

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

March 24, 2022

Secretary Fisher called the meeting to order at 9:06 a.m.

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

Roll call indicated the following:

Members Present

Chairman Fisher

Martin Bullock

Scott Ellis

Pete Johnson

Roger Kumpel, Alternate Farmer Member, substituting for Richard Norz

James Waltman

Gina Fischetti

Renee Jones

Julie Krause

Members Absent

Denis Germano

Richard Norz

Brian Schilling

Susan E. Payne, Executive Director

Jason Stypinski, Esq., Deputy Attorney General

Minutes

SADC Regular Meeting of February 24, 2022 (Open and Closed Session)

It was moved by Mr. Waltman and seconded by Mr. Ellis to approve the Open and Closed Session minutes of the SADC regular meeting of February 24, 2022. Mr. Kumpel, Ms. Jones, and Mr. Johnson abstained from the vote. A roll call vote was taken. The motion was unanimously approved by the remaining members.

Report of the Chairman

Secretary Fisher welcomed everyone to the new building of the Department of Agriculture and the SADC and invited the attendees to take a tour of the new modern office space after the meeting. He stated that the agency is looking into setting up a virtual option in addition to the in-person meeting for next month. He noted that with remote meetings more public participation occurs as people can log on at home to listen or watch.

Report of the Executive Director

Ms. Payne stated that it is very nice seeing everyone in person and that she is very excited to be in the new building. Ms. Payne thanked Secretary Fisher and his staff for their hard work in finding a new office location. She confirmed that staff is working on outfitting the conference room to support a hybrid monthly meeting. She spoke of the importance of CADB administrators being able to log on remotely and stated that staff is exploring dual participation with remote participants for the next meeting.

Ms. Payne stated that the deed of easement subcommittee will be meeting soon to discuss the draft soil protection standards. Depending on how the meeting goes, the first draft of the soil protection rules may be before the committee in April.

Ms. Payne stated that the SADC and one other division within the Department of Agriculture will be going through an audit. The NJ Office of Legislative Services periodically conducts audits for all state agencies and departments. She noted that staff met with the auditors this week and will furnish them whatever materials they need. She said that staff looks forward to the auditors' conclusions.

Ms. Payne stated that the delegation reports, certifications of value and the litigation spreadsheet are included in the meeting materials for the committee's review. She noted that there is no closed session on the agenda for today, but the committee can ask questions of Mr. Stypinski in a closed session if necessary to discuss any agenda items.

Public Comment

There was no public comment.

New Business

A. Stewardship

Note: Mr. Bullock and Ms. Jones are recused on this matter.

- 1. House Replacement Request – WP Hillsborough, LLC
Block 16, Lot 10, Upper Freehold Twp., Monmouth Co.
SADC ID # 13-0030-EP**

Mr. Willmott stated that the subject 186.72-acre farm was preserved by the Monmouth County Agriculture Development Board (MCADB) in 1996 with a cost-share grant from the SADC. The landowners at the time of preservation were Albert & Dorothy Punk. Under the Deed of Easement (DOE), there are no exception areas, no agricultural labor housing, and no residual

dwelling site opportunities (RDSO's) allocated to the premises. At the time of preservation, one single-family residential unit was located on the premises, which was demolished in 1997. There is no size limit governing the potential single-family residential unit in the DOE.

The property was purchased by William Perretti in 1997 who transferred it in 2007 to the current owner, WP Hillsborough, LLC, of which Mr. Perretti was a member. Currently, the farm is in equine production with the majority of the ground in hay and pastureland, with two stables.

On February 2, 2022, the SADC received a request from the MCADB on behalf of the contract purchaser, Dr. Mouner Amer, to construct a single-family residence on the premises for himself and his family. The DOE addresses the replacement of the single-family residence as follows: "The grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except as follows: to construct a single-family residential building anywhere on the premises in order to replace any single-family residential building in existence at the time of conveyance of this DOE but only with the approval of the Grantee and Committee." The applicant's request was approved by the Grantee, the MCADB, at its February meeting.

Mr. Willmott described in detail the proposed construction of a new house. The proposed residence is a three-story, five-bedroom home, consisting of 6,231 square feet of heated living space, an unfinished basement, an attached 1,080 square foot 3-car garage and an attached 1,750 square foot indoor pool room, which will contain a bathroom, mechanical room, and storage area. In addition, the application indicates the proposed residence will include an approximately 657 square foot attached greenhouse with a retractable roof and pervious floor.

The applicant has indicated this location was chosen because it is as close to the road as possible without impacting the 300-foot stream buffers. The existing power line would be used for electric hook up and a new gas line would be run from the road. The applicant did not propose to improve the driveway. The original request proposed a detached 3,000 square foot pool house, but the MCADB denied the request at its December meeting because it determined that the proposed pool house could constitute a separate residential structure, thereby creating two residential structures on the premises, which is not permitted under the DOE. In the applicant's revised request, the pool was attached to the main house thereby reducing the number of structures in the proposal from two to one, but increasing the overall size of the proposed residence.

The applicant and his family plan to continue to keep the majority of the farm in equine production, which will include breeding, raising broodmares and yearlings, and boarding horses as a service activity. They intend to hire the current farm manager and the current tenant farmer. In addition, they plan to raise livestock such as sheep, goats, chickens, ducks, and geese.

Mr. Willmott stated that as a condition of its approval, the MCADB is requiring an access easement across lot 10.02 to the main road be granted and recorded benefiting the premises. The applicant is also under contract to buy adjoining lot 10.02 and is agreeable to this condition. If approval is otherwise granted to this request, SADC staff recommends formal access across lot 10.02 be memorialized prior to the sale of the land underlying the premises.

Mr. Willmott explained this proposal is considered “major development” as defined by New Jersey’s Stormwater Management rules. He stated the applicant does show consideration for stormwater management infrastructure in the proposed house plans and has agreed to comply with the applicable requirements, but nothing has been designed at this time for compliance purposes. If the house replacement request is approved, staff recommends that review and approval of the stormwater plans, for compliance with state stormwater standards, be a condition of approval.

Mr. Willmott stated that the committee has historically had an unfavorable view of very large homes being built on preserved farms, regardless of their designation as either pre-existing single-family units or RDSOs, due to the impact on farmland affordability generally. To date, the largest single-family residence ever approved was 6,500 square feet. While there is no clear regulatory provision or easement restriction limiting the size of house replacements, the committee itself has been placing house size limits of 3,500 to 4,500 square feet on residences associated with its own fee simple farms for approximately 20 years. Mr. Willmott stated that the applicant and his attorney are present today if the committee has any questions for them.

Chairman Fisher invited the applicant and his lawyer to make a statement if they chose to do so. Mr. Pape, Dr. Amer’s attorney, stated that Mr. Willmott did an excellent job of presenting an overview of the facts and clarified that Dr. Amer is the contract purchaser for the adjoiner lots, one of which would grant an access easement to the preserved farm. Mr. Pape stated that Dr. Amer was the contract purchaser on this property for two years and one of his due diligence items is to make sure that he can build his residence, which is why they are here today. Ms. Payne stated that she wants to make sure the farm access easement is completed before the initial transaction is completed and Mr. Pape and Dr. Amer agreed to that.

Chairman Fisher asked what the intention is for the breeding operation. Dr. Amer stated that he grew up on a farm and one of his brothers will be breeding horses with the help of the current farm manager. Mr. Jim Bafara, realtor, who spoke on behalf of Dr. Amer, stated that Dr. Amer is looking to keep the farm the way it was when Mr. Perretti owned it. Mr. Tom Eshenbrenner spoke on behalf of Dr. Amer and stated that Dr. Amer will possibly use his stalls and barns to house horses which is very necessary in that area and everyone is excited for this project to work. Mr. Kumpel asked how many horses will be housed, to which Mr. Bafara responded 75 to 100 horses.

Ms. Payne stated that the committee needs to indicate whether they support the application, and if so, a resolution will be brought back before the committee at the next meeting. Chairman Fisher asked the committee if they were okay with moving forward with this application based on what they heard today. Mr. Ellis asked what staff feels about the house size. Chairman Fisher stated that historically the committee was not in favor of large house sizes, but this is a large property with a farming operation which appears to be moving forward and there are no restrictions explicitly limiting the house size.

Ms. Payne stated that in light of recent pressure to build large, expensive residential units on preserved farms becoming a regular SADC agenda topic, the committee needs to give staff direction on whether it wishes staff to develop regulations on the topic to guide future housing requests.

Chairman Fisher asked the committee members if they are okay with the applicant's plans as they have been presented? Mr. Waltman stated that the house size is too large and undermines the value of the interest in farmland affordability. He pointed out that this home needs its own stormwater management system, which indicates that it is too large, and thinks that program house size limitations should be put into place. Mr. Waltman stated that even if the agency does not have rules or policies written down, the agency does have the ability to use discretion on a case by case to reject housing proposals that are too large and would undermine the program.

Mr. Kumpel agrees that the house is very large, but also feels that there is a market for such construction, even in the farming industry. He stated that in this situation, where there are no regulations in place that say the applicant cannot build this size of a home, voting against it could cause a legal challenge to the committee. Ms. Fischetti asked what the impact on property taxes would be. Ms. Payne stated that they would be substantial based on the size of the house being proposed. Ms. Fischetti stated that she can see both sides of this and she is in favor of staff looking into forming regulations and understands that it's difficult for the committee to say no to an applicant with no regulations in place.

Mr. Waltman stated that if, for instance, a 50,000 square foot home were proposed, the committee would have the discretion and authority to reject it as it has with a 10,000 square foot home. Mr. Waltman asked counsel if a rejection establishes a standard and what authority they may have. Mr. Stypinski stated that Mr. Waltman was asking for legal advice and suggested that question be answered in closed session. Ms. Krause stated she agreed with Mr. Kumpel and being that there is no standard in place today, she does not feel comfortable exercising discretionary authority on this application. Ms. Payne suggested tabling this now, then discussing it further in closed session to get advice from counsel. The committee agreed to table the matter until after it is able to receive legal advice from DAG Stypinski in closed session.

**2. Resolution: House Replacement Request- Brian & Sabrina Grochowicz Farm
Block 44, Lot 6, Bethlehem Twp., Hunterdon Co.
SADC ID# 10-0017-PG**

Mr. Willmott reviewed a draft resolution approving a proposed replacement of the existing, occupied 2,400 square foot single family structure on the Brian & Sabrina Grochowicz Farm with a new 3,000 square foot home within the existing farmstead complex. The new home will be occupied by the owner of the property, a fourth-generation farmer, and his family. Mr. Willmott stated that staff finds that replacing the old residence with a new one will have a positive impact on the agricultural operations on the farm and recommends approval of this house replacement request.

It was moved by Mr. Kumpel and seconded by Mr. Ellis to approve Resolution FY2022R3(1), for a House Replacement request for the Brian and Sabrina Grochowicz Farm, presented, subject to any conditions of said resolution.

Brian and Sabrina Grochowicz,
SADC ID #10-0017-PG
Block 44, Lot 6
Bethlehem Township, Hunterdon County
118.86 Acres

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2022R3(1) is attached to and a part of these minutes.

**3. Resolution: Agricultural Labor Housing- Tucker Farms, LLC
Block 100, Lot 1.01, North Hanover Twp., Burlington Co.
SADC ID# 03-0024-DE**

Mr. Willmott reviewed a draft resolution providing retroactive approval to a mobile home unit used for housing agricultural labor on a large flower cut operation, Tucker Farms, LLC. He stated that staff recommends approval of the request and the farm manager, John Diot, is present if the committee has any questions for him.

Chairman Fisher asked the committee if they had questions or comments. Mr. Kumpel stated that he saw in the application that a septic tank and well were installed and asked if the proper permits were received. Mr. Diot stated that all plumping permits were received, and the town did approve it.

It was moved by Mr. Johnson and seconded by Mr. Kumpel to approve Resolution FY2022R3(2), for Agricultural Labor Housing for Tucker Farms, LLC, presented, subject to any conditions of said resolution.

Tucker Farms, LLC
Block 100, Lot 1.01
North Hanover Township, Burlington County
111.55 Acres
SADC ID#03-0024-DE

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2022R3(2) is attached to and a part of these minutes.

**4. Review of Activities on a Preserved Farm- Hern Farm
Block 24, Lot 4.01, Wantage Twp., Sussex Co.
SADC ID# 19-0019-EP / 19-0213-EP**

Mr. Roohr stated that at its February 2022 meeting, the SADC reviewed the concept of a post-closing conversion of a severable exception area to a non-severable exception area based on the committee's ability to accept a donation of property rights from a landowner.

Mr. Roohr presented the details of the requested conversion of the exception area on the Hern Farm from a severable exception area to a non-severable exception area in order to enable the construction of a 2,500 square foot single family residence within the exception area along with the necessary associated stormwater management facilities.

Mr. Roohr stated the question becomes if a severable exception area can be converted to a non-severable exception area to allow Mr. Hern to build storm water management structures outside of the designated exception area based on the SADC's stormwater policy, P-51. The conversion from severable to non-severable would allow Mr. Hern to place stormwater facilities outside of the exception area and use an existing farm driveway to access the exception area, which also reduces the stormwater management requirements. Mr. Hern had been working with engineers and if the committee approved this request, all conditions could be accommodated in the revised stormwater designs. Mr. Roohr stated that staff recommends approval of the request. Mr. Waltman asked if the "tail" of the current exception area could be extinguished and preserved since it would no longer be needed as access to the exception area. Mr. Hern stated he was willing to donate that portion back to the program if it is possible.

The committee agreed to approve the request to redesignate the severable exception to a non-severable exception, and that it would need to receive and approve final designs to make sure that it complies with the policies of the program.

It was moved by Mr. Bullock and seconded by Ms. Jones to approve the conversion of a severable exception to a non-severable exception area for the Hern Farm, LLC, as presented, subject to any conditions. Mr. Waltman suggested an amendment to the motion to extinguish the "tail" of the current exception if it is legally feasible. Mr. Bullock and Ms. Jones approved the amendment.

Hern Farm
Block 24, Lot 4.01
Wantage Township, Sussex County
56 Acres
SADC ID#19-0019-EP/19-0213-EP

A roll call vote was taken. The motion was unanimously approved.

B. Resolution: Final Approval – Municipal PIG Program

Ms. Roberts referred the committee to a request for final approval under the Municipal PIG 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. Kumpel and seconded by Ms. Fischetti to approve Resolution FY2022R3(3) granting approval to the following application under the Municipal PIG Program, as presented, subject to any condition of said resolution.

1. Russell Pittenger, SADC ID#19-0052-PG, FY2022R3(3), Block 19, Lot 10, Green Township, Sussex County, 33.290 acres.

A roll call vote was taken. The motion was unanimously approved. A copy of Resolution FY2022R3(3) is attached to and a part of these minutes.

Public Comment

Ms. Patricia Springwell from Hunterdon County commented on the issue of house replacement and encouraged the committee to immediately create standards for house replacements. Ms.

Springwell stated the committee has a responsibility to protect farmland and believes the deed of easement language allows the committee to exercise discretion in the location and size of these house replacements.

Ms. Payne stated that public agencies cannot be arbitrary and capricious in their decision making. The DOE and the SADC regulations contemplate the SADC's review and approval and that's why the Attorney General's Office has advised the Committee to adopt regulations setting forth standards that are used to evaluate applications. There is some discretion, but if the parameters are not expressed, that would cause more of a challenge in court.

Ms. Springwell stated that the applicants are being careless, misusing the land, and "McMansions" are being placed on farmland where supportive taxpayers expected their tax dollars to be spent to preserve the integrity of the farm and soils. She warned that placing large scale houses in the middle of fertile farmland makes it hard for the next farmer to purchase the land because of the affordability issue created by that house and its location affects the viability of the farm. She stated her concern for farmland and its preservation and asked the committee to remember its responsibilities.

Chairman Fisher thanked Ms. Springwell for her passionate comments today.

Mr. Kumpel commented that Burlington County has run into an issue with funding their cooperative extension activities associated with the land grant college. He stated that the governing body feels that land grants are not important, which implies that farmers are not important, and this is one of the worst issues that have been dealt with in Burlington County. He stated that this is a serious issue that needs to be addressed. Chairman Fisher thanked Mr. Kumpel for bringing this to the committee's attention.

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 and any matters falling within the attorney-client privilege. The minutes of such meeting shall remain confidential until the Committee determines the need for confidentiality no longer exists.

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

ACTION AS A RESULT OF CLOSED SESSION

NOTE: Renee Jones and Martin Bullock are recused from this matter

Chairman Fisher stated that the committee is going to take action on the House Replacement Request for WP Hillsborough, LLC and asked if there is a motion to approve this application.

It was moved by Mr. Kumpel and Mr. Johnson to approve the application and have a memorializing resolution prepared for the April SADC meeting.

Mr. Waltman commented that this application is not just talking about a 6,200 square foot home, but rather a 6,200 square foot home with a 1,750 square foot attached indoor pool and 1,000 square foot attached garage. He stated that he does not think this application is analogous to the last application that was approved by the committee that was 6,500 square feet as it did not have an indoor pool attached to it.

A roll call vote was taken. Mr. Waltman voted against the motion. All other members voted to approve the motion. The motion was approved.

Chairman Fisher stated that this application is approved but there is action that has to take place formally at the next meeting to memorialize the resolution. Ms. Payne stated at the next meeting the SADC will have a resolution on the agenda that will spell out all the specifics that were discussed today approving the project. The committee will then vote on that official resolution. Chairman Fisher stated that the equine operation sounds like it's going to be a great operation.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., April 28, 2022

Location: 200 Riverview Plaza, Trenton NJ

ADJOURNMENT

The meeting was adjourned at 11:35 a.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2022R3(1)**

Request to Replace a Single-Family Residence

Brian & Sabrina Grochowicz Farm

March 24, 2022

Subject Property:

**Block 44, Lot 6
Bethlehem Township, Hunterdon County
118.86 Acres
SADC ID# 10-0017-PG**

WHEREAS, Brian & Sabrina Grochowicz, hereinafter "Owners," are the current record owners of Block 44, Lot 6, in Bethlehem Township, Hunterdon County, by deed dated November 1, 2021, and recorded in the Hunterdon County Clerk's office in Deed Book 2551, Page 297, totaling approximately 118.86 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 Township of Bethlehem on July 31, 2001, by George A. Bunting, pursuant to the Agriculture Retention and Development Act (ARDA), N.J.S.A. 4:1C-11, et seq. as a Deed of Easement recorded in the Hunterdon County Clerk's Office on August 10, 2001, in Deed Book 2016, Page 262; and

WHEREAS, the development easement on the Premises was assigned to the County of Hunterdon on November 16, 2004, by the Township of Bethlehem through the Assignment of Deed of Easement recorded in the Hunterdon County Clerk's office on January 3, 2005, in Deed Book 2111, Page 748; and

WHEREAS, the SADC provided a cost share grant to the County, as evidenced by cost sharing grant agreement recorded in the Hunterdon County Clerk's office on January 3, 2005, in Deed Book 2111, Page 774, thereby enrolling the Deed of Easement in the ARDA program as administered by the SADC; and

WHEREAS, the Deed of Easement identifies one (1) existing single-family residence, no agricultural labor units, no Residual Dwelling Site Opportunities, and no exception areas; and

WHEREAS, the Owners are currently living in the single-family residence on the Premises; and

WHEREAS, the SADC received a request from the Hunterdon County Agriculture Development Board (CADB), on behalf of the Owners, to replace the existing single-family residence on the Premises, as shown in Schedule "A"; and

WHEREAS, the Owners propose to demolish the approximately 2,400 sq./ft., two-story, frame single-family residence at 21 Pheasant Ridge, built in 1890, as shown on

Schedule "B", because it was determined that it would be cost prohibitive to renovate & remodel the home; and

WHEREAS, paragraph 14ii of the Deed of Easement allows for the replacement of any existing residential building anywhere on the Premises with the approval of the Grantee (Hunterdon CADB) and the Committee; and

WHEREAS, SADC Staff received confirmation from the State Historic Preservation office that the residence is not listed on the New Jersey & National Registers of Historic Places; and

WHEREAS, the Owners propose to construct a new, single-story, 3-bedroom, no basement, single-family residence of up to 3,000 sq./ft. of heated living space, hereinafter referred to as the "Proposed Residence", to be used as a residence for themselves and their family, in the location shown on Schedule "A"; and

WHEREAS, the Proposed Residence will be built east of the existing residence and within the existing farmstead complex; and

WHEREAS, the Owners plan to remove the three frame barns and a shed because they are in a state of disrepair; and

WHEREAS, the Proposed Residence will require the installation of a new septic system as shown in Schedule "A"; and

WHEREAS, the existing utilities will service the Proposed Residence; and

WHEREAS, the existing driveway will be extended approximately 150 feet for access to the Proposed Residence; and

WHEREAS, Brian Grochowicz is a 4th generation farmer who has been farming with his family's agricultural operation his entire life; and

WHEREAS, this is the first farm the Owners will own individually; and

WHEREAS, since acquiring the Premise the Owners have done work to increase the agricultural productivity of the farm by cleaning up overgrown hedge rows and renovating neglected fields on the Premises; and

WHEREAS, the Owners plan to farm the property in a corn/soy/wheat crop rotation; and

WHEREAS, at its February 10, 2022, meeting, the Hunterdon CADB approved the Owners' request to replace a residence on the Premises.

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 single-family residence on the Premises with a new residence will have a positive impact on the continued agricultural operations of this farm by the construction of a new home which shall serve as the primary residence for the Owners who farm the property.
3. The Committee approves the construction of a new single-family residence at 3,000 sq./ft. of heated living space, without a basement, along with a new septic on the Premises as shown in Schedule "A," to replace the existing single-family residence on the Premises.
4. The existing residence must be removed within 60 days of the receipt of the certificate of occupancy for the new residence.
5. This approval is valid for a period of three years from the date of this resolution.
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.

3/24/2022
Date

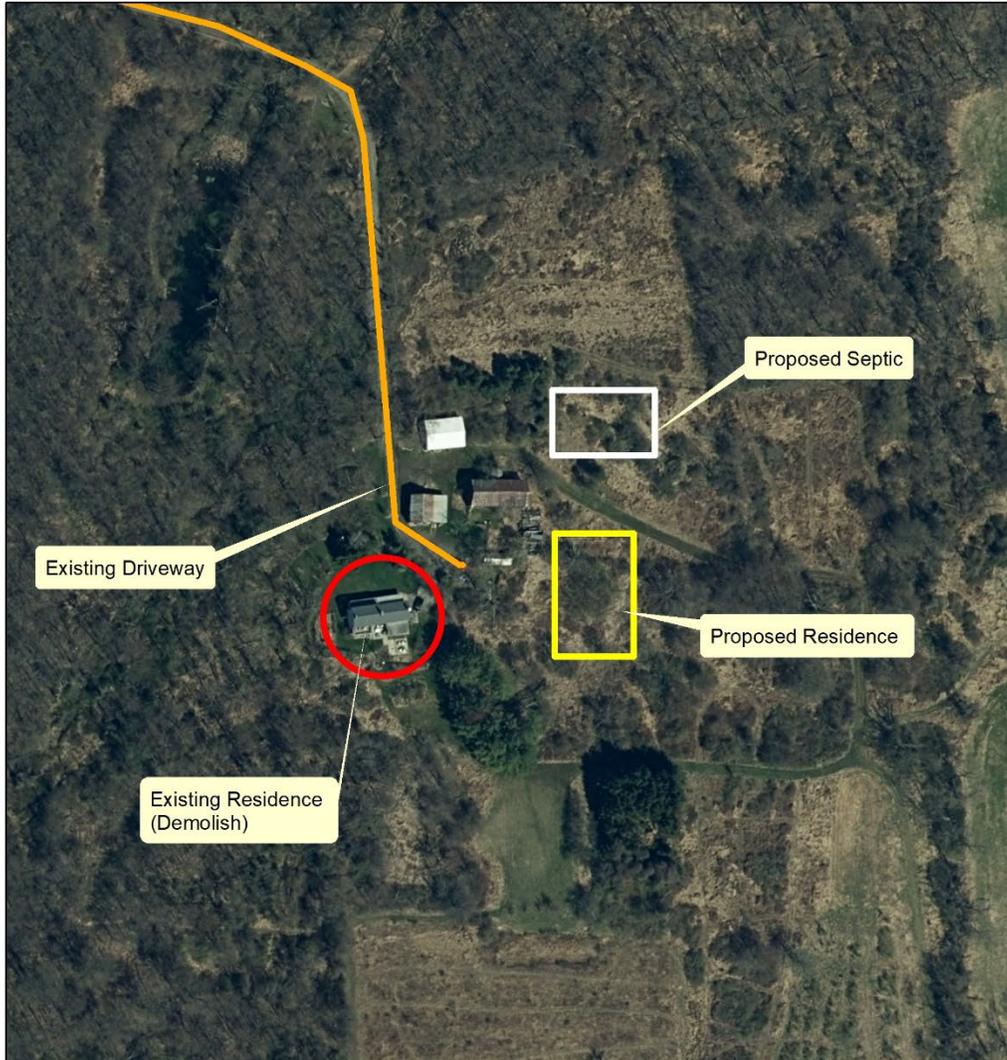


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule A



NJ FARMLAND PRESERVATION PROGRAM
State Agriculture Development Committee

Brian & Sabrina Grochowicz

Block 44, Lot 6

Bethlehem Township, Hunterdon County

118.89



3/8/2022

SCHEDULE B



**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION #FY2022R3(2)**

**Construction of Onsite Agricultural Labor Housing
Tucker Farms, LLC**

March 24, 2022

Subject Property: Block 100, Lot 1.01
North Hanover Township, Burlington County
111.55 Acres
SADC ID# 03-0024-DE

WHEREAS, Tucker Farms, LLC, hereinafter (“Owner”) is the record owner of Block 100, Lot 1.01, in North Hanover Township, Burlington County, by deed dated April 21, 2016, and recorded in the Burlington County Clerk’s Office in Deed Book OR13219, Page 9917, totaling 111.55 acres, hereinafter referred to as the “Premises”, see attached Schedule A; and

WHEREAS, Walter Surdam, Wendy Surdam, and Nicholas Ricci are principals of Tucker Farms, LLC; and

WHEREAS, the development easement on the Premises was conveyed to the State Agriculture Development Committee (SADC) on August 16, 2012, by the previous owners, Wm. Flemer’s Sons, Inc., pursuant to the Agriculture and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, c. 32 as recorded in Deed Book OR13032, Page 2217; and

WHEREAS, the farmland preservation Deed of Easement identifies no existing single-family residences, no Residual Dwelling Site Opportunities, no units used for agricultural labor purposes and a two-acre non-severable exception area; and

WHEREAS, historically the farm was in nursery stock production, since acquiring the Premises, the Owners have converted it to field grown fresh cut flowers; and

WHEREAS, during the annual monitoring inspection, SADC staff identified a mobile home located on the Premises intended for use as an agricultural labor housing unit and notified the Owners that this would be considered a violation of the Deed of Easement unless it received approval from the SADC; and

WHEREAS, on January 20, 2022, the Owner submitted an application for Agricultural Labor Housing to the SADC for the 2,160 sq. ft., six-bedroom mobile home, in the location shown on Schedule “A”, to house ten seasonal full-time laborers on the Premises from May 1 through November 1; and

WHEREAS, paragraph 14 of the Deed of Easement for the Premises states that: *“Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except as follows:*

- i. *To provide structures for the housing of agricultural labor employed on the Premises, but only with approval of the Committee. If the Committee grants approval for the construction of the agricultural labor housing, such housing shall not be used for a residence for Grantor, Grantor's spouse, Grantor's parents, Grantor's lineal descendants, adopted or natural, Grantor's spouse's parents, Grantor's spouse's lineal descendants, adopted or natural.*"; and

WHEREAS, there is no housing currently available on the Premises; and

WHEREAS, the agricultural labor housing unit consists of six-bedrooms, one-kitchen, one-dining area, two-bathrooms, and two-showers; and

WHEREAS, a new well & septic have been installed to service the agricultural labor housing unit; and

WHEREAS, the Premises is in active production growing approximately 75 acres of fresh cut flowers; and

WHEREAS, the Premises is part of the Tucker Farms, LLC farm management unit that consists of two other farms totaling 182 acres of wholesale cut flower production; and

WHEREAS, the Owner has asserted that onsite labor is necessary to properly produce & harvest the crops raised on the farm; and

WHEREAS, the primary duties of the employees residing in the agricultural labor unit will be: field planting, crop maintenance, harvesting, assembling arrangements, and packing flowers for deliveries; and

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs above are incorporated herein by reference.
2. The SADC has reviewed the Owner's request to place one six-bedroom mobile home on the Premises for the purpose of housing ten full-time seasonal agricultural laborers in the location shown on Schedule "A", and finds that utilizing the proposed agricultural labor unit is consistent with agricultural uses on the Premises and:
 - a) That the size and location of the proposed unit minimizes any adverse impact on the agricultural operation.
 - b) Onsite labor housing is necessary due to the intensity of the work and the time-sensitive nature of the crops produced.
 - c) The production aspects of the operation, consisting of 182 acres of cut flowers, warrants 10 full-time laborers from May 1 through November 1st.

3. Only agricultural labor employed on the Premises, in production aspects of the operation, and their immediate family, may live in the agricultural labor units. Agricultural labor housing shall not be used as housing for the Owner, Owner's spouse, Owner's parents, Owner's lineal descendants, adopted or natural, Owner's spouse's parents, or the Owner's spouse's lineal descendants, adopted or natural.
4. The agricultural laborers shall be engaged in the day-to-day production activities on the Premises, which at this time includes planting, harvesting, crop maintenance, assembling arrangements, and packing flowers for delivery.
5. As a condition of this approval, the Committee reserves its right to annually request documentation supporting the production aspects of the operation to ensure that there is sufficient production activity occurring on the farm to continue to warrant use of the agricultural labor unit.
6. The Owner's use of any structures for housing agricultural laborers shall be in compliance with all applicable Federal, State, County and local regulations.
7. This approval is non-transferable.
8. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
9. This approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

3/24/2022
Date

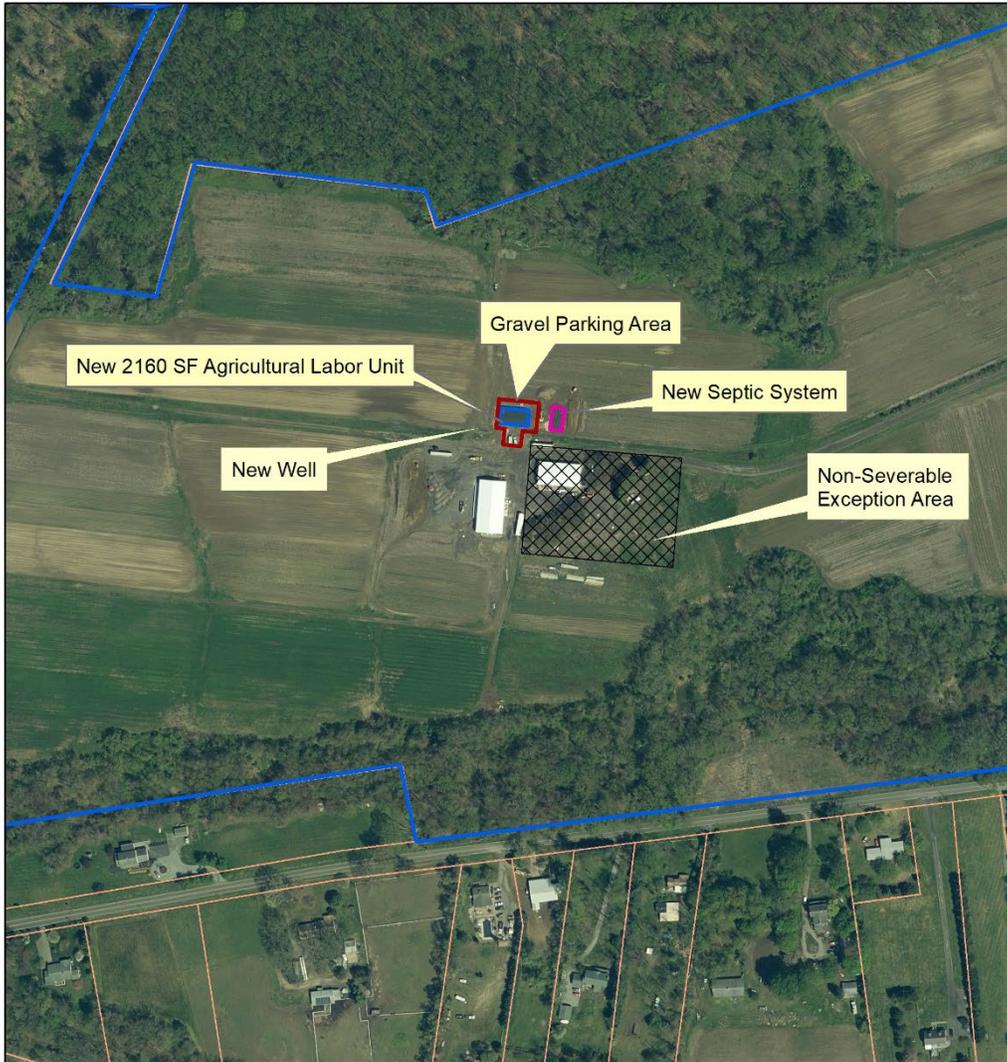


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule "A"



NJ FARMLAND PRESERVATION PROGRAM
State Agriculture Development Committee

Tucker Farms, LLC
Block 100, Lot 1.01
North Hanover, Burlington County
111 acres



200 100 0 200 400 Feet

3/8/2022

**STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2022R3(3)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
GREEN TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT
On the Property of Pittenger, Russell (“Owner”)
SADC ID# 19-0052-PG
Green Township, Sussex County
N.J.A.C. 2:76-17A. et seq.**

DECEMBER 2, 2021

WHEREAS, on August 7, 2019, it was determined that the application for the sale of a development easement for the subject farm identified as Block 19, Lot 10, Green Township, Sussex County, totaling approximately 33.290 gross surveyed acres, hereinafter referred to as “the Property” (Schedule A), was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a) and the Township has met the Municipal Planning Incentive Grant (“PIG”) criteria pursuant to N.J.A.C. 2:76-17A.6 - 7; and

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

WHEREAS, the targeted Property is located in the Township’s Pequest Valley Project Area and in the Highlands Planning Area; and

WHEREAS, the Property includes, one (1), approximately 1-acre non-severable exception area for a future single family residential unit and to afford future flexibility for nonagricultural uses resulting in approximately 32.290 net surveyed 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 one-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 single family residential unit
- 4) Right-to-Farm language will be included in the Deed of Easement; and

WHEREAS, the Landowner and County have identified the location a future driveway to the exception area and are relieved from the approval process required in SADC Policy P-41 so long as the driveway is constructed in the location set forth on Schedule A, subject to applicable laws, regulations and approvals; 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 corn production; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on May 13, 2020, in accordance with Resolution #FY2020R4(14), Executive Director Payne and Secretary Fisher certified the Development Easement value of \$4,200 per acre based on zoning and environmental regulations in place as of the current valuation date October 18, 2019; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.12, the Owner accepted the Township's offer of \$4,200 per acre for the purchase of the development easement on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on September 20, 2021, the Green Township Committee approved the application for the sale of development easement and a funding commitment of \$640 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on October 18, 2021, the County Agriculture Development Board passed a resolution granting final approval for the development easement acquisition on the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13 on February 9, 2021, the Board of County Commissioners passed a resolution granting final approval and a commitment of funding for \$640 per acre to cover the local cost share; and

WHEREAS, the Municipality has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 33.26 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 33.26 acres):

	<u>Total</u>	<u>Per/acre</u>
SADC	\$97,119.20	(\$2,920/acre)
Green Township	\$21,286.40	(\$640/acre)
<u>Sussex County</u>	<u>\$21,286.40</u>	<u>(\$640/acre)</u>
Total Easement Purchase	\$139,692.00	(\$4,200/acre)

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.14, the Municipality is requesting \$97,119.20 in base grant; and

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

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

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

NOW THEREFORE BE IT RESOLVED:

1. The WHEREAS paragraphs set forth above are incorporated herein by reference.
2. The SADC grants final approval to provide a cost share grant to the Township for the purchase of a development easement on the Premises, comprising approximately 33.26 net surveyed easement acres, at a State cost share of \$2,920 per acre, (69.52% of certified easement value and purchase price), for a total grant of approximately \$97,119.20 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C).
3. Any unused funds encumbered from either the base or competitive grants at the time of closing shall be returned to their respective sources (competitive or base grant funds).
4. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds.
5. The SADC will be providing its grant directly to the County, and the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b).
6. The SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way, easements, encroachments, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement or other superior interests (recorded or otherwise granted) in the property that conflict with the terms of the Deed of Easement or otherwise restrict the affected area's availability for a variety of agricultural uses.
7. The final acreage of the exception area shall be subject to onsite confirmation, and the Chief of Acquisition may recommend that the Executive Director approve final size and location of the exception area such that the size does not increase more

than one (1) acre and the location remains within the substantially same footprint as the herein-approved exception, so long as there is no impact on the SADC certified value.

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

3/24/2022
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Martin Bullock	YES
Gina Fischetti (rep. DCA Commissioner Oliver)	YES
Denis C. Germano, Esq.	ABSENT
Pete Johnson	YES
Cecile Murphy (rep. DEP Commissioner McCabe)	YES
Scott Ellis	YES
Brian Schilling (rep. Executive Dean Laura Lawson)	ABSENT
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\sussex\projects\Pittenger, Russell 2mile.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Pittenger, Russell
Block 19 Lots P/O 10 (33.1 ac);
P/O 10-EN (non-severable exception – 1.0 ac)
Gross Total = 34.1 ac
Green Twp., Sussex 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

Application within the Highlands Planning Area (Non-conforming)

Application within the (PA4b) Rural Env Sens Area



X:\Projects\Surface\Projects\PA4b\PA4b_Env.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Pittenger, Russell
Block 19 Lots P/O 10 (33.1 ac);
P/O 10-EN (non-severable exception – 1.0 ac)
Gross Total = 34.1 ac
Green Twp., Sussex 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
NOAA/USGS 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 geographic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon to make or require the location and location of true ground, horizontal and/or vertical control as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.



Wetlands Legend:
F - Freshwater Wetlands
L - Lentic Wetlands
M - Wetlands Modified for Agriculture
T - Tidal Wetlands
N - Rural Wetlands
S - 30' Buffer
W - Water

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Pittenger, Russell
19- 0052-PG
PIG EP - Municipal 2007 Rule
33 Acres

Block 19	Lot 10	Green Twp.	Sussex County		
SOILS:		Other	46% *	0	= .00
		Prime	54% *	.15	= 8.10
				SOIL SCORE:	8.10
TILLABLE SOILS:		Cropland Harvested	68% *	.15	= 10.20
		Other	2% *	0	= .00
		Wetlands/Water	10% *	0	= .00
		Woodlands	20% *	0	= .00
				TILLABLE SOILS SCORE:	10.20
FARM USE:	Corn-Cash Grain			13 acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use:
 - b. Exceptions:
 - 1st one (1) acres for Future dwelling
Exception is not to be severed 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
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, as ammended and N.J.A.C. 2:76-17.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.