

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

REGULAR MEETING

January 26, 2012

Acting Chairperson Purcell called the meeting to order at 9:15 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

Members Present

Monique Purcell, Acting Chairperson
Fawn McGee (rep. DEP Commissioner Martin)
Tom Stanuikynas (rep. DCA Acting Commissioner Constable)
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)
Jane R. Brodhecker
Alan A. Danser
James Waltman
Torrey Reade

Members Absent

Brian Schilling (rep. Executive Dean Goodman)
Denis C. Germano

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

Others present as recorded on the attendance sheet: Heidi Winzinger, Brian Smith, Charles Roohr, Timothy Brill, Paul Burns, Ed Ireland, Bryan Lofberg, Stefanie Miller, Patricia Riccitello, Sandy Giambrone, SADC staff, Daniel Pace, Mercer County Agriculture Development Board, Jim Dews and Jim Boderer, Open Space of Delaware Township, Hunterdon County, Ranae Fehr, Atlantic County Agriculture Development Board, Glorianne Robbi, East Amwell Township Farmland and Open Space Committee, Hunterdon County, Barbara Ernst, Cape May CADB, Harriet Honigfeld, Monmouth CADB, Nicki Goger,

New Jersey Farm Bureau.

Minutes

A. SADC Regular Meeting of December 8, 2011 (Open and Closed Session)

It was moved by Mr. Siegel and seconded by Mr. Danser to approve the open session minutes and the closed session minutes of the SADC regular meeting of December 8, 2011. The motion was approved. (Mr. Stanuikynas abstained.)

REPORT OF THE CHAIRPERSON

Ms. Purcell discussed the following with the Committee

- Agriculture Annual Convention

Ms. Purcell stated that the Agriculture Convention was held last week in Atlantic City and it was the first time it was held jointly with the Vegetable Growers Convention, which was very well received. Governor Christie attended the annual dinner on Wednesday evening with approximately six hundred people in attendance and Senator Sweeney stopped in on the Business Session on Wednesday to speak on the wine bill that was signed by Governor Christie. That bill allows for shipping from New Jersey wineries and into New Jersey from other wineries. It also gives wineries outside of the state the ability to set up retail shops in New Jersey and it also allows retailers to set up a number of retail outlets as well including direct shipping out of the state.

- Strategic Plan Hearings

Ms. Purcell stated that for those following the new State Plan or the new draft strategic plan, there will be a series of six public hearings that will begin in Mid-February and run through early March. There will be different locations throughout the state for those.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne discussed the following with the Committee:

- State Board of Agriculture Annual Convention

Ms. Payne stated that she attended the Agriculture Convention last week and the convention was set up with the format of having listening sessions and they punctuate the two days with certain listening sessions on different topics.

Farmland Preservation and Right to Farm were topics and she made a presentation on Thursday regarding the draft On-Farm Direct Marketing Agricultural Management Practice (AMP). It was very well received and they had very strong supportive comments from some of the farmer members and the public. Staff looks forward to getting more comments on the AMP. A letter was sent out to all the county agriculture development boards and other partners indicating that if they want SADC staff to come and make a presentation to their board staff would be happy to do so. There are two counties scheduled for that, those being Middlesex County and Monmouth County. Staff will see as many counties as possible to get comments from everyone.

- Wind Bill

Ms. Payne stated that the wind bill that had proposed to allow industrial wind development on preserved farmland as well as reduce the regulatory review process for even those that are not on preserved farms, has been conditionally vetoed by Governor Christie. The conditional veto stripped out the entire preserved farmland section and the Governor's position is that industrial scale wind development on preserved farms is not appropriate. Therefore the bill dies.

- Medical Marijuana

Ms. Payne stated that after the last meeting of the Committee, staff released to all its partners, the general public via the SADC's website, its position on the various questions related to medical marijuana. Since then a legislator from Monmouth County, Mr. O'Scanlon, has introduced a bill that would extend right to farm protection to medical marijuana growing entities and dispensaries. There was a very strong and immediate reaction from the Governor's Office saying he would veto that bill. It is very unlike this Administration to come out early in the legislative deliberations process and indicate a position so that was a very strong indicator that the Governor's Office is not in favor of legislation that would tie the hands of municipalities and require these facilities to be located in their counties.

Ms. Payne stated there was another bill introduced by Assemblyman Angelini to prohibit the growing of medical marijuana on preserved farmland. She doesn't know the status of that bill as yet. It is a very tumultuous time for medical marijuana and she knows that the Administration is trying to roll out the program but it is running into severe opposition from municipalities. Plumsted, Upper Freehold, Millstone Townships, among others, have begun to adopt ordinances, basically prohibiting any activity that is not in compliance with federal law. She stated that we are very much in the spotlight in the state nationally about this issue. Staff will continue to keep the Committee updated but at the moment the issue has moved beyond the SADC.

- Department of Community Affairs Representative

Ms. Payne introduced Tom Stanuikynas to the Committee. Mr. Stanuikynas is sitting in for Mr. Requa today from the Department of Community Affairs.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. She stated that the annual OPRA request spreadsheet for 2011 has been provided in the communications section of the meeting binder for the Committee's information. No action is needed regarding that.

PUBLIC COMMENT

Bernard Guthers, a representative from BAM Energy Group provided the Committee with a handout regarding a solar canopy proposed for Laurita Winery, which is an application submitted through SADC staff Charles Roohr for review and also Committee approval. He stated that handout refers to comments both from Charles Roohr's original letter, along with comments that were made at a meeting held on December 6th with Mr. Roohr, Executive Director Payne and staff Counsel Brian Smith, and one of those being impervious coverage issues. That has been clarified and staff will get a copy of that letter, which is written by Ean Borden from Professional Design Services. The goal here was to meet the guidelines that are present in the regulations in regards to impervious coverage and falling below any of those requirements. He indicated Laurita winery is an active winery located in New Egypt-Plumsted Township, Ocean County, New Jersey and it encompasses approximately 183 acres, 179 of which are the active vineyards of the property. Bam Energy Group is looking to, with this solar canopy, occupy approximately under three quarters of an acre, referred to in the third page of the handout, to a percentage of .012 of the actual farm area. Additionally, they were asked to put together an alternative analysis for seeking other means to place the solar other than this area that was chosen. Rooftops were not of great use because the winery consumes a great deal of electricity, both for the building and also for the fermentation processing and cold temperatures that are needed be maintained in the basement structure for the fermentation of the wine so this is an on-going 24/7 operation that is temperature sensitive.

Mr. Guthers stated they are looking to do approximately a 295kW system for their services, which will need approximately 98% of their overall usage. They do have a small existing solar facility that just meets a very low percentage of their overall use. There is another question that had come up regarding the ownership of the system at the end of this lease term. This is an investor-driven development

through a Power Purchase Agreement (PPA). At the end of this lease term, all ownership rights will revert back to the winery and they will own that system during that remaining life of the winery and the system. He stated that if you go to the fifth page of the handout document, there is an 8 ½ x 11 detail of the survey of the property that shows, highlighted in yellow, where the structure is proposed to be placed. They tried to locate it based on prior SADC staff comments - to minimize negative impact on the tillable areas of the farm and to account for shading issues., Originally there were questioned as to why they had not placed the solar canopy on the existing parking lot, but because shading is a key factor in the production of the solar energy, the tree shading that overshadowed onto that parking lot area during the time had caused it to be unfeasible and then to even try to cut down those trees was an erosion issue because, also referenced in the PDS letter, there is a greater than 20 percent slope so in order to not cause erosion issues they looked for other alternative means and the open area selected became the best suited. He referred the Committee to the last page of the handout to see what the canopy would look like. He stated that it's basically a small segment of the structure, approximately 150 feet long by 36 feet wide and there are nine center piers that will hold the structure and with working with the owners of the winery they tried to make it as decorative and aesthetically appealing as possible with a fieldstone/limestone base along with the vented wood siding along the end caps of the structure.

Mr. Guthers stated his purpose for being here today is that they are looking to progress further with this application. They have applied and received a building permit from Plumsted Township's construction code official and they are trying their best to move it forward, based on the comments they have had from Mr. Roohr and from meeting with Ms. Payne, and to get some comments back from the Committee to find out whether we can move forward with this under the direction of Mr. Roohr and Ms. Payne. They would like to hear some feedback from the Committee, although he knows they are not on the agenda and he thanks the Committee for allowing him this time. He stated that they have a contractual obligation both to their investors and to the winery, and because of the SREX market to JCP&L, who will be the off-taker for the solar renewable energy credits that are generated from this system. Given that spring is around the corner and the wine production, they are looking to start the operation for the system as soon as possible. He is here to get feedback, direction and a blessing to move forward.

Ms. Purcell stated that the Committee is responsible to develop standards/rules for renewable energy on preserved farms and that has not happened yet. Mr. Guthers stated that was a discussion point at the December meeting and they had been under the presumption that this was going to be moving forward. In the interim of that AMP they were trying their best to accommodate all the measures to make sure that what they were presenting fell well below, even at the present regulation

on the table now, meaning the impervious coverage area and not going over 110 percent of their usage. They are trying to contain it, it is going directly to their ownership and use for the winery and their overall production. Mr. Guthers stated that working with the regulation still being in the formalization and draft point; that is why he is here today to get some type of a blessing. Ms. Payne stated that the rule for renewable energy on preserved farms is in draft form and the earliest staff could bring it to the Committee is next month. She stated that staff resources are down, particularly with Mr. Baumley retired, and we are doing the absolute best that we can. She stated that she has to review the draft that has been created by Ms. Gruzlovic of her office but the first time the Committee could see something, even preliminarily, is next month. Then she imagines that staff would want to seek Committee input on the draft and then come back March, at the earliest, to propose a rule. That is where staff is. The Committee's hands are legally tied and it cannot give approval or say to go ahead on the project because it doesn't have the authority to do so. We are clear under the statute and from the advice from the Attorney General's Office that the Committee needs to adopt regulations and staff is pursuing that as quickly as possible.

Mr. Guthers stated that based on all the information that they have been able to get and have supplied to staff, and from meeting with SADC staff on what they are planning to do, their understanding is that will fall within those regulations. Ms. Payne stated she understands what he is saying and the SADC can appreciate the fact that the proposal tries to adhere as closely as possible to the statutory provisions as it can but she cannot say that it adheres to the regulation because the Committee hasn't even seen a draft of that regulation yet. The Committee members may very well have their own opinions about what staff presents as a draft regulation so it would be leading everyone astray and would be giving false assurances at this point when the Committee has not even seen the document yet. Mr. Guthers stated that he will continue to work with Mr. Roohr to keep him updated and will wait for the draft legislation to move forward.

OLD BUSINESS

A. Right to Farm – Final Decision

1. Chesterfield Township. vs. Holloway Land, LLC

Note: Mr. Waltman and Ms. McGee recused themselves from any discussion/action pertaining to this agenda item to avoid the appearance of a conflict of interest. Mr. Waltman and Ms. McGee are Honeybrook Organic Farms, LLC CSA members.

Mr. Smith referred the Committee to the final draft of the Hearing Officer's Findings and Recommendations of the State Agriculture Development Committee in the matter of Holloway Land, LLC, Chesterfield Township, Burlington County. He stated that at the

last meeting the Committee was presented with a draft hearing report for this matter and as a result of comments that were made, particularly by the two gentlemen who are not present today but he is sure they would agree to the changes, edits were made to the final report regarding reference to the Township having made a prima facie case that a traffic safety issue existed at the intersection of Chesterfield-Georgetown Road and the driveway servicing the Honeybrook CSA. There were some other additions and deletions, which he considers more stylistic than substantive, but in addition to the prima facie reference, an effort was made to more specifically state that this report and the recommendations are particular to Holloway Land, given the unique configuration of the property and the location of the CSA on Chesterfield-Georgetown Road. He stated that the edited portions, which are basically on pages 23 through 29, were sent to the Committee so that it could see what was stricken and what was added and it was also provided in the meeting binders. Mr. Smith stated that staff is seeking approval of the final draft as indicated in the revised version provided to the Committee.

It was moved by Mr. Danser and seconded by Ms. Reade to approve the Final Hearing Officer's Findings and Recommendations of the State Agriculture Development Committee in the matter of Holloway Land, LLC, Chesterfield Township, Burlington County, as presented and discussed. The motion was approved. (Mr. Waltman and Ms. McGee recused themselves from the vote.) (A copy of the Hearing Officer's Findings and Recommendations of the State Agriculture Development Committee are attached to and is a part of these minutes.)

NEW BUSINESS

A. Eight Year Farmland Preservation Program – Renewals, Terminations and Withdrawals

Ms. Payne referred the Committee to the Eight Year Program Summary Report showing one termination of an eight-year program for the Maranshian farm, located in Middle Township, Cape May County, comprising 160 acres, with a soil and water conservation cost share eligibility of \$46,000.00. She stated that the landowner did not expend any of the cost share money. She indicated that there were no withdrawals or renewals of eight year programs. The summary was for informational purposes and that no Committee action was needed.

Ms. Reade stated that soil and water conservation funding came up at the soil conservation district the other night. The soil and water conservation cost share program is a very popular program in South Jersey and they were concerned because Lee Mixner is going to be putting his cost share funding back because he didn't get his well installed in time so they had asked Mr. Lofberg if that funding would be available for other projects because what they heard was that it was not going to be possible to repurpose those funds back, as done in the past. She indicated to them that she would express the

support of farmers in the southern part of the state for this program and ask why that was.

Mr. Lofberg stated that was part of the bond funds, which got caught up with the Governor's Office taking back many of those bond funds so any money that goes back, we are not able, at this point in time, to use that money. If they are funded in some of the old funds under the General Fund, the way that happened was that they were in appropriations where there was not any carry-forward language in the appropriations so that gets lost also.

B. Resolution for Certification – ADA Map Amendment – Warren County

Mr. Brill referred the Committee to Resolution FY2012R1(1) requesting an amendment to the ADA map for Warren County. He reviewed the specifics with the Committee and stated that staff recommendation is to certify the amendment to the ADA map as outlined in the resolution and as discussed.

It was moved by Ms. Brodhecker and seconded by Mr. Siegel to approve Resolution FY2012R1(1) certifying the amendment to the ADA map for Warren County, as outlined in said Resolution and as presented and discussed, subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2012R1(1) is attached to and is a part of these minutes.)

C. Resolution for Final Approval – FY 2009 Planning Incentive Grant Program Application Including Comprehensive Farmland Preservation Plan and Project Area Summary – Delaware Township, Hunterdon County

Mr. Brill referred the Committee to Resolution FY2012R1(2) for a request for final approval of a Municipal Planning Incentive Grant Program Comprehensive Farmland Preservation Plan and Project Area Summary for Delaware Township, Hunterdon County. He reviewed the specifics of the request with the Committee and stated that staff recommendation is to grant final approval subject to any conditions in said Resolution. He noted that there were two minor errors listed on Schedule "B" of the resolution, the first being listed under the 5-Year Acreage Goal, which listed 25,000 acres. He indicated that should read 2,500 acres. The second error listed 10,000 acres under the 10-Year Acreage Goal, which should read 5,000. He stated that staff would make the necessary corrections to Schedule "B".

It was moved by Mr. Waltman and seconded by to Mr. Danser approve Resolution FY2012R1(2) granting final approval to the Delaware Township, Hunterdon County FY2009 Planning Incentive Grant Program Application Including Comprehensive Farmland Preservation Plan and Project Area Summary, as presented and discussed, subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2012R1(2) is attached to and is a part of these minutes.)

D. Eligible Farm Waiver Resolution: County PIG Program – FY 09 Funding
1. Battipaglia Farm, West Milford Equestrian Center, Passaic County

Ms. Winzinger referred the Committee to Resolution FY2012R1(3) for an eligibility review and waiver for the Passaic County Planning Incentive Grant for the Frank and Ella Mae Battipaglia/West Milford Equestrian Center farm, located in West Milford Township, Passaic County. She indicated that this property is in the Highlands Preservation Area and is a large scale equine facility, which includes breeding, raising horses for sale and pasturing in addition to ancillary activities such as boarding and training. Ms. Winzinger stated that since there were no application during the past three fiscal years to establish average quality scores in Atlantic, Bergen, Camden and Passaic Counties, the SADC would consider on a case by case basis, a waiver of the minimum score criterion pursuant to N.J.A.C. 2:76-17.9(a)7 for applications submitted under the County Planning Incentive Grant Program that received preliminary approval in those counties.

Ms. Winzinger stated that the Committee may grant a waiver upon a finding that any of the following conditions apply:

(A) The conversion of the farm to non-agricultural use will likely cause a substantial negative impact on the public investment made in farmland preservation within the project area;

(B) The subject property is of exceptionally high agricultural resource value based on soil characteristics; or

(C) The subject property represents a unique and valuable agricultural resource to the surrounding community, and the Committee finds that it has a reasonable opportunity to remain agriculturally viable.

Ms. Winzinger stated that this property would fall under the waiver condition “C”. She stated that Passaic County’s farmland preservation plan states “Of the farms in existence since the NJDA’s 2004 Farmland Assessment, most (76.6 percent) of Passaic County’s farms were located within West Milford Township. With West Milford Township ranking as the County’s most farm-rich municipality...”and “...agricultural land acreage has decreased by 33.7 percent in the past twelve years (prior to 2008).” She stated that the County’s farmland preservation plan recognizes that an equine farm “is an asset to Passaic County and surrounding communities since they popularize agriculture and foster an understanding of, as well as a respect for the industry as a whole.” She stated that staff recommendation is to grant a waiver for the Battipaglia Farm (aka West Milford Equestrian Center) for the reasons as set for in the resolution and as discussed so that staff can move forward with green light approval based on the third waiver condition

stated earlier.

Kathleen Karen from the Passaic County Open Space Committee addressed the Committee. She stated that at one time, in what is now referred to as Passaic County, there were large acreage areas but unfortunately that is no longer the situation. All of those acreages that had soils have been developed into subdivisions and other commercial development. In 2006 they did prepare a farmland preservation plan, which was approved by the SADC and they now have \$3.5 million in PIG funding. In addition to the Battipaglia farm they have three others in the works that they were told were ineligible due to the minimum criteria standards, tillable acres, etc. It doesn't make sense to her that you would put \$3.5 million into an account when they are being told that they cannot submit applications and draw down that funding. She stated that they are not Burlington County, they are a highly urbanized county and they don't have the acreage, the production but what they do have is a very committed citizenry to sustaining agriculture in their county. They did have a rich agricultural history. Most of their acreage is in the Highlands Preservation Area and most of that is wooded, hilly, not a lot of top soil, so we have the issue of soil. Most of those agricultural development areas and farm assessed properties are wood lot management, tree farms, equine operations and nursery greenhouse operations. They are very concerned about the sustainability of agriculture in Passaic County and are entertaining urban farming, rooftop gardening, and aquaculture and biomass. She appreciates that there is criteria and that you have to work within a framework but we want to remind you that Bergen County, Essex County, Hudson County and Passaic County represents about nearly 2.8 million people, or one third of the population in the State of New Jersey and all that land that got developed and all those property owners are paying property taxes and a third of the money that goes into the Garden State Preservation Trust that funds the farmland preservation program comes from those property owners. They are proud to call themselves a community in the garden state and they would like to live up to that. She stated that she hopes that going forward with some of their applications they won't have to come to Trenton every time to request a waiver and that there be some consideration made for urban counties to take into account the reality on the ground and that they are committed.

Skip Bartlett, Farmer Member of the Passaic County Agriculture Development Board also commented on behalf of Passaic County's farmland preservation program, reiterating some of the points made by Ms. Caryn. Mr. Danser asked if there should be a whereas that refers to the fact that staff has evaluated the agricultural production segment of the business versus the boarding, riding and training and things that don't actually qualify as agricultural and determined that the majority or a substantial part of it is agricultural, as asked earlier by Mr. Waltman and confirmed by Ms. Winzinger so that someone doesn't compare it to something else two years down the road.

Ms. Payne suggested "whereas staff has visited the farm and analyzed the equine production and equine service activity on the property and has determined that the service

activities are in fact ancillary to the equine production activities on the farm.” Mr. Danser stated that was fine. Ms. Winzinger stated the applicant also provided documentation regarding their production income as well.

She stated that she also wanted to clarify that this waiver is for a different criteria than what Ms. Karen was speaking of, which is the statewide minimum criteria standard. The waiver before the Committee is a waiver from the “eligible farm criteria” which requires farms to obtain a rank score at least equal to 70% of the county’s average rank score over the prior three years. When a county seeks to pursue a farm below that 70% threshold, the Committee must provide authorization to do so via the waiver. That is different from the program’s minimum criteria, which is state-wide and is based upon a few things but mostly tillability in so far as acreages of tillability on a property ten acres or less or ten acres or more, plus does it have development potential and things of that nature. That is what Ms. Karin was speaking of. There is no waiver provision in the regulations for the minimum criteria. Ms. Payne stated that staff is keeping a list in the office of regulations and statutes that staff feel needs to be amended. Staff will be coming back to the Committee at some point with a broad identification of everything staff would like to change. That would be the point in time if the Committee believes it wants to change its minimum standards or it wants to change something in the regulations. If the Committee has a strong feeling one way or the other with respect to what Passaic County has raised staff needs to hear that.

Mr. Siegel asked if there was a thought of attaching a minimum standard progress scale to population density or something like that. He would be interested in seeing staff’s suggestions. Ms. Payne stated there are all kinds of ways of doing that. He stated that it would seem to be a natural that a population density threshold might apply; it is used at Green Acres and at the Department of Community Affairs and used in a lot of sectors of government. There is a lot of precedent for using a population density standard because it doesn’t matter how large a municipality is because we have tremendous variety in that and you don’t want to identify a county saying you’ll accept a county but a density standard would be a way to possibly address the issue.

It was moved by Ms. Brodhecker and seconded by Mr. Danser to approve Resolution FY2012R1(3) granting an eligibility waiver and approval to the Battipaglia Farm, known as Block 15101, Lot 16, West Milford township, Passaic County, totaling approximately 42 net acres, as presented and discussed and subject to any conditions of said Resolution and as amended by Mr. Danser to reflect an additional “whereas” to read: “Whereas staff has visited the farm and analyzed the equine production area and equine service activity area on the property and has determined that the acreage used for service activities are in fact ancillary to the acreage used for equine production activities on the farm.” The motion was unanimously approved. (A copy of Resolution FY2012R1(3) is attached to and is a part of these minutes.)

E. Resolution for Final Approval – Municipal Planning Incentive Grant Program

1. Copeland Farm, Delaware Township, Hunterdon County

Ms. Winzinger referred the Committee to Resolution FY201wR1(4) for a request for final approval under the Municipal Planning Incentive Grant Program for the Harry and Cheryl Copeland Farm in Delaware Township, Hunterdon County. She discussed the specifics with the Committee and stated that staff recommendation is to grant final approval, subject to any conditions of said Resolution.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2012R1(4) granting final approval to the following landowners, as presented and discussed, subject to any conditions of said Resolution:

1. Harry and Cheryl Copeland, SADC #10-0318-PG
Block 39, Lot 3
Delaware Township, Hunterdon County, 70 Acres
State cost share grant of \$7,620.00 per acre for an estimated total of \$533,400.00 (60% of the certified market value and estimated total cost.)

The motion was unanimously approved. (A copy of Resolution FY2012R1(4) is attached to and is a part of these minutes.)

F. Resolutions for Final Approval – State Acquisition Program

Mr. Knox referred the Committee to Resolution three resolutions for final approval under the State Acquisition Program. He reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval, subject to any conditions of said Resolutions.

It was moved by Mr. Danser and seconded by Mr. Waltman to approve Resolution FY2012R1(5) through Resolution FY2012R1(7) granting final approval to the following landowners as presented and discussed, subject to any conditions of said Resolutions:

1. William & Ruth Deutschlander, SADC #10-0180-DE (Res. # FY2012R1(5))
Block 32, Lot 23
Bethlehem Township, Hunterdon County, 37 Net Acres
Direct Acquisition of the Development Easement at a value of \$8,100.00 per acre for a total of approximately \$299,700.00. The SADC approves the use of SADC Highlands Funds pursuant to SADC FY2006 Highlands Preservation Appropriation Expenditure Policy-Amended, which authorizes the use of

Highlands's funds to support additional applications in all farmland preservation programs where demand for funding has outstripped otherwise approved SADC funding.

2. Ocean County/Grant Farm South, SADC #15-0010-DE (Res. FY2012R1(6))
Block 81, Lot 2 (part of)
Plumsted Township, Ocean County, 116 Acres
Direct Acquisition of the Development Easement at a value of \$8,640.00 per acre for a total of approximately \$1,002,240.00 based on 116 acres. Prior to closing, Ocean County must perfect the subdivision between Grant Farm South and Grant Farm North, including whatever approvals may be required from Plumsted Township, including new lot numbers. If Ocean County sells the restricted premises for more than the "after" value used to calculate the grant amount, the County shall reimburse the SADC any funds previously paid by the SADC for the development easement on a pro-rata basis up to the amount of the cost share grant, within 30 days of the County's resale of the restricted premises.
3. Ocean County/Grant Farm North, SADC #15-0011-DE (Res. FY2012R1(7))
Block 81, Lot 2 (part of)
Plumsted Township, Ocean County, 122 Acres
Direct Acquisition of the Development Easement at a value of \$8,580.00 per acre for a total of approximately \$1,046,760.00 based on 122 acres. Prior to closing, Ocean County must perfect the subdivision between Grant Farm South and Grant Farm North, including whatever approvals may be required from Plumsted Township, including new lot numbers. If Ocean County sells the restricted premises for more than the "after" value used to calculate the grant amount, the County shall reimburse the SADC any funds previously paid by the SADC for the development easement on a pro-rata basis up to the amount of the cost share grant, within 30 days of the County's resale of the restricted premises.

The motion was unanimously approved. (A copy of Resolution FY2012R1(5) through Resolution FY2012R1(7) is attached to and is a part of these minutes.)

G. Resolutions for Final Approval – Nonprofit Grant Program

Mr. Knox referred the Committee to three resolutions for final approval under the Nonprofit Grant Program. He reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval as presented and discussed, subject to any conditions of the resolutions.

It was moved by Mr. Waltman and seconded by Ms. Reade to approve Resolution FY2012R1(8) through Resolution FY2012R1(10) granting final approval to the following landowners, as presented and discussed, subject to any conditions of said Resolutions:

1. New Jersey Conservation Foundation/Miller Farm, SADC #17-0036-NP
(Resolution FY2012R1(8))
Block 34, Lot 17
Upper Pittsgrove Township, Salem County, 97.2 Acres
Cost share grant not to exceed \$2,800.00 per acre (total of approximately \$272,160.00, based on 97.2 acres) to the New Jersey Conservation Foundation (NJCF) for the development easement acquisition of this property, subject to the availability of funds. The SADC approves the use of NJCF Federal Farm and Ranch Land Protection Program funds for the preservation of this farm, which will include an impervious coverage limitation of five (5) percent (approximately 4.85 acres available for impervious coverage including agricultural related structures) on land being preserved outside of the exception area, and other restrictions required under the Federal program.

2. New Jersey Conservation Foundation/Fisher Farm, SADC #17-0032-NP
(Resolution FY2012R1(9))
Block 21, Lots 2.02, 2.03, 2.04, 2.05
Delaware Township, Hunterdon County, 25 Acres
Cost share grant not to exceed \$9,985.00 per acre (total of approximately \$249,625.00 based on 25 acres) to the New Jersey Conservation Foundation (NJCF) for the development easement acquisition on this property, subject to the availability of funds. The SADC approves the use of NJCF Federal Farm and Ranch Land Protection Program funds for the preservation of this farm, which will include an impervious coverage limitation of six (6) percent (approximately 1.5 acres available for impervious coverage including agricultural related structures) on the lands being preserved outside of the exception area, and other restrictions required under the Federal program.

Note: The Fisher farm has no exception areas and the NJCF has submitted the appropriate Guidance documents.

Discussion: Mr. Danser asked if the SADC is requiring re-subdivision to consolidate the lots or are they going to stay separate tax lots? Mr. Knox stated that they can stay as separate tax lots. He stated that they will be preserved as lots 2.02, 2.03, 2.04 and 2.05. It would be one premises. Mr. Danser stated he would require that they be consolidated. Ms. Payne questioned as to whether Mr. Danser thought there is an expectation that they can subdivide those lots. Mr. Danser stated yes, if the separate lots are already created, there is a chance that a division could slip through and happen. Mr. Knox stated that since they are using federal funds the closing needs to happen by March 31st. He felt that we are protected enough because the easement will cover all four lots and it is one premises. Mr. Danser stated he didn't mean it as a condition of final approval just an observation and comment.

3. Hunterdon Land Trust/Silva Farm, SADC #17-0016NP
(Resolution FY2012R1(10))
Block 10, Lot 43
Holland Township, Hunterdon County, 81 Acres
Cost share grant not to exceed \$3,250.00 per acre (total of approximately \$263,325.00 based on 81 acres) to the Hunterdon Land Trust for the development easement acquisition on this property, subject to the availability of funds. The SADC approves the use of Hunterdon Land Trust's Federal Farm and Ranch Land Protection Program funds for the preservation of this farm, which will include an impervious coverage limitation of 4.33 percent (approximately 3.5 acres available for impervious coverage including agricultural related structures) on the lands being preserved outside of the exception area, and other restrictions required under the Federal program.

Discussion: Mr. Knox indicated that there were two errors in the Resolution on page 2 in the funding breakdown area. The HLT Federal Funds are listed as \$263,325.00. The correct amount should read \$263,250.00 and the same correction would apply to the SADC Nonprofit Grant Funds listing, which should also read \$263,250.00. He stated that staff would make the necessary corrections to the resolution.

The motion was approved with the above corrections. (Mr. Siegel was not present for this vote.) (A copy of Resolution FY2012R1(8) through Resolution FY2012R1(10) is attached to and is a part of these minutes.)

H. Nonprofit Grant Program 2012 Round Approval

Mr. Knox stated that the Nonprofit Grant Program has been very successful and in the next three months closing on five or six applications. We are now looking forward to the next funding round but we have not received authorization for funds as yet. One of the problems with the Nonprofit Grant Program is that we need a lead time. We have to post in the New Jersey Register that we are opening up a round and then the Nonprofits have ninety days to submit applications to the SADC, at which time we would grant approval. Ms. Payne stated that if the Administration makes a decision to release the second half of 2009 bond funds, the SADC's goal would be to get through GSPT this spring, have appropriation bills drafted to be available to pass prior to the end of June. If we don't solicit applications now and we get the proper authorization in six weeks it will be too late under our rules to get the applications included into an appropriation bill that we would try and get through by the end of June. She stated that we are going forward, making no commitments as to the availability of funds but we are working on that issue. Mr. Knox stated that staff is looking for authorization to publish in the New Jersey Register that the Nonprofit organizations can submit applications to the SADC, which would appear in the February 21st Register and then we would have a May 21st deadline,

which is ninety days after it has been published. Staff will work extremely hard with the nonprofit agencies to get their information into the SADC quickly. He stated that until we know how many applications there will be, we won't know what the need is.

It was moved by Ms. Reade and seconded by Mr. Danser to authorize SADC staff to publish in the New Jersey Register the Notice of Availability of Grant Funds and Application Deadline as presented and discussed above. The motion was unanimously approved.

I. Farmland Stewardship

1. Renewal Energy Application

Dutch Hollow (Staats) Farm, Bedminster Township, Somerset County

Mr. Roohr referred the Committee to Resolution FY2012R1(11) for a request by William Staats, owner of Block 443, Lot 19, in Bridgewater Township and Block 13, Lot 62, Bedminster Township, Somerset County construct a photovoltaic solar energy generation facility on a portion of a roof top of an existing building located on this property, which is a former dairy barn. Mr. Roohr reviewed the specifics with the Committee and stated that staff recommendation is approve the request as outlined in said Resolution and as discussed.

It was moved by Ms. Reade and seconded by Ms. Brodhecker to approve Resolution FY2012R1(11) granting approval of the construction, installation, operation and maintenance of a photovoltaic energy generation facility, structures and equipment consisting of approximately 1,400 square feet and having a rated capacity of 17,700 kW of energy to be located on the roof top of an existing building as identified in Schedule "A" of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2012R1(11) is attached to and is a part of these minutes.)

PUBLIC COMMENT

None

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, February 23, 2012 beginning at 9:00 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 11:00 a.m. Mr. Danser moved the following resolution to go into Closed Session. The motion was seconded by Ms. Reade and unanimously approved.

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

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters - Certification of Values

County Planning Incentive Grant Program

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

1. George H. and Robert C. Urban, SADC # 08-0090-PG
Block 374, Lot 1 and Block 375, Lot 2
West Deptford Township, Gloucester County, 117 Acres
2. Gail L. Cooper, SADC # 10-0313-PG
Block 15, Lot 6; Block 16, Lot 6
Holland Township, Hunterdon County, 43 Acres
3. Allan and Jean Moore, SADC #11-0171-PG
Block 2739, Lot 2
Hamilton Township, Mercer County, 49.1 Acres

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

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

1. Roy Reinhardt, SADC # 12-0015-PG
Block 23, Lot 8
Cranbury Township, Middlesex County, 41 Acres

The motion was approved (Mr. Danser recused himself from vote to avoid the appearance of a conflict of interest. Mr. Danser is the Chairman of the Middlesex County Agriculture Development Board). (Copies of the Certification of Value Reports are attached to and are a part of the closed session minutes.)

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

1. Judith Havens Keys (Cedar Haven Farm), SADC #19-0024-PG
Block 1.02, Lot 14
Wantage Township, Sussex County, 43 Acres
2. M.C. Land Trust of Frankford, LLC, SADC # 19-0027-PG
Block 29, Lot 17
Frankford Township, Sussex County, 104 Acres
3. George and Janet Sella, SADC # 19-0023-PG
Block 801, Lots 32.03 (32.04, 32.06 and 32.07 merged into Lot 32.03 according to Independent Appraiser Tom Rodriguez)
Fredon Township, Sussex County, 152 Acres

The motion was approved (Ms. Brodhecker recused herself from the vote to avoid the appearance of a conflict of interest. Ms. Brodhecker is the Chairperson of the Sussex County Agriculture Development Board). (Copies of the Certification of Value Reports are attached to and are a part of the closed session minutes.)

RESCIND PREVIOUSLY CERTIFIED VALUES

It was moved by Mr. Siegel and seconded by Ms. Reade to rescind the development easement values that were certified at the SADC meeting of September 22, 2011 for the following landowner as presented and discussed in closed session:

1. Jeff Crisman Bros LLC # 1, SADC #19-0016-PG
Block 1902, Lot 8; Block 2101, Lot 6
Fredon Township, Sussex County, 101.86 Acres
2. Jeff Crisman Bros LLC # 2, SADC # 19-0017-PG
Block 2005, Lot 11.01
Fredon Township, Sussex County, 72.92 Acres
3. Jeff Crisman et al, SADC # 19-0018-PG
Block 2101, Lot 4
Fredon Township, Sussex County, 69.36 Acres

The motion was approved (Ms. Brodhecker recused herself from the vote to avoid the appearance of a conflict of interest. Ms. Brodhecker is the Chairperson of the Sussex

County Agriculture Development Board.)

RE-CERTIFY DEVELOPMENT EASEMENT VALUES

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

1. Jeff Crisman Bros LLC # 1, SADC #19-0016-PG
Block 1902, Lot 8; Block 2101, Lot 6
Fredon Township, Sussex County, 101.86 Acres
2. Jeff Crisman Bros LLC # 2, SADC # 19-0017-PG
Block 2005, Lot 11.01
Fredon Township, Sussex County, 72.92 Acres
3. Jeff Crisman et al, SADC # 19-0018-PG
Block 2101, Lot 4
Fredon Township, Sussex County, 69.36 Acres

The motion was approved. (Ms. Brodhecker recused herself from the vote to avoid the appearance of a conflict of interest. Ms. Brodhecker is the Chairperson of the Sussex County Agriculture Development Board.) (Copies of the Certification of Value Reports are attached to and are a part of the closed session minutes.)

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

1. Dan and Whitney Carson, SADC # 21-0508-PG
Block 902, Lots 4, 9.06
Frelinghuysen Township, Warren County, 285 Acres
2. Richard Gardner, SADC #21-0510-PG
Block 48, Lots 12.01 and 14
Franklin Township, Warren County, 108.32 Acres

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

NONPROFIT GRANT PROGRAM

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

1. NJ Conservation Foundation/Sorbello Estate (Polaski), SADC #17-0035-NP
Block 28, Lot 3.07
Pilesgrove Township, Salem County, 45 Acres

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

MUNICIPAL PLANNING INCENTIVE GRANT PROGRAM

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

1. Douglas Race (Race LLC), SADC # 21-0511-PG
Block 1803, Lots 3.02 and 3.03
Blairstown Township, Warren County, 30 Acres

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

B. Attorney/Client Matters

1. Deborah Post (Riamede Farm) vs. SADC – Resolution Amplifying Decision of the SADC to Deny Request for Reconsideration of Certification of Value

Ms. Payne requested a motion to approve Resolution FY2012R1(12) amplifying the SADC's decision to deny a request for reconsideration of the certification of values in the Deborah Post matter.

It was moved by Mr. Danser and seconded by Ms. Reade to approve Resolution FY2012R1(12) amplifying the SADC's decision to deny the request for reconsideration of the March 25, 2010 certification of value of a development easement on the Riamede Farm, Block 33, Lot 4 and Block 34, Lot 4, Chester Township, Morris County, under the County Planning Incentive Grant Program N.J.S.A. 4:1C-43.1 and N.J.A.C. 2:76-17.1, et seq., and the Appraisal Handbook Rules at N.J.A.C. 2:76-10.1 et seq. as set forth in said resolution and as presented and discussed in closed session. The motion was

unanimously approved. A copy of Resolution FY2012R1(12) is attached to and is a part of the open session minutes.)

ADJOURNMENT

There being no further business, it was moved by Mr. Danser and seconded by Ms. Brodhecker and unanimously approved to adjourn the meeting at 12:29 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

S:\minutes\2012\REG JAN 26 2012.docx

STATE AGRICULTURE DEVELOPMENT COMMITTEE
CERTIFICATION OF
THE AMENDED AGRICULTURAL DEVELOPMENT AREA MAP

WARREN COUNTY

RESOLUTION FY12R1(1)

JANUARY 26, 2012

WHEREAS, the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, provides for the identification of Agricultural Development Areas (ADAs) by county agriculture development boards; and

WHEREAS, pursuant to N.J.S.A. 4:1C-18, the Warren County Agriculture Development Board (WCADB) adopted, after a public hearing, ADA criteria and a map identifying areas where agriculture shall be the preferred, but not necessarily exclusive use of land, documenting that the area:

1. Encompasses productive agricultural lands which are currently in production or have a strong potential for future production and in which agriculture is a permitted use under the current municipal zoning ordinance or in which agriculture is permitted as a nonconforming use;
2. Is reasonably free of suburban and conflicting commercial development;
3. Comprises not greater than 90% of the agricultural land mass of the county;
4. Incorporates any other characteristics deemed appropriate by the Board; and

WHEREAS, pursuant to N.J.A.C. 2:76-1.4, the WCADB incorporated the following other criteria into the County ADA criteria:

1. Land is currently in agricultural production or has strong potential for agricultural production or is farm assessed through a woodland management plan;
2. Agriculture is the preferred, but not necessarily the exclusive use; and
3. Agriculture is a use permitted by the current municipal zoning ordinance or is allowed as a non-conforming use; and

WHEREAS, on July 24, 2008, the State Agriculture Development Committee (SADC) last certified Warren County's designated ADA criteria and map showing the general location of the ADA(s) as defined by the application of the criteria, as part of the County's Comprehensive Farmland Preservation Plan update; and

WHEREAS, Blirstown Township received Final SADC Approval of its Municipal Planning Incentive Grant Program Application on February 7, 2011, after adopting its Comprehensive Farmland Preservation Plan on December 20, 2010; and

WHEREAS, the WCADB has, at the request of Blirstown Township, updated its designated ADA map on September 15, 2011 (memorialized by resolution on October 20, 2011) to include a 403-acre portion of the Route 94 North Municipal Planning Incentive Grant Project Area in which six target farm landowners have expressed interest in applying to preserve their land, as shown on the attached map (Schedule "A"); and

WHEREAS, pursuant to N.J.A.C. 2:76-1.5, the WCADB held a public hearing on September 15, 2011 on the Blirstown Township amendment to consider public comments in amending its ADA map; and

WHEREAS, the existing and expanded ADA in Blirstown Township has been designated as a combination of Rural, Rural / Environmentally Sensitive and Environmentally Sensitive Planning Areas (PAs 4, 4B and 5) by the New Jersey State Development and Redevelopment Plan; and

WHEREAS, the expanded ADA area in Blirstown Township is primarily zoned as a R-5 Single Family Residential District (5 acre minimum residential lots and 10% maximum lot coverage for detached dwellings) with farms listed as a principal permitted use; and

WHEREAS, for contiguity, approximately 24 acres of the expanded ADA area in Blirstown Township is in the Highway Commercial Zoning District (2 acre minimum lots and 40% maximum lot coverage) with farms also listed as a permitted use; and

WHEREAS, the overwhelming majority of the expanded ADA area in Blirstown Township is outside existing and proposed Sewer Service Area, with the exception of the lots fronting on Route 94; and

WHEREAS, Blirstown Township passed a resolution in support of the ADA amendment on August 10, 2011; and

WHEREAS, the WCADB also amended its ADA map on October 20, 2011 to include a 102-acre area consisting of two farms in the northwest corner of Oxford Township in response to a farmland preservation application from one of the landowners, as shown on the attached map (Schedule "B"); and

WHEREAS, pursuant to N.J.A.C. 2:76-1.5, the WCADB held a public hearing on October 20, 2011 on the Oxford Township amendment to consider public comments in amending its ADA map; and

WHEREAS, the expanded ADA area in Oxford Township has been designated as a Rural Planning Area (PA 4) by the New Jersey State Development and Redevelopment Plan; and

WHEREAS, the expanded area in Oxford Township is primarily in the R-80 Residential Zone (80,000 square foot residential lots with 5% maximum lot coverage for parcels without public water or sewer) with farms listed as a principal permitted use; and

WHEREAS, approximately 2 acres of the expanded ADA area in Oxford Township is located in the R-120 Residential Zoning District (120,000 square foot residential lots with a 5% maximum lot coverage for parcels without public water or sewer) with farms listed as a principal permitted use; and

WHEREAS, the expanded ADA area in Oxford Township is outside the Domestic Sewerage and Public Community Water System Service Areas; and

WHEREAS, the expanded ADA area in Oxford Township is in the Highlands Planning Area, with the majority of the area in the Protection Zone and a small area in the Existing Community Zone; and

WHEREAS, none of the expanded ADA area in Oxford Township is located in the area proposed as a Highlands Center; and

WHEREAS, the expanded ADA area in Oxford Township is immediately adjacent to the existing ADA in White Township; and

WHEREAS, Oxford Township passed a resolution of support for the ADA amendment on October 5, 2011; and

WHEREAS, the seven farms with interest in the farmland preservation program in Blairstown and Oxford Townships that are the primary reason for the ADA amendments all appear to exceed the minimum SADC eligibility standards for tillable acreage and soil productivity; and

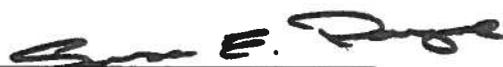
WHEREAS, the WCADB has requested the SADC's certification of the Amended ADA map by resolutions dated October 20, 2011; and

WHEREAS, the SADC reviewed the WCADB submissions and has determined that the analysis of factors and resultant criteria is reasonable and consistent with the statute and SADC regulations, pursuant to N.J.A.C. 2:76-1.6; and

NOW THEREFORE BE IT RESOLVED that the SADC certifies the WCADB approval of the amended ADA map, pursuant to N.J.A.C. 2:76-1.7, adding 403 acres in Blairstown Township as shown on the attached Schedule "A" and 102 acres in Oxford Township as shown on the attached Schedule "B;" and

BE IT FURTHER RESOLVED, that this approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4F.

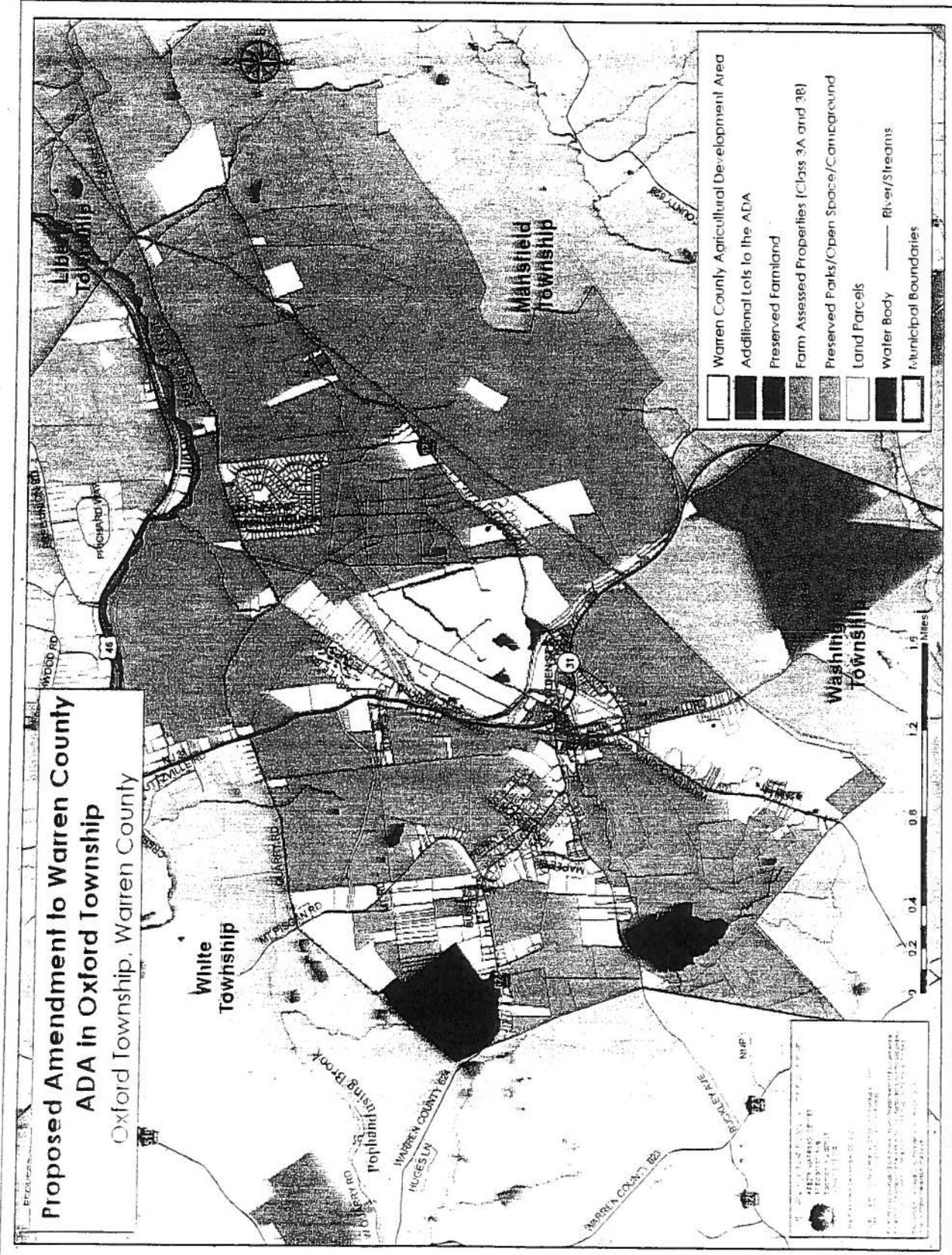
1/26/12
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

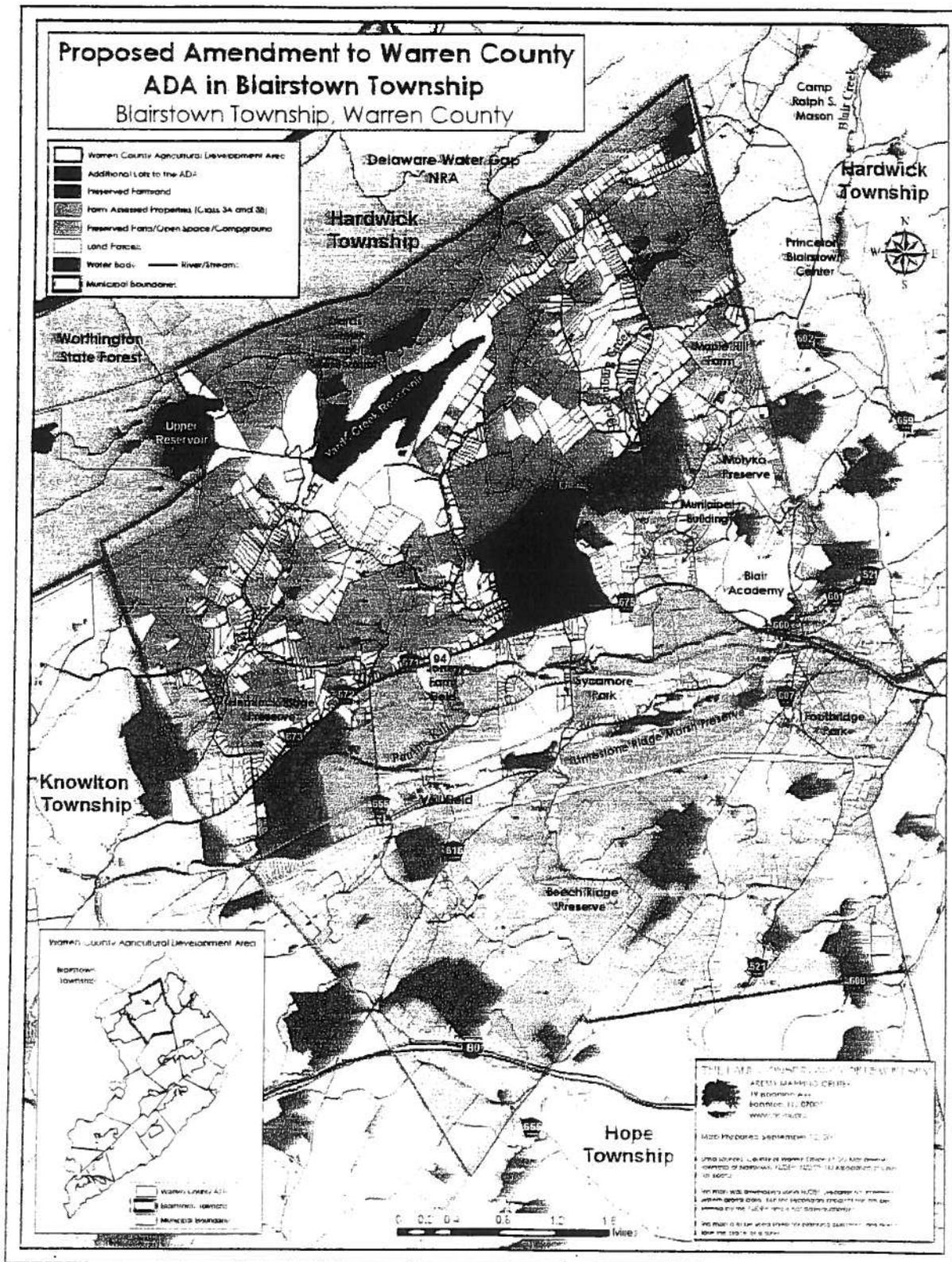
Monique Purcell, Acting Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Tom Stanuikynas (rep. DCA Acting Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Andrew P. Sidamon-Erstoff)	YES
Jane Brodhecker	YES
Alan Danser	YES
Denis C. Germano	ABSENT
Torrey Reade	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
James Waltman	YES

**Proposed Amendment to Warren County
ADA in Oxford Township,
Warren County**



WARREN COUNTY ENGINEERING & SURVEYING
 1000 W. MAIN ST., SUITE 100
 WARREN, OHIO 44481
 (419) 338-1111
 WWW.WARRENCOUNTYENGINEERING.COM

Schedule "A"



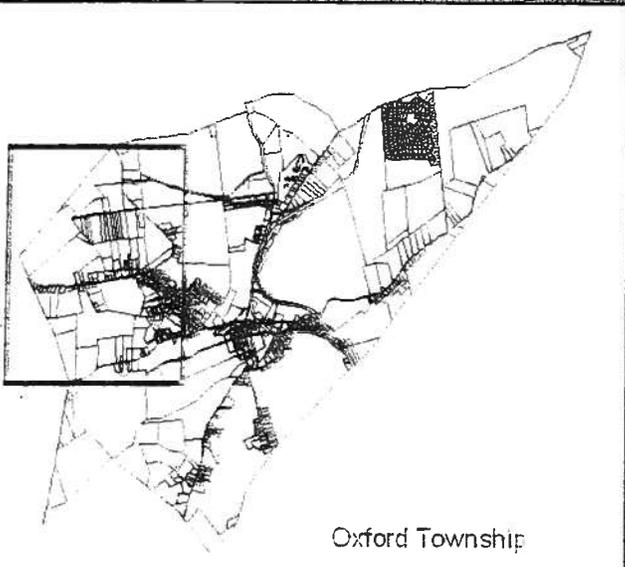
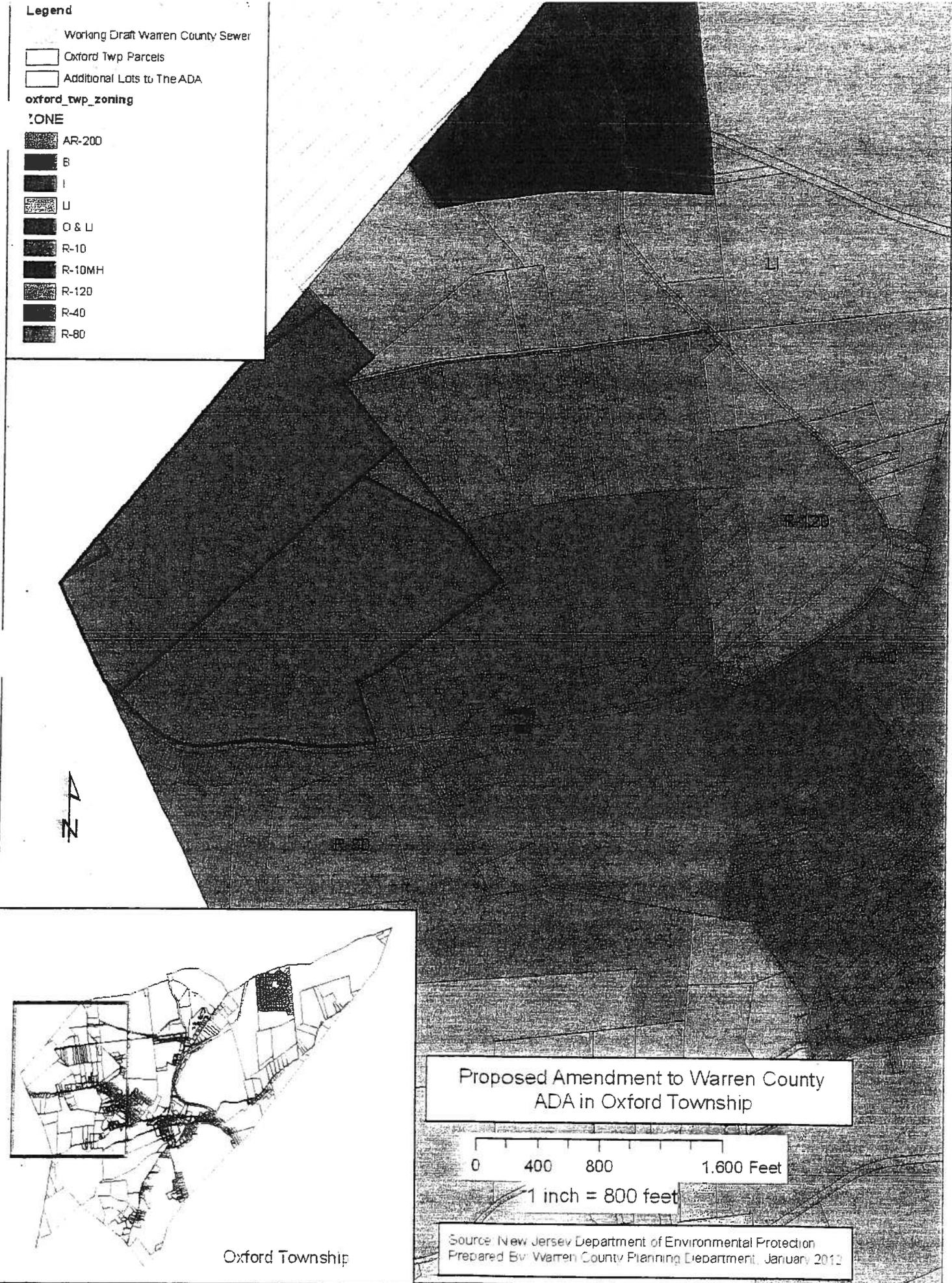
Legend

- Working Draft Warren County Sewer
- Oxford Twp Parcels
- Additional Lots to The ADA

oxford_twp_zoning

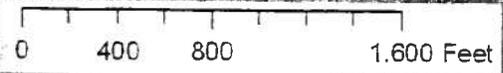
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- AR-200
- B
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- O & U
- R-10
- R-10MH
- R-120
- R-40
- R-80



Oxford Township

Proposed Amendment to Warren County
ADA in Oxford Township



1 inch = 800 feet

Source: New Jersey Department of Environmental Protection
Prepared By: Warren County Planning Department, January, 2012

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION # FY12R1(2)
FINAL APPROVAL

of the

DELAWARE TOWNSHIP, HUNTERDON COUNTY
PLANNING INCENTIVE GRANT APPLICATION INCLUDING THE COMPREHENSIVE
FARMLAND PRESERVATION PLAN AND PROJECT AREA SUMMARY

2009 PLANNING ROUND

January 26, 2012

WHEREAS, the State Agriculture Development Committee ("SADC") is authorized under the Farmland Preservation Planning Incentive Grant Act, P.L. 1999, c.180 (N.J.S.A. 4:1C-43.1), to provide a grant to eligible counties and municipalities for farmland preservation purposes based on whether the identified project area provides an opportunity to preserve a significant area of reasonably contiguous farmland that will promote the long term viability of agriculture as an industry in the municipality or county; and

WHEREAS, to be eligible for a grant, a municipality shall:

1. Identify project areas of multiple farms that are reasonably contiguous and located in an agricultural development area ("ADA") authorized pursuant to the Agriculture Retention and Development Act, P.L. 1983, c.32 (C.4:1C-11 et seq.);
2. Establish an agricultural advisory committee composed of at least three, but not more than five, residents with a majority of the members actively engaged in farming and owning a portion of the land they farm;
3. Establish and maintain a dedicated source of funding for farmland preservation pursuant to P.L. 1997, c.24 (C.40:12-15.1 et seq.), or an alternative means of funding for farmland preservation, such as, but not limited to, repeated annual appropriations or repeated issuance of bonded indebtedness, which the SADC deems to be, in effect, a dedicated source of funding; and
4. Prepare a farmland preservation plan element pursuant to paragraph (13) of section 19 of P.L. 1975, c.291 (C.40:55D-28) in consultation with the agricultural advisory committee; and

WHEREAS, the SADC adopted amended rules, effective July 2, 2007, under Subchapter 17A (N.J.A.C. 2:76-17A) to implement the Farmland Preservation Planning Incentive Grant Act, P.L. 1999, c.180 (N.J.S.A. 4:1C-43.1) by establishing a municipal farmland preservation planning incentive grant program; and

WHEREAS, a municipality applying for a grant to the SADC shall submit a copy of the municipal comprehensive farmland preservation plan and a project area summary for each project area designated within the plan, pursuant to N.J.A.C. 2:76-17A.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.4, the SADC specified that a municipal comprehensive farmland preservation plan shall, at a minimum, include the following components:

1. The adopted farmland preservation plan element of the municipal master plan;
2. A map and description of the municipality's agricultural resource base including, at a minimum, the proposed farmland preservation project areas;
3. A description of the land use planning context for the municipality's farmland preservation initiatives including identification and detailed map of the county's adopted Agricultural Development Area (ADA) within the municipality, consistency of the municipality's farmland preservation program with county and other farmland preservation program initiatives and consistency with municipal, regional and State land use planning and conservation efforts;
4. A description of the municipality's past and future farmland preservation program activities, including program goals and objectives, including a summary of available municipal funding and approved funding policies in relation to the municipality's one-, five- and ten-year preservation projections;
5. A discussion of the actions the municipality has taken, or plans to take, to promote agricultural economic development in order to sustain the agricultural industry;
6. Other farmland preservation techniques being utilized or considered by the municipality;
7. A description of the policies, guidelines or standards used by the municipality in conducting its farmland preservation efforts, including any minimum eligibility criteria or standards used by the municipality for solicitation and approval of farmland preservation program applications in relation to SADC minimum eligibility criteria as described at N.J.A.C. 2:76-6.20, adopted ranking criteria in relation to SADC ranking factors at N.J.A.C. 2:76-6.16, and any other policies, guidelines or standards that affect application evaluation or selection;
8. A description of municipal staff and/or consultants used to facilitate the preservation of farms; and
9. Any other information as deemed appropriate by the municipality; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.5, the SADC required the municipality to prepare a project area summary containing the following information for each project area:

1. An inventory showing the number of farms or properties, and their individual and aggregate acreage, for targeted farms, farmland preservation applications with final approvals, preserved farms, lands enrolled in an eight-year farmland preservation program and preserved open space compatible with agriculture;
2. Aggregate size of the entire project area;
3. Density of the project area;

4. Soil productivity of the targeted farms;
5. An estimate of the cost of purchasing development easements on the targeted farms in the designated project area;
6. A multi-year plan for the purchase of development easements on the targeted farms in the project area, indicating the municipality's and, if appropriate, any other funding partner's share of the estimated purchase price, including an account of the estimated percentage of leveraged State funds and the time period of installment purchase agreements, where appropriate; and

WHEREAS, on May 24, 2007, the SADC adopted *Guidelines for Developing Municipal Comprehensive Farmland Preservation Plans* to supplement the new rules at N.J.A.C. 2:76-17A and provide uniform, detailed plan standards, update previous planning standards, and incorporate recommendations from the 2006 edition of the Agricultural Smart Growth Plan for New Jersey, the Planning Incentive Grant Statute (N.J.S.A. 4:1C-43.1) and the New Jersey Department of Agriculture Guidelines for Plan Endorsement under the State Development and Redevelopment Plan; and

WHEREAS, the *Guidelines* emphasize that these Municipal Comprehensive Farmland Preservation Plans should be developed in consultation with the agricultural community including the municipal Agricultural Advisory Committee, municipal Planning Board, CADB, county Planning Board and the county Board of Agriculture, and where appropriate, in conjunction with surrounding municipalities and the County Comprehensive Farmland Preservation Plan, with at least two public meetings including a required public hearing prior to Planning Board adoption as an element of the municipal master plan; and

WHEREAS, SADC staff have worked in partnership with municipal representatives to provide and identify sources for the latest data with respect to agricultural statistics, water resources, agricultural economic development, land use and resource conservation; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.6(a), the SADC received 37 municipal planning incentive grant applications by the December 17, 2007 deadline (since December 15, 2007 fell on a Saturday), consisting of a copy of the municipality's draft comprehensive farmland preservation plan, annual application and all applicable project area summaries, as summarized in the attached Schedule A; and

WHEREAS, these 37 applications identified 87 project areas in 7 counties and targeted 1,860 farms and 88,219 acres at an estimated total cost of \$1,631,000,000, with a ten-year preservation goal of 72,648 acres; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.6(b)1 and N.J.A.C. 2:76-17A.6(b)2, in order to improve municipal and county farmland preservation coordination, the municipality forwarded its application to the county for review and provided evidence of county review and comment and, if appropriate, the level of funding the county is willing to provide to assist in the purchase of development easements on targeted farms; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, SADC staff reviewed and evaluated the municipalities' applications to determine whether all the components of the comprehensive farmland preservation plans are fully addressed and complete and whether the project area summaries are complete and technically accurate, and that the application is designed to preserve a significant area of reasonably contiguous farmland that will promote the long-term economic viability of agriculture as an industry; and

WHEREAS, on May 22, 2008, the SADC granted conditional preliminary approval to all 37 municipal planning incentive grant applications received for the 2009A Municipal Planning Incentive Grant planning round; and

WHEREAS, the conditions of preliminary approval for Delaware Township were as follows:

1. SADC determination that each designated project area is complete and technically accurate.
2. SADC receipt of evidence of the adoption of the Comprehensive Farmland Preservation Plan by the municipal planning board after a properly noticed public hearing.
3. SADC receipt of an electronic and paper copy of the approved Comprehensive Farmland Preservation Plan; and

WHEREAS, SADC staff have since determined that Delaware Township has satisfied all requirements of the conditional preliminary approval; and

WHEREAS, to date \$750,000 of FY09 funding and an additional \$500,000 of FY11 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Project Area; and

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval of the Delaware Township Planning Incentive Grant application submitted under the FY09 program planning round as summarized in the attached Schedule B:

BE IT FURTHER RESOLVED, that funding eligibility shall be established pursuant to N.J.A.C. 2:76-17A.8(a), and SADC Resolution #FY08R5(44); and

BE IT FURTHER RESOLVED, that the SADC will monitor the municipality's funding plan pursuant to N.J.A.C. 2:76-17A.17 and adjust the eligibility of funds based on the municipality's progress in implementing the proposed funding plan. Each Planning Incentive Grant municipality should expend its grant funds within three years of the date the funds are appropriated. To be considered expended a closing must have been completed with the SADC. Any funds that are not expended within three years are subject to reappropriation and may no longer be available to the municipality; and

BE IT FURTHER RESOLVED, that the SADC will continue to assist municipalities with planning for agricultural retention, the promotion of natural resource conservation efforts, county and municipal coordination, and agricultural economic development and in strengthening of Right to Farm protections; and

BE IT FURTHER RESOLVED, that the SADC's approval is conditioned upon the Governor's review period pursuant to N.J.S.A 4:1C-4f.

1/26/12
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Tom Stanuikynas (rep. DCA Acting Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Andrew P. Sidamon-Erstoff)	YES
Jane Brodhecker	YES
Alan Danser	YES
Denis C. Germano	ABSENT
Torrey Reade	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
James Waltman	YES

S:\PLANNING\PIG Planning\Municipal PIG\2009 Municipal\Resolutions\Mun PIG 2009 final approval
ResolutionJan12.doc

Schedule A

2009 COUNTY AND MUNICIPAL PLANNING INCENTIVE GRANT
APPLICATION SUMMARY

County / Municipality	# of Project Areas	# of Targeted Farms	Targeted Farming Acreage	Estimated Total Cost	Estimated Cost Per Acre	Project Area Acreage	1-Year Average Goal	5-Year Average Goal	10-Year Average Goal	10-Year Total Cost	10 Year SADC Cost	Dedicated Tax \$0.7/\$100	Annual Tax Revenue in Millions	Annual Tax for Farmland Preservation in Millions
Burlington	4	207	22,804	\$100,000,000	\$8,577	111,806	1,000	5,000	10,000	\$85,766,400	\$51,883,200	4.0	\$19,000	No Set Amount
Camden	5	57	3,466	\$30,842,500	\$8,888	15,071	782	2,369	3,470	\$30,842,470	\$18,544,235	2.0	\$7,600	No Set Amount
Cape May	6	159	13,171	\$257,257,911	\$27,124	16,065	299	1,097	1,976	\$53,596,095	\$32,157,657	1.0	\$4,400	No Set Amount
Gloucester	11	26	1,465	\$20,911,849	\$14,085	112,929	1,000	5,000	10,000	\$140,850,000	\$84,510,000	4.0	\$10,400	No Set Amount
Franklin	5	259	5,464	\$33,027,000	\$6,300	10,152	828	2,662	5,613	\$35,361,900	\$22,792,650	1.0	\$0,076	No Set Amount
Woolwich	3	74	4,071	\$45,600,000	\$19,800	5,139	415	2,070	4,134	\$81,853,200	\$49,111,920	5.0	\$0,280	Up to \$0.280
Hunterdon	7	89	7,816	\$72,011,230	\$16,000	177,835	1,500	7,500	15,000	\$240,000,000	\$144,000,000	3.0	\$7,060	\$2,290
Alexandria	4	13	2,448	\$22,000,000	\$9,000	3,640	250	750	1,500	\$13,500,000	\$8,100,000	4.0	\$0,314	No Set Amount
Delaware	2	25	1,669	\$21,845,000	\$14,000	23,707	500	2,500	10,000	\$140,000,000	\$84,000,000	6.0	\$0,540	\$0,540
East Amwell	1	14	1,364	\$15,000,000	\$11,000	13,523	136	682	1,364	\$15,004,000	\$9,002,400	4.0	\$0,315	\$0,350
Franklin	1	18	1,494	\$21,800,000	\$14,000	4,246	30	750	1,494	\$20,909,280	\$12,545,568	5.0	\$0,275	\$0,200
Holland	4	28	1,928	\$192,800,000	\$10,000	11,335	250	1,250	2,500	\$25,000,000	\$15,000,000	2.0	\$0,079	\$0,079
Kingwood	1	34	2,476	\$24,760,000	\$10,000	12,645	227	1,136	2,476	\$24,760,000	\$14,856,000	3.0	\$0,211	\$0,106
Raritan	4	17	1,284	\$27,400,000	\$22,635	6,111	100	300	600	\$13,580,700	\$8,148,420	2.0	\$0,646	No Set Amount
Readington	1	42	2,330	\$44,270,000	\$19,000	15,759	200	1,000	2,000	\$38,000,000	\$22,800,000	2.0	\$0,570	\$0,600
Tewksbury	3	3	409	\$9,700,000	\$23,687	4,557	100	300	1,000	\$23,687,000	\$14,212,200	5.0	\$0,425	No Set Amount
West Amwell	1	8	757	\$9,088,440	\$12,000	10,440	100	500	757	\$9,084,000	\$5,450,400	6.0	\$0,315	No Set Amount
Mercer	7	34	3,004	\$127,816,617	\$42,560	17,725	100	500	1,000	\$42,560,000	\$25,536,000	3.0	\$13,300	No Set Amount
Hopewell	1	3	603	\$18,100,000	\$30,000	10,582	133	636	603	\$18,090,000	\$10,854,000	2.0	\$0,900	No Set Amount
Middlesex	5	129	5,345	\$199,865,590	\$41,300	20,619	225	1,125	2,250	\$92,925,000	\$55,755,000	3.0	\$30,000	No Set Amount
Monmouth	5	144	14,220	\$453,809,000	\$31,918	59,146	1,200	5,000	8,000	\$255,343,440	\$153,206,064	1.5	\$17,900	No Set Amount
Collis Neck	1	6	293	\$14,000,000	\$43,278	19,023	97	300	600	\$23,868,800	\$15,580,080	2.5	\$0,354	No Set Amount
Horsfield	1	12	564	\$26,117,148	\$46,307	2,568	10	70	338	\$15,651,766	\$9,391,060	2.5	\$1,145	No Set Amount
Howell	3	13	560	\$12,845,840	\$22,939	12,666	127	370	453	\$10,383,338	\$6,230,003	2.0	\$1,386	\$0,700
Manalapan	1	36	1,560	\$31,100,000	\$19,936	9,223	156	780	1,560	\$31,100,160	\$18,660,096	2.0	\$1,200	No Set Amount
Marlboro	3	20	719	\$35,950,000	\$50,000	4,053	42	202	387	\$19,350,000	\$11,610,000	2.0	\$0,625	No Set Amount
Milstone	4	62	4,038	\$121,140,000	\$30,000	12,359	716	1,116	1,716	\$51,480,000	\$30,888,000	6.0	\$0,830	No Set Amount
Upper Freshford	1	207	10,390	\$207,800,000	\$20,000	30,368	550	1,000	1,500	\$30,000,000	\$18,000,000	4.0	\$0,328	No Set Amount
Morris	3	96	6,901	\$203,800,332	\$29,532	169,342	542	2,709	5,418	\$160,004,376	\$96,002,626	3.0	\$44,000	\$11,000
Ocean	6	180	3,359	\$78,000,730	\$24,982	21,136	387	901	3,402	\$84,919,193	\$50,951,516	1.2	\$10,000	No Set Amount
Passaic	1	5	116	\$4,645,600	\$40,000	6,415	100	500	1,000	\$40,000,000	\$24,000,000	1.0	\$5,200	\$0,780
Salem	3	173	6,949	\$50,847,700	\$7,317	80,125	2,600	13,000	26,000	\$190,248,760	\$118,524,380	2.0	\$0,900	\$0,900
Alloway	1	7	384	\$3,072,000	\$6,000	5,055	38	192	384	\$3,072,000	\$1,881,600	2.0	\$0,020	No Set Amount
Pilesgrove	3	44	3,970	\$62,314,000	\$15,687	7,297	179	827	1,506	\$23,639,882	\$14,183,809	3.0	\$0,145	\$0,145
Pilesgrove	2	89	3,180	\$23,850,000	\$7,500	7,093	435	1,997	3,814	\$28,605,000	\$17,735,100	3.0	\$0,178	No Set Amount

Schedule A

2009 COUNTY AND MUNICIPAL PLANNING INCENTIVE GRANT
APPLICATION SUMMARY

County / Municipality	# of Project Areas	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	Estimated Cost Per Acre	Project Area Acreage	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	10-Year Total Cost	10-Year SADC Cost	Dedicated Tax \$0.0/\$100	Annual Tax Revenue in Millions	Annual Tax for Farmland Preservation in Millions
Upper Pittsgrove	3	11	459	\$3,440,400	\$7,500	25,062	700	3,500	7,000	\$52,500,000	\$32,550,000	2.0	\$0.070	\$0.070
Somerset	13	440	16,333	\$209,139,753	\$11,407	87,695	1,000	5,000	10,000	\$114,074,600	\$68,444,760	3.0	\$18,340	No Set Amount
Bedminster	1	72	5,427	\$162,810,000	\$30,000	10,111	500	3,000	5,500	\$165,000,000	\$99,000,000	2.0	\$0,522	No Set Amount
Berlins	1	29	702	\$55,300,000	\$75,000	3,798	165	265	270	\$20,250,000	\$12,150,000	4.0	\$3,030	No Set Amount
Branchburg	1	23	737	\$40,500,000	\$55,000	1,873	154	266	737	\$40,535,000	\$24,321,000	5.0	\$1,500	No Set Amount
Franklin	2	25	1,100	\$42,600,000	\$31,254	17,422	130	650	1,100	\$34,378,960	\$20,627,376	5.0	\$4,000	No Set Amount
Hillsborough	3	36	1,688	\$33,761,000	\$20,000	3,860	100	500	1,000	\$20,000,000	\$12,000,000	4.1	\$1,480	No Set Amount
Montgomery	1	26	1,250	\$37,550,000	\$30,000	20,646	115	385	500	\$15,000,000	\$9,000,000	4.0	\$1,700	No Set Amount
Sussex	10	292	14,050	\$83,105,914	\$6,110	178,195	2,648	13,240	26,480	\$161,793,065	\$104,728,532	2.0	\$3,965	\$3,600
Warren	7	300	31,267	\$167,470,562	\$5,356	148,592	1,625	8,125	16,250	\$87,035,163	\$58,142,581	6.0	\$7,800	\$4,500
Franklin	4	104	6,142	\$50,207,180	\$6,980	9,455	250	1,204	2,299	\$20,645,020	\$12,391,610	6.5	\$0,270	No Set Amount
Feyrlinghusen	7	82	3,511	\$22,821,500	\$6,500	9,354	100	500	1,000	\$6,500,000	\$4,150,000	2.0	\$0,055	\$0,055
Greenwich	1	8	1,223	\$24,460,000	\$20,000	3,454	120	480	1,189	\$23,780,000	\$14,268,000	4.0	\$0,247	\$0,130
Harmony	3	152	5,454	\$43,632,000	\$6,000	12,409	100	500	1,000	\$8,000,000	\$4,900,000	5.0	\$0,045	\$0,247
Hope	3	92	1,800	\$29,682,000	\$6,000	5,384	200	900	1,800	\$10,800,000	\$7,020,000	5.0	\$0,045	No Set Amount
Knowlton	2	61	3,460	\$27,900,000	\$6,053	13,355	100	500	1,000	\$8,053,000	\$4,926,500	2.0	\$0,051	\$0,102
Pohatcong	4	105	3,313	\$33,100,000	\$10,000	5,306	1,015	1,763	1,955	\$19,550,000	\$11,730,000	5.0	\$0,155	\$0,155
County Totals (15)	93	2,311	152,286	\$2,159,525,288		1,220,666	14,988	71,066	140,246	\$1,779,958,562	\$1,086,386,551		\$199.87	
Municipal Totals (37)	87	1,860	88,219	\$1,631,343,508		383,030	9,368	35,703	72,648	\$1,143,070,806	\$690,007,792		\$24.53	

Note: In many cases County and Municipal project areas overlap. Also, identified farms may appear on both County and Municipal target farm lists.
Date: 1/6/12

Schedule B

MUNICIPAL PLANNING INCENTIVE GRANT
 Final Approval Application
 (2009 Round)
 January 2012

*Corrected Post
 (Post BANC
 notes)*

Municipality	County	Project Area	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	Estimated Cost per Acre	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	Dedicated Tax \$0.0 / \$100	Annual Tax Revenue	Annual Tax for Farm Preservation
Delaware	Huntdon	FIG I: Sandbrook Headquarters / Lockdown	11	743	\$10,402,000	\$14,000						
		FIG II: Covered Bridge / Dilis Park	14	926	\$11,543,000	\$14,000	500	2,500	5,000	6.0	\$540,000	\$540,000
Total			25	1,669	\$21,945,000		500	2,500	5,000			
January 2012 MUN. FIG (2009 Round) FINAL APPROVAL TOTALS			25	1,669	\$21,945,000		500	2,500	5,000			

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2012R1(3)

ELIGIBILITY REVIEW AND WAIVER

For

PASSAIC COUNTY PLANNING INCENTIVE GRANT

On the Property of

Battipaglia, Frank & EllaMae / West Milford Equestrian Center
West Milford Township, Passaic County
SADC ID# 16-0001-PG

JANUARY 26, 2012

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Passaic County, which included the Battipaglia Farm, identified as Block 15101, Lot 16, West Milford Township, Passaic County, totaling approximately 42 net acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, at this time Passaic County has \$2,000,000 in SADC FY2009 PIG base grant funding and \$1,500,000 in SADC FY2011 base grant funding available and the opportunity to compete for an additional \$3,000,000 in FY2011 competitive grant funds; and

WHEREAS, the Battipaglia Farm is in the Highlands Preservation Area; and

WHEREAS, the Battipaglia Farm hosts a large scale equine facility including breeding, raising horses for sale and pasturing in addition to ancillary activities such as boarding and training; and

WHEREAS, there is one single-family residence on the Property being preserved and the Landowner will be required to read and signed certain acknowledgements stating they fully understand the benefits of an exception area, however, have declined that option; and

WHEREAS, SADC staff has visited the farm and analyzed the equine production area and equine service activities area on the property and has determined that the area used for service activities are ancillary to the area used for production activities on the farm; and

WHEREAS, SADC staff has reviewed the application and determined that it is complete and accurate and meets all minimum standards and has a quality score of 33.66 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(a)7 and 17.2 the SADC is responsible for establishing the standards for determining an "eligible farm" by determining minimum score requirements in the County Planning Incentive Grant Program (PIG); and

WHEREAS, Pursuant to N.J.A.C. 2:76-17.2 an "eligible farm" means a targeted farm that qualifies for grant funding under subchapter (17) by achieving an individual rank score pursuant to N.J.A.C. 2:76-6.16 that is equal to or greater than 70 percent of the county's average quality score of all farms granted preliminary approval by the SADC through the county easement purchase program and/or the county planning incentive grant program within the previous three fiscal years, as determined by the SADC ; and

WHEREAS, since there were no applications during the past three fiscal years to establish average quality scores in Atlantic, Bergen, Camden and Passaic Counties, the SADC will consider on a case by case basis, a waiver of the minimum score criterion pursuant to N.J.A.C. 2:76-17.9(a)7 for applications submitted under the county planning incentive grant program which received preliminary approval in those counties; and

WHEREAS, as per N.J.A.C. 2:76-17.9(a)7 i the Committee may grant a waiver of the minimum score criteria upon a finding that any of the following apply:

- (A) The conversion of the farm to non-agricultural use will likely cause a substantial negative impact on the public investment made in farmland preservation within the project area;
- (B) The subject property is of exceptionally high agricultural resource value based on soil characteristics; or
- (C) The subject property represents a unique and valuable agricultural resource to the surrounding community, and the Committee finds that it has a reasonable opportunity to remain agriculturally viable.

WHEREAS, the County's farmland preservation plan states "*Of the farms in existence since the NJDA's 2004 Farmland Assessment, most (76.6 percent) of Passaic County's farms were located within West Milford Township. With West Milford Township ranking as the County's most farm-rich municipality... and "...agricultural land acreage has decreased by 33.7 percent in the past twelve years (prior to 2008)."*

WHEREAS, the County's farmland preservation plan recognizes that an equine farm "*is an asset to Passaic County and surrounding communities since they popularize agriculture and foster an understanding of – as well as a respect for – the industry as a whole.*"

WHEREAS, SADC staff recommends a waiver for the Battipaglia Farm (aka West Milford Equestrian Center) as it represents a unique and valuable agricultural resource to the surrounding community through the breeding, training and sale of horses as well as the ancillary equine services provided, such as boarding, lessons, training, equine assisted therapy, camps and special events and clinics:

NOW THEREFORE BE IT RESOLVED, pursuant to N.J.A.C. 2:76-17.9(b), the SADC grants eligibility waiver and approval to the Battipaglia Farm; and

BE IT FURTHER RESOLVED, that the SADC shall notify the County in writing that the application is approved and continue an appraisal review and certification pursuant to N.J.A.C. 2:76-17.11; and

BE IT FURTHER RESOLVED, that the SADC's approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

1/26/12
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Tom Stanuikynas (rep. DCA Acting Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Andrew P. Sidamon-Erstoff)	YES
Jane Brodhecker	YES
Alan Danser	YES
Denis C. Germano	ABSENT
Torrey Reade	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
James Waltman	YES

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State of New Jersey
 State Agriculture Development Committee
 Farmland Preservation Program
 GreenLight Approval and Quality Score Report

THIS APPLICATION HAS RECEIVED GREENLIGHT APPROVAL

GENERAL INFORMATION

COUNTY OF	Passaic	West Milford Twp. 1615
PROJECT AREA	Passaic County North - Passaic County	PLAN APPROVAL DATE 04/28/2011
APPLICANT	Battipaglia, Frank & EllaMae / West Milford Equestrian Farm	SADC ID # 16- 0001-PG

Blocks and Lots Gross Acres on Application 41.62
 West Milford Twp. 1615 Block 15101 Lot 16Q 41.62 ACRES

Exceptions Exception Acres on Application 0

NET ACRES Net Acres on Application 42

RESTRICTIONS NONE

APPLICATION ELIGIBILITY **YES** **NO**

MINIMUM ELIGIBILITY CRITERIA **YES** **NO**

- | | | | |
|--|--------------------------|---|-----------------------------|
| <input type="checkbox"/> 51.8 % Tillable | 23.5 acres Tillable | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> 51.8 % Soils Supporting Ag | 23.5 acres Supporting Ag | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> Development Potential? | | | |
| <input checked="" type="checkbox"/> Additional Development Possible | | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input checked="" type="checkbox"/> Sufficient Legal Access to Property | | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input checked="" type="checkbox"/> Additional Development via Development Credits | | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |

NOTES: Highlands Preservation Area

SOILS: Other 100.00% * 0 = 0
SOILS SCORE: 0

TILLABLE SOILS: Other 22.00% * 0 = 0
 Permanent Pasture 78.00% * .02 = 1.56
TILLABLE SOILS SCORE: 1.56

MINIMUM RANK SCORE **YES** **NO**

County's Average Score on Record	0	APPLICANTS CADB SCORE DID NOT MATCH SADC CALCULATED SCORE
70% County's Average Rank Score	0	
Rank Score of Application as determined by SADC	33.66	
Rank Score of Application as determined by CADE		

WAIVER? **YES** **NO**

The subject property represents a unique and valuable agricultural resource to the surrounding community, and the Committee finds that it has a reasonable opportunity to remain agriculturally viable.

Date SADC Granted Waiver for not meeting minimum quality score.

State of New Jersey
 State Agriculture Development Committee
 Farmland Preservation Program
 GreenLight Approval and Quality Score Report

HOUSING OPPORTUNITIES

Existing Single Family Dwellings on Easement	1
Existing Single Family Dwellings on Exception	0
Future Single Family Dwellings on Exception	0
Eligible RDSOs	0
Approved RDSOs	0

HOUSING, BUILDINGS AND OTHER STRUCTURES

<u>Structure</u>	<u>Ac Use</u>	<u>Leased</u>	<u>Notes</u>
Standard Single Family	N	N	
Barn	Y	N	
Stable	Y	N	
Other (Non Residence)	Y	N	farm office/workshop/lounge
Other (Non Residence)	Y	N	indoor riding arena

TYPE OF AGRICULTURAL OPERATION

Horse & Other Equine

SUBDIVISION OF THE PREMISES

<u>Status</u>	<u>Preliminary</u>	<u>Final Approval</u>	<u>Scale</u>
No Subdivisions are being Considered			

PRE-EXISTING NON-AG USES OR LEASES ON PREMISE

<u>Ac Use</u>
None No Pre-Existing Non-AG Uses Or Leases Considered.

EASEMENTS AND RIGHT OF WAYS

<u>Type</u>	Power Lines
<u>Description</u>	NJ Power & Light
<u>Affect</u>	none
<u>Viability</u>	
<u>Notes</u>	for maintenance only
<u>Type</u>	Gas Lines
<u>Description</u>	Eastern Propane Corp.
<u>Affect</u>	none
<u>Viability</u>	
<u>Notes</u>	underground propane tank and lines

ADDITIONAL CONCERNS/NOTES:

STATE DEVELOPMENT AND REDEVELOPMENT PLANNING AREA

(PA5) Environmentally Sensitive

HIGHLANDS REGION YES NO

Highlands Preservation Area
 Protection Land Use Capability Zone

PINELANDS REGION YES NO

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

GENERAL INFORMATION

COUNTY OF Passaic West Milford Twp. 1615
 APPLICANT Battipaglia, Frank & EllaMae / West Milford Equestrian Farm

PRIORITIZATION SCORE

SOILS:	Other	100% *	0	=	.00	
						SOIL SCORE: .00
TILLABLE SOILS:	Other	22% *	0	=	.00	
	Permanent Pasture	78% *	.02	=	1.56	
						TILLABLE SOILS SCORE: 1.56
BOUNDARIES	Deed Restricted Wildlife Area	27% *	.18	=	4.86	
AND BUFFERS:	Residential Development	59% *	0	=	.00	
	Streams and Wetlands	14% *	.18	=	2.52	
						BOUNDARIES AND BUFFERS SCORE: 7.38
CONTIGUOUS	No Points				0	
PROPERTIES						
/ DENSITY:						DENSITY SCORE: .00
LOCAL COMMITMENT:		100% *	12	=	12.00	
						LOCAL COMMITMENT SCORE: 12.00
SIZE:						SIZE SCORE: 9.55
IMMIMENCE OF CHANGE:	SADC Impact factor = 3.17					
						IMMINENCE OF CHANGE SCORE: 3.17
COUNTY RANKING:						
EXCEPTIONS:						EXCEPTION SCORE: .00
TOTAL SCORE:						33.66

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY12R1(4)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

DELAWARE TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Harry and Cheryl Copeland
Delaware Township, Hunterdon County

N.J.A.C. 2:76-17A. et seq.
SADC ID# 10-0318-PG

JANUARY 26, 2012

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Delaware Township, which included the Copeland Farm, identified as Block 39, Lot 3, Delaware Township, Hunterdon County, totaling approximately 70 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the farms agricultural production at the time of application is hay; and

WHEREAS, the Copeland Farm includes a 5-acre non-severable exception for four existing dwellings and farm buildings and a 7-acre severable exception for 2 lots with final subdivision approval; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of Delaware Township's PIG on January 26, 2012; and

WHEREAS, on April 28, 2009 the Copeland application was submitted to the SADCs County Planning Incentive Grant Program by Hunterdon County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on June 8, 2010 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, the SADC certified a value of \$12,700/ acre based on zoning and environmental regulations in place as of 1/1/04 and \$12,700 / acre based on the "current value" date of April 1, 2009 for the development easement for the Property on December 9, 2010; and

WHEREAS, due to funding limitations the County transferred the application to the Township's municipal PIG and on January 31, 2011 Delaware Township passed a resolution approving the application submission through its Municipal PIG; and

WHEREAS, SADC staff supports the transfer of the application to the Township's PIG; and

WHEREAS, to date \$1,250,000 of FY09 and FY11 funding has been appropriated for the purchase of development easements on the eligible list of farms identified in the Township's approved PIG Project Area; and

WHEREAS, to date Delaware Township has not expended any of its SADC grant funds; and

WHEREAS, Delaware Township has one other application with Green Light Approval; and

WHEREAS, Delaware Township and Hunterdon County shall inform the SADC in regard to its prioritization of pending projects and funding requirements in the event of future shortfalls in SADC grant funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, the Delaware Township Committee approved the application and its funding commitment for 20% of the easement purchase (\$2,540 per acre) on the Copeland Farm on March 28, 2011, and the Hunterdon County Agriculture Development Board approved the application on February 10, 2011 and secured a commitment of funding for 20% of the easement purchase (\$2,540 per acre) from the Hunterdon County Board of Chosen Freeholders for the required local match on March 15, 2011; and

WHEREAS, the estimated cost share break down is as follows:

	<u>Cost Share</u>	
SADC	\$533,400	(\$ 7,620 per acre or 60%)
Delaware Twp.	\$177,800	(\$ 2,540 per acre or 20%)
Hunterdon County	\$177,800	(\$ 2,540 per acre or 20%)
	\$889,000	(\$12,700 per acre) ; 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 consistent with the provisions of N.J.A.C. 2:76-6.11; and

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, that the SADC grants final approval to provide a cost share grant to Delaware Township for the purchase of a development easement on the Copeland Farm by Hunterdon County, comprising approximately 70 acres, at a State cost share of \$7,620 per acre for an estimated total of \$533,400 (60% of certified market value and estimated total cost) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule B; and

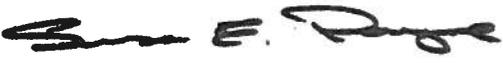
BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as

determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, if the Township and County agree to the SADC providing its grant directly to Hunterdon County, 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); and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

1/26/12
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Tom Stanuikynas (rep. DCA Acting Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Andrew P. Sidamon-Erstoff)	YES
Jane Brodhecker	YES
Alan Danser	YES
Denis C. Germano	ABSENT
Torrey Reade	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
James Waltman	YES

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State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Copeland Farm
10- 0318-PG
FY 2009 PIG EP - Municipal 2007 Rule
70 Acres

Block 39	Lot 3	Delaware Twp.	Hunterdon County
SOILS:			SOIL SCORE:
TILLABLE SOILS:			TILLABLE SOILS SCORE:
FARM USE:	Hay		70 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: No Nonagricultural Uses
 - b. Exceptions:
 - 1st five (5) acres for around four existing dwellings and farm buildings
Exception is not to be severed from Premises
Right to Farm language is to be included in Deed of Easement
 - 2nd (8.97) acres for to sever 2 additional building lots
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - 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. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY12R1(5)

SADC DIRECT EASEMENT ACQUISITION
FINAL APPROVAL

William & Ruth Deutschlander

January 26, 2012

Subject Farm: William & Ruth Deutschlander
Block 32, Lot 23
Bethlehem Twp., Hunterdon County
SADC ID#: 10-0180-DE
Approximately 37 Net Acres

WHEREAS, on May 26, 2009 the SADC received an application to sell an agriculture development easement from William & Ruth Deutschlander for property identified as Block 32, Lot 23, Bethlehem Township, Hunterdon County, which is located in the Highlands Preservation Area, hereinafter "Property" as identified in Schedule "A"; and

WHEREAS, staff evaluated this application for the sale of development easements directly to the SADC pursuant to Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and N.J.A.C. 2:76-11.5, which prioritizes applications into "Priority", "Alternate" and "Other" farms; and

WHEREAS, staff determined that the Property does not meet SADC's "Priority" category for Hunterdon County (minimum of 46 acres and minimum of 58 quality score points) because it is 37 acres and has a quality score of 57.64, but it does satisfy the criteria for Hunterdon County farms in the "Alternate" category (minimum of 34 acres and minimum of 43 quality score points) which requires SADC preliminary approval; and

WHEREAS, on April 28, 2011, the SADC granted Preliminary Approval to this application; and

WHEREAS, on March 23, 2006 the SADC adopted the FY 2006 Highlands Preservation Appropriation Expenditure Policy - Amended, which approves the use of Highlands Funds to support additional applications in all farmland preservation programs where demand for funding has outstripped otherwise approved SADC funding ("Highlands Funds")

WHEREAS, to date thirty farms have closed using SADC Highlands Funds and five farms are currently earmarked to use SADC Highlands Funds leaving approximately \$1.5 million out of the original \$30 million available specifically for farms in the Highlands Region; and

WHEREAS, the Property supports a hay operation, has approximately 47% prime soils and 22 acres of tillable land, as identified in Schedule B; and

WHEREAS, the landowner is requesting one (1) one-acre non-severable exception around an existing single family residence; and

WHEREAS, on December 8, 2011, the SADC certified the development easement value of the Property at \$8,100 per acre based on January 1, 2004 zoning and environmental conditions and \$800 per acre based on current zoning and environmental conditions as of June 20, 2011; and

WHEREAS, on December 27, 2011, the Owner accepted the SADC's offer to purchase the development easement on the Property at the higher value of \$8,100 per acre; and

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 that the SADC grants final approval to the Deutschlander farm application, for the direct acquisition of the development easement at a value of \$8,100 per acre for a total of approximately \$299,700 subject to the conditions contained in Schedule B; and

BE IT FURTHER RESOLVED, that the SADC approves the use of SADC Highlands Funds pursuant to SADC FY 2006 Highlands Preservation Appropriation Expenditure Policy - Amended, which authorizes the use of Highlands funds to support additional applications in all farmland preservation programs where demand for funding has outstripped otherwise approved SADC funding; and

BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, 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 on the Deutschlander farm; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1/26/12
Date



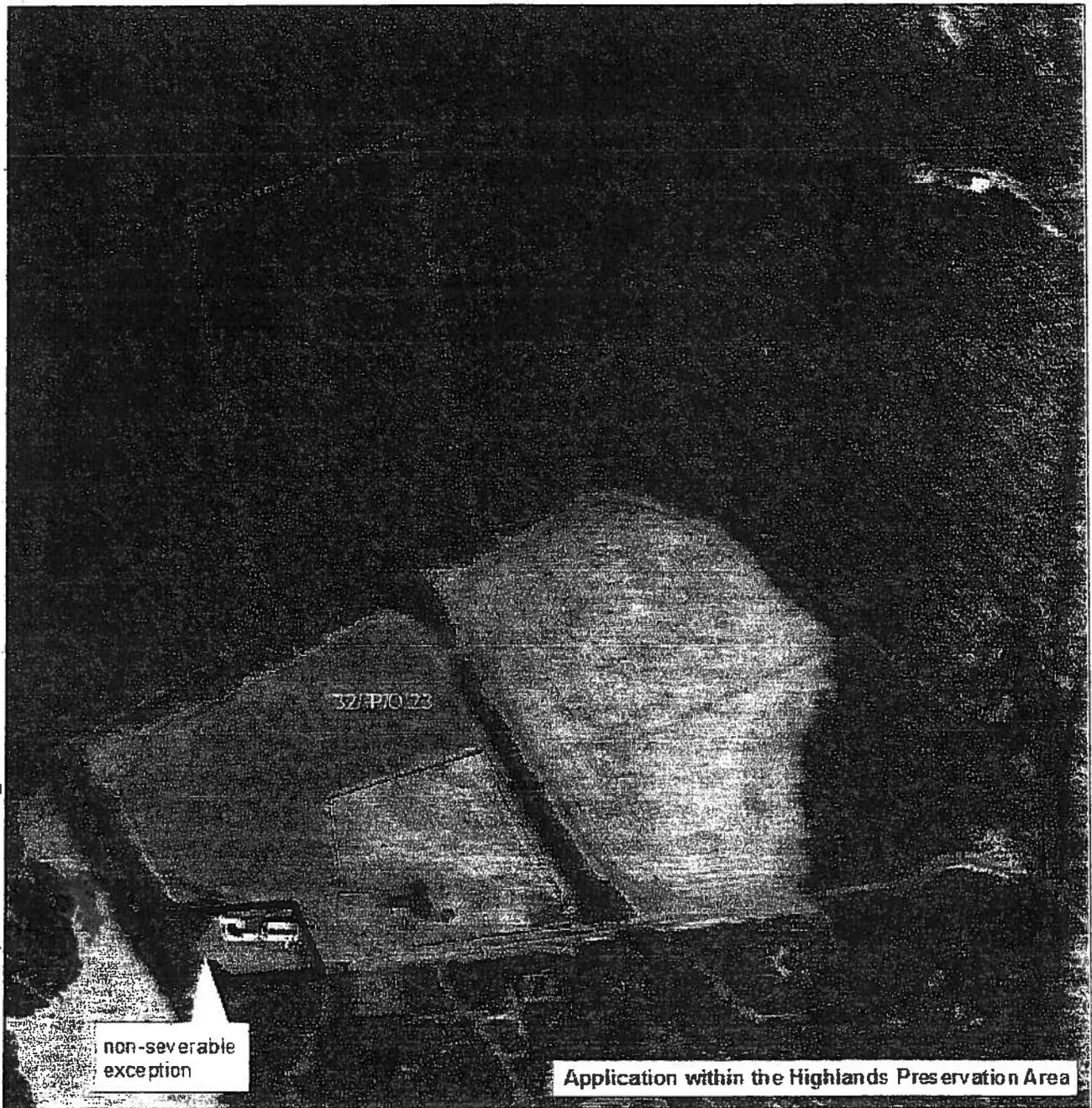
Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Tom Stanuikynas (rep. DCA Acting Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Andrew P. Sidamon-Erstoff)	YES
Jane Brodhecker	YES
Alan Danser	YES
Denis C. Germano	ABSENT
Torrey Reade	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
James Waltman	YES

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non-severable
exception

Application within the Highlands Preservation Area

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

William and Ruth Deutschlander
 Block 32 Lots P/O 23 (36.7 ac)
 & P/O 23-EN (non-severable exception - 1.1 ac)
 Gross Total = 37.9 ac
 Net Easement Total = appr 37 ac (36.7)
 Bethlehem Twp Hunterdon County



Wetlands Legend:
 1. Existing Wetlands
 2. 2001 Flood Hazard Overlay
 3. 2001 Flood Hazard Overlay
 4. 2001 Flood Hazard Overlay
 5. 2001 Flood Hazard Overlay
 6. 2001 Flood Hazard Overlay
 7. 2001 Flood Hazard Overlay
 8. 2001 Flood Hazard Overlay

DISCLAIMER: Any use of this product with respect to acquisition and disposition of the land is the responsibility of the user. The cartographer and developer's responsibility is to provide accurate data and information and to provide a clear and concise map. The geographic accuracy and precision of the GIS data is not guaranteed. The user should verify the accuracy and precision of the data before using it for any purpose. The user should also verify the accuracy and precision of the data before using it for any purpose. The user should also verify the accuracy and precision of the data before using it for any purpose.

Source:
 NJ State Agriculture Development Committee
 Hunterdon County Planning Board
 Hunterdon County GIS Department

August 14, 2011

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Deutschlander Farm
State Acquisition
Easement Purchase - SADC
37 Acres

Block 32	Lot 23	Bethlehem Twp.	Hunterdon County	
SOILS:		Other	53%	1 = .00
		Prime	47%	1.15 = 7.05
				SOIL SCORE: 7.05
TILLABLE SOILS:		Cropland Harvested	59%	0.15 = 0.95
		Permanent Pasture	5%	1.00 = .10
		Woodlands	36%	0 = .00
				TILLABLE SOILS SCORE: 8.95
FARM USE:	Hay		20 acres	

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ies) 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 one (1) acres for house
 - Exception is not to be severable from Premises
 - 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
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2012R1(6)

Final Approval and Authorization to Execute Closing Documents
Authorization to Contract for Professional Services
SADC Easement Purchase

On the Property of
Ocean County ("Owner")
January 26, 2012

Subject Property: Ocean County - Grant Farm South
Block 81, Lot 2 (part of)
Plumsted Township, Ocean County
SADC ID#: 15-0010-DE
Approximately 116 acres

WHEREAS, on December 30, 2010, Ocean County submitted a FY2009 County PIG Program application for a property identified as Block 81, Lot 2 (part of), Plumsted Township, Ocean County, also known as the Grant Farm South, hereinafter "Property," totaling approximately 116 net acres, identified in Schedule A; and

WHEREAS, the Owner acquired fee simple title to Block 81, Lot 2 (Grant North and Grant South) and Block 177, Lot 7.02 (not part of farmland preservation application) on August 15, 2008 for a total purchase price of \$6,000,000, or \$23,189 per acre; and

WHEREAS, The County PIG Program application received Green Light approval on February 16, 2011; and

WHEREAS, Ocean County submitted appraisals and on May 26, 2011 SADC certified an easement value of the Property at \$14,400 per acre with a before value of \$19,000 per acre and a highest appraised value of \$19,000 per acre based on current zoning and environmental conditions; and

WHEREAS, it was then determined that the application could not proceed pursuant to N.J.A.C. 2:76-17.13(c). On November 2, 2011 the County then decided to submit the application to the State acquisition program; 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, 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 June 24, 2010 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property has a quality score of 65.72 which exceeds the Priority Quality score for Ocean County of 55, and the Property's 116 acres exceeds the Priority acreage for Ocean County of 29 acres, and therefore the Property is categorized as a Priority farm; and

WHEREAS, the Grant Farm South farm is currently devoted to grain production, with approximately 96 acres in cropland. The farm has 29 percent statewide soils and 18 percent unique soils; and

WHEREAS, the premises to be preserved has no existing single family residence and one residual dwelling site opportunity ("RDSO") is being requested; and

WHEREAS, on June 1, 2011 the Owner accepted the SADC's certified development easement value on the Property at \$14,400 per acre; and

WHEREAS, in accordance with N.J.A.C. 2:76-11.9(a)2, if a development easement is owned by a governmental entity, the SADC's offer for the purchase of the development easement shall not exceed the Committee's cost share determined pursuant to N.J.A.C. 2:76-6.11(d), which is \$8,640 per acre (60% of \$14,400); and

WHEREAS, on January 18, 2012 Ocean County authorized the transfer of the County PIG Program Grant Farm application to the SADC's direct program and to accept the offer to purchase the development easement on the Property at a cost share of \$8,640 per acre; and

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 that the SADC grants final approval to the Ocean County-Grant Farm South application, for the direct acquisition of the development easement at a value of \$8,640 per acre for a total of approximately \$1,002,240 based on 116 acres subject to the conditions contained in Schedule B; and

BE IT FURTHER RESOLVED, that prior to closing, Ocean County must perfect the subdivision between Grant Farm South and the Grant Farm North including whatever approvals maybe required from Plumsted Township including a new lot numbers; and

BE IT FURTHER RESOLVED, the SADC recognizes one residual dwelling site opportunity (RDSO); and

BE IT FURTHER RESOLVED, pursuant to N.J.A.C. 2:76-6.23, if Ocean County sells the restricted premises for more than the "after" value used to calculate the grant amount, the county shall reimburse to the SADC any funds previously paid by the SADC for the development easement on a pro rata basis up to the amount of the cost share grant, within 30 days of the county's resale of the restricted premises; and

BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, 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 on the Ocean County-Grant South farm; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1/26/12
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Tom Stanuikynas (rep. DCA Acting Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Andrew P. Sidamon-Erstoff)	YES
Jane Brodhecker	YES
Alan Danser	YES
Denis C. Germano	ABSENT
Torrey Reade	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
James Waltman	YES



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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Grant Farm - South/Ocean County
 Block 81 Lot P/O 2 (120.7 ac)
 Gross Total = 116.6 ac
 Plumsted Twp., Ocean County



	Property Boundary
	E1 - (Non-Deletable) Exception
	E2 - (Deletable) Exception
	Wetlands Boundary
	Municipal, Conservation Map-Print, Proposed Open Space
	State Owned Conservation Easement
	State Owned GIS & Recreation Easement
	Federal Land

Wetlands Legend:

F	Freshwater Wetlands
L	Linear Wetlands
M	Wetlands Modified for Agriculture
T	Tidal Wetlands
N	Non-Wetlands
S	303' Buffer
W	Water

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.

Source:
 NJDEP Freshwater Wetlands Data
 Green Acres Conservation Easement Data
 NJDOT/GIS 2007/2008 Digital Aerial Image

Schedule B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Grant Farm South
State Acquisition
Easement Purchase - SADC
.116 Acres

Block 81	Lot P/O 2	Plumsted Twp.	Ocean County
SOILS:		Local	40% * .05 = 2.00
		Statewide	29% * .1 = 2.90
		Unique .125	18% * .125 = 2.25
		Unique zero	13% * 0 = .00
			SOIL SCORE: 7.15
TILLABLE SOILS:		Cropland Harvested	83% * .15 = 12.45
		Wetlands	17% * 0 = .00
			TILLABLE SOILS SCORE: 12.45
FARM USE:	General-Primary Crops		99 acres

This final approval is subject to the following:

1. Available funding.
2. The allocation of 1 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: No Exceptions Recorded
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:

This certification of value is contingent upon the subject property, Block 81 Lot 2 being subdivided prior to closing in accordance with the application and two appraisals that are the subject of this certification report.
 - e. Dwelling Units on Premises:

No Structures On Premise
 - 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 #FY2012R1(7)

**Final Approval and Authorization to Execute Closing Documents
Authorization to Contract for Professional Services
SADC Easement Purchase**

**On the Property of
Ocean County ("Owner")
January 26, 2012**

Subject Property: Ocean County - Grant Farm North
Block 81, Lot 2 (part of)
Plumsted Township, Ocean County
SADC ID#: 15-0011-DE
Approximately 122 acres

WHEREAS, on December 30, 2010, Ocean County submitted a FY2009 County PIG Program application for a property identified as Block 81, Lot 2 (part of), Plumsted Township, Ocean County, also known as the Grant Farm North, hereinafter "Property," totaling approximately 122 net acres, identified in Schedule A; and

WHEREAS, the Owner acquired fee simple title to Block 81, Lot 2 (Grant North and Grant South) and Block 177, Lot 7.02 (not part of farmland preservation application) on August 15, 2008 for a total purchase price of \$6,000,000, or \$23,189 per acre; and

WHEREAS, the County PIG Program application received Green Light approval on February 16, 2011; and

WHEREAS, Ocean County submitted appraisals and on May 26, 2011 SADC certified an easement value of the Property at \$14,300 per acre with a before value of \$19,000 per acre and a highest appraised value of \$20,000 per acre based on current zoning and environmental conditions; and

WHEREAS, it was then determined that the application could not proceed pursuant to N.J.A.C. 2:76-17.13(c). On November 2, 2011 the County submitted the application to the SADC's State acquisition program; 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, 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 June 24, 2010 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property has a quality score of 72.97 which exceeds the Priority Quality score for Ocean County of 55, and the Property's 122 acres exceeds the Priority acreage for Ocean County of 29 acres, and therefore the Property is categorized as a Priority farm; and

WHEREAS, the Grant Farm North farm is currently devoted to grain production, with approximately 97 acres in cropland. The farm has 34 percent prime soils and 22 percent statewide soils; and

WHEREAS, the premises to be preserved contains one single family residence and other buildings; and

WHEREAS, on June 1, 2011 the Owner accepted the SADC's certified development easement value on the Property at \$14,300 per acre; and

WHEREAS, in accordance with N.J.A.C. 2:76-11.9(a)2, if a development easement is owned by a governmental entity, the SADC's offer for the purchase of the development easement shall not exceed the Committee's cost share determined pursuant to N.J.A.C. 2:76-6.11(d), which is \$8,580 per acre (60% of \$14,300); and

WHEREAS, on January 18, 2012 Ocean County authorized the transfer of the County PIG Program Grant Farm application to the SADC's direct program and to accept the offer to purchase the development easement on the Property at a cost share of \$8,580 per acre; and

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 that the SADC grants final approval to the Ocean County-Grant Farm North application, for the direct acquisition of the development easement at a value of \$8,580 per acre for a total of approximately \$1,046,760 based on 122 acres subject to the conditions contained in Schedule B; and

BE IT FURTHER RESOLVED, that prior to closing, Ocean County must perfect the subdivision between the Grant Farm North and the Grant Farm South including whatever approvals maybe required from Plumsted Township including a new lot numbers; and

BE IT FURTHER RESOLVED, the SADC recognizes an existing single family dwelling; and

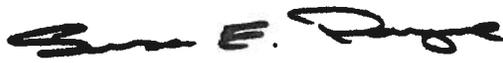
BE IT FURTHER RESOLVED, pursuant to N.J.A.C. 2:76-6.23, if Ocean County sells the restricted premises for more than the "after" value used to calculate the grant amount, the county shall reimburse to the SADC any funds previously paid by the SADC for the development easement on a pro rata basis up to the amount of the cost share grant, within 30 days of the county's resale of the restricted premises; and

BE IT FURTHER RESOLVED, that contracts and closing documents shall be prepared subject to review by the Office of the Attorney General; and

BE IT FURTHER RESOLVED, 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 on the Ocean County-Grant North farm; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1/26/12
Date


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Tom Stanuikynas (rep. DCA Acting Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Andrew P. Sidamon-Erstoff)	YES
Jane Brodhecker	YES
Alan Danser	YES
Denis C. Germano	ABSENT
Torrey Reade	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
James Waltman	YES

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Schedule B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Grant Farm North
State Acquisition
Easement Purchase - SADC
122 Acres

Block 81	Lot P/O 2	Plumsted Twp.	Ocean County		
SOILS:		Local	14% *	.05	= .70
		Other	22% *	0	= .00
		Prime	34% *	.15	= 5.10
		Statewide	22% *	.1	= 2.20
		Unique .125	8% *	.125	= 1.00
					SOIL SCORE: 9.00
TILLABLE SOILS:		Cropland Harvested	80% *	.15	= 12.00
		Wetlands	18% *	0	= .00
		Woodlands	2% *	0	= .00
					TILLABLE SOILS SCORE: 12.00
FARM USE:	Field Crop Except Cash Grain		83 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: No Exceptions Recorded
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:

This certification of value is contingent upon the subject property, Block 81 Lot 2 being subdivided prior to closing in accordance with the application and two appraisals that are the subject of this certification report.
 - e. Dwelling Units on Premises:

Standard Single Family
 - 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 #FY2012R1(8)

Final Approval and Authorization to
Execute Deed of Easement, Project Agreement, and Closing Documents
New Jersey Conservation Foundation - Miller Farm
2011 Non Profit Round - SADC #17-0036 NP

January 26, 2012

WHEREAS, on December 20, 2010 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from New Jersey Conservation Foundation ("NJCF") for the Miller farm identified as Block 34, Lot 17, Upper Pittsgrove Township, Salem County, totaling approximately 97.2 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the Miller Farm includes a 1.5 acre non-severable exception around an existing single family home; and

WHEREAS, the farm is approximately 82 percent tilled and was in hay and soybean production at the time of application and meets the minimum criteria as set forth in N.J.A.C. 2:76-6.20; and

WHEREAS, on April 28, 2011 the SADC granted preliminary approval by Resolution #FY2011R4(7) to the NJCF application and appropriated \$2,552,000 for the acquisition of development easements or fee simple interest to seven farms which NJCF had submitted including the Property; and

WHEREAS, in accordance with N.J.A.C. 2:76-12.2(b) the SADC determined that any farm that has a quality score (as determined by N.J.A.C. 2:76-6.16) greater than or equal to 70% of the county average quality score as determined in the County PIG program be eligible for funding; and

WHEREAS, the Property has a quality score of 67.60 which is greater than 70% of the County average quality score of 48 as determined on June 24, 2010; and

WHEREAS, on November 3, 2011 the SADC certified the easement value of the Property to be \$5,600 per acre based on current zoning (as of August 1, 2011); and

WHEREAS, on November 4, 2011 the SADC informed NJCF of the certified value and its willingness to provide a 50 percent cost share grant pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of NJCF's eligible costs and subject to available funds from the \$2,552,000 appropriated in the 2011 Nonprofit round; and

WHEREAS, on December 9, 2011 NJCF informed the SADC that it will accept SADC cost share of \$2,800 per acre and NJCF was prepared to move forward with the project; and

WHEREAS, NJCF has stated that the farm is included on NJCF's Federal United States Department of Agriculture, Natural Resources Conservation Service FRPP grant application as a targeted farm and they intend to utilize these Federal Grant funds for their matching grant; and

WHEREAS, the NJCF/Miller farm is eligible for a 50% Federal grant for \$272,160 based on an easement value of \$5,600 an acre and 97.2 acres based in current zoning; and

WHEREAS, the landowner has agreed to the additional restrictions associated with the FRPP Grant, including a 5% maximum impervious coverage restriction (approximately 4.85 acres available for impervious coverage including agricultural related structures) on the lands being preserved outside of the exception area; and

WHEREAS, the cost share participation for the project will be as follows based on 97.2 acres:

NJCF Federal Funds	\$272,160	\$2,800/acre
SADC Nonprofit Grant Funds	\$272,160	\$2,800/acre
Total	\$544,320	\$5,600/acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3, the SADC shall provide a cost share grant to NJCF for up to 50% of the eligible ancillary costs which will be deducted from its appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the New Jersey Conservation Foundation/Miller easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, the SADC recognizes a 1.5 acre nonseverable exception area around an existing single family home with the exception to be restricted to one single family home; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$2,800 per acre (total of approximately \$272,160 based on 97.2 acres) to New Jersey Conservation Foundation for the development easement acquisition on the Miller farm subject to the availability of funds; and

BE IT FURTHER RESOLVED, the SADC approves the use of NJCF Federal Farm and Ranch Land Protection Program funds for the preservation of the Miller farm, which will include an impervious coverage limitation of 5% and other restrictions required under the Federal Farm and Ranch Land Protection Program; and

BE IT FURTHER RESOLVED, the application is subject to the conditions contained in Schedule B; and

BE IT FURTHER RESOLVED that the SADC authorizes staff to proceed with the preparation of a Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1; and

BE IT FURTHER RESOLVED, the SADC's cost share grant to New Jersey Conservation Foundation for the development easement purchase 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 or easements as determined by the SADC, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED that the SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute by signature all documents necessary to provide a grant to the New Jersey Conservation Foundation for the acquisition of a development easement on the Miller farm; and

BE IT FURTHER RESOLVED that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1/26/12
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Tom Stanuikynas (rep. DCA Acting Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Andrew P. Sidamon-Erstoff)	NOT PRESENT
Jane Brodhecker	YES
Alan Danser	YES
Denis C. Germano	ABSENT
Torrey Reade	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
James Waltman	YES

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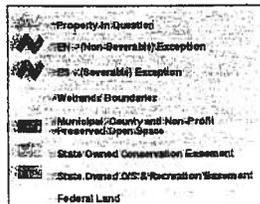
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Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Tracy and Steven Miller/NJCF
 Block 34 Lots P/O 17 (81.5 ac)
 & P/O 14-EN (non-severable exception - 1.5 ac)
 Gross Total = 83.0 ac
 Upper Pittsgrove Twp., Salem County



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

Sources:
 NJDEP Freshwater Wetlands Data
 Green Acres Conservation Easement Data
 NJOT/OGIS 2007/2008 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.

Schedule D

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

NJCF/Miller
17- 0036-NP
FY 2011 Easement Purchase - Nonprofit
98 Acres

Block 34	Lot 17	Upper Pittsgrove Twp. Salem County			
SOILS:		Other	3% * 0	=	.00
		Prime	65% * .15	=	9.75
		Statewide	32% * .1	=	3.20
					SOIL SCORE: 12.95
TILLABLE SOILS:		Cropland Harvested	75% * .15	=	11.25
		Permanent Pasture	7% * .02	=	.14
		Wetlands	6% * 0	=	.00
		Woodlands	12% * 0	=	.00
					TILLABLE SOILS SCORE: 11.39
FARM USE:		Soybeans-Cash Grain	56 acres		
		Cash Grains	18 acres		

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 50% of the eligible costs. 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: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (1.5) acres for farm-related housing @ location of existing farmhouse
Exception is not to be severable from Premises
Right to Farm language is to be included in Deed of Easement
Exception is to be restricted to one single family residential unit
 - c. Additional Restrictions:
 1. Federal Funding 5% Impervious Coverage Restriction
 - 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 eligible costs ancillary to the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, N.J.A.C. 2:76-12.6 and N/J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2012R1(9)

Final Approval and Authorization to
Execute Deed of Easement, Project Agreement, and Closing Documents
New Jersey Conservation Foundation - Fisher Farm
2011 Non Profit Round - SADC #10-0032 NP

January 26, 2012

WHEREAS, on December 20, 2010 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from New Jersey Conservation Foundation ("NJCF") for the Fisher farm identified as Block 21, Lots 2.02, 2.03, 2.04, and 2.05, Delaware Township, Hunterdon County, totaling approximately 25 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the Fisher Farm has no exception areas; and

WHEREAS, the farm is approximately 100 percent tilled and was in hay production at the time of application and meets the minimum criteria as set forth in N.J.A.C. 2:76-6.20; and

WHEREAS, on April 28, 2011 the SADC granted preliminary approval by Resolution #FY2011R4(7) to the NJCF application and appropriated \$2,552,000 for the acquisition of development easements or fee simple interest to seven farms which NJCF had submitted including the Property; and

WHEREAS, NJCF has received Final Approval for the Miller farm in the 2011 Round, which will utilize approximately \$272,160 of the appropriated funds, leaving a balance of approximately \$2,279,840; and

WHEREAS, in accordance with N.J.A.C. 2:76-12.2(b) the SADC determined that any farm that has a quality score (as determined by N.J.A.C. 2:76-6.16) greater than or equal to 70% of the county average quality score as determined in the County PIG program be eligible for funding; and

WHEREAS, the Property has a quality score of 64.06 which is greater than 70% of the County average quality score of 45 as determined on June 24, 2010; and

WHEREAS, on December 8, 2011 the SADC certified the easement value of the Property to be \$19,970 per acre based on current zoning (as of September 29, 2011); and

WHEREAS, on January 3, 2012 the SADC informed NJCF of the certified value and its willingness to provide a 50 percent cost share grant pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of NJCF's eligible costs and subject to available funds from the \$2,552,000 appropriated in the 2011 Nonprofit round; and

WHEREAS, on January 17, 2012 NJCF informed the SADC that it will accept SADC cost share of \$9,985 per acre and a total value of \$19,585 and NJCF was prepared to move forward with the project; and

WHEREAS, NJCF has stated that the farm is included on NJCF's Federal United States Department of Agriculture, Natural Resources Conservation Service FRPP grant application as a targeted farm and they intend to utilize these Federal Grant funds for their matching grant; and

WHEREAS, the NJCF/Fisher farm is eligible for a 50% Federal grant for \$240,000 based on 50% of the NRCS approved easement value of \$19,200; and

WHEREAS, the landowner has agreed to the additional restrictions associated with the FRPP Grant, including a 6% maximum impervious coverage restriction (approximately 1.5 acres available for impervious coverage including agricultural related structures) on the lands being preserved outside of the exception area; and

WHEREAS, the anticipated cost share participation for the project will be as follows based on 25 acres:

NJCF Federal Funds	\$240,000	\$9,600/acre(50% of \$19,200)
SADC Nonprofit Grant Funds	<u>\$249,625</u>	<u>\$9,985/acre(50% of \$19,970)</u>
Total	\$489,625	\$19,585/acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3, the SADC shall provide a cost share grant to NJCF for up to 50% of the eligible ancillary costs which will be deducted from its appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the New Jersey Conservation Foundation/Fisher easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, that no exception areas are being recognized and NJCF has submitted the appropriate Guidance Documents; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$9,985 per acre (total of approximately \$249,625 based on 25 acres) to New Jersey Conservation Foundation for the development easement acquisition on the Fisher farm subject to the availability of funds; and

BE IT FURTHER RESOLVED, the SADC approves the use of NJCF Federal Farm and Ranch Land Protection Program funds for the preservation of the Fisher farm, which will include an impervious coverage limitation of 6% and other restrictions required under the Federal Farm and Ranch Land Protection Program; and

BE IT FURTHER RESOLVED, the application is subject to the conditions contained in Schedule B; and

BE IT FURTHER RESOLVED that the SADC authorizes staff to proceed with the preparation of a Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1; and

BE IT FURTHER RESOLVED, the SADC's cost share grant to New Jersey Conservation Foundation for the development easement purchase 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 or easements as determined by the SADC, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED that the SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute by signature all documents necessary to provide a grant to the New Jersey Conservation Foundation for the acquisition of a development easement on the Fisher farm; and

BE IT FURTHER RESOLVED that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1/26/12
Date

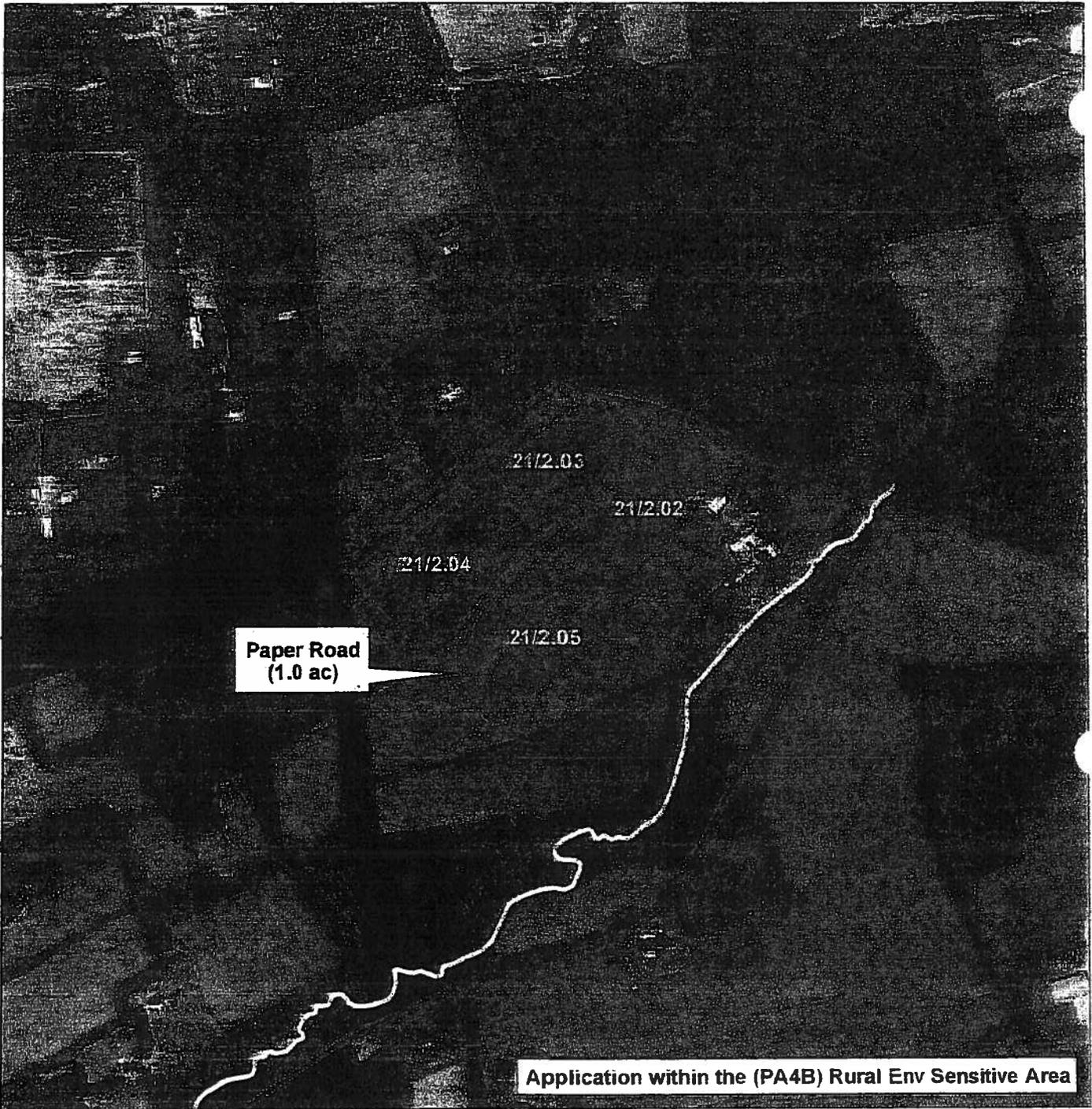


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Tom Stanuikynas (rep. DCA Acting Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Andrew P. Sidamon-Erstoff)	NOT PRESENT
Jane Brodhecker	YES
Alan Danser	YES
Denis C. Germano	ABSENT
Torrey Reade	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
James Waltman	YES

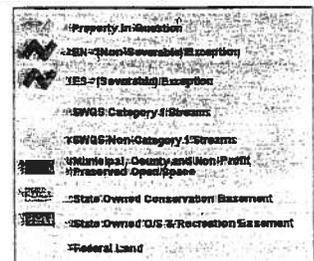
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Application within the (PA4B) Rural Env Sensitive Area

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

Henry and Harriet Fisher/NJCF
 Block 21 Lots 2.02 (6.0 ac); 2.03 (6.0 ac);
 2.04 (6.3 ac); & 2.05 (6.3 ac)
 Paper Road Area - 1.0 ac
 Gross Total = 25.6 ac
 Delaware Twp., Hunterdon County



Sources:
 NJDEP Surface Water Quality Standards
 Green Acres Conservation Easement Data
 NJGIT/OGIS 2007/2008 Digital Aerial Image

February 28, 2011

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

Disclaimer: The "Stormwater Run Areas Affected by 300 Foot Buffers" and the "SWQS" (Surface Water Quality Standards) data depicted on this map are available at www.state.nj.us/dep. Its purpose is to help determine if a property may be subject to the new Stormwater Management rules. When interpreting the SWQS, the SWQS regulations at N.J.A.C. 7:9b will always take precedence. These GIS layers are supplemental only and not legally binding. Not all tributaries of Category 1 streams have been mapped. Actual stream courses may not be visible on the map due to map scale. The SWQS data is current through changes published January 2010. The user should regularly refer to: <http://www.nj.gov/dep/gis/statesnp.html> for updated information.

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

NJCF/Fisher, Harriet
10- 0032-NP

FY 2011 Easement Purchase - Nonprofit
24 Acres

Block 21	Lot 2.02	Delaware Twp.	Hunterdon County
Block 21	Lot 2.03	Delaware Twp.	Hunterdon County
Block 21	Lot 2.04	Delaware Twp.	Hunterdon County
Block 21	Lot 2.05	Delaware Twp.	Hunterdon County

SOILS:	Prime	20.86% *	.15	=	3.13
	Statewide	79.14% *	.1	=	7.91
SOIL SCORE:					11.04

TILLABLE SOILS:	Cropland Harvested	100% *	.15	=	15.00
TILLABLE SOILS SCORE:					15.00

FARM USE:	Dairy	acres
	Soybeans-Cash Grain	acres
	Hay	acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 50% of the eligible costs. 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.
4. Execution of and agreement between the Municipality, State Agriculture Development Committee and Landowner.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions: No Exceptions Recorded
 - c. Additional Restrictions:
 1. Federal Funding 6% Impervious Coverage
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for eligible costs ancillary to the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, N.J.A.C. 2:76-12.6 and N/J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2012R1(10)

Final Approval and Authorization to
Execute Deed of Easement, Project Agreement, and Closing Documents
Hunterdon Land Trust - Silva Farm
2007 Non Profit Round - SADC #10-0016 NP

January 26, 2012

WHEREAS, on February 6, 2006 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from the Hunterdon Land Trust ("HLT") for the Silva farm identified as Block 10, Lot 43, Holland Township, Hunterdon County, totaling approximately 81 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the landowner has requested one four-acre nonseverable exception around an existing single family dwelling and outbuildings; and

WHEREAS, the farm is approximately 69 percent tilled and was in hay and corn production at the time of application and meets the minimum criteria as set forth in N.J.A.C. 2:76-6.20; and

WHEREAS, on May 25, 2006 the SADC granted preliminary approval to the application and appropriated \$750,000 for the acquisition of development easements to any of the lands identified in the Holland Township Project Area; and

WHEREAS, HLT has closed on the Cain and Stamets farms within the Holland Township Project Area which utilized \$341,495 of the available funds, leaving a balance of \$408,505; and

WHEREAS, on February 26, 2009 the SADC granted preliminary approval by Resolution #FY09R2(4) to the HLT/Silva application; and

WHEREAS, on November 3, 2011 the SADC certified the easement value of the Property to be \$6,500 per acre based on zoning and environmental regulations as of 1/1/04 and current zoning (as of May 1, 2011); and

WHEREAS, on November 4, 2011 the SADC informed HLT of the certified value and its willingness to provide a 50 percent cost share grant pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of HLT's eligible costs and subject to available funds from the \$750,000 appropriated in the 2007 Nonprofit round, of which there is a balance of \$408,505; and

WHEREAS, on December 19, 2011 HLT informed the SADC that it will accept SADC cost share of \$.3,250 per acre and HLT was prepared to move forward with the project; and

WHEREAS, HLT has stated that the farm is included on HLT's Federal United States Department of Agriculture, Natural Resources Conservation Service FRPP grant application as a targeted farm and they intend to utilize these Federal Grant funds for their matching grant; and

WHEREAS, the HLT/Silva farm is eligible for a 50% Federal grant for \$263,250 based on an easement value of \$6,500 an acre and 81 acres based on current zoning; and

WHEREAS, the landowner has agreed to the additional restrictions associated with the FRPP Grant, including a 4.33% maximum impervious coverage restriction (approximately 3.5 acres available for impervious coverage including agricultural related structures) on the lands being preserved outside of the exception area; and

WHEREAS, the anticipated cost share participation for the project will be as follows based on 81 acres:

HLT Federal Funds	\$263,250	\$3,250/acre
SADC Nonprofit Grant Funds	<u>\$263,250</u>	<u>\$3,250/acre</u>
Total	\$526,500	\$6,500/acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-12.6 and N.J.A.C. 2:76-16.3, the SADC shall provide a cost share grant to NJCF for up to 50% of the eligible ancillary costs which will be deducted from its appropriation and subject to the availability of funds;

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Hunterdon Land Trust/Silva easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, the SADC recognizes a 4 acre nonseverable exception area around an existing single family home and outbuildings with the exception to be restricted to one single family home; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$3,250 per acre (total of approximately \$263,250 based on 81 acres) to Hunterdon Land Trust for the development easement acquisition on the Silva farm subject to the availability of funds; and

BE IT FURTHER RESOLVED, the SADC approves the use of HLT Federal Farm and Ranch Land Protection Program funds for the preservation of the Silva farm, which will include an impervious coverage limitation of four and one-third (4.33) percent and other restrictions required under the Federal Farm and Ranch Land Protection Program; and

BE IT FURTHER RESOLVED, the application is subject to the conditions contained in Schedule B; and

BE IT FURTHER RESOLVED that the SADC authorizes staff to proceed with the preparation of a Project Agreement and closing documents prepared in accordance with N.J.A.C. 2:76-16.1; and

BE IT FURTHER RESOLVED, the SADC's cost share grant to Hunterdon Land Trust for the development easement purchase 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 or easements as determined by the SADC, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED that the SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute by signature all documents necessary to provide a grant to the Hunterdon Land Trust for the acquisition of a development easement on the Silva farm; and

BE IT FURTHER RESOLVED that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1/26/12
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Tom Stanuikynas (rep. DCA Acting Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Andrew P. Sidamon-Erstoff)	NOT PRESENT
Jane Brodhecker	YES
Alan Danser	YES
Denis C. Germano	ABSENT
Torrey Reade	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
James Waltman	YES

Wetlands

Application within the Highlands Planning Area



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Silva and Kirk
Block 10 Lots P/O 43 (81.2 ac) & P/O 43-EN (exception - 4.0 ac)
Total = 85.1 ac
Holland Twp., Hunterdon County



DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geographic accuracy and precision of the GIS data contained in this file and any other files associated with this project shall be the responsibility of the user. The data were derived from aerial photography and vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Surveyor.

Symbol	Wetlands Description
[Symbol]	Freshwater Wetlands
[Symbol]	Wetlands Modified for Agriculture
[Symbol]	Tidal Wetlands
[Symbol]	300' Buffer

Wetlands Legend:
 F - Freshwater Wetlands
 M - Wetlands Modified for Agriculture
 N - Tidal Wetlands
 B - 300' Buffer
 W - Water

Sources:
 NJDEP Freshwater Wetlands Data
 NJDEP Tidal Wetlands Data
 NADOT GIS 2007/2008 Aerial Imagery
 April 28, 2009

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Silva Farm/Hunt. Land Trust
10- 0016-NP
2007A Easement Purchase - Nonprofit
80 Acres

Block 10	Lot 43	Holland Twp.	Hunterdon County
SOILS:		Other	38% * 0 = .00
		Prime	62% * .15 = 9.30
			SOIL SCORE: 9.30
TILLABLE SOILS:		Cropland Harvested	69% * .15 = 10.35
		Other	1% * 0 = .00
		Woodlands	30% * 0 = .00
			TILLABLE SOILS SCORE: 10.35
FARM USE:	Field Crop Except Cash Grain		75 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 50% of the eligible costs. 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: No Nonagricultural Uses
 - b. Exceptions:
 - 1st four (4) acres for exclude existing dwelling and barn
Exception is not to be severable from Premises
 - c. Additional Restrictions:
 1. Federal Funding 4.33% Impervious Coverage
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
No Structures On Premise
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for eligible costs ancillary to the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, N.J.A.C. 2:76-12.6 and N/J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY12R1(11)

William Staats - Dutch Hollow Farm
January 26, 2012

Installation of a Solar Energy Generation Facility, Structures and Equipment on an Existing Structure Located on a Preserved Farm

Subject Property: William Staats
Block 443, Lot 19
Bridgewater Township, Somerset County
Block 13, Lot 62
Bedminster Township, Somerset County
56.51-Acres

WHEREAS, William Staats, hereinafter, Owner, is the record owner of Block 443, Lot 19, in Bridgewater Township, and Block 13, Lot 62, in Bedminster Township Somerset County, by Deed dated March 23, 1984, and recorded in the Somerset County Clerk's Office, in Deed Book 1503, Page 263, totaling approximately 56 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the Somerset County Agriculture Development Board, on October 11, 2002, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:11 et seq., P.L. 1983, c. 32, as a Deed of Easement, recorded in Deed Book 5225, Page 2863; and

WHEREAS, P.L. 2009, c.213 signed into law on January 16, 2010, requires the State Agriculture Development Committee (SADC) approval before constructing, installing, and operating renewable energy generating facilities, structures and equipment on preserved farms, including areas excepted from the Premises; and

WHEREAS, the SADC must adopt regulations to implement P.L. 2009, c.213 (N.J.S.A. 4:1C-32.4) hereinafter, referred to as "the Act"; and

WHEREAS, the SADC, in conjunction with the Office of the Attorney General, has determined that it may accept and consider applications for the construction of renewable energy generating facilities on preserved farms, prior to the adoption of rules, only in cases where the project will not result in the creation of any new impervious cover and the review is based solely upon criteria listed in subsection (a) of the Act; and

WHEREAS, subsection (a) of the Act states that the owner of a preserved farm may construct, install and operate renewable energy generation facilities on preserved farms for the purpose of generating power or heat, provided the systems:

- (1) do not interfere significantly with the use of the land for agricultural or horticultural production, as determined by the committee;
- (2) are owned by the landowner, or will be owned by the landowner upon the conclusion of the term of an agreement with the installer of the biomass, solar, or wind energy generation facilities, structures, or equipment by which the landowner uses the income or credits realized from the biomass, solar, or wind energy generation to purchase the facilities, structures, or equipment;
- (3) are used to provide power or heat to the farm, either directly or indirectly, or to reduce, through net metering or similar programs and systems, energy costs on the farm; and
- (4) are limited (a) in annual energy generation capacity to the previous calendar year's energy demand plus 10 percent, in addition to what is allowed under N.J.S.A. 4:1C-32.4 section one, paragraph 4(b), or alternatively at the option of the landowner, (b) to occupying no more than one percent of the area of the entire farm including both the preserved portion and any portion excluded from preservation.
- (5) The person who owns the farm and the energy generation facilities, structures, and equipment may only sell energy through net metering or as otherwise permitted under an agreement allowed pursuant to N.J.S.A. 4:1C-32.4 section one paragraph (2); and

WHEREAS, the Owner submitted an "Application for Energy Generation Facilities on Existing Buildings or Structures on Preserved Farmland" pursuant to N.J.S.A. 4:1C-32.4; and

WHEREAS, the Owner is seeking SADC approval for the construction of a photovoltaic solar energy generation facility on a portion the roof top of an existing building that is located on the Premises; and

WHEREAS, the building that will support the solar energy generation facility is a former dairy barn currently used for livestock that was constructed in 1959, and is approximately 4,500 square feet in size as identified on Schedule "A"; and

WHEREAS, the agricultural operation consists of hay, beef cattle and other livestock and the major electrical energy demands of the farm are generated from service to the livestock buildings as well as the single family residence on the Premises; and

WHEREAS, the farm's energy demand for the previous calendar year was 21,954 kilowatts (kW) as confirmed by the Owner's submission of 12 months of utility bills; and

WHEREAS, there are no other renewable energy generation facilities existing on the Premises; and

WHEREAS, the rated capacity of the proposed solar energy generation facility is 17,700 kW; and

WHEREAS, the solar energy generation facility will be owned by the Owner at the time of the installation; and

WHEREAS, the Owner provided evidence confirming that the solar energy generation facility will provide power to the farm directly through net metering to reduce energy costs on the farm; and

WHEREAS, the Owner provided evidence that the annual solar energy generation does not exceed the previous calendar year's energy demand; and

WHEREAS, as a result of the panels being installed on the roof of an existing structure no new impervious cover or soil disturbance will result from the installation of the solar energy generation facilities, structures and equipment; and

WHEREAS, pursuant to N.J.S.A. 4:1C-32.4, the SADC forwarded a copy of the Owner's application to the Somerset County Agriculture Development Board, to provide comments concerning the installation, construction, operation and maintenance of the solar energy generation facility, structures and equipment; and

WHEREAS, on January 9, 2012, the Somerset CADB discussed the solar energy generation facility and has indicated that the Board supports the Staats Farm solar application;

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the Owner has complied with all of the provisions of N.J.S.A. 4:1C-32.4 concerning the installation of a photovoltaic solar energy generation facility, structures and equipment on the Premises; and

BE IT FURTHER RESOLVED, that the SADC approves of the construction, installation, operation and maintenance of the photovoltaic energy generation facility, structures and equipment consisting of approximately 1,400 square feet and

having a rated capacity of 17,700 kW of energy to be located on the roof top of an existing building as identified in Schedule "A" and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A 4:1C-4f.

1/26/12
DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

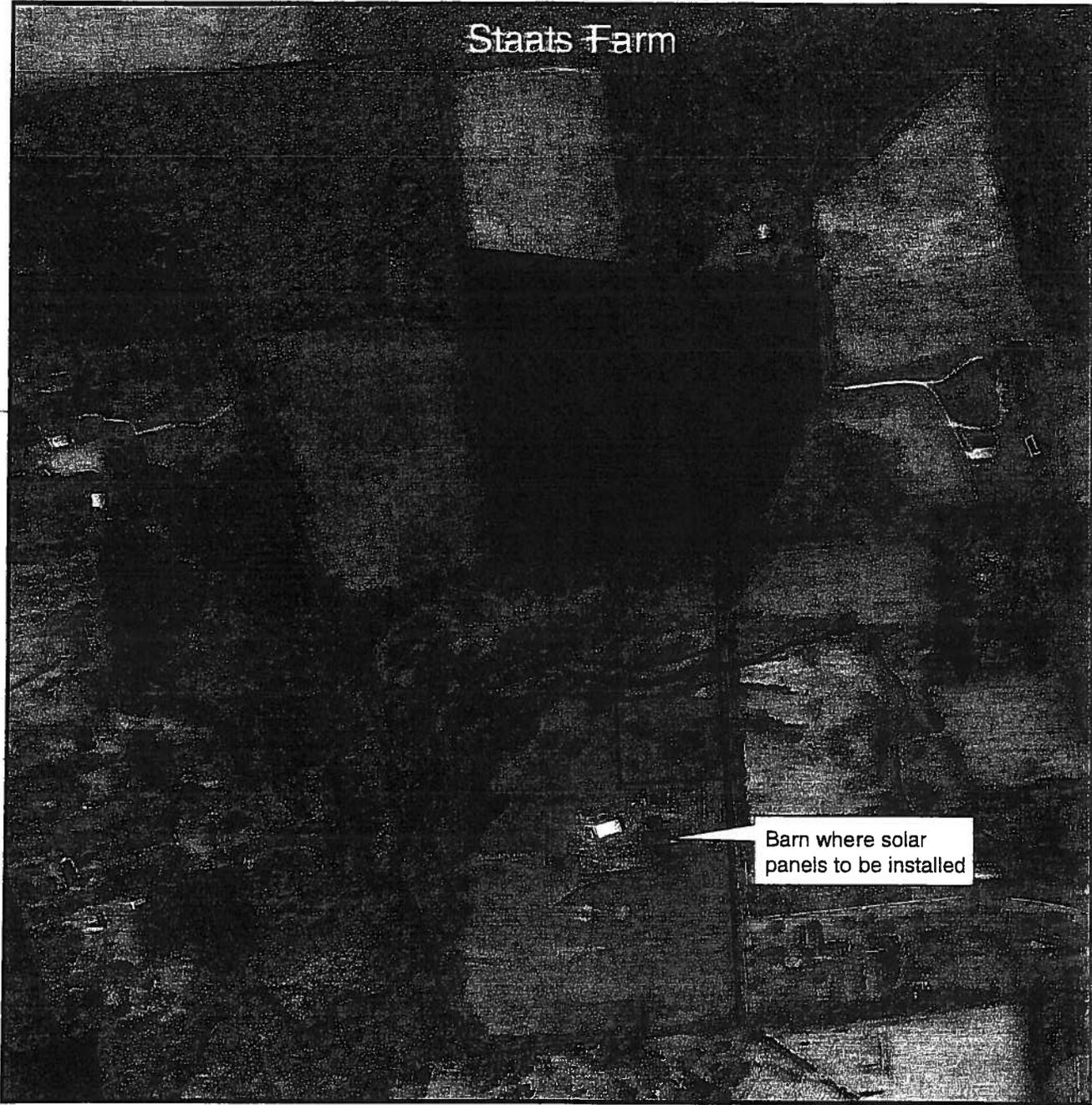
Monique Purcell, Acting Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Tom Stanuikynas (rep. DCA Acting Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Andrew P. Sidamon-Erstoff)	YES
Jane Brodhecker	YES
Alan Danser	YES
Denis C. Germano	ABSENT
Torrey Reade	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
James Waltman	YES

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Schedule "A"

Staats Farm

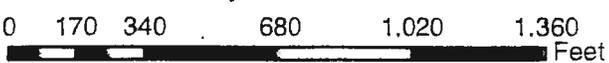
u:/county_state/project_name.mxd



Barn where solar panels to be installed

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Staats Farm
Block 443 Lot 19
Bridgewater Township
Block 13 Lot 62
Bedminster Township
Somerset County



Farmland Preservation Program	
	PRESERVED EASEMENT
	EXCEPTION AREA
	PRESERVED EASEMENT / NR
	EXCEPTION AREA / NR
	FINAL APPROVAL
	PRELIMINARY APPROVAL
	ACTIVE APPLICATION
	8 YEAR PRESERVED
	TARGETED FARM
	INACTIVE APPLICATION
	NO CORRESPONDING DATA

State Planning Areas	
	(PA1) METRO
	(PA2) SUBURBAN
	(PA3) FRINGE
	(PA4) RURAL
	(PA5) RURAL ENV SENS
	(PA6) ENV SENS
	(PA7) ENV SENSITIVE BARRIER IS
	(PA8) PINELAND
	NRV
	MILITARY
	NEW JERS BY MEADOWLAND
	WATER
	ELLIS ISLAND- NJ
	ELLIS ISLAND- NY

Base Map	
	County Boundaries
	Municipal Boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Preserve Area
	Green Acres Preserved Easements

month/day/year

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2012R1(12)

**AMPLIFICATION OF THE REASONS FOR DENIAL OF REQUEST FOR
RECONSIDERATION OF THE CERTIFICATION OF VALUE OF A
DEVELOPMENT EASEMENT ON RIAMEDE FARM, MORRIS COUNTY**

JANUARY 26, 2012

WHEREAS, on March 25, 2010 the SADC certified a value for the purchase of a development easement on Riamede Farm, Block 33, Lot 4 and Block 34, Lot 4, Chester Township, Morris County, under the County Planning Incentive Grant program, N.J.S.A. 4:1C-43.1 and N.J.A.C. 2:76-17.1, et seq., and the Appraisal Handbook Rules at N.J.A.C. 2:76-10.1, et seq.; and

WHEREAS, in April 2010 counsel for the owner of Riamede Farm submitted correspondence to the SADC's Executive Director requesting reconsideration of the certified value; and

WHEREAS, the SADC's Executive Director responded to counsel in a detailed letter dated May 11, 2010 that denied the request for reconsideration; and

WHEREAS, on or about June 16, 2010, Riamede Farm filed an appeal with the Superior Court, Appellate Division, asserting that the May 11, 2010 letter was final administrative agency action; and

WHEREAS, on or about June 30, 2010 the appeal was voluntarily withdrawn by Riamede Farm so that the request for reconsideration could be presented to the SADC for final administrative agency action; and

WHEREAS, the SADC scheduled Riamede Farms' request for reconsideration at a public meeting on July 22, 2010 and rescheduled the request for the SADC's December 9, 2010 meeting; and

WHEREAS, Riamede Farm submitted additional reports and materials to the SADC in support of the request for reconsideration; and

WHEREAS, Riamede Farm's request for reconsideration and supporting material were presented to the SADC at the December 9, 2010 meeting, and the SADC referred the matter to agency appraisal staff for review and analysis; and

WHEREAS, the SADC's appraisal staff prepared a report dated January 5, 2011 in response to Riamede Farm's request for reconsideration and supporting material ; and

WHEREAS, the SADC, at its meeting on February 24, 2011, considered the presentation of Riamede Farm and reviewed agency appraisal staff's written report addressing all of the materials provided in support of the request for reconsideration, and unanimously concluded that there was no basis for amending the March 25, 2010 certification of value of a development easement, and

WHEREAS, on April 28, 2011, the SADC adopted a Resolution denying the request for reconsideration of the March 25, 2010 certification of value of a development easement on Riamede Farm, and

WHEREAS, the SADC seeks to amplify the reasons for its February 24, 2011 decision finding that there was no basis for amending the March 25, 2010 certification of value of a development easement,

NOW, THEREFORE, BE IT RESOLVED that the SADC hereby amplifies its decision to deny the request for reconsideration of the March 25, 2010 certification of value of a development easement on Riamede Farm, Block 33, Lot 4 and Block 34, Lot 4, Chester Township, Morris County, under the County Planning Incentive Grant program, N.J.S.A. 4:1C-43.1 and N.J.A.C. 2:76-17.1, et seq., and the Appraisal Handbook Rules at N.J.A.C. 2:76-10.1, et seq. as follows:

1. SADC adopts the reasons contained in the SADC's Executive Director's letter dated May 11, 2010 and the SADC's appraisal staff report dated January 5, 2011 for denial of the request for reconsideration because the reasons contained therein are well-supported and the independent appraisals meet the requirements of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 to -48, and the SADC's implementing regulations.
2. SADC rejects the contentions of Riamede Farm that the appraisals prepared by independent appraisers Cooper and DiSanto and the review appraisal prepared by appraiser Brodowski did not meet the criteria contained in the SADC's regulations, N.J.A.C. 2:76-17.1, et seq., and the Appraisal Handbook Rules at N.J.A.C. 2:76-10.1, et seq., based on the reasoning set forth in in the SADC's Executive Director's letter dated May 11, 2010 and the SADC's appraisal staff report dated January 5, 2011.

3. SADC finds that it cannot consider the Holenstein appraisal prepared by Riamede Farm which purports to certify a value for the development easement because doing so would violate N.J.S.A. 4:1C-31, which requires that the SADC consider the two independent appraisals prepared by the county.
4. SADC finds that the appraisals prepared by independent appraisers Cooper and DiSanto and the review appraisal prepared by appraiser Brodowski met the criteria contained in the SADC's regulations, N.J.A.C. 2:76-17.1, et seq., and the Appraisal Handbook Rules at N.J.A.C. 2:76-10.1, et seq., as detailed in the SADC's Executive Director's letter dated May 11, 2010 and the SADC's appraisal staff report dated January 5, 2011.
5. SADC declines to use the Highlands municipal average of the value of the development potential of property in a sending zone established by the Highlands development transfer bank and finds that its consideration of same is discretionary and not required by N.J.S.A. 4:1C-31.
6. SADC finds that Riamede Farm may reject the SADC's certification of value to cost-share on the purchase of a development easement and retain the development rights to the property.

1/26/2012
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

Monique Purcell, Acting Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Tom Stanuikynas (rep. DCA Acting Commissioner Constable, III)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Jane R. Brodhecker	YES
Alan A. Danser	YES
James Waltman	YES
Denis C. Germano	ABSENT
Torrey Reade	YES