

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

**October 27, 2022**

Secretary Fisher called the meeting to order at 9:11 a.m.

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

Roll call indicated the following:

**Members Present**

Chairman Fisher  
Pete Johnson  
James Waltman  
Roger Kumpel, alternate for Scott Ellis  
Julie Krause  
Martin Bullock  
Gina Fischetti (arrived at 9:19 a.m.)  
Brian Schilling

**Members Absent**

Denis Germano  
Scott Ellis  
Rich Norz

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

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**Minutes**

SADC Regular Meeting of September 22, 2022 (Open and Closed Session)

It was moved by Mr. Schilling and seconded by Mr. Johnson to approve the Open and Closed Session minutes of the SADC regular meeting of September 22, 2022. Mr. Kumpel abstained from the vote. The motion was unanimously approved.

**Report of the Chairman**

Chairman Fisher reported that the Governor issued a conditional veto of the Special Occasion Events (SOEs) legislation and the Senate has adopted the Governor's recommendations. The bill is now in the Assembly awaiting action.

Chairman Fisher noted that staff has received approximately fifteen comment letters from the County Boards of Agriculture and other entities regarding the proposed Soil Protection Standards (SPS).

**Report of the Executive Director**

Ms. Payne reported that the state auditor's report is near completion and that staff looks forward to reviewing the report.

Ms. Payne stated that there were five farms certified in the delegation report for certification of values.

Ms. Payne noted that the committee was given copies of the comment letters received for the SPS.

She stated that she and Mr. Roohr will be traveling to Gettysburg, PA next week to attend a farmland preservation roundtable. Many directors of state preservation programs from the mid-Atlantic region attend this annual meeting and have an informal meeting to discuss and exchange ideas about what is going on in the agricultural industry and in farmland preservation.

The League of Municipalities conference is also held in November and Ms. Payne will be a speaker to discuss the aspects of our program and what is new and upcoming.

**Communications**

Ms. Payne stated that there are lots of good articles to read, specifically about solar across the country. She noted that staff will be present for the Farm Bureau meeting in November and will be interested to hear about the findings from Rutgers University on agrivoltaics.

**Public Comment**

**NOTE: Ms. Fischetti arrived during this portion of the meeting.**

Ms. Patricia Springwell from Hunterdon County emphasized the importance of preserving farms for food production without jeopardizing the soil. She also asked the committee to review an area of farmland near Round Valley owned by Exxon Mobile Technology and Engineering Company to see if it would be eligible for preservation and consider purchasing the land. Chairman Fisher stated that he appreciates Ms. Springwell's passion.

Ms. Sherry Dudas of Chesterfield Organic Orchards stated that in 2016 the market for certified

organic herbs, flowers, fruits, and vegetables started declining at a rapid rate and, as a result, she started looking into new uses for agricultural and became interested in growing hemp. She said that her hemp partner was impressed with the yield of their first crop and suggested Ms. Dudas grow cannabis as well.

Ms. Dudas noted that in 2011, the SADC allowed medical cannabis to be grown on a farm in Upper Freehold. Then the NJ Cannabis Regulatory Commission (CRC) was formed and one of the FAQs on the commission's website stated that medicinal and recreational cannabis cannot be grown on property preserved under the NJ Farmland preservation program because the growing of cannabis isn't entitled to farmland assessment. She stated that the CRC's intent is to ensure municipalities receive as much tax revenue as it can from cannabis.

Ms. Dudas stated that she views the growing of cannabis as an opportunity to get her business into financial solvency. Ms. Dudas asked the SADC to consider writing a letter of support to the CRC to change its policy or for SADC and CRC staffs to clear up the ambiguity.

Chairman Fisher stated that the SADC is bound by statutes in this situation, but otherwise it is not the committee's intent to prevent the growing of cannabis on preserved farms. He believes that amended legislation would address Ms. Dudas's concern. NJ was one of the first states to get approval from the USDA to grow hemp, but the growing of cannabis is very different.

Ms. Payne stated that when the statutes were confined to medical marijuana, the statute did not interfere with farmland assessment, which is why the SADC approved the activity on preserved farms. Ms. Payne reminded the committee a farm must be eligible for farmland assessment to enter the farmland preservation program, and it isn't logical to permit activities that would render farms ineligible for farmland assessment after preservation. The committee previously addressed the same issue when legislation was enacted allowing solar panels on preserved farms.

When the cannabis laws were enacted and the CRC was created in 2021, the legislation prohibited anyone who is producing cannabis to receive farmland assessment, and the SADC took the position that the statute prohibits cannabis production on preserved farmland. At the federal level, hemp was declassified as a controlled substance and is a crop that can receive farmland assessment.

Chairman Fisher suggested that the SADC write a letter to the CRC explaining this situation. Mr. Waltman stated that this is worthy of a discussion but doesn't agree with writing a letter without more research. Mr. Schilling stated that there seems to be a purposeful reason that this provision was included in the legislation, and he needs more clarity.

Ms. Payne stated that the legislative intent is not clear, and that amended or clarifying legislation will be needed.

Ms. Dudas stated that she's on the Burlington CADB and it was pointed out that when administrators of the program are doing inspections, they are not asking farmers for their farmland assessment eligibility. She asked that if the committee is unwilling to issue a letter of support, perhaps it would consider forming a working group to take a more in depth look into this issue. Ms. Dudas thanked the committee for its time. Chairman Fisher congratulated Ms. Dudas on the success of her farm and thanked her for her service.

Ms. Smrita Choubey stated that she is an aspiring farmer under contract to purchase a farm. She stated that she is a fifth-generation member of an agricultural family who has owned farmland in India. She stated that in India there is a long culture of holistic medicine involving many varieties of herbs and that is her intended agricultural business. A lot of her advisors stated that she shouldn't purchase a preserved farm because of the rules and restrictions, but she supports the principles of farmland preservation and believes she can flourish in the program. She stated that cannabis presents a great economic opportunity for farmers since many of them have a competitive advantage due to already existing infrastructure. She stated that cannabis could be an agricultural crop that helps farmers fund the rest of their business and contribute to their overall success. She asked the SADC for their support to help farmers to farm cannabis. Ms. Choubey thanked the committee for their time. Chairman Fisher stated that he's excited Ms. Choubey wants to farm in NJ and wished her success.

## **New Business**

### **A. Stewardship**

#### **1. Memo: House Replacement Request – Jeffrey and Sheila Wilson**

**Jeffrey M. and Sheila A. Wilson**  
**Alloway Township, Salem County**  
**Block 13, Lot 15, 123.8 Acres**  
**SADC ID# 17-0112-DE**

Mr. Willmott referred the committee to a request for a house replacement for Jeff and Sheila Wilson who own a 123-acre farm in Salem County. The farm was preserved in 2004 with federal funding, no exception areas on the farm, no agriculture labor housing and no RDSOs. At the time of preservation there was one existing single-family residence. Mr. and Mr. Wilson purchased the farm in 2019 and it is approximately 52% tillable in pasture and hay production with a small livestock operation. They have plans for nursery stock in the future.

The Wilsons propose to locate the new residence in a wooded area so as not to take land out of production. They will have to extend the driveway slightly, use the existing septic system and are requesting permission to construct a 2,000 square foot, 3-bedroom ranch with an unheated and unfinished basement. Mr. Willmott stated that the owner wants to replace the existing residence due to structural issues causing portions of the home to crack and separate, resulting in deteriorating living conditions caused by poor climate control and moisture intrusion.

The current residence consists of a brick structure dating back to the 1760s and a wooden addition which was added in the 1980s. The brick structure does have electricity but lacks a kitchen and plumbing. Given the age of the residence from 1760, staff did research to see if the home has historical significance. The house is known locally as the Captain John Kelly house. Captain Kelly was a member of the Salem County militia during the American Revolution.

Staff also reached out to the State Historic Preservation Office (SHPO) and determined that while not listed on the historic register, the house is eligible for listing based on its structural characteristics.

Chairman Fisher asked how a structure can be placed on the historic preservation list. Mr. Roohr stated that the preservation program isn't mandatory; a building owner has the option to register the structure on the historic preservation list.

Mr. Roohr stated that the house has historical significance but is functionally obsolete, as the house cannot retain heat and has water intrusion issues. The owners recognize the significance of this structure and staff suggested the option of building a new ranch house while keeping this house as a shell of a unit and designating it as a nonresidential structure. Mr. Roohr stated that staff is presenting this option for consideration by the committee.

Ms. Payne commented that the committee has had several conversations over the years about historically significant structures and has asked staff to put a plan together. Staff had great conversations with SHPO about the statutory intent to preserve historic structures that are located on preserved farms but also the limitations of those statutes. She stated that staff recommends redesignating the Captain John Kelly house as explained by Mr. Roohr and recording a corrective DOE to allow the owners to reconstruct a new home while the SADC researches the possible options to preserve this structure. The results of the committee's discussion will be incorporated in a resolution presented at an ensuing meeting.

Mr. Kumpel stated that he appreciates a historic importance of the brick structure portion of the current residence and understands the work and time associated with restoration. He supports the process of removing the 1980's addition, redesignating the historic brick structure as a non-residential building and preserving it. He also supports the ability to allow the landowners to build a new home and stressed the importance of the landowners not being burdened with residential taxes on both structures.

Mr. and Mrs. Wilson stated they would like to keep the historic brick structure if it was economically possible, but it has become evident that they cannot live there and need more suitable living conditions. Mr. Waltman stated that this old home is an important resource and there are organizations who can assist with grants to help preserve and restore structures like this one.

Chairman Fisher stated that he is in favor of keeping this historic brick structure intact, as the state has a vested interest in retaining its historic past, but maintaining these buildings requires a plan in order to avoid deterioration. It has been shown the house is uninhabitable and the landowners need the ability to construct a new residence, but there also needs to be some time set aside to figure out how to preserve this structure.

Ms. Payne stated that the concept is to allow the brick structure to be designated as a nonresidential structure and allow the owners to build a new home on the property. Ms. Payne noted staff needs time to consult with counsel and various preservation organizations in order to formulate a plan and is hopeful the current landowners will hold off on any demolition of the historic brick structure while staff completes this research. Chairman Fisher stated that the owners have the right to tear this structure down, but this discussion is trying to find a way to allow the landowners to build a new house and avoid the demolition of this historic structure while not causing an undue burden on the landowners. Ms. Payne agreed and stated the details of how to accomplish this still need to be worked out, but the objective today is just to lay down the concepts of what can take place. She also noted that the farm was preserved with a grant from the NRCS, so the SADC will need to engage with federal officials.

Ms. Fischetti asked if there was a timeline associated with how long this research would take and if the approvals being discussed today are contingent on the landowners being restricted from demolishing the house until SADC has completed its research. Mr. Bullock stated he thought the landowners could tear down the house any time they wanted and didn't need approval to demolish the house. Ms. Krause reminded the committee that the landowners would still need a residence to live in while they built their new house and suggested the approval include a time limit associated for finishing construction of the new residence.

Committee members joined in a discussion of timelines, demolishing the 1980s portion of the residence, and other options available to the landowners. The consensus of the committee was that the landowners can demolish the 1980s addition in their discretion.

It was moved by Mr. Kumpel and seconded by Mr. Waltman to approve the construction of a new residence as staff described. As a condition of that approval, SADC will redesignate the existing house as a non-residential structure in order to allow SADC time to develop a plan to permanently preserve the historic brick structure, and that if within 12 months of the completion of the new residence the SADC does not find a solution to permanently preserve the historic brick structure that is acceptable to the landowners, the landowners have the right to take that structure down. A roll call vote was taken. The motion was unanimously approved.

## **2. Princeton Show Jumping-Hunter Farms-Request for Approval of 2023 Equine Show Calendar**

**Princeton Show Jumping, LLC  
Block 26001, Lot 1.02, 101 acres  
Montgomery Township, Somerset County  
SADC ID# 18-0005-DN**

**Note: Mr. Schilling recused on this matter because of his position at Rutgers University.**

Mr. Roohr stated that Princeton Show Jumping is requesting approval of show days for the 2023 Equine Show Calendar. Over the years there were a handful of issues on the farm that have since been addressed, including storm water management, impervious cover and soil restoration. The one technical issue that has not been resolved was the requirement that PSJ would have to have at least 10% of the horses in each show belong to PSJ. The SADC came up with a definition of what is considered PSJ horses, but the owner disagreed with the SADC's definition. The committee decided to give PSJ a grace period for the 2022 season in order to allow SADC staff to hire a professional to assist in the development of production criteria. Since that time, staff issued two Requests for Proposal (RFPs) to hire an expert but have not entered into a contract.

Mr. Roohr stated that PSJ requests approval to hold 14 shows totaling 64 show days in 2023, which is the same number of show days and one less show previously approved for 2022. The proposed show dates also include a schedule for the show tents to be erected and taken down. The staff recommendation is to approve the calendar as presented, an extension of the grace period, a condition that all shows have to remain in compliance with the DOE, no new improvements to the premises without SADC approval, and PSJ will continue to submit

production records approximately 30 days after each show to include horses owned, horses trained at their facilities, horses trained by their staff but off site, and horses trained the day of show with commissions due.

Mr. Waltman stated that it is unbelievable to him that PSJ has been on the agenda for so many years and is still not completely in compliance. He appreciates staff's work on PSJ, but because of general principle he can't vote in favor of this request.

Chairman Fisher stated that he was glad to see that the requirements that the SADC asked for were met by PSJ. He noted that PSJ is an extraordinary arena and stated that the production aspect of PSJ will be dealt with later.

It was moved by Mr. Johnson and seconded by Mr. Kumpel to grant approval to Princeton Show Jumping to hold 14 shows totaling 64 show days in 2023, as presented by SADC staff. A roll call vote was taken. Mr. Waltman voted against the motion. The motion was approved.

### **B. Resolutions: Final Approval- Municipal PIG Program**

Mr. Zaback referred the committee to one request for approval under the Municipal PIG Program. He reviewed the specifics of the request with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Bullock and seconded by Mr. Kumpel to approve Resolution FY2023R10(1), granting approval to the following application under the Municipal PIG Program, as presented, subject to any condition of said resolution.

1. John and Sallie Hoh, SADC ID#21-0627-PG, FY2023R10(1), Block 8, Lot 6.01, Knowlton Township, Warren County, 30.1 gross acres.

A vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R10(1) is attached to and a part of these minutes.

### **C. Resolutions: Final Approval – County PIG Program**

Ms. Roberts and Ms. Mandelbaum referred the committee to two requests for approval under the County PIG Program. They reviewed the specifics of the requests with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Kumpel and seconded by Mr. Waltman to approve Resolution FY2023R10(2), granting approval to the following applications under the County PIG Program, as presented, subject to any condition of said resolution

1. Edward and Sharon Bart, SADC ID# 06-0212-PG, FY2023R10(2), Block 56, Lot 10, Downe Township, Cumberland County, 67.3 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R10(2) is attached to and a part of these minutes.

It was moved by Mr. Bullock and seconded by Mr. Schilling to approve Resolution FY2023R10(3), granting approval to the following application under the County PIG Program, as presented, subject to any condition of said resolution.

**Note: Mr. Kumpel and Mr. Johnson recused from the vote.**

2. Michael Zimmerman, SADC ID# 03-0440-PG, FY2023R10(3), Block 404, Lot 3, and Block 1301.01, Lots 1.01 and 1.02, Tabernacle Township, Burlington County, 128.8 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R10(3) is attached to and a part of these minutes.

#### **D. Resolutions: Final Approval – Direct Easement Purchase Program**

Ms. Roberts referred the committee to two requests for approval under the Direct Easement Purchase Program. She reviewed the specifics of the requests with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Kumpel and seconded by Mr. Schilling to approve Resolution FY2023R10(4), granting approval to the following application under the Direct Easement Program, as presented, subject to any condition of said resolution.

1. Joseph and Josephine Martinelli, SADC ID# 01-0045-DE, FY2023R10(4), Block 4802, Lots 12, 13 and 14, Town of Hammonton, Atlantic County, 55.4 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R10(4) is attached to and a part of these minutes.

It was moved by Mr. Waltman and seconded by Mr. Kumpel to approve Resolution FY2023R10(5), granting approval to the following application under the Direct Easement Program, as presented, subject to any condition of said resolution.

2. Donation - Trustees of the William F. Blackman Charitable Farm Trust, SADC ID# 08-0001-DN, FY2023R10(5), Block 17, Lots 1 and 1.01, Harrison Township, Gloucester County, 138.7 gross acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R10(5) is attached to and a part of these minutes.

#### **E. Resolutions: Preliminary Approval- State Acquisition Program**

Ms. Mandelbaum referred the committee to one request for preliminary approval under the State Acquisition Program. She reviewed the specifics of the request with the committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Bullock and seconded by Mr. Kumpel to approve Resolution

FY2023R10(6), granting approval to the following applications under the State Acquisition Program, as presented, subject to any condition of said resolution.

1. Wayne Schmied, SADC ID#10-0286-DE, FY2023R10(6), Block 11, Lots 2 & 2.06, Holland Township, Hunterdon County, 117.4 gross acres.

A vote was taken. The motion was unanimously approved. A copy of Resolution FY2023R10(6) is attached to and a part of these minutes.

### **Public Comment**

Ms. Uttal read the following public comment from Nicole Voight:

“I am an attorney representing many farmers. Respectfully, I disagree that a statutory remedy is necessary to grow cannabis on a preserved farm. I’ve carefully reviewed this, and I can find no legal basis for holding that a preserved farm must maintain reduced assessment under the Farmland Assessment Act. The only document which creates an issue is the SADCs FAQ which appears to have been republished by the CRC. Clarification on who authored the FAQ would be helpful and important transparency we request that the SADC withdraw the FAQ and instead take action as a committee to interpret its regulations. My letter setting forth the legal basis of this position will be provided likely today.”

Ms. Springwell from Hunterdon County asked if the SADC plans to consider preserving the farmland near Round Valley reservoir that she mentioned in her comment earlier today. Ms. Payne stated that she is aware of the property, there is interest in preserving it, and there will be further conversations on the issue. Ms. Springwell commented on PSJ and stated that they were given many grace periods and have not followed through, so they shouldn’t be given any more opportunities. Lastly, she stated that farmland affordability be emphasized and that house replacement requests be reasonable in size and location on the farm.

### **CLOSED SESSION**

At 11:10 a.m. Ms. Payne read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss certification of value for the direct easement purchase of the Sleeter Farm in Gloucester Township, Camden County and any pending or anticipated litigation and any matters falling within the attorney-client privilege and any matters under N.J.S.A. 10:4-12(b) that have arisen during the public portion of the meeting. The minutes of such meeting shall remain confidential until the committee determines that the need for confidentiality no longer exists.

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

### **ACTION AS A RESULT OF CLOSED SESSION**

#### **A. Real Estate Matters - Certifications of Values**

It was moved by Mr. Kumpel and seconded by Mr. Waltman to approve the Certification of

Values as a result of closed session. A roll call vote was taken. The motion was unanimously approved.

**Direct Easement Purchase Program**

1. Gerald and Carolyn Sleeter, Gloucester Township, Camden County, SADC #04-0013-DE, Block 20201, Lot 3, Gloucester Township, Camden County, 41.6 Gross Acres

**TIME AND PLACE OF NEXT MEETING**

**SADC Regular Meeting:** 9 A.M., December 1, 2022

Location: 200 Riverview Plaza, Trenton, NJ

**ADJOURNMENT**

The meeting was adjourned at 11:34 a.m.

Respectfully Submitted,



Susan E. Payne, Executive Director  
State Agriculture Development Committee



**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2023R10(1)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
KNOWLTON TOWNSHIP  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of Hoh, John and Sallie (“Owners”)  
SADC ID#21-0627-PG  
Knowlton Township, Warren County  
N.J.A.C. 2:76-17A.1, et seq.**

**OCTOBER 27, 2022**

WHEREAS, on November 1, 2021 it was determined that the application for the sale of a development easement for the subject farm identified as Block 8, Lot 6.01, Knowlton Township, Warren County, totaling approximately 30.1 gross acres hereinafter referred to as “the Property” (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a) and the Township has met the Municipal Planning Incentive Grant (“PIG”) criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

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

WHEREAS, the targeted Property is located in the Township’s Project Area One; and

WHEREAS, the Green Light Approval and certification of easement value were conditioned upon the SADC’s approval of the Township’s 2023 Comprehensive Farmland Preservation Plan annual update to include this property as a targeted farm; and

WHEREAS, the SADC approved the annual update on January 27, 2022 to add the Property as a targeted farm; and

WHEREAS, the Property includes one (1), approximately 1.7-acre non-severable exception area for the existing single family residential unit and to afford future flexibility for nonagricultural uses, resulting in approximately 28.4 net acres to be preserved, hereinafter referred to as “the Premises”; and

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

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

WHEREAS, the 1.7-acre non-severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises from the Premises
- 3) Shall be limited to one (1) single family residential unit

4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Property outside the exception area includes:

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on May 13, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$4,800 per acre based on zoning and environmental regulations in place as of the current valuation date January 25, 2022; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12, the Owner accepted the Township's offer of \$4,800 per acre for the purchase of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on June 13, 2022, the Knowlton Township Committee approved the application for the sale of development easement and a funding commitment of \$760 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on August 18, 2022 the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on September 14, 2022, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$760 per acre to cover the local cost share; and

WHEREAS, the Municipality has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 29.252 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 29.252 acres):

	Total	Per/acre
SADC	\$95,946.56	(\$3,280/acre)
Township	\$22,231.52	(\$760/acre)
County	\$22,231.52	(\$760/acre)
Total Easement Purchase	\$140,409.60	(\$4,800/acre)

WHEREAS, pursuant to N.J.A.C. 2:76 17A.14 (d) (f), if there are insufficient funds available in a Municipality's base grant, it may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the Township is requesting \$95,946.56 in base grant funding which is available at this time (Schedule B); and

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-6.11, the SADC shall provide a cost share grant to the Township for up to 50% of the eligible ancillary costs for the purchase of a development easement which will be deducted from its PIG appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Premises, comprising approximately 29.252 net easement acres, at a State cost share of \$3,280 per acre, (68.33% of certified easement value and purchase price), for a total grant of approximately \$95,946.56 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
4. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
5. The SADC will be providing its grant directly to the County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).
6. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
7. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint

as the herein-approved exception, so long as there is no impact on the SADC certified value.

8. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

10/27/2022  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	ABSENT
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner LaTourette)	ABSENT
Roger Kumpel	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	ABSENT
Douglas Fisher, Chairperson	YES

# Preserved Farms and Active Applications Within Two Miles

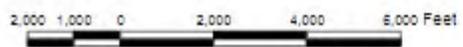


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**Application within both the (PA4b) Rural Env Sens Area and the (PA5) Env Sens Areas**

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Hoh, John & Sallie  
Block 8 Lots P/O 6.01 (28.4 ac);  
P/O 6.01-EN (non-severable exception - 1.7 ac)  
Gross Total = 30.1 ac  
Knowlton Twp., Warren County



	Property In Question
	Exceptions
	Preserved easements
	Transfer Development Rights (TDR)
	Preserved Highlands, Highlands and Municipal
	Active Applications
	County Boundaries
	Municipal Boundaries
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned GIS & Recreation easements



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Proposed Aerial Database of the United States (PUB-US)  
NAD83/USGS 2000 Digital Aerial Image

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

# Wetlands



X:\0011\thisw\proj\proj\01\John & Sallie\8w.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Hoh, John & Sallie  
Block 8 Lots P/O 6.01 (28.4 ac);  
P/O 6.01-EN (non-severable exception - 1.7 ac)  
Gross Total = 30.1 ac  
Knowlton Twp., Warren County



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Assessment Data  
Proposed Great Database of the United States (PaD-US)  
NHDOT Road Data  
NHDOT GIS 2000 Digital Aerial Image

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



Application within both the  
(PA4b) Rural Env Sens Area  
and the (PA5) Env Sens Areas

- Property In Question
- EN - (Non-Severable) Exception
- Wetlands Boundaries
- Primary - Limited Access
- Federal or State Hwys
- County Roads
- Municipal/Local Roads
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned O/S & Recreation Easements

Wetlands Legend:  
P - Freshwater Wetlands  
S - Shrub Wetlands  
U - Upland Wetlands  
T - Tidal Wetlands  
N - Non-Tidal Wetlands  
B - 500' Buffer  
W - Water

October 19, 2021



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Hoh, John & Sallie  
21-0627-PG  
FIG EP - Municipal 2007 Rule  
28 Acres

Block 8	Lot 6.01	Knowlton Twp.	Warren County
<b>SOILS:</b>		Prime	76% * .15 = 11.40
		Statewide	24% * .1 = 2.40
			<b>SOIL SCORE: 13.80</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	67% * .15 = 10.05
		Woodlands	33% * 0 = .00
			<b>TILLABLE SOILS SCORE: 10.05</b>
<b>FARM USE:</b>	Hay		17 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use:
  - b. Exceptions:
    - 1st (1.7) acres for Around existing SFR  
Exception is not to be severed from Premises  
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2023R10(2)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
CUMBERLAND COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of Bart, Edward and Sharon (“Owners”)  
SADC ID#06-0212-PG  
Downe Township, Cumberland County  
N.J.A.C. 2:76-17 et seq.**

**OCTOBER 27, 2022**

WHEREAS, on June 1, 2020 it was determined that the application for the sale of a development easement for the subject farm identified as Block 56, Lot 10, Downe Township, Cumberland County, totaling approximately 67.3 gross acres hereinafter referred to as “the Property” (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant (“PIG”) criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

WHEREAS, the targeted Property is located in the County’s Downe Project Area; and

WHEREAS, the Property includes one (1), approximately 3-acre severable exception area for an existing single family residential unit and to afford future flexibility for nonagricultural uses; and

WHEREAS, the original application included one (1) approximately 30.3 acre severable exception for the purpose of a transaction between Ducks Unlimited and the US Fish and Wildlife Service, however during the course of the application Ducks Unlimited declined interest; and

WHEREAS, the entirety of the severable exception is tidal or wetlands and there are other state and federal regulations which will restrict the use of the acreage; however the County and landowner are interested in retaining the 30.3 severable exception for other possible conservation or recreational uses, resulting in approximately 34 net acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the farmland Deed of Easement will restrict the severable exception to zero (0) residential uses, and access must be reviewed and approved by SADC counsel and recorded prior to closing on the farmland deed of easement; and

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

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

WHEREAS, the 3-acre severable exception area:

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

WHEREAS, the 30.3-acre severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) May be severed or subdivided from the Premises
- 3) Shall be limited to zero (0) single family residential units
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Premises includes:

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

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

WHEREAS, the Property has a quality score of 52.93 which exceeds 42, which is 70% of the County's average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on June 29, 2020, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$2,800 per acre based on zoning and environmental regulations in place as of the current valuation date December 1, 2019; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$2,800 per acre for the purchase of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on January 11, 2021, the Downe Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on November 11, 2020, the Cumberland County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on November 17, 2020, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$740 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 35.02 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 35.02 acres):

	Total	Per/acre
SADC	\$ 72,141.20	(\$2,060/acre)
<u>County</u>	<u>\$ 25,914.80</u>	<u>( \$ 740 /acre</u>
Total Easement Purchase	\$ 98,056.00	(\$2,800/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$72,141.20 in base grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Premises, comprising approximately 35.02 net easement acres, at a State cost share of \$2,060 per acre (73.57% of certified easement value and purchase price), for a total grant of approximately \$72,141.20 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. Final approval is conditioned on access to the 30.3-acre severable exception reviewed and approved by SADC counsel and recorded prior to closing on the farmland deed of easement.
4. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
5. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.

6. The SADC's cost share grant to the county for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
7. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
8. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
9. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
10. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
11. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

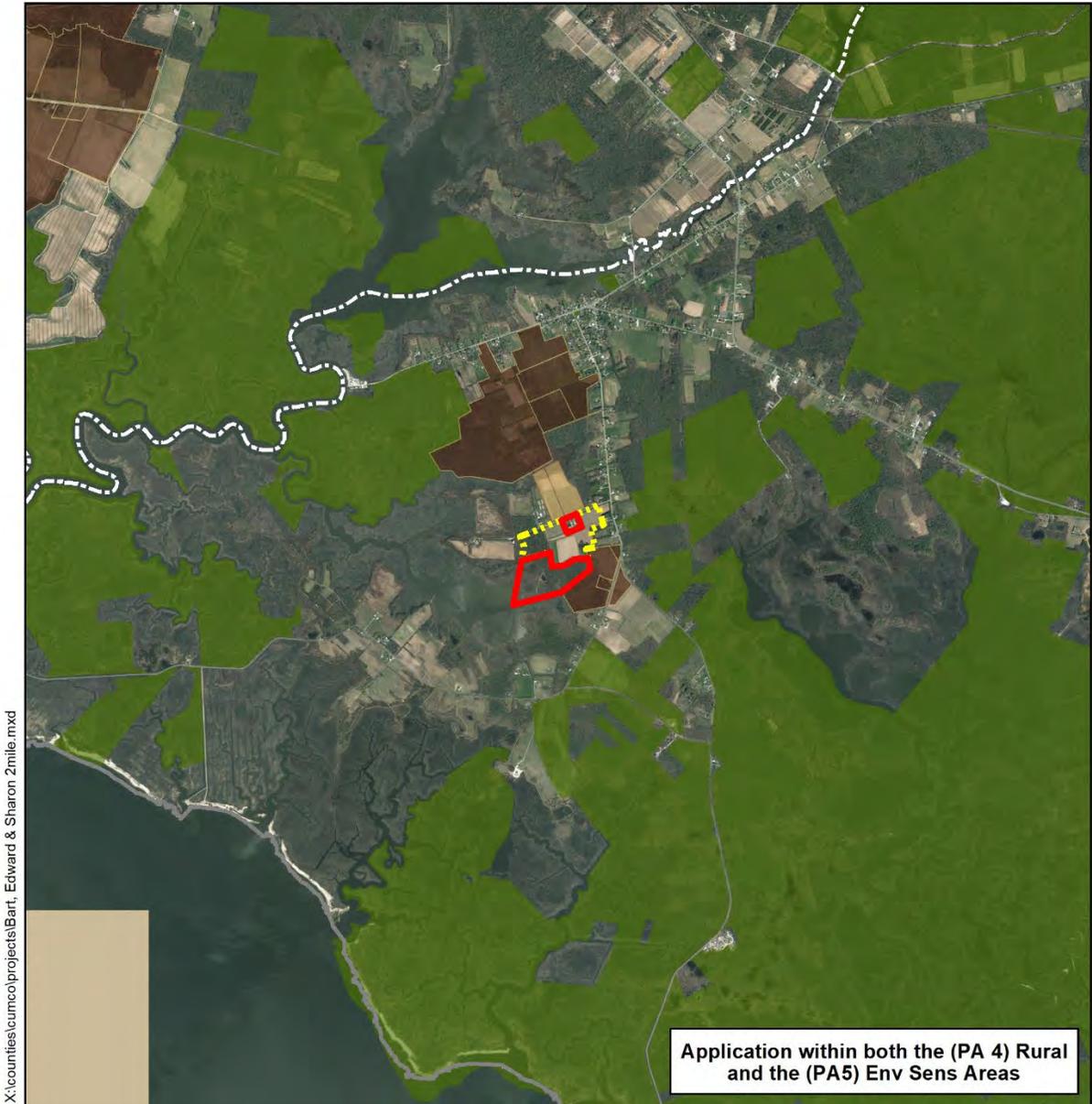
10/27/2022  
Date

  
\_\_\_\_\_  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	ABSENT
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner LaTourette)	ABSENT
Roger Kumpel	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	ABSENT
Douglas Fisher, Chairperson	YES

# Preserved Farms and Active Applications Within Two Miles



X:\counties\cumco\projects\Bart, Edward & Sharon 2mile.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Bart, Edward and Sharon  
Block 56 Lots P/O 10 (34.0 ac)  
& P/O 10 -ES (severable exceptions - 30.3 & 3.0 ac)  
Gross Total = 67.3 ac  
Downe Twp., Cumberland County

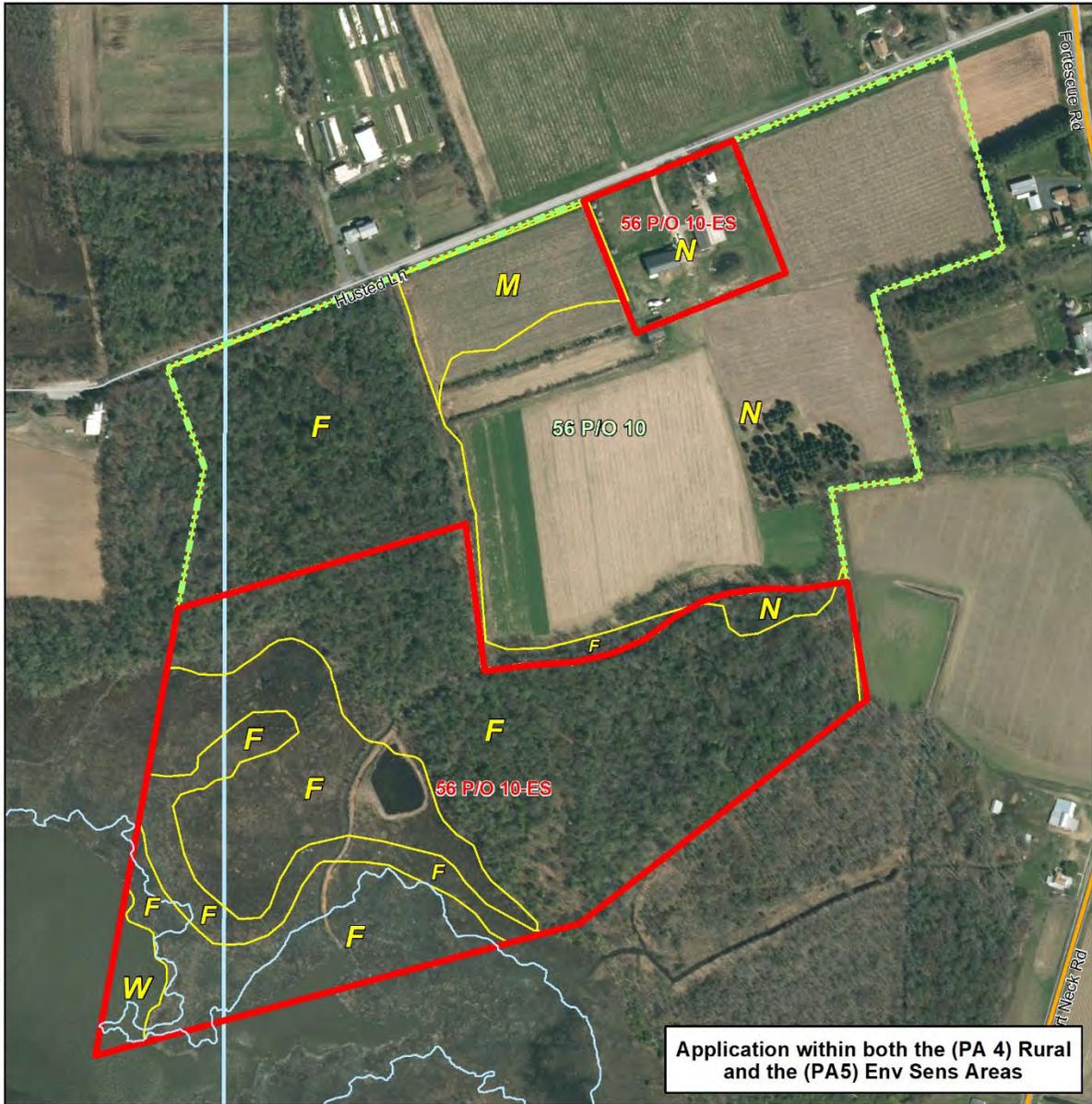


- Property In Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR)  
Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, &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

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Protected Areas Database of the United States (PAD-US)  
NJGIT/OGIS 2015 Digital Aerial Image

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

# Wetlands



X:\counties\cumco\projects\Bart, Edward & Sharon fww.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Bart, Edward and Sharon  
Block 56 Lots P/O 10 (34.0 ac)  
& P/O 10 -ES (severable exceptions - 30.3 & 3.0 ac)  
Gross Total = 67.3 ac  
Downe Twp., Cumberland County



**Sources:**  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Protected Areas Database of the United States (PAD-US)  
NJDEP Wetlands Data  
NJOT/OGIS 2015 Digital Aerial Image

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

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

Application within both the (PA 4) Rural and the (PA5) Env Sens Areas



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





State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Bart, Edward & Sharon  
06-0212-PG  
County PIG Program  
34 Acres

Block 56	Lot 10	Downe Twp.	Cumberland County
<b>SOILS:</b>		Prime	75% * .15 = 11.25
		Unique zero	25% * 0 = .00
			<b>SOIL SCORE: 11.25</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	67% * .15 = 10.05
		Wetlands/Water	27% * 0 = .00
		Woodlands	6% * 0 = .00
			<b>TILLABLE SOILS SCORE: 10.05</b>
<b>FARM USE:</b>	Vegetable & Melons		38 acres Organic vegetables

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use:
  - b. Exceptions:
    - 1st (30.3) acres for potential future sale for conservation purposes  
Exception is severable
    - 2nd three (3) acres for existing single family residence  
Exception is severable  
Right to Farm language is to be included in Deed of Future Lot  
Exception is to be limited to one existing single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions:
    1. Final approval is conditioned on access to the 30.3-acre severable exception reviewed and approved by SADC counsel and recorded prior to closing on the farmland deed of easement
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION FY2023R10(3)  
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
BURLINGTON COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
On the Property of Zimmermann, Michael E., et al (“Owners”)  
SADC ID# 03-0440-PG  
Tabernacle Township, Burlington County  
N.J.A.C. 2:76-17 et seq.**

**OCTOBER 27, 2022**

WHEREAS, on August 23, 2021 it was determined that the application for the sale of a development easement for the subject farm identified as Block 404, Lot 3 and Block 1301.01, Lot 1.01, Tabernacle Township, Burlington County, totaling approximately 128 gross acres hereinafter referred to as “the Property” (Schedule A) was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a) and the County has met the County Planning Incentive Grant (“PIG”) criteria pursuant to N.J.A.C. 2:76-17.6 - 7; and

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

WHEREAS, the targeted Property is located in the County’s South Project Area, in the Pinelands Agricultural Production Area and in the Pinelands Rural Development Area; and

WHEREAS, the Property includes one (1) approximately 3 acre non-severable exception area for one (1) existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 125 net acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the 3-acre nonseverable exception area:

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

WHEREAS, the portion of the Property outside the exception area includes:

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

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

WHEREAS, the Property has a quality score of 57.74 which exceeds 47, which is 70% of the County’s average quality score, as determined by the SADC, at the time the application was submitted by the County; and

WHEREAS, the New Jersey Pinelands Commission Letter of Interpretation #2197 allocated 4.25 Pinelands Development Credits (PDCs) to Block 404, Lot 3 and Block 1301.01, Lot 1.01; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, the 4.25 PDCs will be retired; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 6, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the development easement value of \$4,260 per acre and a fee simple value of \$8,468 per acre based on zoning and environmental regulations in place as of the current valuation date September 9, 2021; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-19.3, on January 6, 2022 the SADC issued a Pinelands Formula Valuation Certification of \$3,714.43 per acre without the impervious cover option and \$4,178.73 with the 10% impervious cover option; and

WHEREAS, the Formula takes into consideration the PDCs for a particular parcel and the presence of important agricultural and environmental features. The Formula provides for certain base values to be adjusted upward in varying percentages depending on factors such as site-specific environmental quality, access to highways, septic suitability and agricultural viability; and

WHEREAS, N.J.A.C. 2:76-19.4 provides that the development easement value shall not exceed 80 percent of the fee simple market value as determined by the Committee, which is \$8,468 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$4,294 per acre for the development easement for the Property, which is higher than the certified development easement value, but not higher than the highest appraised value of \$5,024 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on June 6, 2022, the Tabernacle Township Committee approved the application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 12, 2022, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 13, 2022, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for the pre-acquisition of the development easement; and

WHEREAS, the County is currently under contract to purchase the easement and subsequent to purchasing the development easement, the County will request a cost share reimbursement from the SADC; and

WHEREAS, while reviewing the County's title and survey, it was discovered that the Owners also owned Block 1301.01, Lot 1.02 and the Owners have indicated to the County that they want to include Lot 1.02 in preservation and therefore the surveyed acreage of the Property is 128.8 gross acres with 125.8 net easement acres; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 129.57 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 129.57 net acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$383,008.92	(\$2,956/acre)
<u>Burlington County</u>	<u>\$173,364.66</u>	<u>(\$1,338/acre)</u>
Total Easement Purchase	\$556,373.58	(\$4,294/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the County is requesting \$383,008.92 in base grant funding which is available at this time (Schedule B); and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the County for the purchase of a development easement on the Property, comprising approximately 129.57 net easement acres, at a state cost share of \$2,956 per acre, (69% of purchase price), for a total grant of approximately \$383,008.92 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. Because the County will acquire an agricultural easement that will restrict the use of the Property and since no future nonagricultural development is proposed, the 4.25 PDCs that were allocated by the Pinelands Commission will, therefore, be retired at closing.
4. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant fund).
5. If unencumbered base grant funds become available subsequent to this final approval and prior to the County's execution of a Grant Agreement, the SADC shall utilize those funds before utilizing competitive funding.

6. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
7. The SADC's cost share grant to the county for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
8. The SADC shall enter into a Grant Agreement with the County in accordance with N.J.A.C. 2:76-6.18.
9. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
10. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
11. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

10/27/2022  
Date

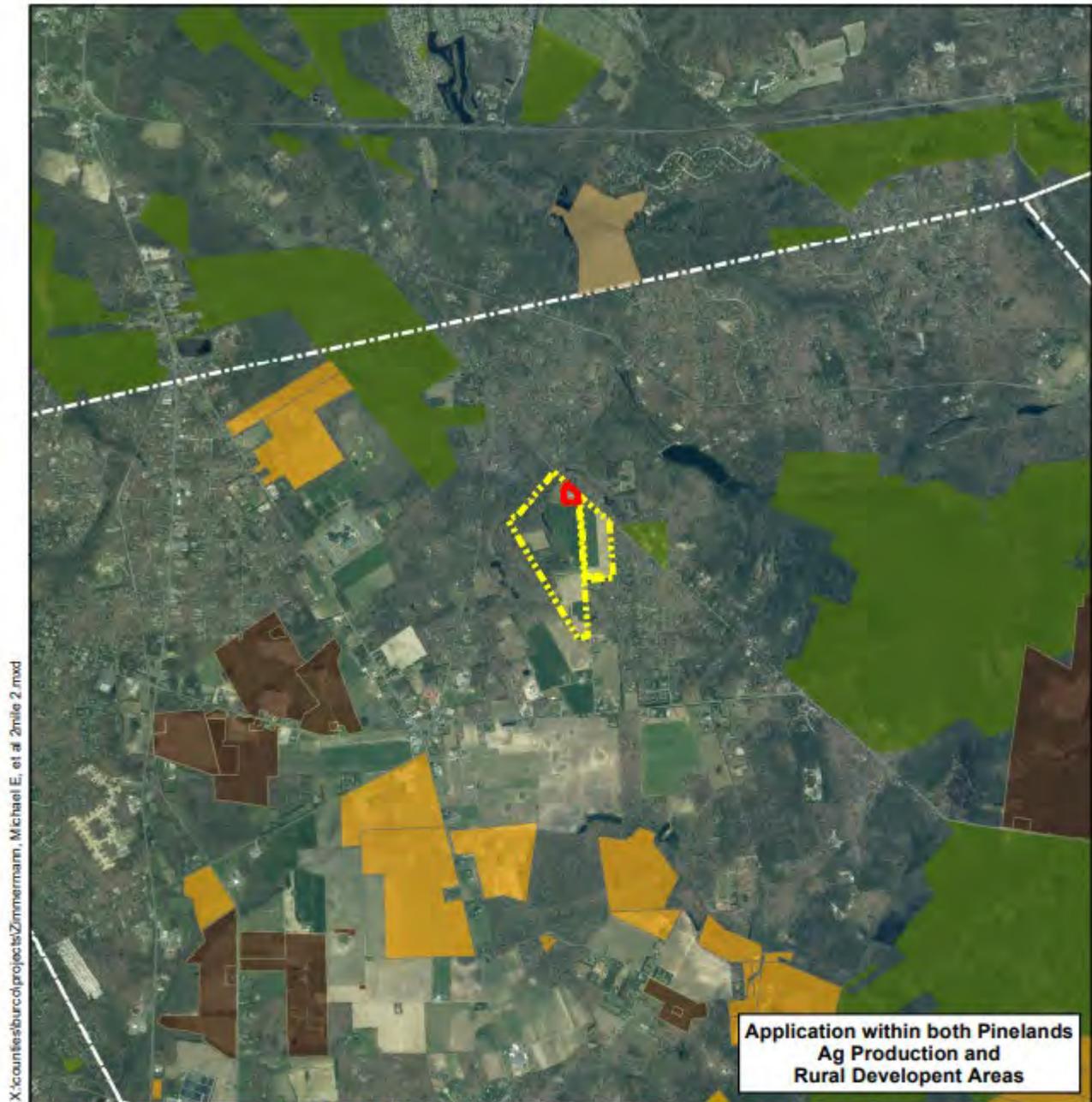


\_\_\_\_\_  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	ABSENT
Pete Johnson	RECUSE
Cecile Murphy (rep. DEP Commissioner LaTourette)	ABSENT
Roger Kumpel	RECUSE
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	ABSENT
Douglas Fisher, Chairperson	YES

# Preserved Farms and Active Applications Within Two Miles



X:\counties\source\project\Zimmermann, Michael E., et al 2mile 2.mxd

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

Zimmermann, Michael E., et al  
Block 404 Lots P/O 3 (97.0 ac) &  
P/O 3-EN (non-severable exception - 3.0 ac)  
& Block 1301.01 Lots 1.01 (28.0 ac) & 1.02 (0.8 ac)  
Gross Total = 128.8 ac  
Tabernacle Twp., Burlington County



**Application within both Pinelands  
Ag Production and  
Rural Development Areas**

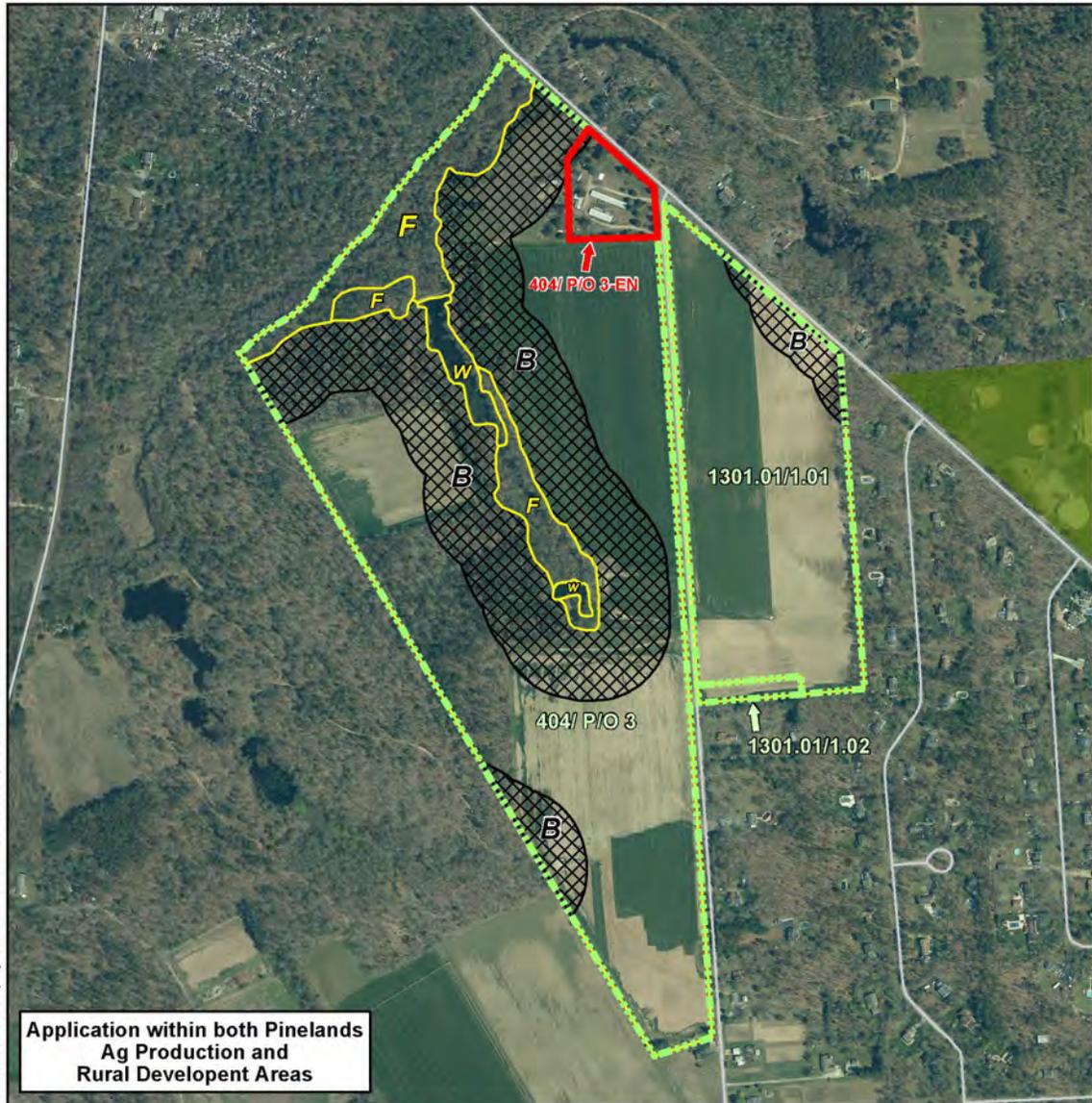
- Property In Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR)  
Preserved: Highlands,  
Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit  
Preserved Open Space, State Owned  
Conservation Easements,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



**Sources:**  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Protected Areas Database of the United States (PAD-US)  
NJCI.TD GIS 2020 Digital Aerial Image

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

# Wetlands



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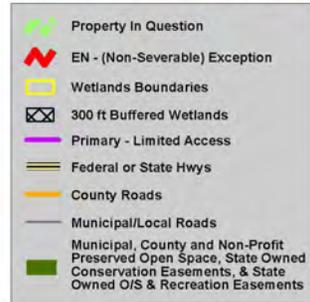
## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Zimmermann, Michael E., et al  
Block 404 Lots P/O 3 (97.0 ac) &  
P/O 3-EN (non-severable exception - 3.0 ac)  
& Block 1301.01 Lots 1.01 (28.0 ac) & 1.02 (0.8 ac)  
Gross Total = 128.8 ac  
Tabernacle Twp., Burlington County



**Sources:**  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJ Pinelands Commission PDC Data  
NJOT/OGIS 2020 Digital Aerial Image

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



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

October 5, 2022



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Zimmermann, Michael E., et al  
03-0440-PG  
County PIG Program  
126 Acres

Block 404	Lot 3	Tabernacle Twp.	Burlington County		
Block 1301	Lot 1.02	Tabernacle Twp.	Burlington County		
Block 1301.01	Lot 1.01	Tabernacle Twp.	Burlington County		
<b>SOILS:</b>			Statewide	92% * .1	= 9.20
			Unique zero	8% * 0	= .00
					<b>SOIL SCORE: 9.20</b>
<b>TILLABLE SOILS:</b>			Cropland Harvested	71% * .15	= 10.65
			Wetlands/Water	10% * 0	= .00
			Woodlands	19% * 0	= .00
					<b>TILLABLE SOILS SCORE: 10.65</b>
<b>FARM USE:</b>			Sod	84 acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use:
  - b. Exceptions:
    - 1st three (3) acres for Existing SFR & ag structures  
Exception is not to be severed from Premises  
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as amended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION #FY2023R10(4)  
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

**On the Property of  
Martinelli, Joseph E. and Josephine**

**OCTOBER 27, 2022**

Subject Property: **Martinelli, Joseph E. and Josephine**  
Block 4802, Lots 12,13, and 14 - Town of Hammonton, Atlantic County  
SADC ID#: 01-0045-DE

WHEREAS, on May 28, 2021, the State Agriculture Development Committee ("SADC") received a development easement sale application from Joseph E. & Josephine Martinelli, hereinafter "Owners," identified as Block 4802, Lots 12,13 and 14, Town of Hammonton, County, hereinafter "the Property," totaling approximately 55.4 gross acres, identified in (Schedule A); and

WHEREAS, the SADC is authorized under the Garden State Preservation Trust Act, pursuant to N.J.S.A. 13:8C-1 et seq., to purchase development easements directly from landowners; and

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

WHEREAS, the Property includes one (1), approximately 1.6-acre non-severable exception area for 2 existing single family residential units, one (1) agricultural labor camp consisting of three buildings and to afford future flexibility for nonagricultural uses resulting in approximately 53.8 net acres to be preserved, hereinafter referred to as "the Premises"; and

WHEREAS, the certification of value and this final approval are conditioned on all lots being consolidated simultaneously or immediately after the easement closing; and

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

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

WHEREAS, the 1.6-acre non-severable exception area:

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

WHEREAS, the Premises outside the exception area includes:

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

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on September 9, 2020, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, SADC staff determined that the Property meets the SADC's Atlantic County minimum criteria for acreage in the "Priority" category which requires at least 48 acres, but because Atlantic County did not submit individual farm applications within the previous three funding cycles, there is no average quality score for Atlantic County, resulting in the need for SADC preliminary approval; and

WHEREAS, on July 22, 2021, the SADC granted Preliminary Approval to proceed with the selection and processing of the application; and

WHEREAS, the New Jersey Pinelands Commission Letter of Interpretation #1464 allocated 2.5 Pinelands Development Credits (PDCs) to Block 4802, Lots 12, 13, and 14; and

WHEREAS, as a result of the conveyance of the deed of easement to the SADC, 2.50 PDCs will be retired; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on May 13, 2022, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$5,800 per acre based on zoning and environmental regulations in place as of the current valuation date December 8, 2021; and

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

WHEREAS, pursuant to N.J.A.C. 2:76-19.3, on May 13, 2022, the SADC issued a Pinelands Formula Valuation Certification of \$2,973 per acre without the impervious cover option and \$3,345 with the 10% impervious cover option; and

WHEREAS, the Formula takes into consideration the PDCs for a particular parcel and the presence of important agricultural and environmental features. The Formula provides for certain base values to be adjusted upward in varying percentages depending on factors such as site-specific environmental quality, access to highways, septic suitability and agricultural viability; and

WHEREAS, N.J.A.C. 2:76-19.4 provides that the development easement value shall not exceed 80 percent of the fee simple market value as determined by the Committee, which is \$22,300 per acre; and

WHEREAS, the Owners accepted the SADC's offer of \$5,800 per acre or a total of approximately \$312,000 for the purchase of the development easement on the Premises; and

WHEREAS, the Owner requested phased principal payments of the purchase price in ten installments as follows, subject to final survey acreage:

1. 2023 Closing date: approximately \$31,200
2. January 29, 2024: approximately \$31,200
3. January 29, 2025: approximately \$31,200
4. January 29, 2026: approximately \$31,200
5. January 29, 2027: approximately \$31,200
6. January 28, 2028: approximately \$31,200
7. January 29, 2029: approximately \$31,200
8. January 29, 2030: approximately \$31,200
9. January 29, 2031: approximately \$31,200
10. January 29, 2032: approximately \$31,200

WHEREAS, to proceed with the SADC's purchase of the development easement it is recognized that various professional services will be necessary including but not limited to contracts, survey, title search and insurance and closing documents; and

WHEREAS, contracts and closing documents for the acquisition of the development easement will be prepared and shall be subject to review by the Office of the Attorney General;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$5,800 per acre for a total of approximately \$312,000 subject to the conditions contained in (Schedule B).
3. Final approval is conditioned on all lots being consolidated, simultaneously or immediately after the easement closing.

4. The payments as set forth above will be memorialized in the recorded Deed of Easement.
  - a. The deed of easement shall include a paragraph 26 pursuant to N.J.A.C. 2:76-6.15(b), which will state, "Grantor has requested and agrees to receive the consideration for this Deed of Easement in phased payments from the Grantee. Grantor agrees that its conveyance of the Deed of Easement shall be irrevocable and that Grantor's only remedy in the event of a default in payment by Grantee shall be a money judgment against the Grantee and not against any successor in title to the Deed of Easement. Notwithstanding the foregoing, Grantee reserves any defenses available to it under applicable law, including but not limited to those defenses available under the New Jersey Tort Claim Act, N.J.S.A. 59:1-1, et seq. and New Jersey Contractual Liability Act, N.J.S.A. 59:13-1, et seq. Grantor further agrees that it shall make no attempt to rescind or otherwise terminate this Deed of Easement for any reason whatsoever." Notwithstanding the foregoing, the SADC Chief of Legal Affairs, in consultation with the Office of the Attorney General, may make modifications to the language contained herein as necessary and appropriate.
  - b. Owner shall, as a condition of closing on the sale of the development easement, execute an agreement under which she shall hold the SADC harmless for, from and against any losses of any kind Grantor incurs should the consequences of proceeding with the phased payment schedule do not result as Owner intended or anticipated.
5. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
6. The final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
7. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
8. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.

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

\_\_\_\_10/27/2022\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	ABSENT
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner LaTourette)	ABSENT
Roger Kumpel	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	ABSENT
Douglas Fisher, Chairperson	YES

[https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/01-0045-DE/Acquisition/Preliminary Approval, Final Approval & Agreement to Sell/Martinelli \\_SADC Direct Final Approval.docx](https://sonj.sharepoint.com/sites/AG-SADC-PROD/Farm Documents/01-0045-DE/Acquisition/Preliminary Approval, Final Approval & Agreement to Sell/Martinelli _SADC Direct Final Approval.docx)

# Preserved Farms and Active Applications Within Two Miles

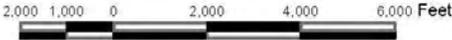


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**Application within the Pinelands Ag Production Area**

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

Martinelli, Joseph E. & Josephine  
Block 4802 Lots 12 (25.7 ac);  
P/O 13 (19.3 ac); P/O 14 (8.8 ac)  
& P/O 14-EN (non-severable exception - 1.6 ac)  
Gross Total = 55.4 ac  
Hammonton Town, Atlantic County



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



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

**Sources:**  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Protected Areas Database of the United States (PAD-US)  
NJGIT/OGIS 2019 Digital Aerial Image

# Wetlands



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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Martinelli, Joseph E. & Josephine  
Block 4802 Lots 12 (25.7 ac);  
P/O 13 (19.3 ac); P/O 14 (8.8 ac)  
& P/O 14-EN (non-severable exception - 1.6 ac)  
Gross Total = 55.4 ac  
Hammonton Town, Atlantic County



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJ Pinelands Commission PDC Data  
NJOT/IGIS 2019 Digital Aerial Image

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

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Martinelli, Joseph E. & Josephine  
Easement Purchase - SADC  
54 Acres

Block 4802	Lot 12	Hammonton Town	Atlantic County		
Block 4802	Lot 14	Hammonton Town	Atlantic County		
Block 4802	Lot 13	Hammonton Town	Atlantic County		
<b>SOILS:</b>		Other	6% *	0	= .00
		Prime	2% *	.15	= .30
		Statewide	82% *	.1	= 8.20
		Unique .125	10% *	.125	= 1.25
					<b>SOIL SCORE: 9.75</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	91% *	.15	= 13.65
		Wetlands/Water	1% *	0	= .00
		Woodlands	8% *	0	= .00
					<b>TILLABLE SOILS SCORE: 13.65</b>
<b>FARM USE:</b>	Berry		55 acres		Blueberries

**This final approval is subject to the following:**

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (1.6) acres for 2 SFR  
Exception is not to be severable from Premises
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions:
    1. The multiple lots in Block 4802 (Lots 12, 13 & 14) will need to be consolidated to facilitate potential ease of taxation, and to assist in monitoring. The lot consolidation will occur simultaneously with closing on the easement.
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE  
RESOLUTION #FY2023R10(5)  
FINAL REVIEW AND APPROVAL OF THE ACCEPTANCE OF A DONATION OF A  
DEVELOPMENT EASEMENT  
BY TRUSTEES OF THE WILLIAM F. BLACKMAN CHARITABLE FARM TRUST  
Harrison Township, Gloucester County  
SADC ID# 08-0001-DN**

**OCTOBER 27, 2022**

WHEREAS, the Trustees of the William F. Blackman Charitable Farm Trust, owners of farmland identified as Block 17, Lots 1 and 1.01, Harrison Township, Gloucester County, totaling 138.7 gross acres (hereinafter "Property"), have submitted an application to donate the development easement on the Property to the SADC; and

WHEREAS, on April 28, 2022, the SADC granted approval for the donation and authorization to proceed with selection and processing of this application (Schedule A) which includes:

- 1) 1.2-acre non-severable exception area for the existing single family residential unit and to afford future flexibility for nonagricultural uses; and
- 2) a 27.2-acre nonseverable exception area for the conservation purposes set forth in the Last Will and Testament of William F. Blackman (the "Blackman Will"); and

WHEREAS, on June 23, 2022, the SADC approved a Whole Farm Deed of Easement template for use in acquisitions funded, in part, under the federal Highlands Conservation Act (HCA) that ensures agriculture will be the primary use of the land while recognizing the co-benefits that can be achieved for agricultural productivity by including some water quality and woodland protections (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-6.15(b), the landowner may request, and the SADC may approve, more stringent deed restrictions consistent with the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq.; and

WHEREAS, SADC staff discussed the option of using the Whole Farm Deed of Easement with the Trustees, and they have agreed to use the easement template to effectuate the conservation purposes set forth in the Blackman Will ; and

WHEREAS, use of the Whole Farm Easement template obviates, in this case, the need for the previously approved 27.2-acre nonseverable exception, resulting in approximately 137.5 net acres to be preserved, hereinafter referred to as "the Premises" (Schedule C); and

WHEREAS, the final size and location of the proposed 1.2-acre nonseverable exception area shall be subject to onsite confirmation, and the Executive Director may approve change(s) thereto such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, and provided there is no impact on the SADC certified value; and

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

WHEREAS, the 1.2-acre non-severable exception area:

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

WHEREAS, the Premises includes:

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

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

WHEREAS, in order for the SADC to proceed with acceptance of a donation of the development easement on the Premises, the advance provision of various professional services will be necessary including, but not limited to, an appraisal(s), survey, title search and insurance, and acceptable contract and closing documents; and

WHEREAS, contract and closing documents for the acquisition of the development easement will be prepared and shall be subject to review by the Office of the Attorney General;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The terms and conditions of the April 28, 2022 approval are hereby incorporated herein by reference.
3. The SADC grants approval for the donation of a development easement on the Premises and approves the use of the Whole Farm Deed of Easement as the easement form for this donation to the SADC.
4. This approval recognizes that revisions to the deed template attached hereto as Schedule B are necessary for this specific donation and the Committee hereby authorizes the Executive Director and SADC counsel to make such revisions as may be necessary; and
5. The SADC's acceptance of the donation of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements,

encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.

6. The final acreage of the exception area shall be subject to onsite confirmation, and the Executive Director may approve the final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
7. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
8. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, or Executive Director Susan E. Payne, to execute an Agreement to Donate Development Easement, all necessary documents to contract for professional services necessary to acquire said development easement including, but not limited to, appraisal, a survey and title search, and to execute all necessary documents required to acquire the development easement.
9. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
10. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

10/27/2022  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	ABSENT
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner LaTourette)	ABSENT
Roger Kumpel	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	ABSENT
Douglas Fisher, Chairperson	YES

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION #FY2022R4(13)**

**REQUEST BY TRUSTEES OF THE WILLIAM F. BLACKMAN CHARITABLE  
FARM TRUST TO DONATE A DEVELOPMENT EASEMENT TO THE SADC**

**SADC ID# 08-0001-DN**

**APRIL 28, 2022**

WHEREAS, N.J.S.A. 4:1C-5e. authorizes the SADC to “[e]nter into any agreement or contract, execute any instrument, and perform any act or thing necessary, convenient or desirable for the purposes of the committee or to carry out any power expressly given in” the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq. (ARDA), which includes the acquisition of development easements on eligible farmland; and

WHEREAS, the Trustees of the William F. Blackman Charitable Farm Trust, owners of farmland identified as Block 17, Lots 1 and 1.01, Harrison Township, Gloucester County, totaling 138.7 gross acres (hereinafter “Property”), and further described on Schedule “A”, have submitted an application to donate the development easement on the Property to the SADC; and

WHEREAS, the Trustees have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, Division of the Premises for Non-Contiguous Parcels, and Non-Agricultural Uses; and

WHEREAS, staff has reviewed the application to donate a development easement to the SADC pursuant to the ARDA and relevant regulations at N.J.S.A. 2:76-1.1, et seq. ; and

WHEREAS, the Last Will and Testament of William F. Blackman expressed the intent and charitable purpose of the William F. Blackman Charitable Farm Trust to promote and further conserve the land and natural resources; and

WHEREAS, in furtherance of the Blackman will’s charitable intent, the Trustees requested that the 27.2-acre non-severable exception area be restricted for conservation purposes in a Deed Notice; and

WHEREAS, the Property includes two (2) exception areas: one (1) approximately 1.2-acre non-severable exception area for the existing single family residential unit and to afford future flexibility for nonagricultural uses and one (1) approximately 27.2- acre non-severable exception area for the purpose of restricting the area in accordance with the aforesaid conservation purposes resulting in approximately 110.3 net acres to be preserved, hereinafter referred to as “the Premises”; and

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

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

WHEREAS, the 1.2-acre non-severable exception area:

- i. Shall not be moved to another portion of the Premises and shall not be swapped with other land
- ii. Shall not be severed or subdivided from the Premises
- iii. Shall be limited to one (1) single family residential unit

WHEREAS, the 27.2-acre non-severable exception area:

- i. Shall not be moved to another portion of the Premises and shall not be swapped with other land
- ii. Shall not be severed or subdivided from the Premises
- iii. Shall be limited to zero (0) single family residential units
- iv. Shall be restricted for conservation purposes in a Deed Notice, which will be reviewed and approved by SADC counsel before being recorded at closing.

WHEREAS, the Premises includes:

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

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

WHEREAS, the Property is meets the minimum eligibility criteria contained in N.J.A.C. 2:76-6.20, is in the Gloucester County Agriculture Development Area and is a targeted farm with a quality score of 74.12, which exceeds 45, which is 70% of the County's average quality score (Schedule B); and

WHEREAS, a deed for a 1-acre portion of the Property (residence) was transferred to Peter E. Driscoll, J. Thomas Dunlevy and the Glenmede Trust Company, N.A., and the Trustees of the Residuary Trust Under the Last Will and Testament of William F. Blackman on July 23, 2007 and recorded in the Gloucester County Clerk's in Deed Book 4416, Page 178; a deed for the remainder of the Property was transferred to the Peter E. Driscoll, J. Thomas Dunlevy and the Glenmede Trust Company, N.A., and the Trustees of the William F. Blackman Charitable Farm Trust on July 23, 2007 deed and recorded in the Gloucester County Clerk's office in Deed Book 4416, Page 186; to resolve this ownership discrepancy, this final approval is conditioned upon the

Property being in common ownership prior to closing; and

WHEREAS, the donation of the development easement would result in the permanent preservation of the Property; and

WHEREAS, to proceed with the SADC's acquisition of the development easement it is recognized that various professional services will be necessary including but not limited to appraisals, contracts, survey, title search and insurance and closing documents, and the reasonable costs of such services shall be borne by the SADC; and

WHEREAS, contracts and closing documents for the acquisition of the development easement will be prepared and shall be subject to review by the Office of the Attorney General;

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC hereby grants final approval of the donation of a development easement on the Property to the SADC pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq. and N.J.A.C. 2:76-6.5 and N.J.A.C. 2:76-6.10 and the conditions contained in (Schedule C).
3. This final approval is conditioned upon the 27.2-acre non-severable exception area to be restricted for conservation purposes in a Deed Notice, which will be reviewed and approved by SADC counsel before being recorded in furtherance of the closing on the donation of the development easement.
4. This final approval is conditioned upon the Property being in common ownership prior to closing.
5. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
6. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
7. The SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement including, but not limited to, a survey and title search and to execute all necessary documents required to acquire the development easement.

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

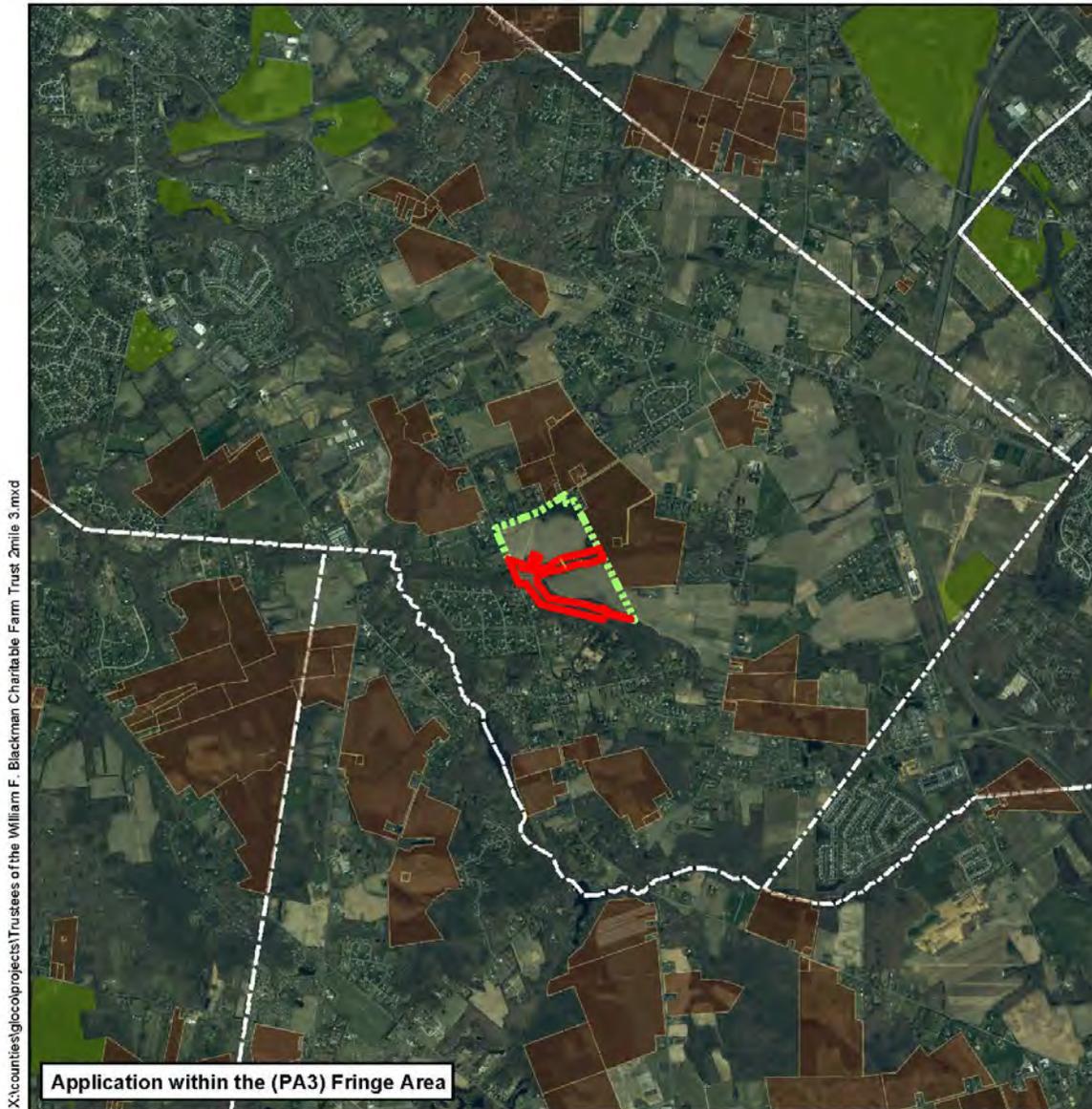
\_\_\_\_\_ 4/28/2022 \_\_\_\_\_  
Date

  
\_\_\_\_\_  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	YES
Pete Johnson	YES
Renee Jones (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	ABSENT
Julie Krause (rep. State Treasurer Muoio)	ABSENT
James Waltman	YES
Richard Norz	YES
Douglas Fisher, Chairperson	YES

## Preserved Farms and Active Applications Within Two Miles



X:\counties\goc\projects\Trustees of the William F. Blackman Charitable Farm Trust 2mile 3.mxd

**Application within the (PA3) Fringe Area**

### FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Trustees of the William F. Blackman Charitable Farm Trust  
Block 17 Lots 1-EN (non-severable exception - 1.2 ac);  
P/O 1.01 (45.6 & 64.9 ac);  
& P/O 1.01-EN (non-severable exceptions - 27.2 ac)  
Gross Total = 138.7 ac  
Harrison Twp., Gloucester County



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



**Sources:**  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
Protected Areas Database of the United States (PAD-US)  
NJGIT/OGIS 2020 Digital Aerial Image

August 24, 2021

# Project Map



X:\counties\glouce\projects\Trustees of the William F. Blackman Charitable Farm Trust project map 4.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Trustees of the William F. Blackman Charitable Farm Trust  
 Block 17 Lots 1-EN (non-severable exception - 1.2 ac);  
 P/O 1.01 (45.6 & 64.7 ac);  
 & P/O 1.01-EN (non-severable exception - 27.2 ac)  
 Gross Total = 138.7 ac  
 Harrison Twp., Gloucester County



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



Sources:  
 Green Acres Conservation Easement Data  
 NJDOT Road data 07/2021  
 NJOT/OGIS 2020 Digital Aerial Image

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

August 24, 2021

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

**GENERAL INFORMATION**

COUNTY OF Gloucester Harrison Twp. 0808

APPLICANT Trustees of the William F. Blackman Charitable Farm Trust

**PRIORITIZATION SCORE**

<b>SOILS:</b>		Other	13% * 0	=	.00	
		Prime	81% * .15	=	12.15	
		Statewide	6% * .1	=	.60	
					<b>SOIL SCORE:</b>	<b>12.75</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	80% * .15	=	12.00	
		Woodlands	20% * 0	=	.00	
					<b>TILLABLE SOILS SCORE:</b>	<b>12.00</b>
<b>BOUNDARIES AND BUFFERS:</b>	Dead Restricted Farmland (Permanent)		24% * .2	=	4.80	
	Farmland (Unrestricted)		7% * .06	=	.42	
	Residential Development		10% * 0	=	.00	
	Streams and Wetlands		36% * .18	=	6.48	
	Woodlands		2% * .06	=	.18	
					<b>BOUNDARIES AND BUFFERS SCORE:</b>	<b>11.88</b>
<b>CONTIGUOUS PROPERTIES / DENSITY:</b>	William Blackman Trust	Restricted Farm or Current Application			2	
	Clendening	Restricted Farm or Current Application			2	
	Pennell	Restricted Farm or Current Application			2	
	Katinos	Restricted Farm or Current Application			2	
	Bartholomew	Restricted Farm or Current Application			2	
					<b>DENSITY SCORE:</b>	<b>10.00</b>
<b>LOCAL COMMITMENT:</b>			100% * 16	=	16.00	
					<b>LOCAL COMMITMENT SCORE:</b>	<b>16.00</b>
<b>SIZE:</b>						<b>SIZE SCORE: 6.53</b>
<b>IMMINENCE OF CHANGE:</b>		SADC Impact Factor =	4.96			
					<b>IMMINENCE OF CHANGE SCORE:</b>	<b>4.96</b>
<b>COUNTY RANKING:</b>						
<b>EXCEPTIONS:</b>						<b>EXCEPTION SCORE: .00</b>
					<b>TOTAL SCORE:</b>	<b>74.12</b>

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Trustees of the William F. Blackman Charitable Farm Trust  
Easement Donation - SADC  
110 Acres

Block 17	Lot 1.01	Harrison Twp.	Gloucester County	
<b>SOILS:</b>		Other	13% * 0	= .00
		Prime	81% * .15	= 12.15
		Statewide	6% * .1	= .60
				<b>SOIL SCORE: 12.75</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	80% * .15	= 12.00
		Woodlands	20% * 0	= .00
				<b>TILLABLE SOILS SCORE: 12.00</b>
<b>FARM USE:</b>		Corn-Cash Grain	67 acres	
		Soybeans-Cash Grain	16 acres	

**This final approval is subject to the following:**

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (1.2 ) acres for Existing SFR  
Exception is not to be severable from Premises  
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
    - 2nd (27.2) acres for Open space  
Exception is not to be severable from Premises  
Exception is to be limited to zero existing single family residential unit(s) and zero future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions:
    1. To be in common ownership prior to closing
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

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**DEED OF EASEMENT**

**Schedule B**

**STATE OF NEW JERSEY  
AGRICULTURE RETENTION AND DEVELOPMENT PROGRAM**

This Deed is made \_\_\_\_\_, 20\_\_

BETWEEN \_\_\_\_\_ whose address is \_\_\_\_\_, and is referred to as the Grantor;

AND the **State Agriculture Development Committee**, whose address is, PO Box 330, Trenton, New Jersey 08625 and is referred to as the Grantee or Committee.

The Grantor, Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns grants and conveys to the Grantee a development easement and all of the nonagricultural development rights and credits on the Premises, located in the Township of \_\_, County of \_\_, described in the attached Schedule A, and, for the limited purpose of the restrictions contained in Paragraph 13(b), the tract of land described in the attached Schedule C, which schedules are incorporated by reference in this Deed of Easement, for and in consideration of the sum of \_\_ (\$\_\_ ) Dollars.

Any reference in this Deed of Easement to "Premises" refers to the property described in Schedule A, and, for the limited purpose of the restrictions contained in Paragraph 13(b), to the tract of land described in Schedule C.

The tax map reference for the Premises is:

**Township of \_\_, County of \_\_  
Block \_\_, Lot \_**

WHEREAS, the legislature of the State of New Jersey has declared that the development of agriculture and the retention of farmlands are important to the present and future economy of the State and the welfare of the citizens of the State; and

WHEREAS, the Grantor is the sole and exclusive owner of the Premises; and

WHEREAS, the Grantee believes that the retention and preservation of agricultural lands is beneficial to the public health, safety and welfare of the citizens of the State of New Jersey.

NOW THEREFORE, THE GRANTOR, GRANTOR'S HEIRS, EXECUTORS, ADMINISTRATORS, PERSONAL OR LEGAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS PROMISES that the Premises will be owned, used and conveyed subject to, and not in violation of the following restrictions:

- 1. Any development of the Premises for nonagricultural purposes is expressly prohibited.

Prepared by: \_\_\_\_\_  
Insert Name & Title under signature

Record & Return to:  
Address  
City, State, Zip

2. The Premises shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, and all other rules promulgated by the State Agriculture Development Committee, (hereinafter Committee). Agricultural use shall mean the use of the Premises for common farmsite activities including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management and grazing.

3. Grantor certifies that at the time of the application to sell the development easement to the Grantee and at the time of the execution of this Deed of Easement the nonagricultural uses indicated on attached Schedule (B) existed on the Premises. All other nonagricultural uses are prohibited except as expressly provided in this Deed of Easement.

4. All nonagricultural uses, if any, existing on the Premises at the time of the landowner's application to the Grantee as set forth in Section 3 above may be continued and any structure may be restored or repaired in the event of partial destruction thereof, subject to the following:

- i. No new structures or the expansion of pre-existing structures for nonagricultural use are permitted;
- ii. No change in the pre-existing nonagricultural use is permitted;
- iii. No expansion of the pre-existing nonagricultural use is permitted; and
- iv. In the event that the Grantor abandons the pre-existing nonagricultural use, the right of the Grantor to continue the use is extinguished.

5. No sand, gravel, loam, rock, or other minerals shall be deposited on or removed from the Premises excepting only those materials required for the agricultural purpose for which the land is being used.

6. No dumping or placing of trash or waste material shall be permitted on the Premises unless expressly recommended by the Committee as an agricultural management practice.

7. No activity shall be permitted on the Premises which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor shall any other activity be permitted which would be detrimental to the continued agricultural use of the Premises.

- i. Grantor shall obtain within one year of the date of this Deed of Easement, a farm conservation plan approved by the local soil conservation district.
- ii. Grantor's long-term objectives shall conform with the provisions of the farm conservation plan.

8. Grantee and its agents shall be permitted access to, and to enter upon, the Premises at all reasonable times, but solely for the purpose of inspection in order to enforce and assure

compliance with the terms and conditions of this Deed of Easement. Grantee agrees to give Grantor at least 24 hours advance notice of its intention to enter the Premises, and further, to limit such times of entry to the daylight hours on regular business days of the week.

9. Grantor may use the Premises to derive income from certain recreational activities such as hunting, fishing, cross country skiing and ecological tours, only if such activities do not interfere with the actual use of the land for agricultural production and that the activities only utilize the Premises in its existing condition. Other recreational activities from which income is derived and which alter the Premises, such as golf courses and athletic fields, are prohibited.

10. Nothing shall be construed to convey a right to the public of access to or use of the Premises except as stated in this Deed of Easement or as otherwise provided by law.

11. Nothing shall impose upon the Grantor any duty to maintain the Premises in any particular state, or condition, except as provided for in this Deed of Easement.

12. Nothing in this Deed of Easement shall be deemed to restrict the right of Grantor to maintain all roads and trails existing upon the Premises as of the date of this Deed of Easement. Grantor shall be permitted to construct, improve or reconstruct any roadway necessary to service crops, bogs, agricultural buildings, or reservoirs as may be necessary.

13(a). At the time of this conveyance, Grantor has \_\_\_\_ (#) existing single family residential building(s) on the Premises and \_ (#) residential buildings used for agricultural labor purposes. Grantor may use, maintain, and improve existing buildings on the Premises for agricultural, residential and recreational uses subject to the following conditions:

- i. Improvements to agricultural buildings shall be consistent with agricultural uses;
- ii. Improvements to residential buildings shall be consistent with agricultural or single and extended family residential uses. Improvements to residential buildings for the purpose of housing agricultural labor are permitted only if the housed agricultural labor is employed on the Premises; and
- iii. Improvements to recreational buildings shall be consistent with agricultural or recreational uses.

13(b). Grantor, their heirs, executors, administrators, personal or legal representatives, successors and assigns may use and maintain the Exception Area, as described in the attached Schedule C subject to the following conditions:

- i. the Exception Area shall not be moved to another portion of the Premises and shall not be swapped with other land.
- ii. the Exception Area shall not be severed or subdivided from the Premises.
- iii. The Exception Area shall be limited to \_\_ single family residential unit(s).
- iv. (Right to Farm Language if Exception is Non-Severable) Grantors, grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns or any person who is occupying or residing on the Exception Area as well

as the heirs, executors, administrators, personal or legal representatives, successors and assigns of all such persons are hereby notified and made aware that the Exception Area is adjacent to a parcel ("Premises") permanently deed restricted under the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq. Such persons occupying or residing on the Exception Area are notified and made aware that agriculture is the accepted and preferred use of the adjacent Premises and that the adjacent Premises shall continue in agricultural use as defined in Section 2 of the Deed of Easement.

14. Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except as follows:

- i. To provide structures for housing of agricultural labor employed on the Premises but only with the approval of the Committee. If the Committee grants approval for the construction of agricultural labor housing, such housing shall not be used as a residence for Grantor, Grantor's spouse, Grantor's parents, Grantor's lineal descendants, adopted or natural, Grantor's spouse's parents, Grantor's spouse's lineal descendants, adopted or natural; and
- ii. To construct a single family residential building anywhere on the Premises in order to replace any single family residential building in existence at the time of conveyance of this Deed of Easement but only with the approval of the Committee.
- iii. No residual dwelling site opportunities have been allocated pursuant to the provisions of N.J.A.C. 2:76-6.17. No residential buildings are permitted on the Premises except as provided in this Deed of Easement.

For the purpose of this Deed of Easement:

"Residual dwelling site opportunity" means the potential to construct a residential unit and other appurtenant structures on the Premises in accordance with N.J.A.C. 2:76-6.17.

"Residual dwelling site" means the location of the residential unit and other appurtenant structures.

"Residential unit" means the residential building to be used for single family residential housing and its appurtenant uses. The construction and use of the residential unit shall be for agricultural purposes.

"Use for agricultural purposes" as related to the exercise of a residual dwelling site opportunity and the continued use of the residential unit constructed thereto, means at least one person residing in the residential unit shall be regularly engaged in common farmsite activities on the Premises including, but not limited to: production, harvesting, storage, grading, packaging, processing and the

wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage, water management and grazing.

15. The land and its buildings which are affected may be sold collectively or individually for continued agricultural use as defined in Section 2 of this Deed of Easement. However, no division of the land shall be permitted without the approval in writing of the Grantee. In order for the Grantor to receive approval, the Grantee must find that the division shall be for an agricultural purpose and result in agriculturally viable parcels. Division means any division of the Premises, for any purpose, subsequent to the effective date of this Deed of Easement.

- i. For purposes of this Deed of Easement, "Agriculturally viable parcel" means that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from each parcel's agricultural output.

16. In the event of any violation of the terms and conditions of this Deed of Easement, Grantee may institute, in the name of the State of New Jersey, any proceedings to enforce these terms and conditions including the institution of suit to enjoin such violations and to require restoration of the Premises to its prior condition. Grantee does not waive or forfeit the right to take any other legal action necessary to insure compliance with the terms, conditions, and purpose of this Deed of Easement by a prior failure to act.

17. This Deed of Easement imposes no obligation or restriction on the Grantor's use of the Premises except as specifically set forth in this Deed of Easement.

18. This Deed of Easement is binding upon the Grantor, the Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns and the Grantee; it shall be construed as a restriction running with the land and shall be binding upon any person to whom title to the Premises is transferred as well as upon the heirs, executors, administrators, personal or legal representatives, successors, and assigns of all such persons.

19. Throughout this Deed of Easement, the singular shall include the plural, and the masculine shall include the feminine, unless the text indicates otherwise.

20. The word 'Grantor' shall mean any and all persons who lawfully succeed to the rights and responsibilities of the Grantor, including but not limited to the Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns.

21. Wherever in this Deed of Easement any party shall be designated or referred to by name or general reference, such designation shall have the same effect as if the words, 'heirs, executors, administrators, personal or legal representatives, successors and assigns' have been inserted after each and every designation.

22. Grantor, Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns further transfers and conveys to Grantee all of the nonagricultural

development rights and development credits appurtenant to the lands and Premises described herein. Nothing contained herein shall preclude the conveyance or retention of said rights by the Grantee as may be permitted by the laws of the State of New Jersey in the future.

23. That portion of the net proceeds, representing the value of the land only (and not the value of the improvements), of a condemnation award or other disposition of the Premises following termination of this Deed of Easement, as permitted pursuant to N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, shall be distributed among the Grantor and the Grantee in shares in proportion to the fair market value of their interests in the Premises on the date of execution of this Deed of Easement. For this purpose, the Grantee's allocable share of the proceeds shall be the net proceeds multiplied by a fraction, the numerator of which is the fair market value of the development easement as certified by the Committee at the time of the initial acquisition and the denominator of which is the full fair market value of the unrestricted Premises as certified by the Committee at the time of the initial acquisition, which is identified as   /  .

24. No historic building or structure located on the Premises may be demolished by the grantor or any other person without the prior approval of the State Agriculture Development Committee. Historic building or structure is a building or structure that, as of the date of this Deed of Easement, has been included in the New Jersey Register of Historic Places established pursuant to N.J.S.A. 13:1B-15.128 et seq.

The parties hereto agree to the following additional provisions under the authority of N.J.A.C. 2:76-6.15(b):

25. Prior to the execution of this Deed of Easement, Grantor shall obtain a Resource Management Systems Plan ("RMS Plan") that has been signed by Grantor, approved by NRCS-NJ and the local soil conservation district, and received concurrence in writing by Grantee that the RMS Plan is consistent with the terms and purposes of the Deed of Easement. An RMS Plan is a site specific farm conservation plan that prescribes needed land treatment and related conservation and natural resource management measures, including forest management practices, for the conservation, protection, and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of nonpoint source pollution, and establishes criteria for resources sustainability of soil, water, air, plants, and animals. Grantor shall fully implement the RMS Plan within two (2) years of the date of this Deed of Easement and maintain full compliance at all times thereafter.

i. Revisions to the RMS Plan, including the schedule of implementation, shall be made by Grantor as land use practices or land management changes, including changes in operator and owner. Any such revisions to the RMS Plan must first be approved by NRCS-NJ and the local soil conservation district and receive concurrence in writing by Grantee that the RMS Plan is consistent with the terms of the Deed of Easement.

ii. In the event that Grantor develops a forest management plan, woodland management plan, forest stewardship plan, or any other separate natural resource

management plan prepared pursuant to the RMS Plan, Grantor must first obtain written concurrence from the Grantee that said plan is consistent with the terms of this Deed of Easement prior to the plan's implementation.

26. In the area delineated as the Riparian Area ("Riparian Area") in Schedule X, Grantor shall establish a riparian forest buffer ("Riparian Buffer") in perpetuity. Grantor shall begin establishment of the Riparian Buffer within two (2) years of the date of this Conservation Easement either through natural regeneration or planting, or where applicable, within two (2) years after the termination or expiration of a preexisting CREP in accordance with 28. ii. In the Riparian Buffer, there shall be no burning, mowing, cutting, removal, grazing, livestock access, plowing, tilling, haying or destruction of trees or other vegetation (collectively, "Vegetation") except for Vegetation that is nonnative or invasive or is performed in accordance with an approved RMS Plan. Establishment and maintenance of the Riparian Buffers shall be in accordance with the NRCS-NJ Conservation Practice Standard Code 391 - Riparian Forest Buffer, contained in the FOTG.

i. Grantor retains the right to establish no more than (X) stream crossings ("Stream Crossing") for vehicles, equipment, and livestock, but nothing herein shall be construed to grant livestock direct access to the Riparian Buffer. Establishment and maintenance of the Stream Crossing shall be in accordance with the NRCS-NJ Conservation Practice Standard Code 578 - Stream Crossing, contained in the FOTG. Furthermore, Grantor retains the right to draw water from the Riparian Buffer in a manner consistent with state and federal law.

ii. The Riparian Buffer provisions described above are effective as of the date of this Deed of Easement if the Premises is not enrolled in a Conservation Reserve Enhancement Program (CREP) contract ("CREP Contract") between a federal agency and Grantor as of said date. If the Premises is enrolled in a CREP Contract as of said date, the provisions described above are effective upon the earlier to occur of either (i) termination of a preexisting CREP Contract or (ii) expiration of a preexisting CREP Contract. Grantor shall provide a copy of the CREP Contract to Grantee prior to execution of the Deed of Easement.

29. Grantor reserves the right to plant, grow, and harvest trees, timber and forest products and to engage in other forest management activities ("Forest Management Activities") related thereto in the Woodland Areas ("Woodland Areas") provided that the same are carried out in a manner consistent with Forest Stewardship Plan ("Forest Stewardship Plan") prepared by an approved New Jersey forester pursuant to N.J.S.A 54:4-23.3 et seq., N.J.S.A. 13:1L-29 et seq, and N.J.A.C 7:3-5-1 et seq. The Forest Stewardship Plan shall set forth the management practices Grantor intends to carry out in order to achieve its management objectives and shall provide for forest cover in perpetuity subject to the harvesting of timber and timber products using accepted forestry practices consistent with State and Federal laws, regulations and currently acceptable best management practices described fully in the New Jersey Forestry and Wetlands Best Management Practices Manual. Woodland Areas, as delineated in Schedule X, is hereby defined as land one (1) acre in size or greater that has at least 10 percent canopy cover of live tally tree species of any size or has had at least 10 percent canopy cover of live tally species in the past, based on the presence of stumps, snags, or other evidence.

i. Prior to the execution of this Deed of Easement, Grantor shall obtain a Forest Stewardship Plan that has been signed by Grantor, prepared by an approved forester, approved by the New Jersey Forest Service, and received concurrence in writing by Grantee that the Forest Stewardship Plan is consistent with the terms and purposes of the Deed of Easement. Grantor shall implement the Forest Stewardship Plan within two (2) years of the date of this Deed of Easement and maintain full compliance at all times thereafter. The Forest Stewardship Plan shall be updated not less frequently than once every ten (10) years.

ii. Revisions to the Forest Stewardship Plan shall be required if Grantor wishes to propose a forest stand treatment not contained in the then-current approved Forest Stewardship Plan and if ownership changes. Any such revisions to the Forest Stewardship Plan must first be approved by the New Jersey Forest Service and receive concurrence in writing by Grantee that the Forest Stewardship Plan is consistent with the terms and purposes of the Deed of Easement.

iii. In the Woodland Areas, there shall be no burning, mowing, cutting, removal, grazing, livestock access, plowing, tilling or destruction of trees, shrubs, or other vegetation (collectively, "Vegetation") unless: (i) Grantor and said activity are in full compliance with the Woodland Plan; and (ii) said activity is in compliance with all applicable local, state, and federal laws and regulations. However, in no event is the permanent conversion of woodlands to non-woodlands permitted in the Woodland Areas.

The Grantor signs this Deed of Easement as of the date of the top of the first page. If the Grantor is a corporation, this Deed of Easement is signed and attested to by its proper corporate officers.

\_\_\_\_\_(L.S.)  
Name of Seller, Name of position (if applicable)

\_\_\_\_\_(L.S.)  
Name of Seller, Name of position (if applicable)

**(INDIVIDUAL ACKNOWLEDGMENT)**

STATE OF NEW JERSEY, COUNTY OF \_\_\_\_\_ SS.:

I CERTIFY that on \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_ personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- a. is named in and personally signed this DEED OF EASEMENT;
- b. signed, sealed and delivered this DEED OF EASEMENT as his or her act and deed;
- c. made this DEED OF EASEMENT for and in consideration of mutual obligations and benefits to each party; and
- d. the actual and true consideration paid for this instrument is \$\_\_\_\_\_

\_\_\_\_\_  
Insert Name & Title under signature

**(STATE AGRICULTURE DEVELOPMENT COMMITTEE)**

The State Agriculture Development Committee has approved the purchase of the development easement on the Premises pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32 and the Garden State Preservation Trust Act, N.J.S.A. 13:8C-1 et seq., P.L. 1999, c.152 and hereby accepts and approves the foregoing restrictions, benefits and covenants.

\_\_\_\_\_  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

\_\_\_\_\_  
Date

STATE OF NEW JERSEY, COUNTY OF MERCER SS.:

I CERTIFY that on \_\_\_\_\_, 20\_\_\_\_,

Susan E. Payne personally came before me and acknowledged under oath, to my satisfaction, that this person:

- a. is named in and personally signed this DEED OF EASEMENT,
- b. signed, sealed and delivered this DEED OF EASEMENT as the Committee's act and deed, and
- c. is the Executive Director of the State Agriculture Development Committee.

\_\_\_\_\_

# Wetlands



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

Trustees of the William F. Blackman Charitable Farm Trust  
 Block 17 Lots 1-EN (non-severable exception - 1.2 ac)  
 & 1.01 (137.5 ac)  
 Gross Total = 138.7 ac  
 Harrison Twp., Gloucester County



**Source:**  
 NJ Farmland Preservation Program  
 NJOIT Parcels - 17/1 edited to include buildings  
 Google/Esri/DeLorme/Mapbox/Mapbox  
 NJOIT/DGIS 2020 Digital Aerial Image

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



	Property In Question
	EN - (Non-Severable) Exception
	Wetlands Boundaries
	Stream
<b>Roads</b>	
	Primary - Limited Access
	Federal, County & State Roads
	Municipal/Local Roads

**Wetlands Legend:**  
 F - Freshwater Wetlands  
 S - Lateral Wetlands  
 A - Wetlands Identified for Agriculture  
 T - Tidal Wetlands  
 N - Non-Wetlands  
 B - 200' Buffer  
 W - Water

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**  
**RESOLUTION #FY2023R10(6)**  
**Preliminary Approval of SADC Fee Simple Purchase**  
**On the Property of Schmied, Wayne R.**

**OCTOBER 27, 2022**

Subject Property: **Schmied, Wayne R.**  
Block 11, Lots 2 & 2.06 – Holland Township, Hunterdon County  
SADC ID#: 10-0088-FS

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

WHEREAS, on October 3, 2022, the SADC received a fee simple application from Wayne R. Schmied, hereinafter “Owner,” identified as Block 11, Lots 2 and 2.06, Holland Township, Hunterdon County, hereinafter “the Property,” totaling approximately 117.4 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes two (2) existing residences, zero (0) agricultural labor units, and no pre-existing non-agricultural uses (Schedule B); and

WHEREAS, the Property includes the remnants of two (2) former dairy barns that are the result of a fire (Schedule C) and if the landowner accepts the SADC’s offer, the SADC will authorize, at a minimum, a Phase II environmental review of this area along with a Phase I environmental review of the entire Property; and

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

WHEREAS, the application has been evaluated for the sale of development easement pursuant to N.J.A.C. 2:76-8.5 and the State Acquisition Selection Criteria approved by the SADC on September 2, 2021, which categorizes applications into “Priority”, “Alternate” and “Other” groups; and

WHEREAS, the Property, is within the County Agriculture Development Area (ADA) and has a quality score of 66.09 and contains approximately 117.4 gross acres (Schedule B); and

WHEREAS, the Property meets the SADC’s Hunterdon County minimum criteria for the “Priority” category which requires a quality score of at least 57 combined with at least 47 acres, however, because the landowner is requesting a fee simple acquisition, staff is requesting SADC preliminary approval; and

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.

2. The SADC grants preliminary approval to the Property for a fee simple purchase pursuant to N.J.A.C. 2:76-8.5 and N.J.A.C. 2:76-6.16 because the Property:
  - a. is above average size and quality for Hunterdon County and meets the criteria to be considered a "Priority" farm pursuant to N.J.A.C. 2:76-8.5(c);
  - b. contains approximately 51% Prime soils and 15% Statewide Important soils;
  - c. contains over 66.5 acres (57%) of tillable land;
  - d. is directly contiguous with two other preserved farms;
  - e. is located within the "West" project area as identified in Hunterdon County's Farmland Preservation Plan and is a targeted farm in both the county and municipal planning incentive grant programs; and
  - f. the SADC believes that the conversion of the farm to non-agricultural use would likely cause a substantial negative impact on the public investment made in farmland preservation within the project area.
  
3. The SADC authorizes staff to proceed with the following:
  - a. Enter into a 120-day option agreement with the Landowner;
  - b. Secure two independent appraisals to estimate the fair market value of the Property;
  - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC;
  - d. Secure professional services that are necessary to proceed with the acquisition of the Property, including but not limited to a survey, title search, environmental reviews and liability insurance.
  
4. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
  
5. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

10/27/2022  
Date



\_\_\_\_\_  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	ABSENT
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner LaTourette)	ABSENT
Roger Kumpel	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
James Waltman	YES
Richard Norz	ABSENT
Douglas Fisher, Chairperson	YES

# Preserved Farms and Active Applications Within Two Miles



X:\counties\huncoprojects\Schmied, Wayne R 2mile.mxd

Application in the Highlands Planning Area (Conforming)

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Schmied, Wayne R.  
Block 11 Lots 2 (111.5 ac) & 2.06 (5.9 ac)  
Gross Total = 117.4 ac  
Holland Twp., Hunterdon County



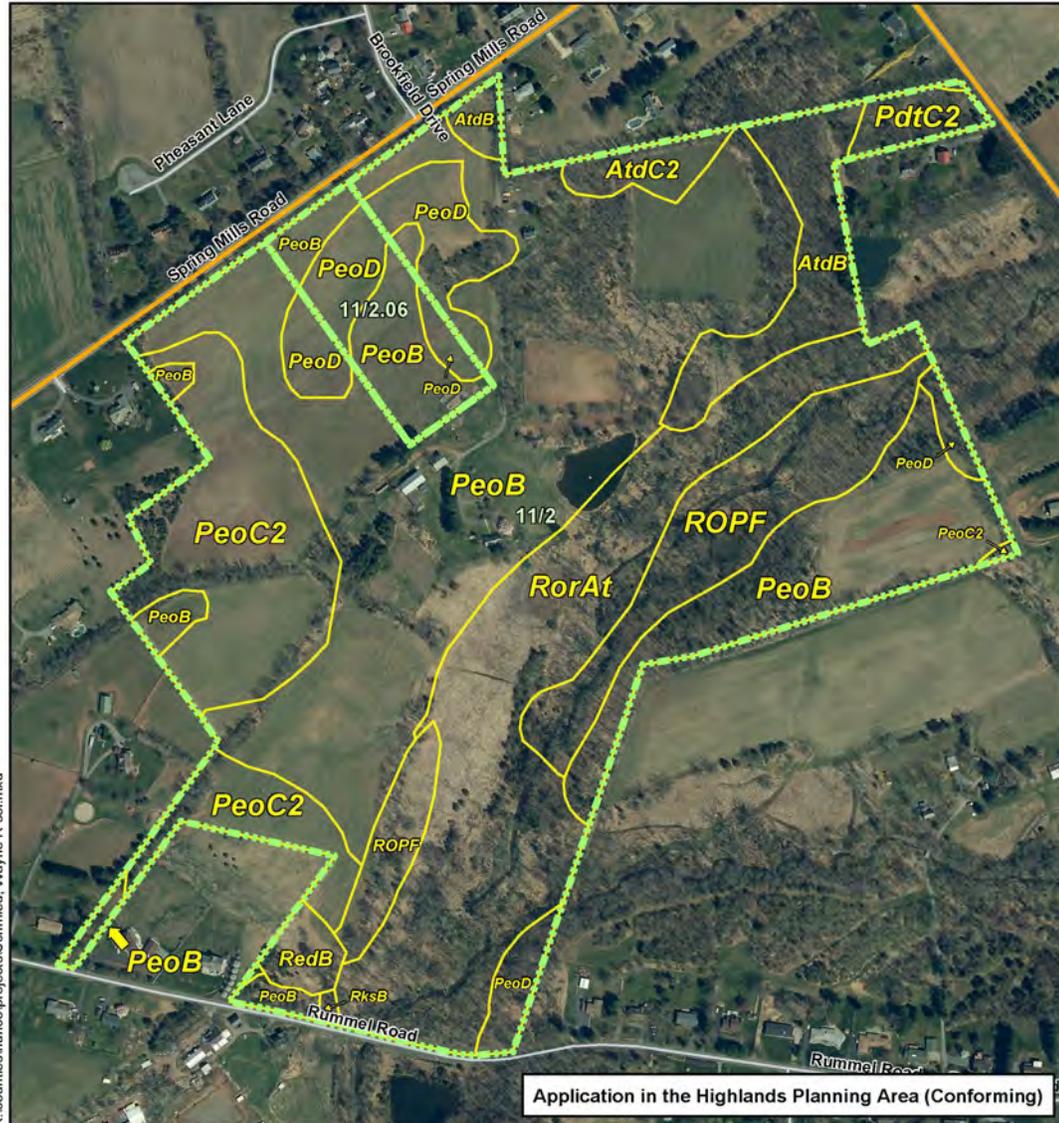
- Property In Question
- Preserved Easements
- Transfer Development Rights (TDR)  
Preserved: Highlands,  
Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit  
Preserved Open Space, State Owned  
Conservation Easements, & State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

Sources:  
NJ Farmland Preservation Program  
NJOT Parcel Data  
NJDEP Conservation/Open Space Easement Data  
NJDOT Road Data  
NJ Highlands Council Data  
NJOT/OGIS 2020 Digital Aerial Image

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

October 11, 2022

# Soils



X:\counties\hunco\projects\Schmieid, Wayne R. sol.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Schmieid, Wayne R.  
Block 11 Lots 2 (111.5 ac) & 2.06 (5.9 ac)  
Gross Total = 117.4 ac  
Holland Twp., Hunterdon County



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

Sources:  
NJ Farmland Preservation Program  
NJGIT Parcel data  
NRCS - SSURGO 2021 Soil Data  
NJ Highlands Council Data  
NJDOT Road Data  
NJGIT/IGIS 2020 Digital Aerial Image

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October 11, 2022

2 Single family residences & outbuildings



## Remains of old barns



