

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**Department of Agriculture  
Market and Warren Streets  
1<sup>st</sup> Floor Auditorium  
Trenton, NJ 08625**

**REGULAR MEETING**

**December 13, 2012**

Chairman Fisher called the meeting to order at 9:08 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

**Members Present**

Douglas Fisher, Chairperson  
Fawn McGee (rep. DEP Commissioner Martin)  
Brian Schilling (rep. Executive Dean Goodman)  
Tom Stanuikynas (rep. DCA Commissioner Constable)  
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff) (Left at 10:23 a.m., returned at 12:25 p.m.)  
James Waltman (Arrived at 9:13 a.m.)  
Torrey Reade  
Peter Johnson  
Jane R. Brodhecker  
Alan A. Danser

**Members Absent**

Denis Germano

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

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**Others present as recorded on the attendance sheet:** Heidi Winzinger, Brian Smith, Timothy Brill, Steve Bruder, Paul Burns, Ed Ireland, Dan Knox, Charles Roohr, John Denlinger, Stefanie Miller, Bryan Lofberg, Jeffrey Everett, Judy Andrejko, David Kimmel, Cindy Roberts, Jessica Uttal and Patricia Riccietello, SADC staff; John Cascarano, Governor's Authorities Unit; Nicki Goger, New Jersey Farm Bureau; Dan Pace, Mercer County Agriculture Development Board;

Donna Traylor, Sussex County Agriculture Development Board; Laurie Sobel, Middlesex County Agriculture Development Board; Eric Zwerling, Director of the Rutgers Noise Technical Assistance Center, and Tina Boyer, Morris County Agriculture Development Board.

### **Minutes**

#### A. SADC Regular Meeting of November 8, 2012 (Open and Closed Session)

It was moved by Mr. Danser and seconded by Ms. Reade to approve the open session minutes and the closed session minutes of the SADC regular meeting of November 8, 2012. The motion was unanimously approved.

### **REPORT OF THE CHAIRPERSON**

Chairman Fisher discussed the following with the Committee

- Funding

Chairman Fisher stated that the Garden State Preservation Trust (GSPT) approved the last round of funding from the 2009 bond funds. Appropriation bills are being considered in the Assembly Appropriations Committee today and then on Monday will be before the Senate Appropriations Committee. If the bills clear these committees, they could be scheduled for further action in this calendar year.

### **REPORT OF THE EXECUTIVE DIRECTOR**

Ms. Payne discussed the following with the Committee:

- Noise Standard for Wind Turbine Generators on Farms

Ms. Payne stated that noise expert Eric Zwerling from Rutgers will be presenting to the Committee today. Draft rules for wind turbines on preserved farms have been sent to the interagency working group members for review. Staff is awaiting any comments they may have. Staff wanted to wait until the working group had an opportunity to comment and until the Governor's Office had a full month in advance to review it, before bringing the draft to the Committee. She anticipates having it before the Committee at the January 2013 meeting.

### **COMMUNICATIONS**

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. She stated that at a previous meeting the Committee had a

discussion on the SADC Guidance documents; the documents had required landowner signature acknowledging not only receipt of the documents but understanding of the provisions contained within. At least one landowner was advised by his attorney not to agree to anything other than what is stated in the farmland preservation deed of easement. At the Committee's request, staff has revised those guidance forms so that now landowners are required to acknowledge only receipt of the documents. The revised acknowledgement documents have been posted to the website.

### **PUBLIC COMMENT**

Nicole Goger from the New Jersey Farm Bureau stated that she had a couple of comments on the proposed agricultural management practice (AMP) for on-farm direct marketing and related changes. The New Jersey Farm Bureau acknowledges that changes need to be made to the SSAMP process, and recognizes the draft has a pre-application meeting in the first paragraph for the SSAMP practices. However, because of changes to the AMP for on-farm direct marketing related to site plan approval -- which may see a lot of farmers having to go to the municipality because the CADB may say they cannot handle it -- the New Jersey Farm Bureau would like to see language there suggesting a pre-application meeting. That way, maybe the farmer could talk to the agricultural experts at the CADB to get more familiar with agriculture-specific rules so that when they go to their municipality they can be better prepared to say well, you have to treat me a little bit differently under certain laws.

Ms. Goger stated that another concern that they have is that there is a requirement in 2:76-2-2.3, letter "E," where it says "submittal of a farm conservation plan..." They have concerns that the NRCS is always backed up in providing farm conservation plans, they may not be able to do this for a farm and there are not many technical service providers in the state to do it privately. She suggested maybe the AMP should just require proof of submittal to try to get a farm conservation plan so that it won't hold up the entire process if the farmer cannot get a farm conservation plan because of the backlog at NRCS.

Ms. Goger stated that the Farm Bureau noted during the working group meetings that it does have some concerns about the SSAMP process regarding the required notice to landowners within 200 feet of the property line. They feel that this could be very cost prohibitive in certain situations, especially if the activity that the farmer is trying to get approval for is on the corner of the farm. Notice to landowners across 200 acres on a totally different street -- maybe that isn't as necessary as notifying the people who are directly impacted by whatever the SSAMP would protect. It could end up costing the farm thousands of dollars. They understand that it comes from the Municipal Land Use Law (MLUL) but

there are other instances in the history of the MLUL that changes have been made for agriculture. For example, with a woodlands management plan, a survey is required, but for agricultural woodland management plans they have negotiated it so you don't have to have an actual official survey; you could just have the boundaries marked so it would save farmers thousands of dollars. Anything other concerns they will put in writing once the Committee adopts this but they wanted to bring these concerns before the Committee today for its consideration during its discussions.

Responding to a question by Chairman Fisher seeking clarification on her point regarding pre-application meetings, Ms. Goger stated that the current proposal says that you can go to the CADB or the municipality for site plan approval but if the CADB says it can't help you because they don't have the resources, the landowner would have to go to the town first. It would be good for the CADB experts to meet with the landowner to inform him or her of some of the agricultural-specific rules that apply, such as the Uniform Construction Code. This meeting would help inform the landowner about the AMP also so the landowner has a better understanding that if the municipality starts to push them too far on certain issues, they would be better off going back to the CADB. Otherwise they might be sent blindly to the municipality and be held to all these standards that are for, say a WaWa, without knowing that there is another process.

Ms. Payne stated that it sounds like what Ms. Goger is asking for is some sort of advisory statement to be included, and she is assuming that every CADB would be willing to have that kind of counseling session with the farmer. She stated that staff can put something in the draft rule that says there is no reason that the farmer can't meet with the CADB to do a preliminary session.

Mr. Schilling stated that's consistent with the spirit of the RTF Act -- to try to not put farmer in a position to react to something that's negative. He commented that one of the concerns Ms. Goger raised is, say you have a very large farm but the activity is in one corner of the frontage and you've got someone several thousand feet away in the back corner. The concern is basically 200 feet from that back corner brings in a bunch of people who are not directly affected by what is happening on the frontage. Ms. Goger responded yes. Mr. Schilling asked if there is a definitional issue there. If he wanted a variance on something on his residential property on one-half acre, that is one thing, but is there a definitional issue about the footprint of the proposed changes on the farm versus the entire farm? Ms. Payne responded not in this draft. Staff did model the notice requirements after the MLUL, which means 200 feet from your property line. She stated that if a property owner comes in and requests an SSAMP, he wants prospective protection for his operation. Right now under the current rules, only the municipality is obligated to be noticed. Ms. Goger stated that even if it's

along the road -- say it's a farm market in the corner -- if it's everyone on that property line along the road because they would be impacted and are within 200 feet of the envelope, maybe that would be acceptable. But 200 feet from the back of the property line could be thousands of feet from the actual farm market.

Dan Pace from the Mercer County Agriculture Development Board stated that on behalf of CADB administrators he would like to thank Ms. Payne and her staff for quickly and positively responding to administrators' concerns regarding the removal last month of certain SSAMPs from the SADC's website. The Administrative Code requires CADBs to send their SSAMPs to the SADC. So the posting of all these SSAMPs on the website was a valuable resource for everyone. Ms. Payne explained that the process is that if a CADB issues an SSAMP on an issue and it is not appealed, it sticks and the SADC has never seen it or considered it, agreed with it, approved it, etc. as there has been no SADC review. The SADC had been posting all the SSAMPs to the website. However, an issue came up where someone was citing something that was on our website as gospel to the issue. The SADC tried explaining that it never reviewed the issue, so her first inclination was to pull from the website the ones that the SADC never reviewed. The CADBs reacted very negatively to that but they heard the SADC's concern, so we are posting them back on the website with a big disclaimer that these SSAMPs do not reflect the position of the SADC, so as they come up in litigation that disclaimer is there.

## **OLD BUSINESS**

### **A. Review of Rutgers Draft Report on Proposed Noise Standard for Wind Turbine Generators on Farms**

Ms. Payne stated that with us today is Eric Zwerling, Director of the Rutgers Noise Technical Assistance Center. The SADC is required to adopt right-to-farm regulations for what we are going to call farm-scale wind, solar and biomass facilities. The solar energy portion has been accomplished and those rules are completed. The issue of wind was much different than solar. Mr. Zwerling did provide great assistance to the SADC in dealing with the issue of noise emanating from solar facilities, and those standards are reflected in the rules that have been adopted. Ms. Payne stated that the wind portion is very different, and the literature on noise impacts from wind turbines was way beyond SADC staff's technical capacity to understand. The SADC approved a contract with Rutgers to request assistance to try to get a better understanding of the issue of noise and sound emanating from wind turbines for right-to-farm purposes, and to help us develop a simple and readily applicable set of standards to apply. The question is, how far back should a wind turbine be placed from local property owners or receptors in order to create right-to-farm protection for the farmer, but also to not unreasonably impact the surrounding property owners? She stated that the Committee has been provided with a

copy of Mr. Zwerling's draft report and, since this is still a draft, it has not been provided to the public at this time. Ms. Payne turned the discussion over to Mr. Zwerling.

Mr. Zwerling stated that unlike solar, where manufacturer data on sound testing is readily available, such data is very difficult to obtain for wind turbines. Testing is much more complex because measurements need to be taken in a very rigorous manner, accounting for topography and wind speed across the spectrum of wind speed. Then the contribution of the wind itself needs to be subtracted to arrive at the final apparent noise level. Measurement of noise is complex and part of the reason why some manufacturers have not undertaken rigorous testing. For some manufacturers, it is difficult to determine what the basis of testing was. Reporting of test data is not standardized. One of the things he is looking at is how the data is provided by manufacturers, and how a farmer or the SADC can pull from all that data the information they need. There is tremendous inconsistency in how data is reported. The NREL (National Renewable Energy Laboratory), part of the Department of Energy, is one of the main testing laboratories. Its report on testing contains page after page of numbers. He intends to contact the senior SREL test engineer and ask her what number an applicant would use from all the testing information that is available, and whether NREL publishes summary data somewhere else. He also intends to submit his report in its entirety to the engineer and ask her for her opinion.

He commented that some manufacturers are very reluctant to release information. GE would not release data unless they have a signed nondisclosure agreement. After he agreed to sign, GE said they needed to talk to their lawyers and then did not return calls. He was able to find GE sound emission information on an application that was posted on the Internet. So obtaining data on noise emissions from wind turbines is very different than dealing with solar energy.

The report discusses at some length how we arrive where we did on a permissible sound limit of 37 dB(A) at a residential receptor, based on the limited impact data available. Mr. Zwerling noted that use of the A scale to measure noise levels is not the optimum one but it is the only one that's usable since that's how manufacturers report their data. Once he arrived at a permissible sound level, he created some acoustical models using a three-dimensional software package to determine setback distances that would result in a 37dB(A) limit based on available data. He discussed the many factors that affect sound level from a source – e.g., straight distance, air, traveling over ground or other surface. Sound emissions for large and small turbines are somewhat different. The larger the turbine, the lower the frequency spectrum. That is why the report has separate lookup tables for small and large turbines. The first table uses sound power levels for large turbines with a blade sweep area greater than 75 square meters, and Table 2 is for sound power levels for small turbines less than 75 square meters in blade sweep. He noted that the SADC's draft rules for wind turbines on preserved farms define small and large wind turbines based on power output and height, and his tables are based on blade sweep, so he needs to see how those factors compare.

In response to a question from Chairman Fisher regarding the need for two tables rather than one, Mr. Zwerling stated that there is an important distinction between large and small turbines. He said that initially he would have suggested that everybody do an acoustical study, taking into consideration the specific emissions of an individual turbine based upon a noise frequency analysis. He would have required a site-specific study based upon specific topography at the selected location. But that would be incredibly demanding on both the applicant and the SADC to review that. The lookup tables represent the best estimation of the literature available.

Ms. Reade questioned whether he looked at vertical axis turbines as well as horizontal. Mr. Zwerling responded that he had, and he realizes that the sound power levels in the table are not low enough because vertical axis turbines are much quieter, much more efficient. He said he needs to change the tables to reflect that.

Mr. Danser commented that if farms are permitted to generate only 110 percent of their previous calendar year's energy demand, that may narrow the scope of turbines being installed on farms. Ms. Payne noted that the 110 percent provision is for preserved farmland; this provision is for right-to-farm protection, and there definitely will be potential for large wind under this AMP.

Mr. Siegel questioned who has enforcement jurisdiction for noise on farms, and whether any other jurisdictions have setback information. Mr. Zwerling stated that for any source of sound on a property, the hierarchy for enforcement is locals first, then the county, and the county could apply the State noise code. Noise from farmland activities is exempt from the State noise code. A significant portion of towns have noise ordinances – some are simply nuisance ordinances, some have plainly audible standards, some are performance-based, i.e., 65 dB(A) as measured at property lines. Towns must adopt noise ordinances approved by the Department of Environmental Protection (DEP). In order to be valid, a local noise code needs to be verbatim the DEP's model noise ordinance. Regarding setbacks in other jurisdictions, the Ministry of Environment of Ontario has something that's to some extent similar to what's in his lookup tables. But the data is presented in the aggregate for wind farms (e.g., for 5, 10 or 15 units), not for individual turbines.

Chairman Fisher, noting that Atlantic City and some other towns have wind turbines, asked what standards are in place now regarding maximum decibel level and setbacks. Mr. Zwerling replied that the turbines out there now simply fall under the State noise code, which has limits of 65 dB(A) daytime and 50 dB(A) nighttime at the property line of an affected person. He noted that his report could have simply defaulted to 50 dB(A). However, at 50 dB(A), people will be enraged. Over 37 dB(A), people start getting very annoyed, and over 40 and 45 dB(A), people start getting enraged. The goal here is 37 dB(A) at the receptor because it is reasonably protective.

Mr. Siegel commented that he's nervous about relying on industry statistics. He commented that maybe there should be a guidance document for farmers that says to make sure you have a contract so that if that machine turns out to be a violation, that you have recourse with the manufacturer.

Mr. Waltman questioned, for ratings purposes, whether turbines get louder over time. Do they need to be maintained in a certain way? Is there a maintenance protocol so that if over time it gets louder, there are things that can be done? Mr. Zwerling responded that any time you have units where you measure performance, there will be variability, whether it's mileage or something else. The data reported represents multiple replicates of samples tested (e.g., 4, 8, 20 units and some data appears to be based on a single unit). So if we're dealing with a data "outlier," that unit could be several decibels louder than the standard. Maintenance of the units is a point well taken. The majority of noise from wind turbines is from the blades themselves, but some noise can come from the gears, nacelle, etc. One of the things we do not have is enforcement ability. Who from the SADC can go out and take measurements? DEP can't take noise measurements. Towns do it now. Measuring sound emission from wind turbines is very complex. He looks at it from this perspective: If we do nothing, the permissible limit is 50 dB(A). If somebody misses because they were shooting at 37 dB(A) and it turns out to be 39 or 41 dB(A), we still have dramatically improved the quality of life for residents nearby.

Mr. Schilling commented that the onus is on someone to come forward with a complaint, and then we have standards to adjudicate the complaint. Mr. Zwerling responded that he does not think the 37 dB(A) standard should be used as an enforcement standard. If someone meets the required setback, has taken the data in good faith, you can't go back if it turns out to be 39 or 40 dB(A). Mr. Danser stated that if this is protection not enforcement, you want something conservative enough so that if someone designs according to these standards, they get right-to-farm protection. Ms. Payne stated that's right. Chairman Fisher inquired whether tolerance levels for noise differ among communities, e.g., in a factory town versus rural areas, and Mr. Schilling commented that this approach is based on a single source of noise, and that it is insensitive to ambient noise. Mr. Zwerling affirmed that it is. There is a provision in the proposed standard that if an applicant wants to install multiple units, that can't be simplified to a Table. An application, therefore, could be required to submit an acoustical model demonstrating compliance with the standard. If somebody states that their ambient is high enough that they feel this standard is unreasonably restrictive, we can put in a similar provision. But then somebody needs to review that document.

Mr. Danser questioned if it was reasonable to use 8 meters per second as a wind speed factor when the average wind speed in New Jersey is less than 5 meters per second. Mr. Zwerling responded that the average annualized wind speed in New Jersey is 5.1 meters per second. But if you look at the statistical distribution of wind speeds, that annualized



wind speed means that 13 percent of the time the wind speed is above 8 meters per second. So the reason he used the 8 meters per second wind speed is that the vast majority of data is available at 8 meters per second, and because even though the average wind speed in New Jersey is 5 meters per second, 13 percent of the time it's above 8, so we're protecting people with a margin of safety.

Mr. Waltman, noting variability within different turbine models, stated that it might make sense to think about a performance-based standard. You can have the greatest setback but if a turbine is installed that's really loud, that doesn't help the farmer. Mr. Zwerling stated that there are two things the Committee may want to consider. Can you require escrow from applicants that would enable the SADC to hire somebody to review acoustical reports? Every time we add complexity, that means someone has to review the findings. If you're thinking about a performance standard, what is the enforcement and who is going to do the enforcement? Mr. Danser commented that a performance standard would mean the landowner would have to build the turbine before he could tell if he was eligible for right-to-farm protection. We're looking for guidelines for right-to-farm protection – that if I spent my \$150,000 according to these specs, I'll know I'm going to be OK.

Mr. Schilling said that while ideally you'd love to have data, that doesn't mean we can't revisit this as industry evolves. Ms. Payne commented that while intuitively she would think there should be more categories for the tables, Mr. Zwerling keeps reminding her we can do that only if there's data to base that conclusion on. That's really the limiting factor here.

Mr. Zwerling stated that the overall goal is to provide meaningful guidance to farmers and reasonable protection so if they do something in good faith, no one can come after them. If there is gross mismanagement, the town can come in and enforce under the 50 dB(A) state standard. Everything on a farm is exempt from noise – whether a propane cannon or air conditioner at the property line. Is this proposed standard perfect? Nothing regulatory ever is. Does it protect the farmer? Yes. Does it protect neighbors? Yes.

The comments from Committee members and staff will enable Mr. Zwerling to finalize his report, and the standards that will be contained within the wind AMP.

**B. Right to Farm – Draft Rules**

1. On-Farm Direct Marketing Agricultural Management Practice (AMP) (NJAC 2:76-2A.13)
2. Right to Farm Process Revisions (NJAC 2:76-2.3, 2.4, 2.5 and 2.7)
3. Right to Farm Hearing Procedures (NJAC 2:76-2.8)
4. Pick-Your-Own RTF Eligibility Rule Revisions (NJAC 2:76-2B.2)

Ms. Payne stated that staff is presenting today a final draft of the On-Farm Direct Marketing Agricultural Management Practice (AMP) and the associated changes to the

Right to Farm procedural regulations. This AMP sets forth the standards for on-farm direct marketing facilities, activities, and events that commercial farms must comply with to receive the protections of the Right to Farm Act (Act). They are designed to support and protect on-farm direct marketing operations by identifying safe, effective and economically viable agricultural management practices for commercial farms seeking the protections of the Act.

Ms. Payne stated that this is a culmination of approximately two years of work with the agricultural community to develop this AMP. Staff came to the Committee approximately one year ago with a draft and that was sent out to the public, and staff received a lot of comments back on that draft. Today's draft recognizes some of the major issues that were addressed as a result of those comments. If the Committee is comfortable with the content of these documents today, staff will come back in January with the documents in rule format for approval to publish in the NJ Register. This is the biggest AMP that the SADC has ever attempted and it will be the AMP that has the most impact once adopted. The AMP will affect a very large number of operations in the state. Staff is hoping that the AMP strikes a balance between what agriculture needs, farmers want, and what is protective of the public.

Mr. Kimmel reviewed the draft AMP with the Committee, including the history and development and framework the AMP.

Mr. Schilling commented on the "farm-based recreational activities" definition where it states ... "recreational offerings that are **uniquely** suited to occurring on a farm ... hunting and fishing, sleigh rides, bird watching, bonfires...." He stated that he wasn't sure what "uniquely" suited to a farm means as you could do those activities anywhere. He was concerned that it could be inadvertently limiting. Ms. Payne stated that staff's thinking regarding the intent of the Act, when it said "farm-based recreation," was that there needed to be some link between the recreation and the physicality of the farm itself. For example, paintball activities need an open place but it could be a parking lot. Ms. Payne stated that she does understand what Mr. Schilling is saying. Mr. Schilling stated that the connection staff is making is already in the statute when it says it has to be related to marketing the agricultural or horticultural output of the farm, so that basically establishes that linkage. Ms. Payne stated that if there is no connection to the farm itself, someone could say that they should be able to develop a racetrack because it attracts people to the farm and then they are going to sell them a product. The connection is more than just attracting them to the farm. When the statute said farm-based recreation, it seemed to staff that the recreation needed to relate to the farm itself in some way and not be just any activity that needs an open place to occur. There is going to be judgment calls as the counties deal with this but we tried to specifically identify things that we absolutely think meet this test and that is why we included things like hiking, bird watching, etc., because they are so common to occur on farms. Mr. Schilling stated that they are common but not unique. He stated that he is concerned about someone coming

in and saying they have an option to do this activity elsewhere so therefore it doesn't meet right-to-farm protections because it is not uniquely situated on a farm. Mr. Waltman asked if there was a hybrid way to do that -- list those as being OK and say "and any other such activities that may be uniquely suited"? He stated that the problem is that things can be stretched in ways that no one here could conceive of today. Ms. Reade stated that you could delete the word "uniquely" and just say "that are suited to occurring on a farm" or "appropriate to a farm." Mr. Schilling stated he could be comfortable with that. Ms. Payne stated that it is a point well taken. Chairman Fisher stated that the area he wrestled with is where it listed ballooning because in reality some activities could be much more debilitating to a farm than having a ballooning event, such as tractor pulls. Tractor pulls bring in thousands of people and tear up the ground, but ballooning is like wine-tasting -- they come onto the farm, balloons land and take off. You can't do balloons everywhere and you cannot do ballooning from a parking lot as well as you can on a farm. Ms. Payne stated she understands the concerns here. She stated that, in her mind, she understands that a farm is a great place to do that. The link that was missing for her is whether it is related to marketing the output of the farm. You don't go and sign up for a \$60 balloon ride with the intention of buying product from the farm. To her that is no longer an accessory kind of recreational use. This is the issue that everyone wrestled with. You don't go to a farm to shoot paintball in order to buy products; you are there exclusively for this outdoor recreation opportunity. Mr. Schilling stated that there will be so much case specificity. Ms. Payne stated that we have to remember this is right-to-farm protection. We are not saying that people cannot have balloon rides on a farm; the question is, are we going to override municipal zoning to allow them to do that?

Mr. Schilling hypothesized about a farmer who makes \$500 a day with their market and then \$5,000 from a hot air ballooning event over the weekend. He sees language in the draft where it says "provided they demonstrate the required relationship to marketing the output of the farm...." If someone came and showed their ledger and said here is my sales volume and I have these events where I do some of these things that we are saying are essentially prohibited ... but if they demonstrated this required relationship to marketing, does that trump the prohibition or are we just saying there are certain things that are just so egregious that they shouldn't be permitted on a farm or protected under Right to Farm? If someone can come in and the burden is on them to demonstrate that this is the singular biggest marketing strategy that they have, it is a slam-dunk for them; are we going to say OK that they met that threshold? Ms. Payne stated that what they tried to do is set out the intent, give some examples of things they think are clearly permitted and give examples of things that they think are clearly not. If the Committee feels that hot-air ballooning, for instance, is one of those categories where it could or could not fall into this, we can take it out of the list of prohibited activities or activities not eligible for right- to-farm protection. She doesn't think it is advisable to not give any specific guidelines. We have seen cases where people have taken a farm that used to be an equine farm and turned it into a weekend racetrack because they can make money doing it. It doesn't mean that any activity you could possibly think of should be eligible

for right-to-farm protection. That is what we are trying to get to here. She feels that hot air ballooning was sort of on the border and probably the most questionable, but we are going to get things like someone wants to give airplane rides because we've seen that also.

Ms. Reade stated that regarding hot air ballooning, she knows a farmer who has problems with people just dropping their hot air balloons on his crops. The farmer has had to do some rescues and there has been crop damage. So then you have inter-farmer issues potentially that she doesn't think are productive. She doesn't see any reason to allow hot air ballooning. If it gets to a point where one farmer is saying it is getting in the way of my agricultural operation and we have anecdotal evidence. she doesn't see any reason why we would say it is a permitted use.

Ms. Payne stated that staff could work to include "uniquely" or some other word and then perhaps list as a separate category things that are common on farms, like bird watching and hiking, etc., to make that distinction. However she does need guidance on hot air ballooning. What does the Committee think, is it something you would want to see identified as protectable or do you want to see it deleted as not protectable and then deal with it down the road on a case-by-case basis? Mr. Schilling stated that what bothers him is that there is something that we are not going to sit and conceptualize today as an activity and someone comes in and says that his town told him he cannot do this and they drop a box of receipts during testimony that this is a great marketing strategy and here is the evidence. So then we are going to be sitting here, based on all the individual personalities on the Committee at the time saying, well, I think hunting is terrible and hot air ballooning is great. It's very subjective. He stated that if someone demonstrates this tight linkage to marketing their farm products, is that sufficient or are there certain things by default that offend our sensibilities and we say are not going to be protected under the Act? If so, it cannot just be a reflection of the various personalities.

Mr. Danser stated that if someone had a farm stand and wanted to let one person launch their balloon at 6 a.m. and then they have to come back because that is where they are parked say at 8:30, they are very likely to shop while they were at it if this were on a Saturday morning. He doesn't find that to be prohibitable. Mr. Waltman stated he was fine letting the municipality decide whether hot air ballooning works or not but he wouldn't want the municipality deciding whether there should be a racetrack on a farm. There is also a distinction if someone shows up and pays \$1,000 to get into a hot air balloon; it's nice for the farmer but it is not good public policy. If they show up and spend \$1,000 on the farm market, that is where it becomes a tougher call.

Chairman Fisher stated we talk about agri-tourism and it is a component of agriculture. He thinks there is a certain perception in terms of most of the millions of people in the state and what they might tolerate more than other activities. It gets very subjective. Ms. Brodhecker stated that some farms may have enough room for ballooning and some may

not, and this could draw in customers who never knew what the farm was selling who would come in and make purchases once they had a nice experience there.

Mr. Kimmel resumed his review of the draft AMP with the Committee. Mr. Stypinski asked, under the definition for “On-Farm direct marketing event” or “event,” what is an example of farm-to-table events? Ms. Payne stated that a farmer has a wide variety of fruits and vegetables and it is harvest time and they sponsor a dinner where the output of their farm is showcased; i.e., here is a meal using all these recipes and how you cook it. Mr. Stypinski asked what if it was a winery because that raises a red flag to him in light of recent issues going on. Ms. Payne stated it raises a flag for her as well. Mr. Danser stated that if it is an equine farm, it probably is not going to have one of those events. You cannot exclude it just because every farm doesn’t have one. Mr. Stypinski stated that at a winery, if someone wanted to have a retirement dinner there, is that a farm-to-table event that is going to be protected or is this a farm-to-table event that has to be open to the public, that is really the question. Ms. Reade asked what if it is at a winery but they have sourced the food from other local farms. Ms. Payne stated that the language that they used on all of this is important. It is either the event or the activity that is accessory to and serves to increase the direct market sales. She stated that we get to the question of what is accessory. She stated that the road we have been down with wineries is that when you are having a 200-person wedding reception or retirement party, the sale of the wine now is accessory to the event. The accessory language is important. That is the language and the intent we are trying to create -- that tolerance for these kinds of activities has to be based on them being accessory to the main event, which is the sale of the product. When that balance gets tipped, then we are not necessarily supporting it. We are letting the CADBs know that they have to keep their eye on this; it cannot be just anything, any size, any frequency. The sale of the product has to remain the main event and these other things are accessory to it. Does accessory mean 49/51 percent or does it mean 75/25 percent? Those are again the kind of statistics we don’t want to get into but will develop as we go down the road. The Committee needs to be comfortable with that language. Mr. Stypinski stated that another issue that jumped out at him was the Hopewell Valley Vineyards case with the vintners’ dinner. He stated that was something that the SADC has stated would not receive right-to-farm protection but the county said it would receive it. He stated that might fit here. Ms. Payne stated that might and that would be the SADC going a little further than it did in that case in this rule.

Ms. Reade stated that she is still unclear on the farm-to-table issue. If a farmer has some vegetables and another farmer has meat, and a winery wants to work with a chef who buys from each of those farmers and showcases their products, is that not protected because to her it is a community effort. Ms. Payne stated that it gets very difficult to protect community efforts because Right to Farm is aimed at “the commercial farm” and the commercial farm’s output, so in some ways if you had that type of an event, what are we trying to do then? Are we trying to provide right-to-farm protection to all those farms to have this event? Ms. Reade stated that if someone wanted to have one of these events

in a very central location to showcase various items from the local food shed, would we not protect that? She would be very surprised if it wasn't protected. Mr. Danser stated that if it really is a demonstration of local products from neighboring farms here and there and especially if it is a once a year event, he feels it should be protected. Where they run into problems is when it starts being catered and then every weekend ... it becomes less farm oriented. Ms. Payne stated that we shouldn't try to answer today whether every farm-to-table event that ever comes our way will be protected or not. It is going to depend on the facts of the situation. Ms. Reade stated for clarification that what we are going to be doing here is permit a level of ambiguity that would allow it to be decided on a case-by-case basis. Ms. Payne responded yes. As cases come up and get appealed and go to court they will get solidified.

Mr. Kimmel completed his review of the draft AMP with the Committee. He reviewed section "P" of the draft AMP dealing with approval of site plan elements for new or expanded on-farm direct marketing facilities. Mr. Waltman had a concern and wanted some language added regarding a municipality or CADB's ability to waive or reduce requirements based on site-specific conditions. He stated that some regulations, many environmental in nature, prescribe very specific situations, or specific parts of regulations that can be waived and others that cannot be waived. He understands the intent here but a) he doesn't think you can simply say that site plan elements can be waived and b) it is confusing if this is perceived as changing what the underlying regulations say. You can go to any planning board meeting any night of the week in a town and you'll hear certain things that are routinely waived and others that are not waived. He wants to make sure we are not attempting to or being perceived as trying to tamper with that. Mr. Kimmel stated that each application is different so if it's a small farm stand then the CADB isn't going to need as much to look at, so that is the idea here. For municipalities, we are not assuming any power to tell them what to do; they know how to handle their own affairs and we don't have any authority to tell them. Mr. Waltman felt there needs to be some language there. He said there are ways you can get waivers and ways that you can't that are clearly expressed in laws and regulations, and it may be good to add a little language to clarify that.

Mr. Kimmel stated that SADC's legal staff will present the Right to Farm process rules and hearing procedures changes as it relates to the AMP.

Ms. Payne left the meeting at this point.

Legal Specialist Judith Andrejko, Esq., and Chief of Legal Affairs Brian D. Smith, Esq., presented the SADC with a review of the amendments and new sections of the Right to Farm (RTF) Process Rules and Hearing Procedures. Ms. Andrejko explained that N.J.A.C. 2:76-3 and 4, the rules regarding how SSAMP requests are made and handled, were revised to incorporate the CADB SSAMP review checklist concept. She noted that a CADB, when it receives an SSAMP application, would consider the application's site-

specific conditions -- the farm's setting, the scale or intensity of the proposed activity, and the type and use of the road on which the farm is located -- and then identify which items from its checklist are applicable.

Ms. Andrejko and Mr. Smith also explained that the RTF Process Rules also included revisions to N.J.A.C. 2:76-5, the rules focusing on the utilization of AMPs and SSAMPs, and N.J.A.C. 2:76-2.7, the rules regarding how RTF complaints are made and handled. In addition, Ms. Andrejko explained N.J.A.C. 2:76-2.8, which outlines the new public hearing procedures that would be used in RTF cases (SSAMP requests and RTF complaints) and satisfies minimum notification concerns that have been raised in recent RTF cases.

She further explained that the impetus for making revisions to the RTF complaint process rules found at N.J.A.C. 2:76-2.7 was to make the process more consistent with the RTF Act and to address issues with the current back-and-forth interpretation of the process. Mr. Smith noted that the revisions would also make the process more rational by involving CADBs more during the initial stages of the complaint process; CADBs would perform the initial eligibility threshold screening on 1) whether the farm meets the RTF Act definition of commercial farm and 2) whether the activity is included in the permitted activities in N.J.S.A. 4:1C-9. In terms of the RTF complaint process where no AMP exists, the SADC's role in these instances would now be limited to determining whether or not the disputed agricultural operation constitutes a generally accepted operation or practice. The SADC would then return the case to the CADB, which would have a hearing and decide the allegations of the complaint; only if the CADB's decision was appealed would the SADC make a determination on the allegations.

Ms. Andrejko stated that the next step would be the SADC's approval of these draft rules at the January meeting and once approved staff will put together a formal rule proposal that would then be submitted to the NJ Register for public review and comment. Mr. Smith stated that this is part of the AMP package.

## **NEW BUSINESS**

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

Ms. Winzinger referred the Committee to the Eight-Year Program Summary Report showing three terminations of eight-year programs -- the Henry Realty Farm in Cranbury Township, Middlesex County; the Burke Farm in Hope Township, Warren County; and the Kenco Land Farm in Independence and Liberty Townships, Warren County. The Henry Realty farm had a soil and water conservation cost-share eligibility of \$12,750.00, and no funds were expended at the time of termination; the Burke farm had a cost share eligibility of \$20,778.00 and expended \$4,562.50, with a remaining

balance at expiration of \$16,215.50. The Kenco Land farm had a cost-share eligibility of \$36,530.00 and no funds were expended at the time of termination. There were no withdrawals or renewals of eight-year programs. The summary is for informational purposes and no Committee action was needed.

**B. Soil and Water Conservation Cost-Share Grant Extension Requests**

Mr. Roohr indicated that he would be presenting the soil and water conservation cost-share grant requests for Mr. Lofberg who had to leave the meeting. Mr. Schilling recused himself from any discussion/action pertaining to the Gambino farm extension request to avoid the appearance of a conflict of interest. Mr. Schilling and Ms. Gambino are former Rutgers colleagues.

1. Steven and Audrey Gambino, Pohatcong Township, Warren County

Mr. Roohr stated that this is a request for an extension of a soil and water conservation cost-share grant that was approved in November 2009 in the amount of \$7,200.00. The landowner has requested that the balance of \$7,200.00 be extended for the reasons set forth in the extension request summary. Staff recommendation is to grant a request for extension for a period of twelve months (November 5, 2013).

It was moved by Mr. Danser and seconded by Ms. Brodhecker to approve Resolution FY2013R12(1) granting a soil and water conservation cost-share grant extension to the following landowner, as presented and discussed, subject to any conditions in said resolution:

1. Steven and Audrey Gambino, SADC #21-0005-DE (Resolution FY2013R12(1))  
Pohatcong Township, Warren County  
Soil and Water Conservation Cost Share Extension Amount: \$7,200.00  
Extended to: November 5, 2013 (Obligation # 2)

The motion was approved. (Mr. Schilling recused himself from the vote.) (A copy of Resolution Fy2013R12(1) is attached to and is a part of these minutes.)

Note: Ms. Reade recused herself from any discussion/action pertaining to the Musumeci farm extension request to avoid the appearance of a conflict of interest. Ms. Reade is a supervisor for the Salem County Soil Conservation District.

2. Samuel Musumeci, Upper Pittsgrove Township, Salem County

Mr. Roohr stated that this is a request for an extension of a soil and water conservation cost-share grant that was approved in January 2010 in the amount of \$16,000.00. The



landowner has a pending payment of \$6,000.00, leaving a balance of \$10,000.00. The landowner has requested that the remaining balance of \$10,000.00 be extended for the reasons set forth in the extension request summary. Staff recommendation is to grant a request for an extension for a period of twelve months (January 28, 2014).

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2013R12(2) granting a soil and water conservation cost-share grant extension to the following landowner, as presented and discussed, subject to any conditions in said resolution:

2. Samuel Musumeci, SADC #17-0010-NP (Resolution FY2013R12(2))  
Upper Pittsgrove Township, Salem County  
Soil and Water Conservation Cost Share Extension Amount: \$10,000.00  
Extended to: January 28, 2014 (Obligation #1)

The motion was approved. (Ms. Reade recused herself from the vote.) (A copy of Resolution FY2013R12(2) is attached to and is a part of these minutes.)

### **C. Stewardship**

#### **1. Agricultural Labor Housing Request**

- a. Wachtell Farm, Washington Township, Morris County

Mr. Roohr referred the Committee to Resolution FY2013R12(3) for a request by Theodore Wachtell, owner of Block 29, Lots 18 and 18.01 in Washington Township, Morris County, to construct a new single-story structure, approximately 2,000 square feet, behind an existing barn. Mr. Wachtell anticipates housing up to two farm workers in the agricultural labor unit, one immediately and one additional employee as his breeding business grows. Mr. Wachtell is in the equine business of breeding, raising and training hunter/jumper and Clydesdale horses. The farm workers will be full-time employees of the farm, directly involved with the day-to-day production activities of breeding, raising and training of horses throughout the year, and production and harvesting of 80 acres of hay seasonally. The farm currently employs one full-time farm laborer dedicated to production activities on the farm, as well as part-time laborers during breeding and hay seasons. The full-time laborer (Gerardo Gelindo) would be the immediate occupant of the proposed agricultural labor unit. Staff recommendation is to grant the request for agricultural labor housing, as outlined in said resolution.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2013R12(3) granting a request by Theodore Wachtell, owner of Block 29, Lots 18 and 18.01 in Washington Township, Morris County, to construct a new single-story structure, approximately 2,000 square feet, to house the current agricultural laborer, Gerardo Gelindo, subject to municipal, state and federal requirements. Only agricultural labor

employed on the Premises in production aspects of the operation, and their immediate family, may live in the agricultural labor structure. The occupants of the agricultural labor unit shall not be related to the owner in conformance with paragraph 14 of the Deed of Easement. Any agricultural labor residence inhabitants shall be engaged in the day-to-day production activities on the Premises, which at this time include the breeding, raising, training, care and sale of hunter/jumper and Clydesdale horses and seasonal hay production and harvest. The motion was unanimously approved. (A copy of Resolution FY2013R12(3) is attached to and is a part of these minutes.)

**2. Renewal of House Replacement Request**

a. Visalli Farm, South Harrison Township, Gloucester County

Mr. Roohr referred the Committee to Resolution FY2013R12(4) for a request by Charles and Carlene Visalli, owners of Block 14, Lot 13 in South Harrison Township, Gloucester County, to extend a previously approved request to replace a single-family residence on the premises. The previous approval is valid until January 28, 2013. The owners plan to begin construction on the new house in the spring of 2013. Staff recommendation is to approve the extension of the approval to construct a single-family residence, consisting of approximately 2,500 to 3,000 square feet of heated living space, in the location shown in Schedule "A" of said Resolution to replace the existing single-family residence currently on the property.

It was moved by Mr. Waltman and seconded by Mr. Siegel to approve Resolution FY2013R12(4) granting a request by Charles and Carlene Visalli, owners of Block 14, Lot 13 in South Harrison Township, Gloucester County, to extend the previous approval to construct a single-family residence, consisting of approximately 2,500 to 3,000 square feet of heated living space, in the location shown in Schedule "A" of said Resolution to replace the existing single-family residence currently on the property. The previous approval is valid until January 28, 2013. This new extension approval is valid for a period of three years from the date of Resolution FY2013R12(4) and is non-transferable. The motion was unanimously approved. (A copy of Resolution FY2013R12(4) is attached to and is a part of these minutes.)

**D. Resolutions for Final Approval – State Acquisition Program**

Ms. Roberts referred the Committee to three applications for final approval under the State Acquisition Program. She reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval to the applications as presented and discussed.

It was moved by Mr. Danser and seconded by Mr. Waltman to approve Resolution FY2013R12(5) granting final approval to the following application, as presented and discussed, subject to any conditions of said resolution:

1. Westrum Swedesboro, LLC, SADC #08-0016-DE  
Block 45, Lots 9, 9.01, Woolwich Twp., Gloucester County, 87 Easement Acres  
Acquisition of the development easement at a value of \$7,200.00 per acre for a  
total of approximately \$626,400.00, subject to conditions contained in Schedule  
"C". **This approval is conditioned upon the recording of an access easement  
in a form approved by the Executive Director, establishing access for  
agricultural purposes over Lake Park Cemetery to a public street.**

Discussion: On November 5, 2012 the owner accepted the SADC's offer to purchase the development easement on the property and provided the SADC with a copy of the access easement for agricultural purposes over the Lake Park Cemetery to a public street immediately to its north, which has been reviewed and approved by SADC legal staff and must be recorded prior to closing.

The motion was unanimously approved. (A copy of Resolution FY2013R12(5) is attached to and is a part of these minutes.)

It was moved by Ms. Reade and seconded by Mr. Danser to approve Resolution FY2013R12(6) granting final approval to the following application, as presented and discussed, subject to any conditions of said resolution:

2. Bill McAlonan, SADC #17-0216-DE  
Block 33, Lots 4, 5, 13, Alloway Twp., Salem County, 175 Net Easement Acres  
Acquisition of the development easement at a value of \$4,550.00 per acre for a  
total of approximately \$796,250.00, based on approximately 175 easement acres,  
subject to the conditions contained in Schedule "B."

Discussion: There is a two-acre nonseverable exception area for one future single-family residence on Lot 4 allocated to this property and a 6.5 acre severable exception area around an existing single-family residence on Lot 5.

The motion was unanimously approved. (A copy of Resolution FY2013R12(6) is attached to and is a part of these minutes.)

It was moved by Mr. Danser and seconded by Ms. Reade to approve Resolution FY2013R12(7) granting final approval to the following application, as presented and discussed, subject to any conditions of said resolution:

3. Linda M. Thumlert, SADC #17-0231-DE

Block 29, Lot 6; Block 32, Lot 201

Upper Pittsgrove Township, Salem County, 100 Net Easement Acres

Acquisition of the development easement at a value of \$3,500.00 per acre for a total of approximately \$350,000.00 based on 100 easement acres, subject to the conditions contained in Schedule "B". **This approval is condition upon an acceptable recorded access easement establishing unrestricted access from Whig Lane to Block 29, Lot 6, across Block 29, Lot 7.**

Discussion: There is a three-acre nonseverable exception area for one future single-family residence on Block 32, Lot 2.01, and a six acre severable exception area for one future single-family residence on Block 29, Lot 6. Certification of value was conditioned upon a fifty foot wide unrestricted access easement from Whig Lane to Block 29, Lot 5, across Block 29, Lot 7, being recorded prior to closing. The owner has accepted the SADC's offer to purchase the development easement on the property and SADC staff is coordinating with the landowner's attorney to finalize the access easement based on a template approved by SADC staff.

The motion was unanimously approved. (A copy of Resolution FY2013R12(7) is attached to and is a part of these minutes.)

#### **PUBLIC COMMENT**

None

#### **TIME AND PLACE OF NEXT MEETING**

SADC Regular Meeting: Thursday, January 24, 2013, beginning at 9:00 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

#### **CLOSED SESSION**

At 1:22 p.m., Mr. Siegel moved the following resolution to go into Closed Session. The motion was seconded by Mr. Danser and unanimously approved.

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

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

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

**County Planning Incentive Grant Program**

Mr. Knox stated that the Hamill farm in Lawrence Township, Mercer County, was listed on today's agenda for certification of value. However, there were discussions late yesterday with D&R Greenway, which is the holder of a conservation easement on this property. There is a question as to whether there should be a severable or nonseverable exception on the property. Right now it has been appraised as having a nonseverable exception, and D&R Greenway has requested that the SADC table action today. Staff has discussed this with the Mercer CADB, which is agreeable to allowing this matter to be tabled until the January meeting of the SADC. In the meantime, staff will have continuing discussions with all involved to ascertain how they want to treat the exception area.

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

1. Hopewell Nursery Inc. # 3, SADC #06-0132-PG  
Block 13, Lots 3, 3.02, Hopewell Township, Cumberland County, 54 Acres
2. Watson (1) Farm, SADC #06-0134-PG  
Block 83, Lot 2, Hopewell Township, Cumberland County, 49 Acres
3. Estate of Evelyn Banff, SADC # 08-0153-PG  
Block 52, Lot 7, 11, 17, 18.01, 25-29, Harrison Twp., Glo. Co., 75 Acres
4. Timothy Pruden, SADC # 21-0507-PG  
Block 700, Lots 100, 1300, 1302, Hope Township, Warren County, 127 Acres  
**This certification is contingent upon the following restrictions concerning the 32-acre severable exception area: The exception area is restricted to a) two single-family housing including the existing house; b) no expansion of the airplane runway in size and must remain for private use; c) any nonagricultural development of the exception would be limited to rural enterprises or others deemed compatible with agriculture; d) The existing driveway/access easement across Block 700, Lot 1300, must be maintained in perpetuity and must specifically allow agricultural access.**

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

Ms. Reade recused herself from any discussion/action pertaining to the Gaventa and Son, Inc. farm to avoid the appearance of a conflict of interest and left the room. Ms. Reade indicated that Mr. Gaventa is on the County Committee for the Farm Service Agency.

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

1. Gaventa & Son, Inc., SADC #08-0143-PG  
Block 605, Lot 3, Logan Township, Gloucester County, 48 Acres

The motion was approved. (Ms. Reade recused herself from the vote.) (Copies of the Certification of Value Reports are attached to and are a part of the closed session minutes.)

### **Municipal Planning Incentive Grant Program**

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

1. Kurt and Donna Sickler, SADC # 17-0115-PG  
Block 16, Lot 13, Alloway Township, Salem County, 12 Acres (SADC)
2. Vernon and Beverly Erhardt, SADC # 31-0522-PG  
Block 10, Lot 33, White Township, Warren County, 27 Acres

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

### **State Acquisition Program**

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

1. Cramer/Riverwatch Partnership, SADC # 06-0056-DE  
Block 20, Lot 2, Greenwich Township, Cumberland County, 145 Acres
2. Olbrich Farm, SADC # 17-0238-DE  
Block 1002, Lot 19; Block 1101, Lot 48; Block 1102, Lots 12, 13  
Pittsgrove Township, Salem County, 125 Acres

3. Michael and Janie Catalano, SADC #17-0241-DE  
Block 40, Lot 4, Mannington Township, Salem County, 99 Acres

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

**Nonprofit Easement Purchase Program**

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

1. Delaware & Raritan Greenway/Battiato Farm, SADC #17-0038-NP  
Block 39, Lot 13, Mannington Township, Salem County, 51 Net Acres  
Easement Market Value of \$6,975.00 per acre or \$355,725.00 based on 51 Acres.

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

**PUBLIC COMMENT**

None

**ADJOURNMENT**

There being no further business, it was moved by Mr. Siegel and seconded by Ms. Reade and unanimously approved to adjourn the meeting at 1:40 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director  
State Agriculture Development Committee

Attachments

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION # FY2013R12(1)**

**REQUEST FOR EXTENSION OF PROJECT APPROVAL**

**WARREN COUNTY**

**STEVEN AND AUDREY GAMBINO**

**DECEMBER 13, 2012**

WHEREAS, the State Agriculture Development Committee (SADC) has received the request for extension of project approval application from the State Soil Conservation Committee (SSCC) for the **Steven and Audrey Gambino, SADC ID#21-0005-DE**, concerning the parcel of land located in the Township of Pohatcong, County of Warren; and

WHEREAS, the SSCC has reviewed specific reasons for extension related to seasonal constraints and to complete the installation of the well and the revision to the project (582 feet of ½ to 1 inch underground water conveyance pipe). Due to extensive crop loss in 2011 (Hurricane Irene and Tropical Storm Lee) resources were not available until recently, as stated by the landowners, and on November 13, 2012, the SSCC approved the request for extension for twelve months for the installation of previously approved projects pursuant to N.J.A.C. 2;76-5.4(d)2; and

WHEREAS, the SADC has reviewed said request for extension of project approval application from the above landowners pursuant to 2:76-5.4(d)2; and

WHEREAS, on November 5, 2009, the SADC approved a soil and water state cost-share grant in the amount of \$7,200.00, for approved projects submitted by the above landowners (at 50% cost share); and

WHEREAS, the landowners have expended the amount of \$0.00 to date and have requested the balance in the amount of \$7,200.00 to be extended until November 5, 2013; and


NOW THEREFORE BE IT RESOLVED, that the SADC, under the authority of N.J.A.C. 2;76-5.4(d)2, approves the extension of the term of obligation for a cost share grant in the amount of \$7,200.00 until November 5, 2013, with no further extension for **Steven and Audrey Gambino, SADC #21-0005-DE, Township of Pohatcong, County of Warren**, subject to available funds; and



BE IT FURTHER RESOLVED, that the project must be completed by November 5, 2013.

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.

12-13-12  
DATE

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

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

State Soil Conservation Committee  
State Cost Share Program  
Request for Extension of Project Approvals

(Note: Separate Request Required for Each Previously Approved Application)

County WARREN

Applicant Name STEVE & AUDREY GAMBINO

State ID Number 21-0005-DE Application # 2

Original Approval Date 11/5/09 (From Block 15 of original Application Form)

Total of Cost Share Funds Approved \$ 7200.00  
Amount Expended to Date \$ 00. Amount Remaining \$ 7200.

PROJECTS FOR WHICH EXTENSION IS REQUESTED. (List information below exactly as shown on original application or as revised via approved revision form. Enclose photo copies of approved application and revision forms).

A Project Description	B CPO Item #	C Field #	D Extent Originally Approved	E Amount Originally Approved	F Amt. to be Extended	G Amount Approved (State Office)
IRRIGATION WELL	1	6	300 FT	\$7200.	\$7200.	\$7,200
Total				\$7200.	\$7200.	\$7,200

DESCRIBE SPECIFIC REASONS FOR EXTENSION. Reasons must be detailed and relate to seasonal constraints or other unavoidable delays beyond the applicants control.

DUE to EXTENSIVE CROP LOSS - 2011  
(HURRICANE IRENE + TROPICAL STORM UG)  
CAPITAL RESOURCES WERE NOT AVAILABLE  
TILL RECENTLY - WON'T BE ABLE to  
COMPLETE IN REMAINING TIME.  
- REQUEST EXTENSION of 12 MO.  
SG

Applicant Certification

I hereby request that approval for the above listed projects be extended for 12 months (not to exceed 12 months). I certify that I have been unable to complete these projects within the original three year period for the reasons stated above and anticipate completing them within the period of extension requested.

Signature [Signature]

Date 10/10/12

Technical Agency Recommendation

I have reviewed this request for extension and concur with the reasons stated. Technical assistance for completion of the requested projects will be provided.

Signature [Signature]

District Conservationist

Date 10/10/12

SCD Approval

The Wayne R [Signature] Soil Conservation District has reviewed and approved this request at an official meeting held on \_\_\_\_\_ (date) and recommends extension for 12 months.

Signature \_\_\_\_\_

District Chairman

Date 10/10/12

SSCC Approval

The SSCC has reviewed and approved this request for extension of 12 months for installation of previously approved projects as described above.

Signature [Signature]

FRANK MONCH  
ADM. ANALYST

Date 11/13/12

SADC Approval

The SADC hereby extends funding authorization for the above listed projects. This approval will expire 11/5/2013.

Signature [Signature]

EXECUTIVE DIRECTOR, SADC

Date 12-18-13

NOTE: All requests for payment for projects completed by the extended date must be submitted for payment no later than 30 days after that date. Projects completed after that date will not be eligible for payment. All requests for extension must be received by the State Soil Conservation Committee at least 30 days prior to the original expiration date to facilitate timely processing.

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION # FY2013R12(2)**

**REQUEST FOR EXTENSION OF PROJECT APPROVAL**

**SALEM COUNTY**

**SAMUEL MUSUMECI**

**DECEMBER 13, 2012**

WHEREAS, the State Agriculture Development Committee (SADC) has received the request for extension of project approval application from the State Soil Conservation Committee (SSCC) for the **Samuel Musumeci, SADC ID#17-0010-NP**, concerning the parcel of land located in the Upper Pittsgrove, County of Salem; and

WHEREAS, the SSCC has reviewed specific reasons for extension related to seasonal constraints and delay in permit approval by NJDEP, extreme rain fall in the summer of 2011, extreme rain fall in the fall of 2012, and limited work time due to assisting with care of illnesses of several family members and their subsequent death, as stated by the landowners, and on November 13, 2012, the SSCC approved the request for extension for twelve months for the installation of previously approved projects pursuant to N.J.A.C. 2:76-5.4(d)2; and

WHEREAS, the SADC has reviewed said request for extension of project approval application from the above landowner pursuant to 2:76-5.4(d)2; and

WHEREAS, on January 28, 2010, the SADC approved a soil and water state cost-share grant in the amount of \$16,000.00, for approved projects submitted by the above landowner (at 50% cost share); and


WHEREAS, the landowner has a payment pending approval and processing in the amount of \$6,000.00 to date and has requested the balance in the amount of \$10,000.00 to be extended until January 28, 2014; and

NOW THEREFORE BE IT RESOLVED, that the SADC, under the authority of N.J.A.C. 2:76-5.4(d)2, approves the extension of the term of obligation for a cost share grant in the amount of \$10,000.00 until January 28, 2014, with no further extension for **Samuel Musumeci, SADC #17-0010-NP, Township of Upper Pittsgrove, County of Salem**, subject to available funds; and

BE IT FURTHER RESOLVED, that the project must be completed by January 28, 2014.

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.

12-13-12  
DATE

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

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

State Soil Conservation Committee  
 State Cost Share Program  
 Request for Extension of Project Approvals

(Note: Separate Request Required for Each Previously Approved Application)

County Salem

Applicant Name Samuel F. Muscarelli

State ID Number 17-0010-NP Application # 1

Original Approval Date 1/28/10 (From Block 15 of original Application Form)

Total of Cost Share Funds Approved \$ 16,000-

Amount Expended to Date \$ 6,000-\* Amount Remaining \$ 10,000-  
*(No 12 app. and app)*

PROJECTS FOR WHICH EXTENSION IS REQUESTED. (List information below exactly as shown on original application or as revised via approved revision form. Enclose photo copies of approved application and revision forms).

A Project Description	B CPO Item #	C Field #	D Extent Originally Approved	E Amount Originally Approved	F Amt. to be Extended	G Amount Approved (State Office)
290214 Water Res.	1	Pond	2 Ac. Ft	\$210,000	\$10,000	\$10,000
Total				\$10,000	\$10,000	\$10,000

DESCRIBE SPECIFIC REASONS FOR EXTENSION. Reasons must be detailed and relate to seasonal constraints or other unavoidable delays beyond the applicants control.

*(see attached bill)*

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Applicant Certification

I hereby request that approval for the above listed projects be extended for 12 months (not to exceed 12 months). I certify that I have been unable to complete these projects within the original three year period for the reasons stated above and anticipate completing them within the period of extension requested.

Signature [Signature] Date 11/1/12

Technical Agency Recommendation

I have reviewed this request for extension and concur with the reasons stated. Technical assistance for completion of the requested projects will be provided.

Signature Mona Peterson Date 11-2-12  
District Conservationist

SCD Approval

The Cumbehand - Salem Soil Conservation District has reviewed and approved this request at an official meeting held on \_\_\_\_\_ (date) and recommends extension for 12 months.

Signature [Signature] Date 11/19/12  
District Chairman

SSCC Approval

The SSCC has reviewed and approved this request for extension of 12 months for installation of previously approved projects as described above.

Signature [Signature] Date 11/13/12  
Title FRANK MINGH  
SSCC Analyst

SADC Approval

The SADC hereby extends funding authorization for the above listed projects. This approval will expire 1-28-14.

Signature [Signature] Date 12-13-13  
Title EXECUTIVE DIRECTOR, SADC

NOTE: All requests for payment for projects completed by the extended date must be submitted for payment no later than 30 days after that date. Projects completed after that date will not be eligible for payment. All requests for extension must be received by the State Soil Conservation Committee at least 30 days prior to the original expiration date to facilitate timely processing.

State Soil Conservation Committee  
 State Cost Share Program  
 Request for Extension of Project Approvals

(Note: Separate Request Required for Each Previously Approved Application)

County Salem

Applicant Name Samuel F. Musumeci

State ID Number 17-0010-NP Application # 1

Original Approval Date 1/28/10 (From Block 15 of original Application Form)

Total of Cost Share Funds Approved \$ 16,000-  
 Amount Expended to Date \$ 6,000-\* Amount Remaining \$ 10,000-

*(New 12 page cost app)*

PROJECTS FOR WHICH EXTENSION IS REQUESTED. (List information below exactly as shown on original application or as revised via approved revision form. Enclose photo copies of approved application and revision forms).

A Project Description	B CPO Item #	C Field #	D Extent Originally Approved	E Amount Originally Approved	F Amt. to be Extended	G Amount Approved (State Office)
2:90-2.14 Water Res.	1	Pond	2 Ac-FT	\$20,000	\$10,000	\$10,000
Total				\$10,000	\$10,000	\$10,000

DESCRIBE SPECIFIC REASONS FOR EXTENSION. Reasons must be detailed and relate to seasonal constraints or other unavoidable delays beyond the applicants control.

*(see attached list)*





**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION #FY2013R12(3)**

**Construction of Onsite Agricultural Labor Housing**

**Theodore Wachtell**

**December 13, 2012**

WHEREAS, Theodore Wachtell, ("Owner") is the current record owner of Block 29, Lots 18 & 18.01, as identified in the Township of Washington, County of Morris, by deed dated October 26, 2012 and recorded in the Morris County Clerk's office in Deed Book 22179, Page 373, totaling 114.08 acres, hereinafter referred to as "Premises", see attached Schedule "A"; and

WHEREAS, the development easement on the Premises was conveyed to Morris County on May 29, 1992, by the previous owners Louis and Catherine Kennedy, 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 3595, Page 16; and

WHEREAS, on May 29, 1992, the fee simple title to the Premises was conveyed to the New Jersey Conservation Foundation by Louis and Katherine Kennedy as recorded in the Morris County Clerk's office in Deed Book 3620, Page 246; and

WHEREAS, on March 3, 2000, the New Jersey Conservation Foundation conveyed the Premises to Kenneth and Rosemarie Pescatore, as recorded in the Morris County Clerk's office in Deed Book 5146, Page 95; and

WHEREAS, the farmland preservation Deed of Easement identifies one residual dwelling site opportunity (RDSO), no existing single family residential buildings and no residential units used for agricultural labor purposes; and

WHEREAS, on January 11, 2000, the SADC approved resolution #FY00R1(1) allowing Kenneth and Rosemarie Pescatore, to exercise the RDSO; and

WHEREAS, on November 30, 2004, John and Maria DeGrande purchased the Premises from the Pescatores; and

WHEREAS, the DeGrande family made significant improvements to the property, including the construction of a 40-stall barn, indoor and outdoor equine training facilities and creation of fenced pasture paddocks along with improvements to the hay fields, in order to develop an equine farm; and

WHEREAS, on February 22, 2007, the SADC approved the DeGrande's request to construct a 2,000 sq./ft. agricultural labor housing unit to accommodate two full-time workers; and

WHEREAS, the DeGrandes never constructed the agricultural labor unit and have subsequently sold the farm to the Owner; and

WHEREAS, the Owner is in the equine business, breeding, raising and training hunter/jumper and Clydesdale draft horses and is requesting to build an approximately 2,000 sq./ft. agricultural labor unit; and

WHEREAS, paragraph number 14 of the Deed of Easement states: "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 provide structures for housing of agricultural labor employed on the Premises but only with the approval of the Grantee and Committee. If Grantee and the Committee grant approval for the construction of agricultural labor housing, such housing shall not be used as a residence for Grantor"; and

WHEREAS, the Owner proposes to build a new single-story structure, approximately 2,000 sq./ft. in size, behind the barn, in the area shown on Schedule "A"; and

WHEREAS, the Owner anticipates housing up to two farm workers in the agricultural labor unit, one immediately and one additional employee as the breeding business grows; and

WHEREAS, the farm workers will be a full-time employees of the farm directly involved with the day-to-day production activities of breeding, raising and training of horses throughout the year and production and harvest of 80-acres of hay seasonally; and

WHEREAS, the location of the proposed new structure is near a wooded corner of the property, behind the horse barn; and

WHEREAS, the primary use of the farm is for the breeding, raising and training of hunter/jumper and Clydesdale draft horses; and

WHEREAS, breeding and foaling currently occurs on the farm on with plans to increase; and

WHEREAS, a total of 15 horses reside on the property at this time, eight of which are broodmares, three are foals and the remainder are mature horses in varying stages of training available for sale; and

WHEREAS, five of the broodmares are owned outright by the Owner; and

WHEREAS, two mares belong to the farms breeding manager, with the Owner retaining a portion of the sale of all foals born on the farm; and

WHEREAS, the Owner is scheduled to travel to Argentina the week of December 10<sup>th</sup> to review two additional broodmares for purchase; and

WHEREAS, the ability to breed and foal horses on the Premises will be improved with the addition of onsite labor capable of providing 24-hour care; and

WHEREAS, the farm currently employs one full-time farm laborer, Gerardo Gelindo, dedicated to production activities on the farm, as well as part-time laborers during breeding and hay seasons; and

WHEREAS, Mr. Gelindo would be the immediate occupant of the proposed agricultural labor unit; and

WHEREAS, due to the high cost of housing in this area of the County, laborers must travel a significant distance each day to get from their homes to the farm; and

WHEREAS, the Owner finds that the distance of affordable housing to the farm makes finding qualified, reliable help very difficult; and

WHEREAS, the Owner believes that having on-farm housing for agricultural labor will allow them to hire and retain workers with better training and experience in equine care; and

WHEREAS, the Owner believes that having farm workers onsite is essential to the future and expansion of the operation; and

WHEREAS, the MCADB and the SADC have reviewed the Owner's request to construct an agricultural labor unit and have determined that the size and location of the proposed unit minimize any adverse impact on the agricultural operation; and

WHEREAS, by resolution dated November 29, 2012, the MCADB approved the Owner's request; and

WHEREAS, the SADC finds that the proposed construction of the agriculture labor unit is consistent with the requirements of the Deed of Easement.

NOW THEREFORE BE IT RESOLVED, that the SADC approves the request to construct an agriculture labor unit on the Premises, consisting of a single-story structure of approximately 2,000 square/feet, to house the current agricultural laborer, Gerardo Gelindo, subject to municipal, state and federal requirements; and

BE IT FURTHER RESOLVED, that only agricultural labor employed on the Premises, in production aspects of the operation, and their immediate family, may live in the agricultural labor structure; and

BE IT FURTHER RESOLVED, that the occupants of the agricultural labor unit shall not be related to the Owner in conformance with paragraph 14 of the Deed of Easement; and

BE IT FURTHER RESOLVED, that any agricultural labor residence inhabitants shall be engaged in the day-to-day production activities on the Premises, which at this time include the breeding, raising, training, care and sale of hunter/jumper and Clydesdale horses and seasonal hay production and harvest; and

BE IT FURTHER RESOLVED, that a copy of the signed resolution will be forwarded to the Morris County Agriculture Development Board, the Washington Township municipal offices and the Owner; and

BE IT FURTHER RESOLVED, that this approval is valid for a period of three years from the date of approval; and

BE IT FURTHER RESOLVED, that this approval is not transferrable; and

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

12/13/12

DATE



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Tom Stanuikynas (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	ABSENT

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# Schedule "A"

Watchell Farm

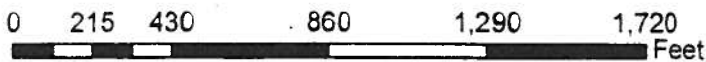
Location of proposed agricultural labor unit

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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Watchell Farm  
Block 29, Lots 18 & 18.01  
Wachington Township, Morris County  
114 - Acres



month/day/year

### Farmland Preservation Program

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

### State Planning Areas

- (PA1) METRO
  - (PA2) SUBURBAN
  - (PA3) FRINGE
  - (PA4) RURAL
  - (PA4a) RURAL ENV SENS
  - (PA5) ENV SENS
  - (PA5a) ENV SENSITIVE BARRIER IS
  - (P10) PINELANDS
  - PARK
  - MILITARY
  - NEW JERSEY MEADOWLANDS
  - WATER
  - ELLIS ISLAND- NJ
  - ELLIS ISLAND- NY
- Base Map**
- County Boundaries
  - Municipal Boundaries
  - Highlands Planning Area
  - Highlands Preservation Area
  - Possessory Area
  - Green Acres Preserved Easement

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION #FY2013R12R(4)**

**Request to Replace a Single Family Residence**

**Charles and Carlene Visalli**

**December 13, 2012**

Subject Property: Block 14, Lot 13  
South Harrison Township, Gloucester County  
60.70 - Acres

WHEREAS, Charles and Carlene Visalli, hereinafter "Owners", are the record owners of Block 14, Lot 13, in South Harrison Township, Gloucester County, by Deed dated February 22, 2010, and recorded in the Gloucester County Clerk's Office in Book 4745, Page 155, totaling approximately 60.70 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the State Agriculture Development Committee, by the former owner, Barbara and Francis Keefer, by Deed dated June 9, 2008, and recorded in the Gloucester County Clerk's Office in Book 4551, Page 282, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, and the Garden State Preservation Act, N.J.S.A. 13:8C, et seq.; and

WHEREAS, the Premises was sold to Joseph and Grace Visalli by deed dated January 30, 2009, and recorded in the Gloucester County Clerk's office in Book 46260, Page 33700; and

WHEREAS, on January 6, 2010, the SADC received a request to replace the single family residence on the Premises, from Charles Visalli, son of the previous owners, and contract purchaser of the farm at that time; and

WHEREAS, on January 28, 2010, the SADC approved the request to replace the existing house on the premises, in the location shown on Schedule "A", through resolution #FYR2010R1(33); and

WHEREAS, this approval is valid until January 28, 2013; and

WHEREAS, the Owner plans to begin construction on the new house in the spring of 2013 and is requesting an extension of the previous approval; and



WHEREAS, the Deed of Easement identifies one single-family residence on the Premises, no exception areas and no RDSOs; and

WHEREAS, paragraph 14 ii 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 Committee; and

WHEREAS, on January 14, 2010, SADC staff visited the site; and

WHEREAS, the Premises has been maintained primarily as a grain farm; and

WHEREAS, the Owner and his brother are partners in a grain and processing vegetable farm, known as C & M Visalli Farms, that operates on approximately 1,200 acres in the surrounding area; and

WHEREAS, the Visalli family has been farming in nearby Mullica Hill since 1926; and

WHEREAS, due to residential development encroaching around the Visalli family home farm, which is in very close proximity to exit two of the NJ turnpike, they have decided to relocate the base of farm operations to the Premises which is surrounded by preserved farmland in a much less developed section of the township; and

WHEREAS, the Owners intend to reside in the new house; and

WHEREAS, the proposed new house will be built approximately 50 to 75 feet behind the existing house; and

WHEREAS, the new house will utilize the existing farm lane as the driveway; and

WHEREAS, the Owners propose to build a house with approximately 2,500 to 3,000 square feet of heated living space to replace the original farmhouse which is approximately 2,200 square feet; and

WHEREAS, the previously existing house has been removed, and that area filled, graded and seeded; and

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to the restrictions as contained in the Deed of Easement, finds that the replacement of a single-family residence on the Premises will have a positive impact on the continued agricultural operations of this farm by replacing a deteriorating, existing residence on the Premises, with a new residence which shall serve as the primary residence for Charles Visalli and Carlene Visalli; and

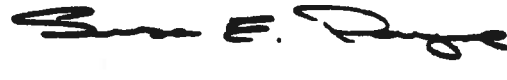
BE IT FURTHER RESOLVED, that the Committee approves the extension of the approval to construct a single family residence, consisting of approximately 2,500 to 3,000 square feet of heated living space, in the location shown in Schedule "A", to replace the existing single family residence currently on the Premises; and

BE IT FURTHER RESOLVED, that this extension of the existing approval is valid for a period of three years from the date of this resolution; and

BE IT FURTHER RESOLVED, that this approval is non-transferable; 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.

12/13/12  
Date



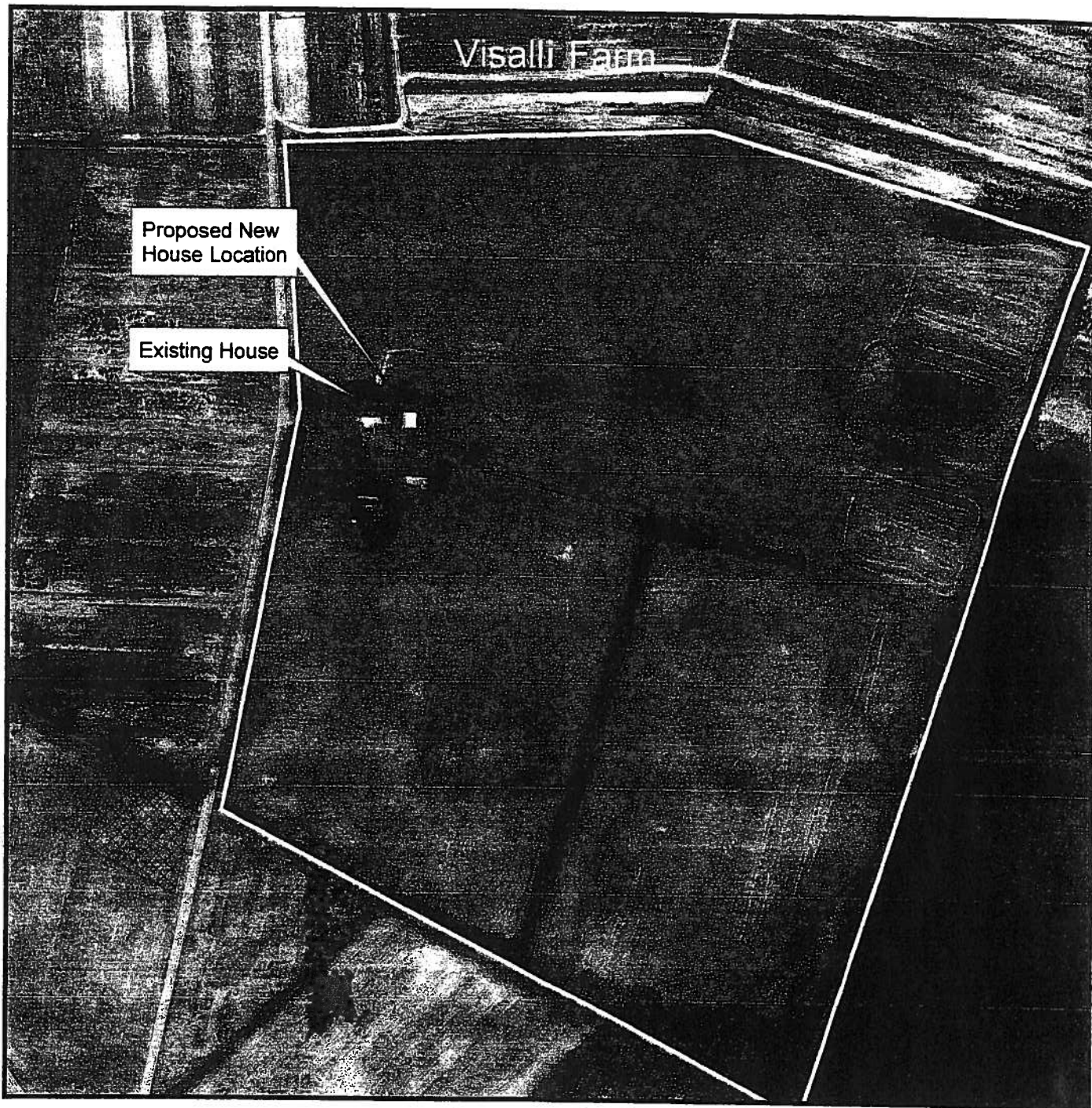
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Tom Stanuikynas (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	ABSENT

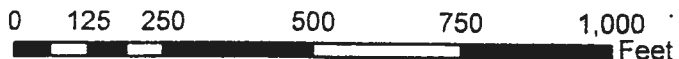
# Schedule "A"

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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Visalli Farm  
Block 14 Lot 13  
South Harrison Township  
Gloucester County



month/day/year

### Farmland Preservation Program

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

- ### State Planning Areas
- (PA1) METRO
  - (PA2) SUBURBAN
  - (PA3) FRINGS
  - (PA4) RURAL
  - (PA4) RURAL ENV. BENS
  - (PA5) ENV. SENS
  - (PA5) ENV. SENSITIVE BARRIER IS
  - (PA10) PINELANDS
  - PARK
  - MILITARY
  - NEW JERSEY MEADOWLANDS
  - WATER
  - ELLIS ISLAND- NJ
  - ELLIS ISLAND- NY
- ### Base Map
- County boundaries
  - Municipal boundaries
  - Highlands Planning Area
  - Highlands Preservation Area
  - Pinelands Area
  - Green Acres Preserved Easement

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION #FY2013R12(5)**

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

**On the Property of  
Westrum Swedesboro, LLC**

**December 13, 2012**

Subject Property: Westrum Swedesboro LLC  
Block 45, Lots 9 & 9.01  
Woolwich Twp., Gloucester County  
SADC ID # 08-0016-DE  
Approximately 87 Easement Acres

WHEREAS, on July 27, 2009, the State Agriculture Development Committee ("SADC") received a development easement sale application from Westrum Swedesboro, LLC ("Owner") identified as Block 45, Lots 9 & 9.01, Woolwich Twp., Gloucester County ("Property") totaling approximately 87 acres (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, 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 28, 2011 which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property has a quality score of 67.67 which exceeds the Priority Quality score for Gloucester County of 56, and the Property's 87 acres exceeds the Priority acreage for Gloucester County of 52 acres, and therefore the Property is categorized a Priority farm; and

WHEREAS, the farm currently produces melons, corn and grain; and

WHEREAS, on September 27, 2012, the SADC certified the development easement value of the Property at \$7,200 per acre based on current zoning and environmental conditions as of July 2012; and

WHEREAS, the certified value was conditioned upon the Owner obtaining a permanent access easement for agricultural purposes over the Lake Park Cemetery to a public street immediately to its north (Schedule B) prior to SADC Final Approval; and

WHEREAS, on November 5, 2012, the Owner accepted the SADC's offer to purchase the development easement on the Property at \$7,200 per acre and provided the SADC with a copy of the access easement which has been reviewed and approved by SADC legal staff and must be recorded prior to closing; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Westrum Swedesboro, LLC application, for the acquisition of the development easement at a value of \$7,200 per acre for a total of approximately \$626,400 subject to the conditions contained in Schedule C; and

BE IT FURTHER RESOLVED, that the SADC's cost share shall be based on the final surveyed acreage of the Property adjusted for proposed road rights of way, other rights of way or easements as determined by the SADC, tidelands claim and streams or water bodies on the boundaries of the Property as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, that the SADC conditions this approval on the recording of an access easement in a form approved by the Executive Director, establishing access for agricultural purposes over Lake Park Cemetery to a public street; and

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

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; and

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

12/13/12  
Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS**

Douglas Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Tom Stanuikynas (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	ABSENT



# Schedule A



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Application within the (PA2) Suburban Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Westrum Swedesboro/Stephen Mansfield  
Block 45 Lots 9 (79.8 ac) & 9.01 (6.9 ac)  
Gross Total = 86.7 ac  
Woolwich Twp Gloucester County



	Priority in Case on
	De-Over-General Excavation
	Co-General Excavation
	Wetlands/Board of Inq.
	Municipal, County and Ken-Griff Reserved Open Space
	State Owned Conservation Easement
	State Owned O & R/Recreation Easement
	Federal and Third-Party Easement

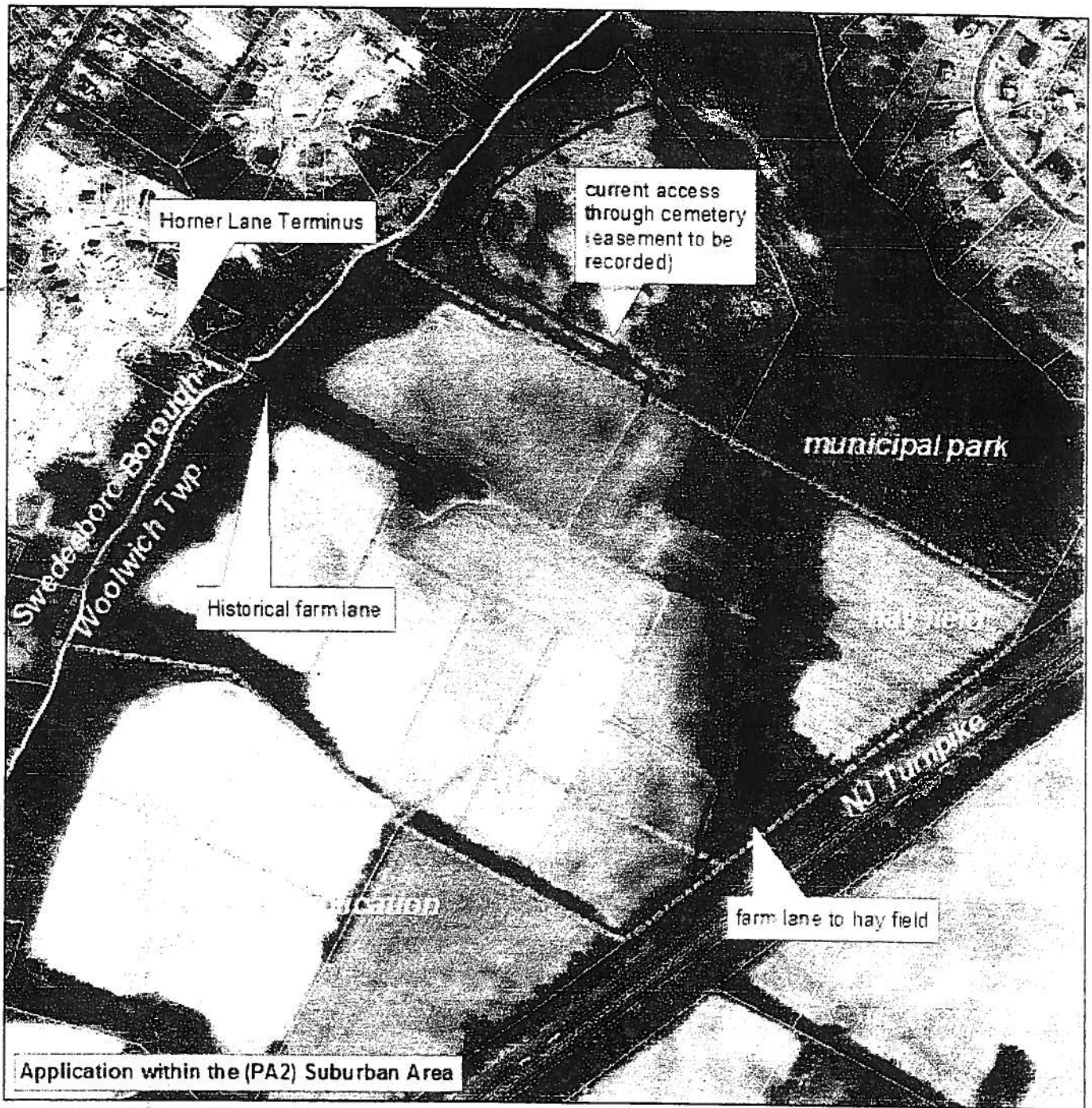


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**DISCLAIMER:** Any use of this product with respect to any project shall be the sole responsibility of the user. The State of New Jersey and the Department of Agriculture do not warrant the accuracy or completeness of the information provided herein. The Department of Agriculture and the State of New Jersey do not assume any liability for any damage or loss of any kind, including but not limited to, direct, indirect, or consequential damages, arising from the use of this product. The Department of Agriculture and the State of New Jersey do not assume any liability for any damage or loss of any kind, including but not limited to, direct, indirect, or consequential damages, arising from the use of this product.

Westrum Swedesboro/Stephen Mansfield  
Block 45 Lots 9 (79.8 ac) & 9.01 (6.9 ac)  
Gross Total = 86.7 ac  
Woolwich Twp Gloucester County

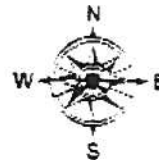
# Schedule B



## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Westrum Swedesboro/Stephen Mansfield  
Block 45 Lots 9 (79.8 ac) & 9.01 (6.9 ac)  
Gross Total = 86.7 ac  
Woolwich Twp - Gloucester County

0 100 200 300 400 500 Feet



	Property Ownership
	20-40% Agricultural Use
	40-60% Agricultural Use
	60-80% Agricultural Use
	80-100% Agricultural Use
	Wetlands
	Municipal Parks
	NJ Turnpike
	Farm Lane
	Historical Farm Lane
	Horner Lane Terminus
	Current Access through Cemetery
	Farm Lane to Hay Field

**DISCLAIMER:** This map is prepared for informational purposes only. It is not intended to be used as a legal document. The information on this map is derived from the best available information and is not guaranteed to be accurate. The user of this map assumes all responsibility for its use.

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**Wetlands Legend:**  
 Wetlands  
 100% Wetlands  
 75% Wetlands  
 50% Wetlands  
 25% Wetlands  
 0% Wetlands

**Sources:**  
 USDA Wetlands Inventory  
 State Aerial Photography  
 USGS Digital Data  
 USGS Digital Data



State Agriculture Development Committee  
 SADC Final Review: Development Easement Purchase

Schedule C

Westrum Swedesboro LLC  
 State Acquisition  
 Easement Purchase - SADC  
 87 Acres

Block 45  
 Block 45

Lot 9  
 Lot 9.01

Woolwich Twp.  
 Woolwich Twp.

Gloucester County  
 Gloucester County

**SOILS:**

Other

28% \* 0 = .00

Prime

37% \* .15 = 5.55

Statewide

35% \* .1 = 3.50

**SOIL SCORE: 9.05**

**TILLABLE SOILS:**

Cropland Pastured

8% \* .15 = 1.20

Cropland Harvested

66% \* .15 = 9.90

Wetlands

6% \* 0 = .00

Woodlands

.20% \* 0 = .00

**TILLABLE SOILS SCORE: 11.10**

**FARM USE:**

Field Crop Except 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: No Exceptions Recorded
  - c. Additional Restrictions:  
 The applicant must obtain permanent access over the Lake Park Cemetery for agricultural access to the farm prior to final approval.
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
 No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION #FY2013R12(6)**

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

**On the Property of  
Bill McAlonan**

**December 13, 2012**

Subject Property: Bill McAlonan  
Block 33, Lots 4, 5, 13  
Alloway Twp., Salem County  
SADC ID # 17-0216-DE  
Approximately 175 Net Easement Acres

WHEREAS, on October 16, 2009, the State Agriculture Development Committee ("SADC") received a development easement sale application from Bill McAlonan ("Owner") identified as Block 33, Lots 4, 5, 13, Alloway Twp., Salem County ("Property") totaling approximately 187 gross acres and 175 net easement acres, (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, 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 28, 2011, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property has a quality score of 65.18, which exceeds the Priority Quality score for Salem County of 64, and the Property's 175 acres exceeds the Priority acreage for Salem County of 95 acres, so therefore the Property is categorized as a Priority farm; and

WHEREAS, the Property is currently devoted to hay production and livestock including, cattle, sheep, goats and horses; and

WHEREAS, a two-acre non-severable exception area for one future single family residence on lot 4 is allocated to the Property; and

WHEREAS, a 6.5-acre severable exception area around the existing single family residence on lot 5 is allocated to the Property; and

WHEREAS, on November 26, 2012, the SADC certified the development easement value of the Property at \$4,550 per acre based on current zoning and environmental conditions; and

WHEREAS, on November 9, 2012 the Owner accepted the SADC's offer to purchase the development easement on the Property at \$4,550 per acre; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for the acquisition of the development easement at a value of \$4,550 per acre for a total of approximately \$796,250 based on approximately 175 easement acres, subject to the conditions contained in Schedule B; and

BE IT FURTHER RESOLVED, that the SADC's cost share shall be based on the final surveyed acreage of the Property adjusted for proposed road rights of way, other rights of way or easements as determined by the SADC, tidelands claim and streams or water bodies on the boundaries of the Property as identified in Policy P-3-B Supplement; and

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

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC, or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; 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.

12/13/12

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Douglas Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Tom Stanuikynas (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	ABSENT

# Schedule A



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Application within the (PA4) Rural Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

McAlonan/Holy Tree Farm/Spring Farm  
 Block 33 Lots 13 (13.0 ac); P/O 4 (58.2 ac);  
 P/O 4-EN (non-severable exception - 2.0 ac); P/O 5 (107.7 ac);  
 and P/O 5-EN (severable exception - 6.5 ac)  
 Gross Total = 187.3 ac  
 Alloway Twp., Salem County



	Property in Question
	EN - (Non-Severable) Exception
	EA - (Severable) Exception
	Wetlands Boundaries
	Municipal County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned O&B & Recreation Easement



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

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

**Sources:**  
 NJDEP Freshwater Wetlands Data  
 Green Acres Conservation Easement Data  
 NJOT/OGIS 2007/2008 Digital Aerial Image

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Bill McAlonan  
State Acquisition  
Easement Purchase - SADC  
175 Acres

Block 33 Lot 13 Alloway Twp. Salem County  
Block 33 Lot 4 Alloway Twp. Salem County  
Block 33 Lot 5 Alloway Twp. Salem County

**SOILS:**  
Other 15.11% \* 0 = .00  
Prime 34.28% \* .15 = 5.14  
Statewide 45.7% \* .1 = 4.57  
Unique zero 4.91% \* 0 = .00

**SOIL SCORE: 9.71**

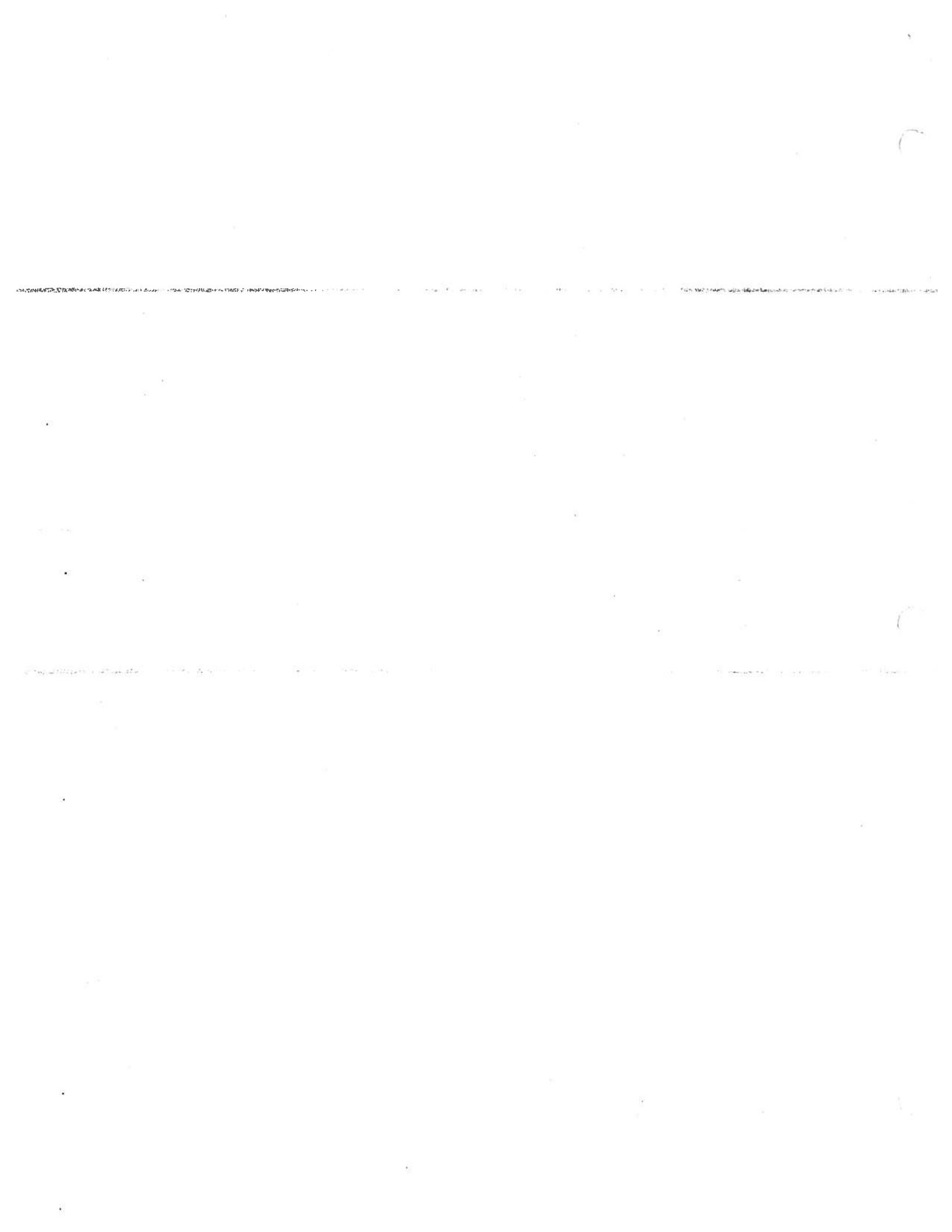
**TILLABLE SOILS:**  
Cropland Harvested 60% \* .15 = 9.00  
Woodlands 40% \* 0 = .00

**TILLABLE SOILS SCORE: 9.00**

**FARM USE:**  
Hay 55 acres  
Beef Cattle Feedlots acres 15 head  
Horse & Other Equine 10 acres 10  
Sheep & Goats 20 acres 20

**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 restricted to one single family residential unit
    - 2nd (6.5) acres for existing SFR  
Exception is severable  
Exception is to be restricted to one single family residential unit
  - 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 #FY2013R12(7)**

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

**On the Property of  
Thumlert Farm**

**December 13, 2012**

Subject Property: Thumlert Farm  
Block 29, Lot 6; Block 32, Lot 2.01  
Upper Pittsgrove Twp., Salem County  
SADC ID # 17-0231-DE  
Approximately 100 Net Easement Acres

WHEREAS, on November 17, 2010, the State Agriculture Development Committee ("SADC") received a development easement sale application from Linda M. Thumlert, hereinafter "Owner," identified as Block 29, Lot 6; Block 32, Lot 2.01 Upper Pittsgrove Twp., Salem County, hereinafter "Property," totaling approximately 109 acres, (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, staff evaluated this application for the sale of development easement pursuant to SADC Policy P-14-E, Prioritization criteria, N.J.A.C. 2:76-6.16 and the State Acquisition Selection Criteria approved by the SADC on June 24, 2010, which categorized applications into "Priority", "Alternate" and "Other" groups; and

WHEREAS, the Property has a quality score of 62.16, which exceeds the Priority Quality score for Salem County of 62, and the Property's size of 100 net acres exceeds the Priority acreage for Salem County of 95 acres, so therefore the Property is categorized as a Priority farm; and

WHEREAS, the farm is in corn and hay production; and

WHEREAS, a 3-acre non-severable exception area for one future single family residence on Block 32, Lot 2.01 is allocated to the Property; and



WHEREAS, a 6-acre severable exception area for one future single family residence on Block 29, Lot 6 is allocated to the Property; and

WHEREAS, on November 8, 2012, the SADC certified the development easement value of the Property at \$3,500 per acre based on current zoning and environmental conditions; and

WHEREAS, the certification was conditioned upon a 50' wide unrestricted access easement from Whig Lane to Block 29, Lot 6 across Block 29, Lot 7 being recorded prior to closing; and

WHEREAS, the Owner accepted the SADC's offer to purchase the development easement on the Property at \$3,500 per acre and SADC staff are coordinating with the landowner's attorney to finalize the access easement based on a template approved by SADC staff; and

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

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the Property, for the acquisition of the development easement at a value of \$3,500 per acre for a total of approximately \$350,000 based on 100 easement acres and subject to the conditions contained in Schedule B; and

BE IT FURTHER RESOLVED, that the SADC's cost share shall be based on the final surveyed acreage of the Property adjusted for proposed road rights of way, other rights of way or easements as determined by the SADC, tidelands claim and streams or water bodies on the boundaries of the Property as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, that the SADC conditions this approval on an acceptable recorded access easement establishing unrestricted access from Whig Lane to Block 29, Lot 6 across Block 29, Lot 7; and

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

BE IT FURTHER RESOLVED, the SADC authorizes Secretary of Agriculture Douglas H. Fisher, Chairperson, SADC, or Executive Director Susan E. Payne, to execute an Agreement to Sell Development Easement and all necessary documents to contract for the professional services necessary to acquire said development easement, including but not limited to a survey and title search and to execute all necessary documents required to acquire the development easement on the Property; 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.

12/13/12

Date

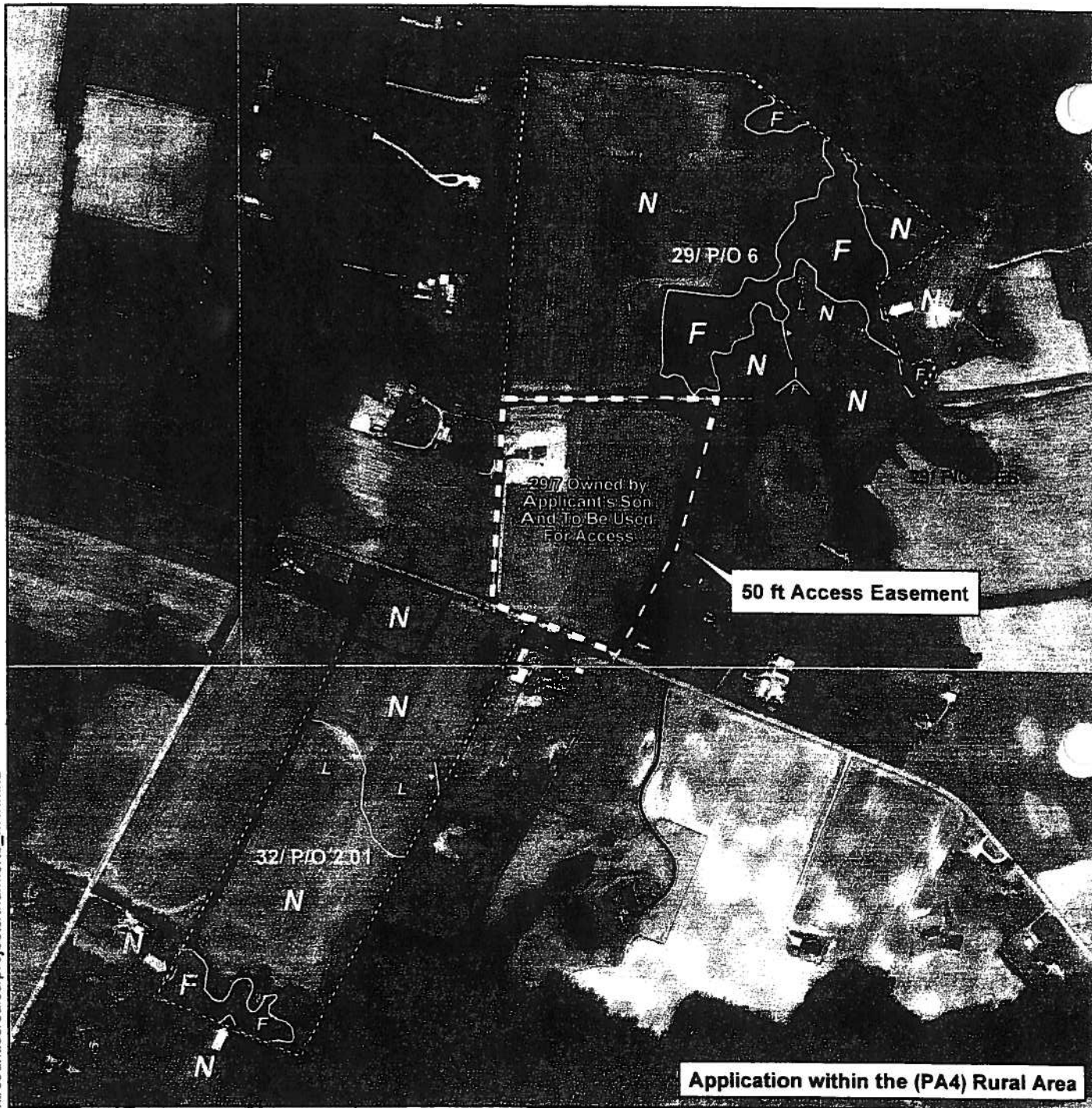


Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS**

Douglas Fisher, Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Tom Stanuikynas (rep. DCA Commissioner Constable)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)	YES
James Waltman	YES
Torrey Reade	YES
Peter Johnson	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano	ABSENT

# Schedule A



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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Linda Thumler  
 Block 29 Lots P/O 6 (62.2 ac); P/O 6-ES (severable exception - 6.0 ac);  
 Block 32 Lots P/O 2.01 (38.7 ac) &  
 P/O 2.01-EN (non-severable exception - 3.0 ac)  
 Gross Total = 109.9 ac  
 Upper Pittsgrove Twp., Salem County

500 250 0 500 1,000 Feet

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- Property In Question
- EN - (Non-Severable) Exception
- ES - (Severable) Exception
- Wetlands Boundaries:**
- 50 ft access easement
- Municipal, County and Non-Profit Preserved Open Space
- State Owned Conservation Easement
- State Owned OIS & Recreation Easement
- Grid Lines for DVRPC 2010 Aerial Imagery



- 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:  
 NJDEP Freshwater Wetlands Data  
 Green Acres Conservation Easement Data  
 NJOT/OGIS 2007/2008 Digital Aerial Image  
 DVRPC 2010 Aerial Image

Schedule B

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Thumlert Farm  
State Acquisition  
Easement Purchase - SADC  
100 Acres

Block 29                      Lot 6                      Upper Pittsgrove Twp. Salem County  
Block 32                      Lot 2.01                      Upper Pittsgrove Twp. Salem County

**SOILS:**

Other	22.89% *	0	=	.00
Prime	66.95% *	.15	=	10.04
Statewide	10.16% *		=	1.02

**SOIL SCORE: 11.06**

**TILLABLE SOILS:**

Cropland Harvested	74% *	.15	=	11.10
Woodlands	26% *	0	=	.00

**TILLABLE SOILS SCORE: 11.10**

**FARM USE:**

Hay	5 acres	
Field Crop Except Cash Grain	70 acres	corn for silage

**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 three (3) acres for future single family residence  
Exception is not to be severable from Premises  
Right to Farm language is to be included in Deed of Easement  
Exception is to be restricted to one single family residential unit
    - 2nd six (6) acres for future single family residence  
Exception is severable  
Right to Farm language is to be included in Deed of Future Lot  
Exception is to be restricted to one single family residential unit
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions:  
This certification is contingent upon a 50' wide access easement being provided from Whig Lane to Block 29 Lot 6 across Block 29 Lot 7 (Land owned by applicant's son)
  - e. Dwelling Units on Premises:  
No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
5. Review and approval by the Office of the Attorney General for compliance with legal requirements.

