

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

**REMOTE MEETING DUE TO CORONAVIRUS
EMERGENCY**

January 27, 2022

Secretary Fisher called the meeting to order at 9:03 a.m.

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

Roll call indicated the following:

Members Present

Martin Bullock

Denis Germano

Pete Johnson

Roger Kumpel, Alternate Farmer Member, substituting for Richard Norz

James Waltman

Gina Fischetti

Renee Jones

Julie Krause

Brian Schilling

Scott Ellis (arrived at 9:07 am)

Members Absent

Richard Norz

Susan E. Payne, Executive Director

Jason Stypinski, Esq., Deputy Attorney General

Minutes

SADC Regular Meeting of December 2, 2021 (Open Session)

It was moved by Mr. Waltman and seconded by Mr. Germano to approve the Open Session minutes of the SADC regular meeting of December 2, 2021. Secretary Fisher, Mr. Kumpel, Ms. Jones, Ms. Kraus, and Mr. Schilling abstained from the vote. A roll call vote was taken. The motion was approved.

Report of the Chairman

Secretary Fisher reported that the Special Occasion Events (SOE) bill was close to being passed but it did not due to some hiccups. He was hopeful that the new version will be passed shortly.

Secretary Fisher stated that the Governor signed the deer fencing bill, which provides for a deer fencing program for unpreserved farms. No money has been appropriated yet but once that happens, the administration of the program will be modeled after the SADC's deer fencing program. He stated that Ms. Payne will be commenting on some of the forest stewardship programs that are forthcoming and the financing for those programs.

Secretary Fisher noted that the State Board of Agriculture passed a resolution to start a right to farm committee to address some right to farm issues that need more work. Regarding soil protection standards, staff is proceeding carefully to finish that up soon.

Secretary Fisher stated that the State Board of Agriculture is having its annual convention at Harrah's in Atlantic City the first week of February and that it will discuss and pass resolutions pertaining to policy issues affecting agriculture.

Report of the Executive Director

Ms. Payne stated that Monique Purcell retired last fall and Frank Minch, who was second in command in the Division of Agriculture and Natural Resources, has been promoted to take over as the Director of that division. As such, Secretary Fisher has designated him to be his appointee when Secretary Fisher is not able to attend the SADC meetings.

Ms. Payne reported that the appropriation bills have all been signed by the Governor and the funds are now available for expenditure and that all partners will receive their award letters in the coming week.

Ms. Payne stated that staff has been working very diligently on drafting the contents of the soil protection rules and plan to schedule a subcommittee meeting for early February and depending on how that meeting goes, the matter may be on the agenda for the February SADC meeting. If the subcommittee thinks additional changes need to be made the matter will get pushed to a subsequent SADC meeting.

Ms. Payne stated that there is a need to address creating better opportunities for landowners who have privately held forest land regarding climate change, carbon sequestration and forest management. The primary focus of the farmland preservation program has been the preservation of tillable, arable land and for Green Acres and Blue Acres the primary focus is on preserving land for public open space, so there is a deficiency in the totality of the programs as it relates to protecting privately held forested land. She stated that the SADC, Green Acres and the Department of Environmental Protection (DEP) are in discussions with the Governor's office as to how they can collaborate to fill the gap. Beyond that is the concept of how to help farmers be as climate resilient as they can be and implement practices that sequester carbon.

Communications

Ms. Payne congratulated the Somerset County Agriculture Development Board (CADB) for being awarded the Governor's environmental excellence award for 2021. The award recognizes the county for jumping in very quickly when COVID hit to support their farmers and to make the public more aware of farming retail opportunities that the county has to offer. That process is credited with an enhanced awareness and appreciation of Somerset's farmland preservation program, and it led to more interest in farmland preservation. She stated that the staff will be sending a letter of congratulations to Somerset CADB on behalf of the SADC.

Public Comment

There was no public comment.

Old Business**A. Stewardship – Review of Activities****Hunter Farms, Montgomery Township, Somerset County**

Note: Mr. Schilling noted his continued recusal from this matter.

Mr. Roohr stated that Hunter Farms, also known as Princeton Show Jumping (PSJ) attended the SADC October meeting and the committee decided that PSJ had come into compliance with several items that were outstanding at that time, including the remediation of the field on Burnt Hill Road. At the October meeting the committee approved nine shows and 42 show days for the 2022 equine season at Hunter Farms and the committee decided to give a one-year grace period on developing a standard for determining production income in order to give staff the opportunity to hire an equine specialist to assist in evaluating that issue.

Mr. Roohr stated that Hunter Farms completed the soil remediation work for the field along Burnt Hill Road. On December 3, 2021, the SADC's consultant, Dr. Rick Shaw, visited the farm and confirmed that the result was satisfactory, and the remediation is considered complete. Subsequently, staff received a request from PSJ for the 2022 show season for six shows in addition to the nine shows that were approved in October 2021. The committee had approved a total of 14 shows and 67 show days for the 2021 calendar year and if the additional shows for 2022 are approved, that would total one more show and two fewer show days for a total of 15 shows and 64 show days for the 2022 season.

At the October meeting, PSJ was also asked to provide a schedule of when tents would go up and come down in relation to its scheduled shows. PSJ noted that the first show would be April 20th with the tents going up on April 15th. Then there are shows each week for the following four weeks going through May 22nd. On May 24th the tents would come down and they would be down until July 9th. There are two single day shows in between that do not require tents. The next batch of multi-day shows begins on July 13th. The tents would go up on July 9th and remain through August 28th. There is a gap from August 28th through September 22nd. The way the proposed schedule reads, the tents would stay up during this gap and remain up until the last show, which is scheduled to end on October 16th, at which time the tents would come down for the remainder of the year.

Secretary Fisher stated that the schedule calls for one month with no shows, but the tents will

still be there. Mr. Roohr stated that is accurate and that PSJ did not give staff an official explanation as to why it would have to keep the tents up for a month, but that Mr. Sposaro is on the call and could give an explanation about that.

Mr. Roohr stated that Mr. Abou-Sabe, neighbor to PSJ, sent in an email this morning with two pictures of the manure storage area at Hunter Farms and wanted to address the committee. Secretary Fisher asked Mr. Abou-Sabe to address the committee.

Mr. Abou-Sabe thanked Secretary Fisher and Ms. Payne for giving him the opportunity to speak and stated that he wanted to make more clear points regarding the tents and the 180-day standard that was discussed at the October 2021 meeting in conjunction with the “impervious cover” standard in PSJ’s deed of easement. He noted that the township sent a letter to the SADC a few days ago voicing their opposition to the request for additional shows, and he echoed the sentiments of that letter.

Mr. Abou-Sabe went on to explain that the SADC was considering a standard in the Uniform Construction Code (UCC) providing that a structure be up for at least 180 days in order to be declared permanent. The UCC is a life safety code that is designed to regulate just that, life and safety, and not impervious cover. He stated that 180 days is prescribed to ensure construction standards applied to the built environment so the application of this standard is arbitrary here and that that even one day of tents up would cause a violation of the 5% impervious coverage limitation. The tents were approved 9 years ago as a temporary fix to allow for the ramp up of the permanent facility with stables and barns and all of the things that are required to make this operation work. Mr. Abou-Sabe then addressed the issue of production on the farm. He acknowledged the one-year extension to bring in a consultant to review the production standard. He referenced the photo that he sent to staff and staff showed the committee the picture. Mr. Abou-Sabe stated that he took this aerial image with his drone a couple of days ago where there are two manure stockpile areas. He stated that it’s January and the stockpiles should not be there. He stated that after nine years on the site, PSJ still has not met its production goals and suggested that this project of production may be too ambitious for PSJ. Mr. Abou-Sabe requested the SADC not approve additional shows for PSJ in good faith that they will achieve their production standards because it is not possible.

Mr. Sposaro, attorney for Hunter Farms, stated that one of the issue’s before the committee is allowing additional shows for 2022 commensurate with what was approved for 2021. He stated in 2021 there were 14 shows, and 67 show days and Hunter Farms is proposing a reduction in the number of show days for 2022 from 67 to 64 with one additional show because there are two, one-day shows from 14 to 15. He stated that the only real issue for the committee to decide is the question of the tents coming down between the August 28th show and the September 22 show. Mr. Sposaro indicated that on paper it looks like 25 days, but in reality the tents would only be down a total of 12 days due to the time required before and after shows to erect and remove the tents.

Mr. Sposaro stated that taking tents up and down is a massive undertaking because of the significant amount of activity that must occur when the tents go up and come down. He noted that it costs \$10,000 to put the tents up and down and that there are tractor trailers on the property involving the tents along with dust and noise. He explained that the nearest home is 350 feet away from the property and it would be less disruptive to the neighbors and to the site if the tents could stay up during that period. Mr. Sposaro stated that Hunter Farms made every

effort to group these shows in such a way that they would be close in time together. There is a hiatus between the May 22 show and the July 13 show, where the tents will be down a significant period of time. He asked the committee for its consideration and cooperation to not force Hunter Farms to take the tents down between the August 28th show and the September 22nd show. As far as the manure piles, that manure is being utilized in accordance with the recommendations of Dr. Shaw and the consultant, Linda Peterson, to add to the soil and contribute to soil health. He reiterated that the only issue before the committee today is to approve the number of shows and show days and the issue of the tents staying up. Mr. Sposaro stated that he did not receive a letter from the township regarding opposition to additional show days.

Secretary Fisher stated that Mr. Sposaro is correct in terms of what the issues before the committee are today, which is the number of additional show days and the duration of time the tents can stay up. He stated that it was decided at the previous meetings that all other conditions had to be met by PSJ in order to be considered for additional shows, which would determine how long the tents would be up.. He asked the committee to start discussion on the potential of additional show days.

Ms. Payne stated that a representative of the township wants to address the committee and she apologized for staff failing to recognize the letter received from the township, but all committee members should have received their letter via email prior to the meeting.

Secretary Fisher asked the representative from the township to address the committee Ms. Lauren Wasilauski, from Montgomery Township's planning department, stated that she did not have counsel present today. She wanted to make sure the committee received the township's letter and to make sure that the record was clear that the township objects to granting additional shows for the reasons that were enumerated over the last nine plus years. Mr. Sposaro asked Ms. Wasilauski why a letter wasn't provided to him. Secretary Fisher stated that was not to be discussed today and that's an issue between him and the township.

Mr. Kumpel motioned to approve the additional shows and the tents staying up and Mr. Germano seconded the motion. Ms. Payne asked if the motion included the tents to be removed after the August 28th show day and stay down until prior to the September 22nd show day.

Mr. Kumpel stated that it's a lot of extra expense and burden to take the tents up and down and as a farmer he can understand that, so he was okay with the tents staying up. However, he wanted to go with the consensus of the committee. Chairman Fisher asked for two separate motions to be made instead. The first motion would be for the additional show days and the second motion would be to allow the tents to stay up between show days. He addressed Mr. Kumpel and asked him if he was okay with that since he was the original one who motioned. Mr. Kumpel agreed and rescinded his first motion. Mr. Germano agreed to rescinding it.

It was moved by Mr. Kumpel and seconded by Mr. Germano to allow 15 shows with 64 show days subject to the outcome of the tents. A roll call vote was taken. Mr. Waltman voted against the motion. The motion was approved by the remaining members.

Chairman Fisher stated that the dates have now been approved, pending the second motion that has to be made whether the tent schedule as presented in the plan is appropriate.

Mr. Kumpel stated that he approves the tent schedule to remain as it was presented by PSJ. Chairman Fisher asked for anyone to second Mr. Kumpel's motion. The second motion failed. Mr. Germano stated that the dates have to be reiterated. Ms. Payne stated that the submission from PSJ shows tents coming down two days after the show and tents go up 4 days before the show so that could be used in the motion.

It was moved by Mr. Germano and seconded by Mr. Kumpel to approve the tent schedule as proposed by PSJ, except for the period between August 28th and September 22nd where the tents must come down two days after the first show and can go up four days before the following show. A vote was conducted. The motion was unanimously approved.

Chairman Fisher stated that this case has been ongoing for a long time and stated that the SADC tried to be accommodating and understanding to the neighbors and all of those that have been affected. He explained that PSJ is a premier operation but had its difficulties in terms of some issues. However, they followed the recommendations that were set forth for them by the SADC or they would not have gotten permission to have these shows. He urged PSJ to be cognizant and make sure that they address any concerns and not turn a blind eye to those around them. He stated that he has great hope and faith that PSJ will continue at premier status and that people will have a greater understanding of how important the equine space is.

B. Stewardship

Note: Mr. Kumpel recused on this matter and Mr. Ellis is recused on this matter because of his relationship with Lou Goldshore, counsel for Holly Acres, LLC.

RDSO Request

Holly Acres, LLC, Elk Township, Gloucester County & Upper Pittsgrove, Salem County

Tim Willmott stated that the SADC recently reviewed and declined to approve a request to build a 10,000 square foot RDSO on this preserved farm, after which the landowner withdrew the application. The owners have now submitted a new application that involves reducing the size of the RDSO to 6,500 square feet, attaching the subject 145-acre property to a newly acquired, adjacent 93-acre preserved farm, and demolishing and permanently extinguishing the opportunities for two residential units located on the newly acquired farm. The result would yield one 238-acre preserved farm unit with one 6,500 square foot RDSO and no other residential opportunities.

Mr. Willmott stated that staff finds in this case, the combination of factors, including the reduced house size, larger parcel configuration and elimination of the two additional single-family residences result in a net positive impact in the long-term viability of this farm. He noted that the purchasers and their attorney are on the call today if the committee had any questions.

It was moved by Mr. Germano and seconded by Mr. Bullock to approve the RDSO request for Holly Acres, LLC. A roll call vote was taken. The motion was unanimously approved.

Secretary Fisher stated that this is a very large size operation with one housing opportunity,

and he applauds the concessions made to join the two farms. He also noted that this farm will do well in agriculture for a very long time.

Mr. Goldshore thanked the committee and the staff for their assistance in coming to a resolution for this proposal.

Ms. Payne commented that staff will have a resolution on the agenda for next month's meeting to effectuate the committee's action today.

C. Right to Farm – Final Decision

Note: Mr. Schilling recused himself from this discussion because of the consultation of Rutgers Cooperative Extension professionals that report to him on this matter have had with the Helmlinger Farm. Mr. Bullock recused himself as he participated in the matter as a member of the Monmouth CADB.

Helmlinger's Meadow Hill Farm, LLC. Upper Freehold Township, Monmouth County

Secretary Fisher stated that he reviewed all of the documents and presentations made at the December meeting and will be participating in the vote today.

Ms. Alison Reynolds directed the committee to a proposed final decision for the Helmlinger Meadow Hill Farm, LLC matter. She explained that the sole issue under consideration is whether Helmlinger's feeding of source separated food waste (SSFW) on his farm is entitled to RTF protection. In 2010, Helmlinger received an SSAMP from Monmouth CADB for, among other things, raising cattle, however, at that time his operation was smaller, and he was not feeding his cattle SSFW. In the fall of 2015, residential neighbors began noticing odor emanating from the farm that coincided with deliveries of SSFW. The neighbors filed a complaint with the CADB in March of 2017 alleging, in part, that the odor was unreasonably interfering with their lives. In April 2017, various agricultural entities visited the farm and made recommendations regarding manure management and the feed ration, which were implemented by Helmlinger. The Monmouth County board of health solid waste enforcement team also visited the farm, finding that it was not subject to the Department of Environmental Protection's (DEP) solid waste enforcement regulations. Ultimately, the CADB denied Right to Farm (RTF) protection for the SSFW stating "the use of SSFW as cattle feed and the odors associated with this process under its current use are found by the CADB to not be a generally accepted farm management practice nor a permissible activity for a commercial farm as the practice of using food waste as a primary source of a steers diet is not common place in the industry and the practice is potentially exacerbating the odor emanating from the subject property and at this point there is no related AMP or affiliated regulations in place at this time associated with the NJ Right to Farm Act (RTFA)."

Ms. Reynolds explained that Helmlinger appealed the CADB's denial of RTF protection arguing, in part, that the New Jersey Department of Agriculture (NJDA) approval of his feed meant that it was a generally accepted Agricultural Management Practice (AMP). At the Office of Administrative Law (OAL) hearing NJDA employee Daniel Wunderlich appeared as a witness on behalf of Helmlinger. Mr. Helmlinger also testified. Mr. Wunderlich was found to be an expert in livestock feed management, and he testified that Mr. Helmlinger

incorporated all of his recommendations with regard to feed rations for the cattle. He also testified that he found the odor to be like “normal farm odor”. Helmlinger testified that feeding SSFW was much cheaper than feeding the livestock corn. He also testified that his house is located 600 feet from the SSFW storage facilities and that his children play outside, and he has gatherings outdoors on his property. Neighbors Jeffrey Gale, Barbara McEvoy and Denis Knoll testified on behalf of the CADB. Mr. Gale described the odor as the equivalent of sitting behind a garbage truck full of rotting food and stated that his family could not hold large gatherings outdoors and that his college age daughter did not want to come home on the weekends because of the odor. He also testified that the unpredictability of the odor was psychologically taxing. Ms. McEvoy described the odor as a combination of landfill and manure and that the odor was unpredictable due to wind direction and the activities occurring on the farm. She also testified that she had to be indoors more than she wanted to due to the odors. Ms. Knoll testified that the odor would give her headaches if she breathed it in too long. She also testified that she couldn’t engage in certain residential uses like putting clothes on the line or having picnics. Finally, she also stated the following regarding the unpredictability of the odor: “my whole life is dictated by the fact of whether it smells or not or whether the wind is in my favor and it’s hard for me to live like that”.

Ms. Reynolds stated that in the initial decision the Administrative Law Judge (ALJ) recognized that the neighbors found the odors to be overwhelming, but she accepted the opinion of Mr. Wunderlich, who she referred to as a neutral observer, that the odors were normal farm odors. Ultimately, she found that feeding SSFW was a generally accepted agricultural management practice because the feeding practice was overseen by the NJDA. Also, she noted that no citations were issued against Helmlinger for any violation of public health and safety laws and there was no evidence suggesting that the feeding of SSFW created a direct threat to public health and safety.

Ms. Reynolds explained that the ALJ’s final decision was modified to clarify that in RTF hearings, the proper standard of review is for the ALJ to hold a de novo hearing and make independent findings of fact and conclusions of law rather than deferring to the CADB. Also, staff agrees with the ALJ that Helmlinger had the burden of proof here, but modified the initial decision to state that the reason is because Helmlinger asserted that his operation was entitled to RTF protection in response to the neighbor’s complaints and a farmer seeking Right to Farm Act (RTFA) protection has the burden of proving RTF eligibility requirements. She noted that the draft final decision modifies the initial decision to find that the CADB properly retained jurisdiction over the complaints because feeding livestock SSFW is directly related to raising livestock and thus “concerns” an activity that was the subject of the 2010 SSAMP in accordance with the RTFA.

Staff agrees with the ALJ that as a general proposition, feeding SSFW to cattle is a generally accepted agricultural management practice. However, the RTFA requires that this finding be made with regard to the specific operation in question, and that requires a balancing of this legitimate AMP against the competing neighboring land uses. The ALJ evaluated the credibility of the witnesses but failed to engage in a balancing of the interests, which is required by the RTFA. Therefore, the draft final decision modifies the initial decision by including a balancing analysis.

Although the ALJ recognized that the neighbors found the odor to be unbearable, she relied on Mr. Wunderlich’s opinion that the odors were not unusual for a farm. However, Mr.

Wunderlich's expertise in livestock feed management was an improper foundation upon which the ALJ could rely on as conclusive of neighborhood odor impacts. Therefore, the final decision finds Mr. Wunderlich's testimony on the nature of the odor to be that of a lay witness. Accepting the ALJ's finding that Mr. Wunderlich and the complaining neighbors were all credible witnesses, we note that while their observations of the odor are in contrast, this is consistent with the neighbors' testimony that the odors were unpredictable, and not that they were constantly present. Further, it is noted that Mr. Wunderlich testified that he visited the farm 12- 15 times over a two-year period while the neighbors living in close proximity to the farm had more frequent opportunities to perceive the farm odors, which is reflected, at least in part, by over 250 complaints made with the DEP and the Monmouth County board of health regarding the odor from that property in that same time period.

Ms. Reynolds stated that the testimony from the neighbors reflects that they were not merely inconvenienced by the odor, but rather, the intensity and unpredictability of the odor from this operation posed a constant threat to the neighbors' legitimate residential use of their properties. Further compounding the adverse impacts on the neighbors' quality of life was the intensity of the operation, which consisted of 110 head of cattle located on an 18.9-acre parcel where between 17,000 and 35,000 pounds of SSFW is delivered twice a week, with the neighbors located in close proximity and downwind from the operation. Based on the record before the agency, the draft final decision strikes the balance in favor of the neighbors whose quality of life was substantially and adversely affected and finds that this SSFW feeding operation is not entitled to RTF protection. Finally, although we find that this SSFW feeding operation was not entitled to RTF protection based on the balancing analysis, the draft final decision makes observations regarding the ALJ's direct threat to public health and safety finding. The ALJ found there was insufficient evidence to prove this operation posed a direct threat to public health and safety. While we agreed with this, we also found that the record was incomplete with regard to this analysis.

Ms. Reynolds stated that the record raised the issue that over 250 complaints were made to the agencies that enforce odor laws, and the vast majority of the complaints resulted in follow-up calls to the complainant the next day where the complainant was advised that that odor no longer existed or did not answer the call. In those instances, the case would be closed. Further, there were instances where the investigator referred the complainant to the CADB and did not do its own independent analysis. Therefore, no comprehensive analysis was made by these public health experts and staff cannot find whether or not there was a direct threat to public health and safety. However, that jurisdictional issue had no bearing on the conclusion and we ultimately found based on the record and the balancing of interests required by the RTFA and case law, that Helminger's feeding of SSFW to his cattle was not entitled to RTFA protection due to the unacceptable negative impacts on neighboring properties.

Mr. Germano stated that he appreciates the fact that the author of this opinion took the time to signal to the county boards of health and the DEP that these smell complaints need to be investigated. That doesn't favor the farmer or the public, but it favors everybody as someone with jurisdiction and expertise needs to make a finding because the CADBs are helpless without one of those agencies taking a stand.

Ms. Fishetti commented that when this was discussed last month, she stated that she had concerns about the SADC making a determination on the complaints of the odor issue because that is the responsibility of the ALJ, and she feels the same now. While she understands the

huge number of complaints, given the follow up on those complaints and the determinations made by the agencies that came to investigate them, it seems as though there is not enough evidence regarding this issue and she's uncomfortable with the findings. She asked if the farmer were to change his operation to try and mitigate some of the smell, how could he go about doing that and what would be the result of that?

Ms. Reynolds stated that if Mr. Helmlinger altered his operation, he could seek an SSAMP and the CADB would consider the modified operation.

Chairman Fisher stated that this decision is based on the current situation at the farm right now, but Mr. Helmlinger can look at other remedies and seek other avenues so that he can remain in operation but operate differently.

Ms. Jones stated that she agrees with Mr. Germano in terms of the resolution and the decision that was made today. She stated that it looks like the DEP addressed all of the complaints, but they made some referrals back to the CADB. She said she would like to share this issue with the air quality department so that they are advised on how to address future issues like this so they can be involved more in the future.

It was moved by Mr. Germano and seconded by Mr. Waltman to approve the draft final decision finding that based on the balancing of interests required by the RTFA and case law, the Helmlinger Farm using source separated food waste to feed cattle is not entitled to Right to Farm Act protection due to the unacceptable negative impacts on neighboring properties. A roll call was taken. The motion was unanimously approved.

Chairman Fisher stated that the motion carries and the decision stands and memorializes the discussions that were made at last month's meeting. He stated that SSFW is a phenomenon that's continuing to grow in terms of its use for animal feed and for spreading on the land. He noted that he was uncertain if the operation became much larger because of the opportunity to receive SSFW, which is a cheaper form of feed, or if it was just coincidental. However, it is known that SSFW can be done but there is a balancing act to it, which takes an extraordinary amount of care to make sure that one is not overwhelmed. Listening to all the complaints it seems as though this odor is more than what is considered acceptable for farm operations. Chairman Fisher stated there is an attraction to SSFW from a financial aspect, but it still has to be balanced. It is the scale of this farm that caused the RTF protection to be pulled back.

New Business

A. Resolution: Stewardship

Mr. Willmott referred the committee to an amended request to replace a single-family residence for E&D Farms. He reviewed the specifics of the requests with the committee and stated that staff finds that the replacement of the existing single-family residence on the premises with a new residence will have a positive impact on the continued agricultural operations of this farm by replacing a dilapidated residential unit with a new residence and staff recommends approval to this request.

It was moved by Mr. Germano and seconded by Mr. Kumpel to approve Resolution FY2022R1(1), granting approval to the following applications under the Stewardship Program,

as presented, subject to any conditions of said resolution.

1. Amended Approval House Replacement

- a. Dennis J. Kelly Sr. & Dennis J. Kelly Jr. Farm (E & D Farms)
Block 22, Lots 1, 3, & 4, Oldmans Township, Salem County, 209.76 Acres

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2022R1(1) is attached to and a part of these minutes.

B. Resolution of Final Approval: FY 2023 Municipal PIG Program & Plan Update

Mr. Bruder referred the committee to the FY2023 Municipal PIG Program and Plan Update for Blirstown and Knowlton Townships in Warren County. He reviewed the specifics of the plans and PIG program with the committee. Blirstown and Knowlton have all the prerequisite AG advisory committees, dedicated funding source and right to farm ordinances. He stated that these are updated comprehensive farm preservation plans so they both meet the eligibility criteria for municipal planning incentive grants, so recommendation is to approve.

It was moved by Mr. Kumpel and seconded by Mr. Germano to approve Resolutions FY2022R1(2), granting approval to the following applications under the Municipal PIG Program, as presented, subject to any conditions of said resolution.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2022R1(2) is attached to and a part of these minutes.

C. Resolutions: Final Approval – Direct Easement Purchase Program

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

It was moved by Mr. Waltman and seconded by Mr. Kumpel to approve Resolutions FY2022R1(3) and FY2022R1(4), granting approval to the following applications under the Direct Easement Purchase Program, as presented, subject to any conditions of said resolution.

1. Charles Wible, SADC ID #17-0360-DE, FY2022R1(3), Block 33, Lot 14, Lower Alloway Creek Township, Salem County, 73.7 acres.
2. Mark Coles & Co-Trustees of the Ellen J. Coles Credit Shelter Trust, SADC ID#06-0088-DE, FY2022R1(4), Block 32, Lot 5, Stow Creek Township, Cumberland County, 118.5 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2022R1(3) and FY2022R1(4) is attached to and a part of these minutes.

D. Resolutions: Final Approval – Non-Profit Program

Ms. Miller referred the committee to three requests for final approval under the Non-Profit Program. She reviewed the specifics of the request with the committee and stated that staff

recommendation is to grant final approval.

It was moved by Mr. Germano and seconded by Ms. Jones to approve Resolutions FY2022R1(5) through FY2022R1(7) granting approval to the following applications under the Non-Profit Program, as presented, subject to

1. Robert and Lynn Stecker (TLCNJ), SADC ID#21-0050-NP, FY2022R1(5), Block 33, Lot 42.05, Harmony Township, Warren County, 18.8 net acres.
2. Barbara Milanese, SADC ID#18-0015-NP, FY2022R1(6), Block 8, Lot 17, Bedminster Township, Somerset County, 35.2 acres.

Staff noted there is a primary single-family residence, an ancillary single-family residence and also an apartment above the garage all located within the exception area. Due to Bedminster township's ordinances, the property's development potential is contingent on having only one ancillary residential unit. The landowner agreed that the apartment use will be discontinued by removing the kitchen and the shower in the bathroom and any tenant will vacate prior to closing.

Ms. Jones asked who holds the conservation easement shown on the property. Ms. Miller believes it is the township but would need to confirm. She stated the landowner is not compensated for that area, but the SADC does place their easement over it. However, the conservation easement is superior since it was in place at the time of preservation. Ms. Payne stated the purpose of placing the farmland preservation easement over the area is to guarantee it remains preserved in the event the township ever releases their original conservation easement.

3. Michael Stivala and Eileen Sionas, SADC ID#13-0019-NP, FY2022R1(7), Block 7.30, Lot 3.18, Colts Neck Township, Monmouth County, 18.664 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolutions FY2022R1(5) through FY2022R1(7) is attached to and a part of these minutes.

Public Comment

Ms. Mala Estilin commented on the importance of protecting the vitality of soil and addressed the revised proposed soil standards for permanent soil disturbance. She stated that the 12% proposed standard is an excessive percentage and noted that any percentage used for the calculation of what would be permanent soil disturbance should only take into account good or tillable soil. She requested that the committee reconsider the issue of how to protect farming soils and protect its integrity. Chairman Fisher stated that the SADC shares Ms. Estilin's passion for preserving the soils and does a great job of doing so. He thanked her for her comment.

Ms. Barbara Sachou commented that each item on the agenda should be discussed before it is voted on. She also commented that farmland should have horses on it to be considered farmland in the case of the Milanese farm.

CLOSED SESSION

At 11:15 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 certain matters including personnel matters, any pending or anticipated litigation, including the SADC vs. Quaker Valley Farm litigation, and any matters falling within the attorney-client privilege including advice on the convening of meetings under the Open Public Meetings Act. The minutes of such meeting shall remain confidential until the Committee determines the need for confidentiality no longer exists.

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

ACTION AS A RESULT OF CLOSED SESSION

Ms. Payne stated that in response to the committee's desire to get back to in-person meetings, staff explored what the legal options are to hold meetings in terms of format. There are two options: to continue operating remotely or go to another venue that can hold all attendees six feet apart and where everyone is fully masked. Ms. Payne asked the committee whether it wants to find an alternate location or to continue remotely for the next two months to see if things change with Covid. Chairman Fisher stated that conducting a meeting like this is not comfortable with a mask and being six feet apart and that it's a big undertaking to shift all of this to another venue just to have to change back shortly. He suggested continuing remote meetings month by month for now. Ms. Fischetti, Mr. Johnson, Ms. Krause, Mr. Kumpel, Ms. Jones stated that they agree with Chairman Fisher. Mr. Schilling stated that he agrees with Chairman Fisher as well, but could help find a location at Rutgers if necessary. Chairman Fisher stated that the meeting location will continue to be decided month by month. He gave credit to the staff for the great way in which the meetings have been conducted.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., February 24, 2021

Location: TBA

ADJOURNMENT

The meeting was adjourned at 12:27 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2022R1(1)**

Amended Request to Replace a Single-Family Residence

Dennis J. Kelly Sr. & Dennis J. Kelly Jr. Farm (E & D Farms)

January 27, 2022

Subject Property:

**Block 22, Lots 1, 3, & 4
Oldmans Township, Salem County
209.76 Acres**

WHEREAS, Dennis Kelly Sr., & Dennis Kelly Jr., hereinafter “Owners,” are the current record owners of Block 22, Lots 1, 3, & 4, in Oldmans Township, Salem County, by deed dated January 1, 1995, and recorded in the Salem County Clerk’s office in Deed Book 902, Page 14, totaling approximately 209.76 easement acres, hereinafter referred to as the “Premises”, as shown in Schedule “A”; and

WHEREAS, a development easement on the Premises was conveyed to the State Agriculture Development Committee on June 14, 2019, by Dennis J. Kelly Sr., Deborah L. Kelly, & Dennis J. Kelly Jr. pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-1, et seq. as a Deed of Easement recorded in the Salem County Clerk’s Office on June 20, 2019, in Deed Book 4526, Page 1593; and

WHEREAS, the Deed of Easement identifies one (1) single family residence, no agricultural labor units, one (1) Residual Dwelling Site Opportunity, hereinafter “RDSO”, and no exception areas; and

WHEREAS, in the spring of 2021 the SADC received a request from the Owners, to replace the existing single-family residence and exercise the RDSO on the Premises; and

WHEREAS, by resolution #FY2021R5(2) dated May 27, 2021, the State Agriculture Development Committee granted approval of the Owner’s request to replace a single-family residence on the Premises; and

WHEREAS, by resolution #FY2021R5(3) dated May 27, 2021, the State Agriculture Development Committee granted approval of the Owner’s request to exercise the RDSO on the Premises; and

WHEREAS, in order to minimize impacts to the irrigation systems on the Premises, the Owners originally requested that the replacement residence and the RDSO residence be constructed next to each other on the same tax lot, lot 4; and

WHEREAS, at its December 20, 2021, meeting Oldmans Township denied the Owners’ request for a use variance to construct two residences on the same lot; and

WHEREAS, on December 30, 2021, the SADC received an amended request from the Owners to change the proposed location of the replacement residence on the Premises to the adjacent lot, lot 1, so that each proposed residence is on a separate lot and consistent with municipal ordinances, as shown in Schedule "B"; and

WHEREAS, the proposed location of the RDSO on lot 4 is unchanged; and

WHEREAS, the Premises is being farmed by the Owners in grain & vegetable production; and

WHEREAS, the Owners are selling an unrelated parcel which serves as the farmstead complex for their operation and will be moving the complex to the Premises; and

WHEREAS, the existing residence on the Premises being replaced, located at 194 Pointers Auburn Road, is an approximately 3,330 sq./ft, two-story residence built in 1900; and

WHEREAS, the Owners are proposing to demolish the existing residence because it has been neglected and is in a state of disrepair; and

WHEREAS, the existing residence was previously occupied by tenants, but is currently uninhabited; and

WHEREAS, paragraph 14ii. of the Deed of Easement allows for the replacement of any existing single-family residential building anywhere on the Premises with the approval of the State Agriculture Development Committee; and

WHEREAS, SADC staff received confirmation that the residence is not listed on the New Jersey or National Register of Historic Places from the State Historic Preservation Office; and

WHEREAS, SADC staff received confirmation from the Salem County Clerk's office and the Salem County Historical Society that the residence is not on any local lists of historical significance; and

WHEREAS, the Owners propose to replace the existing single family residence with an approximately 1,500 sq./ft., 3-bedroom, 2 bathroom, ranch-style home, to be used as a residence for Dennis Kelly, Sr.'s daughter, Devin Kelly and her family, in the location shown on Schedule "B"; and

WHEREAS, Devin Kelly handles the farm operation's paperwork; and

WHEREAS, the proposed new location of the replacement residence is adjacent to the farmstead complex off of Pointers Auburn Road as shown in Schedule "B"; and

WHEREAS, the proposed new location of the replacement residence was chosen to minimize impacts to the agricultural operation, specifically field layout and the

center pivot irrigation systems; and

WHEREAS, the proposed replacement residence will utilize the existing farm lane for driveway access and will require the installation of a new septic system; and

WHEREAS, the Owners plan to construct a new equipment shop and office for their agricultural operation in the footprint of the existing residence after it is removed; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC, pursuant to the restrictions as contained in the Deed of Easement, finds that the replacement of the existing, single-family residence on the Premises with a new residence will have a positive impact on the continued agricultural operations of this farm by replacing a dilapidated residential unit with a new residence which shall serve as the primary residence for, Devin Kelly and her family who are involved in the farming operation.
3. The Committee approves the construction of a three-bedroom residence, consisting of approximately 1,500 sq./ft. of heated living space to be constructed on the Premises as shown in Schedule "B," to replace the current residence on the Premises.
4. The existing residence must be removed within 60 days of receipt of certificate of occupancy for the new residence.
5. This approval is valid for a period of three years from the date of approval, during which the Owners 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.
6. This approval is non-transferable.
7. The construction of the new residence is subject to all applicable local, State and Federal regulations.
8. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
9. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1/27/2022

Date

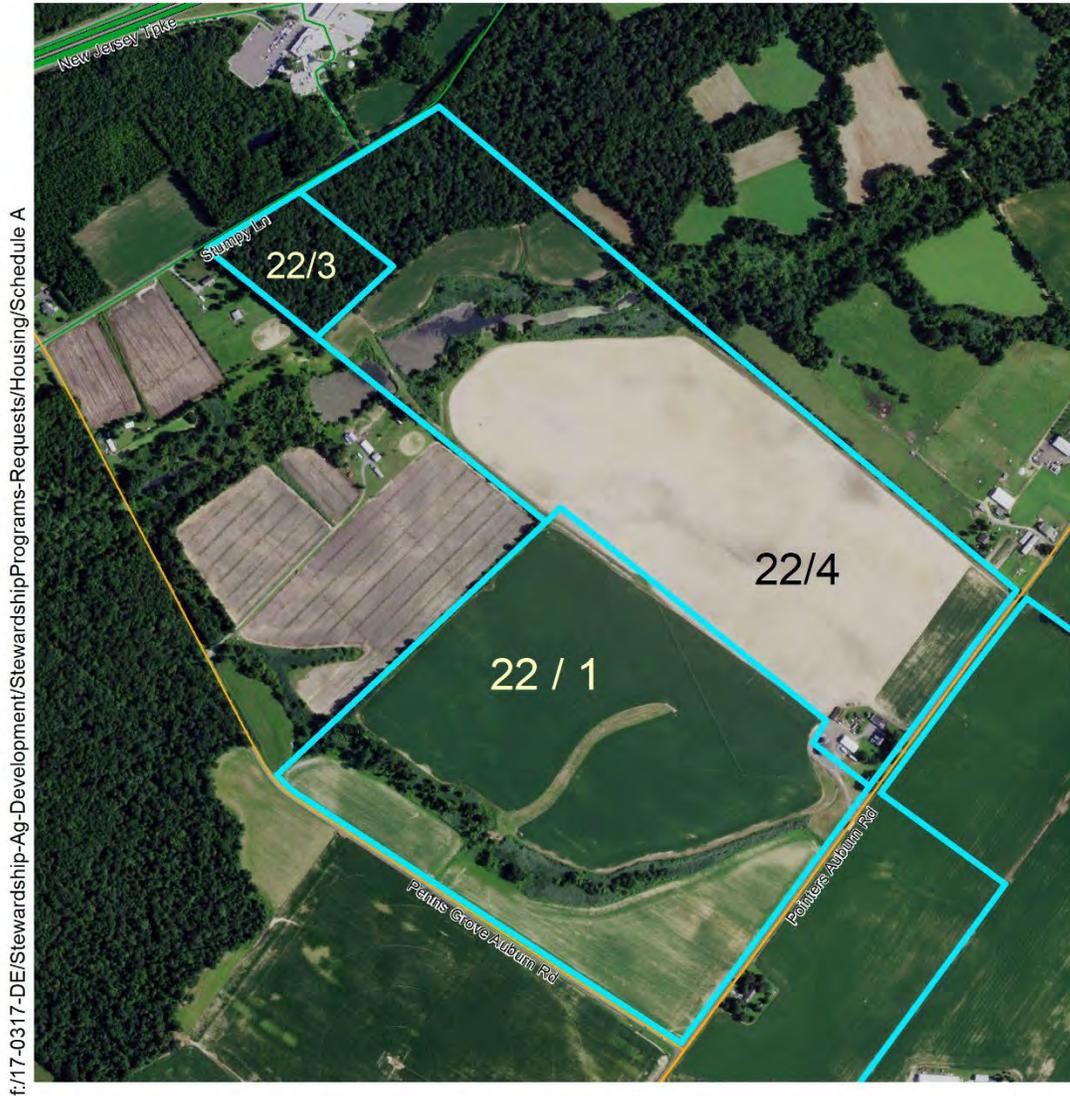


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A



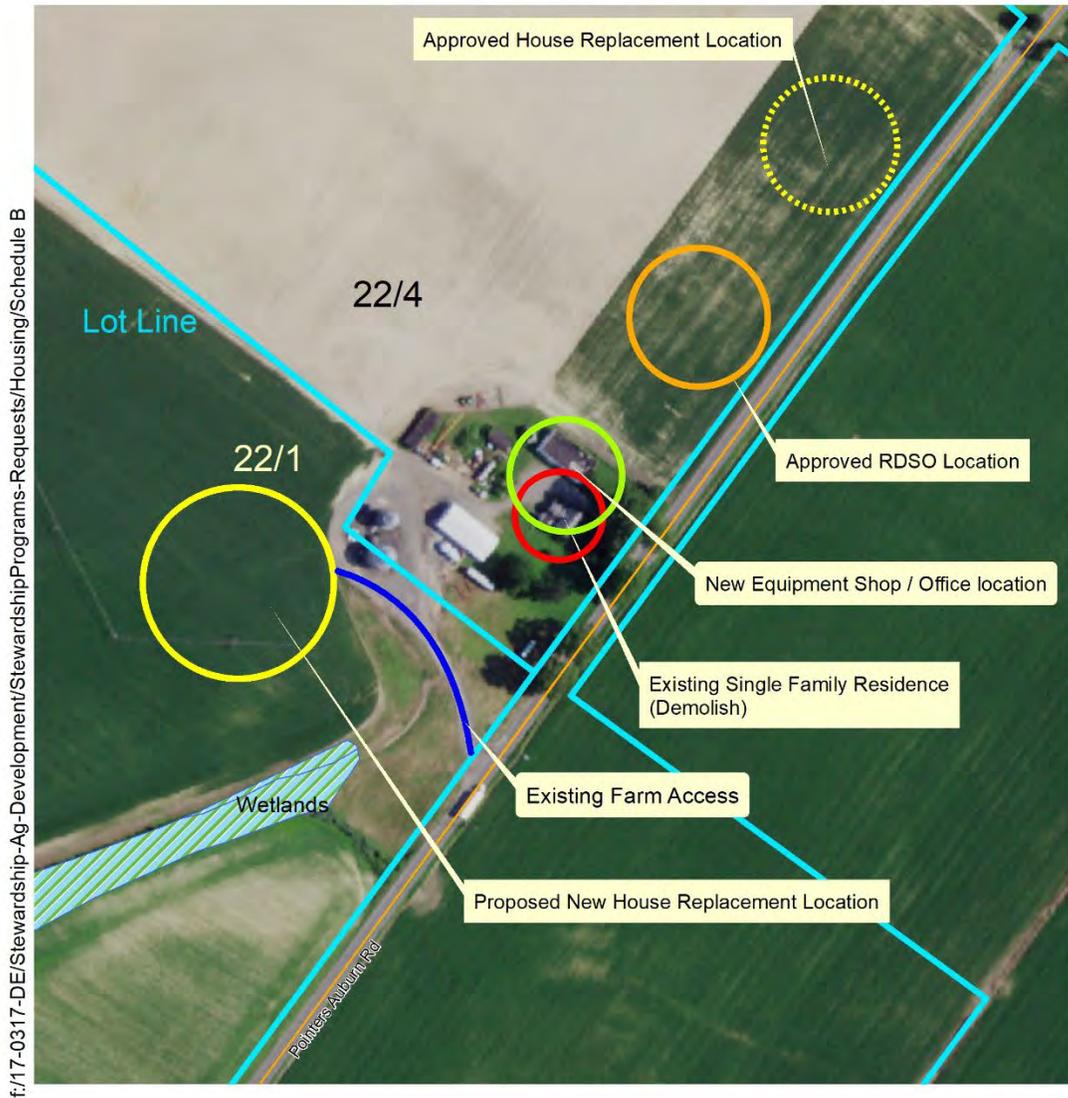
FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Kelly, Dennis J., Jr. & Dennis J., Sr. (E & D Farms)
Block 22, Lots 1, 3, & 4
Oldmans Township, Salem County
209.766 Acres



1/11/2022

Schedule B



f:/17-0317-DE/Stewardship-Ag-Development/StewardshipPrograms-Requests/Housing/Schedule B

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

Kelly, Dennis J., Jr. & Dennis J., Sr. (E & D Farms)
Block 22, Lots 1, 3, & 4
Oldmans Township, Salem County
209.766 Acres



1/18/2022

STATE AGRICULTURE DEVELOPMENT COMMITTEE

**RESOLUTION #FY2022R1(2)
FINAL APPROVAL**

of the

**BLAIRSTOWN TOWNSHIP, WARREN COUNTY AND KNOWLTON TOWNSHIP, WARREN
COUNTY
PLANNING INCENTIVE GRANT APPLICATIONS INCLUDING UPDATE TO THE
COMPREHENSIVE FARMLAND PRESERVATION PLANS**

2023 FUNDING CYCLE

January 27, 2022

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, recent amendments to Subchapter 17A (N.J.A.C. 2:76-17A), effective August 3, 2020, were made to enhance the planning incentive grant program; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.6, a municipality applying for a grant to the SADC shall submit:

1. A copy of the municipal comprehensive farmland preservation plan, as amended, if appropriate;
2. An inventory for each project area 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 a term farmland preservation program and preserved open space compatible with agriculture;
3. A report summarizing the status of development easement purchases, the expenditure of Committee funds, updates to policies, funding availability, estimates of targeted farm easement costs and contact information;
4. Copies of agricultural advisory committee meeting minutes; and
5. A resolution of support from the governing body and documentation of the agricultural advisory committee's review of the proposed application; 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 and the location and extent of important farmland soils;
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, and 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, on July 25, 2019 the SADC updated its 2007 adopted *Guidelines for Developing Municipal Comprehensive Farmland Preservation Plans* which supplement 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 and the Planning Incentive Grant Statute (N.J.S.A. 4:1C-43.1); 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, to date, the SADC has received and granted final approval to 44 municipal planning incentive grant applications pursuant to N.J.A.C. 2:76-17A.6(a) and N.J.A.C. 2:76-17A.76(b); and

WHEREAS, in total, these 44 municipal planning incentive grant applications identified 107 project areas in 9 counties and targeted 2,309 farms and 101,065 acres at an estimated total cost of, \$1,196,569,000, with a ten-year preservation goal of 62,413 acres; and

WHEREAS, the SADC granted final approval to Knowlton Township's initial planning incentive grant application submitted for the 2009 funding cycle, including the comprehensive farmland preservation plan, on March 26, 2009; and

WHEREAS, the SADC granted final approval to Blairstown Township's initial planning incentive grant application submitted for the 2011 funding cycle, including the comprehensive farmland preservation plan, on February 7, 2011; and

WHEREAS, recent amendments to Subchapter 17A (N.J.A.C. 2:76-17A) included a requirement, at N.J.A.C. 2:76-17A.4(b), that comprehensive farmland preservation plans be reviewed and readopted by the municipal planning board, in consultation with the agricultural advisory committee, at least every 10 years; and

WHEREAS, the SADC established cost share grant funding for the preparation or update of

comprehensive farmland preservation plans as detailed in SADC Policy #55, effective July 25, 2019; and

WHEREAS, Blairstown and Knowlton townships have executed grant agreements with the SADC for funding comprehensive farmland preservation plan updates; and

WHEREAS, as part of its application for the 2023 Municipal Planning Incentive Grant round Blairstown Township included an amended comprehensive farmland preservation plan, dated September 22, 2021, developed consistent with the SADC's adopted *Guidelines*; and

WHEREAS, as part of its application for the 2023 Municipal Planning Incentive Grant round Knowlton Township included an amended comprehensive farmland preservation plan, dated November 3 2021, developed consistent with the SADC's adopted *Guidelines*; 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 municipalities forwarded their applications 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 municipal applications to determine whether all the components of the comprehensive farmland preservation plans are fully addressed and complete and whether the project area inventories are complete and technically accurate, and that the applications are designed to preserve a significant area of reasonably contiguous farmland that will promote the long-term economic viability of agriculture as an industry; and

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval of the Blairstown Township and Knowlton Township Planning Incentive Grant applications submitted under the FY2023 program planning round, including recently amended comprehensive farmland preservation plans, as summarized in the attached Schedule A:

BE IT FURTHER RESOLVED, that the SADC authorizes release of cost share funding for the update of these comprehensive farmland preservation plans upon completion of grant requirements pursuant to SADC Policy #55 and the executed agreements; and

BE IT FURTHER RESOLVED, that funding eligibility shall be established pursuant to N.J.A.C. 2:76-17A.8(a), and that the SADC's approval of State funding is subject to Legislative appropriation of funds and the Governor signing the respective appropriation bills; and

BE IT FURTHER RESOLVED, that the SADC will monitor the municipal funding plans pursuant to N.J.A.C. 2:76-17A.8(a) 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 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 the SADC's approval is conditioned upon the Governor's review period pursuant to N.J.S.A 4:1C-4f.

1/27/2022
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

[https://sonj.sharepoint.com/sites/AG/SADC/Planning/PIG Planning/Municipal PIG/2023 Municipal PIG/Resolutions/Mun PIG 2023 final approval Resolution Blairstown Knowlton 012722.docx](https://sonj.sharepoint.com/sites/AG/SADC/Planning/PIG%20Planning/Municipal%20PIG/2023%20Municipal%20PIG/Resolutions/Mun%20PIG%202023%20final%20approval%20Resolution%20Blairstown%20Knowlton%20012722.docx)

**2023 MUNICIPAL PLANNING INCENTIVE GRANT
FINAL APPROVAL**

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 in Millions	Annual Tax for Farm Preservation in Millions
Blairstown	Warren	North	21	1,569	\$11,767,500	\$7,500						
Total		1	21	1,569	\$11,767,500	\$7,500	38	200	375	2.40	\$0.018	No Set Amount
Knowlton	Warren	Project Area 1 (North)	10	742	\$3,339,000	\$4,500						
		Project Area 2 (Northwest)	16	1,557	\$7,006,500	\$4,500						
Total		2	26	2,299	\$10,345,500	\$4,500	100	500	1,100	2.00	\$0.052	No Set Amount
2023 MUN. PIG FINAL APPROVAL TOTALS												
34	9	3	47	3,868	\$22,113,000		138	700	1,475			

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2022R1(3)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Wible, Charles J.

January 27, 2022

Subject Property: **Wible, Charles J.
Block 33, Lot 14 - Lower Alloway Creek Township, Salem County
SADC ID#:17-0360-DE-DE**

WHEREAS, on June 8, 2021, the State Agriculture Development Committee ("SADC") received a development easement sale application from Charles J. Wible, hereinafter "Owner," identified as Block 33, Lot 14, Lower Alloways Creek Township, Salem County, hereinafter "the Property," totaling approximately 73.7 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1) approximately 1.5-acre non-severable exception area for and limited to one future single-family residential unit and to afford future flexibility of uses resulting in approximately 72. 2 net acres to be preserved; and

WHEREAS, the portion of the Property outside the exception area includes zero (0) housing opportunities, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

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

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

WHEREAS, the 1.5-acre non-severable exception area:

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

WHEREAS, the Premises outside the exception area includes:

- 1) Zero (0) housing opportunities
- 2) Zero (0) agricultural labor units
- 3) No pre-existing non-agricultural uses; and

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

WHEREAS, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on July 27, 2017, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, staff found that the Property, has a quality score of 67.97 and contains approximately 72.2 net acres; and

WHEREAS, the Property does not meet the SADC's minimum ranking criteria for a "Priority" category in Salem County which requires a quality score of at least 61 combined with at least 92 acres, however it is higher than the minimum quality score of 48 and 67 acres needed for an "Alternate" farm designation, therefore, this farm is categorized as an "Alternate" farm, requiring SADC preliminary approval; and

WHEREAS, on July 22, 2021, the SADC granted Preliminary Approval to this Application (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on December 10, 2021, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$2,400 per acre based on zoning and environmental regulations in place as of the current valuation date of October 27, 2021; and

WHEREAS, the Owners accepted the SADC's offer of \$2,400 per acre for the purchase of the development easement on the Premises; 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:

1. The WHEREAS paragraphs are incorporated herein by reference.
2. The SADC grants final approval for its acquisition of the development easement at a value of \$2,400 per acre for a total of approximately \$173,280 subject to the conditions contained in (Schedule C).

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

1/27/2022
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles



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Application within the (PA 4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Wible, Charles J.
Block 33 Lots P/O 14 (72.2 ac)
& P/O 14-EN (non-severable exception - 1.5 ac)
Gross Total = 73.7 ac
Lower Alloways Creek Twp., Salem County



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

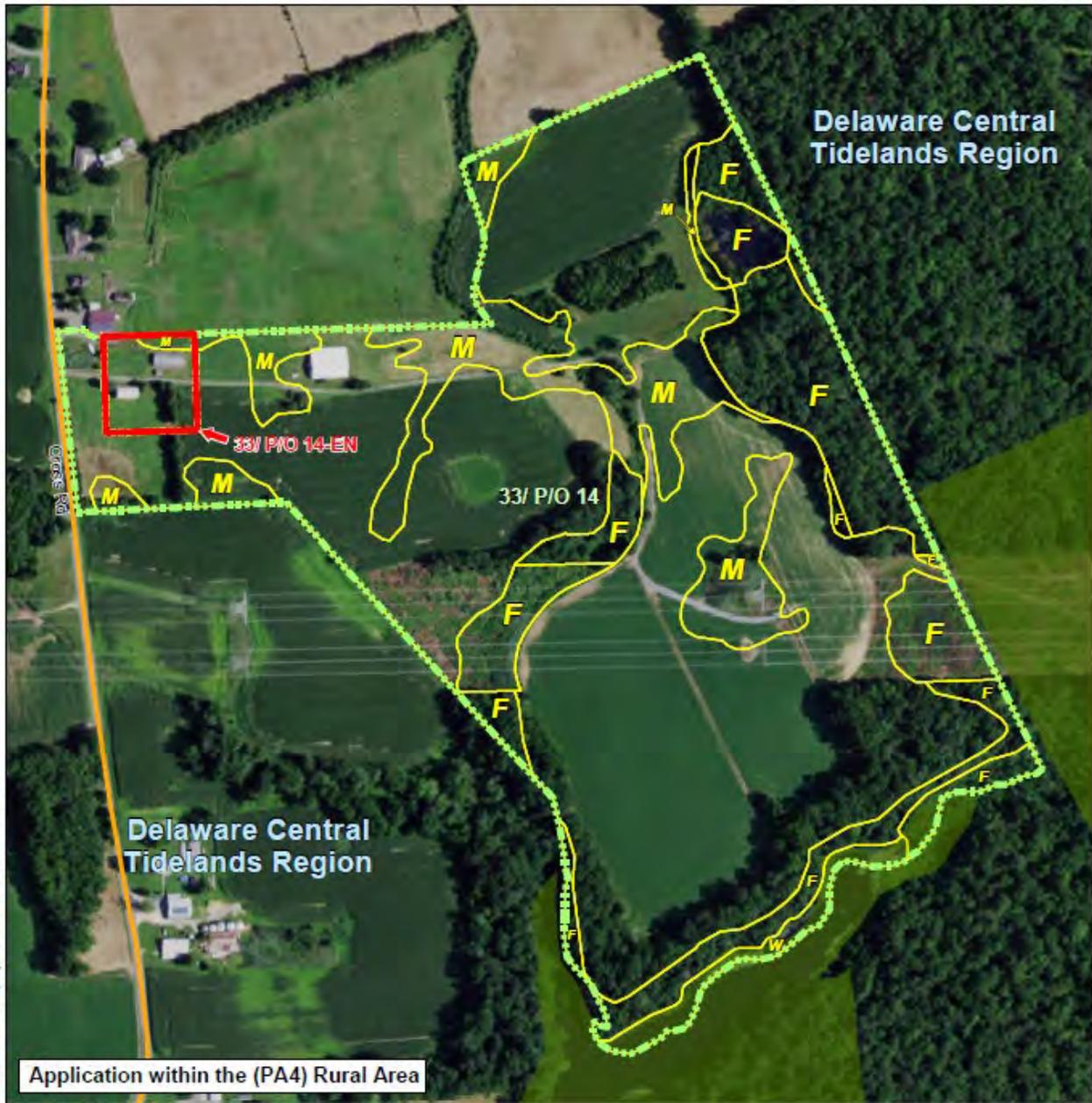


Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJOTISGIS 2019 Digital Aerial Image

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

June 17, 2021

Wetlands



X:\counties\alco\projects\Wible, Charles J fww.mxd

Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Wible, Charles J.
Block 33 Lots P/O 14 (72.2 ac)
& P/O 14-EN (non-severable exception - 1.5 ac)
Gross Total = 73.7 ac
Lower Alloways Creek Twp., Salem County

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



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

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

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJDEP Tidelands Claim Line, NJ, Edition 20161214
NJOTISGIS 2019 Digital Aerial Image

June 17, 2021

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2022R7(7)

Preliminary Approval of SADC Easement Purchase
of an "ALTERNATE" FARM

On the Property of Wible, Charles J.

July 22, 2021

Subject Property: Wible, Charles J.
Block 33, Lot 14 - Lower Alloways Creek Township, Salem County
SADC ID#:17-0360-DE-DE

WHEREAS, pursuant to N.J.A.C. 2:76-11.3, an owner of farmland may offer to sell to the State Agriculture Development Committee ("SADC") a development easement on the farmland; and

WHEREAS, on June 8, 2021, the SADC received a development easement sale application from Charles J. Wible, hereinafter "Owner," identified as Block 33, Lot 14, Lower Alloways Creek Township, Salem County, hereinafter "the Property," totaling approximately 73.7 gross acres, identified in (Schedule A); and

WHEREAS, the Property includes one (1) approximately 1.5-acre non-severable exception area for and limited to one future single family residential unit and to afford future flexibility of uses resulting in approximately 72.2 net acres to be preserved; and

WHEREAS, the portion of the Property outside the exception area includes zero (0) housing opportunities, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

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

WHEREAS, the application has been evaluated for the sale of development easement pursuant to N.J.A.C. 2:76-11.5 and the State Acquisition Selection Criteria approved by the SADC on September 9, 2020, which categorizes applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property, has a quality score of 67.97 and contains approximately 72.2 net acres (Schedule B); and

WHEREAS, the Property does not meet the SADC's Salem County minimum criteria for the "Priority" category, which requires a quality score of at least 62 combined with at least 94 acres, however, it is higher than the minimum quality score of 48 and 69 acres needed for an "Alternate" farm designation, therefore, this farm is categorized as an "Alternate" farm, requiring SADC preliminary approval; and

WHEREAS, the Property meets the minimum eligibility criteria as set forth in N.J.A.C. 2:76-6.20 and pursuant to N.J.A.C. 2:76-11.6(b)i. there are no "priority" ranked applications that have not already been selected for processing at this time; and

NOW THEREFORE BE IT RESOLVED

1. Because this 72.2-acre farm has a quality score of 67.97, which is above minimum ranking criteria for a "Priority" farm in Salem County, has approximately 60% Prime soils and is within the County Agriculture Development Area, the SADC approves selecting the Property for processing as an "Alternate" farm pursuant to N.J.A.C. 2:76-11.5.
2. the SADC grants preliminary approval to the Property for an easement acquisition and authorizes staff to proceed with the following:
 - a. Enter into a 120-day option agreement with the Landowner; and
 - b. Secure two independent appraisals to estimate the fair market value of the Property; and
 - c. Review the two independent appraisals and recommend a certified fair market easement value of the property to the SADC; 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.

7/22/21
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Scott Ellis	YES
Roger Kumpel	YES
Richard Norz	YES
James Waltman	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Julie Krause (rep. State Treasurer Muoio)	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Brian Schilling (rep. Executive Dean Lawson)	YES
Denis Germano, Vice Chairperson	YES

Preserved Farms and Active Applications Within Two Miles

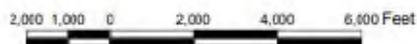


Application within the (PA 4) Rural Area

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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Wible, Charles J.
Block 33 Lots P/O 14 (72.2 ac)
& P/O 14-EN (non-severable exception - 1.5 ac)
Gross Total = 73.7 ac
Quinton Twp., Salem County



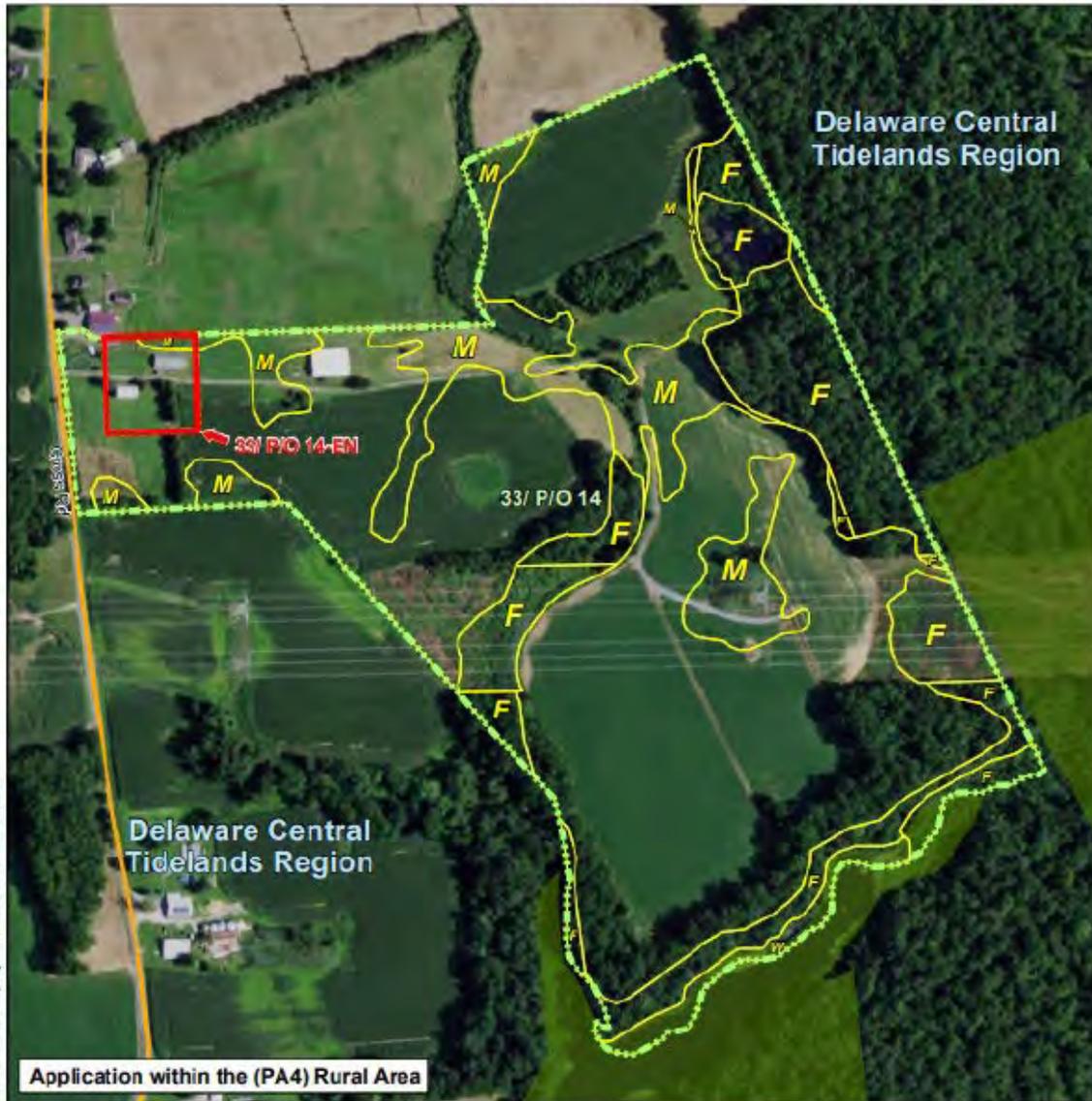
	Property in Question
	Exceptions
	Preserved Easements
	Transfer Development Rights (TDR) Preserved Highlands, Pinelands and Municipal
	Active Applications
	County Boundaries
	Municipal Boundaries
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned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



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

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

Wetlands



X:\courses\afco\projects\Wibbe, Charles J. New.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Wible, Charles J.
Block 33 Lots P/O 14 (72.2 ac)
& P/O 14-EN (non-severable exception - 1.5 ac)
Gross Total = 73.7 ac
Quinton Twp., Salem County



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	Property in Question
	EN - (Non-Severable) Exception
	Wetlands Boundaries
	Private - Limited Access
	Federal or State Hwy's
	County Roads
	Municipal/Local/Roads
	Tidelands Boundary
	Municipal, County and Non-Profit Preserve/Open Space, State Owned Conservation Easements, & State Owned OS & Recreation Easements

Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 30' Buffer
W - Water

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJDEP Tidelands Claims Lists, NJ Edition 2010/12/14
NJDOTGIS 2010 Digital Aerial Image

June 17, 2021

Schedule B

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

GENERAL INFORMATION

COUNTY OF Salem Lower Alloways Creek Twp. 1704

APPLICANT Wibls, Charles J.

PRIORITIZATION SCORE

SOILS:	Other	30% *	0	=	.00	
	Prime	61% *	.15	=	9.15	
	Statewide	8% *	.1	=	.80	
	Unique zero	1% *	0	=	.00	
						SOIL SCORE: 9.95
TILLABLE SOILS:	Cropland Harvested	65% *	.15	=	9.75	
	Wetlands/Water	20% *	0	=	.00	
	Woodlands	15% *	0	=	.00	
						TILLABLE SOILS SCORE: 9.75
BOUNDARIES AND BUFFERS:	Deed Restricted Farmland (Permanent)	7% *	.2	=	1.40	
	Farmland (Unrestricted)	20% *	.06	=	1.20	
	Streams and Wetlands	71% *	.18	=	12.78	
	Woodlands	2% *	.06	=	.12	
						BOUNDARIES AND BUFFERS SCORE: 15.50
CONTIGUOUS PROPERTIES / DENSITY:	Wible	Restricted Farm or Current Application			2	
	Bradway	Restricted Farm or Current Application			2	
	Massey	Restricted Farm or Current Application			2	
	Rachkiss	Restricted Farm or Current Application			2	
	Smith	Restricted Farm or Current Application			2	
						DENSITY SCORE: 10.00
LOCAL COMMITMENT:		100% *	19	=	19.00	
						LOCAL COMMITMENT SCORE: 19.00
SIZE:						SIZE SCORE: 2.86
IMMINENCE OF CHANGE:	SADC Impact factor = .91					
						IMMINENCE OF CHANGE SCORE: .91
COUNTY RANKING:						
EXCEPTIONS:						EXCEPTION SCORE: .00
	TOTAL SCORE:					67.97

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Wible, Charles J.
Easement Purchase - SADC
72 Acres

Block 33	Lot 14	Lower Alloways Creek	Salem County		
SOILS:		Other	30% *	0	= .00
		Prime	61% *	.15	= 9.15
		Statewide	8% *	.1	= .80
		Unique zero	1% *	0	= .00
					SOIL SCORE: 9.95
TILLABLE SOILS:		Cropland Harvested	65% *	.15	= 9.75
		Wetlands/Water	20% *	0	= .00
		Woodlands	15% *	0	= .00
					TILLABLE SOILS SCORE: 9.75
FARM USE:					

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st (1.5) acres for future SFR
Exception is not to be severable from Premises
Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2022R1(4)
FINAL REVIEW AND APPROVAL OF AN SADC EASEMENT PURCHASE**

On the Property of Coles, Mark S. & Co-Trustees of the Ellen J. Coles Credit Shelter Trust

JANUARY 27, 2022

**Subject Property: Coles, Mark S. & Co-Trustees of the Ellen J. Coles Credit Shelter Trust
Block 32, Lot 5 - Stow Creek Township, Cumberland County
SADC ID#:06-0088-DE**

WHEREAS, on May 6, 2021, the State Agriculture Development Committee ("SADC") received a development easement sale application from Coles, Mark S. & Co-Trustees of the Ellen J. Coles Credit Shelter Trust, hereinafter "Owner," identified as Block 32, Lot 5, Stow Creek Township, Cumberland County, hereinafter "the Property," totaling approximately 118.5 gross acres, identified in (Schedule A); and

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

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

WHEREAS, the Property includes one (1), approximately 2-acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses and one (1) approximately .5 acre non-severable exception area for an existing barn apartment and to afford future flexibility for nonagricultural uses resulting in approximately 116 net acres to be preserved, hereinafter referred to as "the Premises"; and

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

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

WHEREAS, the 2-acre non-severable exception area:

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

WHEREAS, the 0.5-acre non-severable exception area:

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

WHEREAS, the Premises outside the exception area includes:

- 1) Zero (0) housing opportunities
- 2) Zero (0) agricultural labor units
- 3) No pre-existing non-agricultural uses; and

WHEREAS, the Property includes approximately 5.79 acres of Tidelands, therefore, the appraisals were based on an adjusted net acreage of 110.21 upland and/or wetland acres as per the SADC Appraisal Handbook; and

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

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

WHEREAS, SADC staff determined that the Property meets the SADC's "Priority" category for Cumberland County (minimum acreage of 88 and minimum quality score of 54) because it is approximately 116 acres and has a quality score of 62.69; and

WHEREAS, pursuant to N.J.A.C. 2:76-11.8, on December 10, 2021, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$4,000 per acre based on zoning and environmental regulations in place as of the current valuation date September 13, 2021; and

WHEREAS, the Owner accepted the SADC's offer of \$4,000 acre for the purchase of the development easement on the Premises; 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:

1. The WHEREAS paragraphs are incorporated herein by reference.

2. The SADC grants final approval for its acquisition of the development easement at a value of \$4,000 per acre for a total of approximately \$440,840 (based on 110.21 acres of non-tidal lands) subject to the conditions contained in (Schedule B).
3. The SADC's purchase price of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
4. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
5. Contracts and closing documents shall be prepared subject to review by the Office of the Attorney General.
6. 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.
7. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
8. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

1/27/2022

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles



X:\counties\cumc\projects\Coles, Mark S & Co-Trustees of the Ellen J Coles Credit Shelter Trust 2mile 2.mxd

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

Coles, Mark S. & Co-Trustees of the Ellen J. Coles Credit Shelter Trust
Block 32 Lots P/O 5 (116.0 ac)
& P/O 5-EN (non-severable exceptions - 2.0 & 0.5 ac)
Gross Total = 118.5 ac
Stow Creek Twp., Cumberland County



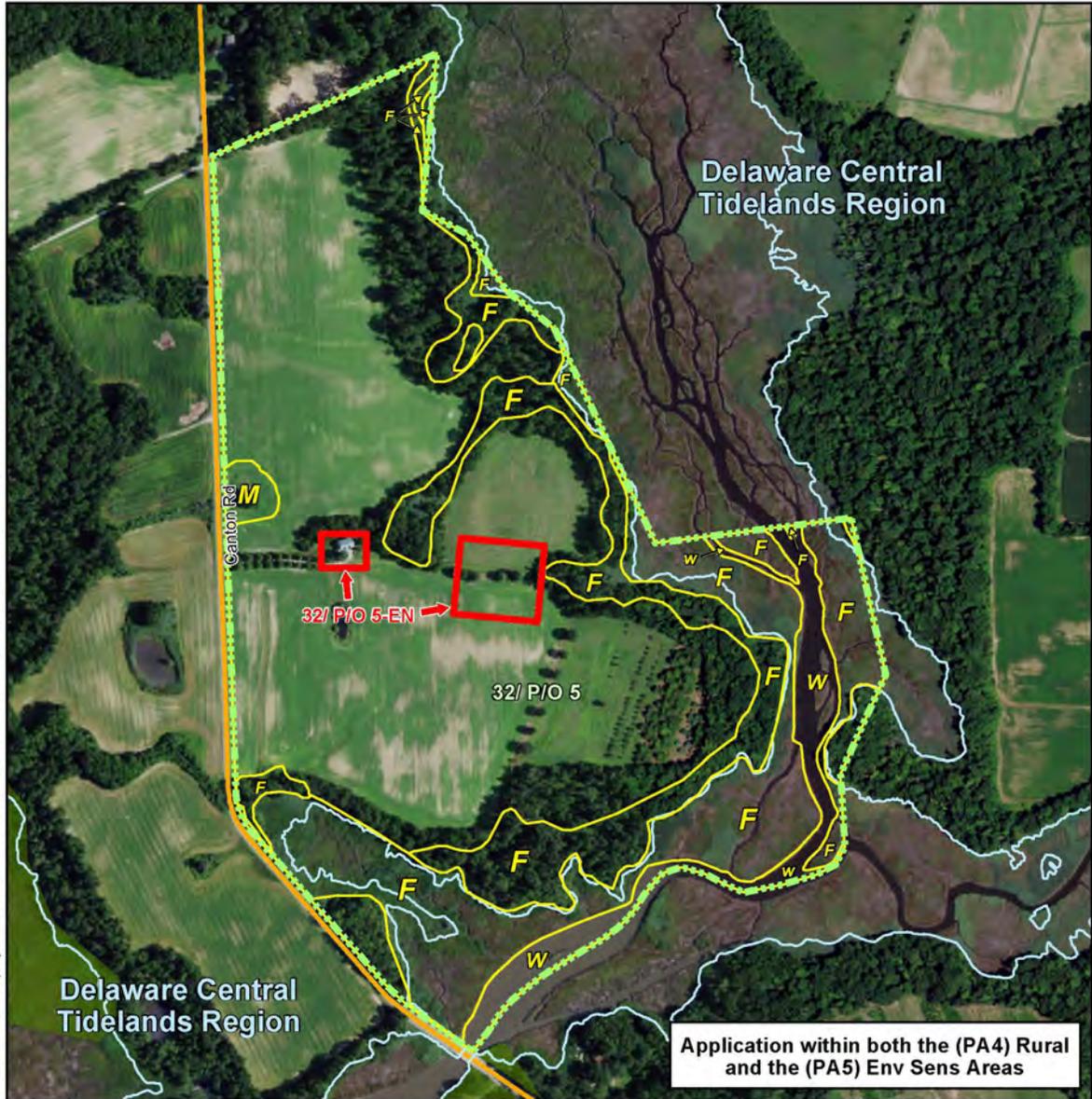
- Property In Question
- Exceptions
- Preserved Easements
- Transfer Development Rights (TDR)
Preserved: Highlands, Pinelands and Municipal
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements & State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



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

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

Wetlands



X:\counties\cumco\projects\Coles, Mark S & Co-Trustees of the Ellen J Coles Credit Shelter Trust fww 2.mxd

Application within both the (PA4) Rural and the (PA5) Env Sens Areas

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Coles, Mark S. & Co-Trustees of the Ellen J. Coles Credit Shelter Trust
Block 32 Lots P/O 5 (116.0 ac)
& P/O 5-EN (non-severable exceptions - 2.0 & 0.5 ac)
Gross Total = 118.5 ac
Stow Creek Twp., Cumberland County



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

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

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Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJDEP Tidelands Claim Line, NJ, Edition 20161214
NJGIT/GIS 2019 Digital Aerial Image

June 29, 2021

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Coles, Mark S. & Co-Trustees of the Ellen J. Coles Credit Shelter Trust
Easement Purchase - SADC

116 Acres

Block 32	Lot 5	Stow Creek Twp.	Cumberland County		
SOILS:		Other	35% *	0	= .00
		Prime	47% *	.15	= 7.05
		Unique zero	18% *	0	= .00
					SOIL SCORE: 7.05
TILLABLE SOILS:		Cropland Harvested	50% *	.15	= 7.50
		Wetlands/Water	35% *	0	= .00
		Woodlands	15% *	0	= .00
					TILLABLE SOILS SCORE: 7.50
FARM USE:	Corn-Cash Grain			58 acres	

This final approval is subject to the following:

1. Available funding.
2. The allocation of 0 Residual Dwelling Site Opportunity(ties) on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st two (2) acres for Future SFR
Exception is not to be severable from Premises
Exception is to be limited to one future single family residential unit(s)
 - 2nd (.5) acres for Existing barn with apartment
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 FY2022R1(5)
FINAL REVIEW AND APPROVAL OF A NONPROFIT GRANT TO
THE LAND CONSERVANCY OF NEW JERSEY
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Stecker, Robert L. & Lynn (“Owners”)**

FY2021 Nonprofit Round - SADC #21-0050-NP

JANUARY 27, 2022

WHEREAS, on May 5, 2020, the State Agriculture Development Committee (“SADC”), received a non-profit cost share grant application from The Land Conservancy of New Jersey (“TLCNJ”) for the Stecker, Robert L. & Lynn farm identified as Block 33, Lot 42.05, Harmony Township, County, totaling approximately 18.8 net acres hereinafter referred to as “Property” (Schedule A); and

WHEREAS, the Property is in the Highlands Planning Area; and

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

WHEREAS, the Premises includes one (1), approximately one (1)-acre non-severable exception area for the existing single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 17.8 net acres to be preserved, hereinafter referred to as “the Premises”; and

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

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

WHEREAS, the 1-acre non-severable exception area:

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

WHEREAS, the Premises includes:

- 1) Zero (0) housing opportunities

- 2) Zero (0) agricultural labor units
- 3) No pre-existing non-agricultural uses; and

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

WHEREAS, on September 24, 2020 the SADC granted preliminary approval by Resolution #FY2021R9(3) to the TLCNJ's FY2021 Nonprofit application and appropriated \$2,148,775 for the acquisition of development easement on five farms including the Stecker farm; and

WHEREAS, at this time \$331,080 has been encumbered for the Giordano and Campgaw Club farms, therefore approximately \$1,817,695 is still available to TLCNJ; 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 58.77 which is greater than 70% of the County average quality score of 44 as determined by the SADC, at the time the application was submitted; and

WHEREAS, the Owner provided a recorded deed showing that the property has been in the family since prior to 1986; therefore, the property is eligible for, and must be appraised under, zoning and environmental conditions in place as of 01/01/2004 for farms in the Highlands region pursuant to N.J.S.A. 13:8B, as amended by the "Preserve New Jersey Act," P.L.2015, c.5; and

WHEREAS, pursuant to N.J.A.C. 2:76 15(b) 2., If two appraisals have been obtained on a parcel, and the difference between the two appraisal values is 10% of the higher appraisal value or less, the eligible land cost shall be the average of the appraisal values; and

WHEREAS, on July 23, 2021, the SADC acknowledged the development easement value of the Premises to be \$5,200 per acre based on current zoning and environmental regulations in place as of December 2020; and

WHEREAS, the SADC advised TLCNJ 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 TLCNJ's eligible costs and subject to available funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-15.2, TLCNJ informed the SADC that it will accept the SADC cost share of \$2,600 per acre; and

WHEREAS, the Board of County Commissioners entered into a Farmland Preservation Agreement with TLCNJ on November 10, 2020, and will provide 50% matching funds from Warren County for TLCNJ's easement acquisition on the Stecker farm

and agreed to accept assignment of the development easement from TLCNJ and be responsible for annual monitoring; and

WHEREAS, the cost share breakdown based on 17.8 acres is as follows:

	Total	Per/acre
SADC	\$46,280	(\$2,600/acre or 50% total cost)
Warren County	\$46,280	(\$2,600/acre or 50% total cost)
Total Easement Purchase	\$92,560	(\$5,200/acre)

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 Nonprofit for up to 50% of the eligible ancillary costs which will be deducted from its FY21 appropriation and subject to the availability of funds; and

WHEREAS, N.J.A.C. 2:76-16.1(a)3.iii allows for the conveyance of the development easement to the Federal Government, the State, the County, or another qualifying tax exempt organization for farmland preservation purposes; and

WHEREAS, TLCNJ will assign the Deed of Easement to the County immediately after closing on the Deed of Easement; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to TLCNJ for the Property easement acquisition application subject to compliance with N.J.A.C. 2:76-16.
3. The SADC approves the assignment of the Deed of Easement from TLCNJ to Warren County provided the SADC reviews and approves in advance all documentation to accomplish the assignment including, but not limited to, review of survey, title, and assignment document.
4. The SADC shall provide a cost share grant not to exceed \$2,600 per acre (total of approximately \$46,280 based on 17.8 acres) to Nonprofit for the development easement acquisition on the Premises, subject to the availability of funds.
5. The application is subject to the conditions contained in (Schedule B).
6. 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.
7. The SADC's cost share grant to TLCNJ for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the

property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses

8. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
9. The SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute all documents necessary to provide a grant to TLCNJ for the acquisition of a development easement on the Property.
10. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
11. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
12. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

___1/27/2022___
Date

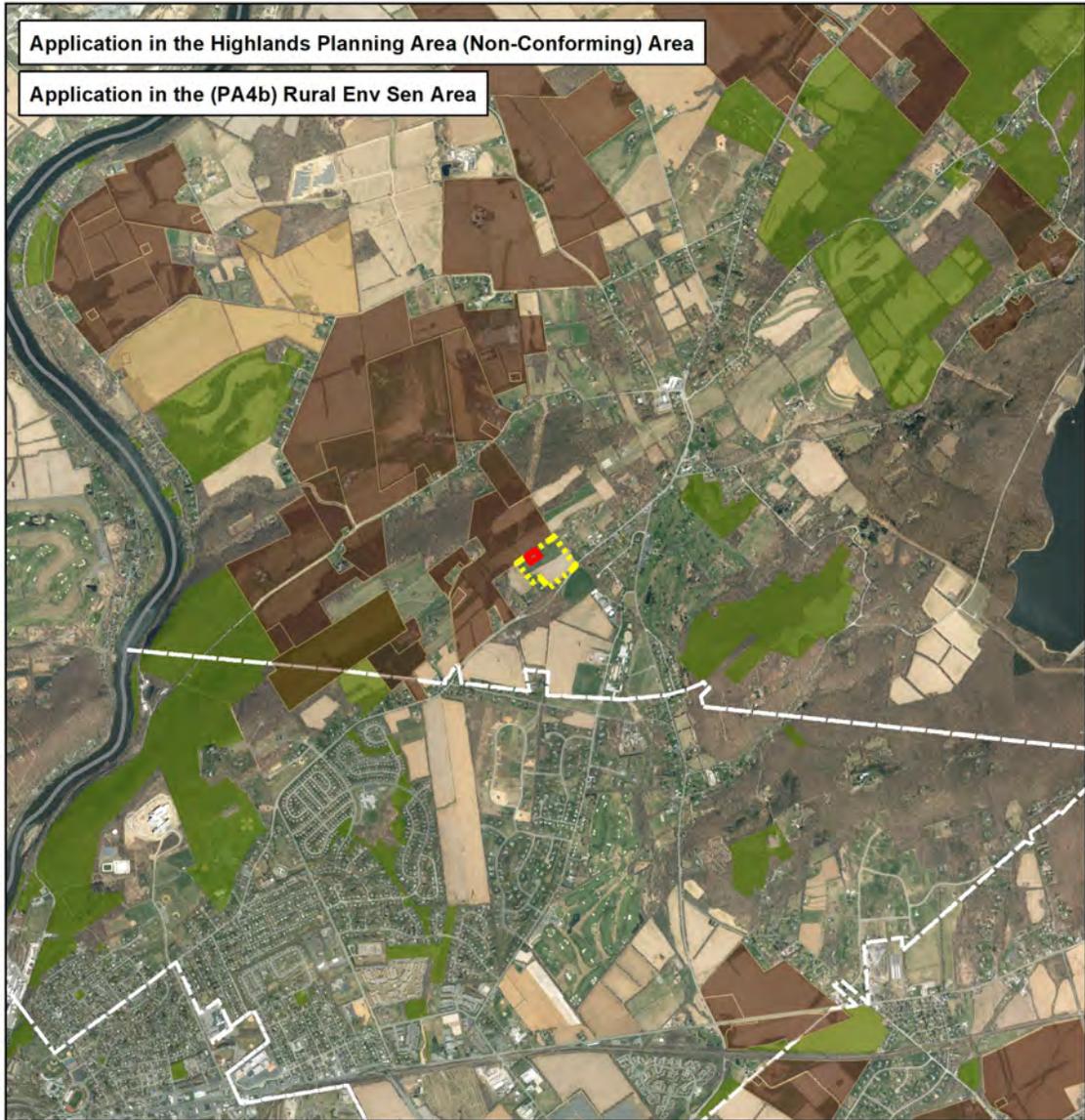


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles



X:\counties\warco\projects\Stecker, Robert L & Lynn (TLCNJ FY 21) 2mile.mxd

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

Stecker, Robert L. & Lynn (TLCNJ FY 21)
Block 33 Lots P/O 42.05 (17.8 ac);
& P/O 42.05-EN (non-severable exception - 1.0 ac)
Gross Total = 18.8 ac
Harmony Twp., Warren County



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



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

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

Wetlands

Application in the Highlands Planning Area (Non-Conforming) Area

Application in the (PA4b) Rural Env Sen Area



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Stecker, Robert L. & Lynn (TLCNJ FY 21)
Block 33 Lots P/O 42.05 (17.8 ac);
& P/O 42.05-EN (non-severable exception - 1.0 ac)
Gross Total = 18.8 ac
Harmony Twp., Warren County



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

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



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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Stecker, Robert L. & Lynn (TLCNJ FY21)
21- 0050-NP
FY 2021 Easement Purchase - Nonprofit
18 Acres

Block 33	Lot 42.05	Harmony Twp.	Warren County		
SOILS:		Other	65% *	0	= .00
		Statewide	35% *	.1	= 3.50
					SOIL SCORE: 3.50
TILLABLE SOILS:		Cropland Harvested	89% *	.15	= 13.35
		Other	1% *	0	= .00
		Woodlands	10% *	0	= .00
					TILLABLE SOILS SCORE: 13.35
FARM USE:	Hay			17 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 one (1) acres for Existing single family residence
Exception is not to be severable from Premises
Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for 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 FY2022R1(6)
FINAL REVIEW AND APPROVAL OF A NONPROFIT GRANT TO
The Land Conservancy of New Jersey
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Milanese, Barbara (TLCNJ - FY21) (“Owner”)**

FY21 Nonprofit Round – SADC #18-0015-NP

JANUARY 27, 2022

WHEREAS, on May 8, 2020, the State Agriculture Development Committee (“SADC”), received a non-profit cost share grant application from the Land Conservancy of New Jersey (TLCNJ) for the Milanese, Barbara farm identified as Block 8, Lot 17, Bedminster Township, Somerset County, totaling approximately 35.2 gross acres hereinafter referred to as “Property” (Schedule A); and

WHEREAS, the Property is in the Highlands Planning Area; and

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

WHEREAS, the original application included one (1), approximately 1.73-acre non-severable exception area for two (2) existing single-family residential units and an apartment as well as to afford future flexibility for nonagricultural uses; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.20(a)2.iii.(1), and based upon the application materials, Bedminster Township land use ordinance and prior subdivision approvals, the Property’s development potential is contingent upon the vacation of an existing apartment on the exception area, as municipal zoning does not permit more than one ancillary residential dwelling unit; and

WHEREAS, the SADC’s preliminary approval letter noted that the apartment must be vacated prior to final approval, which TLCNJ has requested be amended to allow for vacation of the apartment prior to closing; and

WHEREAS, pursuant to an agreement between the Owner and the SADC, vacating the apartment shall include removing the kitchen and shower from the bathroom and capping off the plumbing to same as a condition of closing and issuance of the SADC’s cost share grant (Schedule B); and

WHEREAS, subsequent to SADC preliminary approval, the owner requested to increase the size of the exception area to include the driveway access resulting in an approximately 2.5-acre non-severable exception area, resulting in approximately 32.7 net acres to be preserved, hereinafter referred to as “the Premises”; and

WHEREAS, the final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve

final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value; and

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

WHEREAS, the 2.5-acre non-severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land
- 2) Shall not be severed or subdivided from the Premises
- 3) Shall be limited to two (2) single-family residential units as may be permitted pursuant to applicable municipal ordinances. No additional residential units, including apartments, are permitted within the exception area.
- 4) Right-to-Farm language will be included in the Deed of Easement; and

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

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

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

WHEREAS, on September 24, 2020, the SADC granted preliminary approval by Resolution #FY2016R9(3) to TLCNJ's FY2021 Nonprofit application and appropriated \$2,148,775 for the acquisition of development easement on nine (9) farms including the Milanese farm; and

WHEREAS, at this time \$331,080 for the Giordano, Campgaw, and Stecker farms have received final approval, therefore approximately \$1,771,415 is still available to TLCNJ; 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 54.21 which is greater than 70% of the County average quality score of 51 as determined by the SADC, at the time the application was submitted; and

WHEREAS, the Owner provided a recorded deed showing that the property was originally acquired by Barbara Milanese on May 1, 2002; therefore, the property is eligible for, and must be appraised under, zoning and environmental conditions in place as of

01/01/2004 for farms in the Highlands region pursuant to N.J.S.A. 13:8B, as amended by the "Preserve New Jersey Act," P.L.2015, c.5; and

WHEREAS, pursuant to N.J.A.C. 2:76 15(b) 2., if two appraisals have been obtained on a parcel, and the difference between the two appraisal values is 10% of the higher appraisal value or less, the eligible land cost shall be the average of the appraisal values; and

WHEREAS, on July 8, 2021, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher acknowledged a Development Easement value of \$36,000 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$35,250 per acre based on current zoning and environmental regulations in place as of June 2021; and

WHEREAS, the SADC advised TLCNJ 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 TLCNJ's eligible costs and subject to available funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-15.2, on July 29, 2021, TLCNJ informed the SADC that it will accept the SADC cost share of \$18,000 per acre; and

WHEREAS, on November 23, 2021, the Board of County Commissioners entered into a Farmland Preservation Agreement with TLCNJ, and will provide 50% matching funds for the easement acquisition on the Milanese farm and agreed to accept assignment of the development easement from TLCNJ and be responsible for annual monitoring; and

WHEREAS, the cost share breakdown based on 32.7 acres is as follows:

	Total	Per/acre
SADC	\$588,600	(\$18,000/acre or 50% total cost)
<u>Somerset County</u>	<u>\$588,600</u>	<u>(\$18,000/acre or 50% total cost)</u>
Total Easement Purchase	\$1,177,200	(\$36,000/acre)

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 TLCNJ for up to 50% of the eligible ancillary costs which will be deducted from its FY21 appropriation and subject to the availability of funds; and

WHEREAS, N.J.A.C. 2:76-16.1(a)3.iii allows for the conveyance of the development easement to the Federal Government, the State, the County, or another qualifying tax exempt organization for farmland preservation purposes; and

WHEREAS, TLCNJ will assign the Deed of Easement to Somerset County immediately after closing on the Deed of Easement; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The apartment must be vacated, as described above, prior to closing and to the SADC issuing its cost share grant.

3. The SADC grants final approval to TLCNJ for the Property easement acquisition application subject to compliance with N.J.A.C. 2:76-16. The SADC conditions resolution to grant final approval on vacating on-site apartment
4. The SADC approves the assignment of the Deed of Easement from TLCNJ to Somerset County provided the SADC reviews and approves in advance all documentation to accomplish the assignment including, but not limited to, review of survey, title, and assignment document.
5. The SADC shall provide a cost share grant not to exceed \$18,000 per acre (total of approximately \$588,600 based on 32.7 acres) to TLCNJ for the development easement acquisition on the Premises, subject to the availability of funds.
6. The application is subject to the conditions contained in (Schedule C).
7. 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.
8. The SADC's cost share grant to TLCNJ for the development easement purchase on the Premises shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses
9. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.
10. The SADC authorizes Douglas Fisher, Secretary of Agriculture as Chairperson of the SADC or Executive Director Susan E. Payne to execute all documents necessary to provide a grant to TLCNJ for the acquisition of a development easement on the Property.
11. All survey, title and all additional documents required for closing shall be subject to review and approval by the SADC.
12. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
13. This action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

___1/27/2022___
Date

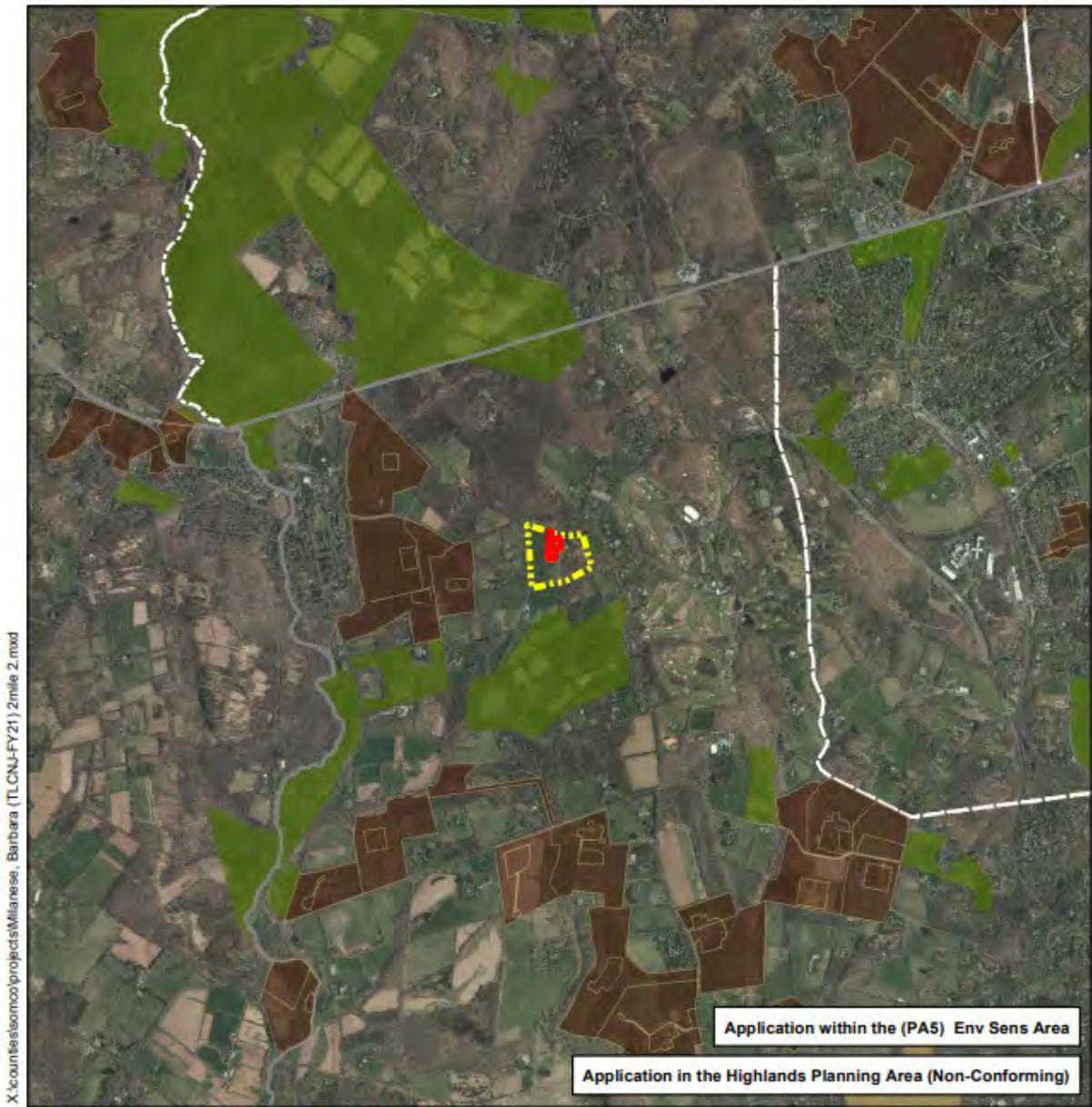


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

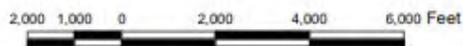
Preserved Farms and Active Applications Within Two Miles



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Milanese, Barbara (TLCNJ - FY 21)
Block 8 Lots P/O 17 (32.7 ac);
& P/O 17-EN (non-severable exception - 2.5 ac)
Gross Total = 35.2 ac
Bedminster Twp., Somerset County



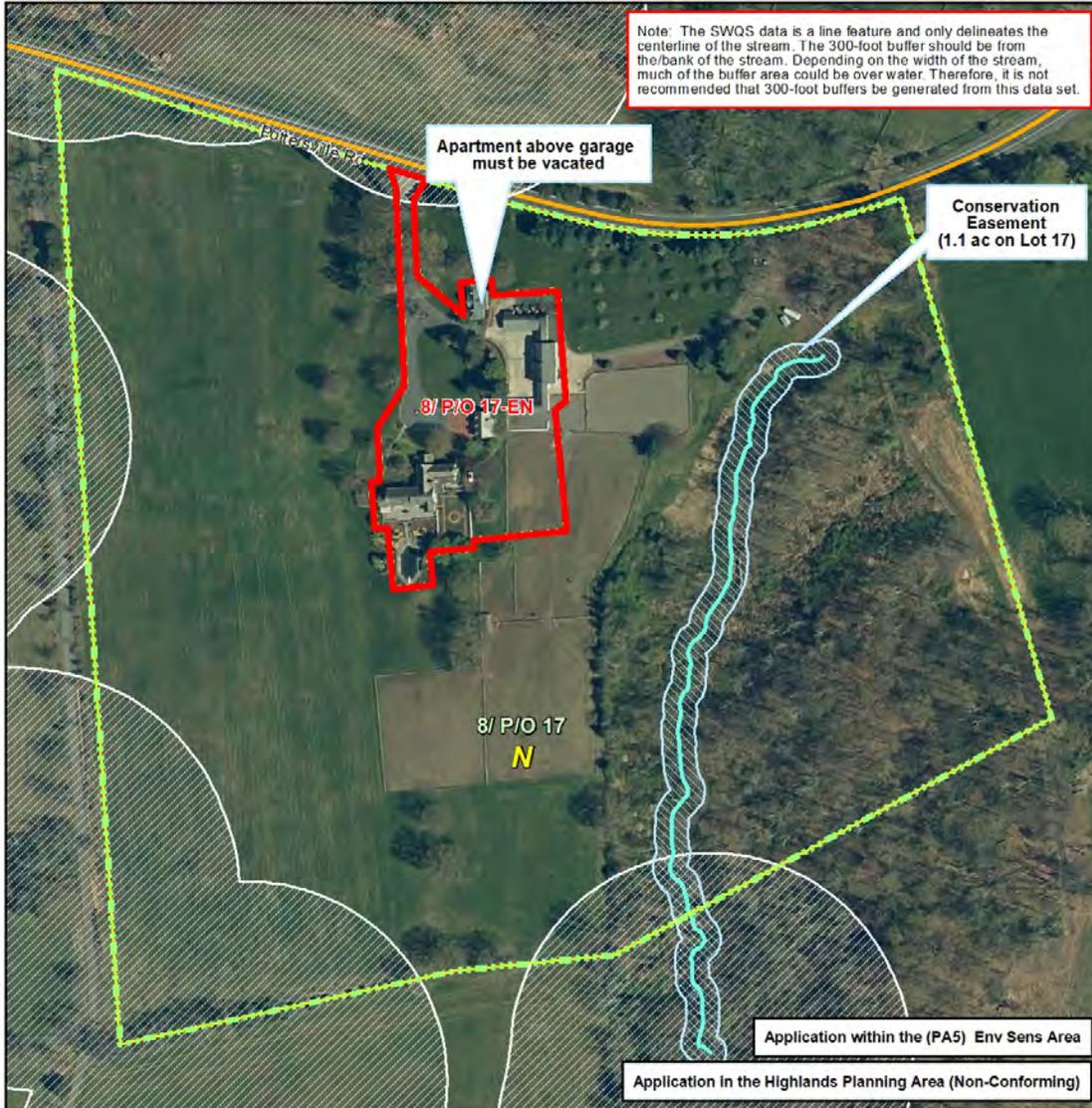
	Property In Question
	Exceptions
	Preserved Easements
	Transfer Development Rights (TDR) Preserved: Highlands, Pinelands and Municipal
	Active Applications
	County Boundaries
	Municipal Boundaries
	Municipal, County and Non-Profit Preserved Open Space, State Owned Conservation Easements, & State Owned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



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

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

Wetlands



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Milanese, Barbara (TLCNJ - FY 21)
Block B Lots P/O 17 (32.7 ac);
& P/O 17-EN (non-severable exception - 2.5 ac)
Gross Total = 35.2 ac
Bedminster Twp., Somerset County



Sources: NJ Farmland Preservation Program
NJDEP Streams & Wetlands Data
NJ Highlands Council Data
NJOT/OGIS 2020 Digital Aerial Image

DISCLAIMER Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The 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.

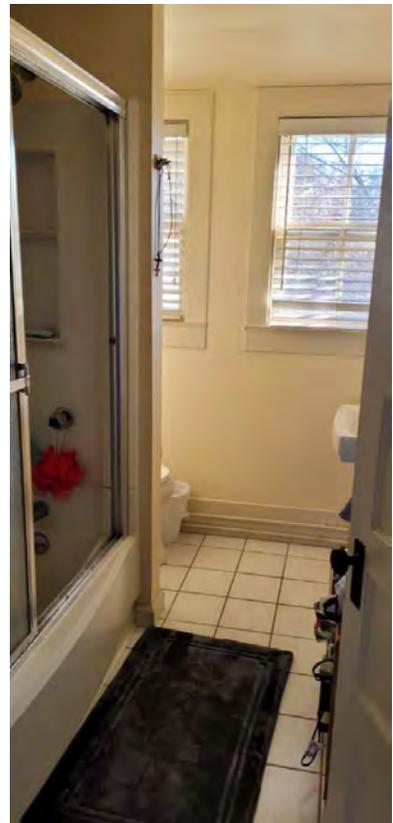
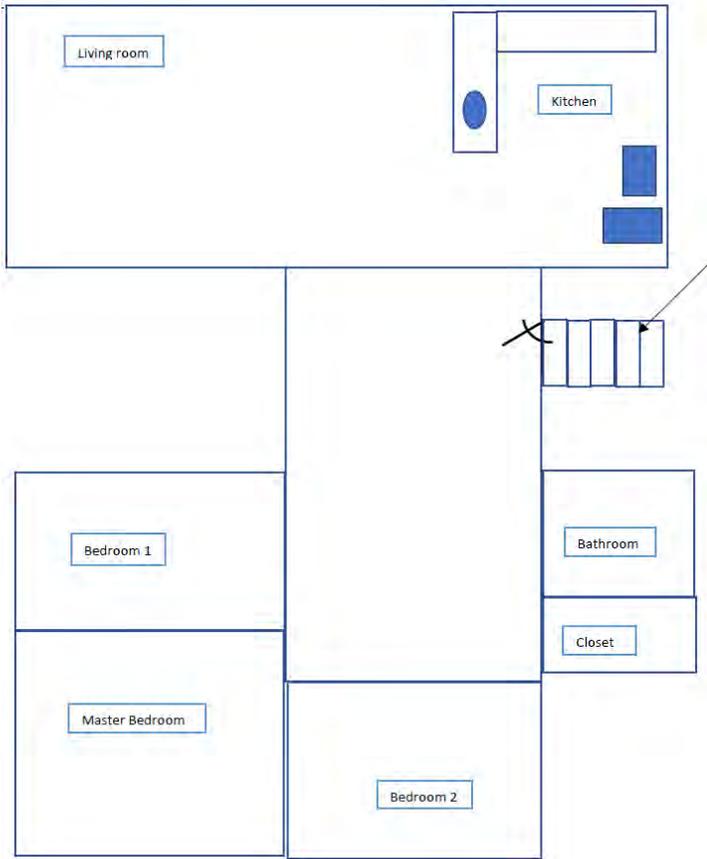


Wetlands Legend:
F - Freshwater Wetlands
L - Linear Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Non-Wetlands
B - 300' Buffer
W - Water

November 15, 2021

Disclaimer: 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/pis/ateshp.html> for updated information.

Schedule B



State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Milanese, Barbara (TLCNJ FY 21)

18- 0015-NP

FY 2021 Easement Purchase - Nonprofit

33 Acres

Block 8	Lot 17	Bedminster Twp.	Somerset County		
SOILS:		Other	13%	*	0 = .00
		Prime	13%	*	.15 = .15
		Statewide	86%	*	.11 = 8.60
					SOIL SCORE: 8.75
TILLABLE SOILS:		Cropland Harvested	56%	*	.15 = 8.40
		Other	11%	*	0 = .00
		Woodlands	33%	*	0 = .00
					TILLABLE SOILS SCORE: 8.40
FARM USE:	Hay		15 acres		
	Deciduous Tree Fruit		7 acres		Apples

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 (2.5) acres for Surrounding SFR and other bldgs
Exception is not to be severable from Premises
 - c. Additional Restrictions:
 1. Vacating the apartment shall include removing the kitchen and shower from the bathroom and capping off the plumbing to same as a condition of closing and issuance of the SADC's cost share grant
 2. The exception area shall be limited to two (2) single-family residential units as may be permitted pursuant to applicable municipal ordinances. No additional residential units, including apartments, are permitted within the exception area.
 - 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 FY2022R1(7)
FINAL REVIEW AND APPROVAL OF A NONPROFIT GRANT TO
Monmouth Conservation Foundation (MCF)
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Stivala, Michael, Jr., & Eileen Sionas (“Owners”)**

FY21 and FY22 Nonprofit Rounds - SADC #13-0019-NP

JANUARY 27, 2022

WHEREAS, on March 24, 2020, the State Agriculture Development Committee (“SADC”), received a non-profit cost share grant application from MCF for the Stivala farm identified as Block 7.30, Lot 3.18, Colts Neck Township, Monmouth County, totaling approximately 18.664 gross survey acres hereinafter referred to as “Property” (Schedule A); and

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

WHEREAS, the Premises includes one (1), approximately 1-acre non-severable exception area for one (1) existing single family residential unit, one (1) garage apartment, and to afford future flexibility for nonagricultural uses and one (1), approximately 3-acre severable exception area for future flexibility but with zero (0) single family residential opportunities resulting in approximately 14.664 net survey acres to be preserved, hereinafter referred to as “the Premises”; and

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

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

WHEREAS, the 1-acre non-severable exception area:

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

WHEREAS, the 3-acre severable exception area:

- 1) Shall not be moved to another portion of the Premises and shall not be swapped with other land

- 2) May be severed or subdivided from the Premises
- 3) Shall be limited to zero (0) single family residential units
- 4) Access must be established prior to closing or deemed unnecessary due to the Greenway connectivity; and

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

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

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

WHEREAS, on September 24, 2020, the SADC granted preliminary approval by Resolution #FY2021R9(3) to the MCF's FY2021 Nonprofit application and appropriated \$286,500 for the acquisition of development easement on this farm; 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 62.54 which is greater than 70% of the County average quality score of 49 as determined by the SADC, at the time the application was submitted; and

WHEREAS, pursuant to N.J.A.C. 2:76 15(b) 2., if two appraisals have been obtained on a parcel, and the difference between the two appraisal values is 10% of the higher appraisal value or less, the eligible land cost shall be the average of the appraisal values; and

WHEREAS, on March 24, 2021 the SADC acknowledged the development easement value of the Premises to be \$48,250 per acre based on current zoning and environmental regulations in place as of November 4, 2020; and

WHEREAS, the SADC advised MCF of the average easement 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 MCF's eligible costs and subject to available funds, however, based on the SADC's approval for MCF's FY2021 grant, there was a shortfall of funding to provide the 50% grant; and

WHEREAS, pursuant to N.J.A.C. 2:76-15.3, MCF requested additional funds through the Nonprofit FY 2022 round; and

WHEREAS, on October 28, 2021, the SADC granted preliminary approval by Resolution #FY2022R10(1) to the MCF's FY2022 Nonprofit application and appropriated an additional \$65,680 for the acquisition of development easement on this farm; and

WHEREAS, at this time none of the appropriated money from FY2021 (\$286,500) and FY2022 (\$65,680) has been encumbered; and

WHEREAS, this final approval is conditioned upon establishing access to the 3-acre severable exception area prior to closing or the SADC deeming it unnecessary due to the Greenway connectivity; and

WHEREAS, pursuant to N.J.A.C. 2:76-15.2, on April 11, 2021, MCF informed the SADC that it will accept the SADC cost share of \$24,125 per acre; and

WHEREAS, on April 22, 2021, MCF passed a resolution granting final approval and a commitment of funding for \$6,031.25 per acre; and

WHEREAS, on May 12, 2021, the Colts Neck Township Committee approved the application for the sale of development easement and a funding commitment of \$6,031.25 per acre; and

WHEREAS, on May 27, 2021, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$12,062.50 per acre; and

WHEREAS, the survey shows a 1.625-acre conservation easement to Colts Neck Township on the Premises that the SADC will encumber, but not pay on since the terms are not consistent with the farmland preservation deed of easement, resulting in 13.039 net survey acres to be preserved; and

WHEREAS, the cost share breakdown based on 13.039 acres is as follows:

	<u>Total</u>	<u>Per/acre</u>
SADC	\$314,565.88	(\$24,125/acre or 50% total cost)
Monmouth County	\$157,282.94	(\$12,062.50/acre or 25% total cost)
Colts Neck Twp.	\$ 78,641.47	(\$6,031.25/acre or 12.5% total cost)
MCF	\$ 78,641.46	(\$6,031.25/acre or 12.5% total cost)
Total Easement Purchase	\$629,131.75	(\$48,250/acre)

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 MCF for up to 50% of the eligible ancillary costs which will be deducted from its FY2021 and FY2022 appropriations and subject to the availability of funds; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to MCF for the Property easement acquisition application subject to compliance with N.J.A.C. 2:76-16.
3. This final approval is conditioned upon establishing access to the 3-acre severable exception area prior to closing or the SADC deeming it unnecessary due to the Greenway connectivity
4. The SADC shall provide a cost share grant not to exceed \$24,125 per acre (total of approximately \$314,565.88 based on 13.039 acres) to MCF for the development easement acquisition on the Premises, subject to the availability of funds.
5. The application is subject to the conditions contained in (Schedule B).
6. 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.

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

1/27/2022
Date

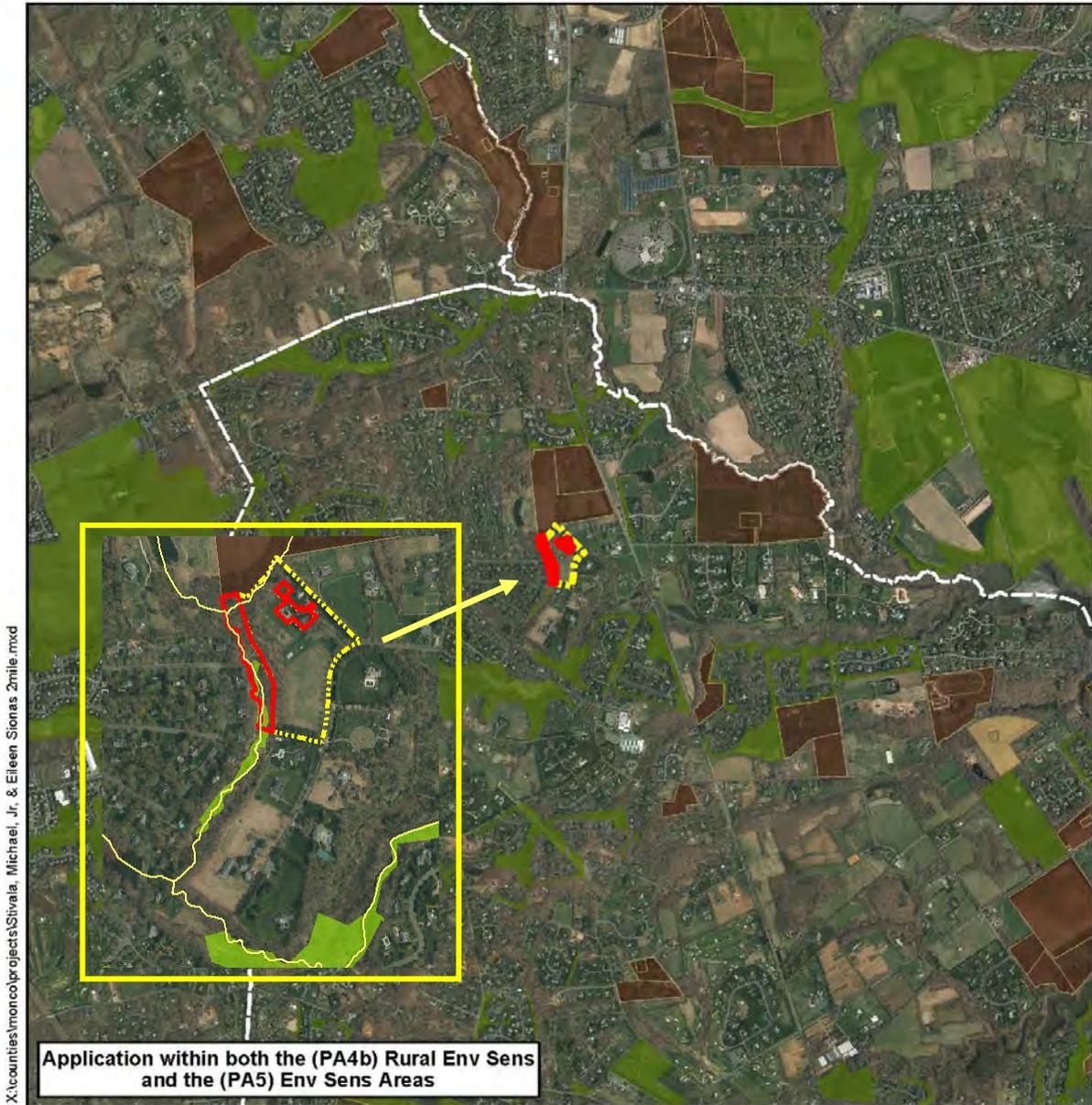


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Preserved Farms and Active Applications Within Two Miles



X:\counties\monco\projects\Stivala, Michael, Jr. & Eileen Sionas 2mile.mxd

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

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Stivala, Michael, Jr., & Eileen Sionas
Block 7.30 Lots P/O 3.18 (14.65 ac);
P/O 3.18-ES (severable exception - 3.01 ac);
& P/O 3.18-EN (non-severable exception - 1.0 ac)
Gross Total = 18.67 ac
Colts Neck Twp., Monmouth County



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



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJOTD/GIS 2016 Digital Aerial Image

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

Wetlands



X:\counties\monco\projects\Stivala, Michael, Jr., Survey\730.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Stivala, Michael, Jr., & Eileen Sionas
Block 7.30 Lots P/O 3.18 (14,664 ac);
P/O 3.18-ES (severable exception - 3.0 ac);
& P/O 3.18-EN (non-severable exception - 1.0 ac)
Gross Total = 18,664 ac
Colts Neck Twp., Monmouth County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
Protected Areas Database of the United States (PAD-US)
NJDEP Wetlands Data
NJOTICIS 2015 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 file 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.



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

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

November 19, 2021

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Stivala, Michael, Jr., & Eileen Sionas
13- 0019-NP
FY 2021 Easement Purchase - Nonprofit
14 Acres

Block 7.30	Lot 3.18	Colts Neck Twp.	Monmouth County	
SOILS:		Other	11% * 0	= .00
		Prime	72% * .15	= 10.80
		Statewide	17% * .11	= 1.70
				SOIL SCORE: 12.50
TILLABLE SOILS:		Cropland Harvested	60% * .15	= 9.00
		Wetlands/Water	20% * 0	= .00
		Woodlands	20% * 0	= .00
				TILLABLE SOILS SCORE: 9.00
FARM USE:		Vegetable & Melons	13 acres	
		General Prime Livestock & Animal	5 acres	Alpacas

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 one (1) acres for Around existing residence, pool & other buildings
Exception is not to be severable from Premises
Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
 - 2nd three (3) acres for Expansion of municipal greenway along C-1 stream
Exception is severable
Exception is to be limited to zero existing single family residential unit(s) and zero future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: 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.