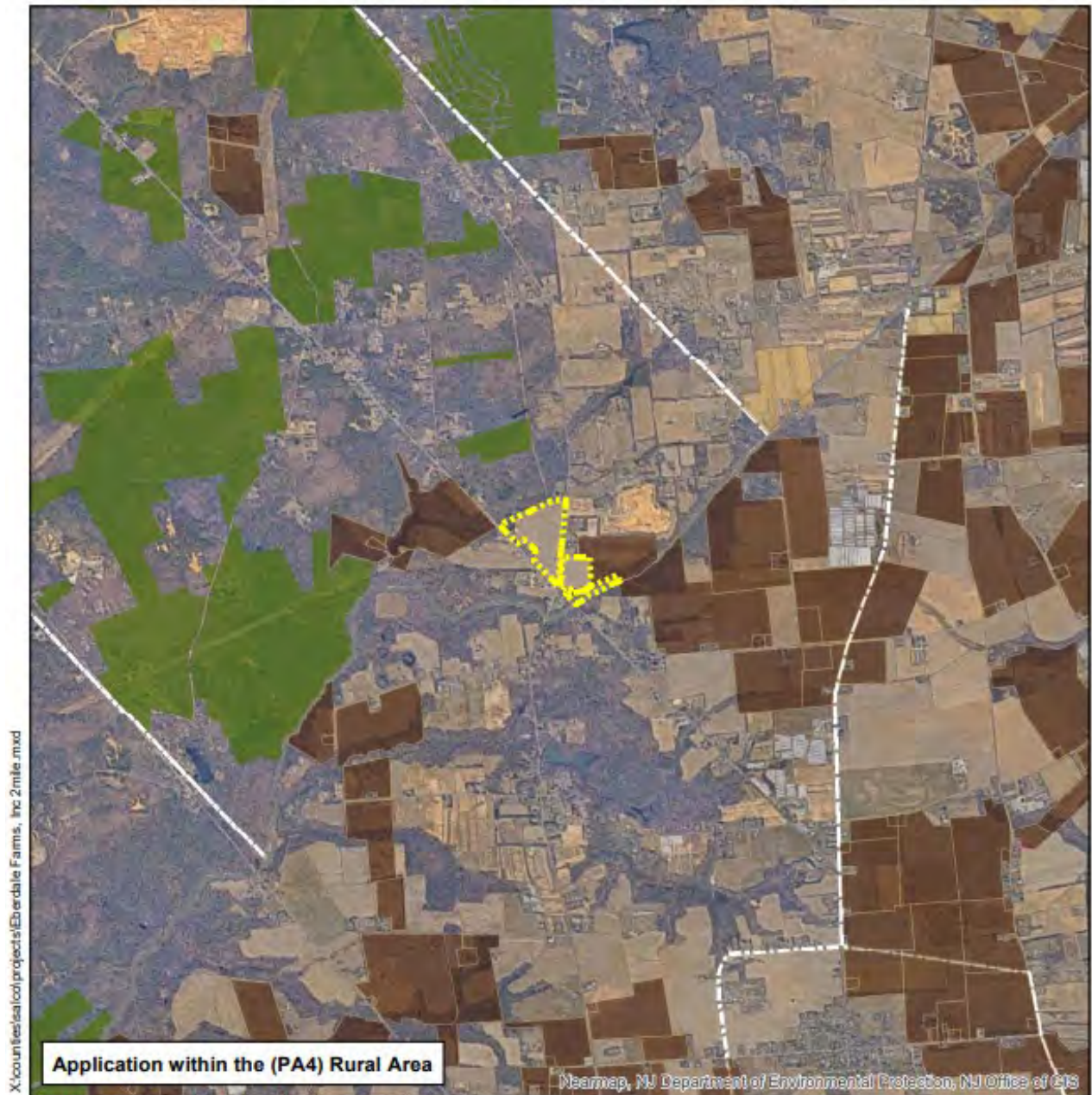


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Pete Johnson	YES
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	ABSENT
Judeth Yeany (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Douglas Fisher, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles



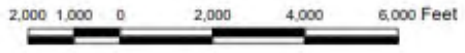
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Application within the (PA4) Rural Area

Nearmap, NJ Department of Environmental Protection, NJ Office of GIS

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Eberdale Farms, Inc.
Block 60 Lot 1.01 (39.8 ac) &
Block 62 Lots 5 (14.0 ac) & 7 (5.8 ac)
Gross Total = 59.6 ac
Quinton Twp., Salem County



	Property in Question
	Preserved Easements
	Transfer Development Rights (TDR) Preserved: Highlands, Pinelands and Municipal
	Active Applications
	County Boundaries
	Municipal Boundaries
	Municipal, County, Pinelands & Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned OIS & Recreation Easements



Source:
NJ Farmland Preservation Program
NJ/CIT Parcels edited to adjacent survey data
NJ/CEP Conservation/Open Space Easement Data
NJ/CIT/Near Map 2021 Digital Aerial Image

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

Soils



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Eberdale Farms, Inc.
Block 60 Lot 1.01 (39.8 ac) &
Block 62 Lots 5 (14.0 ac) & 7 (5.8 ac)
Gross Total = 59.6 ac
Quinton Twp., Salem County



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

- Property In Question
- Soils Boundaries
- Primary - Limited Access
- Federal or State Hwys
- County Roads
- Municipal/Local Roads



Sources:
NJ Farmland Preservation Program
NJDOT Parcels edited to adjacent survey data
NRCS - SSURGO 2021 Soil Data
NJDOT Road Data
NJDOT/Neat Map 2021 Digital Aerial Image

May 17, 2023

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

GENERAL INFORMATION

COUNTY OF Salem Quinton Twp. 1711
APPLICANT Eberdale Farms, Inc.

PRIORITIZATION SCORE

SOILS:	Statewide	93% *	.1	=	9.30
	Unique zero	7% *	0	=	.00
				SOIL SCORE:	9.30
TILLABLE SOILS:	Cropland Harvested	86% *	.15	=	12.90
	Wetlands/Water	4% *	0	=	.00
	Woodlands	10% *	0	=	.00
				TILLABLE SOILS SCORE:	12.90
BOUNDARIES AND BUFFERS:	Commercial	6% *	0	=	.00
	Deed Restricted Farmland (Permanent)	24% *	.2	=	4.80
	Farmland (Unrestricted)	10% *	.06	=	.60
	Other	7% *	0	=	.00
	Residential Development	24% *	0	=	.00
	Streams and Wetlands	29% *	.18	=	5.22
				BOUNDARIES AND BUFFERS SCORE:	10.62
CONTIGUOUS PROPERTIES / DENSITY:	Eberdale Farms, Inc	Restricted Farm or Current Application			2
	Hitchner	Restricted Farm or Current Application			2
	Fogg	Restricted Farm or Current Application			2
	DeWilde	Restricted Farm or Current Application			2
	Cruzan	Restricted Farm or Current Application			2
				DENSITY SCORE:	10.00
LOCAL COMMITMENT:		100% *	16	=	16.00
				LOCAL COMMITMENT SCORE:	16.00
SIZE:				SIZE SCORE:	2.38
IMMIMENCE OF CHANGE:	SADC Impact factor = 1.25				
				IMMINENCE OF CHANGE SCORE:	1.25
COUNTY RANKING:					
EXCEPTIONS:				EXCEPTION SCORE:	.00
	TOTAL SCORE:				62.45

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2023R6(3)**

Preliminary Approval of SADC Fee Simple Purchase

**On the Property of
Ossowski, Edward & Genevieve
JUNE 22, 2023**

Subject Property: **Ossowski, Edward & Genevieve**
Block 2739, Lots 9.02 – Hamilton Township, Mercer County
SADC ID#: 11-0032-FS

WHEREAS, pursuant to N.J.A.C. 2:76-8.1, an owner of farmland may offer to sell their farmland in fee simple to the State Agriculture Development Committee (“SADC”); and

WHEREAS, Edward & Genevieve Ossowski, hereinafter “Owner,” have contacted the SADC regarding their interest in selling fee simple interest in the property identified as Block 2739, Lot 9.02 Hamilton Township, Mercer County, hereinafter “the Property,” totaling approximately 46.5 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the application has been evaluated for the sale of development easement pursuant to N.J.A.C. 2:76-8.5 and the State Acquisition Selection Criteria approved by the SADC on September 14, 2022, which categorizes applications into “Priority”, “Alternate” and “Other” groups; and

WHEREAS, the Property, is within the County Agriculture Development Area (ADA) and has a quality score of 68.73 and contains approximately 46.5 gross acres (Schedule B); and

WHEREAS, the Property, has a quality score that is higher than the minimum quality score of 58 needed for a “Priority” farm designation in Mercer County, but at approximately its size does not meet the minimum acreage criteria for the “Priority” category, which requires farm sizes of at least 58 acres, because the property is an “Alternate” and the Owners are requesting a fee simple acquisition, staff is requesting SADC preliminary approval; and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and pursuant to N.J.A.C. 2:76-8.5, the Committee can determine to proceed with the application; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants preliminary approval to the Property for a fee simple purchase pursuant to N.J.A.C. 2:76-8.5 and N.J.A.C. 2:76-6.16 because the Property:
 - a. has a quality score which meets the criteria to be considered a "Priority" farm in Mercer County pursuant to N.J.A.C. 2:76-8.5(c); and
 - b. is 98% tillable land and contains approximately 60% Prime soils and 39% Statewide Important soils; and
 - c. is located within the County's Hamilton Township project area and identified in its Farmland Preservation Plan and is a targeted farm in the county planning incentive grant program; and
 - d. is directly contiguous with one preserved farm and the SADC believes that the conversion of the farm to non-agricultural use would likely cause a substantial negative impact on the public investment made in farmland preservation within the project area; and
3. The SADC authorizes staff to proceed with the following:
 - a. Enter into a 120-day option agreement with the Owner; and
 - b. Secure two independent appraisals to estimate the fair market value of the Property; and
 - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC; and
 - d. Secure professional services that are necessary to proceed with the acquisition of the Property, including but not limited to a survey, title search, environmental audits and liability insurance.
4. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
5. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

6/22/2023

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Pete Johnson	YES
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	ABSENT
Judeth Yeany (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Douglas Fisher, Chairperson	YES

Preserved Farms and Active Applications Within Two Miles



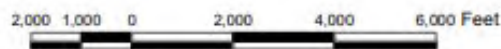
X:\counties\mercer\projects\Ossowski, Edward & Genevieve 2mile.mxd

Nearmap, NJ D:

Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Ossowski, Edward & Genevieve
Block 2739 Lot 9.02 (46.6 ac)
Gross Total = 46.6 ac
Hamilton Twp., Mercer County



- Property in Question
- Preserved Easements
- Transfer Development Rights (TDR)
Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County, Pinelands & Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements

Sources:
NJ Farmland Preservation Program
NJGIT Parcel edited to adjacent survey data
NJDEP Conservation/Open Space Easement Data
NJDOT Road Data
NJGIT/Near Map 2021 Digital Aerial Image

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.

Soils



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

Ossowski, Edward & Genevieve
Block 2739 Lot 9.02 (46.6 ac)
Gross Total = 46.6 ac
Hamilton Twp., Mercer County



-  Property In Question
-  Soils Boundaries
-  Primary - Limited Access
-  Federal or State Hwys
-  County Roads
-  Municipal/Local Roads

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.

Sources:
NJ Farmland Preservation Program
NJDOT Parcel adjusted to adjacent survey data
NRCS - SSURGO 2011 Soil Data
NJDOT Road Data
NJDOT Near Map 2021 Digital Aerial Image

June 5, 2023

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

GENERAL INFORMATION

COUNTY OF Mercer Hamilton Twp. 1103
APPLICANT Ossowski Farm

PRIORITIZATION SCORE

SOILS:	Other	1% * 0	=	.00	
	Prime	60% * .15	=	9.00	
	Statewide	39% * .1	=	3.90	
					SOIL SCORE: 12.90
TILLABLE SOILS:	Cropland Harvested	98% * .15	=	14.70	
	Wetlands/Water	.4% * 0	=	.00	
	Woodlands	1.6% * 0	=	.00	
					TILLABLE SOILS SCORE: 14.70
BOUNDARIES AND BUFFERS:	Deed Restricted Farmland (Permanent)	26% * .2	=	5.20	
	Other	13% * 0	=	.00	
	Residential Development	61% * 0	=	.00	
					BOUNDARIES AND BUFFERS SCORE: 5.20
CONTIGUOUS PROPERTIES / DENSITY:	Ossowski	Restricted Farm or Current Application		2	
	Skeba	Restricted Farm or Current Application		2	
	Hock	Restricted Farm or Current Application		2	
	Ellis	Restricted Farm or Current Application		2	
	Wemble (Flemer)	Restricted Farm or Current Application		2	
					DENSITY SCORE: 10.00
LOCAL COMMITMENT:		100% * 19	=	19.00	
					LOCAL COMMITMENT SCORE: 19.00
SIZE:					SIZE SCORE: 3.01
IMMIMENCE OF CHANGE:	SADC Impact factor =	3.92			
					IMMINENCE OF CHANGE SCORE: 3.92
COUNTY RANKING:					
EXCEPTIONS:					EXCEPTION SCORE: .00
					TOTAL SCORE: 68.73

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2023R6(4)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
FRANKLIN TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Graiff Enterprise, LLC (“Owners”)
SADC ID# 08-0234-PG
Franklin Township, Gloucester County
N.J.A.C. 2:76-17A.1, et seq.**

JUNE 22, 2023

WHEREAS, on April 19, 2022, the application for the sale of a development easement for the subject farm identified as Block 5702, Lot 84, Franklin Township, Gloucester County, totaling approximately 23.01 gross surveyed acres hereinafter referred to as “the Property” (Schedule A) was deemed complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, the Township has met the Municipal Planning Incentive Grant (“PIG”) criteria set forth in N.J.A.C. 2:76-17A.6 and 7; and

WHEREAS, the Owner read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, and Non-Agricultural Uses; and

WHEREAS, The Property is a targeted farm pursuant to N.J.A.C. 2:76-17A.5(a)1 and is located in the Township's Central Project Area; and

WHEREAS, the Property includes, 1 (one), approximately 1-acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 22.01 net surveyed acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value; and

WHEREAS, the action set forth in the preceding paragraph may be taken without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director; and

WHEREAS, the 1-acre non-severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises
- 3) Shall be limited to one (1) single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Premises includes:

- 1) Zero (0) housing opportunities
- 2) Zero (0) Residual Dwelling Site Opportunity (RDSO)
- 3) Zero (0) agricultural labor units
- 4) No pre-existing non-agricultural uses; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11(d), on August 19, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$5,550 per acre based on zoning and environmental regulations in place as of the current valuation date June 23, 2022; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12(b), the Owner accepted the Township's offer of \$5,550 per acre for the purchase of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on April 25, 2023, the Franklin Township Committee approved the application for the sale of development easement and a funding commitment of \$937.50 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on April 20, 2023, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on May 5, 2023, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$937.50 per acre to cover the local cost share, and

WHEREAS, the Municipality has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 22.67 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 22.67 acres):

	Total	Per/acre
SADC	\$ 83,312.25	(\$3,675/acre)
Franklin Township	\$ 21,253.12	(\$937.50/acre)
<u>Gloucester County</u>	<u>\$ 21,253.13</u>	<u>(\$937.50/acre)</u>
Total Easement Purchase	\$125,818.50	(\$5,550/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14(c), the Franklin Township is requesting \$83,312.25 in base grant funding which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm subject to available funds and consistent with the provisions of N.J.A.C. 2:76-6.11; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15(b), the County shall hold the development easement since the County is providing funding for the preservation of the farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.16 and N.J.A.C. 2:76-6.11(d)3, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds, provided the Township's request for reimbursement is submitted within 120 days of the purchase of the development easement;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Premises, comprising approximately 22.67 net easement acres, at a State cost share of \$3,675 per acre, (66.22% of certified easement value and purchase price), for a total grant of approximately \$83,312.25 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C.
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
4. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
5. The SADC will be providing its grant directly to the County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).
6. The SADC's cost share grant to the Township 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, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
7. The final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.

9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

6/22/2023
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Pete Johnson	YES
Scott Ellis	YES
Richard Norz	YES
Charles Rosen	YES
Tiffany Bohlin	ABSENT
Gina Fischetti (rep. DCA Commissioner Oliver)	ABSENT
Judeth Yeany (rep. DEP Commissioner LaTourette)	YES
Julie Krause (rep. State Treasurer Muoio)	ABSENT
Brian Schilling (rep. Executive Dean Lawson)	YES
Douglas Fisher, Chairperson	YES

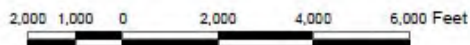
Preserved Farms and Active Applications Within Two Miles



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Graiff Life Enterprise, LLC
 East Greenwich Twp. - Block 5702 Lots P/O 84 (21.8 ac) &
 P/O 84-EN (non-severable exception - 1.0 ac)
 Gross Total = 22.8 ac
 Franklin Twp., Gloucester County



	Property In Question
	Exceptions
	Preserved Easements
	Transfer Development Rights (TDR)
	Preserved: Highlands, Pinelands and Municipal
	Active Applications
	County Boundaries
	Municipal Boundaries
	Pinelands (or Highlands) Development Credits
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements

Sources:
 NJ Farmland Preservation Program
 Parcel data edited to adjoining survey data
 NJDEP Conservation/Open Space Easement Data
 NJ Pinelands Commission PDC Data
 NJOTFGIS 2020 Digital Aerial Image

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.

March 18, 2022

Wetlands



X:\counties\good\projects\Graiff Life Enterprise, LLC\new.mxd

Application within the (PA4b) Rural Env Sens Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Graiff Life Enterprise, LLC
East Greenwich Twp. - Block 5702 Lots P/O 84 (21.8 ac) &
P/O 84-EN (non-severable exception - 1.0 ac)
Gross Total = 22.8 ac
Franklin Twp., Gloucester County



Sources:
NJ Farmland Preservation Program
NJDOT Parcel data edited to adjoining survey data
NJDEP Open Space
NJDOT Road Data
NJOT/IGIS 2020 Digital Aerial 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 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.



	Property In Question
	EN - (Non-Severable) Exception
	Wetlands Boundaries
	Primary - Limited Access
	Federal or State Hwys
	County Roads
	Municipal/Local Roads

Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 30' Buffer
W - Water

SADC Municipal Pig Financial Status
Schedule B
Franklin Township, Gloucester County

SADC ID#	Farm	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Grant										
						Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	PV	Expended	Balance	Fiscal Year 09	Fiscal Year 11	Fiscal Year 13	Fiscal Year 17	Fiscal Year 19	Fiscal Year 21	Fiscal Year 22
														750,000.00	500,000.00	500,000.00	500,000.00	500,000.00	500,000.00	500,000.00
08-0121-PG	Genna	48.7400	49.3980	7,000.00	4,400.00	345,786.00	217,351.20	173,796.74	45,361.94	217,351.20	171,989.26	171,989.26	3,578,010.74							
08-0122-PG	Gallagher	46.0000	42.8170	7,000.00	4,400.00	299,719.00	188,394.80	147,532.49	36,208.29	188,394.80	152,186.51	152,186.51	3,425,824.23							
08-0124-PG	Tweed South	65.8000	63.7410	6,000.00	3,900.00	382,446.00	248,589.90	191,223.00	57,366.90	248,589.90	191,223.00	191,223.00	3,234,601.23							
08-0123-PG	Tweed North	60.2000	56.7010	6,600.00	4,200.00	374,226.60	238,144.20	187,113.30	51,030.90	238,144.20	187,113.30	187,113.30	3,047,487.93							
	Genna, Gallagher, Tweed S, Tweed N ancillary										21,158.52	21,158.52	3,026,329.41							
08-0135-PG	Stiles	25.1800	25.1800	5,000.00	3,400.00	125,900.00	85,612.00			85,612.00	85,612.00	85,612.00	2,940,717.41							
08-0136-PG	Bellone	50.3820	50.3820	4,850.00	3,310.00	244,352.70	166,764.42			166,764.42	166,764.42	166,764.42	2,773,952.99							
08-0137-PG	Lenzi (used formula value)	38.3150	38.3150	2,699.00	1,989.30	103,412.19	76,220.03			76,220.03	76,220.03	76,220.03	2,697,732.96							
08-0138-PG	Kargman II (lot 11/12)	9.5820	9.5820	7,500.00	4,650.00	71,865.00	44,556.30			44,556.30	44,556.30	44,556.30	2,653,176.66							
08-0140-PG	Kargman IV (lot 18)	7.2830	7.2830	9,000.00	5,400.00	65,547.00	39,328.20			39,328.20	39,328.20	39,328.20	2,613,848.46							
08-0134-PG	Kargman I (lot 8)	27.9410	27.9410	5,100.00	3,450.00	142,499.10	96,396.45			96,396.45	96,396.45	96,396.45	2,517,452.01							
08-0139-PG	Kargman III (lot 14)	26.2000	26.2000	7,500.00	4,650.00	196,500.00	121,830.00			121,830.00	121,830.00	121,830.00	2,395,622.01							
08-0158-PG	McSwain	20.5480	20.5480	4,700.00	3,220.00	96,575.60	66,164.56			66,164.56	66,164.56	66,164.56	2,329,457.45							
08-0613-PG	Nichols (formerly Lisa Hale)	41.6860	41.6860	5,200.00	3,500.00	216,767.20	145,901.00			145,901.00	145,901.00	145,901.00	2,183,556.45							
	Stiles, Bellone, Lenzi, Kargman, McSwain, Nichols ancillary										36,801.46	36,801.46	2,146,754.99							
08-0206-PG	ABNC Enterprises, LLC	85.9710	85.9710	6,050.00	3,925.00	520,124.55	337,436.18			337,436.18	337,436.18	337,436.18	1,809,318.81							
	ABNC Enterprises, LLC Ancillary											7,874.75	1,801,444.06							
08-0216-PG	McAlister, David P. Jr. & Lynn M.	54.5030	54.4830	6,500.00	4,150.00	354,269.50	226,104.45			226,187.45	226,104.45	226,104.45	1,575,339.61							
	McAlister ancillary											8,576.50	1,566,763.11							
08-0234-PG	Graiff Enterprise, LLC	22.0100	22.6700	5,550.00	3,675.00	125,818.50	83,312.25			83,312.25			1,483,450.86							
Closed	15	608.3310	600.2280			3,539,990.44	2,298,793.68	699,665.53	189,968.03											
Encumbered	1	22.0100	22.6700			125,818.50	83,312.25													
										Encumber/Expended FY09	-	-	750,000.00	-						
										Encumber/Expended FY11	-	-	500,000.00	-						
										Encumber/Expended FY13	-	-	500,000.00	-						
										Encumber/Expended FY17	66,763.11	-	433,236.89	-						
										Encumber/Expended FY19	16,549.14	-	-	483,450.86						
										Encumber/Expended FY20	-	-	-	-						
										Encumber/Expended FY21	-	-	-	500,000.00						
										Encumber/Expended FY22	-	-	-	500,000.00						
										Total				1,483,450.86						

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Graiff Life Enterprise, LLC
08-0234-PG
FIG EP - Municipal 2007 Rule
22 Acres

Block 5702	Lot 84	Franklin Twp.	Gloucester County	
SOILS:		Local	5% * .05	= .25
		Prime	87% * .15	= 13.05
		Statewide	8% * .1	= .80
				SOIL SCORE: 14.10
TILLABLE SOILS:		Cropland Harvested	100% * .15	= 15.00
				TILLABLE SOILS SCORE: 15.00
FARM USE:		Vegetable & Melons	20 acres	greens and peppers

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:
 - b. Exceptions:
 - 1st one (1) acres for Future single family residence
Exception is not to be severed from Premises
Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
 1. If the landowners accept the offer, Graiff Life Enterprise, LLC will need to amend their certification of formation to broaden the LLC's purpose and scope of business to be consistent with the operating agreement prior to closing.
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.