

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**  
**Department of Agriculture**  
**Market and Warren Streets**  
**1<sup>st</sup> Floor Auditorium**  
**Trenton, NJ 08625**

**REGULAR MEETING**

**April 23, 2010**

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

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

Roll call indicated the following:

**Members Present**

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

**Members Absent**

None

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

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**Others present as recorded on the attendance sheet:** Robert Baumley, Heidi Winzinger, Charles Roohr, Paul Burns, Edward Ireland, Timothy Brill, Steve Bruder, Cassandra McCloud, Daniel Knox, Bryan Lofberg, Dave Kimmel, Patricia Riccitello and Sandy Giambrone, SADC staff, Daniel Pace, Mercer County Agriculture Development Board, Thomas Hower, Governor's Authorities Unit, Robert Resker, Warren County Agriculture Development Board, Harriet Honigfeld, Monmouth County Agriculture Development Board, Nicki Goger, New Jersey Farm Bureau, Barbara Ernst, Cape May County Agriculture Development Board, William and Dorothy Pettit, Landowners, Burlington County, Jennifer McCulloch, Morris County Agriculture Development Board, Stephanie Murphy and Loren Muldowney, Rutgers/New Jersey Agricultural Experiment Henry DuBois, Jr., Farmer, Pittsgrove Township, Salem County, Alison Mitchell, New Jersey Conservation Foundation.

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**Minutes**

A. SADC Regular Meeting of March 25, 2010 (Open Session)

It was moved by Mr. Danser and seconded by Ms. Reade to approve the open session minutes of the SADC regular meeting of March 25, 2010. The motion was approved (Ms. Brodhecker, Mr. Requa and Mr. Siegel abstained).

B. SADC Regular Meeting of March 25, 2010 (Closed Session)

It was moved by Mr. Waltman and seconded by Mr. Danser to approve the closed session minutes of March 25, 2010. The motion was approved (Ms. Brodhecker, Mr. Requa and Mr. Siegel abstained).

## **REPORT OF THE ACTING CHAIRPERSON**

### ➤ Meeting with DEP Commissioner

Ms. Purcell stated that Secretary Fisher, Ms. Craft and she had a very productive meeting with New Jersey DEP Commissioner Martin recently. Several issues were discussed, some of which were SADC related, some related to aquaculture and general Department issues. She felt that the meeting went very well and that there will be a very good working relationship between the NJ DEP and the Department of Agriculture.

### ➤ Budget Hearings

Ms. Purcell stated that the Senate Budget Committee will meet next week on the 27<sup>th</sup> and the Assembly Budget Committee will meet on May 5<sup>th</sup> for the Department. She stated that she felt there would be vigorous discussions regarding the Department's school lunch programs.

### ➤ Solar and Wind Law

Ms. Purcell stated that there are many issues to be sorted out regarding the solar, wind and biomass energy generation law that was passed in January. The Department of Agriculture is engaged in that process and is coordinating efforts with the SADC. The State Board of Agriculture Policy and Planning Committee will be meeting next week to discuss the new law and how to proceed in terms of developing regulations and discussing policy direction.

## **REPORT OF THE EXECUTIVE DIRECTOR**

Ms. Craft discussed the following with the Committee:

### ➤ Congratulatory Letters

Ms. Craft stated that the SADC received two letters complementing Dan Knox and the State Acquisition Program specifically regarding projects that have been completed very timely and successfully. The Hunterdon Land Trust Alliance acknowledged Mr. Knox for his efforts on the Stamets Farm in Holland Township and also we received a letter from the attorney for the Darling Farm, which was a state acquisition. She thanked Mr. Knox for the outstanding job that he does and she appreciates that individuals take the time to write in to the SADC to acknowledge staff efforts.

➤ SADC Funding Status

Ms. Craft stated that the SADC had a very good discussion regarding funding status with DEP Commissioner Martin. She stated that the Administration has indicated that it will support the 2009 bond question and that the message we are getting is that the voters decided that matter and the Administration's position is that it will support the new funding. She stated that the question remains regarding the timing of when those funds will be available. She stated that staff is in communication with the Department of Treasury to have them understand the timing of the commitment and the ability of the SADC to allocate those funds. She is hoping to have more information for the Committee at its next meeting.

Mr. Baumley referred the Committee to a summary regarding the filing of financial disclosure statements. He stated that the Committee should receive information directly from the Ethics Commission shortly. He stated that as far as he is aware the filing deadline will be May 15<sup>th</sup>, as it has been for some time. He stated that there is a penalty if you do not file by the deadline date. He stated that filing will be done on-line and if anyone needs access to a computer to please contact the SADC and staff will assist in that regard.

### **COMMUNICATIONS**

Ms. Craft reminded the Committee to take home the various communication documents that were provided in the meeting binders. She stated that there are many articles provided relating to alternative energy.

Ms. Craft referred the Committee to an article from the New Jersey Herald regarding the Brodhecker farm in Sussex County that installed solar panels on their barn roofs to help off-set their electric costs. She stated that it is a great article.

### **PUBLIC COMMENT**

William Pettit, Sr. addressed the Committee. He stated that his son's farm has been inspected twice now and everything is acceptable with the CADB but he feels it is time that his son gets some relief on what has been going on. It's too much and he spends a lot of time on the issue. He stated that his son is assembling another summary on the issue. He felt that there are a lot of areas that are pertinent to his problem that we hear nothing about. He stated that his son's neighbor next door to him just added two hundred feet to their runway on their airstrip. Does everyone know that? Ms. Craft responded that the SADC is aware

of that. Mr. Pettit stated that his son traveled all over when he was in the embryo transplant business but he wasn't allowed to work on anyone's cows when they were in his barn because that was not permitted. He felt it was time to end this situation because it is not healthy for him or the program. He stated that he served for twenty-seven years as the Chair of the Burlington CADB and he felt that Burlington County has a pretty good program. He stated that Bruce Haines preserved his farm many years ago and at that time he was not allowed to have an exception. He has a market on his farm and he wanted to do various things but was not allowed to do them because they were not agriculture. Then you go to the Johnson Farm in Medford and they can do anything they want because they have an exception. He stated that he is not objecting to any of these activities but somewhere along the line there has to be some process allowing you to get a nonseverable exception. He stated he would like to have an exception for his farm but he preserved prior to when the exception law was passed, which was in 1991. He stated that his son preserved his farm in 1992 but didn't know about the exception law. It is very unfortunate. He felt that if you go back and put this in for the farms that were preserved early on to allow them to have a nonseverable exception you would get more money into the program because landowners would be willing to buy an exception area back. He felt that the SADC should only preserve farms if they have a nonseverable exception for buildings.

## **NEW BUSINESS**

### **A. Eight Year Farmland Preservation Program: Renewals, Terminations and Withdrawals**

Ms. Craft referred the Committee to the Eight Year Program Summary For FY 2010 for renewals, terminations and withdrawals of eight year programs. She reviewed the specifics as follows with the Committee:

Renewals: None

Withdrawals: None

Terminations:

1. Anthony and Edith Merlino, SADC #0117-07F-01/01-0077-8F  
Township of Mullica, Atlantic County, 41.4 Acres  
Soil and water conservation cost share funds remaining at time of termination: \$16,606.82 (Expended \$8,233.18)  
(permanently preserved on March 11, 2008; 65.415 acres that included Block 903, Lot 2)

Ms. Craft indicated that this was for informational purposes only and that no action is needed by the Committee.

**B. Soil and Water Conservation Project Grants Program – Status of Funds**

Mr. Lofberg referred the Committee to the Status of FY 2009 and FY 2010 Funds for the Soil and Water Conservation Project Grants Program. He reviewed the specifics with the Committee. He stated that the balance for new cost share grant requests is \$454,622.75. He stated that there are sixteen (16) new soil and water conservation cost share grant requests and if the Committee approves those requests the remaining balance will then be \$189,194.50.

Mr. Lofberg reviewed requests for soil and water conservation cost share funding with the Committee. He stated that staff recommendation is to approve the following requests as presented and discussed.

**PRIORITY # 1**

**Note: Mr. Danser recused himself from any discussion/action pertaining to the soil and water conservation cost share grant requests in Middlesex County to avoid the appearance of a conflict of interest. Mr. Danser is the Chairperson of the Middlesex County Agriculture Development Board. Ms. Reade recused herself from any discussion/action pertaining to the soil and water conservation cost share grant requests in Salem County to avoid the appearance of a conflict of interest. Ms. Reade is the supervisor for the Cumberland/Salem Soil Conservation Districts. Mr. Waltman recused himself from any discussion/action pertaining to the soil and water conservation cost share grant in Mercer County to avoid the appearance of a conflict of interest. Mr. Waltman stated that the Honey Brook Organic Farm in Hopewell Township, Mercer County leases property from the Stony Brook-Millstone Watershed Association. He stated that he is the Executive Director of the Stony Brook-Millstone Watershed Association.**

It was moved by Mr. Schilling and seconded by Mr. Siegel to approve Resolutions FY2010R4(1) through FY2010R4(14) granting a soil and water conservation cost share grant to the following landowners, as presented and discussed and subject to any conditions of said Resolutions:

**Burlington County**

1. Doris S. Thorn & Trustees (Resolution FY2010R4(1))  
SADC #03-0011-EP  
Township Chesterfield, Burlington County, 123.562 Acres  
Cost Share Grant Amount: \$19,600.00 (Obligation #1)  
PROJECT: Installation of 980 feet, 490 feet and 2,910 feet of six (6) inch PVC high pressure underground pipe.
2. Michael and Sandra Hlubik (Raymond Hlubik, Agent)  
(Resolution FY2010R4(2))  
SADC #03-0092-EP  
Township of Chesterfield, Burlington County, 56.286 Acres  
Cost Share Grant Amount: \$11,208.50 (Obligation #1)  
PROJECT: Installation of 585 feet, 480 feet and 625 feet of four (4) inch subsurface drain; 390 feet of six (6) inch subsurface drain; 675 feet and 125 feet of eight (8) inch subsurface drain; fifty (50) feet of ten (10) inch or less smooth bore underground outlet; one (1) underground outlet protection; two (2) surface inlet/junction box underground outlet.
3. Homestead Nursery, Inc. (Resolution FY2010R4(3))  
SADC #03-0340-PG  
Township of Pemberton, Burlington County, 76.963 Acres  
Cost Share Grant Amount: \$24,672.00 (Obligation #1)  
PROJECT: Installation of water impoundment reservoir; 290 feet, 1,575 feet and 550 feet of eight (8) inch PVC high pressure underground pipe.
4. Wilkinson Family LLC (Resolution FY2010R4(4))  
SADC #03-0203-EP  
Townships of Chesterfield/North Hanover, Burlington County, 125.110 Acres  
Cost Share Grant Amount: \$2,332.75 (Obligation #2)  
PROJECT: Installation of livestock watering facility consisting of one (1) automatic waterer, twenty-five (25) feet and 300 feet of 1 ¼ - 2 inch polyethylene pipe, and 256 square feet of heavy use protection for waterers.

**GLOUCESTER COUNTY**

1. Thomas & Marie Sorbello, (Sorbello and Wheeler Farms, LLC, Agent)  
(Resolution FY2010R4(5))  
SADC #08-0013-DE  
Townships of Harrison/Woolwich, Gloucester County, 167.924 Acres  
Cost Share Grant Amount: \$17,825.00 (Obligation #1)  
PROJECT: Installation of one (1) 4 x 48 inch sand media filter and one  
(1) 3 x 36 inch sand media filter.
2. William and Amy Marple (Mood Estate) (Leonard A. Grasso, Agent)  
(Resolution FY2010R4(6))  
SADC #08-0062-EP  
Township of Elk, Gloucester County, 248.204 Acres  
Cost Share Grant Amount: \$7,500.00 (Obligation #1)  
PROJECT: Installation of one (1) centrifugal pump.
3. Holly Acres, LLC (Resolution FY2010R4(7))  
SADC #08-0024-FS/08-0015-FS/08-0012-DE  
Townships of Elk/Upper Pittsgrove (#08-0024-FS), 184.920 Acres;  
Townships of Elk/Mannington (08-0015-FS), 197.165 Acres; Townships  
of Elk/Upper Pittsgrove (08-0012-DE), 145.542 Acres, Gloucester/Salem  
Counties  
Cost Share Grant Amount: \$73,505.00 (Obligation #1)  
PROJECT: Installation of a 1,618 foot center pivot irrigation system,  
720 feet of eight (8) inch mainline, one (1) eight (8) inch valve tee  
coupling and a ten (10) horse pump.

#### **MERCER COUNTY**

1. Bhanwarlal Chowdbury (Honey Brook Organic Farm, Agent)  
(Resolution FY2010R4(8))  
SADC #11-0015-FS  
Township of Hopewell, Mercer County, 92.240 Acres  
Cost Share Grant Amount: \$225.00 (Obligation # 2)  
PROJECT: Contour farming on 37.5 acres.

#### **MIDDLESEX COUNTY**

1. Kevin White (Brian White, Agent) (Resolution FY2010R4(9))  
SADC #12-0003-EP/#12-0019-EP/#12-0077-EP  
Township of Cranbury, Middlesex County, 79.0606 Acres (#12-0003-EP);  
62.3527 Acres (#12-0019-EP); 44.2200 Acres (#12-0077-EP)  
Cost Share Grant Amount: \$9,091.50 (Obligation # 1)

PROJECT: Installation of 1,100 feet of eight (8) inch mainline pipe.

2. Pemmasani Farm, LLC (Brian White, Agent) (Resolution FY2010R4(10))  
SADC #12-0023-EP  
Township of Cranbury, Middlesex County, 78.207 Acres  
Cost Share Grant Amount: \$15,162.50 (Obligation # 1)  
PROJECT: Installation of 2,500 feet of six (6) inch mainline pipe.
3. Stanley White Marital Trust (Brian White, Agent) (Resolution  
FY2010R4(11))  
SADC #12-0078-EP  
Township of Cranbury, Middlesex County, 119.520 Acres  
Cost Share Grant Amount: \$20,662.50 (Obligation # 1)  
PROJECT: Installation of 2,500 feet of eight (8) inch mainline pipe.

#### **MONMOUTH COUNTY**

1. Bullock Family LTD Partnership (Resolution FY2010R4(12))  
SADC # 13-0007-EP  
Township of Upper Freehold, Monmouth County, 105.449 Acres  
Cost Share Grant Amount: \$14,556.00 (Obligation # 2)  
PROJECT: Installation of 2,400 feet of six (6) inch mainline pipe.

#### **OCEAN COUNTY**

1. Hallock U-Pick Farms (Resolution FY2010R4(13))  
SADC #15-0001-EP/#15-0017-EP  
Township of Plumsted, Ocean County, 137.707 Acres (#15-0001-EP);  
152.678 Acres (#15-0017-EP)  
Cost Share Grant Amount: \$12,487.50 (Obligation # 2)  
PROJECT: Installation of 1,300 feet and 1,010 feet of eight (8) inch  
PVC high pressure underground pipe.

#### **SALEM COUNTY**

1. Richard and Florence Wood (Resolution FY2010R4(14))  
SADC #17-0005-EP  
Townships of Quinton/Lower Alloway Creek, Salem County, 468.090  
Acres  
Cost Share Grant Amount: \$6,960.00 (Obligation # 2)  
PROJECT: Installation of 1,100 feet of eight (8) inch corrugated plastic  
tubing, 800 feet of four (4) inch corrugated plastic tubing and one (1)

catch basin with lid and base.

The motion was approved. (Mr. Danser, Mr. Waltman and Ms. Reade recused themselves from the vote.) (A copy of Resolutions FY2010R4(1) through FY2010R4(14) is attached to and is a part of these minutes.)

## **PRIORITY # 2**

It was moved by Dr. Dey and seconded by Mr. Danser to approve Resolutions FY2010R4(15) and FY2010R4(16) granting a soil and water conservation cost share grant to the following landowners, as presented and discussed and subject to any conditions of said Resolutions:

### **ATLANTIC COUNTY**

1. Anthony Berenato (Resolution FY2010R4(15))  
SADC #01-0131-8F (Town of Hammonton - 20.6700 Acres); #01-0003-8F (Town of Hammonton - 17.7100 Acres); #01-0007-8F (Town of Hammonton - 18.5000 Acres); #01-0116-8F (Township of Hamilton - 18.8000 Acres); Atlantic County  
Cost Share Grant Amount: \$24,640.00 (Obligation # 3)  
PROJECT: Installation of 17.6 acres of trickle irrigation.

### **CAMDEN COUNTY**

1. Louise Iulianetti (Resolution # FY2010R4(16))  
SADC #04-0007-8F  
Township of Winslow, Camden County, 38.010 Acres  
Cost Share Grant Amount: \$5,000.00 (Obligation # 1)  
PROJECT: Installation of a centrifugal with a turbine pumping plant.

The motion was unanimously approved. (A copy of Resolution FY2010R4(15) and FY2010R4(16) is attached to and is a part of these minutes.)

## **C. SOIL AND WATER CONSERVATION COST SHARE GRANT EXTENSION REQUEST**

It was moved by Mr. Danser and seconded by Ms. Brodhecker to approve Resolution FY2010R4(17) granting an extension to the soil and water conservation cost share grant that was approved on July 26, 2006 for the following landowner for a period of twelve months or until July 26, 2010, as presented and discussed.

**BURLINGTON COUNTY**

1. Gregory Lebak (Resolution FY2010R4(17))  
SADC #03-0002-8F  
Township of Chesterfield, Burlington County  
Reason for Extension Request: Grassed waterway has been seeded and established. During an inspection of the waterway it was determined that a portion of the waterway slope was not to NRCS specifications. Columbus NRCS office and landowner believe that tearing up the field to make adjustments and leaving the ground raw would cause further erosion and potential water quality concerns. Landowner would like to put waterway project on hold until the spring of 2010 when the portion of the waterway in question can be effectively addressed.

The motion was unanimously approved. (A copy of Resolution FY2010R4(17) is attached to and is a part of these minutes.)

**D. Request for Final Approval – New Rule County Planning Incentive Grant Program**

1. Burlington County/Hainsport LLC – Hainsport Township, Burlington County

Ms. Winzinger referred the Committee to Resolution FY2010R4(18) for a request for final approval on the Burlington County/Hainsport LLC farm, known as Block 111, Lots 12.01 and 12.02, located in Hainsport Township, Burlington County, comprising 84.550 acres. She reviewed the specifics of the request with the Committee. Ms. Winzinger stated that staff recommendation is to grant final approval as presented and discussed.

It was moved by Dr. Dey and seconded by Ms. Brodhecker to approve Resolution FY2010R4(18) granting final approval to the Burlington County/Hainsport LLC farm, known as Block 111, Lots 12.01 and 12.02, located in Hainsport Township, Burlington County, comprising 84.550 acres, at a State cost share of \$8,260.60 per acre (60% of the adjusted purchase price) for a total grant of approximately \$698,432.08, as presented and discussed, subject to any conditions of said resolution. The motion was unanimously approved. (A copy of Resolution FY2010R4(18) is attached to and is a part of these minutes.)

**E. Request for Amended Final Approval – Amendments for Use of Federal Farm and Ranch lands Funding**

1. Madelyn Belliveau/Maple Lane Farm, Hillsborough Township, Somerset County
2. Richard Prant Farm, Allamuchy Township, Warren County
3. Robert and Geraldine Schuster farm, Greenwich Township, Warren County
4. Garton Farm, Upper Deerfield Township, Cumberland County
5. Burns Farm, Lawrence Township, Cumberland County

Ms. Winzinger stated that the above group of farms are before the Committee as requests for amended final approval. She stated that the counties were approached by the New Jersey Conservation Foundation (NJCF) who has excess federal grant funds that it would like to utilize before its deadline date. She stated that all of these farms are using federal funding where they have to close on the farms by June 30<sup>th</sup> or that funding will be lost. She stated that it will be a very tight timeline to get these through because the Committee will hopefully approve the amended final approvals today, then the minutes will be approved by the Committee next month and then there is the Governor's review period, which will then give the counties the last two weeks in June to close on these farms. She stated that staff is also requesting some flexibility from the Committee on the last two farms, the Garton and Burns farms, regarding an appraisal issue that came up after these two resolutions were provided to the Committee.

Ms. Winzinger reviewed the specifics with the Committee for each farm. She stated that staff is requesting approval for the use of the federal funding, the impervious cover restrictions associated with that funding and the adjustment in the cost shares. She stated that what happens with the certified values of all the farms that the SADC uses federal funds is that the USDA, NRCS requires a current up-to-date appraisal. When you certify a current easement value, many times staff can just use that number but in a couple of these cases, the appraisals are very old and therefore new appraisals will need to be done to establish a current value to base the federal funding. She stated that in this case the old certified current value is being utilized to determine the amount of the federal grant. She stated that staff recommendation is to grant amended final approval to the following farms as presented and discussed.

Ms. Winzinger stated that for the Schuster farm, the Garton farm and the Burn farm, the county and the NJCF will be sending in new appraisals for the current values. She stated that staff will need some flexibility for these three farms if the values are different than what currently exists. She stated that staff has utilized the Committee's certified current value as the basis for these resolutions. Ms. Craft stated that the Committee previously granted final approval and approved a maximum grant. Use of the federal funds are going to either be neutral to that and

not affect SADC funds or it is going to reduce the SADC funds. In no instance will it increase the amount of money previously approved.

It was moved by Dr. Dey and seconded by Mr. Siegel to approve Resolution FY2010R4(19) through Resolution FY2010R4(23) granting amended final approval to the following farms, as presented and discussed, subject to any conditions of said resolutions:

1. Madelyn Belliveau/Maple Lane Farm  
Block 202, Lot 20  
Township of Hillsborough, Somerset County, 56 Acres  
State cost share of \$11,700.00 per acre (60% of the certified market value and purchase price) for a total of approximately \$588,449.25 of which \$494,295.80 is to be encumbered from the base grant and \$494,153.45 from the competitive grant fund. The SADC cost share grant is anticipated to utilize approximately \$76,754.25 from the FRPP grant funds to bring the total SADC cost share down from approximately \$671,240.70 to \$588,449.25. The SADC approves the additional deed restrictions requiring a three (3) percent impervious cover restriction as required by the Federal Farm and Ranch Lands Protection Program.
2. Richard Prant  
Block 501, Lot 8  
Allamuchy Township, Warren County, 108 Acres  
State cost share of \$3,400.00 per acre (68% of the certified market value and purchase price) for a total grant of approximately \$378,216.00 from the competitive grant fund. The SADC approves the additional deed restrictions requiring a two (2) percent impervious cover restriction as required by the Federal Farm and Ranch Lands Protection Program.
3. Robert and Geraldine Schuster  
Block 44, Lot 5  
Greenwich Township, Warren County, 55 Acres  
State cost share of \$4,000.00 per acre (64.52% of the certified market value and purchase price) for a total grant of approximately \$227,424.00 from the competitive grant fund. The SADC approves the additional deed restrictions requiring a four (4) percent impervious cover restriction as required by the Federal Farm and Ranch Lands Protection Program.

Note: This amendment does not alter the SADC grant already approved on November 5, 2009 but reduces the County contribution.

4. Garton Farm \*  
Block 604, Lots 33 and 34; Block 606, Lot 6  
Upper Deerfield Township, Cumberland County, 38.275 Acres  
The Committee approves the request by the Cumberland CADB to amend the 2009A County Cost Share Easement Purchase application and include a one acre impervious coverage limitation based on the USDA, NRCS Farm and Ranch Lands Protection Program definition of "impervious surface". The SADC's cost share grant shall be reduced by approximately \$850.00 per acre due to the FRPP grant for an adjusted cost share of \$2,600.00 per acre and total of approximately \$99,515.00.
  
5. Burns Farm \*  
Block 3, Lot 11  
Lawrence Township, Cumberland County, 19.1 Acres  
The Committee approves the request by the Cumberland CADB to amend the 2009A County Cost Share Easement Purchase application and include a one acre impervious coverage limitation based on the USDA, NRCS Farm and Ranch Lands Protection Program definition of "impervious surface". The SADC's cost share grant shall be reduced by approximately \$600.00 per acre due to the FRPP grant for an adjusted cost share of \$3,300.00 per acre and total of approximately \$63,030.00.

- Note: The Garton and Burns Farms are combined into one Resolution known as Resolution FY2010R4(22)

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The motion was unanimously approved. (A copy of Resolution FY2010R4(19) through Resolution FY2010R4(22) is attached to and is a part of these minutes.)

Ms. Craft stated that under the SADC's Bylaws SADC staff, with the signature of the Secretary of Agriculture, has discretion to make minor amendments to final approvals and certifications. Staff does not often utilize this option and usually brings issues before the Committee. However, in the event that an issue arises before the next meeting, does the Committee want staff to bring amendments associated with applying for federal funding to it for approval, or delegate to it to staff internally.

Mr. Germano asked if Ms. Craft is referring to something that could come up between this meeting and next month's meeting or is she referring to a policy shift that will affect all of the federal funding. Ms. Craft responded that she is mostly concerned about the June 30<sup>th</sup> deadline and helping applicants utilize the funding. Internal amendments usually take only a week's turn-around. Mr. Germano asked if it will always be the case where the SADC contribution/cost share will be the same or less. Ms. Craft responded yes and that she is not permitted to do an internal amendment that would authorize a higher expenditure than what the Committee previously authorized.

Mr. Danser stated that he would trust the Executive Director and the Secretary's discretion as to what needed to come back to the Committee. If they think it is minor enough that the Committee doesn't need to see it, then that would be fine.

It was moved by Mr. Siegel and seconded by Ms. Brodhecker to allow staff, under the Bylaws to have discretion to make minor amendments to final approvals and certifications that reduce the Committee's cost share without having to come back to the Committee. The motion was unanimously approved.

**F. Request for Final Approval: New Rule Municipal Planning Incentive Grant Program**

Ms. Winzinger referred the Committee to two requests for final approval under the new rule Municipal PIG program. She reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval to the following applicants as presented and discussed.

It was moved by Dr. Dey and seconded by Mr. Germano to approve Resolution FY2010R4(23) and Resolution FY2010R4(24) granting final approval to the following landowners as presented and discussed, subject to any conditions of said resolutions:

1. Knowlton Township/Buchman Farm  
Block 48, Lot 23, Knowlton Township, Warren County, 59.199 Acres  
State cost share of \$2,015.47 per acre for an estimated total of \$119,313.99 (46.87% of the certified market value and 73.65% of the purchase price and estimated total cost.)

Note: The Township acquired this property in fee simple title and is requesting SADC cost sharing. If the Township sells the restricted Premises for more than

the “after” value used to calculate the grant amount (\$5,300/acre or an estimated \$327,004.70), the Township shall reimburse the SADC, on a pro rata basis, up the amount of the SADC grant.

2. Homayoon David Sadeghian  
Block 2004, Lot 36, Pittsgrove Township, Salem County, 58 Acres  
State cost share of \$5,250.00 per acre for an estimated total of  
\$304,500.00 (60.34% of the certified market value and purchase  
price).

The motion was unanimously approved. (A copy of Resolution FY2010R4(23) and Resolution FY2010R4(24) is attached to and is a part of these minutes.)

#### **G. Request for Final Approval – Former Rule Planning Incentive Grant Program**

Ms. Winzinger referred the Committee to Resolution FY2010R4(25) for a request for final approval for the Marlboro Township/McCarron farm, located in Marlboro Township, Monmouth County. She stated that a site investigation report noted several areas of environmental concern on the property including elevated concentrations of arsenic at three farm dump areas with above and below ground debris along an intermittent stream and wetland area, which the appraisers were not aware at the time of appraisals. The engineering company (Birdsall Engineering) and the NJ DEP concluded that the arsenic levels found are consistent with naturally occurring arsenic found in soils throughout Marlboro Township. The NJ DEP confirmed removal and remediation would not be required for the arsenic contaminated soils or the farm dump debris identified because the property will remain in agricultural use. It stated that remediation would likely be required should the property have been developed. Birdsall Engineering has provided an estimate for the remediation to be deducted from the certified “before” value. The County and Birdsall Engineering in coordination with the NJDEP has submitted an estimate of \$66,940.00 (\$1,442.52 per acre) representing the maximum cost for remediation of the identified environmental areas on the property that would affect the development potential. Birdsall Engineering and the County have indicated they may adjust the estimate downward because the county and Township are removing much of the above ground debris. She stated that the Township acquired this property in fee simple title and is requesting SADC cost sharing for the purchase of the development easement. The SADC shall calculate its cost share grant by utilizing the \$36,633.98 acre fee simple purchase price of the property as the “Before” value since it is lower than the SADC certified “Before” value of \$62,000.00 per acre and the adjusted “Before” value of \$60,557.48 to account for the cost to remediate

the arsenic contamination. Since the adjusted “Before” value is still greater than the township’s purchase price, there is no impact on the “Before” value. Ms. Winzinger stated that staff recommendation is to grant final approval as presented and discussed.

It was moved by Dr. Dey and seconded by Ms. Brodhecker to approve Resolution FY2010R4(25) granting final approval to a cost share grant to Marlboro Township for the purchase and assignment of a development on the Marlboro Township/McCarron farm, known as Block 155, Lot 13.03, Marlboro Township, Monmouth County, 43 acres, at a state cost share of \$8,780.39 per acre for an estimated total of \$377,556.77 (60% of the adjusted market value), subject to any conditions of said resolution. The motion was unanimously approved. (A copy of Resolution FY2010R4(25) is attached to and is a part of these minutes.)

#### **H. Farmland Stewardship**

1. Replacement of Residence  
Budrewicz Farm, Monroe Township, Middlesex County

Mr. Roohr referred the Committee to Resolution FY2010R4(26) for a request by Joseph Budrewicz, owner of Block 31, Lot 13.02 in Monroe township, Middlesex County, comprising approximately 28.64 acres, to replace a previously existing single family residence on the property. He stated that Joseph and his father Edward manage and operate the farm and that He stated that the owners propose to replace the existing house with a new one for Joseph to reside in with his family. Once the new residence is built Joseph Budrewicz plans to expand the agricultural operation to include the raising and sale of goats. The proposed new house will be built in a partially wooded area near the center of the property along the northern property boarder and the new house will utilize the existing farm lane as the driveway. The new residence will comprise approximately 2,700 to 3,000 square feet of heated living space. The existing house was approximately 1,300 square feet. Mr. Roohr stated that the new residence will include a basement of approximately 1,400 square feet, which is not designated as heated living space and that the residential utilities are planned to be located in the basement. He stated that the existing house has been vacant for several years and is in disrepair and has been demolished and removed from the premises. The owners are in the process of filling the area and planting it in grass, which may become an extension of the existing pasture.

Mr. Roohr stated that the Middlesex CADB approved the request at its March 10<sup>th</sup> meeting. He noted that was not included in the resolution but he felt it should be. He stated that he would include it in the resolution.

It was moved by Mr. Germano and seconded by Mr. Requa to approve Resolution FY2010R4(26) granting a request by Joseph Budrewicz, owner of Block 31, Lot 13.02 in Monroe Township, Middlesex County, comprising approximately 28.64 acres, to replace a previously existing single family residence on the property with a new residence to be built in a partially wooded area near the center of the property along the northern property boarder, with the new house utilizing the existing farm lane as the driveway. The new residence will comprise approximately 2,700 to 3,000 square feet of heated living space and will include a basement of approximately 1,400 square feet, which is not designated as heated living space. The residential utilities are planned to be located in the basement.

Dr. Dey stated that the resolution does not state that the 1,400 square foot basement could be a heated space some point in the future. Ms. Craft stated that the resolution presently reads “Whereas, the design of the new home includes a basement of approximately 1,400 square feet, which is not designated as heated living space”. She stated that the resolution can be amended to say “Whereas, the design of the new home includes a basement of approximately 1,400 square feet.” and not deal with heating. Mr. Waltman stated that we should be cognizant that when this gets built and is sold again, the affordability aspect for this house will be going downhill. You’ll have a nice house and a nice farm but it may or may not be farmed. Ms. Reade felt that this was not an extravagant request.

Ms. Craft stated that Dr. Dey has made a very good point, and the Committee needs to be very clear as to whether it is limiting the basement to unheated space.

It was moved by Mr. Germano and seconded by Dr. Dey to approve Resolution FY2010R4(26) as amended above granting a request by Joseph Budrewicz, owner of Block 31, Lot 13.02 in Monroe Township, Middlesex County, comprising approximately 28.64 acres, to replace a previously existing single family residence on the property with a new residence to be built in a partially wooded area near the center of the property along the northern property boarder, with the new house utilizing the existing farm lane as the driveway. The new residence will comprise approximately 2,700 to 3,000 square feet of heated living space. The resolution is amended to further read “and will include a basement of approximately 1,400 square feet.” (removing the following language “which is not designated as heated living space.” The motion was approved. (Mr. Waltman opposed and Mr. Siegel and Mr. Danser abstained.) (A copy of Resolution FY2010R4(26) is attached to and is a part of these minutes.)

2. Request for a Division of the Premises  
Kaithern Farm, Upper Pittsgrove Township, Salem County

**Acting Chairperson Purcell recused herself from any discussion/action pertaining to this agenda item on behalf of Chairman Fisher to avoid the appearance of a conflict of interest. Henry DuBois, who is under contract with the applicant for a division of premises, is also a sitting member of the NJ State Board of Agriculture to whom Chairman Fisher reports in the discharge of his duties as the NJ Secretary of Agriculture. Vice Chairperson Danser presided over the meeting at this point.**

Mr. Roohr referred the Committee to Resolution FY2010R4(27) for a request to divide the premises by Hannah Kaithern, owner of block 40, Lot 15, and Block 48, Lot 12 in Upper Pittsgrove Township, Salem County. The owner proposes to divide the property into two parcels along existing lot lines. The owner is under contract to sell Block 4, Lot 15 to the current tenant farmer, Dubois Farms, contingent upon the division of premises approval. There is one existing single family residential unit, no agricultural labor units, no RDSOs and there are two severable exceptions, one consisting of a six (6) acre exception around the existing home and horse pastures and then a three (3) acre exception around a historic home and outbuildings. Mr. Roohr reviewed the specifics of the request with the Committee. He stated that staff recommendation is to approve the request as presented and discussed.

It was moved by Mr. Siegel and seconded by Mr. Germano to approve Resolution FY2010R4(27) granting a request by Hannah Kaithern, owner of Block 40, Lot 15 and Block 48, Lot 12, Upper Pittsgrove Township, Salem County, 146.3 acres to divide the premises as follows:

Parcel A – Block 40, Lot 15 (approximately 67.8 acres, improved with underground irrigation mains, no existing residences, exception areas or residential opportunities associated with Parcel A).

Parcel B – Block 48, Lot 12 (approximately 78.53 acres, improved with a single family residence and underground irrigation mains).

The motion was approved. (Acting Chairperson Purcell recused herself from the vote.) (A copy of Resolution FY2010R4(27) is attached to and is a part of these minutes.)

Mr. DuBois addressed the Committee. He thanked the Committee for approving the request to divide the premises which will enable him to purchase a portion of the property. He stated he farms a lot of preserved land. He stated that farmland preservation has worked well for him and has allowed him to expand his acreage base. He has a son who is 26 years old and is part of the operation now and also a

daughter who is also involved in the operation. Mr. Dubois described his agricultural operation to the Committee.

**I. Deed of Easement Subcommittee Recommendations on Interpreting Provisions of the Deed of Easement**

1. Report # 1 – General Guidance

Ms. Craft referred the Committee to the Deed of Easement Subcommittee Reports # 1 (General Guidance) and # 2 (Recreational Uses). She stated that the Deed of Easement Subcommittee (DOES) has been meeting for over a year. She stated that as mentioned many times over the past year there have been concerns about whether the deed of easement (DOE) is being interpreted consistently across the state and are all the parties interpreting it as the SADC does. She stated that monitoring and compliance of the deed is emerging as a much bigger issue. She stated that this year the DOES endeavored to create some clarity on interpreting the DOE and improve the monitoring program state-wide. She stated that the two reports before the Committee have been reviewed and approved by the DOES, after much discussion and exploration of the issues. She stated that what these reports are intended to do is provide guidance to everyone that the SADC interfaces with on how the SADC sees these issues. This is not a new regulation or deed restriction. She stated that if the Committee is comfortable with the two reports it can accept them today and then staff can make them publicly available as guidance documents.

Ms. Craft discussed Report # 1 with the Committee. The following comments were made by members of the public.

Nicki Goger – NJ Farm Bureau: She stated that this report can almost be interpreted to mean even building an agricultural structure would limit that part of the premises. It could limit all types of agricultural development on the property as well because it is not all inclusive of whatever type of activity might go there in the future so it may need to be clarified further.

William Pettit, Sr., Landowner: He stated that he does not hear exceptions mentioned at all. Ms. Craft responded that exceptions are not subject to the deed. Mr. Pettit stated that they are still owned by the farm so somewhere there should be a discussion on exceptions because it is nonseverable. Mr. Danser responded there is no deed of easement covering the exception. Mr. Pettit feels that exceptions should be included in this document.

Henry Dubois, Landowner and member of the NJ State Board of Agriculture: As

far as structures, you should be allowed to have structures that support the agricultural activity.

Brian Wilson, Burlington CADB: This document is huge going forward and with some things that they are dealing with now. He asked if it was the Committee's intention to adopt these documents today? If so he would ask the Committee to hold off until all the CADBs and partners have an opportunity to comment on the reports. Chairperson Purcell stated that it is not the intent of staff or the Committee to adopt these documents without public comments.

Mr. Danser: The process that the DOES anticipated was that this would be accepted by the full Committee as a draft and then disseminated to all the CADBs and partners for comments and feed-back.

## 2. Report # 2 – Recreational Uses

Ms. Craft discussed Report # 2 – Recreational Uses with the Committee. The following Committee members and members of the public commented:

Ralph Siegel stated that the Committee needs to remember that these are principles that are guiding the Committee. It would be perfectly appropriate for the subcommittee or staff to provide guidance to the Committee. Ms. Craft stated that we are trying to create a process for consistent interpretation. She stated that there are enough applications before the SADC that need to be addressed that will allow the SADC to apply these standards.

Mr. Germano stated that it is important that when these documents go out to the partners that it be made very clear that we are looking for input and indicate what the objective is.

Jack Rabin from Rutgers University indicated that six percent of New Jersey farms are operated as full time farms. Another six percent are predominantly farms. That means eighty-eight percent of the operations in this state need supplemental income to operate. That is a fairly standard national statistic. He stated that by doing this you recognize that you are creating a necessary regulatory burdeon on these farms. There are many farms where, for example, there is an existing machine shop and during the winter months they will do repairs as a supplement to their farm operation. That is the only way for them to remain viable. Ms. Craft stated that she doesn't doubt the statistics that a high percentage of farms need alternative income. The question is do they need to get the alternative income from the land that they own. The second point is why the Committee encourages at this point in time for people to take exceptions and

exceptions have been allowed in the program basically since the beginning to afford that opportunity. She stated that Mr. Pettit raised an interesting point earlier when he said that he thinks that applicants should be required to take an exception. The SADC goes to enormous lengths to make sure that landowners who choose not to take an exception that they understand the implications of that. What we are saying is that we cannot forever negotiate what you are allowed to do on a farm because some future landowner may want it or need it. She stated that we are trying to create a land base available for agriculture.

Nicky Goger, NJ Farm Bureau stated that we need to digest these documents more. Although the SADC is saying this is not a rule, people in the countryside may not hear that and they may look at it like a rule, which the SADC is an equal party to the deed as the landowner and ultimately it will be the court that will decide whether or not the SADC's interpretation is correct or the landowner's is. She stated that needs to be very clear. She stated that also you are talking about a single deed of easement but there are other versions out there so you need to be careful to not apply interpretations of this deed to older deeds because that is also not necessarily the case.

Ms. Craft stated that based on today's conversation staff is in a position of wanting the SADC to accept these documents and then send them to everyone affected and invite them to provide comments on them. Mr. Siegel would suggest that the "no activity" sentence in the # 1 principle on the last page of Report # 1 – General Guidance have a word inserted or a phrase inserted. It was mentioned earlier that it could be "nonagricultural" activity. He would suggest that the subcommittee revisit that.

It was moved by Mr. Sigel to accept the documents conditioned upon the subcommittee amending that section at its discretion without coming back to the full Committee.

Ms. Craft suggested that the reports be sent out as is with a memorandum that talks about today's discussion. Mr. Germano asked if Mr. Siegel would consider amending his motion to send the document out as is and wait for comments to come in. Mr. Siegel responded that he would like to see the subcommittee fix that section prior to sending the documents out but he would leave it to the discretion of the Committee.

Dr. Dey stated that the right way to do this is for a member of the subcommittee to make the motion and then send it out to our partners as a guidance document looking at how we are going to interpret the three laws that we have.

It was moved by Mr. Siegel to amend his motion to send the two guidance documents as presented for public comment. Dr. Dey seconded the motion. The motion was unanimously approved. (A copy of the Deed of Easement Subcommittee Reports 1 and 2 General Guidance and Recreational Uses is attached to and is a part of these minutes.)

**J. Review of Rutgers University Agricultural Experiment Station Studies**

- 1. Assessment of Soil Disturbance on Farmland**
- 2. Characterizing the Modern New Jersey Landscape**

Mr. Baumley referred the Committee to two studies provided by Rutgers University – 1) Assessment of Soil Disturbance on Farmland and 2) characterizing the Modern New Jersey Landscape. He stated that these studies were a very important component of the Deed of Easement Committee's (DOES) charge. He stated that the first step for this group was to look at soil disturbance to try and get a sense of what kind of agricultural activities are occurring on the landscape. The Committee authorized a contract with Rutgers University to perform two studies, which were done in various draft forms and presented to the DOES for review and comment. What was provided to the full Committee are the final reports issued by Rutgers. These studies will help guide, going forward, the development of standards and eventually a regulation that is going to address soil disturbance on farmland. He stated that the study addresses the questions that were raised a short time ago as to agricultural structures having an impact on the use of the land in the future for a variety of uses. This is the component that will start to tie that together. He stated that Dr. Stephanie Murphy from Rutgers University is here today to give a presentation on Report # 1- Assessment of Soil Disturbance on Farmland.

Dr. Murphy and Loren Muldowney provided a presentation and summary of the finding contained in Study # 1. She stated that she would be happy to answer any questions the Committee may have.

Brian Schilling and Jack Rabin provided a presentation and study on Study # 2 – Characterizing the Modern New Jersey Farm Landscape to help understand the nature and extent of soil disturbance on farms in New Jersey.

Ms. Craft stated that when we began this, triggered by the denHollander matter, there were two questions – 1) how much infrastructure is on farms and 2) what is the impact of that on soils? She stated that the value of these studies was to understand the different kinds of infrastructure and cover on farms. She stated that the DOES appreciates the fact that we are still endeavoring to try and figure

out in New Jersey how much infrastructure do farms have, not necessarily need. To that end staff is working very hard to create a substantial sample. The only way we can afford to do that is by using GIS. However, these studies give a better understanding of the nature and extent of agricultural infrastructure based on site investigations.

Ms. Craft stated that what we have before us is a clear understanding that taking a farm and just putting it under concrete is an unacceptable impact to the soil and the future use of the farm. Also we recognize that every farm has to have some degree of capacity to build buildings to support their operations. That translates to the SADC coming to an understanding of what is its tolerance for soil destruction on a preserved farm to support the agricultural operation. The second issue is eventually determining whether or not we know enough about a practice to know that it is not detrimental or we know enough about a practice to say it is definitely negative. Based on these reports and studies this will now be the work of the subcommittee going forward.

Ms. Craft stated that staff's goal today is to review these documents with the Committee and if it is in agreement to accept the documents as final reports, staff can move forward with making payment to Rutgers for their services and close out the contract.

It was moved by Dr. Dey and seconded by Mr. Germano to accept the studies completed by Rutgers University: 1) Assessment of Soil Disturbance on Farmland and 2) Characterizing the Modern New Jersey Farm Landscape as presented and discussed and to authorize payment to Rutgers University. The motion was unanimously approved.

#### **K. Proposed Appraisal Handbook Amendments**

Mr. Burns referred the Committee to the Summary of changes to the SADC Appraisal Handbook-2010. He reviewed the draft changes to the Handbook with the Committee. He stated that staff recommendation is to send the draft summary of changes and handbook out for public comment and return back to the Committee at its next meeting with any changes as a result of public comments and/or to adopt the 2010 Handbook.

It was moved by Mr. Germano and seconded by Mr. Danser to accept staff's summary of changes to the SADC Appraisal Handbook-2010 and to send it out for public comment. The motion was unanimously approved. (A copy of the Summary of Changes to the SADC Appraisal handbook-2010 is attached to and is a part of these minutes.)

## **PUBLIC COMMENT**

None

## **TIME AND PLACE OF NEXT MEETING**

SADC Regular Meeting: Thursday, June 24, 2010, beginning at 9:00 a.m. Location: **Health/Agriculture Building, First Floor Auditorium.**

## **CLOSED SESSION**

At 2:30 p.m. Dr. Dey moved the following resolution to go into Closed Session. The motion was seconded by Ms. Brodhecker and unanimously approved.

“Be it resolved, in order to protect the public interest in matters involving minutes, real estate, attorney-client matters 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**

##### **County Planning Incentive Grant Program**

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

1. Perryville Road Farm LLC (Roerig)  
Block 30, Lot 8, Union Township, Hunterdon County, 64.72 Acres
2. Rose Frank and Edward Nemeth  
Block 14, Lot 15, Alexandria Township, Hunterdon County, 102 Acres
3. Robert and Karen Balz  
Block 83, Lot 6.09, Monroe Township, Middlesex County, 14 Acres

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

**2009 Municipal Planning Incentive Grant Program**

It was moved by Mr. Germano and seconded by Ms. Reade to certify the development easement value for the following landowner as presented and discussed in closed session:

1. Readington Township/Toll Brothers  
Block 94, Lot 17, Readington Township, Hunterdon County, 27 Acres
2. Edith M. Camp  
Block 2002, Lot3, Pittsgrove Township, Salem County, 20 Acres

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

**B. ATTORNEY/CLIENT MATTERS**

None

**ADJOURNMENT**

There being no further business, it was moved by Mr. Siegel and seconded by Dr. Dey and unanimously approved to adjourn the meeting at 2:37 p.m.

Respectfully Submitted,

Susan E. Craft, Executive Director  
State Agriculture Development Committee

Attachments

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