

STATE AGRICULTURE DEVELOPMENT COMMITTEE
Department of Agriculture
Market and Warren Streets
1st Floor Auditorium
Trenton, NJ 08625

REGULAR MEETING

September 24, 2009

Acting Chairman Danser called the meeting to order at 9:06 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

Alan Danser, Acting Chairperson (Chaired from 9:06 a.m. to 9:38 a.m.)
Douglas H. Fisher, Chairperson (Arrived at 9:38 a.m.; Left meeting at 1:43 p.m.)
Monique M. Purcell, Acting Chairperson (Chaired from 1:43 p.m. to 4: 35 p.m.)
Cecile Murphy (rep. DEP Acting Commissioner Mauriello)
Ralph Siegel (rep. State Treasurer. Rousseau) (Left meeting at 3:25 p.m.)
Donna Rendeiro (rep. DCA Acting Commissioner Richman)
Brian Schilling (rep. Executive. Dean Goodman)
Jane R. Brodhecker
Denis C. Germano, Esquire (Arrived at 9:17)
James Waltman (Left meeting at 3:28 p.m.)
Torrey Reade
Stephen P. Dey

Members Absent

None

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

Others present as recorded on the attendance sheet: Robert J. Baumley, Heidi Winzinger, Brian D. Smith, Charles Roohr, Paul Burns, Edgar Madsen, Edward Ireland, Bryan Lofberg, Dan Knox, Timothy Brill, Steve Bruder, David Kimmel, Cassandra McCloud, Patricia Riccitello and Sandy Giambrone, SADC staff, Daniel Pace, Mercer County Agriculture Development Board, Harriet Honigfeld, Monmouth County Agriculture Development Board, Barbara Ernst, Cape May County Agriculture Development Board, Ryan Rapp, Robert Resker, Warren County Agriculture Development Board, Jennifer McCulloch, Morris County Agriculture Development Board, Kate Buttolph, Hunterdon Land Trust Alliance, Matt Pisarski, Cumberland County Agriculture Development Board, Amy Hansen, New Jersey Conservation Foundation, Donna Traylor, Sussex County Agriculture Development Board, Nicole Goger, New Jersey Farm Bureau, Justin Riemersma, Passaic County Agriculture Development Board, Richard Hogan, Somerset County, Robert C. Morris, Frank Minch, NJ Department of Agriculture, Division of Agriculture and Natural Resources.

Minutes (Note: Alan Danser presided over the meeting as Acting Chair)

A. SADC Regular Meeting of July 23, 2009 (Open Session)

Dr. Dey commented that on the bottom of page eight (8) and the top of page nine (9) where Acting Chairperson Purcell who is the designee for Chairman Fisher recused herself from an agenda item on behalf of Chairman Fisher, he didn't think the Vice Chair of the Committee is supposed to make a motion on that agenda item (soil and water conservation cost share grant for the Ellis farm) if the designee for the sitting Chair recused. Mr. Danser responded that it doesn't happen very often and he doesn't remember doing it but it is alright because the Chairman can make or second a motion. Mr. Siegel stated that there are some boards that have an appointed chairman who doesn't serve in another capacity where they are not allowed to move an item, say in town councils for example, but the Chair of the SADC is an ex-officio representative.

It was moved by Dr. Dey and seconded by Ms. Brodhecker to approve the open session minutes of the SADC regular meeting of July 23, 2009. The motion was unanimously approved.

B. SADC Regular Meeting of July 23, 2009 (Closed Session)

Ms. Murphy stated that there were several comments she made during the Vogel certification of value discussion in closed session that were not in the closed

session minutes that she would like included in those minutes. Acting Chairman Danser stated that since this involves the closed session it should be discussed in closed session. He suggested that it be deferred to the closed session portion of the meeting and be discussed there and then act on the closed session minutes after that discussion. It was the consensus of the Committee to defer Ms. Murphy's comments until closed session.

REPORT OF THE CHAIRPERSON

Mr. Danser stated that the report of the chairperson would be deferred until a later time.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Craft discussed the following with the Committee:

- Donna Rendeiro, Office of Smart Growth

Ms. Craft introduced Ms. Rendeiro from the Department of Community Affairs (DCA), Office of Smart Growth to the Committee. Ms. Rendeiro is now the designee for Acting Commission Richman. Ms. Rendeiro stated she is very excited about the opportunity to serve as a member of the SADC. She stated she has been with the Office of Smart Growth for approximately two and one half years and in August she was named Acting Director of the Office of Smart Growth. Her background has been in urban redevelopment but she has always been very interested in farmland preservation.

- FY 2009 Funding Round

Ms. Craft stated we had final signature of the appropriation bill for the fiscal year 2009 funding round and the question was if the money was available. The Treasurer's Office has agreed to place money into that appropriation prior to a bond sale to allow the SADC to close on farms. At this point there is no hold up on closing on any of the FY09 transactions.

- Ag-Tourism/Farm Market Tour

Ms. Craft stated that staff had a tour of various farms with Committee members and State Board of Agriculture members. She stated that she would delay comment until further in the meeting when staff will make a short presentation on the farm tours.

- Keep it Green Campaign

Ms. Craft stated that this is the organization and coordination of a group of nonprofit and conservation organizations, including the New Jersey Farm Bureau, that are working to support the referendum for this fall of \$400 million of which \$146 million is dedicated for farmland preservation. Their kick-off for this will be September 29th in Trenton at 1:00 p.m.

COMMUNICATIONS

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

Ms. Reade commented on one of the articles dealing with the coverage of the Alloway Township meeting where it discussed the difficulty in using planning incentive program (PIG) money. She stated that this is a big issue for small municipalities because they don't have enough staff. Ms. Craft stated that there are several municipalities where the SADC has not approved their plans and staff is working very closely with those counties, offering to do everything we can do to assist them.

PUBLIC COMMENT

The following members of the public addressed the Committee:

Robert Resker, Administrator for the Warren County Agriculture Development Board. He asked if it was appropriate to ask questions regarding a specific segment of one of the resolutions on the agenda at this time. He referred to a paragraph in the resolution where there is a part of the "Therefore Be It Resolved" that states....approval is conditioned upon the determination of what provisions may be needed in association with the design, maintenance and management of the adjacent open space area." He asked who is going to determine what provisions are required and how do you reinforce that on someone else's land? Ms. Craft asked that this discussion take place at the time that specific resolution is discussed.

Donna Traylor stated that Sussex County has a new farmers market at its fairgrounds and it will be open from March through November. She invited anyone who is in Sussex County on a Saturday to stop by.

Bill Pettit, Jr. stated that one of his concerns is farm monitoring. There are big discrepancies in the way some farms are monitored compared to others. For example, if you look at Burlington County's the classic is the Jack Allen farm and

his farm. (Mr. Pettit provided had hard copy information to the Committee pertaining to this issue) He stated that on the first page it lists nonagricultural uses not observed, which including an airport that was put in, they have a sale there every year that has approximately 500 cars on the preserved farm and they are selling hot tubs, campers and if that isn't a nonagricultural use he doesn't know what is. The museum has double in size and if you look at the farm monitoring report you cannot tell any of this. Mr. Pettit also provided some pictures of the airport in the summary (page 2). He stated that the third page is a copy of the deed of easement which shows the nonagricultural uses allowed and that you must stay within the same building basically but this has doubled in size going into another building. He stated that there is nothing wrong with what these farmers are doing and he thinks these things are a great use on a preserved farm but the problem is the monitoring. Everyone should be monitored fairly. This has gone on for three years on this farm and if you look at the monitoring report you cannot see it. There is nothing in there about it.

Mr. Pettit referred the Committee to the next page of the summary he provided dealing with nonresidential structures. He stated that the first example contains a nonagricultural museum. He stated that it has been there since 2005 and you cannot tell which barn the museum is in and it's really in two barns. He feels that it's a good use but he thinks the reports should be accurate and they should be just as strict for one person as they are for another. He referred the Committee to the next page of the summary dealing with his farm. He stated that if you notice each barn is named "quonset hut", "pole barn", they list hay barn and that is a mistake and that should be changed to a loafing barn. It also lists a dairy barn which is now a veterinarian clinic. When the SADC looked at this they could tell what is occurring on our farm but why shouldn't they all be the same? He doesn't think that people should get a pass. He stated that is not the farmer's fault it is the people who are doing the monitoring.

Mr. Pettit stated that next you come to the condition of the property on the report. He stated that the property changes. The airstrip and field now extends to the woods. This airstrip was there the year before and there is no mention of it on the monitoring report. He stated that the airstrip extends to the woods and it also goes across the ditch. He stated that if he does anything with a ditch he has to at least talk to the soil conservation people or he is in the dog house. He stated that under "condition of property", on his farm this is blank, why not state....dairy barn - new roof; painted, excellent condition; quonset hut - houses horses for embryo transfer; loafing shed - housing cows and horses. Building has been painted. Why not be positive about these things. Then you come to the next page dealing with the Allen Farm. There is this overall property condition and it states that the property appears to be in compliant terms with the deed of easement. He stated that how can it be compliant with an airport and an agricultural museum that has

doubled in size and these auction sales occurring. Mr. Pettit stated that regarding Monmouth County, Fair Winds Farm is a great example for a use of a preserved farm. They have an excellent veterinary clinic that provides a great service to the other farms in the area. However, a high power veterinary practice is a nonagricultural use. If you look at the deed there is no mention of any nonagricultural use, there is no Schedule B exceptions and there is no Schedule C, so how did they put a nonagricultural use in there? They should be able to do it but everyone needs to be treated equally. Mr. Pettit stated that when you look further in the report where the survey is it is interesting. It states "changes since last visit" and lists no changes for residential, farm buildings it lists yes. It further stated "completed renovation of stud farm". The 2008 survey stated "stud farm renovation occurring" but they don't say what it is being renovated into, is it being put into apartments or are they opening up a WaWa, what is being done there? He stated that you cannot tell him that whoever is doing the monitoring there doesn't know why it's being changed. He feels that they are afraid to say anything because of the havoc they would get from the SADC. He stated that the final thing in the report is the exception policy. About a year ago S206 went into effect so you could remodel 2,500 feet of your barn for nonagricultural use. To his knowledge there has not been one applicant yet.

Ms. Craft stated that for the Committee's information, Mr. Pettit brought to the SADC's attention a couple of meetings back this report identifying what he believed to be evidence of inconsistent monitoring. SADC staff has contacted the appropriate counties and inform them of these issues. The counties hold the development easements. The SADC requested the counties to review the concerns and inform the SADC of its findings and actions if there are any violations. Staff has scheduled meetings with both Monmouth and Burlington counties for next week on this issue. She stated that the SADC cannot publicly discuss potential violations until we get all the facts straight. At this time, the SADC is investigating the situation. Ms. Craft agreed with Mr. Pettit that as this program progresses it becomes more and more important that the integrity of the deed of easement be retained and that there is consistency in the monitoring program. We have been discussing internally to include in the next newsletter communication to the counties and the nonprofits that monitoring the deed of easement is very important and that the SADC will have to standardize the process.

Mr. Siegel commented that he was recently told, but he this was not confirmed, that New Jersey has more land under easements by proportion of total square mileage than any state in the United States. This easement monitoring issue touches all agencies involved in land conservation. It is a systemic issue and we have countless thousands of municipal easements that regulatory state agencies are not even aware of related to cluster development. This is an issue for land

conservation groups across the United States. He stated that easement monitoring is a huge and serious issue and it is a challenge for all the agencies and always will be.

Mr. Danser stated that the one thing he would disagree with Mr. Pettit is that he thinks the regulations are all the same but the enforcement can vary since monitoring is being done by the individual counties in those cases where the holder of the easement is the county. He expressed his satisfaction that the SADC is addressing this with Monmouth and Burlington Counties but in order to make sure that something similar doesn't surface next year in another county, the Committee should develop specific monitoring procedures and coordinate with the counties. Ms. Craft agreed and stated that staff will be discussing this issue in FY 2010 and will develop the necessary process to share with counties. However, that will require a lot of baseline documentation.

Mr. Pettit, Jr. stated that the farms that have exceptions are not having any of these problems. All three of these farms with the problems were preserved before 1995 and if they had the same rights as the farms do today to except out those buildings there wouldn't be any problems and then you wouldn't be spending all this money on monitoring and figuring out how to spend more money on monitoring.

Mr. Pettit, Senior addressed the Committee. He stated that he spent eight years on the Committee as a member. He stated that you have an election coming up with a bond issue and he feels that you should work toward every farm excepting a building. In Pennsylvania they except all the buildings out. That would monitoring of the easement costs in NJ. He stated that the SADC should let the farms that came into the program in the beginning pay back the money that was paid to them for their buildings and let them except the buildings out. He stated that in 1990 he preserved his farm and he and his wife always talked about having an antique shop. If they could except a portion of their building out they would have loved to have the shop. As it is, it is a farm with no exceptions. He asked that the Committee give some thought to allowing the older farmers to except some of their land out for their buildings. He stated that his township is very active in farmland preservation but he doesn't hear a lot of support for the upcoming bond issue question with all the other debt in the state to take care of so if it doesn't pass this would be something to think about it.

Note: Chairman Fisher arrived at the meeting at this point in time and presided over the meeting.

William Fox from Ocean County addressed the Committee. He stated that a month ago at the State Board meeting he made some comments aimed at Ms.

Craft. He indicated that he stated that if Ms. Craft had a personal agenda she should resign as the SADC's Executive Director. He regretted making that comment and he spoke to Ms. Craft since that time and apologized to her for making those comments. He stated that the agri-tourism issue is something that he has been involved in for a very long time and he gets very frustrated so he wanted to publicly apologize to Ms. Craft. He felt that Ms. Craft and her staff do an excellent job. Ms. Craft thanked Mr. Fox. Chairman Fisher stated that staff and the Department will continue to work together as everyone works through the issue of agri-tourism.

Mr. Pettit, Sr. commented that a couple of years back Jimmy Durr had a pond on his farm and the SADC was trying to find fault with having that pond in front of his house on preserved land. He has had all kinds of issues thrown at him and he had an attorney with him and when it ended he told everyone that there was a dam that he repaired where the pond had been there before. He asked Mr. Durr a couple of days ago if he had ever heard anything back from the SADC. He stated that Mr. Durr indicated that he has heard nothing from the SADC. He felt it was time that the SADC at least communicate with Mr. Durr that they heard his message and it's either good or bad.

Chairman Fisher stated that for his report to the Committee he wanted to say that regarding the recent landowner tours he felt it was a valuable experience for him and for those that attended the tours and that he hoped more will be scheduled so that everyone can get an understanding of the issues that face the Committee from the field. He expressed appreciation for those that sacrificed the time to attend the tours. He stated that it was a great learning experience for all.

NEW BUSINESS

A. Farm Tour Summary

Mr. Roohr referred the Committee to the Summary of SADC Farm Visits of September 2, 2009. He stated that four farms were visited, one in Middlesex County, two in Burlington County, and one in Ocean County. Each farm was unique in the way that they market their products but each had some similarities. All of the farms do direct marketing into somewhat differing degrees, doing different types of agri-tourism and each farm was multi-generational with parents and children working on each of the farms. Mr. Roohr stated that three of the four farms visited utilized significant if not the maximum amount of soil and water conservation cost share grant funding to make their farms more efficient and productive. Mr. Roohr reviewed various pictures of the farms with the Committee and gave a brief discussion regarding the history, operation and challenges for each farm. He stated that a few comments were received both on

the Department of Agriculture and the Farmland Preservation Program and those comments can be found in the Summary of SADC Farm Tours provided to the Committee. What the farmers highlighted was that there is definite demand for New Jersey grown products and a desire for the farm experience, both of which can have a profit margin associated with them. These farms have all shown that you can have a small family run farm and be successful, profitable and support more than one generation on a New Jersey farm through the business of agriculture.

Ms. Murphy stated she went to a birthday party at the Johnson farm a week after the tour, which was a pick-your-own party and everyone got to pick 4 apples.

Mr. Germano stated that when you get an operation like the one on the Johnson farm, it helps support agriculture in other places. The Durr farm, which was mentioned earlier, sold a significant amount of pumpkins so people could pick them at the Johnson farm. Mr. Siegel stated it was discussed briefly while on the tour that it would be interesting to plot these markets on a map, for the Stults farm in particular, because what would happen if there was another market 100 yards down the road. Mr. Schilling stated Rutgers has begun doing that because one of the things that they felt was missing was the farmer's ability to do market assessments and as was discussed earlier by Mr. Roohr about one of the farmer's moving into a lot of the ethnic specialty crops, the question always is that you have say 130 community farmers markets, how many more can you take before there is saturation. He doesn't think we are there, however, the point is well taken in that there is really no market assessment ability unless they do it themselves or contract out.

B. Agricultural Mediation Program

1. Certification of a New Mediator

Mr. Kimmel referred the Committee to resolution FY2010R9(1) for a request to certify Katherine Buttolph as an agricultural mediation program mediator. He reviewed the specifics of this request with the Committee and stated that staff recommendation is to certify Ms. Buttolph as a mediator under the Agricultural Mediation Program.

It was moved by Mr. Germano and seconded by Dr. Dey to approve Resolution FY2010R9(1) certifying Katherine Buttolph as a mediator for the Agricultural Medication Program as presented and discussed. The motion was unanimously approved. (A copy of Resolution FY2010R9(1) is attached to and is a part of these minutes.)

C. Risk Management Education Grant Project: “Farmer to Farmer Advice for Avoiding conflicts with Neighbors and Towns”

1. Final Summary Report for the Agricultural Community

Mr. Kimmel referred the Committee to the “Farmer-To-Farmer Advice for Avoiding Conflicts with Neighbors and Towns” summary report. He stated that this is a final re-cap of a risk management education, which was a collaborative project over the last couple of years that he coordinated with the Department of Agriculture, the NJ Farm Bureau, the Northeast Organic Farming Association of New Jersey (NOFA-NJ) and Rutgers NJAES Cooperative Extension. He stated that they solicited 54 farms from around the State to get advice and strategies and what they practically do to avoid conflicts with their neighbors and townships and what they do to maintain their relationships. Mr. Kimmel reviewed the specifics of the summary report with Committee, covering the project details, results and feedback from the agricultural community and acknowledgements for the project.

Ms. Murphy commented that was a very good project and that it is a great way to be proactive and look for ways to resolve conflicts in ways that is less onerous than the right to farm process. She suggested that as a next step, if funding allows, you could look at some of the ways that farmers have resolved issues with neighbors in a way less was onerous than going through a right to farm process and then share that information.

D. Eight Year Farmland Preservation program - New Enrollments

1. Donald and Judith DeFiccio, Town of Hammonton, Atlantic County

Ms. Winzinger referred the Committee to Resolution FY2010R9(2) for a new enrollment under the Eight Year Farmland Preservation Program for Donald and Judith DeFiccio, SADC #01-0129-8F, Block 5002, Lots 3 and 4 in the Town of Hammonton, Atlantic County, comprising 14.25 acres, with a soil and water conservation cost share eligibility of \$8,550.00 (subject to available funds). She stated that staff recommendation is to approve the new enrollment for these applicants as presented and discussed.

It was moved by Ms. Reade and seconded by Ms. Brodhecker to approve Resolution FY2010R9(2) granting approval to the new Eight Year Farmland Preservation Program enrollment to Donald and Judith DeFiccio, SADC #01-0129-8F, Block 5002, Lots 3 and 4, Town of Hammonton, Atlantic County, 14.25 acres, with a soil and water conservation cost share eligibility of \$8,550.00, subject to available funds, and subject to any other conditions of said resolution. The motion was unanimously approved. (A copy of Resolution FY2010R9(2) is

attached to and is a part of these minutes.)

Ms. Reade commented that is their enrollment based on the assumption that because there is money this year so they may be able to get a project funded? Ms. Winzinger stated that may be a possibility.

E. Renewals, Terminations and Withdrawals of Eight Year Programs

Ms. Winzinger referred the Committee to the Eight Year Program Summary for FY 2010, showing one renewal of an eight year program for William J. Poinsett, SADC # 0339-02F-01/03-0022-8F, Woodland Township, Burlington County, 61.21 Acres with a new soil and water conservation cost share eligibility amount of \$30,224.20 (subject to available funding). She stated that there were five (5) terminations of eight year programs as follows:

1. Columbia Properties, LLC
SADC # 0113-72F-01/01-0035-8F
Town of Hammonton, Atlantic County, 18.74 Acres
Soil and water conservation cost share funds remaining at time of termination:
\$0.00 (\$11,244.00 expended)

Note: This property was permanently preserved on November 6, 2003.

2. Anthony and Edith Merlino
SADC #0117-27F-01/01-0037-8F
Mullica Township, Atlantic County, 7.59 Acres
Soil and water conservation cost share funds remaining at time of termination:
\$1,518.00 (expended \$3,036.00).

Note: This property was permanently preserved on March 11, 2008.

3. Timothy and Traci Haines
SADC #0329-12F-01/03-0015-8F
Pemberton Township, Burlington County, 14.8 Acres
Soil and water conservation cost share funds remaining at time of termination:
\$2,963.17 (expended \$5,916.83)
4. Anthony Tassone, Jr.
SADC #0332-04F-01/03-0021-8F
Shamong Township, Burlington County, 45.64 Acres
Soil and water conservation cost share funds remaining at time of termination:
\$24,777.55 (expended \$2,606.45)

5. Anthony Tassone, Jr. and Theodore Tassone
SADC #0332-07F-01/03-0013-8F
Shamong Township, Burlington County, 53.78 Acres
Soil and water conservation cost share funds remaining at time of termination:
\$0.00 (expended \$12,500.00)

Ms. Winzinger stated that there were no withdrawals of eight year programs. She stated that this was for the Committee's information only and that no action is required.

F. Soil and Water Conservation Cost Share Grant Requests

Mr. Lofberg referred the Committee to the Soil and Water Conservation Project Cost Share Grants – Projects for Funding Summary showing two (2) requests for soil and water conservation cost share grant funding under Priority # 1. He stated that both of these project requests would be funded with previously appropriated funds, one from the 1992 bond fund and the other from the 1995 bond fund. Mr. Danser asked how much soil disturbance would be involved in precision land grading. Ms. Craft stated she asked that question. She stated she received a copy of a report from the Natural Resources Conservation Service (NRCS) describing what the activities were relating to this land grading. Mr. Lofberg stated that this landowner has a vegetable operation and he is transitioning to become a certified organic farmer. What they are looking at doing with the precision land grading is that the uneven areas, the small pockets will be graded smooth to facilitate the movement of water to avoid pooling in that area. Mr. Danser stated he is aware of what precision grading is for but if we are going to question someone at one extreme and fund them in another we must at least ask the question. Ms. Craft stated that this is grading top soil in a manner that is consistent with the technical guide of the NRCS, very unlike other cases the SADC has dealt with where subsoil and top soil were graded and compacted. Mr. Waltman asked if there was some guidance or some restrictions on the kind of grading and what the depth is. Ms. Reade felt it was just a few inches. Mr. Siegel stated that there is precision grading and then strip mining, which are two different things. He stated that this is, as he understands it, going to be benefiting the agricultural resource because it will eliminate ponding. Ms. Reade stated that it has been controversial as there are those that feel it should never be done but they are practicing it on vegetable farms of 10's of thousands of acres in California and she thinks that is why the NRCS is signing off. Something like the preceding practice had drainage is something that the NRCS actually doesn't allow with any of the federal programs and is only done through the state cost share and in some ways is less controversial than laser leveling is. Ms. Craft stated that the NRCS is the agency that approves these projects then it goes to the State Soil Conservation Committee. She stated that the SADC does not do a detailed analysis of every project but she needed to make sure that she understood what was being considered. It is her understanding that it is a minor changing in grade to eliminate ponding. If the Committee wants to go further and request further information before it is comfortable staff can do that. Mr. Waltman

indicated that he doesn't need further information but he wanted to ask if the NRCS has some guidance because as a member of the Deed of Easement subcommittee we should know. Ms. Reade stated they have their field office technical guide and also the Soil Conservation District will have oversight over those projects. Mr. Lofberg stated that the NRCS has the NRCS NJ Standard for precision land grading. Mr. Danser stated that he supports the application but felt the Committee should go on the record as having reviewed this and knowing that if it is within the NRCS guidelines it is fine and that is the reason that the Committee supports it.

Dr. Dey stated that there should be something in those guidelines that say how much top soil can be moved for leveling. He didn't think there was because they wanted to do that on one of his farms and the way they looked at it was he was going to have to replant half of his field in order to do what they wanted to do. If your ponding is due to an inch and one half off laser level he could see that but what if it is due to eight inches of laser level? He didn't there were any set rules.

Mr. Schilling stated that at this point we don't have standards either, we are deferring to the professional opinion of a federal agency that has the technical expertise to make those decisions. He stated that he felt comfortable with that.

Mr. Lofberg stated that staff recommendation is to approve the requests as presented and discussed. Mr. Schilling stated he would need to recuse from any discussion/action pertaining to the second request under Ocean County for Hisham Moharram. He stated that there is a former employee at Rutgers University and there are legal issues.

PRIORITY # 1

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2010R9(3) granting approval to a soil and water conservation cost share grant for the following landowners as presented and discussed, subject to the availability of funds, and subject to any other conditions of said resolutions:

MONMOUTH COUNTY

1. Christopher Sullivan and Carol Silsbe (Resolution FY2010R9(3))
SADC #13-0288-PG
Manalapan Township, Monmouth County
Cost Share Grant Amount: \$4,592.50 (Obligation # 1)

The motion was unanimously approved. (A copy of Resolution FY2010R9(3) is attached to and is a part of these minutes.)

OCEAN COUNTY

1. Hisham Moharram (Resolution FY2010R9(4))
SADC # 15-0031-EP
Plumsted Township, Ocean County, 54.059 Acres
Cost Share Grant Amount: \$18,536.80

The motion was approved. (Mr. Schilling recused himself from the vote, Mr. Waltman abstained.) (A copy of Resolution FY2010R9(4) is attached to and is a part of these minutes.)

G. Requests for Final Approval – County Planning Incentive Grant Program

Ms. Winzinger stated there are a number of county Planning Incentive Grant applications requesting final approval before the Committee. She reviewed each request with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Waltman to approve Resolution FY2010R9(5) through Resolution FY2010R9(11) granting final approval to the following landowners as presented and discussed, subject to any conditions of said resolutions and subject to conditions placed on the Hoynes and Wattles 1 farms as discussed:

1. John Vermeulen and Son (Resolution FY2010R9(5))
Block 88, Lots 4 and 5; Block 13.01, Lot 3; Branchburg Township, Somerset County, 55 Net Acres
State cost share of \$11,760.00 per acre for 56.65 Acres (includes a 3% buffer) (60% of the certified market value and 60% of the purchase price) for a total grant of approximately \$666,204.00, subject to any conditions of said Resolution, and that the SADC grant will be funded using \$666,204.00 of the County's base grant funds and that no competitive funding will be needed for this cost share grant.
2. Richard Hoynes (Resolution FY2010R9(6))
Block 62, Lot 4, Bedminster Township, Somerset County, 53 Net Acres
State cost share of \$16,200.00 per acre (60% of the certified market value and 60% of the purchase price) for a total grant of approximately \$884,358.00, subject to any conditions of said Resolution, and that the SADC grant will be funded using \$884,358.00 of the County's base grant funds and that no competitive funding will be needed for this cost share grant. **Granting of final approval is conditioned upon SADC staff completing an internal authorization reflecting a severable exception around the preexisting septic system as discussed below.**

Ms. Winzinger stated that there is a five acre nonseverable exception associated with the property and a pre-existing septic system easement to the benefit of Block 52.01, Lot 3, the acreage which will be delineated on the survey and deducted from the SADC's cost share on the easement. Ms. Craft asked if the idea of a severable exception has been explored with the landowner for that portion of land. Ms. Winzinger stated that it was discussed but that staff could reach out to them again to be sure. Mr. Hoynes was in attendance and he stated he didn't think it was necessary to take a severable exception. Mr. Siegel asked if the owner of the septic system wanted to expand at some point the easement would control that. Ms. Winzinger stated that it couldn't move outside the boundary of where it is going to be surveyed for closing. Mr. Hoynes asked if he were to put a severable exception around the septic system instead of including it, is there any difference, other than he could now sell it to the adjacent landowner? Ms. Winzinger stated that would be the difference, that he could sell it but we would not be paying him for it. She stated that staff could take care of this with an internal amendment so that it would not have to come back to the Committee. Mr. Hoynes asked that staff do that. Ms. Craft stated that staff can achieve those types of minor amendments internally without coming back to the Committee. Mr. Waltman stated that it would be good for the Committee to be on record authorizing staff to complete the amendment. Ms. Winzinger stated that the internal amendment could reflect that the Committee discussed this and was in agreement with it. She stated that staff will put an imaginary exception around where the septic system is located preliminarily, and when the final survey is completed it will be perfected to determine exactly how many acres to deduct out of the payment and reflected in the deed of easement.

3. Madelyn Belliveau/ Maple Lane Farm (Resolution FY2010R9(7))
Block 202, Lot 20, Hillsborough Township, Somerset County, 57.371
Acres
State cost share of \$11,700.00 per acre (60% of the certified market value and 60% of the purchase price) for a total grant of approximately \$671,240.70, subject to any conditions of said Resolution, and that the SADC grant will be funded using \$449,438.00 from the base grant and \$221,802.70 from the competitive grant fund for a total of \$671,240.70
4. Warren County/Gurdon Wattles # 1 (Resolution FY2010R9(8))
Block 1506, Lots 2.01, 7 and p/o Lot 2, Mansfield Township, Warren
County, 112.192 Acres
State cost share of \$6,540.00 per acre (58.92% of the certified market value) for a total grant of approximately \$773,735.68, subject to any conditions of said Resolution, and that the SADC grant will be funded using \$773,735.68 of the County's base grant funds and that no competitive funding will be needed for this cost share grant. **Granting of**

final approval is conditioned upon the removal of the third “Be It Further Resolved” on page 4 of said draft Resolution, stating the following: “SADC’s approval is conditioned on determination of what provisions may be needed in association with the design, maintenance and management of the adjacent open space area” being removed from said draft Resolution.”

Ms. Winzinger stated that when this resolution was prepared Warren County had not purchased the farm as yet. Since that time, all of the land on both Wattles 1 and 2 has been purchased in fee simple. The county purchased these properties for a fee simple price slightly less than the certified before value. There are two adjustments on both of the farms (Wattles 1 and 2) to reflect this. Ms. Reade asked what were the plans for the conservation acreage portion. Ms. Winzinger stated that this was discussed during the certification of this farm. The Audubon Society will be using the existing single family residence on site as a stewardship center with a staff of four to five people, parking for six to seven cars and access limited to the public except for education programs two to four times a year and the Audubon property is proposed to be maintained in wild grasses and available for passive public recreation. It will be restricted from any development unrelated to open space, including any residential development aside from the existing/proposed caretaker apartment over the garage. The Audubon property will be accessible by way of a twenty-five foot wide driveway easement across the Wattles 1 farm. Certification of an easement value was conditioned upon the Audubon access easement across the property being restricted from any future development unrelated to the stated Audubon Society’s use of the adjacent open space. She stated that as far as the access for the Green Acres parcel, because they are also purchasing a contiguous property, they are not looking for access through the farm. Ms. Murphy stated for clarification that Warren County closed on the farmland portion and Green Acres closed on the Green Acres portion and the Audubon Society closed on their portion so everyone owns what they are going to own.

Ms. Craft stated that the issue that Mr. Resker raised during public comment about the provision in the resolution is that in both resolutions? Ms. Winzinger indicated that it was just included in Wattles 1 because there is an adjacent property that was not Green Acres owned. It is going to be owned, or is owned by the nonprofit. Ms. Craft asked if it was funded by Green Acres now? Ms. Murphy stated that it is funded by Green Acres and there are green acres restrictions on the Audubon Society land. Mr. Waltman asked what was the status of that discussion and is the provision still in there? Ms. Winzinger stated that the provision is in the resolution and what Mr. Resker addressed is on the last page of the resolution. This is a similar provision that was included in another application and staff was instructed to include this language in any application where there is an adjacent open space or trail area that the SADC may want to consider at a later date. She stated that it reads as follows: “Be It Further Resolved, SADC’s approval is conditioned on determination of what provisions may be needed in association with the

design, maintenance and management of the adjacent open space area". This language was taken from another farm with a trail area in Monmouth County. It was placed in the resolution because the Audubon Society property is adjacent to the farm and would provide the SADC the opportunity to revisit the issue prior to closing. Ms. Winzinger stated that she feels that staff has done all the due diligence. Ms. Murphy stated that there is a conservation restriction on the property and it is subject to Green Acres regulations. Ms. Craft asked if the Audubon Society property is on the county's Recreation and Open Space Inventory (ROSI). Ms. Murphy stated that only lands owned by the county go on its ROSI and the county doesn't own the Audubon Society parcel. Since the Audubon Society owns the property the county doesn't have any authority and it is not responsible for security of Green Acres restrictions, the Audubon Society is. Ms. Winzinger stated that staff can remove the provision if that is the Committee's desire. Mr. Waltman suggested removing the provision.

5. Warren County/Gurdon Wattles # 2 (Resolution FY2010R9(9))
Block 1505, Lot 1.01 and Block 1506, p/o Lots 6.01, 6.03 and 8,
Mansfield Township, Warren County, 97.677 Acres
State cost share of \$6,639.23 per acre (53.54% of the certified market value) for a total grant of approximately \$648,500.07, subject to any conditions of said Resolution, and that the SADC grant will be funded using \$648,500.07 of the County's base grant funds and that no competitive funding will be needed for this cost share grant.

Ms. Murphy stated she wanted to commend the county for all the hard work in putting this project together. It is much easier to deal with one program and one group but she thinks they found a way to deal with all of the different entities.

6. Frank Demeter # 1 (Resolution FY2010R9(10))
Block 13, Lot 30, White Township, Warren County, 77.31 Acres
State cost share of \$4,900.00 per acre (61.25% of the certified market value and 61.25% of the purchase price) for a total grant of approximately \$390,187.00, subject to any conditions of said Resolution, and that the SADC grant will be funded using \$13,669.25 from the base grant and \$376,517.75 from the competitive grant fund.
7. Richard J. Motyka (Resolution FY2010R9(11))
Block 1100, Lot 301, Hope Township, Warren County, 39.6 Acres
State cost share of \$3,100.00 per acre (68.89% of the certified market value and 62% of the purchase price) for a total grant of approximately \$126,442.80, subject to any conditions of said Resolution, and that the SADC grant will be funded using \$126,442.80 in competitive funds.

The motion was unanimously approved. (A copy of Resolution FY2010R9(5) through Resolution FY2010R9(11) is attached to and is a part of these minutes.)

H. Request for Final Approval - Emergency Easement Acquisition Request - 2004 County Easement Purchase Program

1. Kuehm Farm, Wayne Township, Passaic County

Ms. Winzinger referred the Committee to Resolution FY2010R9(12). She stated that the SADC received an application in 2004 as an emergency application for a 27 acre farm that was owned by two different family members. The SADC agreed that the farm was in eminent danger of being developed. Therefore a grant in the amount of \$4,250,000.00 was allocated for the project with \$475,000.00 of ancillary costs. At the time George and Irene Kuehm, who owned Block 3404, Lots 44, 45 and 46 (Parcel B), were leasing parcel A, known as Block 3404, Lot 48 totaling 14.935 acres, which was owned by the Estate of Paul and Clara Kuehm. George and Irene Kuehm wished to purchase Parcel A but the Estate of Paul and Clara Kuehm was actively marketing this parcel for development. She stated that the county stepped in and purchased Parcel "A" directly in fee simple. SADC staff met with both Passaic County and George and Irene Kuehm and mutually agreed to consider Parcel A and B as separate applications. The SADC gave authorization to accept an updated county easement purchase application from Passaic County for Parcel A and to accept a State Direct Easement Purchase application from George and Irene Kuehm for Parcel B. She stated that the Committee gave approval to allocate \$1.2 million from the prior emergency appropriation to provide a cost share grant to Passaic County for the purchase of a development easement on Parcel A.

Ms. Winzinger stated that the SADC did make an offer to purchase a development easement on Parcel B but the landowner rejected the offer. She stated that the application that the Committee is considering today is just the one piece owned by Passaic County (Parcel A). She stated that the certification of value was conditioned upon receiving confirmation from the NJ DEP that a plume shown on a DEP map as emanating from a nearby contaminated site and overlaying the property did not impact the development potential or agricultural viability of the property. She stated that the NJ DEP reviewed it and staff confirmed with the SADC and the county that the plume did not affect the development potential or the agricultural viability of the property. She stated that the county did purchase the farm for a lower fee value than the certified before value so the easement value is adjusted for this property. Therefore the adjusted per acre easement value is \$171,854.70 per acre (\$181,854.70 purchase price minus \$10,000 "after" value). She stated that staff recommendation is to grant approval to the application as an emergency application in the 2004 County Easement Purchase Round.

It was moved by Mr. Danser and seconded by Dr. Dey to approve Resolution FY2010R9(12) granting final approval to the Passaic County/former Kuehm application

as an emergency application in the 2004 County Easement Purchase Round and that the SADC approves a cost share grant for this property for \$63,435.47 per acre or a total of approximately \$947,408.74, subject to any conditions of said Resolution. The motion was approved. (Mr. Siegel abstained.) (A copy of Resolution FY2010R9(12) is attached to and is a part of these minutes.)

Mr. Riemersma, Passaic County Planning Department addressed the Committee. He stated that this has been a very long process. However, the Passaic County Board of Chosen Freeholders and the CADB are all very happy and excited about the results of this preservation. He stated that they were very disappointed about the remaining Kuehm acreage, which is still very much up in the air but the County is looking forward to moving ahead with other projects throughout the county.

I. Request for Amended Final Approval - 2009 County Easement Purchase Program

1. Goldsborough Farm, Greenwich Township, Cumberland County

Ms. Winzinger referred the Committee to Resolution FY2010R9(13), which is a request to amend final approval that the Committee previously approved in June 2008. She stated that William and Margaret Goldsborough, owners of Block 9, Lot 1 in Greenwich Township, Cumberland County are requesting to remove the one acre severable exception from the application based upon a determination by them and their professionals that the area proposed for the exception was not a viable building site. She stated that the two independent appraisers who originally appraised the property were requested to consider the impact of removing the exception. She stated that at its July meeting the Committee amended its easement value due to the decrease in the certified after value from \$4,300 per acre to \$4,200 per acre, resulting in an increased easement value of \$5,300 per acre from \$5,200 per acre. Staff recommendation is to grant approval to the amendment request to remove the one-acre severable exception and to approve the additional one acre for a total of 22 acres.

It was moved by Mr. Danser and seconded by Dr. Dey to approve Resolution FY2010R9(13) amending its previous final approval to reflect a request by William and Margaret Goldsborough, owners of Block 9, Lot 1, in Greenwich Township, Cumberland County to remove the one acre severable exception on Block 9, Lot 1, therefore increasing the acreage of the Premises from approximately 21 to 22 acres and to provide a cost share grant to Cumberland County for the purchase of a development easement at a State cost share of \$3,550.00 per acre for a total of \$78,100.00, which is 66.98% of the certified market value and purchase price. The motion was unanimously approved. (A copy of Resolution FY2010R9(13) is attached to and is a part of these minutes.)

J. Request for Final Approval - FY 2010 County Planning Incentive Grant Program: Application Including Comprehensive Farmland Preservation Plan and Project Area Summaries

1. Somerset County

Mr. Bruder referred the Committee to Resolution FY2010R9(14) for a request for final approval of Somerset County's Planning Incentive Grant Application including its comprehensive farmland preservation plan and project area summaries. Mr. Bruder reviewed the specifics of this request with the Committee and stated that staff recommendation is to grant final approval as presented and discussed.

It was moved by Dr. Dey and seconded by Mr. Waltman to approve Resolution FY2010R9(14) granting final approval of Somerset County's Planning Incentive Grant Application including its comprehensive farmland preservation plan and project area summaries, as presented and discussed, subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2010R9(14) is attached to and is a part of these minutes.)

K. Request for Final Approval - FY 2009 Municipal Planning Incentive Grant Program: Applications Including Comprehensive Farmland Preservation Plans and Project Area Summaries

1. Manalapan Township, Monmouth County
2. Hope Township, Warren County

Mr. Brill referred the Committee to Resolution FY2010R9(15) for a request for final approval of the Manalapan Township, Monmouth County and Hope Township, Warren County Planning Incentive Grant Program Applications including comprehensive farmland preservation plans and project area summaries. Mr. Brill reviewed the specifics of each request with the Committee and stated that staff recommendation is to grant final approval as presented and discussed.

It was moved by Dr. Dey and seconded by Mr. Germano to approve Resolution FY2010R9(15) granting final approval of Manalapan Township, Monmouth County and Hope Township, Warren County Planning Incentive Grant Applications including the comprehensive farmland preservation plans and project area summaries, as presented and discussed, subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2010R9(15) is attached to and is a part of these minutes.)

L. Request for Final Approval - Nonprofit Grant Program

1. The Land Conservancy of New Jersey/R. Santini, Franklin Township, Warren County (2008 Round)

Mr. Knox referred the Committee to Resolution FY2010R9(16) for a request for final approval for The Land Conservancy of New Jersey/Robert Santini Farm, known at Block 34, Lot 10, in Franklin Township, Warren County, comprising 85 acres. Mr. Knox reviewed the specifics with the Committee. He stated that as a condition of Warren County providing funding for this project, the County would like an assignment of the Deed of Easement and monitoring responsibilities from The Land Conservancy of New Jersey to Warren County. He stated that staff recommendation is to grant final approval as presented and discussed.

It was moved by Mr. Germano and seconded by Mr. Siegel to approve Resolution FY2010R9(16) granting final approval to The Land Conservancy of New Jersey/Robert Santini Farm, Block 34, Lot 10, Franklin Township, Warren County, 85 acres, providing a cost share grant not to exceed \$2,500.00 per acre (total of approximately \$212,500.00 based on 85 acres) and that 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, and subject to any other conditions of said resolution. The motion was unanimously approved. (A copy of Resolution FY2010R7(16) is attached to and is a part of these minutes.)

2. The Land Conservancy of New Jersey/Bain Farm, Frankford Township, Sussex County (2009 Round)

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

Mr. Knox referred the Committee to Resolution FY2010R9(17) for a request for final approval for The Land Conservancy of New Jersey/Bain Farm, located in Frankford Township, Sussex County, comprising 123 Acres. He reviewed the specifics with the Committee. He stated that The Land Conservancy of NJ (TLCNJ) is requesting that the SADC utilize federal funds for this project to offset the funds it must raise for this acquisition. He stated that this would include a two (2) percent impervious coverage restriction (approximately 2.5 acres) He stated that the TLCNJ has indicated that due to the inability of local funding sources to provide 50% of the fee simple purchase price it would like the SADC to pass through the entire federal grant of \$307,500.00. As a condition of Sussex County providing funding for the project it will hold the deed of easement. He stated that staff recommendation is to grant final approval as presented and discussed.

It was moved by Mr. Danser and seconded by Mr. Siegel to approve Resolution FY2010R9(17) granting a request for final approval to The Land Conservancy of New Jersey/Bain Farm, Block 26, Lots 14, 16 and 20.01, Frankford Township, Sussex County, 123 Acres, providing a cost share grant of \$4,065.00 per acre (capped at \$500,000.00) for the fee simple acquisition, subject to the conveyance of a deed of easement from The Land Conservancy of New Jersey to Sussex County, approving the use of Federal Farm and Ranch Lands Protection Program 2008 Round funds in the amount of \$2,500.00 per acre (\$307,500.00 based on 123 acres) as a pass through to the Land Conservancy of New Jersey, which will include an impervious coverage limitation of two (2) percent and other restrictions required under the Federal Farm and Ranch Lands Protection Program, and subject to any other conditions of said Resolution. The motion was approved. (Ms. Brodhecker recused herself from the vote.) (A copy of Resolution FY2010R9(17) is attached to and is a part of these minutes.)

3. Upper Raritan Watershed Association/Murphy Farm, Bedminster Township, Somerset County (2009 Round)

Mr. Knox referred the Committee to Resolution FY2010R9(18) for a request for final approval of the Upper Raritan Watershed Association/Murphy Farm, known as Block 9, Lots 8, 9, 10 and 10.01, located in Bedminster Township, Somerset County, comprising 86 acres. He reviewed the specifics with the Committee. He stated that the SADC's grant for this project is capped at \$825,000.00. He stated that there are additional funding sources for this acquisition which will come from the NJ Conservation Foundation (NJCF), Somerset County and Bedminster Township and that the property was included on the NJ Conservation Foundation's Federal United States Department of Agriculture, Natural Resources Conservation Service Federal Farm and Ranch Lands Protection Program Grant application as a targeted farm and that the NJCF has agreed to allow the Upper Raritan Watershed Association (URWA) to use these funds to cover a portion of its matching funding. The additional restrictions for federal funding will include a three (3) percent impervious coverage restriction (approximately 2.6 acres). As a condition of Somerset County providing funding it would like an assignment of the deed of easement and monitoring responsibilities from URWA to the County. He stated that there is also a nine (9) acre nonseverable exception area around four (4) existing single family homes and four (4) apartments. He stated that staff recommendation is to grant final approval as presented and discussed.

It was moved by Mr. Germano and seconded by Mr. Waltman to approve Resolution FY2010R9(18) granting a request for final approval to the Upper Raritan Watershed Association/Murphy Farm, Block 9, Lots 8, 9, 10 and 10.01, Bedminster Township, Somerset County, 86 Acres, providing a cost share grant of \$9,593.00 per acre (25.58% of the certified value and 22.05% of the purchase price), subject to the conveyance of a deed of easement and monitoring responsibilities from the Upper Raritan Watershed Association to Somerset County, approving the use of New Jersey Conservation

Foundation Federal Farm and Ranch Lands Protection Program 2008 Round funds, which will include an impervious coverage limitation of three (3) percent and other restrictions required under the Federal Farm and Ranch Lands Protection Program, and subject to any other conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2010R9(18) is attached to and is a part of these minutes.)

M. Request for Preliminary Approval - Nonprofit Grant Program - 2007 Round

1. Hunterdon Land Trust Alliance/Stamets Farm, Holland Township, Hunterdon County

Mr. Knox referred the Committee to Resolution FY2010R9(19) for a request for preliminary approval for the Hunterdon Land Trust Alliance/Stamets farm, known as Block 25, Lot 60, located in Holland Township, Hunterdon County, comprising 188 acres. He stated that the Hunterdon Land Trust Alliance (HLTA) is requesting a five (5) acre severable exception to be attached to the adjacent Lot 97 in Block 25, which is not owned by the owner of Lot 60. The combined lot shall be limited to one single family residence. This is in addition to a two-acre non severable exception around an existing dwelling. He stated that staff recommendation is to grant preliminary approval. He stated that there will be a condition that the combination of the one lot and the piece that will be added to it cannot have more than one residence, including the existing residence.

It was moved by Dr. Dey and seconded by Ms. Brodhecker to approve Resolution FY2010R9(19) granting preliminary approval to the Hunterdon Land Trust Alliance/Stamets Farm, Block 25, Lot 60, Holland Township, Hunterdon County, 188 Acres as presented and discussed, subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2010R9(19) is attached to and is a part of these minutes.)

N. Request for Final Approval - Direct Easement Purchase Program

1. Dubois Farm, Pittsgrove/Upper Pittsgrove Townships, Salem County

Note: Chairman Fisher recused himself from any discussion/action pertaining this agenda item to avoid the appearance of a conflict of interest. Mr. Dubois is a current member of the New Jersey State Board of Agriculture, to whom Chairman Fisher reports in his capacity as Secretary of Agriculture.

Mr. Knox referred the Committee to Resolution FY2010R9(20) for a request for final approval of the Henry and Steven Dubois Farm, known as Block 81, Lot 8 in Upper Pittsgrove Township and Block 1301, Lot 4 in Pittsgrove Township, Salem County, comprising approximately 97 acres. He reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Dr. Dey and seconded by Ms. Murphy to approve Resolution FY2010R9(22) granting final approval to the Henry and Steven Dubois Farm, Block 81, Lot 8, Upper Pittsgrove Township, Salem County and Block 1301, Lot 4, Pittsgrove Township, Salem County, 97 Acres, at a value of \$7,000.00 per acre for approximately \$679,000.00 based on 97 acres, as presented and discussed, subject to the conditions contained in Schedule B, and subject to any other conditions of said Resolution. The motion was approved. (Chairman Fisher recused himself from the vote.) (A copy of Resolution FY2010R9(20) is attached to and is a part of these minutes.)

2. Nitshe Farm, Upper Pittsgrove Township, Salem County

Mr. Knox referred the Committee to Resolution FY2010R9(21) for a request for final approval on the Hanna Kaithern (Nitshe) Farm, known as Block 40, Lot 15 and Block 48, Lot 12, in Upper Pittsgrove Township, Salem County, comprising approximately 145 net acres. Ms. Kaithern is the Executor/owner of the property. He stated that there are three existing single family residences, two of which will be contained within two separate severable exceptions areas, each restricted to one single family residence. He stated that staff recommendation is to grant final approval.

It was moved by Dr. Dey and seconded by Mr. Germano to approve Resolution FY2010R9(21) granting final approval to the Hannah Kaithern (Nitshe) Farm, Block 40, Lot 15 and Block 48, Lot 12, Upper Pittsgrove Township, Salem County, 145 Net Acres, at a value of \$5,100.00 per acre for approximately \$739,500.00 based on 145 acres, as presented and discussed, subject to the conditions contained in Schedule B, and subject to any other conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2010R9(21) is attached to and is a part of these minutes.)

O. Farmland Stewardship

- 1. Request to Replace a Single Family Residence**
- 2. Request for Agricultural Labor Housing**

Taffet Farm (Former Heil Farm), Alloway Township, Salem County

Mr. Roohr referred the Committee to Resolution FY2010R9(22) for a request by Dr. Robert Taffet, owner of Block 26, Lots 2 and 3 and Block 27, Lot 13, in Alloway Township, Salem County, comprising 143.11 acres to replace the single family residence on the premises. He stated that Dr. Taffet could not attend the meeting in person today since he has injured his foot but is present via telephone conferencing should the Committee have any questions for him. He stated that his brother David Taffet is in the audience as well. He stated that the owner has begun to renovate the land and buildings to accommodate a meat goat production operation. The owner had the former single family residence evaluated by an engineer and it was determined that the previous water/mold damage and vandalism along with its extremely close proximity to Commissioners Pike made restoration of the residence unfeasible for safe and healthy

living conditions. He stated that the residence has been taken down. He stated that Dr. Taffet will reside in the new residence along with his family. His brother David would reside in the new residence full time, and would be employed as the farm manager. The proposed new house will be built approximately seventy-five (75) feet north of the footprint of the existing house and will utilize the existing farm land as the driveway. The owner proposes to build a new single family residence of approximately 3,400 square feet of heated living space replacing the original farmhouse that was approximately 2,800 square feet. Dr. Taffet is also asking for the construction of a 400 square foot temporary agricultural labor unit as they believe they need someone on site to management the property before they can bring the animals on to the site.

Mr. Roohr stated that regarding the second request for agricultural labor housing, the owner proposes to construct a single room 20 feet by 20 feet, 400 square foot unit. The area proposed was selected for the best visual overview of the property and is located in the current building envelope. David Taffet is currently managing the renovations as well as the general paperwork and permits for the redevelopment of the site. The Taffets believe it is necessary to have an on-site manager to accomplish safe, healthy breeding. It is also a rural area so there are predator issues as well. The reason for the temporary agricultural labor unit is because once the new house is completed David Taffet will move into the new residence and the temporary agricultural labor unit will be used as an office/veterinary facility for the animals being raised on the property. Staff has reviewed the request and finds that it is a reasonable and appropriate request to construct the agricultural labor unit. The Resolution calls for the agricultural labor unit to be occupied as an agricultural labor unit for twelve (12) months from the date of approval and the Taffets believe that the new residence will be completed within a year. The Resolution also gives them the opportunity to come back to the Committee and request an extension, if for some reason the new house is not completed.

Mr. Roohr stated that there is a paragraph in the deed of easement that speaks to agricultural labor units and it states that the owner cannot live in an agricultural labor unit, nor can the owner's parents, children, lineal dependents, etc. SADC Chief of Legal Affairs, Brian Smith confirmed that the family tree goes up and down but it doesn't prevent sideways so to speak so that a brother, nephew, etc would be able to live in the agricultural labor unit.

Ms. Reade commented on the necessity for the agricultural labor unit. She stated that she is looking at twelve (12) boer goats and her thought is that the owner is going to have trouble making the qualifications for farmland assessment on that income if they are sending the goats to auction and getting only \$70 per goat. Even if they go to 150 goats you are only talking 30 animal units so the stocking density is interesting and the projected revenues from 150 goats is something like \$7,000.00 or \$8,000.00 dollars on a 142 acre farm. She is trying to understand from a business perspective and asked if some of the other land still being leased to neighbors, are there other plans for the farm besides

the goats, because on the strength of the goats alone you don't even return the capital for the Sheppard's pot, let alone the elaborate fencing and everything else that is proposed.

Ms. Reade stated that if you consider the 67 acres where the goat production is concentrated and if you stock at 1 animal unit per acre a goat is a fifth of an animal unit so even with a herd of 150 goats, some of which will be kids, she didn't feel you needed more than 30 acres for that so if you have only 12 goats you only need say 2 ½ acres. She is looking to justify the need for agricultural labor housing in a township that already has a lot of other sheppards in the town. She stated that this sounds like a hobby business.

Mr. Schilling stated that the question in his mind is that a 20 by 20 structure is temporary and does it have a longer term use for agricultural production. Ms. Reade stated that from the standpoint of what do you need to live comfortably on a farm, she has no problem with putting up a 20 foot by 20 foot structure, but what she is questioning is whether there is an agricultural justification for it.

Dr. Taffet stated that he was having some trouble hearing the question by the Committee. His brother David Taffet addressed the Committee. He stated that they have plans to increase the goat herd beyond the 150 count and that the 150 goats would be the breeding stock. The remaining two fields in the upper part of the picture have crops and possibly pasture. They anticipated using dogs to assist in herding the animals and for protection.

Chairman Fisher indicated that it does not sound like a hobby farm and that the owners intend to breed stock and then extend it into a much larger operation. Ms. Murphy stated she personally does not feel comfortable with the use of the word veterinarian in relation to the office use. She stated that to avoid potential deed of easement violations she would be more comfortable with classifying the structure as a care facility for the on-site care of the animals.

Mr. Roohr stated that you can call it something other than veterinary facility but staff wanted to give the Committee the sense of, instead of utilizing an old barn for birthing or for medical procedures the Taffets will be using a newer more modern facility to take care of the necessary medical procedures, but it is not a veterinary office. Ms. Murphy stated that is what she wanted to clarify. She stated that the second issue is in terms of the dog breeding. She stated that there have been dog breeding questions in the past and she would like to clarify and make sure that this is for an agricultural purpose; otherwise it is a violation of the deed of easement. She wanted to be clear so there are no questions in the future. Ms. Craft suggested calling the facility office/live stock care facility. It was the consensus of the Committee to change the wording of the facility to office/live stock care facility.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution

FY2010R9(22) granting a request by Dr. Robert Taffet, owner of Block 26, Lots 2 and 3, and Block 27, Lot 13, Alloway Township, Salem County, 143.11 acres, to construct a single family residence, consisting of approximately 3,400 square feet of heated living space, in the location shown in Schedule "A" of said Resolution, to replace the single family residence existing on the Premises, as presented and discussed, and that the Owner may construct up to 1,000 square feet of building footprint for ancillary structures such as porches, decks and garages. This approval is valid for a period of three years from the date of said Resolution. The Committee also approved Resolution FY2010R9(23) granting a request by Dr. Taffet to construct an approximately 400 square foot agricultural labor unit, in the location as shown on Schedule "A", to house the farm manager, as presented and discussed, conditioned upon the wording in said Resolution being changed from "office/veterinary care facility to "office/livestock care facility". The motion was unanimously approved. (A copy of Resolution FY2010R9(22) and FY2010R9(23) is attached to and is a part of these minutes.)

3. Storm water Management on Preserved Farms - Discussion

Mr. Roohr stated that there are two farms presented to the SADC, both in Tewksbury Township, Hunterdon County and both preserved by the Emmet family but the properties have changed ownership with Mrs. Emmet owning one and the other being owned by John and Dana Tourville. He stated that both requests are for the SADC to review site plans that involve the construction of homes and agricultural buildings on currently undeveloped preserved farms. In each case the township engineer is requiring that the SADC determine that the proposed construction of the structure is permitted according to the deed of easement. Both development proposals are subject to the New Jersey Department of Environmental Protection Storm Water Management Rules. He stated that Mrs. Emmet is here today along with her engineer Jim Madsen and also Mrs. Tourville is present with her engineer Bob Morris.

Mr. Roohr stated that in each case the owners want to put a house and a barn on the property along with a driveway. He reviewed each proposed project with the Committee. He stated that each will require either dry wells and/or retention basins to capture runoff. He stated that the Tewksbury Township engineer looked at the plans and advised both landowners that he would require a letter from the SADC stating that the structures that are going on the preserved portions of the farms are acceptable to the SADC. He stated that for the Emmet project he spoke with the engineers and they said it would not be a problem to move the driveway back more towards the wood line, to minimize the orphaning of a part of the property and they said it would not be a problem to move one of the drywells located on preserved part of the farm to be located on the "exception" area. He stated that you still have the water retention basin on the preserved farm. It catches the water from the driveway and also the upper area of the farm fields.

Mr. Roohr stated that on the Tourville project, which is a smaller farm than the Emmet

property (Emmet approximately 30 acres, Tourville approximately 14 acres both having a three acre exception area). The retention basin, which would be located on the preserved farm, would capture the storm water from the barn and then another retention basin also to be located on the preserved farm would capture the storm water from the house and also an area north of the barn. The basins were sited at locations where the water naturally flows.

Mr. Roohr reviewed the specifics of each request along with pictures of each property and where the proposed drywells and basins would be placed with the Committee. Frank Minch from the Department of Agriculture, Division of Agriculture and Natural Resources (State Soil Conservation Committee) addressed the Committee. He stated that the storm water rule requirements would dictate that they need to address and change the position of impervious cover and would have to provide some control for the two, ten and 100 year storm effects. In the Emmet case they have two sets of drywells, which look to be of a size that could handle the 100 year storm. The basins, not seeing all the drainage area calculations appear to be of a size just to handle the driveway. The storm water rules would be able to address some degree of runoff. He stated that the NJDEP prefers to lean toward nonstructural means whenever possible, either swales or infiltration or some other cover, to disconnect some of the impervious cover to break it up a little bit more.

Ms. Craft stated that she is trying to understand this from a staff level. She felt that everyone intuitively understands that when you create an impervious coverage surface you are going to have a change in hydrology and storm water runoff that is associated with it. She stated that beyond that do the storm water rules require that in order to get permits to do this do you also have to address the overall storm water coming off the property in predevelopment conditions and reuse it? Mr. Minch responded that you have to address the runoff caused by the area that you are going to disturb. He stated that the rules report runoff as attributable to the portion of the site on which the proposed development or project is being constructed. He stated that reduction is the more simple way of addressing this. Dr. Dey stated that his understanding of the storm water rules 1 and 2 is that as long as there is no more runoff off of whatever size you have that you are working on you would be fine. Mr. Minch indicated that at one time you could do a pre and post development match. Now with the variety of rules that are in effect, you have to reduce fifty percent of the two-year storm volume and 75-80% of the 100-year storm volume.

Dr. Dey asked if there was a different set of rules for agriculture than for the rest of storm water cases. He stated that the Department has been trying to work with the NJDEP on modifying their definitions of agricultural development. Mr. Waltman felt that was the key that there is a trigger threshold if you are disturbing more than one acre or adding more than a quarter acre of impervious cover, then the storm water rules apply to you. He stated that if you look at both of the project requests, NRCS has best management

practices that would take care of all the excess water from their impervious cover. Mr. Minch stated that as a note, this is in the Highlands Planning Area so the rules in the Preservation Area wouldn't necessarily apply to this. The new impervious cover trigger requires you to obtain a conservation plan or if there is greater than nine percent impervious cover a Resource Management Systems Plan which is a higher level farm conservation plan.

Monique Purcell, Executive Director of the Division of Agriculture and Natural Resources stated that there is a different trigger for development on agricultural land. The Department has been working with the NJ DEP to try and meet the requirements of storm water regulations through development and implementation of a farm conservation plan so we can work towards nonstructural methods. Ms. Reade stated that when you look at this and you have a half an acre of basins on what looks about ten acres of tillable ground it is not a good location for the basin. She asked what other alternatives would there be under the current regulations in place of a basin. Ms. Purcell stated that under the current regulations there aren't any. That is why the Department is working to try and come up with a different way to get to the goals of that regulation by using a farm conservation plan. Mr. Minch stated that there are alternatives but you are going to run into cases somewhere along the line where you'll have a basin. He stated that in his discussions with Ms. Blick from the NJ DEP, if you could break up some of the drainage of the driveway since it is a gravel driveway, the basin is only serving the driveway, unless there is some other requirement in Tewksbury Township, which is also something to factor in. Municipalities have to adopt storm water ordinances as part of the rule. In the discussion with Ms. Blick, they are allowing these towns to be more stringent than the DEP regulations.

Jim Madsen, engineer for Mrs. Emmet addressed the Committee. He stated that he did the basin design as it is shown. He stated that the storm water runoff that it is capturing is from the driveway as well as the upsloped disturbed area. They also have to deal with the change in ground cover with an increase of runoff as well as some lawn area being captured. He stated that it is also capturing the courtyard areas between the barn and the main house. He stated that the runoff from the house and the barn are all being diverted to the drywells that are proposed. The drainage with the ground conditions are such that the drainage is more than sufficient to drain the property. The basin is as large as it is to handle all farming in that area. They had flattened slopes to maintain active agricultural use of that area. He stated that they can reduce the size of the basin but it results in a deeper basin. The agricultural use presently is in hay. Mr. Madsen stated that there is a section of the basin near the road where it is steeper and that is the embankment that is predicted to retain the water. That would be the only area that couldn't be maintained as an agricultural field. Mr. Madsen stated that during the 100 year event the maximum water surface would be approximately three and one half to four feet deep. Over the course of the day there would be no water as it drains out of the basin. Mr. Siegel asked that if the basin gets built would we be cutting off any form of agricultural viability on

that acre. Mr. Danser stated that you would not be able to grow strawberries or any other kind of vegetables in the middle of it. Mr. Siegel stated that you would then be limiting the agricultural use of that particular site where the basin would be located. Ms. Murphy stated that in her conversation with Ms. Blick she specifically asked whether these structures were compatible with agricultural production and Ms. Blick indicated that generally they are not compatible. Mr. Madsen indicated that it depended on how they were designed.

Dr. Dey stated that he is aware of a preserved farm that has three berms and they are creating exactly what you are seeing in this proposal as far as being able to hold large volumes of water. He stated that when you have a rain storm, over the next 24 hours that all disappears because they are all piped into a waterway. There was a stand pipe, which releases the water. The area was plowed.

Mr. Germano stated that if the landowners are allowed to building the structures that they are building are they then required to deal with the storm water runoff that results. The answer is yes. The next question then is, is there an alternative to what they are proposing that doesn't interfere with agriculture. If there isn't then the Committee's finding to these requests to put these things in would have to be yes. Mr. Danser stated that under the same scenario what if you were talking about a septic field rather than a retention basin? It could all be permitted but if there was an alternative, the SADC would not be allowing them to place the septic field off the exception area. Mr. Germano stated that the difference is that we have a policy about locating septic systems in these areas but there is no policy in place barring storm water retention structures.

Ms. Reade stated that whatever we do here as a Committee regarding this issue may also severely impair future agricultural uses of this farm. She stated that maybe a drywell would be a superior alternative from an agricultural perspective or maybe locate it in the woods. Ms. Craft stated that the septic policy is a policy not a regulation but it came to the SADC as a question. You need to build a house on the exception and the landowner could not get per on the exception area. The Committee said under this policy that the owner would have to provide proof that they could not build within the exception and then the SADC could provide relief and allow it on the preserved farm because residential and agricultural structures are inherent to the farm. So this is a similar question being asked. She stated that the two policy questions are 1) do you allow storm water retention facilities that are needed as a result of construction in an exception, do you allow them to go on preserved farms or are there conditions for allowing them on preserved farms.

Mr. Waltman stated that you have a deed of easement with an exception area and there was a certain expectation on all parties of a house and other buildings but he assumed that everyone goes in with their eyes open and understands that whatever you do is subject to regulation by the appropriate body. He stated that there are a lot of uses that one might

want to conduct on an exception area that might be prohibited or regulated based on an interest other than waste water or storm water. He stated that we don't have a right to say that we trump other regulations that are implemented by other agencies. He stated that he feels this one is pretty tightly constrained, subject to engineers, which the Committee is not capable of determining that there is another way to address the storm water issue. Mr. Waltman stated that another part of these storm water regulations is the requirement that the permitted regulated entity attempt to the extent feasible nonstructural approaches to storm water management. He stated that the NJ DEP takes this fairly seriously, not as much as he would like them to at his organization. However, the kinds of things they look at is that you are not cutting down forests, which manages storm water better than anything that has been invented or other kinds of habitats that generally, naturally take care of storm water. He stated that the Committee doesn't have or shouldn't even contemplate the option of putting a storm water basin in the woods in either of these proposals.

Ms. Murphy stated that following that project being kept on the preserved farm, she thought that the clauses in the septic policy are very strong. The demonstrating of a feasible alternative and the demonstrating of minimal impact on the agricultural operation, dealing with the question of something that is allowed on a preserved farm, like a barn. Dr. Dey commented that is the responsibility of the NRCS. Ms. Craft stated that she didn't think that the NRCS was a part of this conversation. She asked Mr. Madsen if a farm conservation plan had been prepared for the property? Mr. Madsen responded that they have not had a conservation plan done. Ms. Craft stated that the deed of easement on the farm requires that the property owner obtain a farm conservation plan within one year of closing and that the owner's long-term management of the property be consistent with that plan. She encouraged the landowner to reach out to the NRCS to develop a plan in any case, whether storm water was an issue or not.

Ms. Craft stated that she agreed with that concept and believes that the storm water management facility that is required should go on the farm because it is required by another State agency. She stated that she is concerned that the scale of disturbance resulting from the storm water management facilities would affect the ability to farm the ground and therefore could be a violation of the deed of easement. There is a tension point that we need to be cognizant of and we don't want to send a message that you can install storm water retention basins on a preserved property without regard to the deed of easement.

Mr. Siegel commented that there are shallow basins and deeper basins. The question is what is the agriculture you are limiting. Chairman Fisher stated that the SADC should seek expert advice. Mr. Waltman stated that there may be a point where a basin of a certain size is too much within a preserved farm so we have to regulate the size.

Mrs. Emmet addressed the Committee. She stated that she has been in farming for 35 years and has placed over 700 acres into farmland preservation. She spoke to the Committee regarding how the water flows on her property.

Chairman Fisher stated that what he is hearing from the Committee is 1) it is important for the landowners to work with the NRCS regarding storm water management and 2) what impact these structures have on the agricultural use of the land. He asked if the Committee would like the NRCS to discuss this issue with the Committee? Mr. Minch stated that the NRCS does have engineers on staff and that the Committee could have one of them to speak. Mr. Danser stated that earlier on in the discussion Mr. Minch stated that there were alternatives to basins and one of the things he would like to know is what the alternatives might be and their relative cost to install.

Note: Chairman Fisher left the meeting at this point in time. Acting Chairperson Monique Purcell presided over the meeting.

Bob Morris, engineer for Mrs. Tourville addressed the Committee. He stated that you could give this to ten different engineers and they could come up with ten different solutions following the same set of regulations. However there is a point of diminishing return. The property owners are spending an enormous amount of money and time to develop these properties and they are doing it in the context of what is available to them. What we are trying to do as engineers is to stay within the regulations and also trying to do the best job that we can for the property owner. He stated that on the Tourville property there happens to be two basins. Because of the contour of the land it becomes very difficult to try to tie it into one basin. We can get it within the exception area however, the basin will grow expedientially. It would take away from the farming activity or the agricultural activity, the horse farm, which the Tourvilles are proposing.

Mr. Madsen stated when you speak of alternatives, they did look at putting swales along each side of the driveway but the swales would be 14-16 feet wide on either side and they would be approximately a foot and one half deep at its deepest point. That takes away from the agricultural use of the field area. The driveway is approximately 500 feet. Mr. Danser stated that would still be less area than the 20,000 foot basin. Mr. Morris stated that another consideration is that every property is different. Ms. Reade stated that from a farmer's perspective she would rather see the swales. Ms. Murphy stated that this issue does correlate with the farmland affordability issue. These structures and related residential structures, whether they are on exceptions or not, as they get larger there are fewer farmers that can afford these properties. She stated that she didn't believe the Committee wants these farms to become less affordable.

Mrs. Tourville addressed the Committee. She stated that she and her husband did their due diligence on this property and told the SADC what they wanted to do. They are

moving their breeding business here and what the Committee is looking at for their proposal is approximately \$200 - \$300,000.00 dollars in site work. This puts a major hardship on her and husband. Every month she is continuing to pay out money for lawyers, engineers and all they want to do is put their horses on the property and continue their business. She stated that she doesn't want these structures but this is what she was told she has to do. She stated that if she has to put additional money out for engineering revisions, then this property is going back up for sale. She stated that as Dr. Dey related earlier her horses can still use that basin area.

Mr. Roohr stated that these issues are on the agenda because the Township Engineer required both applicants to seek the SADC's approval. To proceed with the projects they need a letter from the SADC to the Township Engineer that the designs and proposed infrastructure are acceptable. He stated that staff is looking for direction from the Committee on 1) storm water basins that are required to handle runoff from agricultural buildings on the preserved land; and 2) storm water basins that are required but handle runoff from infrastructures on an exception area.

Mr. Germano stated that the long-term solution is getting farmers out from under these regulations. The short-term solution is that these are two very small farms. Mr. Siegel stated his concern is if these drainage basins are installed, they may restrict future agricultural uses on the farm. Mr. Germano stated that the SADC needs to consider these farms in the context of what they are. Mr. Siegel wanted to know what type of permanent limitation, if any, we are placing on future agricultural use. Ms. Reade commented that Mr. Madsen had considered a sixteen foot swale on either side of the driveway. Would that cost be the same as the basin? Mr. Madsen stated that it may be less expensive. She stated that sixteen feet on either side of the driveway is a lot less space than one half of an acre for a drainage basin and also thinking of someone who would have to drive tractors it would be a lot more attractive to have the drainage basin out of there. Mr. Madsen stated that it would take that land out of agricultural use. Ms. Reade stated that it would be less land taken out however. Mr. Waltman stated that there is a lesson here in that it matters where you locate your exception area.

Dr. Dey stated that all water which we can use for aquifer recharge will be mandated sometime in the near future. He has four barns on his farm that are at least 150 feet x 150 feet and all the runoff from those barns goes into pipes and then it goes into 360 feet of aquifer recharge which is at a depth of at least four feet. He plows over the top of it and you wouldn't even know it is there. It is underground and it costs considerably more. He stated that the NRCS did cost share on the practice. Ms. Reade stated that the Committee needs to separate the two farms. The basin on the Tourville farm is serving an agricultural structure and she doesn't know how the Committee could say no to that. The one on Mrs. Emmet's farm, to her it might be more practical to have swales on either side of the driveway, especially if the cost will be less. Mr. Waltman stated that there are two issues on Mrs. Tourville's property. He supports the barn that is an agricultural structure

on preserved ground and the basin serves that structure. He stated that there is still an outstanding question in his mind whether the housing exception area, whether the storm water there could be served within the exception area. It sounds like it might be a large basin and would be potentially expensive and potentially impacts Mrs. Tourville's farm and operation but that is a theoretical issue for him because it is taking land out of the preserved ground. Mr. Germano asked doesn't the fact that it isn't tillable possibly weigh in favor of saying yes. Mr. Danser stated that there are woods in the exception area. Couldn't the basin be relocated within the exception area? Mr. Morris stated that he could but because of the topography the basin would have to be larger in order to accommodate the slope or lack thereof.

Acting Chairperson Purcell stated that these two requests brought to light many issues and considering that there is no policy or regulations, it is forcing these landowners into certain positions. She felt it was only fair to give them direction as it is late in the process. Ms. Reade stated that since the Committee has no policy would it be possible to direct staff to work with the landowners to come up with the least harmful alternative.

Ms. Craft stated that in the absence of a policy, this issue, while it would be nice to control the design of storm water retention basins for structures located on the farm, we don't have the authority under the deed of easement to tell a landowner where to build them. What they cannot do is something that is detrimental to the continued agricultural use of the property. She doesn't feel that these proposals are at such a scale that they would be deemed a violation of the deed of easement. She stated that staff needs direction on the issue of storm water retention basins on the preserved farms that are accommodating runoff caused by development in the exception. If the Committee wants to address that through a policy similar to the septic policy it could direct staff to draft that. In the meantime approve the proposed storm water management plans for these landowners to allow them to proceed with their operations. She stated that the Committee should not dictate how they are managing their storm water in the absence of any regulation that requires them to do so.

Mr. Germano asked Mrs. Emmet and Mrs. Tourville if they were comfortable with the suggestion that the SADC staff take what was discussed today and respond to the township engineers? Mr. Edgar asked that would that response be? Mrs. Emmet stated that she has been working on this property for two years and five months and today she either moves forward or she quits it. Ms. Craft stated that the SADC should look at these two cases to help develop a future procedure for addressing storm water management on preserved arms. Once that is approved by the SADC, notice will be provided to counties and landowners for future cases. Ms. Murphy asked if the letter could specify that the SADC will be developing a policy to address this issue. Mr. Danser moved that in the absence of a policy we direct staff to communicate to the municipal engineer that in these cases the Committee will approve the storm water facilities to be located on the preserved farmland.

Mr. Siegel stated that if you are not going to require landowners to obtain a farm conservation plan, then remove the provision from the deed of easement. He stated that landowners should be required to provide a copy of their farm conservation plan before considering review of the storm water management plan. Ms. Purcell stated the letters will be drafted stating that these facilities are approved with all the conditions that were discussed by the Committee.

P. Readoption of N.J.A.C. 2:76

Brian Smith referred the Committee to the Readoption of N.J.A.C. 2:76 document. He stated that three comments were received. One was a mass letter signed by a number of individuals and are listed in the summary of public comments. One comment was submitted by Acting Commissioner of the New Jersey Department of Environmental Protection Mark Mauriello and the third one was a comment by Mr. and Mrs. Peterson. All three comments shared their concern about the SADC adopting regulations addressing storm water runoff and impervious surface. He stated that the draft SADC response agrees that they are issues of concern that need to be addressed and that they are being studied by the agency and at the appropriate time there will be regulations adopted, which will address storm water runoff and impervious surface on farms. Staff is recommending that the rules be readopted. There is sufficient lead time with the Office of Administrative Law rules so that, even with the approval of the readoption the SADC will have until March 30th of next year before they actually expire. He thought that this would appear in the New Jersey Register in January or February of next year so there will be sufficient time to get it published before the current expiration date of March 30, 2010.

It was moved by Dr. Dey and seconded by Mr. Germano to approve the readoption of N.J.A.C. 2:76 as presented and discussed.

Ms. Murphy stated that as Mr. Smith mentioned Acting Commissioner Mauriello submitted a letter of comment addressing the storm water and impervious coverage issues. As some of you may know and others may not know there had been statutory requirements in 2002 for the Department of Environmental Protection and the SADC to jointly adopt regulations that address these issues. She stated its has been seven years and the comment response talks about the subcommittee's efforts should eventually result in the promulgation of regulations. She stated that it has been an extremely long timeframe in terms of the outcome of having these regulations passed. Therefore she will be voting no on the readoption.

Mr. Waltman stated that he was going to vote yes. He stated that he is a member of that subcommittee and he wants to remain hopeful that the subcommittee will result in rules that advance the cause and address the issues that the Committee said it was going to address.

Ms. Murphy stated that she is not saying that will not happen it is just that the time frame is very undefined and it has been a very long time. She doesn't mean to imply in any way that it will not happen. She stated that she thought that something could have been done at this point.

Ms. Craft responded that what the SADC is trying to do is obtain and understand the science behind the issue and not just pick something out of the air. To that extent the SADC has two separate contracts with Rutgers for two different studies. The SADC just this week received a draft of the first phase of that report. Staff had met on Monday with Mr. Schilling regarding that, which was very helpful. She stated that it is her understanding that the second phase of the report will be received in draft sometime by mid-October and as soon as staff receives it and provides it to the Committee we can move forward. She stated that she understands the comments but the SADC is doing the best that it can.

Mr. Schilling stated that he can appreciate Ms. Murphy's frustration with the timeline but when you have 2 percent, 6 percent, 3 percent, 9 percent, 5 percent and 10 percent impervious cover restrictions, in federal deeds of easement it concerns him.

The motion was approved. (Ms. Murphy and Mr. Siegel opposed.). (A copy of N.J.A.C. 2:76 Readoption document is attached to and is a part of these minutes.)

Q. Delegation of Authority Resolution: Acceptance of Offers and Conveyance of SADC Interest - New Jersey Turnpike Authority Project and Substantive Minutes related to same. This agenda item was sent to the Governor's Authorities Unit for review and approval on September 25, 2009

Ms. Craft referred the Committee to Resolution FY2010R9(24) Delegating Approval of Appraised Values from Farm Properties Acquired by the New Jersey Turnpike Authority (NJTA) and the substantive minutes of this action only regarding the New Jersey Turnpike Authority project. She stated that staff have been working with the NJTA for two years leading up to the SADC's action to approve the road widening project and the necessary takings that are associated with it to accomplish the project. She stated that the Governor has signed off on the project as necessary for the public health and safety and that there were no reasonable alternatives available. The next stage of this process involves NJTA acquisitions that affect preserved farmland. She stated that the county and the State both have a financial interest in those easements that are being taken. Traditionally what the Committee has done on these kinds of takings is that appraisals are conducted and then the Committee reviews the appraisals and determines if the valuations are reasonable compensation for the loss of the development easement.. The NJTA is under a severe timeframe maintain a schedule so staff is proposing that the Committee delegate to her and Secretary Fisher jointly the authority to review the appraisals and make the necessary decisions regarding the valuations. That would only

be based on a positive recommendation from the SADC review appraiser, Mr. Burns that he is satisfied with the values being offered and that they sufficiently reflect the current value of the development easements. She stated that staff has received the advice from the Attorney General's Office that the delegation is within the authority of the Committee under the Right to Farm Act that created the Committee. The goal here is to try and move as rapidly as possible. The concern is having to wait for each SADC meeting and then approval of minutes at subsequent meetings and how much that slows down the official actions.

Ms. Craft stated that staff has had a very good conversation with Mercer County with respect to how the process will work. She stated that she recognizes that the Committee does not want to be perceived nor do we want to function as the primary negotiator. She stated that the SADC's role is to accept these appraisals and comment on them to make sure they are accurate and justified from the SADC's perspective. She stated that she sees the SADC's role as making sure the valuation is being done in a way that is reflective of what the public preserved. We are not negotiating for the landowner. She stated that her sense from the Attorney General's Office and the SADC legal staff is that the landowner, county and the State all have a financial interest.

Mr. Germano stated that he spoke with both Ms. Craft and Mr. Smith and the reason for his call to them was that the deed of easement deals with condemnation and according to what it says is that in these cases the state receives two thirds of the land value and the farmer gets a third. What it doesn't say is who gets to negotiate the price. He stated that the way he looked at Ms. Craft's summary, contrary to what she clarified now, he thought the SADC was going to be the negotiator. However, the way that Ms. Craft just stated the SADC position makes him completely comfortable.

It was moved by Mr. Germano and seconded by Mr. Danser to approve Resolution FY2010R9(24) granting the delegation of, and it so delegates, joint authority to the Executive Director and the Secretary of Agriculture, in his capacity as Chairman of the SADC, and upon the positive recommendation of the SADC Review Appraiser, to approve the final appraised values of preserved farm parcels, or parts thereof, subject to eminent domain takings in connection with the New Jersey Turnpike Authority road widening project. Such approvals may be issued without the further approval of the SADC unless deemed necessary or appropriate by the Executive Director and/or the Secretary of Agriculture, but notification of all such approvals shall be provided to the SADC at its regular monthly meetings in the form of a written report submitted by the Executive Director. Further, upon the Executive Director's and Secretary of Agriculture's joint approval, as aforesaid, the Executive Director be and hereby is authorized to execute any and all documents necessary or appropriate to convey the development easement or other interests held by the SADC on farm parcels subject to eminent domain takings in connection with the New Jersey Turnpike Authority's road widening project.

Mr. Waltman stated that he would be voting against the resolution so that it would be consistent with his vote against the original resolution that the Committee did a couple of months ago.

The motion was approved. Mr. Waltman opposed. (A copy of Resolution FY2010R9(24) is attached to and is a part of these minutes.)

It was moved by Mr. Siegel and seconded by Mr. Danser to approve the substantive minutes (open session) dealing with the Resolution FY2010R9(24) Delegation of Authority: Acceptance of Offers and Conveyance of SADC Interest - New Jersey Turnpike Authority Project, as presented. The motion was unanimously approved.

R. Committee Interpretations

1. Green Light Approval Application
 - a. Cervini Farm - Cumberland County
 1. Housing Opportunities

Ms. Winzinger referred the Committee to the Memorandum to the SADC dated September 24th dealing with the Daniel Cervini farm, known as Block 7301, Lots 3 and 7, located in the City of Vineland, Cumberland County, comprising 525 acres. She stated that staff is seeking guidance and a determination regarding the number of future housing opportunities the SADC would like to approve within the severable exception area on this farm. She stated that this is an unusual application in that this farm is very large and it is in the Direct Easement Purchase Program. Appraisals have not been conducted on this property. We are still in the negotiation phase with the landowner on exactly how it will be appraised and preserved. She stated that there is a non severable exception for a future house to remain with the farm. When the application first came in it included multiple structures within a severable exception area which were part of a training School at Vineland. Specifically there are five houses, three school houses, two maintenance buildings and a church all in need of rehabilitation. She stated that after speaking with Mr. Cervini it was staff's thought and it also translated into the township's wish to have frontage on the lot and to have the old parcel to be a severable exception area. Staff was in support of the severable exception area because it contained the old facility and the many old buildings. The question is how many houses should be permitted in the exception area. She stated that what is existing on the property could be converted into residences. Mr. Cervini has an approval from the City of Vineland for six single family homes, which is the restoration of five buildings and then the conversion of the school house into a sixth unit. He received a variance for that. The City of Vineland left the opportunity for him to come back at a later date if he wanted more housing on the lot. In staff's memo to the Committee we stated that staff was looking the Committee's guidance. Staff was comfortable with six residences because that is what the City of Vineland approved and there were already existing buildings. Mr. Cervini was looking

for the opportunity for the SADC to limit it to eight single family homes because he felt he still had that opportunity to go back to the City of Vineland for two more units. That was the issue before the Committee, either stay at the six or allow up to eight.

Ms. Winzinger stated that in speaking to Mr. Cervini this morning, on his site plan that he submitted to the City of Vineland, he also included these two lots. In the variance the City of Vineland disregarded the two lots because he would need to go to the planning board for approval. Therefore they were removed from the variance application. She stated that she misunderstood and thought that was the two additional houses that he was requesting. He is actually requesting four additional housing opportunities. He would like to be able to go back to the City of Vineland and get two extra houses on the 35-40 acre severable exception plus have the opportunity to go back for two additional lots. He does not want the deed of easement to restrict him if someday he can go back for more. She stated that she also talked to the zoning officer at the City of Vineland as she wanted to make sure she understood and that staff was not opposing the City. The City official stated that 1) the SADC should approve what it feels is consistent with its program and its mission. He understands that farmland preservation is not exactly concerned about housing adjacent to preserved farms. He also said that if the SADC did approve more housing than the six allowed there now the City of Vineland will act independently. He also said that if they wanted to approve more at that time and felt comfortable, they would have allowed that in the variance.

Mr. Cervini stated that when he went for the variance at that time, he does not recall asking for eight units. It was suggested that if he wanted to convert the school houses into houses he would be able to do it at a later time. Ms. Winzinger stated that Mr. Cervini is looking to turn this into a family compound. Mr. Cervini stated that he is thinking ahead for his children and his children's children. He stated that he would not be disturbing any tillable land or woodland. He stated that the farm is being leased to a vegetable farmer. Matt Pisarski from the Cumberland CADB stated that they have been working with the SADC and Mr. Cervini for over 12 months in putting the project together. This would be a very significant acquisition for the farmland program. He stated that whether he has eight or ten units on a severable exception is less important than the preservation of the remaining 500 plus acres.

Ms. Murphy asked for clarification. Are the additional homes that are being requested in addition to the ones already existing, are they the ones that are going to be on the road frontage, are they placed as far away from the farm as possible on these two severable lots? Ms. Winzinger stated that the memo asks for two additional houses above the six that are approved right now. She stated that there is a total of ten units. Staff had asked for up to eight but it was actually ten. Ms. Winzinger stated that there are six buildings that are homes that are going to stay as homes. Another one is a school be converted into a home. He would like two additional units on the exception plus two more that would be on the road frontage with the two lots. Mr. Cervini stated that six is correct. There are

five existing houses plus the school house that makes six, for which he has been approved. He wants to convert the two units next to the school into houses. That makes eight. Then he wanted the two proposed lots on the road frontage, which makes ten.

Mr. Waltman is concerned that the Committee would approve something in excess of what the local zoning board approved. He would rather the owner go to the zoning board personally and get the variance for eight and then come back to the Committee. Mr. Danser commented that this is a severable exception and if they perfected the subdivision yesterday it would not even be up for discussion.

Ms. Craft stated that from a staff perspective we are always as cognizant of housing opportunities associated with farms and she doesn't think that these housing opportunities pose a threat to subdivision of farms. It is just a question of is it the SADC's policy to allow applicants to obtain approvals for whatever they can get. She stated that the SADC gets requests to subdivide lots and the Committee has expressed concerns about the number of housing opportunities.

It was moved by Dr. Dey and seconded by Ms. Brodhecker to grant approval to a request by Daniel Cervini, owner of Block 7301, Lots 3 and 7, City of Vineland, Cumberland county, 525 acres, for eight single family residences on the exception area plus the potential for two more houses on the road frontage within two lots to be subdivided as presented and discussed

2. Acceptance of Easement Donations - Consideration of Minimum Standards

Ms. Winzinger referred the Committee to a memorandum dated September 24th regarding a donation of a development easement. She stated that staff has received two requests to accept donated easements into the farmland preservation program, both involve a donation of 100% of the easement value. She stated that neither farm meets the SADC's minimum eligibility standards. She stated that the Committee should resolve the issues surrounding whether, to what extent, and under what conditions such donated easements may be accepted into the program.

Ms. Winzinger stated that the SADC has not accepted a direct donation since 1999 with the SADC having done only seven donations since the inception of the program. She stated that there are no specific rules for easement donations and staff feels that applications should adhere to the existing rules. She stated that there is also a rule that applies to enrolling an easement held by a county into the State program. The county may enroll with no cost share from the SADC but the farm would receive all benefits and protections. Ms. Winzinger stated that regarding the two applications for donations that have been received, one is through the county and one is directly to the SADC's state acquisition program. Both farms do not meet the minimum eligibility standards. Ms.

Winzinger stated that the questions before the Committee are 1) whether the SADC should accept donations of easements that do not meet its minimum eligibility standards at N.J.A.C. 2:76-6.20; 2) whether the SADC wishes to accept easements donated to its State Acquisition Program that do not meet the State Acquisition Program's minimum standards for "priority" or "alternate" farms as designated pursuant to N.J.A.C. 2:76-11.5; and 3) in light of the additional administrative resources necessary to process, administer and enforce donated easements, does the SADC wish to reserve the right to limit its processing and/or acceptance of donated easements so that acceptance of such easements does not place an undue burden on the SADC's administrative resources.

Ms. Winzinger stated that in one case the landowner has offered to provide funds for appraisals and survey work and the county would handle that transaction. Mr. Siegel stated that there is an administrative cost in determining the donated value. Dr. Dey suggested that you could set up a sliding scale of cost to quality of the farm. Ms. Reade stated that the application needed to be considered by use.

Ms. Murphy stated that since there have only been seven of these donations since the inception of the program the Committee should consider the applications individually. Mr. Danser agreed and stated that possibly they can be looked at on a case-by-case basis. Mr. Siegel asked if there is a reason that they are not making this a nonprofit donation. Ms. Winzinger stated that staff is concerned about spending significant time to process an application that does not satisfy the SADC's minimum criteria. Staff is also concerned about ultimate stewardship efforts and potential enforcement costs.

Mr. Siegel suggested that you definitely do not want the donation to go away and possibly there is a reason why these landowners do not want to donate their land to a nonprofit organization. Mr. Schilling stated that he is respecting the staff cost but he doesn't think that just because it falls below the minimum standard we don't accept the easement. If it is agricultural and has high productivity and it doesn't meet our standards but it is best suited in agriculture, it falls under our mandate and we might make a determination that we are not interested or it might be best served through an environmental conservation easement. He stated that he is open to accepting the donation of easements if it is under the minimum score, but you have to evaluate each application on a case-by-case basis. Mr. Siegel stated he thought the Committee would just be voting on these two applications not setting a policy for the future. Ms. Craft stated that the consensus of the Committee is that staff should accept these applications, research why the landowners are considering donation and to have the SADC consider the applications on a case-by-case basis going forward.

Ms. Reade asked Ms. Murphy what Green Acres does in these situations. Ms. Murphy stated that their situation is somewhat different because Green Acres preserves the properties but they are managed by the holding entities but Green Acres is particular and it looks very carefully at donations, not so much because of the up front costs, although it

is a factor, but more because of the long-term management.

PUBLIC COMMENT

None

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, November 5, 2009, beginning at 9:00 a.m. Location: **Health/Agriculture Building, First Floor Auditorium - NOTE: THE OCTOBER MEETING IS BEING COMBINED WITH THE NOVEMBER MEETING AND MOVED UP TO THE FIRST WEEK OF NOVEMBER DUE TO THE NOVEMBER HOLIDAY SEASON.**

CLOSED SESSION

At 3:25 p.m. Mr. Danser moved the following resolution to go into Closed Session. The motion was seconded by Dr. Dey and unanimously approved.

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

Action as a Result of Closed Session

A. Real Estate Matters - Certification of Values Planning Incentive Grant Program – 2009 County

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

1. Burlington County/Ashmore Farm
Block 171.01, Lot 4.01, Florence Township, Burlington County, 35 Acres
2. Burlington County/Adams Farm
Block 4102, Lot 3.01, Medford Township, Burlington County, 48Acres
3. Burlington County/Gattini Farm
Block 201, Lot 3.04, N. Hanover Township, Burlington County, 19 Acres

4. Christopher Richard Prant Farm
Block 501, Lot 8, Allamuchy Township, Warren County, 108 Acres

The motion was approved. (Mr. Siegel and Mr. Waltman were absent for this vote.) (A copy of each certification report is attached to and is a part of the closed session minutes.)

Municipal Planning Incentive Grant Program

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

1. Santino and Clara Santini Testament Trust (Santini Trust)
Block 41, Lot 9, Franklin Township, Warren County, 105 Acres
2. Ronald and Shirley Sigler
Block 45, Lot 26, Franklin Township, Warren County, 20 Acres
3. Louis and Jeanne Zuegner
Block 17, Lot 34, E. Amwell Township, Hunterdon County, 77 Acres

The motion was approved. (Mr. Siegel and Mr. Waltman were absent for this vote.) (A copy of each certification report is attached to and is a part of the closed session minutes.)

SADC Fee Simple Grant Program – Acceptance of After Value Ranges and Authorization for Resale of Fee Simple Farms

Ms. Craft stated that regarding the fee simple after values, staff recommendation, based on the Committee's discussion, is to accept the range of values as presented and discussed in closed session, and auction the listed farms for sale early next year. For the four farms that do not have housing opportunities, staff will offer those farms for sale without an RDSO first and if the minimum bid is not met, they will then be offered for sale with an RDSO. There will be no further division of the premises, housing opportunities will be limited to 3,500 square feet for the heated living space, plus 1,000 square feet of ancillary buildings. The minimum bids will be disclosed, as discussed in closed session and the minimum deposit amounts will be \$25,000.00 for farms where the minimum bid is less than \$500,000.00 or \$50,000.00 for farms where the minimum bid is over \$500,000.00. The increment of bidding will be \$5,000.00.

It was moved by Dr. Dey and seconded by Ms. Brodhecker to accept the range of values on the following farms, as presented and discussed in closed session and to auction the farms for sale early next year. For the four farms that do not have housing opportunities they will be offered without an RDSO first and if the minimum bid is not met, they will

then be offered for sale with an RDSO. There will be no further division of the premises on any of the farms, housing opportunities will be limited to 3,500 square feet for the heated living space, plus 1,000 square feet of ancillary buildings on all of the farms. The minimum bids will be disclosed, as discussed in closed session and the minimum deposit amounts will be \$25,000.00 for farms where the minimum bid is less than \$500,000.00 or \$50,000.00 for farms where the minimum bid is over \$500,000.00. The increment of bidding will be at \$5,000.00.

1. SADC/Former Sturgis Farm
Block 28, Lot 3.01, S. Harrison Township, Gloucester County, 127 Acres
2. SADC/Former Sassi Farm
Block 231, Lot 4, Carneys Point Township, Salem County, 82 Acres
3. SADC/Former Schroeder Farm
Block 303, Lots 8, 36, 37, 38; Block 802, Lot 1, Pittsgrove Township, Salem County, 80 Acres
4. SADC/Former Sloan-Erb Farm
Block 1103, Lot 6; Block 2304.01, Lot 8; Block 604, Lot 9,; Block 605, Lot 2; Block 607, Lots 2 and 3, Springfield Township, Burlington County, 134 Acres
5. SADC/Former Holcombe Farm
Block 8, Lot 28.03, W. Amwell Township, Hunterdon County, 73 Acres
6. SADC/Former J.B. Case Farm
Block 7.01, Lot 8.02, W. Amwell Township, Hunterdon County, 87 Acres
7. SADC/Former Segreaves Farm
Block 9, Lot 9, Alexandria Township, Hunterdon County, 136 Acres
8. SADC/Former RJDD, LLC (Eagle Valley Farm)
Block 601.01, Lot 23, Mansfield Township, Warren County, 78 Acres

The motion was approved. (Mr. Siegel and Mr. Waltman were absent for this vote.) (A copy of each certification report is attached to and is a part of the closed session minutes.)

Nonprofit Grant Program

It was moved by Ms. Reade and seconded by Mr. Germano to certify the Fee Simple Value and the Development Easement Value on the following farms, as presented and discussed in closed session:

1. New Jersey Conservation Foundation/Frank Fichera Farm (**Fee Simple**)
Block 31, Lot 4; Block 32, Lot 9; Block 34, Lots 3 and 12; Block 35, Lot 1; Block 36, Lots 7 and 9; Block 37, Lots 2, 18 and 20, Mannington Township, Salem County, 463 total Acres (162 acres riparian)

2. New Jersey Conservation Foundation/Truskowski # 1 Farm (**Easement Purchase**)
Block 58, Lot 26, Franklin Township, Warren County, 115 Acres
Certification is conditioned upon a fifty (50) foot wide access easement from the easterly side of Willow Grove Road crossing the north top of Block 58, Lot 28 to give undisputed access to Block 58, Lot 26. This fifty (50) foot access easement will be required to be recorded prior to final settlement with the SADC. Certification is also conditioned upon a survey confirming the existence of Willow Grove Road along the subject's westerly border. Certification is conditioned upon this property (Block 58, Lot 26) being preserved concurrently with Block 58, Lot 28 (Truskowski # 2).

3. New Jersey Conservation Foundation/Truskowski # 2 Farm (**Easement Purchase**)
Block 58, Lot 28, Franklin Township, Warren County, 29 Acres
Certification is conditioned upon a fifty (50) foot wide access easement from the easterly side of Willow Grove Road crossing the north top of Block 58, Lot 28 to give undisputed access to Block 58, Lot 26. This fifty (50) foot access easement will be required to be recorded prior to final settlement with the SADC. Certification is also conditioned upon a survey confirming the existence of Willow Grove Road along the subject's westerly border. Certification is conditioned upon this property (Block 58, Lot 28) being preserved concurrently with Block 58, Lot 26 (Truskowski # 1).

The motion was approved. (Mr. Siegel and Mr. Waltman were absent for this vote.) (A copy of each certification report is attached to and is a part of the closed session minutes.)

ADJOURNMENT

There being no further business, it was moved by Ms. Brodhecker and seconded by Dr. Dey and unanimously approved to adjourn the meeting at 4:35 p.m.

Respectfully Submitted,

Susan E. Craft, Executive Director
State Agriculture Development Committee

Attachments

Reg Sept 24 09.doc.wps