

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

March 24, 2011

Acting Chairperson Purcell called the meeting to order at 9:10 a.m. In compliance with the "Open Public Meetings Notice", the following statement was read:

"Pursuant to N.J.S.A. 10:4-6 et seq., adequate public notice of this meeting has been provided by giving written notice of the time, date, location and, to the extent known, the agenda. At least 48 hours in advance, this notice has been posted on the public announcement board, third floor, Health/Agriculture building, John Fitch Plaza, Trenton, NJ, mailed and/or faxed to the Newark Star Ledger, the Times of Trenton, the Camden Courier Post, and filed with the Office of the Secretary of State."

Roll call indicated the following:

Members Present

Monique Purcell, Acting Chairperson
Richard Boornazian (rep. DEP Commissioner Martin)
Ralph Siegel (rep. State Treasurer Andrew P. Sidamon-Eristoff)
Brian Schilling (rep. Executive Dean Goodman)
James Requa (rep. DCA Commissioner Grifa)
Alan Danser
Denis C. Germano, Esq. (Arrived at 9:15 a.m.)
Torrey Reade (Via Telephone Conferencing)
James Waltman
Jane Brodhecker (Via Telephone Conferencing)

Members Absent

None

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

Others present as recorded on the attendance sheet: Robert Baumley, Heidi Winzinger, Hope Gruzlovic, Brian Smith, Charles Roohr, Ed Ireland, Timothy Brill, Cassandra McCloud, Daniel Knox, Paul Burns, Patricia Riccitello and Sandy Giambrone, SADC staff, Daniel Pace, Mercer County Agriculture Development Board, Brandon Minde, Governor's Authorities Unit, Nicole Goger, New Jersey Farm Bureau, Harriet Honigfeld, Monmouth County Agriculture Development Board, William Millette, Hunterdon County Agriculture Development Board, Barbara Ernst, Cape May County Agriculture Development Board, Jennifer McCulloch, Morris County Agriculture Development Board, Mrs. Kazahaya, Voorhees Township, Camden County.

Minutes

A. SADC Regular Meeting of February 24, 2011 (Open Session)

It was moved by Mr. Requa and seconded by Mr. Danser to approve the open session minutes of the SADC regular meeting of February 24, 2011. The motion was unanimously approved.

B. SADC Regular Meeting of February 24, 2011 (Closed Session)

It was moved by Mr. Danser and seconded by Mr. Requa to approve the closed session minutes of the SADC regular meeting of February 24, 2011. The motion was approved (Ms. Brodhecker abstained from the vote).

REPORT OF THE CHAIRPERSON

Acting Chairperson Purcell discussed the following with the Committee:

- Passing of SADC Member Dr. Stephen P. Dey

Ms. Purcell stated there has been a huge loss in the agricultural community with the passing of Dr. Stephen Dey, who passed away suddenly on February 28th. Dr. Dey was a wonderful advocate and he would be sorely missed. Dr. Dey had a large veterinary practice and was heavily involved in the equine business and in many other areas of agriculture. Dr. Dey was very involved in the Water Supply Master Plan and he served on the Advisory Committee and he worked very hard on the equine agricultural management practice with the SADC. He was instrumental in moving the Animal Waste Management Plan, which was a

controversial regulation. Dr. Dey was a very solid and dedicated individual and was highly respected everywhere. Ms. Purcell stated that it would be very difficult to replace him in the areas that he served so well. She asked for a moment of silence in his memory.

- Resignation of Dr. Halpern in the Division of Animal Health

Ms. Purcell stated that Dr. Halpern, who served as the State Veterinarian and also was the Division Director of the Division of Animal Health within the Department of Agriculture, has resigned effective in early April 2011. Currently there is a search for a replacement for her position. Dr. Halpern earned her law degree recently and will be taking a position with a firm in Lawrenceville and she will be practicing in the area of patent law.

- NJ DEP Stakeholder Meetings

Ms. Purcell stated that the NJ DEP continues with its stakeholder meetings and as they go through each regulation it is inviting stakeholders to come and talk about areas that work with a particular regulation and areas that do not work well. Since the last SADC meeting the NJ DEP had a second meeting about flood hazard rules or the stream encroachment rules. The meeting was very productive. It is looking to add some more permits by rule for agricultural activities, as most of the flood hazard deals with buffer requirements on the different types of water bodies within the State. She stated that the NJ DEP is open and willing to look at additional permits by rule especially for certain agricultural practices. She stated that yesterday DEP had the agricultural water certification rule stakeholder meeting and that discussion was very productive and they are looking at only a few amendments to the regulations, primarily focusing on the court decision regarding the Farm Bureau lawsuit when they added some additional requirements in the regulations back in 2007.

- Specialty Crop Grants

Ms. Purcell stated that there will be \$300,000.00 available in specialty crop grants this year for the Division of Markets but there have also been some cuts in federal funding to the Department of Agriculture. The USDA, NRCS indicated that the RC&D funding for both the north and south RC&D offices has been eliminated, which is a significant loss. There has also been a 32 percent cut in federal funding for the animal health division, which would mean that there are certain activities, tests that will not be able to be conducted. The timing for that is not very good with the new Health lab being built and both the Division of Plant Industry and the Animal Health Division being targeted to move into that new

facility in August. She stated that part of the goal there was to try to be able to have more testing done and possibly have more revenue brought in but with the federal cutbacks they will definitely feel a loss.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne discussed the following with the Committee:

- Letter to Elizabeth Dey

Ms. Payne referred the Committee to correspondence that was sent to Elizabeth Dey extending the SADC's condolences on the passing of Dr. Dey.

- Nonprofit Grant Program

Ms. Payne stated that staff will be recommending approvals of the FY 2011 Nonprofit Grant Program at the April meeting of the Committee. Staff was hoping to have it this month but couldn't complete reviews in time.

- Soil and Water Conservation Cost Share Grant Funding

Ms. Payne stated that the SADC has \$217,000.00 remaining in its 1995 bond fund for soil and water conservation grants. The Department of the Treasury has placed reserves on all unencumbered bond funds in all programs across the board within the State that were approved by the voters prior to 2000. The last of the soil and water conservation cost share money has been caught up in this freeze. Staff has written a request to the Department of the Treasury for them to consider removing that freeze to allow those funds to be spent. Staff has also worked with the State Soil Conservation Committee (SSCC) and the number of projects that have been approved by the SSCC that have not come to the SADC as yet will deplete that \$217,000.00. Essentially the soil and water conservation cost share program will then be out of money. The goal at the moment is to get that freeze removed and fund the projects that have been in the pipeline.

Mr. Siegel asked what was the status of those applications. Ms. Payne stated that they have been approved by the SSCC as projects and will now be presented to the SADC to approve funding for those projects. Mr. Siegel suggested sending a second letter stipulating that because the original February memo from the Treasury Department stated funds had to be under contract and any funds not under contract will be frozen. He stated that in this case applicants are expecting to receive these grants and have enrolled in the eight year program to receive these grants.

Mr. Boornazian suggested that possibly Mr. Siegel, being the representative for the Department of the Treasury for this Committee could possibly send a letter on behalf of the SADC. He stated that he would be happy to send a letter requesting consideration of applications to be as encumbered contracts. Ms. Payne stated she would make sure that Mr. Siegel receives a copy of the memorandum from the SADC and the correspondence that staff prepared.

- Farmland Preservation Statistics Report

Ms. Payne referred the Committee to the Farmland Preservation Program Summary of Preserved Farmland. She stated that the SADC's 2,000th farm will be closing next week and staff is putting together a farmland preservation event that will probably occur in the first week of April. She stated that this is a huge milestone for the program.

COMMUNICATIONS

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

PUBLIC COMMENT

None

NEW BUSINESS

A. Eight-Year Farmland Preservation Program-New Enrollments

1. Walter and Dennis Badaracco, Atlantic County
2. D&C Land Co., LLC, Atlantic County

Ms. Winzinger referred the Committee to the Eight-Year Farmland Preservation Program New Enrollment Summary, listing two requests for enrollment into the eight year program. She reviewed the specifics with the Committee and stated that staff recommendation is to certify the two new enrollments into the Eight-Year Farmland Preservation Program as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2011R3(1) and Resolution FY2011R3(2) granting certification of a new Eight Year Farmland Preservation Program for the following landowners as presented and discussed, subject to any conditions of said resolutions:

1. Walter and Dennis Badaracco (Resolution FY2011R3(1))

SADC #01-0134-8F

Block 6901, Lots 29, 30, 31; Boro of Buena Vista, Atlantic County, 35.61 Acres

Soil and Water Conservation Cost Share Eligibility Amount
(subject to available funding): \$21,366.00

2. D&C Land, LLC (Resolution FY2011R3(2))
SADC #01-0125-8F
Block 6801, Lots 6 and 7; Block 6902, Lot 9, Boro of Buena Vista, Atlantic County, 75.10 Acres
Soil and Water Conservation Cost Share Eligibility Amount
(subject to available funding): \$35,020.00

The motion was unanimously approved. (A copy of Resolution FY2011R3(1) and Resolution FY2011R3(2) is attached to and is a part of these minutes.)

B. Requests for Final Approval - Nonprofit Grant Program

Mr. Knox referred the Committee to a request for final approval under the Nonprofit Grant program for two landowners. He reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval as presented and discussed.

It was moved by Ms. Brodhecker and seconded by Mr. Siegel to approve Resolution FY2011R3(3) and Resolution FY2011R3(4), granting final approval to the following landowners as presented and discussed and subject to any conditions of said resolutions:

1. Monmouth Conservation Foundation/Gimbel Farm (Resolution FY2011R3(3))
Block 835, Lot 16, Middletown Township, Monmouth County, 37 Acres
Cost Share Grant not to exceed \$23,500.00 per acre (total of approximately \$869,500.00 based on 37 acres) to the Monmouth conservation foundation for the development easement acquisition; the SADC recognizes a 6.6 acre severable exception area for a trail corridor.

Discussion: The landowner is requesting a 6.6 acre severable exception for a trail corridor and open space along the westerly boundary of the property. The trail corridor connects an existing trail system. The Monmouth Conservation Foundation has informed the SADC that the trail will be located within the

severable exception area buffered from the farm parcel's property line by woodland.

2. The Land Conservancy of New Jersey/Robert Santini Farm (Resolution FY2011R3(4))
Block 34, Lot 10, Franklin Township, Warren County, 69 Acres
Cost Share Grant not to exceed \$2,750.00 per acre (total of approximately \$189,750.00 based on 69 acres) to The Land Conservancy of New Jersey for the development easement acquisition; the SADC recognizes a sixteen acre nonseverable exception restricted to a single family house and granary operation and other agriculturally related uses and a 1.5 acre nonseverable exception for a future single family residence.; the SADC grant is subject to the assignment of the deed of easement and monitoring responsibilities from The Land Conservancy of New Jersey to the Warren County Agriculture Development Board for no value.

Discussion: This property previously received final approval by the Committee on September 24, 2009. Subsequently the landowner requested a sixteen acre nonseverable exception around an existing house and granary for expansion of the granary and other agriculturally related uses. In February 2011 the SADC certified an amended easement value that included the new sixteen acre exception.

The motion was unanimously approved. (A copy of Resolution FY2011R3(3) and Resolution FY2011R3(4) is attached to and is a part of these minutes.)

C. State Acquisition – Request for Final Approval

Mr. Knox referred the Committee to Resolution FY2011R3(5) for a request for final approval under the State Acquisition Program for the Jane M., Robert S. and Patrick O. Barnett farm, located in Bethlehem Township, Hunterdon County, comprising 128 Net Acres. He reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval, as presented and discussed.

It was moved by Mr. Waltman and seconded by Mr. Danser to approve Resolution FY2011R3(5), granting final approval to the following landowners as presented and discussed and subject to any conditions of said resolutions:

1. Jane M., Robert S., and Patrick O. Barnett (Resolution FY2011R3(5))
Block 44, Lot2; Block 45, Lot 3, Bethlehem Township, Hunterdon County, 128 Net Acres

Development Easement at a value of \$10,200.00 per acre for a total of approximately \$1,305,600.00, subject to the conditions contained in Schedule "B" of said Resolution; the SADC approves the use of funding pursuant to the SADC FY2006 Highlands Preservation Appropriation Expenditure Policy-Amended, which authorizes the use of Highlands funds to support additional applications in all farmland preservation programs where demand for funding has outstripped otherwise approved SADC funding.

Discussion: This property is situated within the Highlands Preservation Area and the application for this landowner qualifies for supplemental funding pursuant to SADC FY2006 Highlands Preservation Appropriation Expenditure Policy-Amended. It is noted that the owners have not requested any exception areas on the farm and have signed the Exception Area acknowledgement form.

The motion was unanimously approved. (A copy of Resolution FY2011R3(5) is attached to and is a part of these minutes.)

D. Farmland Stewardship

1. Request for House Replacement
 - a. Kazahaya Farm, Voorhees Township, Camden County

Mr. Roohr referred the Committee to Resolution FY2011R3(6) for a request by Ken and Amy Kazahaya, owners of Block 199, Lot 5, in Voorhees Township, Camden County, comprising 69.81 acres to replace two of the homes existing on the farm with a new single family residence that would total 3,497 square feet of heated living space. The new home would include an unfinished basement and attic space. The owners are aware that the new residence is limited to a maximum of 3,500 square feet of heated living space. This property was acquired by the SADC in January 2004 and title was transferred to the Kazahayas in February 2005. The property had two existing single family residences. The deed restrictions relate that the farm is subject to the following:

In the event that improvements are made to the existing residential units the maximum heated living space of the units shall not exceed the current sizes of 3,000 and 1,700 square feet; in the event that one of the existing residences is replaced, the owner will be required to raze both residences. The two homes may only be replaced with one home with the maximum heated living space of the new single family residential unit not to exceed 3,500 square feet; the construction of the single family residential building must occur within the designated 5.9 acre building envelop area as shown on the survey.

Mr. Roohr stated that the proposed location of the new home is in the northern corner of the 5.9 acre building envelop where a barn is currently located. This location was chosen

to get the house away from the heavily travelled road and to provide for a central location for security and management of the agricultural operation and for drainage purposes. The owners have requested that the existing houses be permitted to stay on the property until the new house is complete to allow for continued office and restroom use. Staff have verified that neither of the existing houses are listed on the NJ Register of Historic Places. Staff recommendation is to grant the request to construct a new residence as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2011R3(6) granting approval to a request by Ken and Amy Kazahaya, owners of Block 199, Lot 5, Voorhees Township, Camden County, 69.81 acres, to construct a new single family residence, consisting of approximately 3,500 square feet of above-grade heated living space, to replace two existing single family residences currently on the Premises and that the existing residences shall be removed from the Premises within sixty (60) days of receipt of the certificate of occupancy for the new residence. This approval is valid for a period of three years from the date of this Resolution and is subject to any conditions of said Resolution. This approval is nontransferable. The motion was unanimously approved. (A copy of Resolution FY2011R3(6) is attached to and is a part of these minutes.)

PUBLIC COMMENT

None

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, April 28, 2011, beginning at 9:00 a.m. Location: **Health/Agriculture Building, First Floor Auditorium.**

CLOSED SESSION

At 9:45 a.m. Mr. Requa moved the following resolution to go into Closed Session. The motion was seconded by Ms. Brodhecker and unanimously approved.

“Be it resolved, in order to protect the public interest in matters involving minutes, real estate, attorney-client matters, pursuant to N.J.S.A. 10:4-12, the NJ 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. Certification of Values

Municipal Planning Incentive Grant Program

It was moved by Mr. Danser and seconded by Mr. Schilling to certify the development easement values for the following landowners, as presented and discussed in closed session:

1. Theodore and Grace Peters (Amended Certification)
Block 39, Lots 49, 49.12; Block 40, Lot 2, Readington Township,
Hunterdon County, 61 Acres

The motion was unanimously approved. (A copy of the Certification of Value Report is attached to and is a part of the closed session minutes.)

County Planning Incentive Grant Program

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

1. Cape May/Catherine Pascali
Block 752.01, Lot 39, Lower Township, Cape May County, 21 Acres
2. Cross Farm Associates, LP # 1
Block 19, Lot 3, Hopewell Township, Cumberland County, 15 Acres
3. Cross Farm Associates, LP # 2
Block 19, Lot 7, Hopewell Township, Cumberland County, 57 Acres
4. DeWilde/ Bakker, Jr., Abram # 1 – DeWilde Farm Associates, LP # 1
Block 13, Lot 2, Shiloh Borough, Cumberland County, 59.5 Acres
5. DeWilde/ Bakker, Jr., Abram # 2 – DeWilde Farm Associates, LP # 2
Block 13, Lot 1; Shiloh Borough; Block 19, Lots 8, 8.02, 8.03, 8.04,
Hopewell Township, Cumberland County, 99 Total Acres
6. DeWilde/ Bakker, Jr., Abram # 3 – DeWilde Farm Associates, LP # 3
Block 13, Lot 3, 4, Shiloh Borough, Cumberland County, 67 Acres

7. DeWilde/ Bakker, Jr., Abram # 4 – DeWilde Farm Associates, LP # 4
Block 13, Lot 5, 5.01, Shiloh Borough; Block 19, Lot 9, Hopewell
Township, Cumberland County, 38.5 Total Acres
8. DeWilde/ Bakker, Jr., Abram # 5 – DeWilde Farm Associates, LP # 5
Block 13, Lot 6, Shiloh Borough; Block 19, Lot 9.01, Hopewell
Township, Cumberland County, 37 Total Acres
9. Frank and Janet Wohlers
Block 2101, Lot 4.01, Blairstown Township, Warren County, 56 Acres
10. Carl, Alice and Kenneth Martin
Block 14, Lot 37, White Township, Warren County, 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.)

B. Attorney/Client Matters

None

ADJOURNMENT

There being no further business, it was moved by Mr. Schilling and seconded by Mr. Danser and unanimously approved to adjourn the meeting at 10:15 a.m.

Respectfully Submitted,

Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

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