STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

June 22, 2017

Chairman Fisher called the meeting to order at 9:08 a.m.

The flag salute was conducted at the start of the meeting.

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

Chairman Fisher

Ralph Siegel (rep. State Treasurer Scudder)

Cecile Murphy (rep. NJDEP Commissioner Martin)

Jane Brodhecker

Alan Danser, Vice Chairman

Scott Ellis

Peter Johnson

Brian Schilling (rep. Executive Dean Goodman)

Thomas Stanuikynas (rep. DCA Commissioner Richman)

Members Absent

James Waltman

Denis C. Germano, Esq.

Susan E. Payne, SADC Executive Director Jason Stypinski, Esq., Deputy Attorney General Others present as recorded on the attendance sheet: Dan Pace, Mercer County Agriculture Development Board (CADB); Melanie Mason, Hunterdon CADB; Tom Thorsen and Jenny Mance, Ocean CADB; Katherine Fullerton, East Amwell Township; and Lori Rue, Rue Bros., Monmouth County.

Minutes

A. SADC Regular Meeting of May 25, 2017 (Open and Closed Sessions)

It was moved by Mr. Siegel and seconded by Mr. Alan Danser to approve the Open Session and Closed Session minutes of the SADC regular meeting of May 25, 2017. The motion was approved. Mr. Stanuikynas abstained from the vote.

REPORT OF THE CHAIRMAN

Farmland Preservation Funding Bills

Chairman Fisher noted that appropriation bills that would provide \$65 million for farmland preservation were approved by the Senate earlier this week and forwarded to the Governor's desk for signature.

Special Occasion Event Pilot Program Proposed Rules

Secretary Fisher stated that the Committee will consider today a rule proposal that would establish rules for the Winery Special Occasion Events Pilot Program, including audit requirements. If approved by the Committee, the proposal will be published in the *New Jersey Register* for public comment.

REPORT OF THE EXECUTIVE DIRECTOR

• Upper Pittsgrove Farmland Preservation Milestone

Ms. Payne stated that Upper Pittsgrove Township is the first municipality in New Jersey to reach 10,000 acres of farmland preserved under New Jersey's Farmland Preservation Program. Chairman Fisher will formally announce this milestone at a press event in Upper Pittsgrove next week.

Special Occasion Events Working Group

Ms. Payne noted that the first meeting of the Special Occasion Events Working Group was held this week.

SADC Personnel

Ms. Payne stated that Megan Stanley has joined the staff of the State Agriculture Development Committee (SADC) as a Senior Planner.

Farmland Preservation Program Outreach Meetings

Ms. Payne stated that staff is holding a series of regional outreach meetings for landowners interested in farmland preservation and showed the Committee a flyer that has been distributed to promote the meetings.

American Farmland Trust Programs

Ms. Payne asked Mr. Everett to give the Committee a brief update on a recent partnership with American Farmland Trust. Mr. Everett stated that staff is working with American Farmland Trust on two initiatives aimed at promoting agricultural viability and encouraging the next generation of farmers. The first is a "Train the Trainer" program that would teach various organizations how to help facilitate successful land transfers (e.g., through estate planning, farm business planning, farmland preservation). The second program, called "NJ Farmland Advisors," would identify advisors/organizations with certain specialties so that no matter where farmers seek assistance they can be directed to the most appropriate place to receive help. The programs are in the beginning stages of development.

The Committee discussed the importance of succession and estate planning, and the need to connect landowners with qualified professionals to assist in those efforts.

PUBLIC COMMENT

There was no public comment.

OLD BUSINESS

A. Stewardship

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1. Winery Special Occasion Events - Proposed Rule

Jeff Everett noted that the Committee last reviewed the draft rules for winery special occasion events at its November 2016 meeting. Subsequent to that, staff circulated the draft to the agricultural community for comment. The draft is returning to the Committee today for consideration for final approval for publication in the *New Jersey Register* as a formal rule proposal.

Mr. Everett reviewed the major components of the rules, including required submission of annual registration, certification of compliance and certification of income forms, and a phased approach to requiring additional information if necessary to verify income. He stated that comments were received from two townships, two CADBs and Willow Creek Winery. Many of the comments were directed to concerns about the statutory language – e.g., why these opportunities are available to only wineries and not other sectors of agriculture, and why audits are required. Those are issues beyond the SADC's purview. The townships requested refinements to enable them to ascertain municipal compliance with municipal standards, such as public health and safety provisions as set forth in the statute. To that end, staff has incorporated language in the draft rules requiring that municipalities receive copies of completed registration and certification forms and allowing for the CADB and/or SADC to consult with a municipality to determine if the winery is in compliance with applicable municipal standards.

Ms. Payne stated that if the Committee approves this draft today as a proposed rule, it will be published in the *New Jersey Register* and be subject to a formal public comment period. The proposed rule would return to the Committee after the public comment period for adoption.

It was moved by Mr. Schilling and seconded by Mr. Siegel to approve the draft rule for winery special occasion events on preserved farmland, as presented and discussed, for publication in the *New Jersey Register* as a formal rule proposal. The motion was unanimously approved.

2. Division of Premises

a. Snook Farm, Layfayette Twp., Sussex County

Charles Roohr reviewed the division of premises request for the Snook Farm, a 143-acre property in Lafayette Township, Sussex County. The property was preserved in 1999 through the County Easement Purchase Program and the family farm is currently held in the estate of the late Barbara Snook, which is controlled by the three adult children. Mr.

Roohr stated that this request was before the Committee at its May meeting where the Snooks explained their proposal. The reason the family wants to divide the property into three parcels is that each of the siblings has begun their own farming operation. Each farming member also owns unpreserved land adjacent to the pieces of land they hope to acquire. The preserved farm has no housing opportunity or exception area and, as such, there is no ability for an owner to live on the land.

Mr. Roohr stated that the Committee appeared receptive to the Snooks' request at last month's meeting and staff has prepared a resolution for approval. Mr. Roohr stated that any division request must meet two tests -agricultural viability and agricultural purpose. Mr. Roohr stated that the Snook farm is superior quality for Sussex County as one large piece. As three smaller pieces, they would make decent farms. Regarding the agricultural purpose test, the land is viable with quality soil. Mr. Roohr stated that dividing the farms would leave the farms with smaller acreage than the average farm in Sussex County; however, each parcel contains high-quality, tillable soils for this area of the state. Mr. Roohr stated that the transfer of the farm to the family's next generation of farming members would meet the agricultural purpose test. One of the other reviews of the agricultural purpose test is whether the requested action intensifies or diversifies the operation. Mr. Roohr stated that the farm as a large tract of land has been rented to a hay and grain farmer for more than 10 years. With the proposed division, the Snooks' large tract of land would be split into three individual operations. Mr. Roohr stated that the Snooks explained to the Committee last month that owning each parcel of land individually would allow them to make more significant investments into their own properties. Mr. Roohr stated that the request appears to meet the agricultural purpose test.

Mr. Roohr stated that there are two conditions of approval that are fairly standard for a division like this – 1) the Snooks must have a new survey prepared showing new survey lines, and 2) the deed transferring the property must be reviewed by SADC counsel prior to the transfer of property.

It was moved by Mr. Ellis and seconded by Mr. Danser to approve Resolution FY2017R6(1) granting a request by the following landowner to divide the premises as outlined in and subject to any conditions of said Resolution.

 Estate of Barbara Snook Block 21, Lots 1, 2 & 7.01; Block 25, Lots 9 and 11.01, Lafayette Township, Sussex County, 141.79 Acres The motion was approved. Ms. Brodhecker recused from the discussion and vote.

B. SADC Appraisal Handbook Amendments

Paul Burns reviewed proposed changes to the 2017 SADC Appraisal Handbook as summarized in his May 18, 2017 memo. He noted that the proposed changes were discussed with the Committee at the April SADC meeting. Staff extended the deadline for comment from partners to June 12, but no comments were received.

It was moved by Mr. Danser and seconded by Mr. Siegel to approve the 2017 SADC Appraisal Handbook as presented and discussed. The motion was unanimously approved.

Ms. Payne referred the Committee to two letters - one that was received from the Monmouth County Agriculture Development Board (MCADB) and the other the SADC's response. Ms. Payne stated that the issue the MCADB raised was their opinion that when the SADC receives appraisals, staff should only look at the comparable sales data that is contained within the appraisal and not go back to the appraisers and, for example, point out additional information such as recent sales in the town or nearby comparables. Ms. Payne stated that staff's response to the CADB explained that it has been the staff's longstanding practice to make sure that appraisals that the Committee is relying on for purposes of certification of value and spending taxpayer money are based on the most recent comparable sales data. She acknowledged that appraisals can be difficult, especially in some parts of the state where there are very few comparables. Staff understands that appraisers have to go outside of the town or even outside of the county sometimes for comparables. However, staff is not willing to agree that the only comparables that they can look at in their review are those that have been submitted to them. Staff review appraisers are seeing comparable sales from all over the state and may have a better handle on what is happening in the market. Mr. Danser stated that if the review appraiser has a question about an appraisal that has been submitted, the review appraiser should be able to go back and question the appraiser's conclusion or why something was left out. Then the appraiser has an opportunity to respond. He stated that is certainly a better way to do it than to invalidate the appraisal, which is the alternative.

NEW BUSINESS

A. FY18 SADC Meeting Schedule

Ms. Payne reviewed the proposed FY18 meeting schedule with the Committee. Mr. Ellis requested that the Committee hold a meeting in October rather than early November as listed on the proposed schedule. It was the consensus of the Committee to amend the FY18 SADC meeting schedule to remove the November date and replace it with a meeting date on the fourth Thursday in October. Ms. Payne stated that if the Auditorium is unavailable on that date staff will find another location for the meeting.

It was moved by Mr. Danser and seconded by Ms. Murphy to approve the FY18 meeting schedule as presented and discussed with the above-noted amendment to remove the November date and replace it with a meeting on the fourth Thursday of October. The motion was unanimously approved.

PUBLIC COMMENT

There was no public comment.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, July 27, 2017, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

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

"In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss matters falling within the attorney client privilege; the certification of values for property acquisitions under the farmland preservation program; pending litigation in the Estate of Milo matter; proposed settlement of the Riewerts appeal; personnel matters; and any other pending or anticipated litigation, pursuant to N.J.S.A. 10:4-12b.(7). The minutes of such meeting shall remain confidential until the Committee determines that the need for confidentiality no longer exists."

It was moved by Mr. Schilling and seconded by Mr. Danser to approve the resolution.to go into Closed Session. The motion was unanimously approved.

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters – Certification of Values

It was moved by Mr. Danser and seconded by Ms. Murphy to approve the Certifications of Value for the following applicants as discussed in Closed Session:

County Planning Incentive Grant Program

- Alma George (Jalma Farms), SADC #05-0024-PG
 Block 245, Lot 1.01, and Block 252, Lot 4.02, Dennis Twp., Cape May County,
 41.85 Net Acres (Appraisal Order Checklist [AOC]), 53.58 Gross Acres (AOC)
- 2. A & A Likanchuk Enterprises (Likanchuk, J.), SADC# 06-0189-PG, Block 71, Lot 16, Hopewell Twp., Cumberland County, 45 Acres
- 3. Piersol Homes at County Bridge Estates, SADC #08-0171-PG, Block 5, Lot 7, South Harrison Twp., Gloucester County, 49.8 Acres
- Gaetano M. DeSapio/ (Brown Farm), SADC #10-0390-PG
 Block 5, Lot 6, Kingwood Twp., Hunterdon County, 62.4 Net Acres (AOC)
- Dirt Capital Partners, LLC (Baker Road), SADC #10-0389-PG Block 41, Lot 17, Franklin Twp., and Block 4, Lot 3, Kingwood Twp., Hunterdon County, 81 Acres (AOC)
- Roving Wheel, LLC, SADC #10-0387-PG Block 25, Lots 18.02 and 23, Delaware Twp., Hunterdon County, 44 Acres
- Marie Cogger (Young Farm #2), SADC #14-0130-PG Block 33, Lots 113.01 and 113.02, Chester Twp., Morris County, 11.24 Net Acres, 13.04 Gross Acres
- Robert Mehaffey Farm, SADC #06-0193-PG
 Block 403, Lots 2 & 3, Upper Deerfield Twp., Cumberland County, 117 Gross Acres (AOC)

Municipal Planning Incentive Grant Program

- Donald and Lillis Bowlby Estate of (Lot 19), SADC# 10-0383-PG
 Block 71, Lot 19, Raritan Twp., Hunterdon County, 44.03 Net Acres (AOC),
 50.73 Gross Acres (AOC)
- 2. Donald and Lillis Bowlby Estate of (Lot 19.02), SADC# 10-0384-PG Block 71, Lot 19.02, Raritan Twp., Hunterdon County, 18.03 Net Acres (AOC), 21.03 Gross Acres (AOC)
- 3. Donald and Lillis Bowlby Estate of (Lot 81), SADC# 10-0386-PG Block 72.07, Lot 81, Raritan Twp., Hunterdon County, 97.023 Net Acres (AOC), 101.023 Gross Acres (AOC)
- Milene Miller and Ruth Milene Miller, SADC# 10-0396-PG Block 30, Lot p/o 6, Tewksbury Twp., Hunterdon County, 34.9826 Net Acres (AOC)
- 5. Natale Conti, SADC# 21-0600-PG Block 61, Lots 10, 22 and 43, Knowlton Twp., Warren County, 275.60 Acres

Nonprofit Easement Purchase

- 1. Land Conservancy of NJ/Shoemaker, H & M #1, SADC #21-0034-NP Block 62, Lots 9.01, 9.02, 20 and 24, White Twp., Warren County, 111.84 Acres
- 2. Land Conservancy of NJ/Shoemaker, H & M #2, SADC #21-0033-NP Block 62, Lot 24, White Twp., Warren County, 12 Acres
- 3. Land Conservancy of NJ/Tjalma, Bouke & Aukje, SADC #21-0032-NP Block 38, Lots 6, 6.04 and 6.05, Harmony Twp., Warren County, 60.78 Acres
- 4. Land Conservancy of NJ/Tjalma III, SADC #21-0035-NP Block 25, Lot 19, Harmony Twp., Warren County, 36.32 Acres

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f. (Copies of the Certification of Value Reports are attached to and are a part of

the Closed Session minutes.)

B. Attorney/Client Matters

- 1. Litigation Any Matter Discussed in Closed Session
 - a. Estate of Milo Proposed Litigation/Proposed Settlement

It was moved by Mr. Danser and seconded by Mr. Scott to authorize the Attorney General's office to pursue the settlement in the Milo matter as discussed in Closed Session and if no successful settlement is reached, to pursue litigation proceedings as discussed in Closed Session. The motion was unanimously approved.

ADJOURNMENT

There being no further business, it was moved by Mr. Danser, seconded by Mr. Ellis and unanimously approved to adjourn the meeting at 11:26 a.m.

Respectfully Submitted,

E Por

Susan E. Payne, Executive Director State Agriculture Development Committee

Attachments

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FYR6(1)

Division of Premises

Estate of Barbara Snook

June 22, 2017

Subject Property: 1

Block 21, Lots 1, 2 & 7.01 Block 25, Lots 9 & 11.01

Lafayette Township, Sussex County

141.79 Acres

- WHEREAS, Barbara Snook was the owner of Block 21, Lots 1, 2, & 7.01 and Block 25, Lots 9 & 11.01, in the Township of Lafayette, County of Sussex, by deed dated July 29, 1982 and recorded in the Sussex County Clerk's Office in Deed Book 1087, Page 325, totaling approximately 141.79 acres, hereinafter referred to as "Premises" (as shown in Schedule "A"); and
- WHEREAS, the development easement on the Premises was conveyed to the Sussex County Agriculture Development Board on December 9, 1999, as a Deed of Easement recorded in Deed Book 2427, Page 154; and
- WHEREAS, the Deed of Easement identifies no existing single family residential units, no agricultural labor units, no RDSO's and no exception areas associated with the Premises; and
- WHEREAS, Barbara Snook passed away in December of 2010 and Joan Snook-Smith, hereinafter "Owner", is the executrix of the Estate of Barbara Snook; and
- WHEREAS, Owner and siblings Stephan Snook and Jack Snook are the heirs to the Premises; and
- WHEREAS, according to the Owner the outputs of this farm have historically been hay, grain and dairy; and
- WHEREAS, a majority of the Premises is currently rented to a tenant farmer who primarily raises hay and grain; and

- WHEREAS, on January 17, 2017, the SADC received a request to divide the Premises from the Sussex CADB on behalf of the Owner; and
- WHEREAS, the Owner is requesting to divide the Premises into three parcels in order to transfer the three individual parcels to the each of the three siblings; and
- WHEREAS, each sibling owns a non-preserved lot improved with a residence adjacent to a portion of the Premises they would be acquiring; and
- WHEREAS, each sibling has started his or her own unique agricultural operation on portions of the Premises adjacent to their residential properties; and
- WHEREAS, the Owner proposes to divide the Premises as shown in Schedule "A"; and
- WHEREAS, the resulting Parcel A, which includes Block 25, Lot 9, Block 21, Lots 1, 2 and part of Lot 7.01, would consist of approximately 52 acres, of which 28 acres (54%) are tillable and 14 acres (27%) are prime soils; and
- WHEREAS, Parcel A is improved with livestock fencing and a small barn and is being utilized by Jack Snook in his cow-calf beef cattle operation; and
- WHEREAS, the resulting Parcel B, which includes Block 25, Lot 11.01 and Block 21, p/o Lot 7.01 would consist of approximately 53 acres, of which 20 acres (38%) are tillable and 15 acres (28%) are prime soils; and
- WHEREAS, Parcel B is improved with newly installed goat fencing and is being utilized by Joan Snook-Smith as part of her dairy goat and lavender plant operation; and
- WHEREAS, the resulting Parcel C, which includes Block 21, p/o Lot 7.01 would consist of approximately 37 acres, of which 32 acres (86%) are tillable and 21 acres (57%) are prime soils; and
- WHEREAS, Parcel C is improved with several former dairy barns and outbuildings which Stephan Snook plans to renovate to raise swine in conjunction with his existing choose-and-cut Christmas tree operation; and
- WHEREAS, each parcel will have its own frontage with existing road access; and
- WHEREAS, paragraph 15 of the Deed of Easement states that no division of the Premises shall be permitted without the joint approval in writing of the Grantee (Sussex CADB) and the SADC; and

- WHEREAS, in order to grant approval, the Grantee and the SADC must find that the division is for an agricultural purpose and will result in agriculturally viable parcels such that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output; and
- WHEREAS, the SADC makes the following findings related to its determination of whether the division meets the agricultural purpose test:
 - 1) The division is being undertaken for the purpose of transferring acreage to Jack Snook, Stephan Snook and Joan Snook-Smith so as to facilitate the investment in, and expansion of, each of their unique agricultural operations on the divided portions of the Premises; and
 - 2) Jack Snook, Stephan Snook and Joan Snook-Smith's unique agricultural operations on their respective portions of the Premises more efficiently diversify and intensify the agricultural uses of the Premises as follows:
 - -Jack Snook, on Parcel-A, proposes to raise 10 to 12 beef cattle; and
 - -Joan Snook-Smith, on Parcel-B, proposes to raise 20 dairy goats and plant 48 to 2,000 lavender plants; and
 - -Stephan Snook, on Parcel-C, proposes to plant 1 to 2 acres of Christmas trees; and
 - -The mean Sussex County beef cattle operation as of the most recent (2012) Census of Agriculture consisted of 10 cattle, the mean dairy goat operation consisted of 9 goats, and the most common size of cut Christmas tree operations in the County consisted of 1 to 2 acres (38% of total); and
- WHEREAS, the SADC makes the following findings related to its determination of whether the division meets the agricultural viability test:
 - 1) Each parcel contains high-quality, tillable soils for this area of the State as follows:
 - -Parcel-A, at approximately 52 acres, has 28 tillable acres (54% of total) with 14 acres (27% of total) classified as prime soils; and
 - -Parcel-B, at approximately 53 acres, has 20 tillable acres (38% of total) with 15 acres (28% of total) classified as prime soils; and

- -Parcel-C, at approximately 37 acres, has 32 tillable acres (86% of total) with 21 acres (57% of total) classified as prime soils; and
- -The mean size of Parcel-A, Parcel-B, and Parcel-C, at approximately 47 acres, has 27 tillable acres (57% of total) with 17 acres (36% of total) classified as prime soils compared with the mean Sussex County preserved farm at approximately 116 acres, 60 acres of which are tillable (52% of total) with 23 acres (20% of total) classified as prime soils; and
- 2) Each parcel produces a reasonable economic return under normal conditions solely from the parcel's agricultural production as follows:
 - -Parcel-A, with 10 to 12 beef cattle, is estimated to produce \$279 to \$335 annual gross income per acre; and
 - -Parcel-B, with 20 dairy goats and 48 to 2,000 lavender plants, are both value-added endeavors with estimated annual gross income per acre figures that are currently unavailable; and
 - -Parcel-C, with 1 to 2 acres of Christmas trees, is estimated to produce \$519 to \$1,297 annual gross income per acre; and
 - -The mean agricultural production of Parcel-A and Parcel-C would generate an estimated \$399 to \$816 per acre annual gross income compared with the mean Sussex County farm at \$306 per acre annual gross income; and
- WHEREAS, the Sussex CADB considered the Division of Premises at its May 16, 2016, meeting and determined that the division was for an agricultural purpose and would create three agriculturally viable parcels such that each is capable of maintaining a variety of agricultural operations that yield a reasonable economic return under normal conditions solely from the parcel's agricultural output; and
- NOW THEREFORE BE IT RESOLVED, that the SADC finds that the division is for an agricultural purpose and results in agriculturally viable parcels such that each parcel is capable of sustaining a variety of agricultural operations common to this part of the State that yield a reasonable economic return under normal conditions, solely from the agricultural output of the three proposed parcels and the quality of the soils present on each parcel; and
- BE IT FURTHER RESOLVED, that the SADC hereby approves the division of premises request subject to the following conditions:

- -The Owner shall provide a survey and metes and bounds description of the new parcels A, B, and C to the SADC and CADB;
- -The Owner shall provide copies of the draft transfer deed(s) to the CADB and Committee for review and approval prior to the transfer;
- BE IT FURTHER RESOLVED, that upon receipt of the updated survey, metes and bounds description and review and approval of the transfer documents the SADC shall record a copy of its approval with the Sussex County Clerk's office; and
- BE IT FURTHER RESOLVED, this approval is not effective until the SADC records its approval resolution with the Sussex County Clerk; and
- BE IT FURTHER RESOLVED, that this approval is subject to the conditions set forth in this resolution and is not transferrable to another purchaser; and
- BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and
- BE IT FURTHER RESOLVED, that this approval is valid for a period of three years from the date of this resolution, during which the Owner shall initiate the requested action; for the purpose of this provision "initiate" means applying for applicable local, state or federal approvals necessary to effectuate the approved SADC action; and

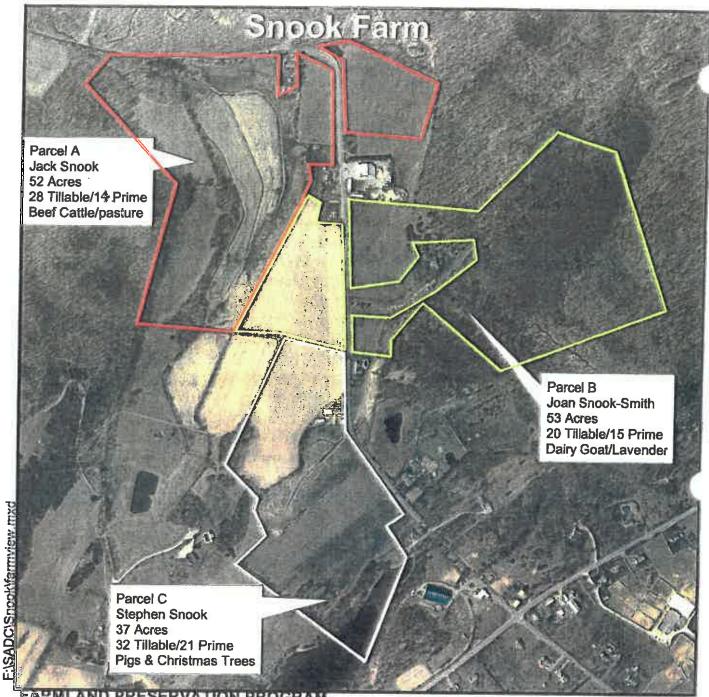
BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

<u>4/22/17</u> Date

Susan E. Payne, Executive Director State Agriculture Development Committee

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Schedule A



FARMLAND PRESERVATION PROGRAM

NJ State Agriculture Development Committee

Snook Farm
Block 21, Lots 1, 2 & 7.01
Block 25, Lots 9 & 11.01
Lafayette Township, Sussex County
142- Acres

N

355 710

1,420

2,130 Feet

6/7/2017