

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

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

**REGULAR MEETING**

**February 23, 2012**

Acting Chairperson Purcell called the meeting to order at 9:10 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

**Members Present**

Monique Purcell, Acting Chairperson  
Fawn McGee (rep. DEP Commissioner Martin)  
Jim Requa (rep. DCA Acting Commissioner Constable)  
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)  
Jane R. Brodhecker  
Alan A. Danser  
James Waltman  
Torrey Reade  
Brian Schilling (rep. Executive Dean Goodman)  
Denis C. Germano (Arrived at 9:15 a.m.)

**Members Absent**

None

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Susan E. Payne, Executive Director  
Alison Reynolds, Deputy Attorney General

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**Others present as recorded on the attendance sheet:** Heidi Winzinger, Brian Smith, Charles Roohr, Timothy Brill, Paul Burns, Ed Ireland, Bryan Lofberg, Stefanie Miller, Dave Kimmel, Hope Gruzlovic, Steven Bruder, Patricia Riccitello, Sandy Giambrone, SADC staff; Barbara Ernst, Cape May CADB; Harriet Honigfeld, Monmouth CADB; Nicki Goger, New Jersey Farm Bureau; Thomas Niederer, Landowner, Mercer County; William Millette, Hunterdon County Agriculture Development Board; Amanda Brockwell, Monmouth County Agriculture Development Board; Matt Pisarski, Cumberland County Agriculture

Development Board; Amy Hanson, New Jersey Conservation Foundation; and Nicole Crifo, Governor's Authorities Unit.

### **Minutes**

#### A. SADC Regular Meeting of January 26, 2012 (Open and Closed Session)

It was moved by Ms. Reade and seconded by Mr. Danser to approve the open session minutes and the closed session minutes of the SADC regular meeting of January 26, 2012. The motion was approved. (Mr. Schilling abstained.)

### **REPORT OF THE CHAIRPERSON**

Ms. Purcell discussed the following with the Committee

- Budget Address

Governor Christie held his budget address this week. The Department of Agriculture's budget remains the same as last year. The Governor stated he would be introducing some new programs and that there would also be across-the-board tax cuts.

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

Ms. Payne discussed the following with the Committee:

- New SADC Employee

The SADC has hired Jessica Uttal as a Real Estate Assistant. Ms. Uttal will be handling real estate preparations and review of closing documents in coordination with Ms. Winzinger. She is a very organized individual and will be a great asset to the SADC team. The SADC has concluded the interview process for the three additional staff positions it is seeking to fill, and paperwork for those positions is being processed.

- SADC New E-Form Monitoring Form

The SADC held its first regional meeting to roll out the SADC's electronic form, or E-form, for farmland stewardship monitoring. Mr. Roohr has been working with Ms. Barille, who is the SADC's part-time employee, and IT staff of the New Jersey Department of Agriculture (NJDA) to create a system where SADC, CADB and nonprofit staff can report results of monitoring visits from the field.

The information is electronically submitted directly to the SADC's database. This system will simplify and standardize the monitoring process for all preserved farms, and make it easier to retrieve and use the information collected. The first regional training meeting was held February 22<sup>nd</sup> and other scheduled meetings are March 7<sup>th</sup> in Salem County and March 8<sup>th</sup> in Warren County. Staff encourages all counties to attend and is very open to suggestions on how to make this process better.

- Somerset County Preserved Farm Landowners Meeting

Susan Payne recognized Somerset County for its February 1<sup>st</sup> meeting, which she believes is the first of its kind in the state for preserved farmland owners. The meeting was held to re-introduce landowners to the provisions of the Deed of Easement, which is important to avoid potential violations in the future. All preserved farmland owners in Somerset County were invited, along with Mr. Roohr and Mr. Kimmel. According to the Somerset County staff, the meeting was very well received with approximately 25-30 people in attendance. Ms. Payne believes this was a forward-thinking approach and a potential model for the SADC. As the SADC completes its new hiring and reorganization over the next few months, staff will be focusing on what kind of methodical outreach and education the SADC should be conducting.

- SADC Newsletter

Ms. Payne referred the Committee to the SADC's quarterly newsletter. She stated that the newsletter will be sent out by email next week. Staff is always looking for additional email addresses for the newsletter distribution list, so if the county coordinators want their individual members to receive a copy of the newsletter directly, they should contact SADC staff. If not, she requests that the counties provide a copy of the newsletter to their members.

Ms. Payne introduced Deputy Attorney General Alison Reynolds to the Committee. Ms. Reynolds is sitting in for Deputy Attorney General Jason Stypinski at today's meeting.

### **COMMUNICATIONS**

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders.

### **PUBLIC COMMENT**

None

**NEW BUSINESS**

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

Ms. Payne referred the Committee to the Eight Year Program Summary Report showing one renewal of an eight-year program for the Kuhn farm, located in Frelinghuysen Township, Warren County, comprising 21.97 acres, with a soil and water conservation cost share eligibility of \$13,182.00. She indicated that there were no withdrawals or terminations of eight year programs. The summary was for informational purposes and no Committee action was needed.

**B. Resolution for Final Approval – FY 2009 Planning Incentive Grant Program Application Including Comprehensive Farmland Preservation Plan and Project Area Summary – Hopewell Township, Mercer County**

Mr. Bruder referred the Committee to Resolution FY2012R2(1) for a request for final approval of a Municipal Planning Incentive Grant Program Comprehensive Farmland Preservation Plan and Project Area Summary for Hopewell Township, Mercer County. He reviewed the specifics of the request with the Committee and stated that staff recommendation is to grant final approval subject to any conditions in said Resolution.

It was moved by Mr. Requa and seconded by Mr. Germano to approve Resolution FY2012R2(1) granting final approval to the Hopewell Township, Mercer County FY2009 Planning Incentive Grant Program Application Including Comprehensive Farmland Preservation Plan and Project Area Summary, as presented and discussed, subject to any conditions of said Resolution. The motion was approved. (Mr. Waltman abstained from the vote.) (A copy of Resolution FY2012R2(1) is attached to and is a part of these minutes.)

**C. Resolutions for Final Approval – Municipal Planning Incentive Grant Program**

Ms. Winzinger referred the Committee to three requests for final approval under the Municipal Planning Incentive Grant Program. She discussed the specifics of each request with the Committee and stated that staff recommendation is to grant final approvals, subject to any conditions of said Resolutions.



It was moved by Mr. Germano and seconded by Mr. Waltman to approve Resolution FY2012R2(2) through Resolution FY2012R2(4) granting final approval to the following landowners, as presented and discussed, subject to any conditions of said Resolutions, and for the Schmidt farm approval is amended to reflect Mr. Danser's comments below:

1. Louise Schmidt, SADC # 17-0095-PG (Resolution FY2012R2(2))  
Block 202, Lots 2, 48, 49; Block 801, Lots 22, 35  
Pittsgrove Township, Salem County, 91 Total Acres  
State cost share grant of \$4,450.00 per acre for an estimated total of \$404,950.00 (62.88% of the certified market value and purchase price and estimated total cost.)  
The SADC cost share grant shall utilize an approximate total of \$166,650.00 from Pittsgrove Township's PIG funds and \$238,300.00 from the USDA, NRCS FY11 Federal Farm and Ranch Lands Protection Program grant funds.

Discussion: The Schmidt farm includes a 2.15-acre severable exception for a lot line adjustment to create a conforming lot, which will be restricted to zero single family residences until it is merged with the neighboring lot, then the new larger lot will be restricted to one existing single family residence. The SADC will utilize USDA, NRCS Federal Farm and Ranch Lands Protection Program funding for this property. The landowner has agreed to the additional restrictions involved with federal funding, including a 6.67% maximum impervious coverage restriction (approximately 6.07 acres available for impervious cover) on the lands being preserved outside of the exception area.

Mr. Danser commented that if possible it would be better if the SADC could condition severability on consolidation. The resolution states the exception is severable with no house and that is what is anticipated. However, if that 2.15-acre lot is severed, it is going to be very difficult to monitor that. If the Committee says that the only way they could sever it would be to consolidate it at that point, that would address this concern.

2. Stony Brook Farm, LLC, SADC #11-0169-PG (Resolution FY2012R2(3))  
Block 49, Lot 28  
Hopewell Township, Mercer County, 49 Net Acres  
State cost share grant of \$5,880.00 per acre for an estimated total of \$288,120.00 (60% of the certified market value and estimated total cost). The SADC cost share grant shall utilize an approximate total of \$201,684.00 from Hopewell Township's PIG funds and \$86,436.00 from the approved USDA, NRCS FY11 Federal Farm and Ranch Lands Protection Program grant funds. The SADC shall enter into an Agreement for Sale of Development Easement with the Township and the landowners, and the SADC will hold title to the easement. With the approval of the Township, the SADC's Planning Incentive Grant to the Township shall be paid directly to the landowner, via the Title Company, upon the SADC's acquisition of the development easement.

Discussion: The SADC granted final plan approval of Hopewell Township's PIG application in February 2012. Mercer County is not a participant in Hopewell Township's PIG. The SADC will hold the development easement since the County is not providing funding for the preservation of this farm. Since the time that the SADC certified the development easement values for this property, the landowners have requested to revise the location of a 5-acre nonseverable exception area. It is the opinion of each independent appraiser that the relocation does not affect their previous valuations and that of the SADC appraisal manager that the relocation has no impact on the SADC certified market value. The SADC will utilize USDA, NRCS Federal Farm and Ranch Lands Protection Program funding for this property. The landowner has agreed to the additional restrictions involved with the use of federal funds, including a 9.33% maximum impervious coverage restriction (approximately 4.57 acres available for impervious cover) on the lands being preserved outside of the exception area.

3. Douglas Race/Race Farm LLC, SADC# 21-0511-PG (Res. #FY2012R2(4))  
Block 1803, Lots 3.02, 3.03  
Blairstown Township, Warren County, 31 Acres  
State cost share grant of \$4,250.00 per acre for an estimated total of \$131,750.00 (63.43% of the certified market value and estimated total cost).

Discussion: The landowner has read and signed an acknowledgement stating that he fully understands the benefits of an exception area; however he has declined that option. The landowner also signed acknowledgements that he understands the Deed of Easement provisions and restrictions for nonagricultural uses and a division of the premises.

The motion was unanimously approved. (A copy of Resolution FY2012R2(2) through Resolution FY2012R2(4) is attached to and is a part of these minutes.)

#### **D. Resolutions for Final Approval – County Planning Incentive Grant Program**

Ms. Winzinger referred the Committee to five requests for final approval under the County Planning Incentive Grant Program. She discussed the specifics of each request with the Committee and stated that staff recommendation is to grant final approvals, subject to any conditions of said Resolutions.

**Note: Ms. Brodhecker recused herself from any action/discussion pertaining to the following two Sussex County requests for final approval (Crisman Bros., LLC # 1 and # 2) to avoid the appearance of a conflict of interest. Ms. Brodhecker is the Chairperson of the Sussex County Agriculture Development Board.**

Ms. Winzinger stated that the Committee is seeing an increase in federal funding right now because the deadline is approaching for FY2010 funding; technically, deals must be

closed by March 30<sup>th</sup>. However, the SADC will be asking for extensions. As long as resolutions are passed and surveys are done, the USDA, NRCS has been flexible.

It was moved by Ms. Reade and seconded by Mr. Waltman to approve Resolution FY2012R2(5) through Resolution FY2012R2(9) granting final approval to the following landowners, as presented and discussed, subject to any conditions of said Resolutions:

1. DeWilde Farm Associates, LP #1, SADC #06-0111-PG (Res. #FY2012R2(5))  
Block 13, Lot 2  
Borough of Shiloh, Cumberland County, 60 Acres  
State cost share grant of \$4,400.00 per acre (62.86% of the certified market value and purchase price). To account for any potential increase in the final surveyed acreage, a 3 percent acreage buffer has been applied to the funds encumbered from the County's competitive grant, which would allow for a maximum SADC cost share of \$271,920.00. 61.80 acres will be utilized to calculate the grant need. The SADC will utilize any remaining New Jersey Conservation Foundation USDA, NRCS Federal Farm and Ranch Lands Protection Program grant funds (estimated at \$770.00 per acre) under the FY11 Federal Farm and Ranch Lands Protection Program to reduce the SADC's grant taken from the County's base grant for this farm. If additional funds are needed due to an increase in acreage, the grant may be adjusted to utilize available base grant funding so long as it does not impact any other application's encumbrance.

Discussion: The property includes one 1.5-acre severable exception area for a future single-family residence and no residences on the land to be preserved. The owners have read and signed the SADC Guidance Documents regarding exceptions, division of the premises and nonagricultural uses. Cumberland County, in participation with the New Jersey Conservation Foundation, has applied to utilize federal funding in the amount of \$3,500.00 per acre to further leverage available county funding for farmland preservation. The owner has agreed to the additional restrictions associated with the use of federal funding, including an 8.33% impervious cover restriction equal to approximately 5 acres of land available for the construction of agricultural infrastructure on the property outside of the exception area. The County intends to use the federal grant in the amount of \$208,250.00, which is equal to 50 percent of the acquisition cost [ $\$3,500.00$  (1/2 SADC certified value) x 59.5 acres] to cover the local cost share totaling \$160,680.00 (\$2,600.00 per acre) and allocating any remaining federal funding toward the SADC PIG grant. The estimated amount of \$208,250.00 is based on the current certified SADC value because the new appraisal for FRPP use is not available at this time; therefore, this amount may be revised. Subject to NRCS approval of federal funding, the County and the NJCF are required to coordinate closely with SADC staff regarding needed appraisal updates and FRPP required appraisal reviews and submissions to meet FRPP closing deadlines.

In order to not unduly encumber competitive grant funds, the SADC will place a 90-day encumbrance on the competitive grant funds from the effective date of this final approval to ensure sufficient funds to actuate the closing in the absence of federal funds. Within 90 days from the effective date of this final approval, a determination must be made to release the unneeded encumbrance on competitive grant funds if federal funds are secured.

2. DeWilde Farm Associates, LP # 2, SADC #06-0112-PG (Res. #FY2012R2(6)) Block 19, Lots 8, 8.02, 8.03, 8.04; Hopewell Township, Cumberland County Block 13, Lot 1, Borough of Shiloh, Cumberland, 100 Total Acres  
State cost share grant of \$3,900.00 per acre (65% of the certified market value and purchase price). To account for any potential increase in the final surveyed acreage, a 3 percent acreage buffer has been applied to the funds encumbered from the County's competitive grant, which would allow for a maximum SADC cost share of \$401,700.00. 103 acres will be utilized to calculate the grant need. The SADC will utilize any remaining New Jersey Conservation Foundation USDA, NRCS Federal Farm and Ranch Lands Protection Program grant funds (estimated at \$783.50 per acre) under the FY11 Federal Farm and Ranch Lands Protection Program to reduce the SADC's grant taken from the County's base grant for this farm. If additional funds are needed due to an increase in acreage, the grant may be adjusted to utilize available base grant funding so long as it does not impact any other application's encumbrance.

Discussion: The property includes one 1.5-acre severable exception area for a future single-family residence and no residences on the land to be preserved. The owners have read and signed the SADC Guidance Documents regarding exceptions, division of the premises and nonagricultural uses. Cumberland County, in participation with the New Jersey Conservation Foundation, has applied to utilize federal funding in the amount of \$3,000.00 per acre to further leverage available county funding for farmland preservation. The owner of this property has agreed to the additional restrictions associated with the use of federal funding, including an 8% impervious cover restriction equal to approximately 8 acres of land available for the construction of agricultural infrastructure on the property outside of the exception area. The County intends to use the federal grant in the amount of \$297,000.00, which is equal to 50 percent of the acquisition cost [ $\$3,000.00$  (1/2 SADC certified value) x 99 acres] to cover the local cost share totaling \$216,300.00 (\$2,100.00 per acre) and allocating any remaining federal funding toward the SADC PIG grant. The amount of \$297,000.00 is the maximum available based on the current certified SADC value; this amount may be revised to a lower value if the federal value is certified lower than the SADC value. Subject to NRCS approval of federal funding, the County and the NJCF are required to coordinate closely with SADC staff regarding needed appraisal updates and FRPP required appraisal reviews and submissions to meet FRPP closing deadlines.

In order to not unduly encumber competitive grant funds, if federal funds will be available for this closing, it is requested that the SADC place a 90-day encumbrance on the competitive grant funds to ensure sufficient funds to actuate the closing in the absence of federal funds. After 90 days past the effective date of this final approval, a determination must be made to release the unneeded encumbrance on competitive grant funds if federal funds are secured.

Ms. Payne asked Cumberland CADB Administrator Matt Pisarski to explain to the Committee what Cumberland County's policy approach is now with respect to federal funding and projects. Mr. Pisarski stated that Cumberland County has 52 active applications in the works for farmland preservation. In order to even approach being able to accomplish preserving those farms, the County needs to bring in as much cost share funding as possible. The County is working with the New Jersey Conservation Foundation (NJCF) to apply as much federal funding as possible to those 52 applications. It offsets the County's cost share as well as the SADC's cost share, which is important because the County has expended all of its base grant funds and is now approaching the cap for its competitive grant funds. For every farm, the County is working with the SADC and NJCF to try to calculate percentages to make that particular application happen. Ms. Payne stated that it is her understanding also that the approach the County is taking with the landowners is that the County informs the landowners at the very beginning of the application process that, if the County is successful in securing federal funding for that deal, the County will apply it to that acquisition. That is the expectation of the landowner at the time of application, not something that is raised just prior to closing.

Ms. Payne stated that the SADC has been handling FRPP funding on a somewhat informal basis. It is very opportunistic money and has various strings and timelines associated with it. She felt it was time for the Committee to take a holistic look at FRPP funding and be clear with its customers and program participants about what our position is on these subjects so that it isn't case-by-case treatments. She stated that staff has begun this discussion and would like to come back to the Committee next month and explain how FRPP funding works, how the formula works, what their definition of impervious cover is, what the SADC's policy posture should be on impervious cover limits, and what our policies are regarding passing this money through the locals versus having it offset SADC cost share.

Mr. Siegel stated that regarding the competitive pot of funds, which is on a first-come, first-served basis, it seems that Cumberland County is using federal cost-share funding to move into the reserve pot, which is potentially unfair to other counties that have to rely on their own cost-share funds. Ms. Payne indicated that the SADC extends the opportunity to request FRPP funding to every county. Mr. Danser stated that, assuming that the competitive funds are going to be depleted, the fact that federal funds are all going to offset the County cost share means that the \$15 million competitive pool will be

depleted more quickly. If the Committee said that the FRPP money had to be split 50/50, the competitive pool would last longer. He stated that it is something worth considering. Ms. Payne stated that the next consideration is other funds that are not municipal, county, state or federal, such as funding from nonprofits or foundations. Her view is that the SADC has rules and can dictate how it spends its own money and can control the cost-share requirements. She is hesitant to tell others how their funds have to be distributed.

3. Hill and Dale Farms, Inc. # 2, Michael Rothpletz, Jr., SADC #10-0295-PG  
(Resolution #FY2012R2(7))  
Block # 38, Lot 1.05  
Tewksbury Township, Hunterdon County, 43 Acres  
State cost share of \$9,000.00 per acre (60% of the certified market value and 60% of the purchase price). To account for any potential increase in the final surveyed acreage, a 3 percent buffer has been applied to the funds encumbered from the County's base grant. 44.29 acres will be utilized to calculate the SADC grant need. Final approval is contingent upon NJCF/USDA, NRCS Federal Farm and Ranchland Protection Program funding or other FRPP funding being secured to cover the Township's cost share.

Discussion: This property has one 8-acre nonseverable exception for one future residence. The Township has elected to not participate in this project. To provide for what would typically be the Township's 20 percent cost share, the New Jersey Conservation Foundation (NJCF) has offered its FY2010 USDA, NRCS Federal Farm and Ranch Lands Protection Program (FRPP) grant funds. The landowner has agreed to the additional restrictions associated with the use of federal funding, including a 5.67 percent impervious cover limit (approximately 2.44 acres) for the construction of agricultural infrastructure on the property outside of the exception area. The appraisal utilized for the initial SADC easement value certification is being completed at this time to meet FRPP requirements. The use of FRPP FY2010 funding has a deadline date of March 30<sup>th</sup> so staff is bringing this to the Committee with some estimates of FRPP money as outlined in the resolution.

4. Crisman Brothers Farm, LLC # 1, SADC #19-0016-PG (Res. #FY2012R2(8))  
Block 1902, Lot 8; Block 2101, Lot 6  
Fredon Township, Sussex County, 86.087 Acres  
State cost share of \$4,050.00 per acre (63.28% of the purchase price). Property was pre-acquired by Sussex County. The County is not requesting to use the additional 3 percent buffer for possible surveyed acreage increases since it has already prepared a survey for this property. If additional base grant funds are needed due to an increase in acreage, the grant may be adjusted so long as the County has FY2009 funding available and it does not impact any other application's encumbrance.

Discussion: The property includes one single-family residence and one duplex. There are no exceptions and no nonagricultural uses. The CADB originally anticipated using FY 2011 funding, which required updates to its original appraisals. The CADB secured updates to its two appraisals with a date of value of July 19, 2011. The SADC certified a development easement value of \$4,800.00 per acre on zoning and environmental regulations in place as of July 19, 2011. In preparation for final approval, it was realized that the owner's contracted price of \$6,400.00 was in excess of the higher of the two updated appraisal values, which ranged from a low of \$4,800.00 to a high of \$4,900.00. As a result of another Sussex County application withdrawing, the SADC FY2009 base grant funding for Sussex County became available to fund this farm. Since the County would be using SADC FY2009 funding, it was able to rely on the original appraisals dated September 30, 2009, which ranged from a low of \$5,500.00 to a high of \$7,300.00 per acre. The SADC re-certified a development easement value of \$6,300.00 per acre based on zoning and environmental regulations in place as of September 30, 2009.

5. Crisman Brothers Farm, LLC # 2, SADC #19-0017-PG (Res. #FY2012R2(9))  
Block 1205, Lot 11.01  
Fredon Township, Sussex County, 70.46 Acres  
State cost share of \$4,344.69.00 per acre (54.99% of the purchase price). The property was pre-acquired by Sussex County. The County is not requesting to use the additional 3 percent buffer for possible surveyed acreage increases since it has already prepared a survey for this property. If additional base grant funds are needed due to an increase in acreage, the grant may be adjusted so long as the County has FY2009 funding available and it does not impact any other application's encumbrance.

Discussion: The property has zero residences and no nonagricultural uses. The property has one 3-acre nonseverable exception for one future single-family residence. The CADB originally anticipated using FY 2011 funding, which required updates to its original appraisals. The CADB secured updates to its two appraisals with a date of value of July 19, 2011. The SADC certified a development easement value of \$6,400.00 per acre based on zoning and environmental regulations in place as of July 19, 2011. In preparation for final approval it was realized that the owner's contracted price of \$7,900.00 was in excess of the higher of the two updated appraisal values, which ranged from a low of \$6,200.00 to a high of \$7,000.00. As a result of another Sussex County application withdrawing, SADC FY2009 base grant funding for Sussex County became available to fund this farm. Since the County would be using SADC FY2009 funding, it was able to rely on the original appraisals dated September 30, 2009, which ranged from a low of \$7,600.00 to a high of \$8,100.00 per acre. The SADC re-certified a development easement value of \$7,800.00 based on zoning and environmental regulations in place as of September 30, 2009. Sussex County is requesting to encumber \$305,164.14 from available base grant funds and the remaining \$962.55 from the competitive grant fund for a total grant of \$306,126.69. The remaining shortfall of

\$32,081.30 will be additional costs to the County, unless, prior to the time of closing, additional competitive funds are made available. Should that occur, the SADC authorizes a disbursement of an amount not greater than \$33,043.85 from all remaining competitive grant funds.

The motion was approved. (Ms. Brodhecker recused herself from the vote.) (A copy of Resolution FY2012R2(5) through Resolution FY2012R2(9) is attached to and is a part of these minutes.)

**E. Amended Resolution of Final Approval: FRPP Funding – FY 2010 and FY2012 FRPP Funding**

Ms. Winzinger referred the Committee to Resolution FY2012R2(10) requesting amended final approval for eight Planning Incentive Grant applicants, five of which will be utilizing FY2010 FRPP funding and three that will be utilizing FY2012 FRPP funding. These farms originally received final approval without any recognition of federal funding and have been combined into one resolution before the Committee today. She stated that final approval is being amended, applying federal funding, which will either reduce the local cost share and the SADC cost share, or reduce just the local cost share in some cases. This will also apply impervious cover restrictions to each farm outside their exception areas. She referred the Committee to the Federal Farm and Ranch Lands Protection Program Funding Amended Final Approval spreadsheet (part of resolution).

Ms. Winzinger indicated that there was some additional information at the last minute relating to another entity providing funding toward the Adamucci # 2 farm; staff was just learning details on this as of yesterday and that is why it is not yet listed in the resolution. She stated that staff would amend the resolution to reflect the addition of Open Space Institute (OSI) funding for the Adamucci farm with the Committee's approval. She stated that the OSI, whose interest is in wetlands areas near the rivers, also has interest in farmland preservation and food shed preservation, along with agriculture sustainability. She stated that OSI is acting as a conduit for the Geraldine Dodge Foundation and the William Penn Foundation monies, partnering with groups such as the NJCF to channel money toward various projects. She stated that this would be the first transaction proposed in which the SADC would cost share on a project where not only federal funding is being used but also an OSI lump sum grant. From what staff understands at this point, there are no strings attached. OSI is not on the Deed of Easement, there are no monitoring rights -- only the transmittal of a lump sum of money. Staff has not been through the mechanics of a deal like this so there are still questions at this point – e.g., does the money go to NJCF, does it go directly to the County? These are questions that need to be worked out. Ms. Payne stated that the federal funding for all but two of the farms is NJCF money so NJCF is the applicant to the NRCS and it is more their decision of how the money gets distributed. The Grace



Fox farm and the Baitinger farm are the two properties on the list that are utilizing SADC federal funding and in both of those cases the federal funding is being used to reduce the SADC's cost share. She felt that cleared up a lot of questions in her mind regarding the distribution of these additional funds. She stated that if the Committee approves applying the OSI grant funds to this transaction it would definitely be the subject of a thorough review on staff's part, relative to both the Agriculture Retention and Development Act and the Garden State Preservation Trust Act, to ensure understanding of the legal implications of providing a non-governmental source of funding. So with that caveat, in order to help partners close their federal funding deals by the deadline so they can continue to qualify for federal funding, that is why this resolution is before the Committee today.

**FY2010 FRPP Funding, which includes a March 31, 2012 closing deadline:**

**Grace Fox:** Block 703, Lot 1 (+/-24 acres) SADC ID# 06-0123-PG  
Upper Deerfield Township PIG, Cumberland County  
SADC granted Final Approval September 22, 2011 - RESOLUTION FY12R9(15)  
Schedule B

**Ronald Overstreet and John F. Chiari, III:** Block 801, Lots 2, 3, 7, & 7.04 (+/-82 acres)  
SADC ID# 06-0124-PG, Upper Deerfield Township PIG, Cumberland County  
SADC granted Final Approval November 3, 2011 - RESOLUTION FY2012R11(8)  
Schedule C

Mr. Schilling commented that these farms are final approvals that are being amended due to the federal funding being applied, which comes with the impervious coverage restrictions. In the case of the Overstreet farm with the nursery operation, he was curious about that. He questioned whether the landowners are part of the discussion and are agreeable to the new terms. Mr. Pisarski responded that yes, they are, and that most of the greenhouses are temporary structures. Mr. Schilling stated that, as related by Ms. Payne earlier in the discussion, there is ambiguity as to what impervious cover means. So are we are basically going back and imposing a restriction for acceptance of this money? In a case like this we don't know what impervious cover means so the landowner doesn't know what impervious cover means. Ms. Payne stated that the prior NRCS language in the deed talks about temporary seasonal structures as not counting but then the NRCS has come to a meeting in Cumberland County and indicated that its rules say six months. That upset many people so staff has engaged the NRCS in a dialogue to say, if you are going to apply this money in our program, we need to understand what that is. The SADC is in that dialogue with the NRCS now and NRCS is considering amending its definition with more clarity. Mr. Schilling stated that we are being asked to approve this now and the landowner obviously needs some sort of protection that he understands what these new limits would mean for him. Mr. Pisarski stated that the landowners received the existing current language from the FRPP as far as impervious cover. They have seen

the Deed of Easement as it has been drafted with the existing language and they understand that they have to comply with that language and have signed off on that. If, between now and the time they actually close on the farm, that definition is tweaked to provide clarity, then certainly the applicant will see that prior to closing.

Ms. Payne asked that if the landowner objected to that new definition, would the County have to give consideration to funding it without federal funding. Mr. Pisarski responded that was correct. He stated that regarding the Overstreet farm, when the survey is done for the acquisition, they have to identify impervious cover on the survey and calculate that out three decimal places. They do not show temporary greenhouses as impervious so none of the white area on the map is going to show up on the survey plat as impervious coverage unless it has a concrete floor, which he doesn't think any of those on the Overstreet farm has. Mr. Schilling asked for further clarification regarding the County's approach to impervious cover. If final approval was granted without FRPP money, and the landowner for some reason found something before closing objectionable and decided not to accept these terms, the application would go back to the status quo, which is it's approved already so presumably the county, local and all the funding arrangements are in place. Ms. Winzinger said she believes that Cumberland County's stance is that the Freeholders, when granting approvals, include standard language in their approvals that if FRPP money becomes available, it will be applied to that landowner's application. From the beginning, even if no FRPP money is on the horizon at that moment, they have the door open for it so landowners have this discussion from the beginning that this might happen. Ms. Pisarski said this was correct.

**Judith Newkirk:** Block 21, Lot 23 (<sup>+/-</sup>58 acres) SADC ID# 17-0097-PG  
Upper Pittsgrove Township PIG, Salem County  
SADC granted Final Approval December 8, 2011 - RESOLUTION FY2012R12(14)  
Schedule D

**Frank B. Baitinger, III:** Block 22, Lots 1 & 2 (<sup>+/-</sup> 70 acres) SADC ID# 06-0107-PG  
Cumberland County PIG, Hopewell Township  
SADC granted Final Approval November 3, 2011 - RESOLUTION FY2012R11(6)  
Schedule E

**Adamucci, Carmine #2:** Block 78, Lot 24.04 (<sup>+/-</sup> 48 acres) SADC ID# 06-0090-PG  
Cumberland County PIG, Hopewell Township  
SADC granted Final Approval July 28, 2011 - RESOLUTION FY2012R7(31)  
Schedule F (note: as discussed above – the OSI grant that is anticipated for this project is approximately \$57,600.00. The plan is that this additional money would reduce the County cost share down to zero, and the rest of it would be applied toward the \$216,000.00 that was going to be taken from the SADC PIG grant, saving the County approximately \$48,000.00 out of that account.

**FY2012 FRPP Funding, subject to NRCS approval; should a FRPP grant not be approved the cost shares reflected in the SADC's original resolutions of final approval will apply:**

**Nicholas, Nicholas Jr. and Sarilee Rio:** Block 301, Lots 18.01 & 18.02 (<sup>+/-</sup>55 acres)  
SADC ID# 06-0125-PG Upper Deerfield Township PIG, Cumberland County  
SADC granted Final Approval November 3, 2011 - RESOLUTION FY2012R11(7)  
Schedule G

Ms. Reade asked that if the FRPP, at a later date, determined that these hoop houses were in fact impervious cover, whether the people who are engaged in these practices would be grandfathered in somehow in the contract or how that would be handled. Ms. Winzinger stated that one of the things staff is trying to do is get clearly defined verbiage in the deed of easement. Ms. Payne stated that we don't have an answer yet as we don't know what the NRCS's position is on that.

**Alfred Van Meter #1:** Block 8, Lot 11.01 (<sup>+/-</sup> 40 acres) SADC ID# 06-0109-PG  
Cumberland County PIG, Hopewell Township  
SADC granted Final Approval November 3, 2011 - RESOLUTION FY2012R11(2)  
Schedule H

**Alfred Van Meter #2:** Block 11, Lot 3 (<sup>+/-</sup> 41 acres) SADC ID# 06-0110-PG  
Cumberland County PIG, Hopewell Township  
SADC granted Final Approval November 3, 2011 - RESOLUTION FY2012R11(3)  
Schedule I;

Ms. Winzinger stated that staff recommendation is to grant amended final approval to the eight applicants listed in said Resolution, as presented and discussed with the clarification in the resolution regarding OSI funding for the Adamucci farm.

It was moved by Ms. Reade and seconded by Mr. Waltman to approve Resolution FY2012R2(10) granting amended final approval to provide a cost share grant for the purchase of development easements on the above listed farms as outlined in said Resolution, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in related Schedules B through I with the clarification to the resolution regarding the OSI funding for the Adamucci farm. Should the specific year of FRPP funding not be secured, other FRPP funding with the same impervious cover limit may be substituted. Due to anticipated FRPP grant approval, the grant funds for the properties shall stay encumbered for 120 days from the Governor's approval of the meeting minutes and at such time the County may request an extension on the encumbrance of the SADC funds or the release of the SADC funding equal to the amount of the FRPP grant back to the respective SADC fund. The motion was unanimously approved. (A copy of Resolution FY2012R2(10) is attached to and is a part of these minutes.)

**F. Farmland Stewardship**

**1. Agricultural Labor Housing**

Nicholas and Marilyn Russo (Russo's Orchard Lane Farm)

Mr. Roohr referred the Committee to Resolution FY2012R2(11) for a request by Nicholas and Marilyn Russo, owners of Block 400, Lot 3.01, in Chesterfield Township, Burlington County, comprising 132 acres, to replace the existing agricultural labor unit. The new unit would consist of two mobile trailers resulting in an approximately 1,500 square foot agricultural labor unit on the property in the location identified in Schedule "A" of said Resolution. The Deed of Easement identifies one existing single-family residential building, one residential unit (trailer) used for agricultural labor purposes, one Residual Dwelling Site Opportunity (RDSO) and no exception areas.

The owners have decided to upgrade the agricultural labor housing on the property by replacing the existing unit with two newer trailers, which will be connected to a bathroom and kitchen area built onsite to serve as housing for up to eight seasonal employees of the farm. The new configuration would create approximately 1,500 square feet of agricultural labor residential space in an area adjacent to the existing agricultural labor residential unit. The existing agricultural labor unit would be removed upon completion of the new unit. The new unit would utilize the existing water supply and septic system. The owners believe that having on-farm housing for agricultural labor is essential to meet the labor demands of their intense and diversified farming operation. Mr. Roohr stated that staff recommendation is to approve the request as presented and discussed, and subject to any conditions of the resolution.

It was moved by Mr. Danser and seconded by Ms. Reade to approve Resolution FY2012R2(11) granting approval to a request by Nicholas and Marilyn Russo, owners of Block 400, Lot 3.01, in Chesterfield Township, Burlington County, comprising 132 acres to install two trailers, consisting of approximately 1,500 square feet, in the location shown on Schedule "A" of said Resolution, to house up to eight seasonal agricultural laborers, and that only agricultural labor employed on the premises and their immediate family may live in the agricultural labor units. The existing mobile unit used for housing agricultural labor is permitted to remain on the premises pending completion of the new agricultural labor unit and the existing mobile unit shall be removed within 60 days of acquiring the certificate of occupancy for the new agricultural labor unit. The motion was unanimously approved. A copy of Resolution FY2012R2(11) is attached to and is a part of these minutes.)

**G. Right to Farm**

**1. Final Decision – Sipos vs. Hunterdon County Agriculture Development Board**

Mr. Smith referred the Committee to the draft Final Decision in the matter of Tibor Sipos and Cecily Gentles, Petitioners, vs. Hunterdon County Agriculture Development Board, Respondent. He stated that a summary of this decision was provided to the Committee at its last meeting. It involves the interplay between the Right to Farm Act and the Farmland Assessment Act and the need for commercial farms to be compliant or to satisfy eligibility criteria in the Farmland Assessment Act. Specifically, Mr. Sipos owns a 4.8-acre property in Tewksbury Township that he alleges is part of a farm management unit also comprised of a noncontiguous 142-acre parcel in Washington Township, Morris County. The Hunterdon CADB determined that the Tewksbury property did not qualify as a commercial farm and also found that the claim that a farm management unit existed had also not been proven by Mr. Sipos. Consequently, a complaint that had been filed against Mr. Sipos for nuisances caused by crowing roosters on the Tewksbury property was dismissed by the Hunterdon CADB. Mr. Sipos appealed the Hunterdon CADB's determination to the SADC and staff sent the appeal to the Office of Administrative Law. The Administrative Law Judge (ALJ) issued in December of last year an initial decision that can be approved, modified or rejected by the Committee. The final decision that is before the Committee today will be considered final agency action, which is appealable to the Appellate Division of Superior Court.

Mr. Smith stated that staff's recommendation is to affirm the ALJ's Initial Decision concluding that the Sipos Tewksbury Township property is not a commercial farm because it does not qualify for farmland assessment, which is a requirement for farm management units over 5 acres. There were certain references in the Initial Decision about the inability of farmers to aggregate contiguous parcels of land. The SADC is modifying parts of the Initial Decision because, in fact, the Farmland Assessment Act does allow for contiguous parcels of land to be counted together for the purposes of farmland assessment in the same taxing district or in two municipalities where the parcels are divided by the municipal boundary line. The record was incomplete before the Hunterdon CADB, as well as the OAL, on the issue of whether the parcels in Tewksbury Township and Washington Township could be considered one farm management unit. Part of the definition for a farm management unit is that the farm operation is a single enterprise. The Legislature did not define single enterprise. The Final Decision that was drafted does provide some indications of what kinds of proof are necessary to satisfy the single enterprise criteria, none of which were satisfactorily proven before the CADB or OAL. The Final Decision rejects the finding that a farm management unit exists because the record is incomplete on that important legal issue.

It was moved by Mr. Danser and seconded by Mr. Waltman to approve the Draft Final Decision in the matter of Tibor Sipos and Cecily Gentles, Petitioners, vs. the Hunterdon County Agriculture Development Board, Respondent, as presented and discussed with amendment to the Final Decision correcting the typographical error on Page 12 pointed out by Mr. Smith and changing the signature line to read Acting Chairperson Monique Purcell, from Chairman Douglas H. Fisher, since Ms. Purcell was sitting in for Secretary

Fisher. The motion was approved. (Mr. Schilling abstained from the vote.) (A copy of the Final Report is attached to and is a part of these minutes.)

## **2. Right to Farm and Agricultural Mediation Programs – Summary Report For State FY 2011**

Mr. Kimmel referred the Committee to the Right to Farm (RTF) and Agricultural Mediation Programs FY 2011 Report. He stated that the Right to Farm Act offers responsible commercial farmers protection from nuisance complaints from neighbors and from local regulations that may be unduly restrictive. The SADC administers that process and also the Agricultural Mediation Program. In addition to that staff, tries to conduct as much outreach and education as possible to help the public, local officials, and farmers understand how the Right to Farm Act works. He stated that the SADC has a database that tracks all the inquiries it receives, both formal and informal. Most inquiries are informal from people looking for information or who may have a possible complaint/grievance. He referred the Committee to the FY2011 Report for more detailed information.

During the State's last fiscal year, FY 2011 (July 1, 2010 to June 30, 2011), SADC staff handled 101 new RTF cases/inquiries.

In terms of RTF Program record-keeping, any time SADC staff receives a new RTF complaint or inquiry (formal or informal), staff creates a new record for it in the SADC RTF database. In addition to the 101 new records created during FY 2011, 32 additional cases/inquiries (that had been created prior to FY 2011) had activity during that time. This means that during FY 2011, there were 133 RTF cases/inquiries that SADC staff worked on. In FY 2012 so far, 69 new RTF records have been created, and there have been 108 cases/inquiries that SADC staff has worked on. If all of the additional, distinct inquiries that CADBs handle were also included, i.e., RTF matters in which the SADC was not involved, the numbers would be greater.

The chart on page 3 of the report shows 1) the numbers of new SADC RTF database records that were created, and 2) the number of database records that had activity, by fiscal year over time.

In FY 2011 and 2012 (as of 2/10/12), there are 206 records in the SADC's RTF database that had activity.

Of these 206 active cases during FY 2011 and 2012, 77 of them (37%) involved one or more of the following:

- A formal Site-Specific AMP (SSAMP) request (35 cases)
- A formal Right to Farm complaint (27 cases)

- A formal request for mediation (27 cases)
  - o The requests in 17 of these 27 cases were RTF-related (with a mediation session being held in 7 of the 17 cases)
  - o The requests in 10 of these 27 cases were USDA/other-related (with a mediation session being held in 8 of the 10 cases)
  
- [Note: The numbers above in parentheses add up to more than 77 because in some RTF cases there may have been an SSAMP request and/or a RTF complaint and/or a mediation request.]

For more information on the above formal cases from FY 2011 and FY 2012, see the spreadsheet report attached to the memo provided for today's meeting. This spreadsheet has a short status/summary column on the right and is broken down into the following four sections:

- 1) Open cases involving one or more of the following: 1) a formal SSAMP request was made, 2) a formal RTF complaint was filed, or 3) a mediation was requested, scheduled, or held; (4 pages)
- 2) Additional open cases currently at the Office of Administrative Law (OAL), i.e., cases in which a formal RTF decision was made, the decision was appealed to the SADC, and the SADC transmitted it to OAL; (2 pages)
- 3) Formal RTF cases closed in FY 2011 and 2012, i.e., cases that had one or more of the following: 1) a formal SSAMP request; 2) a formal RTF complaint; or 3) a mediation request/session; and were closed; (10 pages)
- 4) Cases involving mediation with a USDA client and a USDA agency in New Jersey (1 page)

To see all of the formal SSAMP resolutions that CADBs and the SADC have adopted over time, see the RTF Program's online compilation at <http://nj.gov/agriculture/sadc/rtfprogram/amps/siteamps/determinations.html>.

To see all of the formal RTF Conflict Resolution (Complaint) Process decisions adopted over time, see the RTF Program's online compilation at <http://nj.gov/agriculture/sadc/rtfprogram/conflictres/formal/decisions.html>.

Mr. Kimmel stated that the SADC also administers the N.J. Agricultural Mediation Program, which is designed to help farmers and others resolve agriculture-related disputes quickly, amicably and in a cost-effective manner.

The program's roster of trained mediators is available to help resolve two main types of disputes:

- 1) Right to Farm disputes
  - a. Issues between farmers and neighbors
  - b. Issues between farmers and municipalities
  
- 2) USDA program disputes
  - a. Issues between USDA clients and USDA agencies in New Jersey
    - i. Agricultural credit issues with FSA (the program can also be used to mediate agricultural credit issues with private lenders)
    - ii. Farm conservation program issues with NRCS
    - iii. Other issues with other USDA agencies (e.g., Rural Development and the Risk Management Agency)

The Agricultural Mediation Program has been certified by USDA since 2000 to be New Jersey's agricultural mediation service provider and has received federal cost-share grant funding to support its USDA and RTF mediation activities. The grant funding is organized based on a 70% federal, 30% state match. Over the past six years, the program has received an average of about \$15,000/year as its federal cost-share reimbursement.

While the program was recertified by USDA for federal FY 2012, recent administrators of the USDA Agricultural Mediation Program in Washington, D.C. have communicated that USDA's grant funding should be used to support only conflict resolution of disputes involving USDA agencies and agricultural credit matters. As a result, the N.J. Agricultural Mediation Program recently started keeping separate accounting of its USDA and RTF mediation-related expenses and is now requesting cost-share reimbursement for only its USDA mediation-related expenses.

With this in mind, SADC staff recently analyzed its past RTF-related mediation and conflict resolution activity expenses and determined that at a minimum, the SADC could continue to pay for RTF mediations if grant funding issues cannot be resolved.

In the RTF resolution adopted on 1/19/12 at the State Agricultural Convention (see attached), the State Board of Agriculture noted this situation and called on NJDA and the SADC to work with the USDA Secretary of Agriculture to address USDA Agricultural Mediation Program grant funding issues and enable the N.J. Agricultural Mediation Program to continue to use mediation grant funding to support RTF mediation and conflict resolution efforts.

Mr. Kimmel reviewed the various components of the Agricultural Mediation Program as outlined in the Overview Report. In addition to being a mediation service provider, the program has periodically sponsored conflict-resolution and conflict-prevention



workshops and projects for farmers and agricultural service providers. These efforts fit within the program's overall scope and goal of helping farmers be more productive and viable through the prevention and resolution of agriculture-related disputes.

Notwithstanding the program's ability to offer training for USDA agency staff, the program's ability to organize and sponsor other general conflict management workshops and projects may be limited in consideration of the aforementioned USDA grant funding issues. He stated the information provided on the Right to Farm Program and the Agricultural Mediation Program was to keep the Committee updated on both programs. The overview report also provided specifics on the right-to-farm cases and the agricultural mediation efforts. He stated that there was no formal action required.

Ms. Payne stated that due to an oversight, staff should have included in the annual report a section on agricultural management program (AMP) developments. The SADC adopted the solar AMP in fiscal 2012 and has developed a draft On-Farm Direct Marketing AMP. AMP developments are one of the indicators that the Governor's Office uses to track SADC progress so it is important to include this information in the report. Mr. Schilling commented that there is no real requirement or mechanism for CADBs to report right-to-farm issues that are brought directly to their attention but that are never forwarded to the SADC. Mr. Kimmel stated that when there is a site-specific inquiry request at the CADB level, the SADC should be notified of that. Mr. Schilling thought that Right to Farm is under-supported and under-funded. He wondered if there is any value in indicating that this table under-reports the importance of right to farm and the activity associated with it because it only looks at issues that are formally brought to the State. He questioned whether there is any value in trying to add some sort of annual summary of right to farm, not just site-specific cases but right-to-farm activity at the county level. It seems that there would be value in demonstrating the importance of this program and that it requires a great deal of work. Ms. Payne stated that we would reach out to the counties and explain that we are trying to understand the magnitude of the right to farm cases that they are handling, find out if they are tracking them, and if so what their numbers are. If they are not tracking this information, we will ask if they would be willing to do that over the course of the year so that when we produce a report we could show the entire picture. Mr. Schilling noted that the value to that is that AMPs reduce work in the long run if they are effective. In his view, it would benefit the counties if the program can be properly resourced and AMPs can be developed faster and in a more responsive way because it would help everyone.

Ms. Payne stated that staff would do the research and the update the report, including AMP development, and issue it directly to Secretary Fisher so that it can be provided to the State Board to convey the full extent of the SADC's right-to-farm efforts. The Right to Farm budget is the only portion of the SADC budget that is funded through the State budget. All other funding comes through the Garden State Preservation Trust. That is why the SADC is so limited in its right-to-farm resources.

**3. Agricultural Mediation Program**  
**a. Recertification of Program's Mediators and Certification of New Mediator**

Mr. Kimmel stated that the SADC annually re-certifies the list of Agricultural Mediation Program mediators and certifies any new mediators coming on board. He referred the Committee to Resolution FY2012R2(12) to recertify those mediators currently certified under the Agricultural Mediation Program and to certify one new mediator. He stated that two mediators were listed to be recertified conditioned upon attending a refresher training course (Louis Baduini and Kevin Kuhl). However, Mr. Baduini indicated that while he is interested in continuing as a program mediator, time constraints prohibit him from attending a refresher training course so he requested to withdraw from the program. Mr. Kimmel stated that staff recommendation is to recertify the current list of mediators and to add one new mediator to the program, as presented and discussed.

It was moved by Mr. Germano and seconded by Mr. Danser to approve Resolution FY2012R2(12) recertifying the following mediators: Jim Wren, Gordon Geiger, Katherine Buttolph, Barbara Weisman, Loretta Yin, Liza Clancy, Melvin Henninger, Norman Crawford, John Paschal and Paul Massaro; recertify the following mediator conditioned on his attending a refresher training as coordinated through the Agricultural Mediation Program: Kevin Kuhl; and to certify Cari B. Rincker, Esquire, as a new agricultural mediator. The motion was unanimously approved. (A copy of Resolution FY2012R2(12) is attached to and is a part of these minutes.)

**H. Farm Link**

**1. USDA Beginning Farmer and Rancher Development Program (BFRDP) Grant Project with NOFA-NJ – Research and Development of Model Land Leases and Contracts**

Mr. Kimmel stated that the N.J. Farm Link Program serves as a resource and referral center for new farmers, farmers seeking access to land and farming opportunities, and landowners seeking farmers. The Farm Link Program includes two main sections: listings of farming opportunities available/sought, and pages of resources for farmers and landowners. To enhance leasing resources for New Jersey farmers and landowners and to support beginning farmers' ability to access land, the SADC is collaborating with NOFA-NJ on a USDA Beginning Farmer and Rancher Development Program Grant project. He stated that NOFA-NJ is conducting several training courses for individuals looking to get started in farming as well as facilitating networking and mentoring. The SADC's role is to research and develop models of land leases and contracts. This will apply to all types of farm – both organic and traditional. The work will involve researching other states' publications; interviewing farmers and landowners in New Jersey to solicit feedback on

their leasing experiences and issues; collecting lease and contract samples from New Jersey to help develop models; and creating a new leasing resource guidebook.

Mr. Kimmel reviewed the following areas of the Overview Report with the Committee:

1. Activities
2. General Roles
3. Timeline
4. NOFA-NJ Component

Mr. Kimmel stated that this information could be very useful to beginning farmers and others as well. Ms. Payne stated that it would assist not only private landowners but also towns and counties that buy property and then hold it for some period of time; they may be uncertain about the leasing terms for which they should be making that land available. She stated that the nonprofit community also is a major property owner so we are hoping that this will help the farmers have an improved dialogue with all of those parties about the actual needs and obligations of a tenant farmer.

Mr. Kimmel stated that the SADC is looking to get feedback from public and private landowners, nonprofits, land trusts, counties, nonfarmers and farmers. He stated that he is also looking into obtaining a Rutgers student intern assistant and/or working with the North Jersey Resource Conservation Development to obtain additional assistance in this project.

Mr. Waltman stated that he is looking forward to speaking to Mr. Kimmel about this issue. His nonprofit organization leases approximately 90 acres, or about one-tenth of the land they have, and it gets very complicated and the rules are different for nonprofits versus other landowners. He feels it is something the nonprofits should be doing.

Ms. Payne stated that the SADC should have a targeted outreach to the nonprofit community, possibly having a roundtable discussion. There are a handful of nonprofits that are substantial landowners and it would be very helpful to have a discussion with them about the issues that they are confronting. Ms. Reade suggested including Mr. Roohr in those discussions because stewardship issues could be raised. Ms. Payne agreed.

## **PUBLIC COMMENT**

Tom Neiderer, a landowner from Hopewell Township, Mercer County, addressed the Committee. He stated that the standard SADC Deed of Easement seems to change a bit when there is federal money involved, at least when it pertains to impervious cover. He asked whether there are any changes when there is nonprofit money involved, as a few

were discussed today where the NJCF put money in. They are historically advocates for public access. Has any of that found its way into a change in the Deed of Easement for those particular farms? Ms. Payne responded that under the Farmland Preservation Program, the landowner or the applicant to the State can request stricter deed restrictions, but that must be approved by the Committee. So for instance, Mercer County somewhere along the way put a limit on house sizes in their easements – that was an additional restriction so they came to the Committee and it approved that. So we have had various cases over the years, but the nonprofit is not free to just inject new things, like public access, into the Deed of Easement – unless the Committee approves it. Mr. Neiderer asked that in those cases would either the county or the SADC own and monitor the easements? Ms. Payne responded yes, or if the nonprofit is the grantee then it would hold the easement. Ms. Payne stated that the applications we addressed today were not nonprofit applications; they were either county or municipal applications to which the nonprofit was funneling funds. But we have another entire nonprofit program where sometimes NJCF or another nonprofit is the applicant to the SADC and in those cases the nonprofit holds the easement.

John Ursin, Esquire, attorney for the Kellogg farm, stated that the Kellogg farm will be addressed later in the meeting in closed session. He stated that he wanted to appear this morning and perhaps answer any questions or, if appropriate, give a couple of highlights of what the request is. He stated that they submitted to the SADC, by December 1<sup>st</sup> he believed, a letter describing the issue and some attachments. He stated he would look for some direction from the Chairwoman as to whether it would be appropriate for him to speak now. Ms. Payne stated that unless the Committee has questions it wants answered prior to going into closed session, she felt it would be more efficient if he made his comments once the Committee came out of closed session. He stated that he would be happy to wait until after closed session and make his comments at that time.

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

SADC Regular Meeting: Thursday, March 22, 2012 beginning at 9:00 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

#### **CLOSED SESSION**

At 11:37 a.m. Mr. Requa 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**

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

1. Santo J. Maccherone, SADC # 08-0126-PG  
Block 1, Lots 2, 3, 6; Block 5, Lot 4  
South Harrison Township, Gloucester County, 117 Acres
2. Kenneth Lustgarten # 1, SADC # 13-0429-PG  
Block 34, Lot 27  
Upper Freehold Township, Monmouth County, 89 Acres
3. Kenneth Lustgarten # 2, SADC # 13-0430-PG  
Block 34, Lots 25, 26  
Upper Freehold Township, Monmouth County, 89 Acres

**Nonprofit Grant Program – 10% Rule**

1. NJ Conservation Foundation/Conley Farm, SADC #10-0063-NP  
Block 5, Lots 10, 11.03, 11.04; Block 6, Lot 12; Block 12, Lot 33.01  
Delaware Township, Hunterdon County, 110 Acres
2. D&R Greenway/Waddington-Richman Farm, SADC # 170-0041-NP  
Block 29, Lot 12  
Pilesgrove Township, Salem County, 55 Acres

**Municipal Planning Incentive Grant Program**

1. Kenneth Lustgarten # 3, SADC # 13-0425-PG  
Block 32, Lot 6A  
Upper Freehold Township, Monmouth County, 65 Acres
2. Kenneth Lustgarten # 4, SADC # 13-0431-PG  
Block 32, Lot 6B  
Upper Freehold Township, Monmouth County, 74 Acres

3. 48 Delaware LLC/Kenneth Bertholf, SADC # 21-0514-PG  
Block 47, Lot 16; Block 48, Lot 24  
Knowlton Township, Warren County, 57.3 Acres

**Direct Easement Purchase Program**

1. Milton Arthur Peterson (Deep Run Farm), SADC #117-0218-DE  
Block 19, Lot 26; Block 20, Lots 1, 4, Alloway Township  
Block 21, Lots 1, 4, 5, Quinton Township  
Salem County, 146 Total Acres

The motion was approved. (Mr. Schilling abstained from the vote.) (Copies of the Certification of Value Reports are attached to and are a part of the closed session minutes)

**B. Requests For Final Approval – Nonprofit Grant Program**

1. D&R Greenway/Waddington Farm, Mannington Township, Salem County
2. NJ Conservation Foundation/Conley Farm, Delaware Township,  
Hunterdon County

Mr. Knox referred the Committee to two resolutions for final approval under the Nonprofit Grant Program. He reviewed the specifics of each request with the Committee. He stated that staff recommendation is to grant final approval to both.

It was moved by Ms. Brodhecker and seconded by Mr. Siegel to approve Resolution FY2012R2(13) and Resolution FH2012R2(14) granting final approval to the following landowners as presented and discussed, subject to any conditions in said resolutions:

1. D&R Greenway/Waddington Richman Farm, SADC#17-0041-NP  
Block 29, Lot 12, Pilesgrove Township, Salem County, 55 Acres  
SADC shall provide a cost share grant not to exceed \$3,650.00 per acre (total of approximately \$200,750.00 based on 55 acres) for the development easement acquisition on this farm subject to the availability of funds. The SADC approves a 7.5 acre severable exception area that is to be merged with the adjacent Lot # 17;  
The SADC approves the use of D&R Greenway Federal Farm and Ranch Land Protection Program funds for the preservation of this property, which will include an impervious coverage limitation of 6.33 percent (approximately 3.5 acres available for impervious coverage including agricultural-related structures) on the lands being preserved outside of the exception area.
2. NJ Conservation Foundation/Conley Farm, SADC # 10-0063-NP  
Block 6, Lot 12; Block 5, Lots 10, 11.03 and 11.04; Block 12, Lot 33.01

Delaware Township, Hunterdon County, 110 Acres  
SADC shall provide a cost share grant not to exceed \$5,121.50 per acre (total of approximately \$563,365.00 based on 110 acres) for this property, subject to the availability of funds; the SADC approves the use of NJCF Federal Farm and Ranch Land Protection Program funds for this property, which will include a maximum impervious coverage limitation of 4.67% (approximately 5 acres available for impervious coverage including agricultural related structures) on the lands being preserved outside the exception area.

The motion was unanimously approved. (A copy of Resolution FY2012R2(13) and Resolution FY2012R2(14) is attached to and is a part of these minutes.)

**B. Attorney/Client Matters**

**1. Litigation**

**a. Kellogg Farm – Request for Approval of Nonagricultural Development and Donation of Easement**

Mr. Ursin, attorney for Mr. Kellogg, addressed the Committee. He stated that this is a 400-acre farm and when the Kelloggs bought the farm they took every penny of the easement money and put it back into renovating the farm and their own investment afterwards. These are renovations invested in with no new houses. This isn't a situation where the landowners are coming back to the SADC saying they want something new or extra. When the easement was done, the exception areas were carefully drawn. There was a lot of thought given to where the horse barns would be, where the houses were and what future development might be. All of the renovations that have taken place since 2005 have all been to existing structures. The one thing that was not known at the time concerns a house at the far end of the property, which is the subject of why he is before the Committee today. At the time, the house was rented to a tenant and was in terrible shape. There was consideration given to possibly tearing it down at some point. When the tenant moved out, it was determined that the house was extremely historically significant. It was built in three different stages -- the first section was built in the 1700s and the second section was post-Civil War. The family decided that it would be worth preserving the property, which is an objective that the Kelloggs think the Committee would like to see on preserved farms. The second thing is that the family decided that they would move in to this house. The family members moving in are retired and will be full-time managers of the farm, which also extends and supports the purposes of farmland preservation. The problem is that when the exception area was drawn around the house, it was drawn in a one-acre arbitrary manner and there is only about 25 feet of space behind the house within the exception area. The family, having spent a lot of money on renovations to this house, would like to have normal accessory structures with this house and that are provided for under the Deed of Easement language if the house were located on the preserved part of the premises.

Mr. Ursin stated that originally when he brought this up and spoke to staff they were focused on a garage and a pool. In preparing for this meeting over the past six weeks, the Kelloggs determined that there is a strong likelihood, that instead of pushing for the garage, which is the more problematic of the two, they would propose building an agricultural building on-site. The main purpose of the garage, it turns out, is to store agricultural items. Since the Kelloggs are going to live there and be managers of the farm, there were plow trucks, ATVs, farm equipment and a back hoe, and they didn't want these things in the open near the house. Counsel stated that he has plans that were submitted to staff, and the Kelloggs are going to continue to pursue, through normal channels, approval of an agricultural building in lieu of any garage building. What will continue is that the family would like to install a pool in the back yard, which is a normal single-family accessory structure with this type of property. Somerset County looked at the application and said this is back yard and it supports the application. The simplest solution would be to take this exception area in its existing configuration and size and move it 20 feet back and that would accommodate the request. Mr. Ursin feels though that it is more problematic than what he just described.

Mr. Ursin stated that in his view, what happens here is that a house with a problematic exception area line is treated dramatically different than a house that had no exception area. So if this house were not sitting in an exception area, the Committee would analyze this application and try to determine what accessory structures would be appropriate for a single-family house of this size and nature, and the Committee would approve them and not be constrained by any arbitrary line. One of the things that occurred to the Kelloggs is perhaps if they got rid of the exception area, that would free up the arbitrariness of this line that was established at the time. An additional advantage is that there is another, almost adjacent 22-acre exception area. The reasons for having both of these exception areas no longer exist and the Kelloggs would be willing to donate them to the SADC. This is a considerable donation given the easement value and it furthers the SADC's mission in the preservation and stewardship of farms. The Kelloggs are asking the SADC to accept the donation of the 22-acre exception area and the .4 -acre exception area where the house currently sits. The Committee would then be able to consider whether or not the request for a back-yard pool is an appropriate accessory use for a single-family house. Counsel emphasized that on this 400-acre farm in Bedminster Township, not an inch was ever added to any residence, and he would appreciate it if the Committee would give that some consideration.

Mr. Ursin reviewed an aerial photo of the farm with the Committee. Mr. Waltman asked if the landowners have given any consideration to building the pool in the exception area to the north in the 22-acre exception area. Mr. Ursin stated that it is along the river and is very narrow. There may be permitting issues with building it that close to the river. He stated that he recalls talking to the engineers and he thinks that was the issue -- because of the floodway the engineers felt that building the pool adjacent to the house was the most appropriate place.



Ms. Payne stated that the discussion over the months has been first there was a pool house, then it was described as a garage, and as of last week there was talk about a barn. Mr. Ursin stated his clients examined where the structures would be located and the potential problems. He debated whether a pool house would be considered a normal accessory structure to a single-family residence and he didn't want to get into that issue so the pool house was dropped. The more they discussed what the barn would be used for, it was 100% exclusively agricultural uses, so he submitted last week the first architectural plans that he received of what they are calling a small barn, which could be placed in an area adjacent to the driveway. It occurred to the Kelloggs that dropping any additional structures would possibly make this application easier, getting down to the basics of what would assist the family in developing this house and living there.

Ms. Payne stated that the current proposal that the Committee hasn't seen, because it was just presented, is to build a barn, and she asked Counsel whether the barn would be used 100% for agricultural purposes. Mr. Ursin responded yes.

Ms. Payne stated that the issue for the Committee, as staff reflected in the correspondence that has been going back and forth over the months, is that the December submission says that the landowners are requesting approval to be able to construct a pool or a portion of a pool on a preserved farm, but the proposal at the moment was not to donate the land underneath the one-acre exception. The proposal in his December letter was to donate the 22 acres as an inducement to allow the pool, and at that point the pool house, to be on the farm. Mr. Ursin stated he is not proposing donating the 22 acres and the .4 acre under the house as an inducement or a quid pro quo; it just seems to him that if it were donated, it is fitting with the preservation of this farm. The Committee simply would be further preserving the farm. Mr. Germano stated that Mr. Ursin is proposing to donate both pieces. Mr. Ursin responded yes.

Ms. Payne stated that the difficulty the Committee continues to have is first, if the landowners were asking the Committee for permission to build nonagricultural structures on a preserved farm, under the Deed of Easement the SADC cannot do that. It cannot just give permission to have nonagricultural development on a preserved piece of property. That is a fundamental problem. That leads her to think that what's being contemplated is donating the easement on the land underneath the house and then incorporating that land into the bigger Deed of Easement. Is that an accurate description of what they're asking for? Mr. Ursin responded yes, that is exactly what would happen and then, in his view the language in Paragraph 13 would permit the Committee to consider the end result that he is seeking. Ms. Payne stated that staff agrees that if the Deed of Easement had a residential opportunity reflected in it, then Mr. Ursin would be right, that this type of development the Kelloggs are calling for would be permitted under the deed. The difficulty is that the SADC purchased the easement and the easement says there is no residential opportunity; therefore, all those ancillary residential uses don't exist. In the

SADC's mind, in order to effectuate what Counsel is talking about, it really requires that the SADC go back and amend the original deed to incorporate this land and to incorporate this residential opportunity, and that is the critical kind of legal issue that they have been wrestling with. To date, staff is not finding that the Committee has the authority to go back and change the conditions of an originally acquired Deed of Easement. Ms. Payne stated that both she and the Committee are sympathetic to the problem here, and everyone wishes the exception area were bigger so that we wouldn't be having this conversation. They understand the kind of minor negligible impact in the overall scale of a 287-acre farm. The problem is a legal one.

Mr. Ursin stated that one of the issues he would have with that scenario is that the language in Paragraph 13A, although it references no residential opportunities, continues to have language in the easement with respect to accessory structures to a single-family house. He would advocate that if you have a farm and you recorded an easement on 287 acres and later circumstances arise, the SADC could pick up another 22 or 23 acres without cost, and, it would make sense that the deed would be amended. It is his legal opinion and his position that it would certainly allow the approval of this type of accessory structure through an amended deed.

Mr. Danser stated that the problem is that the advice that the SADC is getting is that it is not in the Committee's prerogative to do that. If Mr. Ursin can convince the Attorney General's Office that his opinion is correct and the Attorney General's Office told the SADC that it could do it, the Committee would consider it and make a policy decision. But right now the SADC cannot go against the advice of its counsel. The Attorney General's Office says we cannot do it. Mr. Ursin stated that up until now he had not known what that advice was. He stated that after coming to see the Committee today he would be very happy to have a dialogue with the Attorney General's Office to see if he can understand that and see if he can convince the Attorney General's Office otherwise. Ms. Payne stated that she felt that SADC staff did reflect that in correspondence so she thinks that they have been made aware that the SADC's staff's opinion, as expressed in those letters, is based on its conversations with the Attorney General's Office regarding its inability to move forward. Mr. Ursin stated that staff has certainly communicated from a staff level but he just hasn't seen in writing specifically what the stumbling blocks are from the Attorney General's Office. Ms. Payne indicated that the SADC would not be sharing advice from the Attorney General's Office. She stated that what is before the Committee is a resolution drafted by the staff to deny the request, laying out the reasons why it doesn't think it has the authority to approve the request. The Committee can either approve that resolution today or deny it or, she would suggest alternatively, that the Committee could table the resolution to give the applicant time to make a more thorough legal argument that could be considered before the SADC takes action.

Mr. Ursin stated that he thought he would have a difficult time convincing the Attorney General's Office to change its mind. He stated that if the resolution has been drafted

denying it and that is the final State action, he would probably prefer that. If that is the advice from the Attorney General's Office, and the resolution is in front of the Committee, the Committee might as well take the next step.

Ms. Payne referred the Committee to the draft resolution denying the request by E.G. Anderson, Inc. for approval of nonagricultural development and for donation of Exception Area # 3, on Block 54, Lot 3, of the Kellogg Farm, located in Bedminster Township, Somerset County. Ms. Payne stated that staff wrote this resolution to attempt to directly respond to the December submission. The December submission says the landowners are asking for permission to build these things on the preserved farm and offering to donate the 22-acre exception. If there is some alternate proposal, then that would have to be addressed separately by the Committee. The Committee can only respond to what is before it. Staff did its best to nail down exactly what was contained in that December submission.

Mr. Germano asked if that meant that the Committee is not moving the resolution because it responds to a different offer. Mr. Siegel stated that this invites them to come back and make the Committee rehash the donation of the exception issue because we are not addressing it in the resolution. Ms. Payne stated that was correct. Mr. Siegel asked why couldn't we just insert another "whereas" and say we are also addressing the idea of surrendering a nonseverable exception and the answer is you can't. Ms. Payne stated that we could amend the resolution and she would be fine with that; she didn't want to over-reach and draft a resolution beyond exactly what was submitted. Mr. Danser felt that it should be done by the Attorney General's Office. He realizes that means we cannot take action but, for one thing, his understanding is that the "Now Therefore Be It Resolved # 3" is wrong because the applicant said this is not a quid pro quo, and # 3 basically says that is what was proposed and that is what we are denying. Ms. Payne stated that is what is in their letter. Mr. Danser replied that that is not what was presented to the Committee earlier today and that is why he feels the Attorney General's Office should consider all of this and draft the resolution, not just try to amend it here today.

Mr. Germano stated that the Committee could ask its attorney to draft a resolution and he thinks the Committee needs to give some guidance as to whether it is denying the application and the offer that was just made. Mr. Waltman stated that he doesn't like the idea of adopting or denying a resolution that is not precisely in tune with the request heard today and he feels the appropriate thing would be to table this with instruction to draft a new one. Mr. Germano stated that if the Committee is going to table this, since a month is lost until the next meeting, does Mr. Ursin have anything to lose by talking to the Attorney General's Office sometime during the next 30 days? Mr. Ursin responded "no" and that he certainly would. He doesn't object to the Committee tabling this to make it more responsive to all the proposals on the table. Mr. Siegel stated that he would trust staff to add the appropriate language that we also do not accept the change in the nonseverable exception. Ms. Payne stated that given what Mr. Ursin stated today she

suspects that the Kelloggs are going to appeal the Committee's decision. So for that reason she doesn't have any objection to tabling this in order to redraft it to cover the variety of proposals that were discussed here today -- donating the easement and not erasing the line; donating an easement to erase the line; or allowing the nonagricultural development on preserved farmland with various iterations. If the members would like to see a resolution that covers all the iterations she would suggest tabling it. Mr. Siegel stated that we could just skip it and not formally table it. Ms. Payne said that was correct, as long as that is the direction to staff, then we have direction for the next meeting.

Mr. Siegel moved to table action on this agenda item with the considerations staff just made. Mr. Germano seconded the motion and it was unanimously approved.

Mr. Siegel asked for an update on the Lucas (Diamond Developers) matter. Ms. Payne stated that staff did receive a copy of a complaint that was filed with the Local Finance Board on this matter. That is where we are. It was filed in a timely manner so the Committee's approval is now on hold.

#### **ADJOURNMENT**

There being no further business, it was moved by Mr. Siegel and seconded by Mr. Waltman and unanimously approved to adjourn the meeting at 1:03 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director  
State Agriculture Development Committee

Attachments

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION # FY12R2(1)  
FINAL APPROVAL**

**of the**

**HOPEWELL TOWNSHIP, MERCER COUNTY  
PLANNING INCENTIVE GRANT APPLICATION INCLUDING THE COMPREHENSIVE  
FARMLAND PRESERVATION PLAN AND PROJECT AREA SUMMARY**

**2009 PLANNING ROUND**

**February 23, 2012**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, these 37 applications identified 87 project areas in 7 counties and targeted 1,868 farms and 88,574 acres at an estimated total cost of \$1,641,000,000, with a ten-year preservation goal of 72,524 acres; and

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

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

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

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

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

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

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

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

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

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

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



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

2/23/12

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

2009 COUNTY AND MUNICIPAL PLANNING INCENTIVE GRANT  
APPLICATION SUMMARY

County / Municipality	# of Project Areas	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	Estimated Cost Per Acre	Project Area Acreage	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	10-Year Total Cost	10-Year SADC Cost	Dedicated Tax \$0.00/\$100	Annual Tax Revenue in Millions	Annual Tax for Farmland Preservation in Millions
<b>Burlington</b>	4	207	22,804	\$100,000,000	\$8,577	11,806	1,000	5,000	10,000	\$85,766,400	\$51,883,200	4.0	\$19,000	No Set Amount
<b>Camden</b>	5	57	3,466	\$30,842,500	\$8,888	15,071	762	2,369	3,470	\$30,842,470	\$18,544,235	2.0	\$7,600	No Set Amount
<b>Cape May</b>	6	159	13,171	\$357,257,911	\$27,124	16,065	299	1,097	1,976	\$53,596,095	\$32,157,657	1.0	\$4,400	No Set Amount
<b>Gloucester</b>	11	26	1,485	\$20,911,849	\$14,085	112,929	1,000	5,000	10,000	\$140,850,000	\$84,510,000	4.0	\$10,400	No Set Amount
Franklin	5	259	5,464	\$33,027,000	\$6,300	10,152	828	2,662	5,613	\$35,361,900	\$22,732,650	1.0	\$0,076	No Set Amount
Woolwich	3	74	4,071	\$45,600,000	\$19,800	5,139	415	2,070	4,134	\$81,853,200	\$49,111,920	5.0	\$0,280	Up to \$0.280
<b>Hunterdon</b>	7	89	7,816	\$72,011,230	\$16,000	177,835	1,500	7,500	15,000	\$240,000,000	\$144,000,000	3.0	\$7,060	\$2,290
Alexandria	4	13	2,448	\$22,000,000	\$9,000	3,640	250	750	1,500	\$13,500,000	\$8,100,000	4.0	\$0,314	No Set Amount
Delaware	2	25	1,669	\$21,845,000	\$14,000	23,707	500	2,500	10,000	\$140,000,000	\$84,000,000	6.0	\$0,540	\$0,540
East Amwell	1	14	1,364	\$15,000,000	\$11,000	13,523	136	682	1,364	\$15,004,000	\$9,002,400	4.0	\$0,315	\$0,350
Franklin	1	18	1,494	\$21,800,000	\$14,000	4,246	30	750	1,494	\$20,909,280	\$12,545,568	5.0	\$0,275	\$0,200
Holland	4	28	1,928	\$192,800,000	\$10,000	11,335	250	1,250	2,500	\$25,000,000	\$15,000,000	2.0	\$0,079	\$0,079
Kingwood	1	34	2,476	\$24,760,000	\$10,000	12,645	227	1,136	2,476	\$24,760,000	\$14,856,000	3.0	\$0,211	\$0,106
Rantlan	4	17	1,284	\$27,400,000	\$22,635	6,111	100	300	600	\$13,580,700	\$8,148,420	2.0	\$0,646	No Set Amount
Readington	1	42	2,330	\$44,270,000	\$19,000	15,759	200	1,000	2,000	\$38,000,000	\$22,800,000	2.0	\$0,570	\$0,600
Tewksbury	3	3	409	\$9,700,000	\$23,687	4,557	100	300	1,000	\$23,687,000	\$14,212,200	5.0	\$0,425	No Set Amount
West Amwell	1	8	757	\$9,088,440	\$12,000	10,440	100	500	757	\$9,084,000	\$5,450,400	6.0	\$0,315	No Set Amount
<b>Mercer</b>	7	34	3,004	\$127,816,617	\$42,560	17,725	100	500	1,000	\$42,560,000	\$25,536,000	3.0	\$13,300	No Set Amount
Hopewell	1	11	958	\$28,734,000	\$30,000	10,761	96	383	479	\$14,370,000	\$8,622,000	3.0	\$1,255	No Set Amount
<b>Middlesex</b>	5	129	5,345	\$199,865,590	\$41,300	20,619	225	1,125	2,250	\$92,925,000	\$55,755,000	3.0	\$30,000	No Set Amount
<b>Monmouth</b>	5	144	14,220	\$453,809,000	\$31,918	59,146	1,200	5,000	8,000	\$255,343,440	\$153,206,064	1.5	\$17,900	No Set Amount
Collis Neck	1	6	293	\$14,000,000	\$43,278	19,023	97	300	600	\$25,966,800	\$15,580,080	2.5	\$0,354	No Set Amount
Holmdel	1	12	564	\$26,117,148	\$46,307	2,568	10	70	338	\$15,651,766	\$9,391,060	2.5	\$1,145	No Set Amount
Howell	3	13	560	\$12,845,840	\$22,939	12,666	127	370	453	\$10,383,338	\$6,230,003	2.0	\$1,396	\$0,700
Manalapan	1	36	1,560	\$31,100,000	\$19,936	9,223	156	780	1,560	\$31,100,160	\$18,660,096	2.0	\$1,200	No Set Amount
Marlboro	3	20	719	\$35,950,000	\$50,000	4,053	42	202	387	\$19,350,000	\$11,610,000	2.0	\$0,625	No Set Amount
Millstone	4	62	4,038	\$121,140,000	\$30,000	12,359	716	1,116	1,716	\$51,480,000	\$30,888,000	6.0	\$0,830	No Set Amount
Upper Freehold	1	207	10,390	\$207,800,000	\$20,000	30,368	550	1,000	1,500	\$30,000,000	\$18,000,000	4.0	\$0,328	No Set Amount
<b>Morris</b>	3	96	6,901	\$203,800,332	\$29,532	169,342	542	2,709	5,418	\$160,004,376	\$96,002,626	3.0	\$44,000	\$11,000
<b>Ocean</b>	6	160	3,359	\$78,000,730	\$24,962	21,136	387	901	3,402	\$84,919,193	\$50,951,516	1.2	\$10,000	No Set Amount
<b>Passaic</b>	1	5	116	\$4,645,600	\$40,000	6,415	100	500	1,000	\$40,000,000	\$24,000,000	1.0	\$5,200	\$0,780
<b>Salem</b>	3	173	6,949	\$50,847,700	\$7,317	80,125	2,600	13,000	26,000	\$190,248,760	\$118,524,380	2.0	\$0,900	\$0,900
Alloway	1	7	384	\$3,072,000	\$8,000	5,055	38	192	384	\$3,072,000	\$1,881,600	2.0	\$0,020	No Set Amount
Pilesgrove	3	44	3,970	\$62,314,000	\$15,697	7,297	179	827	1,506	\$23,639,682	\$14,183,809	3.0	\$0,145	\$0,145
Pittsgrove	2	89	3,190	\$23,850,000	\$7,500	7,093	435	1,997	3,814	\$28,605,000	\$17,735,100	3.0	\$0,178	No Set Amount

2009 COUNTY AND MUNICIPAL PLANNING INCENTIVE GRANT  
APPLICATION SUMMARY

County / Municipality	# of Project Areas	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	Estimated Cost Per Acre	Project Area Acreage	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	10-Year Total Cost	10-Year SADC Cost	Dedicated Tax \$0.0 / \$100	Annual Tax Revenue in Millions	Annual Tax for Farmland Preservation in Millions
Upper Pittsgrove	3	11	459	\$3,440,400	\$7,500	25,062	700	3,500	7,000	\$52,500,000	\$32,550,000	2.0	\$0.070	\$0.070
<b>Somerset</b>	13	440	18,333	\$209,139,753	\$11,407	87,695	1,000	5,000	10,000	\$114,074,600	\$68,444,760	3.0	\$18.340	No Set Amount
Bedminster	1	72	5,427	\$162,810,000	\$30,000	10,111	500	3,000	5,500	\$165,000,000	\$99,000,000	2.0	\$0.522	No Set Amount
Bernards	1	29	702	\$55,300,000	\$75,000	3,798	165	265	270	\$20,250,000	\$12,150,000	4.0	\$3.030	No Set Amount
Branchburg	1	23	737	\$40,500,000	\$55,000	1,873	154	266	737	\$40,535,000	\$24,321,000	5.0	\$1.500	No Set Amount
Franklin	2	25	1,100	\$42,600,000	\$31,254	17,422	130	650	1,100	\$34,378,960	\$20,627,376	5.0	\$4.000	No Set Amount
Hillsborough	3	36	1,686	\$33,761,000	\$20,000	3,860	100	500	1,000	\$20,000,000	\$12,000,000	4.1	\$1.480	\$0.300
Montgomery	1	26	1,250	\$37,550,000	\$30,000	20,646	115	385	500	\$15,000,000	\$9,000,000	4.0	\$1.700	No Set Amount
<b>Sussex</b>	10	292	14,050	\$83,105,914	\$6,110	176,195	2,648	13,240	26,480	\$161,793,065	\$104,728,532	2.0	\$3.965	\$3.600
<b>Warren</b>	7	300	31,267	\$167,470,562	\$5,356	148,582	1,625	8,125	16,250	\$87,035,163	\$58,142,581	6.0	\$7.800	\$4.500
Franklin	4	104	6,142	\$50,207,180	\$8,980	9,455	250	1,204	2,299	\$20,645,020	\$12,391,610	6.5	\$0.270	No Set Amount
Freylinghuysen	7	82	3,511	\$22,821,500	\$6,500	9,354	100	500	1,000	\$6,500,000	\$4,150,000	2.0	\$0.055	\$0.055
Greenwich	1	8	1,223	\$24,460,000	\$20,000	3,454	120	480	1,189	\$23,780,000	\$14,268,000	4.0	\$0.237	\$0.130
Harmony	3	152	5,454	\$43,632,000	\$8,000	12,409	100	500	1,000	\$8,000,000	\$4,900,000	5.0	\$0.247	\$0.247
Hope	3	92	1,800	\$29,662,000	\$6,000	5,384	200	900	1,800	\$10,800,000	\$7,020,000	5.0	\$0.045	No Set Amount
Knowlton	2	61	3,460	\$27,900,000	\$8,053	13,355	100	500	1,000	\$8,053,000	\$4,926,500	2.0	\$0.051	\$0.102
Pohatcong	4	105	3,313	\$33,100,000	\$10,000	5,306	1,015	1,763	1,955	\$19,550,000	\$11,730,000	5.0	\$0.155	\$0.155
<b>County Totals (15)</b>	<b>93</b>	<b>2,311</b>	<b>152,286</b>	<b>\$2,159,525,288</b>		<b>1,220,686</b>	<b>14,988</b>	<b>71,066</b>	<b>140,246</b>	<b>\$1,779,958,562</b>	<b>\$1,086,386,551</b>		<b>\$199.87</b>	
<b>Municipal Totals (37)</b>	<b>87</b>	<b>1,868</b>	<b>88,574</b>	<b>\$1,641,977,508</b>		<b>383,209</b>	<b>9,331</b>	<b>35,550</b>	<b>72,524</b>	<b>\$1,139,350,806</b>	<b>\$687,775,792</b>		<b>\$24.88</b>	

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

Date: 2/8/12

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

Municipality	County	Project Area	# of Targeted Farms	Targeted Farms Acreage	Estimated Total Cost	Estimated Cost per Acre	1-Year Acreage Goal	5-Year Acreage Goal	10-Year Acreage Goal	Dedicated Tax \$0.0./\$100	Annual Tax Revenue	Annual Tax for Farm Preservation
Hopewell	Mercer	Central Project Area	11	958	\$28,734,000	\$30,000	96	383	479	3.0	\$1,255,035	No Set Amount
<b>Total</b>		<b>3</b>	<b>11</b>	<b>958</b>	<b>\$28,734,000</b>		<b>96</b>	<b>383</b>	<b>479</b>			
<b>February 2012 MUN. PIG (2009 Round) FINAL APPROVAL TOTALS</b>												
		<b>3</b>	<b>11</b>	<b>958</b>	<b>\$28,734,000</b>		<b>96</b>	<b>383</b>	<b>479</b>			

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY12R2(2)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO  
PITTSBORO TOWNSHIP  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
Louise Schmidt  
Pittsgrove Township, Salem County

N.J.A.C. 2:76-17A. et seq.  
SADC ID# 17-0095-PG

FEBRUARY 23, 2012

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Pittsgrove Township, which included the Schmidt Farm, identified as Block 202, Lots 2, 48 and 49 and Block 801, Lots 22 and 35, Pittsgrove Township, Salem County, totaling approximately 91 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7 and 17A.8, the SADC granted final plan approval of Pittsgrove Township's PIG on April 24, 2009; and

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

WHEREAS, the Schmidt Farm includes a 3-acre non-severable exception for and restricted to one existing single family residence; and

WHEREAS, the Schmidt Farm includes a 2.15-acre severable exception for a lot line adjustment to create a conforming neighboring lot which will be restricted to zero single family residences until it is merged with the neighboring lot when the new larger lot will be restricted to one existing single family residence; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on December 6, 2010 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 22, 2011 the SADC certified a value of \$7,100 / acre based on the "current value" date of December 2010 for the development easement for the Property; and

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

WHEREAS, to date Pittsgrove Township has expended \$679,753.16 of its SADC grant funds leaving a cumulative balance of \$520,906.84; and

WHEREAS, Pittsgrove Township has 2 other projects pending against this balance with Final Approval (Lin and Wegner) for a potential total grant need of approximately \$258,915; and

WHEREAS, SADC records show Pittsgrove Township has one additional projects (Walters) with Green Light Approval; and

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

WHEREAS, in October 2010 the SADC submitted an application to the FY11 United States Department of Agriculture, Natural Resources Conservation Service Federal Farm and Ranch Lands Protection Program (FRPP), which included the Schmidt Farm; and

WHEREAS, it has been determined that the Property and the Landowner qualify for FRPP grant funds; and

WHEREAS, the updated NRCS FRPP Appraisal notes a Current Market Value, as of December 1, 2011, of \$740,000 based on 93 acres, equating to a FRPP grant of approximately \$370,000 (50% of \$740,000 or 50% of \$7,956.99/ac times the final surveyed acreage; and

WHEREAS, the NRCS has confirmed that it will provide a grant based on the December 1, 2011 'Current Value' even though it is higher than the SADC Certified Market Value; and

WHEREAS, the landowner has agreed to the additional restrictions involved with the FRPP Grant, including a 6.67% maximum impervious coverage restriction (approximately 6.07 acres available for impervious cover) on the lands being preserved outside of the exception area; and

WHEREAS, due a shortage of SADC and Local funding, the Township and Salem County have requested that FRPP grant funds be utilized to lower the local cost shares to \$60,000 and the remainder to lower the use of the Township's SADC PIG funding; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on January 11, 2012, by resolution, the Pittsgrove Township Committee approved the application and a \$60,000 funding commitment; and

WHEREAS, by resolution, the Salem County Agriculture Development Board approved the application on January 25, 2012 and the Salem County Board of Chosen Freeholders approved the application by resolution on February 15, 2012 with a funding commitment of \$60,000; and

WHEREAS, the SADC will use what if any remains of the FRPP grant to reduce its cost share; and

WHEREAS, the cost share breakdown is approximately as follows:

Cost share breakdown prior to FRPP Grant:

	<u>Total</u>
SADC	\$404,950 (\$4,450/acre or 62.68%)
Pittsgrove Twp	\$120,575 (\$1,325/acre or 18.66%)
<u>Salem County</u>	<u>\$120,575 (\$1,325/acre or 18.66%)</u>
Total Easement	\$646,100 (\$7,100/acre)

Cost share breakdown after \$359,450 FRPP Grant is applied:

	<u>Total</u>	<u>FRPP \$</u>	<u>New Cost Share</u>
SADC	\$404,950 (\$4,450/acre)	\$248,850	\$156,100 (\$1,715.38/acre or 24.16%)
Pittsgrove Twp	\$120,575 (\$1,325/acre)	\$ 60,575	\$ 60,000 (\$659.34/acre or 9.3%)
Salem County	\$120,575 (\$1,325/acre)	\$ 60,575	\$ 60,000 (\$659.34/acre or 9.3%)
<u>FRPP Grant</u>			<u>\$370,000</u>
Total Easement	\$646,100 (\$7,100 /acre)	\$370,000	\$646,100 (\$7,100 /acre)

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

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Pittsgrove Township for the purchase of a development easement on the Schmidt Farm by Salem County, comprising approximately 91 acres, at a State cost share of \$4,450 per acre for an estimated total of \$404,950 (62.88% of certified market value and purchase price and estimated total cost) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule B; and

BE IT FURTHER RESOLVED, that the SADC cost share grant shall utilize an approximate total of \$166,650 from Pittsgrove Township's PIG funds and \$238,300 from the USDA, NRCS FY11 FRPP grant funds; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, if the Township and County agree to the SADC providing its grant directly to Salem County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

2/23/12  
Date

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

VOTE WAS RECORDED AS FOLLOWS:

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



Wetlands

# Wetlands



County of Salem, Oregon, Property No. 2021/2, 2021/35, 2021/48, 2021/48-EI, 2024/48, 801/22, 801/35

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

2021/2 - 100 ac  
 2021/35 - 102.194 ac, PIO Lot 48 (27.234 ac), PIO 48-EI (non-severable exception) - 33 ac  
 2021/48-EO (severable exception) - 2.15 ac  
 2021/48-EO (non-severable exception) - 2.171 ac  
 2021/48-EI (non-severable exception) - 2.171 ac  
 2024/48 - 10.239 ac & PIO Lot 48-EI (non-severable exception) - 2.171 ac  
 801/22 - 117.447 ac & Lot 35 (10.146 ac)  
 Gross Total = 333.427 ac  
 2021/2 - Salem County

0 200 400 600 800 Feet

**Property in Question**

Wetlands  
 Non-wetlands  
 Water  
 Municipal Boundary  
 County Boundary  
 State Boundary  
 Federal Boundary



This map was prepared by the Oregon Department of Agriculture, Oregon State University Extension Service, and the Oregon Department of Fish and Wildlife. The map is intended for informational purposes only and does not constitute a legal document. The Oregon Department of Agriculture, Oregon State University Extension Service, and the Oregon Department of Fish and Wildlife are not responsible for any errors or omissions on this map. The Oregon Department of Agriculture, Oregon State University Extension Service, and the Oregon Department of Fish and Wildlife are not responsible for any damages or losses resulting from the use of this map.

Oregon Department of Agriculture  
 Oregon State University Extension Service  
 Oregon Department of Fish and Wildlife  
 Salem, Oregon 97331

Oregon Department of Agriculture  
 Oregon State University Extension Service  
 Oregon Department of Fish and Wildlife  
 Salem, Oregon 97331  
 Date: 1/20/11

SCHEDULE D

SADC Final Review: Development Easement Purchase

Schmidt, Louise (B202/801)

17-0095-PG

FY 2009 PIG EP - Municipal 2007 Rule  
91 Acres

Block 202	Lot 2	Pittsgrove Twp.	Salem County
Block 202	Lot 48	Pittsgrove Twp.	Salem County
Block 202	Lot 49	Pittsgrove Twp.	Salem County
Block 801	Lot 22	Pittsgrove Twp.	Salem County
Block 801	Lot 35	Pittsgrove Twp.	Salem County

SOILS: Prime 100% \* .15 = 15.00

SOIL SCORE: 15.00

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

TILLABLE SOILS SCORE: 15.00

FARM USE: Cash Grains 90 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st three (3) acres for existing residence  
Exception is not to be severed from Premises  
Exception is to be restricted to one single family residential unit(s)
    - 2nd (2.15) acres for to create a conforming lot (lot 47)  
Exception is severable  
Exception is to be restricted to one single family residential unit(s)
  - c. Additional Restrictions:
    1. 6.67% impervious cover max (approx 6.07 acres) pursuant to Federal Farm and Ranch Land Protection Program
    2. the entirety of the merged Lot 47 will be restricted to one Residence.
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION FY12R2(3)**

**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**

**HOPEWELL TOWNSHIP  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of  
STONY BROOK FARM, LLC  
Hopewell Township, Mercer County**

**N.J.A.C. 2:76-17A. et seq.  
SADC ID# 11-0169-PG**

**FEBRUARY 23, 2012**

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Hopewell Township, which included the Stony Brook Farm, identified as Block 49, Lot 28, Hopewell Township, Mercer County, totaling approximately 49 net acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7 and 17A.8, the SADC granted final plan approval of Hopewell Township's PIG on February 23, 2012; and

WHEREAS, Mercer County is not a participant in Hopewell Township's PIG; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, the SADC shall hold the development easement since the County is not providing funding for the preservation of the farm; and

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

WHEREAS, the Stony Brook Farm includes a 5-acre non-severable exception for and restricted to one future single family dwelling; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on January 6, 2011 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on December 8, 2011 the SADC certified a value of \$9,800 / acre based on the "current value" date of June 2011 for the development easement for the Property; and

WHEREAS, since SADC certification the landowners requested to revise the location of the 5-acre non-severable exception area; and

WHEREAS, it is the opinion of each independent appraiser that the relocation does not affect their previous valuation and that of the SADC appraisal manager that the relocation has no impact on the SADC Certified Market Value; and

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

WHEREAS, to date Hopewell Township has not expended any of its SADC grant funds and has no other projects currently pending against this balance; and

WHEREAS, in October 2010 the SADC submitted a parcel application to the FY11 United States Department of Agriculture, Natural Resources Conservation Service Federal Farm and Ranch Lands Protection Program (FRPP) ; and

WHEREAS, it has been determined that the Property and the Landowner qualify for FRPP grant funds; and

WHEREAS, the NRCS FRPP Appraisal Report standards notes a Current Easement Value of \$9,800 per acre, equating to a FRPP grant of \$4,900 per acre (50% of \$9,800) or approximately \$240,100 in total FRPP funds; and

WHEREAS, the landowner has agreed to the additional restrictions involved with the FRPP Grant, including a 9.33% maximum impervious coverage restriction (approximately 4.57 acres available for impervious cover) on the lands being preserved outside of the exception area; and

WHEREAS, FRPP grant fund sharing is normally split between funding partners using the same percentages derived for the overall project as determined by N.J.A.C. 2:76-6.11, however, in some cases alternate sharing of the FRPP grant funds is negotiated dependent upon need; and

WHEREAS, the SADC and Hopewell Township have agreed to utilize a 60:40 split of the FRPP grant remaining after covering what is typically the County cost share (20% or \$1,960 per acre); and

WHEREAS, the cost share breakdown is approximately as follows:

Cost share breakdown prior to FRPP Grant:

SADC	\$288,120 (\$5,880 per acre - 60%)
Hopewell Twp	\$192,080 (\$3,920 per acre - 40%)
Total Easement	\$480,200 (\$9,800 per acre)

Cost share breakdown after \$240,100 FRPP Grant is applied:

	<u>Total</u>	<u>FRPP \$</u>	<u>New Cost Share</u>
SADC	\$288,120 (\$5,880/acre)	\$ 86,436 (36% FRPP)	\$201,684 (\$4,116/acre - 42%)
Hopewell Twp	\$192,080 (\$3,920/acre)	\$153,664 (64% FRPP)	\$ 38,416 (\$ 784/acre - 8%)
FRPP Grant			\$240,100 (\$4,900/acre - 50%)
	<u>\$480,200 (\$9,800/acre)</u>	<u>\$240,100</u>	<u>\$480,200 (\$9,800/acre)</u>

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on January 9, 2012 the Hopewell Township Committee approved the application and a cost share of \$3,920/acre which will include 64% of the FRPP grant (\$3,136/acre) for a Township funding commitment of \$784/acre or approximately \$38,416; and

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Hopewell Township for the purchase of a development easement on the Stony Brook Farm, comprising approximately 49 acres, at a State cost share of \$5,880 per acre for an estimated total of \$288,120 (60% of certified market value and estimated total cost) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule B; and

BE IT FURTHER RESOLVED, that the SADC cost share grant shall utilize an approximate total of \$201,684 from Hopewell Township's PIG funds and \$86,436 from the approved USDA, NRCS FY11 FRPP grant funds; and

BE IT FURTHER RESOLVED, the SADC shall enter into an Agreement for Sale of Development Easement with the Township and landowner; and

BE IT FURTHER RESOLVED, that the SADC will hold title to the easement; and

BE IT FURTHER RESOLVED that with the approval of the Township, the SADC's planning incentive grant to the Township shall be paid directly to the landowner, via the Title Company, upon the SADC's acquisition of the development easement; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

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

2/23/12

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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





State Agriculture Development Committee **Schedule B**

SADC Final Review: Development Easement Purchase

Stony Brook Farms LLC (former Harbat Farm)  
 11- 0169-PG  
 FY 2009 PIG EP - Municipal 2007 Rule  
 49 Acres

Block 49	Lot 28	Hopewell Twp.	Mercer County
<b>SOILS:</b>		Local	25.5% * .05 = 1.28
		Prime	43% * .15 = 6.45
		Statewide	31.5% * .1 = 3.15
			<b>SOIL SCORE: 10.88</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	82% * .15 = 12.30
		Woodlands	18% * 0 = .00
			<b>TILLABLE SOILS SCORE: 12.30</b>
<b>FARM USE:</b>	General-Primary Crops	30 acres	
	Ornament Nursery Products	14 acres	
	Timber Tracts	10 acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st five (5) acres for existing barn & future residence
    - Exception is not to be severed from Premises
    - Exception is to be restricted to one single family residential unit(s)
  - c. Additional Restrictions:
    1. 9.33% impervious cover max due to size limit pursuant to Federal Farm and Ranch Land Protection Program
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION FY12R2(4)**

**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**

**BLAIRSTOWN TOWNSHIP**

**for the**

**PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of**

**Douglas Race / Race Farm LLC**

**Blairstown Township, Warren County**

**N.J.A.C. 2:76-17A. et seq.**

**SADC ID# 21-0511-PG**

**FEBRUARY 23, 2012**

WHEREAS, on September 14, 2009, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Blairstown Township, which included the D. Race Farm, identified as Block 1803, Lots 3.02 and 3.03, Blairstown Township, Warren County, totaling approximately 31 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the farms agricultural production at the time of application is vegetables, melons and fruit trees; and

WHEREAS, the D. Race Farm includes one existing single family dwelling and one dwelling for agricultural labor on the area to be preserved; and

WHEREAS, the Landowner has read and signed an acknowledgement stating they fully understand the benefits of an exception area, however, have declined that option. They also signed acknowledgments of their understanding of the Deed of Easement provisions and restrictions for Nonagricultural Uses and a Division of the Premises; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, the SADC granted final approval of Blairstown Township's PIG on February 7, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on April 7, 2011 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

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

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

WHEREAS, the Township has one other project pending against this balance with SADC Final Approval (CJ Race); and

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

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on January 26, 2012 the SADC certified a value of \$6,700 / acre based on the "current value" date of September 2011 for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, the Blirstown Township Committee approved the application and its funding commitment for \$1,225/acre towards the easement purchase on the D. Race Farm on February 8, 2012, and the Warren County Agriculture Development Board approved the application on February 16, 2012 and secured a commitment of funding for \$1,225/acre from the Warren County Board of Chosen Freeholders for the required local match on February 22, 2012; and

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

	<u>Cost Share</u>	
SADC	\$131,750 (4,250/ ac)	63.43%
Blirstown Twp.	\$ 37,975 (1,225/ ac)	18.285%
Warren County	<u>\$ 37,975 (1,225/ ac)</u>	18.285%
	\$207,700 (6,700/ ac)	; and

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

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Blirstown Township for the purchase of a development easement on the D. Race Farm by Warren County, comprising approximately 31 acres, at a State cost share of \$4,250 per acre for an estimated total of \$131,750 (63.43% of certified market value and estimated total cost) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule B; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, if the Township and County agree to the SADC providing its grant directly to Warren County, the SADC shall enter into a Grant Agreement with the Township and County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

2/23/12

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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



# SADC Final Review: Development Easement Purchase

Douglas Race (Race LLC)

21- 0511-PG

FY 2009 PIG EP - Municipal 2007 Rule

31 Acres

Block 1803	Lot 3.02	Blairstown Twp.	Warren County
Block 1803	Lot 3.03	Blairstown Twp.	Warren County

**SOILS:**

**SOIL SCORE:**

**TILLABLE SOILS:**

**TILLABLE SOILS SCORE:**

**FARM USE:**

Vegetable & Melons

30 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions: No Exceptions Recorded
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
Standard Single Family
  - f. Agricultural Labor Housing Units on Premises:  
Manufactured with Foundation
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

SADC Final Review: Development Easement Purchase

Douglas Race (Race LLC)  
21- 0511-PG  
FY 2009 PIG EP - Municipal 2007 Rule  
31 Acres

Block 1803	Lot 3.02	Blairstown Twp.	Warren County
Block 1803	Lot 3.03	Blairstown Twp.	Warren County

**SOILS:**

**SOIL SCORE:**

**TILLABLE SOILS:**

**TILLABLE SOILS SCORE:**

**FARM USE:**

Vegetable & Melons

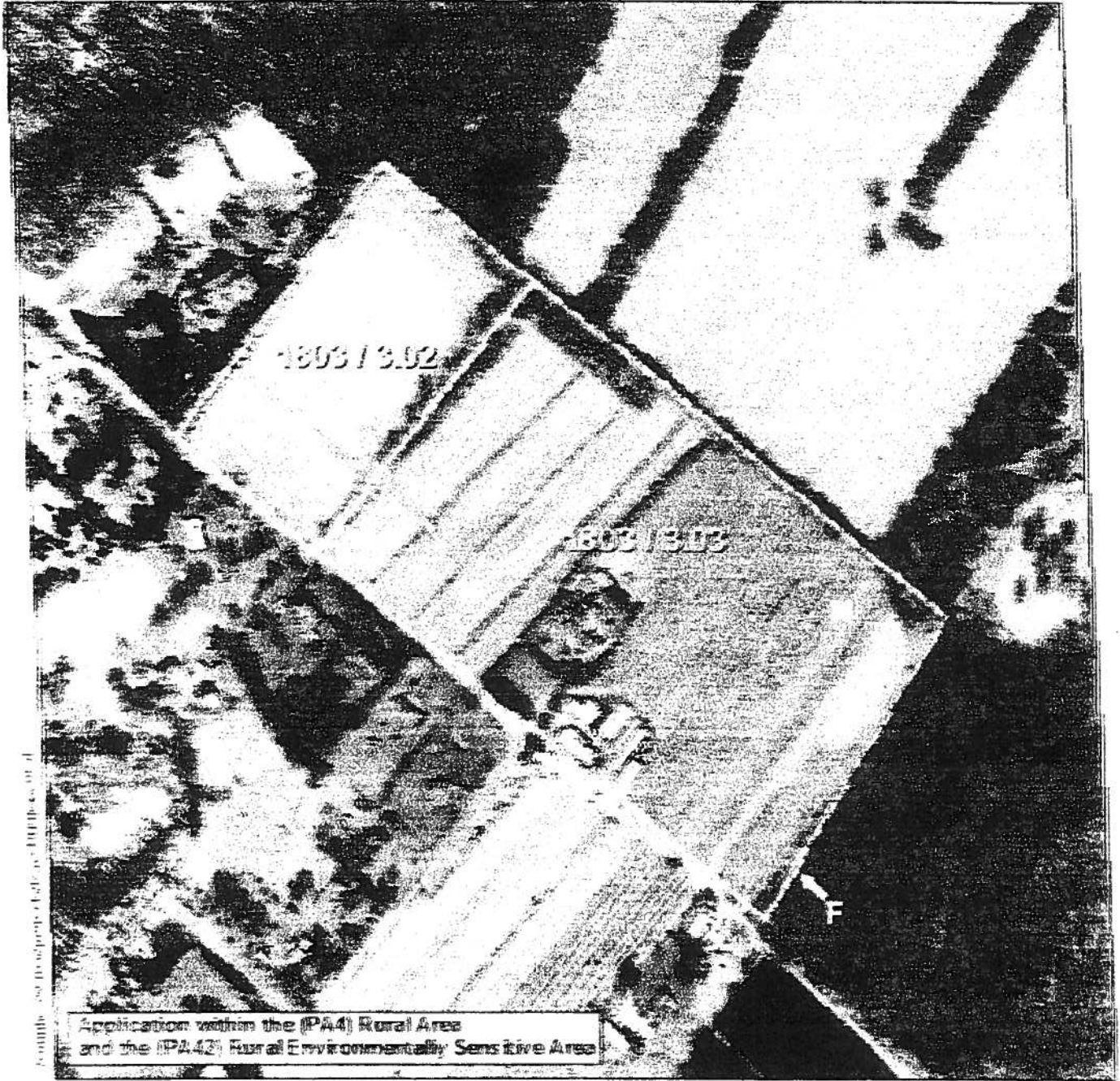
30 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions: No Exceptions Recorded
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
Standard Single Family
  - f. Agricultural Labor Housing Units on Premises:  
Manufactured with Foundation
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



# Wetlands



Application within the (PA4) Rural Area  
and the (PA42) Rural Environmentally Sensitive Area

**FARMLAND PRESERVATION PROGRAM**  
 (U.S. Dept. of Agriculture Department of Commerce)

Field: Douglas  
 1803 / 3.52 (1803) & 1803 / 3.13 (1803) Field  
 1803 / 3.52 & 1803 / 3.13  
 1803 / 3.52 (1803) & 1803 / 3.13 (1803)  
 1803 / 3.52 (1803) & 1803 / 3.13 (1803)

**PROPERTY OWNERS:**

- 1803 / 3.52 (1803) - [Name]
- 1803 / 3.13 (1803) - [Name]

**PROPERTY ADDRESS:**

[Address]



**NOTICE:**  
 This map was prepared by the [Agency] and is for informational purposes only. It does not constitute a warranty or guarantee of any kind. The user assumes all responsibility for the use of this information.

**DISCLAIMER:**  
 The information contained herein is for informational purposes only and does not constitute a warranty or guarantee of any kind. The user assumes all responsibility for the use of this information.

**CONTACT:**  
 [Agency Name]  
 [Address]  
 [Phone Number]  
 [Email Address]

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY12R2(5)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

CUMBERLAND COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

DeWilde Farm Associates, L.P. #1 ("Owner")

Borough of Shiloh, Cumberland County

N.J.A.C. 2:76-17 et seq.

SADC ID# 06-0111-PG

February 23, 2012

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cumberland County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the SADC granted preliminary approval of Cumberland County's PIG plan on May 28, 2009 and final approval of the plan on December 10, 2009; and

WHEREAS, on November 19, 2010, the SADC received an application for the sale of a development easement from Cumberland County for the DeWilde Farm identified as Block 13, Lot 2, Borough of Shiloh, Cumberland County, totaling approximately 60 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the Property is located in Cumberland County's Shiloh-Hopewell North project Area; and

WHEREAS, the Property includes one 1.5 acre severable exception area for a future single family residence and no residences on the land to be preserved; and

WHEREAS, the owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a rank score of 50.69 which exceeds 42, which is 70% of the County's average quality score as determined by the SADC on July 24, 2008; and



WHEREAS, the Property has approximately 100% Prime soils and at the time of application the farm was in potato production; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on March 8, 2011 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on March 24, 2011 the SADC certified a development easement value of \$7,000 per acre based on zoning and environmental regulations in place as of October 2008; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted Cumberland County's offer of \$7,000 per acre for the development easement for the Property; and

WHEREAS, on May 11, 2011 the County prioritized its farms and submitted its application in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 61.80 acres will be utilized to calculate the grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, on April 20, 2011 the SADC established FY11 funding allocations to provide eligible counties with a base grant of \$1,500,000 with the ability to obtain an additional competitive grant not to exceed \$3,000,000 to purchase development easements on eligible farms, subject to available funds; and

WHEREAS, there is a balance of \$7,734.60 remaining from the entire SADC FY11 County base grant of \$1,500,000 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 (d)-(f) if there are insufficient funds available in a county's base grant the county may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, competitive grant funds shall be awarded by the SADC based on a priority ranking of the individual farm applications applying for grants from the competitive grant fund based on cumulative points of the project area (Schedule D); and

WHEREAS, in addition, Cumberland County, in participation with the New Jersey Conservation Foundation (NJCF), has applied to utilize USDA, NRCS, FY11 Farm and Ranch Lands Protection Program (FRPP) grant funding in the amount of \$3,500 per acre to further leverage available County funding for farmland preservation; and

WHEREAS, the Owner agreed to the additional restrictions associated with the use of FRPP grant funding, including a 8.33% impervious cover restriction equal to approximately 5 acres of land available for the construction of agricultural infrastructure on the Property outside of the exception area; and

WHEREAS, the County intends to use the FRPP grant in the amount of \$208,250 which is equal to 50% of acquisition cost [ $\$3,500$  (1/2 SADC certified value)  $\times$  59.5 acres] to cover the local cost share totaling \$160,680 (\$2,600 per acre) and allocating any remaining FRPP funding towards the SADC PIG grant; and

WHEREAS, the estimated amount of \$208,250 is based on the current certified SADC value because the new appraisal for FRPP use is not available at this time; therefore, this amount may be revised; and

WHEREAS, because the targeted FRPP funds must be spent by March 30, 2012, this final approval is necessary; and

**Cost share breakdown prior to FRPP Grant based on 61.80 acres**

	<u>Total</u>	
SADC	\$271,920	(\$4,400/acre)
Cumberland County	<u>\$160,680</u>	(\$2,600/acre)
Total Easement Purchase	<b>\$432,600</b>	

**Estimated Cost share breakdown if \$208,250 FRPP Grant is approved and applied:**

	<u>Total</u>	<u>FRPP \$</u>	<u>New Cost Share</u>	
SADC	\$271,920 (\$4,400/acre)	\$ 47,570	\$224,350	(\$3,630/acre)
Cumberland County	\$160,680 (\$2,600/acre)	\$160,680	\$0	(\$0/acre)
FRPP Grant			<u>\$208,250</u>	(\$3,370/acre)
	<b>\$432,600</b>	<b>\$208,250</b>	<b>\$432,600</b>	<b>\$7,000/acre</b>

WHEREAS, subject to NRCS approval of FRPP funding, the County and NJCF are required to coordinate closely with SADC staff regarding needed appraisal updates and FRPP required appraisal reviews and submissions to meet FRPP closing deadlines; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.4 the Cumberland County Agriculture Development Board is requesting \$ 7,734.60 from the base grant, leaving a balance of \$ 0 and \$271,920 from the competitive grant, leaving an eligible balance of \$585,033 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on June 6, 2011 the Borough of Shiloh Committee approved the application with no municipal cost share funding; and

WHEREAS, the Cumberland County Agriculture Development Board approved the application on May 11, 2011 and secured a commitment of funding for \$2,600 per acre (37.14% of the easement purchase) from the Cumberland County Board of Chosen Freeholders for the required local match on August 23, 2011 should the anticipated FRPP grant not cover its entire cost share on the easement purchase; and

WHEREAS, should the County be successful in obtaining FRPP funds as described herein, the SADC will utilize approximately \$47,570 in FRPP funds, \$7,734.60 from the base grant, and \$224,350 from the competitive grant to provide this grant; and

WHEREAS, in order to not unduly encumber competitive grant funds, the SADC will place a ninety (90) day encumbrance on the competitive grant funds from the date this final approval becomes effective in order to ensure sufficient funds are encumbered to actuate the closing in the absence of FRPP funds; and

WHEREAS, within ninety (90) days from the date this final approval became effective, a determination must be made to release the unneeded encumbrance on competitive grant funds if FRPP funds are secured; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Cumberland County for the purchase of a development easement on the Owner's Farm, comprising approximately 61.80 acres, at a State cost share of \$4,400.00 per acre (62.86% of certified market value and purchase price) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C; and

BE IT FURTHER RESOLVED, that to account for any potential increase in the final surveyed acreage, a 3% acreage buffer has been applied to the funds encumbered from the County's competitive grant, which would allow for a maximum SADC cost share of \$271,920; and

BE IT FURTHER RESOLVED, that the SADC will utilize any remaining FRPP grant funds (estimated \$770 per acre) from the United States Department of Agriculture, Natural Resources Conservation Service under the FY11 Federal Farm and Ranch Lands Protection Program to reduce the SADC's grant taken from the County's base grant for the subject Farm; and

BE IT FURTHER RESOLVED, that if additional funds are needed due to an increase in acreage the grant may be adjusted to utilize available base grant funding so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

2/23/12

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

# Wetlands

Schedule A

x:\counties\cumco\projects\de Wilde1\_fw.mxd



Application within the (PA4) Rural Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Abram Bakker/DeWilde Farm Associates (# 1)  
Block 13 Lots P/O 2 (59.6 ac)  
& P/O 2-ES (severable exception - 1.5 ac)  
Gross Total = 61.1ac  
Shiloh Borough, Cumberland County

Property In Question

- EN - (Non-Severable) Exception
- ES - (Severable) Exception

Wetlands Boundaries

- Municipal, County and Non-Profit Preserved Open Space
- State Owned Conservation Easement
- State Owned GIS & Recreation Easement
- Federal Land



Wetlands Legend:

- F - Freshwater Wetlands
- L - Linear Wetlands
- M - Wetlands Modified for Agriculture
- T - Tidal Wetlands
- N - Non-Wetlands
- S - 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  
NJOTI GIS 2007/2008 Digital Aerial Image

Farm	Municipality	Plus 3% Acres	Condition Process	SADC Certified Per Acre	SADC Grant Per Acre	Grant% Per Acre	SADC		1,500,000 Base Grant			3,000,000 Competitive Grant			
							Federal Grant	SADC Cost Share	Encumbered at Final	PV Encumbered	Expend	Balance	Encumbered at Final	PV Encumbered	Expend
Shimp, Newton B. III	Slow Creek	105.060	Closed	4,500.00	3,100.00	68.89%	21,012.00	325,686.00	325,686.00	1,174,314.00					
Kacewich, Norman & Lynette	Slow Creek	17.891		8,000.00	4,900.00	61.25%	15,207.35	87,665.90	87,665.90	1,086,648.10					
Jones, Cilion & Dorothy	Greenwich	72.100		4,000.00	2,800.00	70.00%	21,690.00	201,880.00	201,880.00	884,768.10					
Newton, Thomas	Greenwich	46.859		4,500.00	3,100.00	68.89%	144,642.90	144,642.90	144,642.90	740,125.20					
Dickinson, Everett et al	Shiloh Boro	41.200	02/02/12	6,300.00	4,050.00	64.29%	165,329.10	165,329.10	165,329.10	574,796.10					
Cum Cyl/Kates, Thomas	Lawrence	25.750	12/28/11	5,200.00	3,500.00	67.31%	88,924.50	88,924.50	88,924.50	485,871.60					
Coll #1, Kevin A.	Slow Creek	48.410	09/23/11	4,900.00	3,340.00	68.16%	153,306.00	153,306.00	153,306.00	332,565.60					
Cum Cyl/Sheppard Anne	Greenwich	73.130		3,750.00	2,650.00	70.67%	186,791.30	186,791.30	186,791.30	143,774.30					
Coll #2, Kevin A.	Slow Creek	49.440	09/23/11	5,100.00	4,500.00	62.50%	134,550.00	134,550.00	134,550.00	9,224.30					
Adamucci #2, Carmen	Hopewell	48.240		7,200.00	4,500.00	62.50%	222,480.00	222,480.00	222,480.00	7,734.60					
Cumberland Co/Riggins #2	Slow Creek	76.154	11/02/11	3,500.00	2,500.00	71.43%	190,015.00	190,015.00	190,015.00	190,015.00					
Ruske, Roger, Margaret & Chris	Fairfield Twp	211.150	12/29/11	5,500.00	3,650.00	66.36%	649,244.80	649,244.80	649,244.80	648,244.80					
Van Meier, Alfred #1	Hopewell	41.200		6,700.00	4,250.00	63.43%	36,000.00	36,000.00	36,000.00	175,100.00					
Van Meier, Alfred #2	Hopewell	42.230		6,700.00	4,250.00	63.43%	36,900.00	36,900.00	36,900.00	179,477.50					
Keung Lam Realty	Lawrence	71.070		4,300.00	2,950.00	69.30%	211,788.60	211,788.60	211,788.60	211,788.60					
Paladino, Vincent	Deerfield	30.900		7,000.00	4,400.00	62.86%	136,960.00	136,960.00	136,960.00	299,215.00					
Bailinger, Frank P., III	Hopewell	72.100		6,500.00	4,150.00	63.85%	230,750.00	230,750.00	230,750.00	82,255.80					
Minch, Michael et al	Hopewell	11.330		12,100.00	7,260.00	60.00%	47,570.00	47,570.00	47,570.00	271,920.00					
DeWilde, Bakker Jr., Abram #1	Shiloh Boro	61.800		7,000.00	4,400.00	62.86%	80,700.00	80,700.00	80,700.00	7,734.60					
DeWilde, Bakker Jr., Abram #2	Shiloh Boro	103.000		6,000.00	3,900.00	65.00%	401,700.00	401,700.00	401,700.00	401,700.00					

*Wilde*

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

DeWilde Farm Associates, LP #1  
06- 0111-PG  
FY 2011 County PIG Program  
60 Acres

Block 13	Lot 2	Shiloh Boro	Cumberland County
<b>SOILS:</b>		Prime	100% * .15 = 15.00
			<b>SOIL SCORE: 15.00</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	92% * .15 = 13.80
		Woodlands	8% * 0 = .00
			<b>TILLABLE SOILS SCORE: 13.80</b>

**FARM USE:**

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (1.5) acres for Future Residence  
Exception is severable  
Exception is to be restricted to one single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

*Schedule D*

**New Jersey Farmland Preservation  
Competitive Ranking Report  
Farms Receiving Final Approval February 23, 2012  
Farms to Utilize Competitive Grant Monies**

**FY 2009 Funding**

County	Municipality	Farm	Acres	Total Competitive Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Sussex County	Fredon Twp.	Crisman, Jeff-Crisman Bros. LLC A#2	71	47.44	0	0	50	-2.56

**FY 2011 Funding**

County	Municipality	Farm	Acres	Total Competitive Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Cumberland County	Shiloh Boro	DeWilde/Bakker Jr., Abram #1	60	100	0	50	50	0
Cumberland County	Shiloh Boro	DeWilde/Bakker Jr., Abram #2	99	100	0	50	50	0



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY12R12(6)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

CUMBERLAND COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

DeWilde Farm Associates, L.P. #2 ("Owner")

Township of Hopewell and Borough of Shiloh, Cumberland County

N.J.A.C. 2:76-17 et seq.

SADC ID# 06-0112-PG

February 23, 2012

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cumberland County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the SADC granted preliminary approval of Cumberland County's PIG plan on May 28, 2009 and final approval of the plan on December 10, 2009; and

WHEREAS, on November 19, 2010, the SADC received an application for the sale of a development easement from Cumberland County for the DeWilde Farm identified as Block 19, Lots 8, 8.02, 8.03, 8.04, Township of Hopewell, and Block 13, Lot 1, Borough of Shiloh, Cumberland County, totaling approximately 100 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the Property is located in Cumberland County's Shiloh-Hopewell North project Area; and

WHEREAS, the Property includes one 1.5 acre severable exception area for a future single family residence and no residences on the land to be preserved; and

WHEREAS, the owners have read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a rank score of 60.95 which exceeds 42, which is 70% of the County's average quality score as determined by the SADC on July 24, 2008; and

WHEREAS, the Property has approximately 100% Prime soils and at the time of application the farm was in soybean and potato production; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on March 8, 2011 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on March 24, 2011 the SADC certified a development easement value of \$6,000 per acre based on zoning and environmental regulations in place as of October 2008; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted Cumberland County's offer of \$6,000 per acre for the development easement for the Property; and

WHEREAS, on December 22, 2011 the County prioritized its farms and submitted its application in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 103 acres will be utilized to calculate the grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, on April 20, 2011 the SADC established FY11 funding allocations to provide eligible counties with a base grant of \$1,500,000 with the ability to obtain an additional competitive grant not to exceed \$3,000,000 to purchase development easements on eligible farms, subject to available funds; and

WHEREAS, there is no remaining funds from the Cumberland County's SADC FY11 base grant of \$1,500,000 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 (d)-(f) if there are insufficient funds available in a county's base grant the county may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, competitive grant funds shall be awarded by the SADC based on a priority ranking of the individual farm applications applying for grants from the competitive grant fund based on cumulative points of the project area (Schedule D); and

WHEREAS, in addition, Cumberland County, in participation with the New Jersey Conservation Foundation (NJCF), has applied to utilize USDA, NRCS, FY11 Farm and Ranch Lands Protection Program (FRPP) grant funding in the amount of \$3,000 per acre to further leverage available County funding for farmland preservation; and

WHEREAS, the Owner agreed to the additional restrictions associated with the use of FRPP grant funding, including a 8.00% impervious cover restriction equal to approximately 8 acres of land available for the construction of agricultural infrastructure on the Property outside of the exception area; and

WHEREAS, the County intends to use the FRPP grant in the amount of \$297,000 which is equal to 50% of acquisition cost [ $\$3,000$  (1/2 SADC certified value)  $\times$  99 acres] in the amount of \$297,000 to cover the local cost share totaling \$216,300 (\$2,100 per acre) and allocating any remaining FRPP funding to offset the SADC PIG grant need; and

WHEREAS, the amount of \$297,000 is the maximum available based on the current certified SADC value; this amount may be revised to a lower value if the FRPP value is certified lower than the SADC value; and

**Cost share breakdown prior to FRPP Grant based on 103 acres**

	<u>Total</u>	
SADC	\$401,700	(\$3,900/acre)
Cumberland County	<u>\$216,300</u>	(\$2,100/acre)
Total Easement Purchase	<b>\$618,000</b>	

**Cost share breakdown if \$297,000 FRPP Grant is approved and applied:**

	<u>Total</u>	<u>FRPP \$</u>	<u>New Cost Share</u>		
SADC	\$401,700	(\$3,900/acre)	\$ 80,700	\$321,000	(\$3,117/acre)
Cumberland County	\$216,300	(\$2,100/acre)	\$216,300	\$0	(\$0/acre)
FRPP Grant				<u>\$297,000</u>	<u>(\$2,883/acre)</u>
	<b>\$618,000</b>		<b>\$297,000</b>	<b>\$618,000</b>	<b>\$6,000/acre</b>

WHEREAS, subject to NRCS approval of FRPP funding, the County and NJCF are required to coordinate closely with SADC staff regarding needed appraisal updates and FRPP required appraisal reviews and submissions to meet FRPP closing deadlines; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.4 the Cumberland County Agriculture Development Board is requesting \$401,700 from the competitive grant, leaving a maximum eligibility of \$183,333 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on June 6, 2011 the Borough of Shiloh Committee and on May 26, 2011 the Township of Hopewell approved the application with no municipal cost share funding; and

WHEREAS, the Cumberland County Agriculture Development Board approved the application on May 11, 2011 and secured a commitment of funding for \$2,100.00 per acre (35% of the easement purchase) from the Cumberland County Board of Chosen Freeholders for the required local match on August 23, 2011 should the anticipated FRPP grant not cover its entire cost share on the easement purchase; and

WHEREAS, should the County be successful in obtaining FRPP funds as described herein, the SADC will utilize \$80,700 in FRPP funds and the remaining amount of \$321,000 from the competitive fund to provide this grant; and

WHEREAS, in order to not unduly encumber competitive grant funds, if FRPP funds are going to be available for this closing, it is requested that the SADC place a ninety (90) day encumbrance on the competitive grant funds in order to ensure sufficient funds are encumbered to actuate the closing in the absence of FRPP funds; and

WHEREAS, after ninety (90) days passed the date this final approval became effective, a determination must be made to release the encumbrance on competitive grant funds if FRPP funds are secured; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Cumberland County for the purchase of a development easement on the Owner's Farm, comprising approximately 103 acres, at a State cost share of \$3,900 per acre (65% of certified market value and purchase price) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C; and

BE IT FURTHER RESOLVED, that to account for any potential increase in the final surveyed acreage, a 3% acreage buffer has been applied to the funds encumbered from the County's competitive grant, which would allow for a maximum SADC cost share of \$401,700; and

BE IT FURTHER RESOLVED, that the SADC will utilize any remaining FRPP grant funds (estimated \$783.50 per acre) from the United States Department of Agriculture, Natural Resources Conservation Service under the FY11 Federal Farm and Ranch Lands Protection Program to reduce the SADC's grant taken from the County's base grant for the subject Farm; and

BE IT FURTHER RESOLVED, that if additional funds are needed due to an increase in acreage the grant may be adjusted to utilize available base grant funding so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.I.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

2/23/12

Date



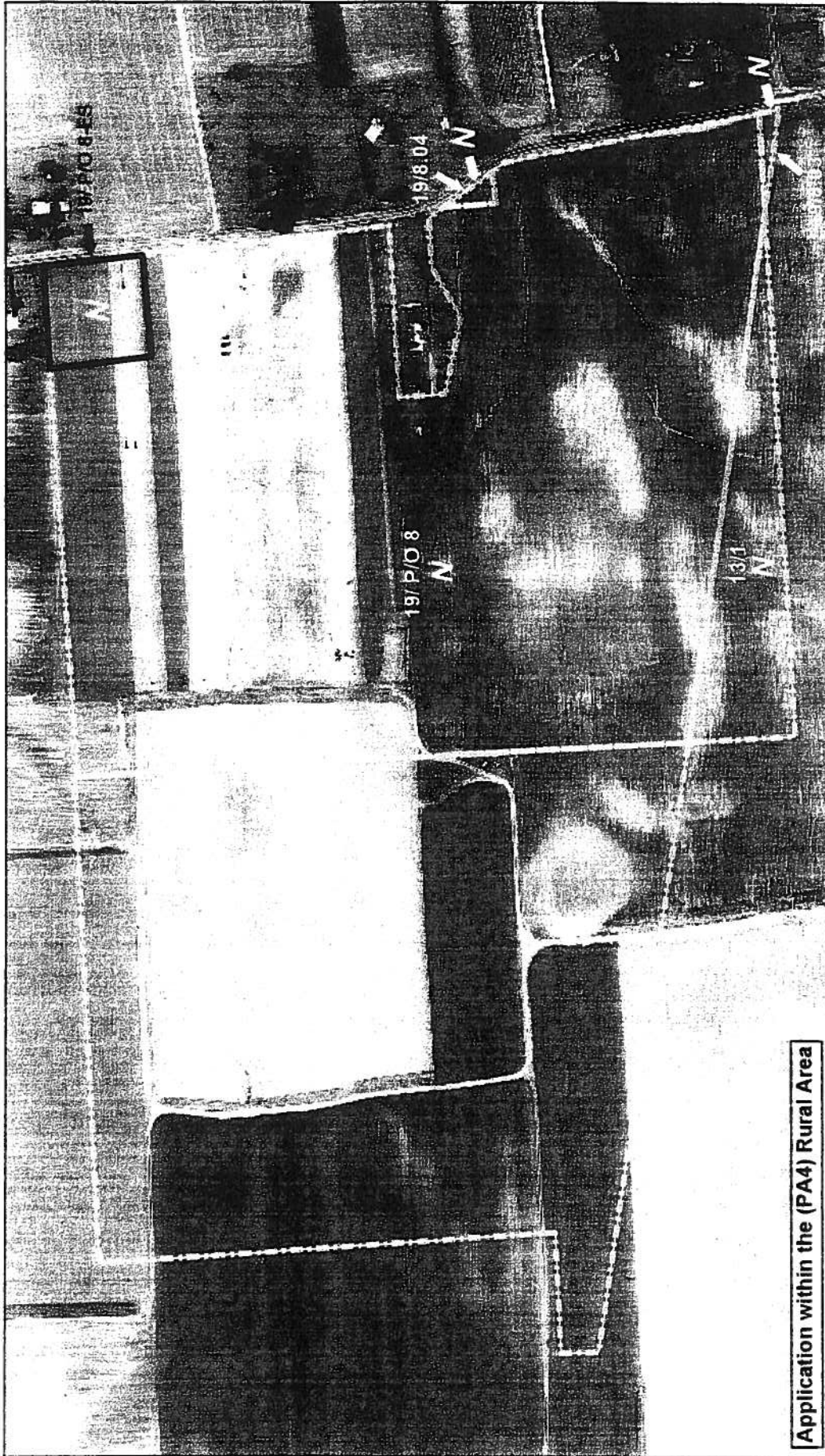
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

# Wetlands

Schedule A



**Property in Question**  
 EH - (Non-Severable) Exception  
 ES - (Severable) Exception

**Wetlands Legend**  
 L - Linear Wetlands  
 M - Wetlands Modified for Agriculture  
 N - Non-Wetlands  
 W - 300' Buffer  
 W - Water

**Wetlands Legend:**  
 L - Linear Wetlands  
 M - Wetlands Modified for Agriculture  
 N - Non-Wetlands  
 W - 300' Buffer  
 W - Water



**Application within the (PA4) Rural Area**

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

- Abram Bakker/DeWilde Farm Associates (#2)
- Block 19 Lots P/O 8 (52.5 ac); P/O 8-ES (severable exception - 1.5 ac); 8.02 (41.4 ac); 8.03 (0.2 ac); & 8.04 (0.1 ac)
- Hopewell Twp.
- Block 13 Lot 1 (4.2 ac)
- Shiloh Boro
- Gross Total = 99.9 ac
- Cumberland County



**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data file are approximate and were developed using aerial photography. No warranty is made as to the accuracy of the data. The user is advised that the 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  
 NJDOT/POGIS 2007/2008 Digital Aerial Image  
 November 23, 2010

Cumberland County  
*Steelcase B*

New Jersey Farmland Preservation Program  
 Preservation Program  
 County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.

1/2011 funding (09 bond fund)

Farm	Municipality	Plus 3% Acres	Closed	SADC Certified Per Acre	SADC Grant Per Acre	Grant% Per Acre	SADC		1,500,000 Base Grant		3,000,000 Competitive Grant		Balance				
							Federal Grant <i>estimated</i>	SADC Cost Share	Encumbered at Final	PV Encumbered	Expend	Balance		Encumbered at Final	PV Encumbered	Expend	
10. Newton B. III	Slow Creek	105,060		4,500.00	3,100.00	68.89%	21,012.00	325,665.00	325,665.00				1,174,314.00				
11. Norman & Lynelle	Slow Creek	17,991		8,000.00	4,900.00	61.25%	15,207.35	87,665.90	87,665.90				1,066,648.10				
12. Clifton & Dorothy	Greenwich	72,100		4,000.00	2,800.00	70.00%	21,630.00	201,860.00	201,860.00				884,788.10				
13. Thomas	Greenwich	46,559		4,500.00	3,100.00	68.89%	41,993.10	144,642.90	144,642.90				740,125.20				
14. Everett et al	Shiloh Boro	41,200	02/02/12	6,300.00	4,050.00	64.29%		165,329.10	165,860.00	165,329.10			574,796.10				
15. C/K/Keith, Thomas	Lawrence	25,750	12/26/11	5,200.00	3,500.00	67.31%		88,924.50	90,125.00	88,924.50			485,871.60				
16. Kevin A	Slow Creek	48,410	09/23/11	4,900.00	3,340.00	68.16%		153,306.00	161,685.40	153,306.00			332,565.60				
17. Sheppard Anne	Greenwich	73,130	09/23/11	3,750.00	2,650.00	70.67%		188,791.30	193,794.50	188,791.30			143,774.30				
18. Kevin A	Slow Creek	42,230	09/23/11	5,100.00	3,450.00	67.65%		134,550.00	145,693.50	134,550.00			9,224.30				
19. Carmen	Hopewell	49,440		7,200.00	4,500.00	62.50%		222,480.00	1,489.70				7,734.60				
20. Riggins #2	Slow Creek	76,154	11/02/11	3,500.00	2,500.00	71.43%		190,015.00		220,990.30							
21. Roger, Margaret & Chris	Fairfield Twp	211,150	12/29/11	5,500.00	3,550.00	66.36%		648,244.80		190,385.00							
22. Meier, Allied #1	Hopewell	41,200		6,700.00	4,250.00	63.43%		179,100.00		770,697.50							
23. Meier, Allied #2	Hopewell	42,230		6,700.00	4,250.00	63.43%		179,477.50		179,477.50							
24. Linn Realty	Lawrence	71,070		4,300.00	2,980.00	69.30%		211,788.60		135,980.00							
25. Linn Realty	Deerfield	30,900		7,000.00	4,400.00	62.85%		135,980.00		299,215.00							
26. Frank P. III	Hopewell	72,100		6,500.00	4,150.00	63.85%	230,750.00	299,215.00	299,215.00								
27. Michael et al	Hopewell	11,300		12,100.00	7,660.00	63.00%		82,255.80		82,255.80							
28. Baker J. Abram #1	Shiloh Boro	61,800		7,000.00	4,400.00	62.86%		271,920.00		401,700.00							
29. Baker J. Abram #2	Shiloh Boro	103,000		6,000.00	3,900.00	65.00%		401,700.00		401,700.00							

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

DeWilde Farm Associates, LP #2  
06- 0112-PG  
FY 2011 County PIG Program  
99 Acres

Block 13	Lot 1	Shiloh Boro	Cumberland County
Block 19	Lot 8	Hopewell Twp.	Cumberland County
Block 19	Lot 8.02	Hopewell Twp.	Cumberland County
Block 19	Lot 8.03	Hopewell Twp.	Cumberland County
Block 19	Lot 8.04	Hopewell Twp.	Cumberland County

**SOILS:** Prime 100% \* .15 = 15.00  
**SOIL SCORE: 15.00**

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

**FARM USE:** Soybeans-Cash Grain acres  
Irish Potatoes-Field Crop acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (1.5) acres for Future Residence  
Exception is severable  
Exception is to be restricted to one single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



*S. Schenk*

New Jersey Farmland Preservation  
Competative Ranking Report  
Farms Receiving Final Approval February 23, 2012  
Farms NOT Utilizing Competitive Grant Monies

FY 2009 Funding

County	Municipality	Farm	Acres	Total Competitive Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Sussex County	Fredon Twp.	Crisman, Jeff-Crisman Bros LLC #1	88	46.83	0	0	50	-3.17

FY 2011 Funding

County	Municipality	Farm	Acres	Total Competitive Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Hunterdon County	Tewksbury Twp.	Hill & Dale Farms, Inc. (Rothpletz #2)	43	50	10	40	0	0

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION FY12R2(7)**

**FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO**

**HUNTERDON COUNTY**

**for the**

**PURCHASE OF A DEVELOPMENT EASEMENT**

**SADC FY2011 Funding**

**On the Property of**

**Hill and Dale Farms Inc. #2 ("Owner")**

**Michael Rothpletz Jr.**

**Tewksbury Township, Hunterdon County**

**N.J.A.C. 2:76-17 et seq.**

**SADC ID# 10-0295-PG**

**FEBRUARY 23, 2012**

WHEREAS, on December 17, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Hunterdon County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the SADC granted final approval of the County's FY2010 plan on May 28, 2009; and

WHEREAS, on June 24, 2009 the SADC received an application for the sale of a development easement from Hunterdon County for the Hill and Dale Farm #2 identified as Block 38, Lot 1.05, Tewksbury Township, Hunterdon County, totaling approximately 43 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the Property is located in Hunterdon County's North Project Area; and

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

WHEREAS, the Property has approximately 51% Prime soils and 46 % soils of Statewide importance and at the time of application the farm was in hay, corn and wheat production; and

WHEREAS, the Property has no residences or pre-existing non-agricultural uses; and

WHEREAS, the Property has one, 8 acre nonseverable exception for one future residence

WHEREAS, the Property has a rank score of 68.5 which exceeds 40, which is 70% of the County's average quality score as determined by the SADC on July 24, 2008; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on July 27, 2010 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on December 9, 2010, the SADC certified a development easement value of \$15,000/acre based on zoning and environmental regulations in place as of 1/1/04 and a \$5,000 "current value" as of June 2009; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, Hunterdon County accepted the Owner's offer of \$15,000 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on February 14, 2011 the Tewksbury Township Committee approved the application but is not participating financially in the easement purchase; and

WHEREAS, the Hunterdon County Agriculture Development Board approved the application on February 9, 2012 and secured a commitment of funding from the Hunterdon County Board of Chosen Freeholders on February 21, 2011 for the required (20%) local match of \$3,000 per acre however, the County is unwilling to cover the Townships 20% cost share; and

WHEREAS, to provide for what would typically be the Township's 20% cost share, the New Jersey Conservation Foundation (NJCF) has offered its FY10 United States Department of Agriculture, Natural Resources Conservation Service Federal Farm and Ranch Lands Protection Program (FRPP), grant funds, which requires closing by March 30, 2013; and

WHEREAS, it has been determined that the Property and the Landowner qualify for FRPP grant funds, however the funds are not secured at this time; and

WHEREAS, because of the March 30, 2012 closing deadline for FRPP funds, this Final Approval is necessary; and

WHEREAS, the Landowner agreed to the additional restrictions associated with the use of FRPP grant funding, including a 5.67% impervious cover limit (approximately 2.44 acres) for the construction of agricultural infrastructure on the Property outside of exception area; and

WHEREAS, the appraisal utilized for the initial SADC easement value certification is being completed at this time to meet FRPP requirements; and

WHEREAS, for the purposes of this resolution the FRPP grant will be based on a \$7,000 per acre estimated value, equating to an FRPP grant of \$3,500 per acre (50% of \$7,000) or approximately \$150,500 in total FRPP funds; and

WHEREAS, the SADC and Hunterdon County have agreed to first cover the Township's cost share (20% of easement purchase) with the FRPP funding and then utilize any remaining FRPP funds to reduce the County's cost share: and

**Cost share breakdown prior to FRPP Grant (based on 43 acres):**

	<u>Total</u>
SADC	\$387,000 (\$9,000/ acre) 60% of purchase price and SADC CMV
Hunterdon County & Tewksbury Township	\$129,000 (\$3,000/ acre) 20% of purchase price \$0
Total	\$516,000 (\$12,000/ acre) (\$129,000 shortfall)

**Cost share breakdown after FRPP Grant of \$3,500/acre (based on 43 acres):**

	<u>Total</u>	<u>FRPP</u>	<u>New Cost Share</u>
SADC	\$387,000 (\$9,000/acre)	\$ 0	\$387,000 (\$9000/acre)
County Township	\$129,000 (\$3,000/acre) \$0	\$ 21,500 (\$ 500/acre) \$129,000 (\$3,000/acre)	\$107,500 (\$2,500/acre) \$0
FRPP			\$150,500 (\$3,500/acre)
Total	\$516,000 (\$12,000/acre)	\$150,500	\$645,000 (\$15,000/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(d), the County prioritized its farms and the ranking and submitted the ranking to the SADC on February 10, 2010 to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14, however due to the funding shortfall this final approval has been delayed; and

WHEREAS, to date Hunterdon County has not encumbered any FY2011 base grant funding and has \$1,500,000 available; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 44.29 acres will be utilized to calculate the SADC grant need; and

WHEREAS, the Hunterdon County Agriculture Development Board is requesting \$398,610 from its base grant, leaving a cumulative base grant balance of \$1,101,390.00 (Schedule B); and

WHEREAS, no competitive grant funding is needed for the SADC cost share grant on this Property, therefore the entire estimated SADC grant need will be encumbered from the County's base grant; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Hunterdon County for the purchase of a development easement on the Hill and Dale Farm #2, comprising approximately 44.29 acres, at a State cost share of \$9,000 per acre (60.00% of certified market value and 60% of the purchase price)

pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C; and

BE IT FURTHER RESOLVED, that to account for any potential increase in the final surveyed acreage, a 3% acreage buffer has been applied to the funds encumbered from the County's base grant; and

BE IT FURTHER RESOLVED, that this final approval is contingent upon NJCF/FRPP funding or other FRPP funding being secured to cover the township's cost share; and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

2/23/12

Date

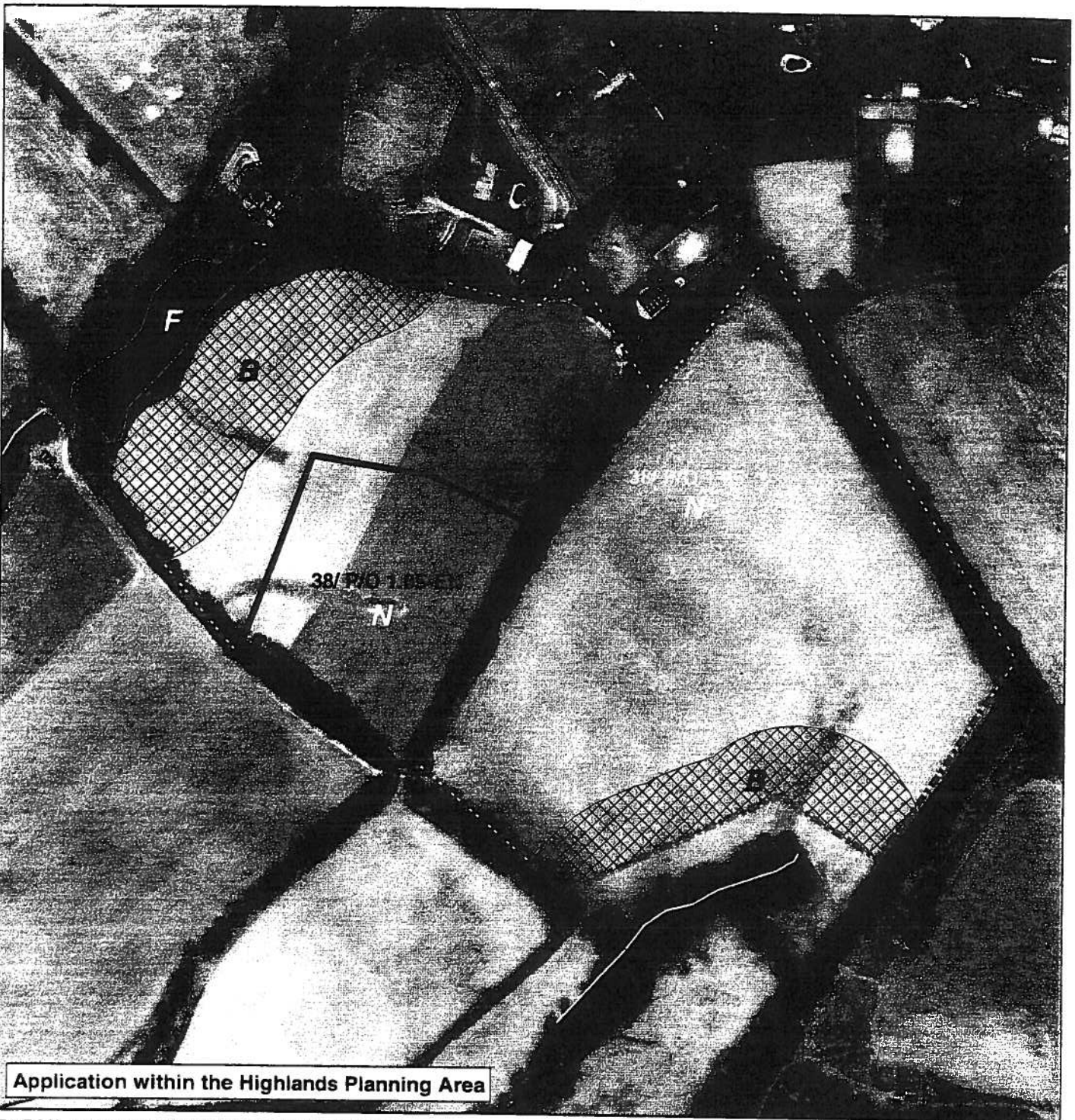


Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

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

# Wetlands



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Application within the Highlands Planning Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Michael Rothpletz, Jr./Hill and Dale Farm (#2)  
Block 38 Lots P/O 1.05 (42.4 ac)  
& P/O 1.05-EN (non-severable exception - 7.0 ac)  
Total = 49.3 ac  
Tewksbury Twp., Hunterdon County

	Property in Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	300 ft Buffered Wetlands
	Municipal, County and Non-Profit Preserved Open Space
	State Designated Conservation Easement
	State Designated QFS & Recreation Easement
	Federal Land
	Tidalwater Boundaries

500 250 0 500 1,000 Feet

**Wetlands Legend:**  
F - Freshwater Wetlands  
L - Linear Wetlands  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
U - Uplands  
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  
NJ 2002 Infra-Red Color Aerial Image

November 17, 2008



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Hill & Dale Farm (Rothpletz #2)  
10- 0295-PG  
FY 2011 County PIG Program  
43 Acres

Block 38	Lot 1.05	Tewksbury Twp.	Hunterdon County	
<b>SOILS:</b>		Other	3% * 0	= .00
		Prime	51% * .15	= 7.65
		Statewide	46% * .1	= 4.60
				<b>SOIL SCORE: 12.25</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	91% * .15	= 13.65
		Woodlands	9% * 0	= .00
				<b>TILLABLE SOILS SCORE: 13.65</b>
<b>FARM USE:</b>		Wheat-Cash Grain	acres	
		Corn-Cash Grain	acres	
		Hay	acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st eight (8) acres for For future dwelling  
Exception is not to be severed 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(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY12R2(8)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

SUSSEX COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
SADC FY2009 Funding

On the Property of  
Crisman Brothers Farm LLC #1 ("Owner")  
Fredon Township, Sussex County

N.J.A.C. 2:76-17 et seq.  
SADC ID# 19-0016-PG

February 23, 2012

WHEREAS, on December 17, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Sussex County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the SADC granted final approval to Sussex County's PIG plan on April 28, 2011; and

WHEREAS, on January 13, 2011 the SADC received an application for the sale of a development easement from Sussex County for the Crisman Brothers Farm LLC #1 identified as Block 1902, Lot 8 and Block 2101, Lot 6, Fredon Township, Sussex County, totaling 86.087 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the Property is located in Sussex County's Kittatiny Valley West #2 Project Area; and

WHEREAS, the Property includes one single family residence and one duplex; and

WHEREAS, the Property has no exceptions and no non-agricultural uses; and

WHEREAS, the Property has a rank score of 56 which exceeds 33, which is 70% of the County's average quality score as determined by the SADC August 24, 2010; and

WHEREAS, the Property has 100% soils designated as "Other" importance and 82 % of the soils are presently in production with field crops such as corn and hay and a dairy operation; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on February 16, 2011 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, on March 3, 2010 the CADB entered into a Contract of Sale for the Development Easement with the landowner for \$6,400 per acre, based on appraisals which ranged between a low of \$5,500 and high of \$7,300 per acre; and

WHEREAS, the CADB originally anticipated using FY2011 funding which required updates to their original appraisals; and

WHEREAS, the CADB secured updates to their two appraisals with a "Date of Value" of July 19, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 22, 2011 the SADC certified a development easement value of \$4,800 per acre based on zoning and environmental regulations in place as of July 19, 2011; and

WHEREAS, in preparation for final approval it was realized that the owner's contracted price of \$6,400 was in excess of the higher of the two updated appraisal values which ranged from a low of \$4,800 to a high of \$4,900; and

WHEREAS, as a result of another Sussex County application withdrawing, SADC FY2009 base grant funding for Sussex County became available to fund this farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, since the County would be using SADC FY2009 funding, they were able to rely on the original appraisals dated 9/30/09; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 26, 2012 the SADC re-certified a development easement value of \$6,300 per acre based on zoning and environmental regulations in place as of 9/30/09; and

WHEREAS, on March 3, 2010 the landowners accepted an offer price of \$6,400 which was not in excess of the highest appraised easement value of \$7,300 but more than the SADC certified value (\$6,300); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on January 19, 2010 the Sussex CADB passed a resolution granting final approval for funding the Crisman Brothers LLC #1 farm at a per acre price of \$6,400; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on January 28, 2010 the Fredon Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, since the County has already prepared a survey on this property it is not requesting to use the additional 3% buffer for possible surveyed acreage increases, therefore, the SADC cost share shall be based on the 86.087 surveyed acres (Payment acres); and

WHEREAS, on November 21, 2011 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, and Resolution # FY08R9(33), adopted on July 26, 2007, the SADC authorized a FY09 funding allocation to provide eligible counties with a base grant of \$2,000,000.00 with the ability to obtain an additional competitive grant not to exceed \$3,000,000.00 to purchase development easements on eligible farms, subject to available funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Sussex County Agriculture Development Board is requesting \$348,652.35 from its base grant, leaving a cumulative balance of \$305,164.15 (Schedule B); and

WHEREAS, no competitive grant funding is needed for the SADC cost share grant on this Property, therefore the entire estimated SADC grant need will be encumbered from the County's base grant; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Sussex County for the purchase of a development easement on the Crisman Brothers LLC #1 Farm, comprising 86.087 acres, at a State cost share of \$4,050 per acre (63.28% of purchase price) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C; and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual

dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

2/23/12

Date

Susan E. Payne

Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

# Wetlands

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Application within the (PA4b) Rural Env Sensitive Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Jeff Crisman/Crisman Bros, Farm, LLC  
Block 1902 Lot 8 (11.0 ac)  
& Block 2101 Lot 6 (77.0 ac)  
Gross Total = 88.0 ac  
Fredon Twp., Sussex County



Property In Question	
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
Wetlands Boundaries	
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned O&B & Recreation Easement
	Federal Land

Wetlands Legend:	
F	Freshwater Wetlands
L	Linear Wetlands
M	Wetlands Modified for Agriculture
T	Total 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  
NJGIT/OGIS 2007/2008 Digital Aerial Image

January 14, 2011

New Jersey Farmland Preservation Program  
 Preservation Program  
 County Planning Incentive Grant - N.J.A.C. 2:76-17 et seq.  
 FY2009 Funding

Schedule B

Farm	Municipality	App Acres	Preserve Acres	Pay Acres	SADC Certified Per Acre	Negotiated & Approved Per Acre	SADC Grant Per Acre	Actual Easement Consideration	SADC Cost		2,000,000		3,000,000		Cap Total	Cum Expend	Cum Encumbered	Balance subject to availability
									Share	Encumbered at Final	Expend	Balance	Encumbered at Final	Balance				
Peck, Harold & Sallie	Lafayette	36,279	36,279	35,939	15,000.00	15,500.00	9,000.00	557,054.50	326,511.00	326,511.00	323,451.00	1,676,549.00			5,000,000.00	787,355.50	1,213,607.05	2,999,037.45
Sussex ColChimp	Green	18,008	18,008	18,008	5,500.00	7,850.00	3,850.00	141,362.80	69,330.80	69,330.80	1,607,218.20							
H.J. Hautau & Sons Inc 2	Frankford	36,534	37,321	36,430	9,500.00	10,200.00	5,940.00	373,666.80	217,605.96	217,605.96	216,423.90	1,390,794.30						
Turr, Lynn & Bonita	Wantage	52,397	52,397	52,397	5,000.00	5,100.00	3,400.00	267,224.70	178,149.80	178,149.80	1,212,644.50							
Washer, Richard & Frances	Green	98,040			9,500.00	11,500.00	5,700.00	1,127,460.00	558,828.00	558,828.00		653,816.50						
Crisman Bros Farm LLC#1	Fredon	86,087			6,300.00	6,400.00	4,050.00	550,956.80	348,652.35	348,652.35		305,164.15						
Crisman Bros Farm LLC#2	Fredon	70,460			7,800.00	7,900.00	4,800.00	556,634.00	338,208.00	338,208.00		0.00	962.55	2,999,037.45				
Havens, Richard #2 (preAg)	Wantage	38,000			7,000.00	13,500.00	4,400.00	266,000.00	167,200.00	167,200.00		486,616.50						
Salvatore, Torre (preAg)	Lafayette	165,000			5,000.00		3,400.00	825,000.00	561,000.00	561,000.00		510,875.96						
Rejected																		
Hautau #1																		
Hautau #3																		
Decker, William																		
Withdrawn																		
Sussex ColLewisburg Rd 3	Wantage	153,036			4,100.00	4,100.00	2,860.00	626,742.40	437,688.66	437,688.66								
Sussex ColLewisburg Rd 2	Wantage	104,390			3,000.00	3,050.00	2,200.00	318,389.50	229,698.00	229,698.00								
Sussex ColLewisburg Rd 1	Wantage	43,686			7,000.00	7,500.00	4,400.00	327,645.00	192,218.40	192,218.40								
G. Warren R. Bertol	Wantage	44,547	44,547	44,547	4,700.00	4,600.00	3,160.00	204,916.20	140,768.52	140,768.52		1,071,875.96						
Total Pending		457,687					6,143,052.70	1,186,076.08	3,732,776.66									
Total Encumbered		0	99,876	98,990					1,212,644.50				962.55					1,213,607.05
Closed/Expended		143,318	144,005	142,779						787,355.50								
Total		600,905	243,881	241,769														
Reprogram Out																		

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Crisman Brothers Farm LLC #1  
19- 0016-PG  
FY 2010 County PIG Program  
88 Acres

Block 1902	Lot 8	Fredon Twp.	Sussex County
Block 2101	Lot 6	Fredon Twp.	Sussex County

<b>SOILS:</b>	Other	100% * 0	=	.00
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**SOIL SCORE: .00**

<b>TILLABLE SOILS:</b>	Cropland Pastured	23% * .15	=	3.45
	Cropland Harvested	59% * .15	=	8.85
	Wetlands	14% * 0	=	.00
	Woodlands	4% * 0	=	.00

**TILLABLE SOILS SCORE: 12.30**

<b>FARM USE:</b>	Field Crop Except Cash Grain	46 acres
	Dairy	42 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions: No Exceptions Recorded
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:
    - Standard Single Family
    - Duplex
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY12R2(9)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

SUSSEX COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT  
SADC FY2009 Funding

On the Property of  
Crisman Brothers Farm LLC #2 ("Owner")  
Fredon Township, Sussex County

N.J.A.C. 2:76-17 et seq.  
SADC ID# 19-0017-PG

February 23, 2012

WHEREAS, on December 17, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Sussex County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, the SADC granted final approval to Sussex County's PIG plan on April 28, 2011; and

WHEREAS, on January 25, 2011 the SADC received an application for the sale of a development easement from Sussex County for the Crisman Brothers Farm LLC #2 identified as Block 1205, Lot 11.01, Fredon Township, Sussex County, totaling 70.46 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the Property is located in Sussex County's Kittatiny Valley West #2 Project Area; and

WHEREAS, the Property has zero (0) residences and no non-agricultural uses; and

WHEREAS, the Property has one three acre, non-severable exception for one future single family residence; and

WHEREAS, the Property has a rank score of 53 which exceeds 33, which is 70% of the County's average quality score as determined by the SADC August 24, 2010; and

WHEREAS, the Property has 100% soils of designated as "Other", importance and 86 % of the soils are presently in production with field crops such as corn and hay; and



WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on February 16, 2011 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, on March 3, 2010 the CADB had entered into a Contract of Sale for the Development Easement with the landowner for \$7,900 per acre, based on appraisals which ranged between a low of \$7,600 and a high of \$8,100 per acre; and

WHEREAS, the CADB originally anticipated using FY2011 funding which required updates to their original appraisals; and

WHEREAS, the CADB secured updates to their two appraisals with a "Date of Value" of July 19, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on September 22, 2011 the SADC certified a development easement value of \$6,400 per acre based on zoning and environmental regulations in place as of July 19, 2011; and

WHEREAS, in preparation for final approval it was realized that the owner's contracted price of \$7,900 was in excess of the higher of the two updated appraised values which ranged between a low of \$6,200 and a high of \$7,000 per acre; and

WHEREAS, as a result of another Sussex County application withdrawing, SADC FY2009 base grant funding for Sussex County became available to fund this farm; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, since the County would be using SADC FY2009 funding, they were able to rely on the original appraisals dated 9/30/09; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 26, 2012 the SADC re-certified a development easement value of \$7,800 per acre based on zoning and environmental regulations in place as of 9/30/09; and

WHEREAS, on March 3, 2010, the landowners had accepted an offer price of \$7,900 which was not in excess of the highest appraised easement value of \$8,100 but more than the certified value of \$7,800; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on January 19, 2010 the Sussex CADB passed a resolution granting final approval for funding the Crisman Brothers LLC #2 farm at a per acre price of \$7,900; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on January 28, 2010 the Fredon Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on February 24, 2010 the Sussex County Board of Chosen Freeholders approved the Crisman Brothers LLC #2 farm at a per acre price of \$7,900 for a total purchase price \$556,634.00; and

WHEREAS, since the County has already prepared a survey on this property it is not requesting to use the additional 3% buffer for possible surveyed acreage increases, therefore, the SADC cost share shall be based on the 70.46 surveyed acres (Payment acres); and

WHEREAS, on November 21, 2011 the County prioritized its farms and submitted its applications in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, and Resolution # FY08R9(33), adopted on July 26, 2007, the SADC authorized a FY09 funding allocation to provide eligible counties with a base grant of \$2,000,000.00 with the ability to obtain an additional competitive grant not to exceed \$3,000,000.00 to purchase development easements on eligible farms, subject to available funds; and

WHEREAS, to date the County has requested base grant funds for the Peck, Chirip, Hautau #2, Turr and Crisman Brothers LLC #1 farm, leaving a remaining eligibility of \$305,164.14 in base grant funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Sussex County Agriculture Development Board is requesting to use the remaining \$305,164.14 from its base grant, leaving a zero balance (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.8, and 17.14 Sussex County is eligible to apply for an additional \$3,000,000.00 dollars of competitive grant funding for a maximum FY 2009 grant of \$5,000,000.00, subject to the availability of funds; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 (d)-(f) if there are insufficient funds available in a county's base grant the county may request additional funds from the competitive grant fund; and

WHEREAS, there is presently only \$962.55 available in FY09 competitive funding (Schedule C); and

WHEREAS, Sussex County is requesting to encumber \$305,164.14 from available base grant funds and the remaining \$962.55 from the competitive grant fund for a total grant of \$306,126.69; and

WHEREAS, the remaining shortfall of \$32,081.30 will be additional costs to the County, unless, prior to the time of closing, additional competitive funds are made available, and should that occur, the SADC authorizes a disbursement of an amount not greater than \$33,043.85 from all remaining competitive grant funds; and

WHEREAS, competitive grant funds shall be awarded by the SADC based on a priority ranking of the individual farm applications applying for grants from the competitive grant fund (Schedule C); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Sussex County for the purchase of a development easement on the Crisman Brothers LLC #2 Farm, comprising 70.46 acres, at a State cost share of \$4,344.69 per acre (54.99% of purchase price) pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule D; and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage the grant may be adjusted so long as they have FY09 funding available and it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement and for residual dwelling site opportunities allocated pursuant to Policy P-19-A; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

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

2/23/12

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

S:\Planning Incentive Grant -2007 rules County\Sussex\Crisman Bros LLC #2\FinalApprvFINALI.doc

# Wetlands



x:\counties\susco\projects\crisman2\_fw.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Jeff Crisman (# 2)  
 Block 2005 Lots P/O 11.01 (72.8 ac)  
 and P/O 11.01-EN (non-severable exception - 3.0 ac)  
 Gross Total = 75.7 ac  
 Fredon Twp., Sussex County



	Property in Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned O/S & Recreation Easement
	Federal Land

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

Farm	Municipality	App Acres	Preserve Acres	Pay Acres	SADC		Negotiated & Approved SADC Grant Per Acre	Actual Easement Consideration	SADC Cost Share	2,000,000		3,000,000		Balance subject to availability		
					Per Acre	Per Acre				Base Grant		Competitive Grant			Cum Expend	Cum Encumbered
										Encumbered at Final	Expend	Encumbered at Final	Balance			
Peck, Harold & Sallie	Lafayette	36,279	36,279	35,939	15,000.00	9,000.00	557,054.50	326,511.00	323,451.00	1,676,549.00						
Sussex Co/Chirp	Green	18,008	18,008	18,008	7,850.00	3,850.00	141,362.80	69,330.80	69,330.80	1,607,218.20						
H.J. Hauiau & Sons Inc 2	Frankford	36,634	37,321	36,435	9,900.00	5,940.00	373,668.80	217,605.96	216,423.90	1,390,794.30						
Turr, Lynn & Bonita	Wantage	52,397	52,397	52,397	5,100.00	3,400.00	287,224.70	178,149.80	178,149.80	1,212,844.50						
Washer, Richard & Frances	Green	98,040	98,040	98,040	11,500.00	5,700.00	1,127,460.00	558,828.00	558,828.00	653,816.50						
Crisman Bros Farm LLC#1	Fredon	86,087	86,087	86,087	6,300.00	4,050.00	550,956.80	348,652.35	348,652.35	305,164.15						
Crisman Bros Farm LLC#2	Fredon	70,450	70,450	70,450	7,800.00	4,800.00	556,634.00	338,208.00	338,208.00	0.00	962.55	2,999,037.45				
Havens, Richard #2 (preAc)	Wantage	39,000	39,000	39,000	7,000.00	4,400.00	286,000.00	167,200.00	167,200.00	486,616.50						
Salvatore, Torre (preAc)	Lafayette	165,000	165,000	165,000	5,000.00	3,400.00	825,000.00	561,000.00	561,000.00	510,875.98						
Rejected																
Hauiau #1																
Hauiau #3																
Decker, William																
Withdrawn																
Sussex Co/Lewisburg Rd 3	Wantage	153,038	153,038	153,038	4,100.00	2,860.00	626,742.40	437,688.68	437,688.68	1,071,875.98						
Sussex Co/Lewisburg Rd 2	Wantage	104,390	104,390	104,390	3,000.00	2,200.00	318,389.50	229,658.00	229,658.00							
Sussex Co/Lewisburg Rd 1	Wantage	43,685	43,685	43,685	7,000.00	4,400.00	327,645.00	192,218.40	192,218.40							
G Warren & R Bertol	Wantage	44,547	44,547	44,547	4,700.00	3,160.00	204,916.20	140,768.52	140,768.52							
<b>Total Pending</b>	<b>5</b>	<b>457,587</b>	<b>457,587</b>	<b>457,587</b>	<b>6,143,052.70</b>	<b>1,186,076.08</b>	<b>6,143,052.70</b>	<b>3,732,775.66</b>	<b>3,732,775.66</b>	<b>1,212,644.50</b>	<b>787,355.50</b>	<b>962.55</b>	<b>2,999,037.45</b>	<b>1,213,607.05</b>		
<b>Total Encumbered</b>	<b>0</b>	<b>0.000</b>	<b>99,876</b>	<b>98,990</b>				<b>1,212,644.50</b>						<b>1,213,607.05</b>		
<b>Closed/Expended</b>	<b>4</b>	<b>143,318</b>	<b>144,005</b>	<b>142,779</b>						<b>787,355.50</b>				<b>787,355.50</b>		
<b>Total</b>	<b>4</b>	<b>600,905</b>	<b>243,881</b>	<b>241,769</b>												
<b>Reprogram Out</b>																

Schedul C

New Jersey Farmland Preservation  
 Competative Ranking Report  
 Farms Receiving Final Approval February 23, 2012  
 Farms to Utilize Competitive Grant Monies

FY 2009 Funding

County	Municipality	Farm	Acres	Total Competative Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Sussex County	Fredon Twp.	Crisman, Jeff-Crisman Bros LLC A#2	71	47.44	0	0	50	-2.56

FY 2011 Funding

County	Municipality	Farm	Acres	Total Competative Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Cumberland County	Shiloh Boro	DeWilde/Bakker Jr., Abram #1	60	100	0	50	50	0
Cumberland County	Shiloh Boro	DeWilde/Bakker Jr., Abram #2	99	100	0	50	50	0

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Crisman Brothers Farm #2  
19- 0017-PG  
FY 2009 County PIG Program  
71 Acres

Block 2005	Lot 11.01	Fredon Twp.	Sussex County
<b>SOILS:</b>		Other	100% * 0 = .00
			<b>SOIL SCORE: .00</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	86% * .15 = 12.90
		Wetlands	3% * 0 = .00
		Woodlands	11% * 0 = .00
			<b>TILLABLE SOILS SCORE: 12.90</b>
<b>FARM USE:</b>		Field Crop Except Cash Grain	61 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st three (3) acres for Single Family Home  
Exception is not to be severed 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(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY12R2(10)

AMENDED FINAL APPROVAL OF PLANNING INCENTIVE GRANTS

for the  
PURCHASE OF DEVELOPMENT EASEMENTS

FEBRUARY 23, 2012

WHEREAS, pursuant to N.J.A.C. 2:76-17A. et seq. and N.J.A.C. 2:76-17 et seq. the SADC previously granted Final Approval to the below listed farms; and

WHEREAS, within each of the SADC Final Approval resolutions each farm's full cost shares were solidified and the SADC cost share was encumbered; and

WHEREAS, Cumberland County, Upper Deerfield Township (Cumberland County) and Upper Pittsgrove Township (Salem County) have requested the use of Federal Farm and Ranch Lands Protection Program Grant (FRPP) to offset their previously committed local and/or to decrease the use of available SADC cost share funds in order to preserve limited local funding and maximize the number of farms entered into the Farmland Preservation Program; and

WHEREAS, on each of the below listed farms except for the Grace Fox Farm and the Baitinger Farm, the FRPP funds will be made available through the NJ Conservation Foundation's (NJCF) FRPP grant funds and, therefore, the distribution of the FRPP grant funds is determined between NJCF and the county or township requesting use of the funds; and

WHEREAS, on the Grace Fox Farm and the Baitinger Farm, the FRPP funds will be made available through SADC FRPP grant funds, and in both of these cases the FRPP funds are being utilized to offset the use of SADC PIG grant funds; and

WHEREAS, the division of the FRPP grant between the SADC, County and Municipality noted in Schedule A are preliminary and are subject to change; and

WHEREAS, appraisals meeting FRPP standards, which includes being less than one year old at the time of closing, are being processed at this time, therefore, the FRPP grants in this resolution are estimates based on current SADC values; and

WHEREAS, it is the opinion of the SADC appraisal manager that the utilization of FRPP funding has no impact on the previously certified SADC Certified Market Values; and

WHEREAS, for the purposes of this resolution, where FRPP appraisal reports have not yet been completed, the projected FRPP grants are based on the lowest easement value considered by the SADC at the time of the easement value certification, which in each case is equal to the SADC Certified Market Value (Schedule A), therefore the final FRPP grants can only be equal to or greater than the amount projected herein and the final SADC and local cost shares can only decrease from the amounts contained in the SADC's prior, original resolutions of Final Approval; and

WHEREAS, in order to not unduly encumber SADC grant funds, SADC grant funds will continue to remain fully encumbered for 120-days after the effective date of this resolution after which time should FRPP funding be secured, SADC encumbrances will be reduced according to the FRPP grant utilized; and

WHEREAS, the landowners have agreed to the additional restrictions involved with the FRPP Grant, including impervious coverage restriction on the lands being preserved outside of any exception areas; and

**WHEREAS**, the following 4 farms are NRCS approved and targeted to use FY10 FRPP Funding, which includes a March 31, 2012 closing deadline:

**Grace Fox:** Block 703, Lot 1 (+/-24 acres) SADC ID# 06-0123-PG  
Upper Deerfield Township PIG, Cumberland County  
SADC granted Final Approval September 22, 2011 - RESOLUTION FY12R9(15)  
Schedule B

**Ronald Overstreet and John F. Chiari, III:** Block 801, Lots 2, 3, 7, & 7.04 (+/-82 acres)  
SADC ID# 06-0124-PG Upper Deerfield Township PIG, Cumberland Count  
SADC granted Final Approval November 3, 2011 - RESOLUTION FY2012R11(8)  
Schedule C

**Judith Newkirk:** Block 21, Lot 23 (+/-58 acres) SADC ID# 17-0097-PG  
Upper Pittsgrove Township PIG, Salem County  
SADC granted Final Approval December 8, 2011 - RESOLUTION FY2012R12(14)  
Schedule D

**Frank B. Baitinger, III:** Block 22, Lots 1 & 2 (+/- 70 acres) SADC ID# 06-0107-PG  
Cumberland County PIG, Hopewell Township  
SADC granted Final Approval November 3, 2011 - RESOLUTION FY2012R11(6)  
Schedule E

**WHEREAS**, the following farm (**Adamucci, Carmine #2**) is NRCS approved and targeted to use FY11 FRPP as well as a grant of \$57,600 from the Open Space Institute (OSI) via the Open Space Conservancy, Inc. agreement with NJCF. Funding is subject to the review and approval of all relevant OSI documentation by SADC:

**Adamucci, Carmine #2:** Block 78, Lot 24.04 (+/- 48 acres) SADC ID# 06-0090-PG  
Cumberland County PIG, Hopewell Township  
SADC granted Final Approval July 28, 2011 - RESOLUTION FY2012R7(31)  
Schedule F; and

**WHEREAS**, the following 3 farms are targeted to use FY12 FRPP funds and are subject to NRCS approval; *should a FRPP grant not be approved the cost shares reflected in the SADC's original resolutions of Final Approval will apply:*

**Nicholas, Nicholas Jr. and Sarilee Rio:** Block 301, Lots 18.01 & 18.02 (+/-55 acres)  
SADC ID# 06-0125-PG Upper Deerfield Township PIG, Cumberland County  
SADC granted Final Approval November 3, 2011 - RESOLUTION FY2012R11(7)  
Schedule G

**Alfred Van Meter #1:** Block 8, Lot 11.01 (+/- 40 acres) SADC ID# 06-0109-PG  
Cumberland County PIG, Hopewell Township  
SADC granted Final Approval November 3, 2011 - RESOLUTION FY2012R11(2)  
Schedule H

**Alfred Van Meter #2:** Block 11, Lot 3 (+/- 41 acres) SADC ID# 06-0110-PG  
Cumberland County PIG, Hopewell Township  
SADC granted Final Approval November 3, 2011 - RESOLUTION FY2012R11(3)  
Schedule I;

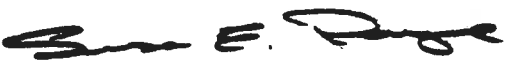
NOW THEREFORE BE IT RESOLVED, that the SADC grants amended final approval to provide a cost share grant for the purchase of development easements on the aforementioned farms pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in related Schedules B through I; and

BE IT FURTHER RESOLVED, should the specific year of FRPP funding not be secured, other FRPP funding with the same impervious cover limit may be substituted; and

BE IT FURTHER RESOLVED, that due to anticipated FRPP grant approval the grant funds for the Properties shall stay encumbered for 120 days from the Governor's approval of the meeting minutes and at such time the County may request an extension on the encumbrance of the SADC funds or release of the SADC funding equal to the amount of the FRPP grant back into the respective SADC fund; and

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

2/23/12  
Date

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

VOTE WAS RECORDED AS FOLLOWS:

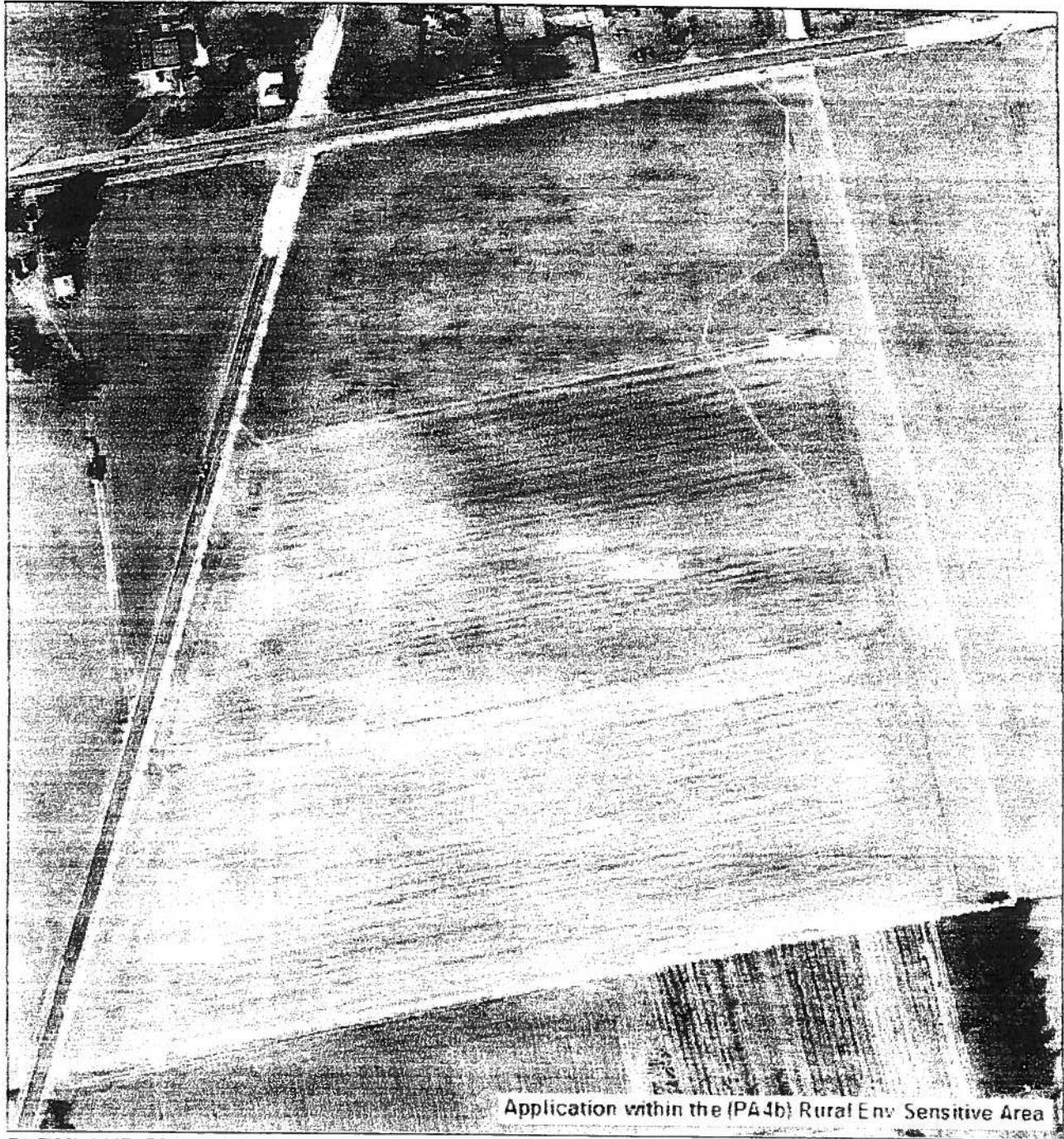
Monique Purcell, Acting Chairperson	YES
Fawn McGee (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Acting Commissioner Constable)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	YES
Jane R. Brodhecker	YES
Alan A. Danser	YES
Denis Germano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

S:\Federal Farm and Ranch Main Folder\FRPP10\FRPP Amended Final Approval.sp.2-16-2012.doc

**Amended Final Approval  
Federal Farm and Ranch Lands Protection Program Funding**

FARM	Township, County	Acres	Residence / Exception	Imp. Cover	CMV/ Age	Est. Easement	Approximate Cost Shares Prior State County Township	FRPP Grant State	Approximate Final Cost Shares State County Township				
Municipal Pig													
Grace Fox Farm	Upper Deerfield Twp, Cumberland Cty	24	None	6.67% (1.6 acres)	7,200	172,800	\$4,500 ac / \$108,000	\$2,340 ac / \$56,160	\$360 ac / \$8,640	\$3,600 ac / \$86,400	\$21,600.00	\$56,150.00	\$8,640.00
Overstreet/Charl Farm	Upper Deerfield Twp, Cumberland Cty	82	1 ac & 2 ac severable	8% (6.56 acres)	7,900	647,800	\$4,850 ac / \$97,700	\$2,655 ac / \$217,710	\$395 ac / \$32,390	\$3,950 ac / \$323,900	\$198,857.79	\$108,847.21	\$16,195.00
Newkirk Farm	Upper Pittsgrove Twp, Salem Cty	57.8	None	6.67% (3.85 acres)	6,500	375,700	\$4,150 ac / \$240,700	\$1,175 ac / \$67,915	\$1,175 ac / \$67,915	\$3,250 ac / \$187,850	\$188,680.00	\$0.00	\$67,915.00
County Pig													
Balinger Farm	Hopewell Twp, Cumberland Cty	71	None	6.33% (4.5 acres)	6,500	461,500	\$4,150 ac / \$294,650	\$2,350 ac / \$166,850	\$0	\$3,250 ac / \$230,750	\$63,900.00	\$166,850.00	\$0.00
Adamucci #2	Hopewell Twp, Cumberland Cty	48	1 ac severable	7.33% (3.52 acres)	7,200	345,600	\$4,500 ac / \$216,000	\$2,700 ac / \$129,600	\$0	\$2,500 ac / \$120,000	\$168,000.00	\$0.00	\$0.00
<p><b>The following farms are subject to FY12 NRCs approval; Should a FRPP grant not be approved, the original Final Approval cost shares will be used.</b></p>													
Municipal Pig													
Rio Farm	Upper Deerfield Twp, Cumberland Cty	55	one residence & 6 ac severable	8.33% (4.85 acres)	6,000	330,000	\$3,900 ac / \$214,500	\$1,800 ac / \$99,000	\$300 ac / \$16,500	\$3,000 ac / \$165,000	\$107,250.00	\$49,500.00	\$8,250.00
County Pig													
VanMeter #1	Hopewell Twp, Cumberland Cty	40	2 ac severable	7.33% (3 acres)	6,700	268,000	\$4,250 ac / \$170,000	\$2,450 ac / \$98,000	\$0	\$3,350 ac / \$134,000	\$134,000.00	\$0.00	\$0.00
VanMeter #2	Hopewell Twp, Cumberland Cty	41	1.5 ac severable	7.33% (3 acres)	6,700	274,700	\$4,250 ac / \$174,250	\$2,450 ac / \$100,450	\$0	\$3,350 ac / \$137,350	\$137,350.00	\$0.00	\$0.00

# Soils



Application within the (PA4b) Rural Env Sensitive Area

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

Grace Elizabeth Fox  
 10000 Fox Run Rd  
 Upper Deerfield Twp, Cumberland County



	Property Owner
	Municipal, County and Local Government
	Soil Boundary
	State Owned/Controlled/Leased
	State Owned/Controlled/Leased
	Federal Land

DISCLAIMER: This is a preliminary map. It is not intended to be used as a legal document. The State Agriculture Development Committee is not responsible for any errors or omissions in this map. The State Agriculture Development Committee is not responsible for any damages or losses resulting from the use of this map. The State Agriculture Development Committee is not responsible for any claims or lawsuits filed against it or its agents, officers, or employees, in connection with this map. The State Agriculture Development Committee is not responsible for any claims or lawsuits filed against it or its agents, officers, or employees, in connection with this map.

Source: Data provided by the State Agriculture Development Committee. The State Agriculture Development Committee is not responsible for any errors or omissions in this map. The State Agriculture Development Committee is not responsible for any damages or losses resulting from the use of this map. The State Agriculture Development Committee is not responsible for any claims or lawsuits filed against it or its agents, officers, or employees, in connection with this map.

# SADC Final Review: Development Easement Purchase

Fox, Grace Elizabeth

06- 0123-PG

FY 2009 PIG EP - Municipal 2007 Rule  
24 Acres

Block 703 Lot 1 Upper Deerfield Twp. Cumberland County

SOILS: Prime 100% \* .15 = 15.00

SOIL SCORE: 15.00

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

TILLABLE SOILS SCORE: 15.00

FARM USE: Soybeans-Cash Grain 12 acres  
Hay 3 acres

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

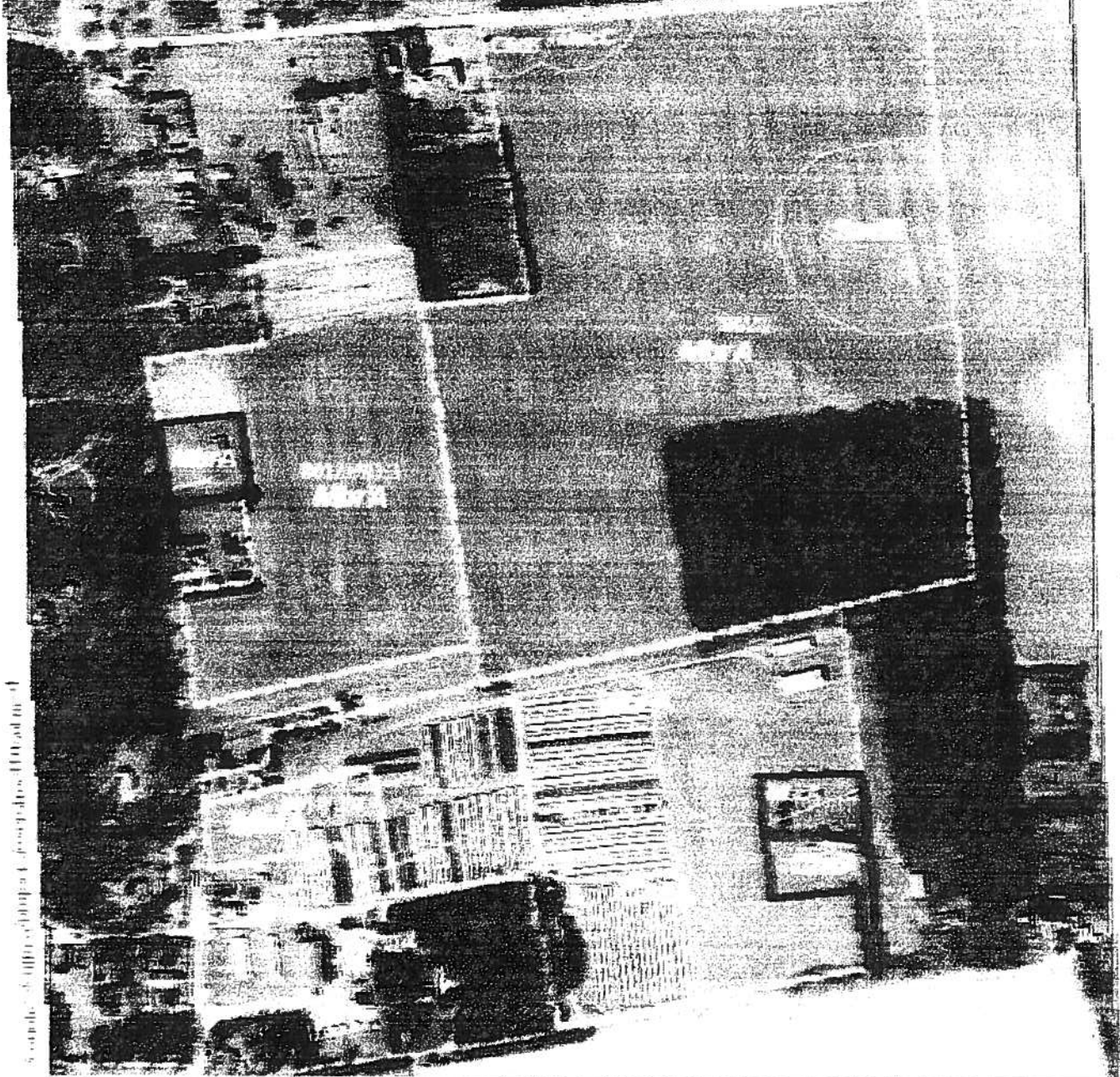
1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions: No Exceptions Recorded
  - c. Additional Restrictions:
    1. The Landowner has read and signed an acknowledgement stating they fully understand the benefits of an exception area, however, they have declined that option
    2. 6.67% impervious cover max (approx 1.6 acres) pursuant to Federal Farm and Ranch Land Protection Program
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



sch. C

# Soils

Map legend within the (PA2) Suburban, the (PA4) Rural, & the (PA5) Rural E. Sensitive Areas



Scale: 1 inch = 100 feet (1:12,500)

## FARM LAND PRESERVATION PROGRAM NY State Agriculture Development Committee

NY State Agriculture Development Committee  
 100 South Broadway, Albany, NY 12242  
 Telephone: (518) 474-2200  
 Fax: (518) 474-2201  
 E-mail: adcom@state.ny.us

Legend	1000 - 1009 - Suburban
1010 - 1019 - Rural	1020 - 1029 - Rural E.
1030 - 1039 - Suburban	1040 - 1049 - Rural
1050 - 1059 - Rural	1060 - 1069 - Rural E.
1070 - 1079 - Suburban	1080 - 1089 - Rural
1090 - 1099 - Rural	1100 - 1109 - Rural E.



This map was prepared by the New York State Department of Agriculture and Markets, Office of the State Comptroller, in cooperation with the New York State Agriculture Development Committee. The map is intended to provide information on the location of farm land preservation program parcels. It is not intended to be used for any other purpose. The map is subject to change without notice. The map is provided as a service to the public and is not intended to be used for any other purpose. The map is provided as a service to the public and is not intended to be used for any other purpose. The map is provided as a service to the public and is not intended to be used for any other purpose.

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SCH. C-1

SADC Final Review: Development Easement Purchase

Overstreet/Chiari  
06- 0124-PG  
FY 2011 PIG EP - Municipal 2007 Rule  
82 Acres

Block 801	Lot 2	Upper Deerfield Twp.	Cumberland County
Block 801	Lot 3	Upper Deerfield Twp.	Cumberland County
Block 801	Lot 7	Upper Deerfield Twp.	Cumberland County
Block 801	Lot 7.04	Upper Deerfield Twp.	Cumberland County

**SOILS:**

**SOIL SCORE:**

**TILLABLE SOILS:**

**TILLABLE SOILS SCORE:**

**FARM USE:**

Hay	58 acres
Ornament Nursery Products	15 acres
Field Crop Except Cash Grain	8 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st one (1) acres for exclude existing dwelling  
Exception is severable  
Exception is to be restricted to one single family residential unit(s)
    - 2nd two (2) acres for exclude existing dwelling  
Exception is severable  
Exception is to be restricted to one single family residential unit(s)
  - c. Additional Restrictions:
    1. 8% impervious cover max (approx 6.56 acres) pursuant to Federal Farm and Ranch Land Protection Program
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



SCHD-1

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

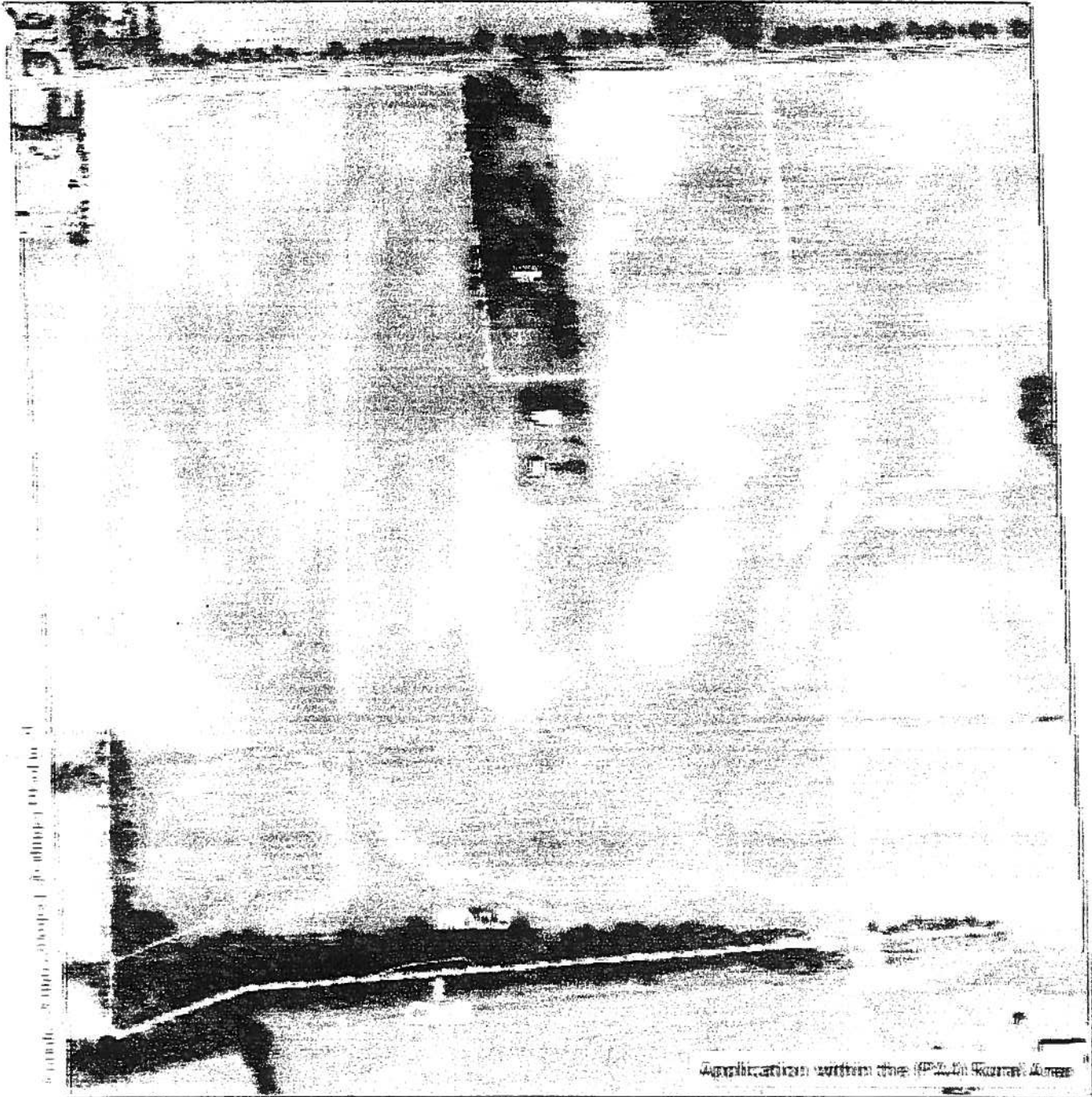
Newkirk, Judith  
17- 0097-PG  
FY 2009 PIG EP - Municipal 2007 Rule  
58 Acres

Block 21	Lot 23	Upper Pittsgrove Twp. Salem County			
<b>SOILS:</b>		Other	24% * 0	=	.00
		Prime	57.4% * .15	=	8.61
		Statewide	18.6% * .1	=	1.86
					<b>SOIL SCORE: 10.47</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	99% * .15	=	14.85
		Woodlands	1% * 0	=	.00
					<b>TILLABLE SOILS SCORE: 14.85</b>
<b>FARM USE:</b>	Vegetable & Melons	57 acres			peppers

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions: No Exceptions Recorded
  - c. Additional Restrictions:
    1. the landowner has signed an acknowledgment and understands the conditions and restrictions related to not having a residence on the Premises. An exception area was not requested.
    2. 6.67% impervious cover max (approx 3.85 acres) pursuant to Federal Farm and Ranch Land Protection Program
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

# Soils



Application within the (PVA) Rural Area

**FARMLAND PRESERVATION PROGRAM**  
 (M) State Agriculture Development Committee

Frank E. Bettinger, III  
 Bldg: 22 Lots 1714.9 ac & 2155.0 ac  
 Total: Total = 69.9 ac  
 Total = 1714.9 ac, Cumberland County



	Private Land
	State Land
	County Land
	Federal Land
	Other Land

This map was prepared by the State Agriculture Development Committee, North Carolina Department of Agriculture and Consumer Services, Raleigh, North Carolina. It is based on data provided by the applicant and other sources. The State Agriculture Development Committee is not responsible for the accuracy of the information provided by the applicant. This map is for informational purposes only and should not be used for legal or financial purposes. For more information, contact the State Agriculture Development Committee at (919) 719-1234.

SADC Final Review: Development Easement Purchase

Baitinger Farm  
 06- 0107-PG  
 FY 2011 County PIG Program  
 71 Acres

Block 22 Lot 1 Hopewell Twp. Cumberland County  
 Block 22 Lot 2 Hopewell Twp. Cumberland County

SOILS: Prime 100% \* .15 = 15.00  
 SOIL SCORE: 15.00

TILLABLE SOILS: Cropland Harvested 96% \* .15 = 14.40  
 Wetlands 4% \* 0 = .00  
 TILLABLE SOILS SCORE: 14.40

FARM USE: Soybeans-Cash Grain 71 acres

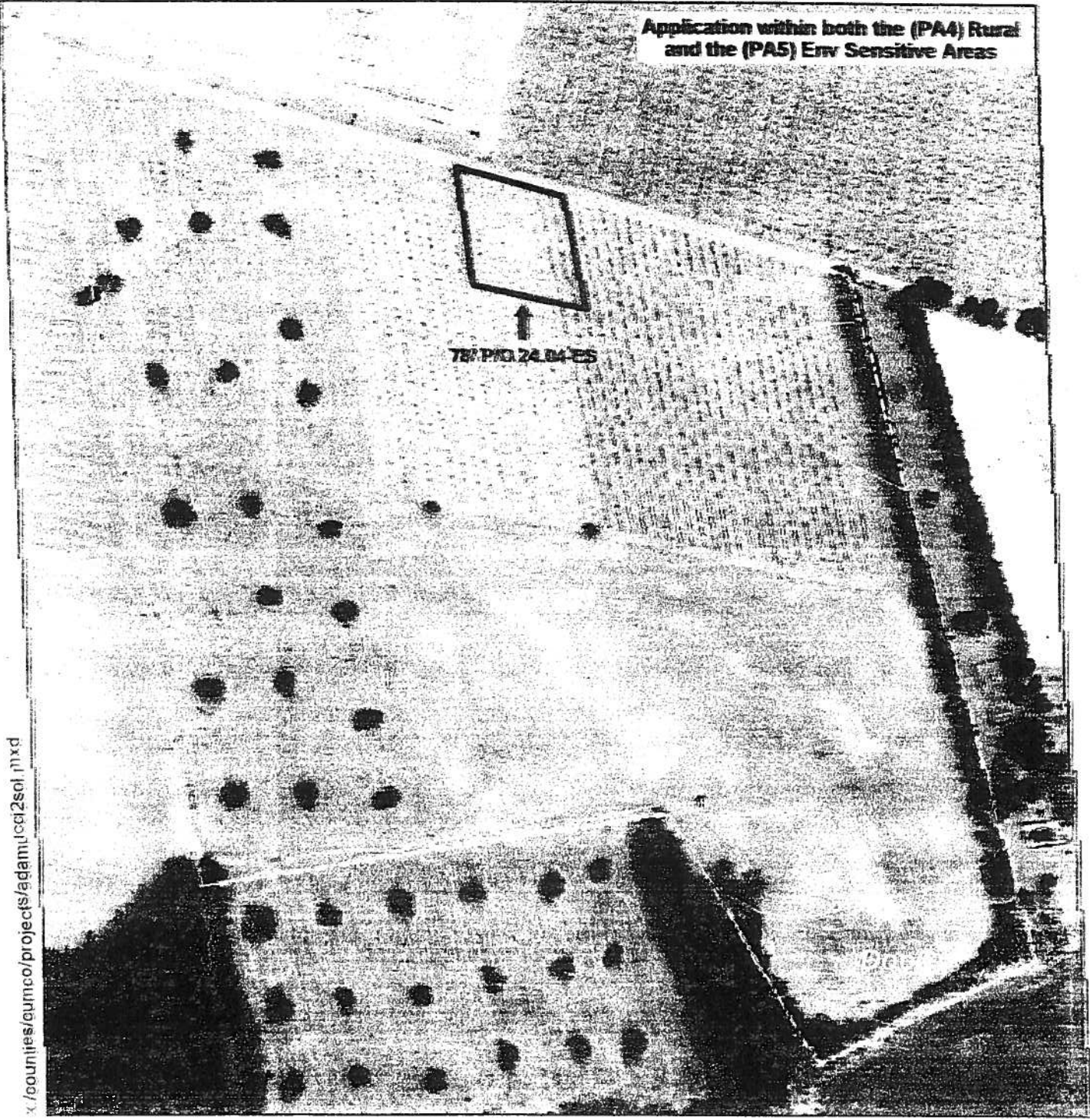
In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions: No Exceptions Recorded
  - c. Additional Restrictions:
    1. 6.33% impervious cover max (approx 4.431 acres) pursuant to Federal Farm and Ranch Land Protection Program
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



# Soils

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



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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Carmen Adamucci, Sr. (# 2)  
Block 78 Lots P/O 24.04 (49.6 ac) & P/O 24.04-ES (severable exception - 1.0 ac)  
Gross Total - 50.6 ac  
Hopewell Twp., Cumberland County



	Property in Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Soils Boundaries
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned OS & Recreation Easement
	Federal Land

**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:**  
NRCS - SSURGO 2008 Soil Data  
Green Acres Conservation Easement Data  
NJOT/OGIS 2007/2008 Digital Aerial Image

# SADC Final Review: Development Easement Purchase

Adamucci Farms (2)  
06- 0090-PG  
FY 2011 County PIG Program  
48 Acres

Block 78	Lot 24.04	Hopewell Twp.	Cumberland County
<b>SOILS:</b>		Prime	92% * .15 = 13.80
		Statewide	8% * .1 = .80
			<b>SOIL SCORE: 14.60</b>
<b>TILLABLE SOILS:</b>	Cropland Harvested		100% * .15 = 15.00
			<b>TILLABLE SOILS SCORE: 15.00</b>
<b>FARM USE:</b>	Fruit & Tree Nut NEC		48 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st one (1) acres for future dwelling
    - Exception is severable
    - Exception is to be restricted to one single family residential unit(s)
  - c. Additional Restrictions:
    1. 7.33% impervious cover max (approx 3.52 acres) pursuant to Federal Farm and Ranch Land Protection Program
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

# Soils



Application within the (PA4) Rural Area

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**PARTLAND PRESERVATION PROGRAM**  
**PA State Agriculture Development Committee**

Yorkland and Barnes Rds.  
 Block 501 Lots 12.01 (51.2 ac) P/O 16.02 (2.5 & 0.9 ac)  
 & P/O 18.02-ES (severable exception) - 5.6 ac  
 Gross Total = 60.6 ac  
 Upper Deerfield Twp., Cumberland County



**PROPERTY CHARACTERISTICS**

- FSA (USDA) Wetland in Section
- EIS (PA) Wetland in Section
- State-Owned
- Municipal/County/Local/State/PA Wetland in Section
- State-Owned Conservation Easement
- State-Owned O-S & Recreation Easement
- Federal Land



This map was prepared by the Pennsylvania Department of Environmental Protection, Bureau of Land and Water, using data provided by the Pennsylvania State University, Geology Department, and the Pennsylvania State University, Geology Department. The map is intended for informational purposes only and should not be used for legal or regulatory purposes. The map is not a warranty of any kind and does not constitute an offer of insurance or any other financial product. The map is not a warranty of any kind and does not constitute an offer of insurance or any other financial product.

**SOURCES:**  
 Pennsylvania Department of Environmental Protection, Bureau of Land and Water  
 Pennsylvania State University, Geology Department  
 Pennsylvania State University, Geology Department



SADC Final Review: Development Easement Purchase SAC. G-1

Rio Farm  
06- 0125-PG  
FY 2011 PIG EP - Municipal 2007 Rule  
55 Acres

Block 301 Lot 18.01 Upper Deerfield Twp. Cumberland County  
Block 301 Lot 18.02 Upper Deerfield Twp. Cumberland County

<b>SOILS:</b>	Other	5% * 0	=	.00
	Prime	95% * .15	=	14.25
				<b>SOIL SCORE: 14.25</b>
<b>TILLABLE SOILS:</b>	Cropland Harvested	85% * .15	=	12.75
	Woodlands	15% * 0	=	.00
				<b>TILLABLE SOILS SCORE: 12.75</b>
<b>FARM USE:</b>	Corn-Cash Grain	34 acres		
	Ornament Nursery Products	10 acres		

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st six (6) acres for future residence
    - Exception is severable
    - Exception is to be restricted to one single family residential unit(s)
  - c. Additional Restrictions:
    1. 8.33% impervious cover max (approx 4.85 acres) pursuant to Federal Farm and Ranch Land Protection Program
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: Standard Single Family
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

# Soils



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Application within the (PMA) Rural Area

**FARMLAND PRESERVATION PROGRAM**  
**NJ State Agriculture Development Committee**  
 Alfred Van Meter (1)  
 Block 8 Lots P/O 11 (39.4 ac)  
 & P/O 11-ES (severable exception - 2.0 ac)  
 Gross Total = 41.4 ac  
 Hopewell Twp., Cumberland County

250 125 0 250 500 Feet



	Property In Question
	ES - (Non-Severable) Exception
	ES - (Severable) Exception
	Soils Boundaries
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned DAS & Recreation Easement
	Federal Land

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**Sources:**  
 NRCS - SSURGO 2008 Soil Data  
 Green Acres Conservation Easement Data  
 NJGIT/OGIS 2007/2008 Digital Aerial Imagery

# SADC Final Review: Development Easement Purchase

Van Meter Farm #1  
06- 0109-PG  
FY 2011 County PIG Program  
38 Acres

Block 8	Lot 11.01	Hopewell Twp.	Cumberland County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:		Cropland Harvested	100% * .15 = 15.00
			TILLABLE SOILS SCORE: 15.00
FARM USE:	Sod		35 acres

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st two (2) acres for Future Residence  
Exception is severable  
Exception is to be restricted to one single family residential unit(s)
  - c. Additional Restrictions:
    1. 7.33% impervious cover max (approx 3 acres) pursuant to Federal Farm and Ranch Land Protection Program
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

# Soils

SCH. L



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Application within the (PA4) Rural Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Alfred Van Meter (2)  
Block 11 Lots P/O 3 (40.1 ac)  
& P/O 3-ES (severable exception - 1.5 ac)  
Gross Total = 41.6 ac  
Hopewell Twp., Cumberland County

200 125 0 250 500 Feet



	Property In Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Soils Boundaries
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned GIS & Recreation Easement
	Federal Land

Sources:  
NRCS - SSURGO 2008 Soil Data  
Green Acres Conservation Easement Data  
NJOTFCGIS 2007/2008 Digital Aerial Image

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October 19, 2010

# SADC Final Review: Development Easement Purchase

Van Meter Farm #2  
06- 0110-PG  
FY 2011 County PIG Program  
41 Acres

Block 11	Lot 3	Hopewell Twp.	Cumberland County
SOILS:		Prime	100% * .15 = 15.00
			SOIL SCORE: 15.00
TILLABLE SOILS:		Cropland Harvested	100% * .15 = 15.00
			TILLABLE SOILS SCORE: 15.00
FARM USE:	Sod		acres

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

1. Available funding.
2. The allocation, not to exceed .0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (1.5) acres for Existing Residence  
Exception is severable
  - c. Additional Restrictions:
    1. 7.33% impervious cover max (approx 3 acres) pursuant to Federal Farm and Ranch Land Protection Program
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION #FY12R2(11)**

**Construction of Onsite Agricultural Labor Housing**

**Nicholas & Marilyn Russo  
Russo's Orchard Lane Farm**

**February 23, 2012**

WHEREAS, Nicholas and Marilyn Russo, hereinafter ("Owners") are the current record owners of Block 400, Lot 3.01, as identified in the Township of Chesterfield, County of Burlington, as recorded in the Burlington County Clerk's office by deed dated January 2, 1986, in Deed Book 3152, Page 162, totaling 132 acres, hereinafter referred to as "Premises", see attached Schedule "A"; and

WHEREAS, the Burlington County Agriculture Development Board, hereinafter "CADB" acquired a development easement on Block 400, Lot 3.01, in the Township of Chesterfield, consisting of 132 acres, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., by Deed of Easement dated June 20, 1990, and recorded in the Burlington County Clerk's office in Deed Book 4063, Page 160; and

WHEREAS, the farmland preservation Deed of Easement identifies one existing single family residential building, one residential unit (trailer) used for agricultural labor purposes, one Residual Dwelling Site Opportunity and no exception areas; and

WHEREAS, on February 7, 2012, the SADC received a request from the CADB on behalf of the Owners to replace the existing agricultural labor unit with a new unit consisting of two mobile trailers resulting in an approximately 1,500 sq./ft. agricultural labor unit on the Premises in the location as shown on Schedule "A"; and

WHEREAS, the operation consists primarily of orchard, vegetable and greenhouse tomato production on the home farm as well as an additional 120 acres of leased ground, for a total operation of approximately 250 acres; and

WHEREAS, paragraph 12i 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 the Committee. "; and

WHEREAS, the owners have decided to upgrade the agricultural labor housing on the Premises by replacing the existing unit with two newer trailers which will be connected to a bathroom and kitchen area built onsite to serve as housing for up to eight seasonal employees of the farm; and

WHEREAS, the new configuration will create approximately 1,500 sq./ft. of agricultural labor residential space in an area adjacent to the existing agricultural labor residential unit; and

WHEREAS, the existing agricultural labor unit will be removed upon completion of the new unit; and

WHEREAS, the new residential unit will utilize the existing water supply and septic system; and

WHEREAS, the agricultural laborers are seasonal employees working full-time from April through December; and

WHEREAS, the primary duties of the agricultural laborers residing on the Premises are directly related to production, and include planting, cultivation, harvest and packing of the fruits and vegetables raised on the Premises and other parcels that are part of the farm management unit; and

WHEREAS, the Owners believe that having on-farm housing for agricultural labor is essential to meet the labor demands of this intense and diversified operation; and

WHEREAS, the Owners find that on-site housing helps to ensure a consistent, stable workforce during the season; and

WHEREAS, the SADC has reviewed the Owners request to replace the existing agricultural labor unit with a newer unit on the Premises for the purpose of housing agricultural labor and has determined that the size and location of the unit minimizes any adverse impact on the agricultural operation; and

WHEREAS, the SADC finds that the landowners' proposal, to use two (2) trailers modified with bathroom and kitchen facilities as an agricultural labor unit, is consistent with the requirements of the Deed of Easement; and

WHEREAS, the amount of labor needed to sustain the production related activities on the Premises warrants the need for the requested agricultural labor unit on the Premises;

WHEREAS, on February 9, 2012, the Burlington CADB reviewed and approved the Owners request for a replacement agricultural labor unit; and

NOW THEREFORE BE IT RESOLVED, that the SADC approves the request to install two trailers, consisting of approximately 1,500 sq/ft, in the location shown on Schedule "A", on the Premises to house up to eight seasonal agricultural laborers;



BE IT FURTHER RESOLVED, that only agricultural labor employed on the Premises, and their immediate family, may live in the agricultural labor units; and

BE IT FURTHER RESOLVED, that the agricultural laborers shall be engaged in the day-to-day production activities on the Premises, which at this time include planting, cultivating, harvest and packing of fruits and vegetables raised on the Premises and other parcels that are part of the farm management unit; and


BE IT FURTHER RESOLVED, that the Owners use of any structures for housing agricultural laborers shall be in compliance with all applicable Federal, State, County and local regulations; and

BE IT FURTHER RESOLVED, that the existing mobile unit used for housing agricultural labor is permitted to remain on the premises pending completion of the new agricultural labor unit; and

BE IT FURTHER RESOLVED, that the existing mobile unit currently used for housing agricultural laborers shall be removed within 60 days of acquiring the certificate of occupancy for the new agricultural labor unit; 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.

2/23/12  
DATE

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee

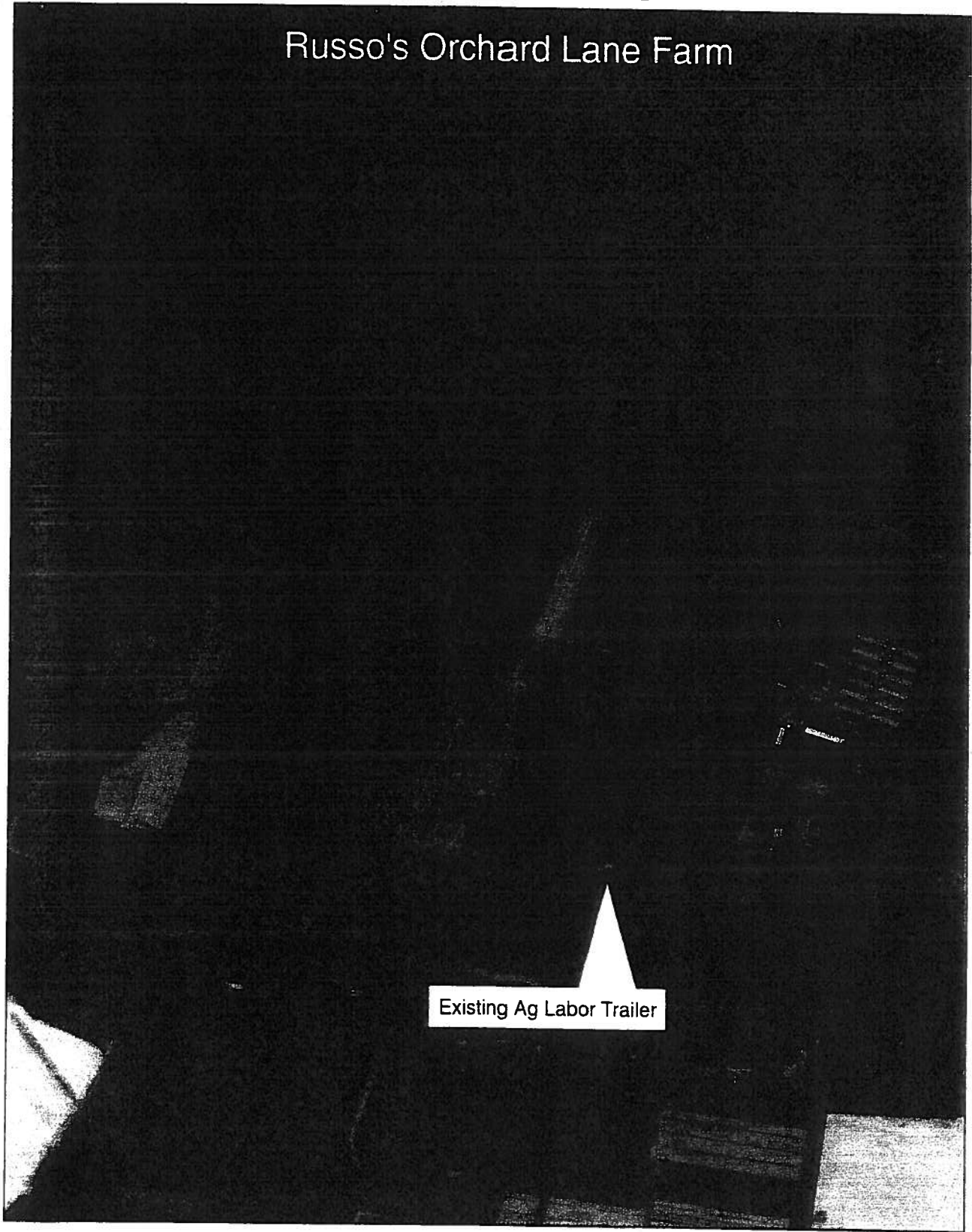
VOTE WAS RECORDED AS FOLLOWS:

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



# Schedule "A"

Russo's Orchard Lane Farm



N & M Russo  
Block 400, Lot 3.01  
Chesterfield Township, Burlington County  
132 -Acres



**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION FY12R2(12)**

**Renewal of Certification of Agricultural Mediation Program Mediators and  
Certification of a New Mediator**

**February 23, 2012**

WHEREAS, the State Agriculture Development Committee (SADC) coordinates the New Jersey Agricultural Mediation Program to help farmers and others resolve agricultural disputes quickly, amicably, and in a cost-effective manner; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.10, the SADC shall annually review and renew the certificates of the program's certified mediators to insure satisfactory performance of mediation responsibilities; and

WHEREAS, the SADC last reviewed and renewed the certificates of the program's certified mediators on July 22, 2010; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.10(a)1, in order to have his or her certification renewed, a certified mediator, if assigned a case during the fiscal year, must have satisfied the requirements of the program's regulations; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.10(a)2, if a certified agricultural mediator has not been assigned a case during the fiscal year, his or her certification shall be renewed; and

WHEREAS, the following mediators have been assigned and have mediated a case during the last fiscal year, FY 2011, or the current fiscal year, FY 2011, and have satisfied the requirements of the program's regulations: Paul Massaro, James Wren, Barbara Weisman, Norman Crawford, Liza Clancy, Melvin Henninger, Katherine Buttolph, Loretta Yin, and Gordon Geiger.

WHEREAS, the following mediators have not been assigned a case during FY 2011 or 2012: John Paschal, Louis Baduini, and Kevin Kuhl; and

WHEREAS, the SADC had renewed the certificates of the following two mediators on July 22, 2010, conditioned on their attending a refresher training; and

WHEREAS, Louis Baduini has indicated that while he is interested in continuing as a program mediator, time constraints have prevented him from attending a refresher training, and he would like to withdraw from the program; and

WHEREAS, Kevin Kuhl has indicated he is interested in continuing as a program mediator and plans to attend a refresher training in the future; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.3(a), additional persons interested in becoming certified agricultural mediators shall contact the SADC in writing; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.3(b), in order to be qualified as an agricultural mediator, each mediator shall be certified as having satisfied the requirements of a Committee-approved agricultural mediation training session, which shall be a minimum of 18 hours of core mediator knowledge and skills training, including role-play simulations of mediated disputes, as provided by the Committee; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.3(c), the SADC shall certify each mediator who has satisfactorily completed these requirements; and

WHEREAS, Cari B. Rincker, Esq., has satisfied the requirements of N.J.A.C. 2:76-18.3(a) and (b), as Ms. Rincker has contacted the SADC in writing to express her interest in becoming a certified agricultural mediator and has satisfactorily completed an 18-hour Basic Mediation Training course offered by the New Jersey Office of the Public Defender, Office of Dispute Settlement; and


WHEREAS, Ms. Rincker's mediation and law experience further includes the following: completion of a 40-hour mediation training from the New York Peace Institute; serving as a qualified mediator on the New Jersey Statewide Roster of Mediators for Civil, General Equity and Probate Cases; and serving as the owner and principal attorney of a general practice law firm concentrating in food and agriculture law.

NOW THEREFORE BE IT RESOLVED, that the SADC renews the certificates of the following certified mediators pursuant to N.J.A.C. 2:76-18.10: Jim Wren, Gordon Geiger, Katherine Buttolph, Barbara Weisman, Loretta Yin, Liza Clancy, Melvin Henninger, Norman Crawford, John Paschal, and Paul Massaro; and

NOW THEREFORE BE IT RESOLVED, that the SADC renews the certificate of the following certified mediator, conditioned on his attending a refresher training as coordinated through the Agricultural Mediation Program: Kevin Kuhl; and

BE IT FURTHER RESOLVED, that the SADC certifies Cari B. Rincker, Esq. as an agricultural mediator pursuant to N.J.A.C. 2:76-18.3.

2/23/12  
Date

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

VOTE WAS RECORDED AS FOLLOWS:

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

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION #FY2012R2 (13)**

**Final Approval and Authorization to  
Execute Deed of Easement, Project Agreement, and Closing Documents  
D&R Greenway Land Trust, Inc. - Waddington Richman Farm  
2011 Non Profit Round - SADC #17-0041 NP**

**February 23, 2012**

- WHEREAS, on December 20, 2010 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from D&R Greenway Land Trust, Inc. ("D&R") for the Waddington Richman farm identified as Block 29, Lot 12, Pilesgrove Township, Salem County, totaling approximately 55 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and .
- WHEREAS, the Waddington Richman farm includes a 7.5 acre severable exception area that is to be merged with adjacent commercial Lot 17, owned by the same landowner; and
- WHEREAS, the farm is approximately 65 percent tilled and was in hay production at the time of application and meets the minimum criteria as set forth in N.J.A.C. 2:76-6.20; and
- WHEREAS, on April 28, 2011 the SADC granted preliminary approval by Resolution #FY2011R4(7) to the D&R application and appropriated \$1,943,000 for the acquisition of development easements or fee simple interest to six farms which D&R had submitted including the Property; and
- WHEREAS, this is the first time in the 2011 round that D&R is seeking final approval and therefore there is an available balance of \$1,943,000 in the account; and
- WHEREAS, in accordance with N.J.A.C. 2:76-12.2(b) the SADC determined that any farm that has a quality score (as determined by N.J.A.C. 2:76-6.16) greater than or equal to 70% of the county average quality score as determined in the County PIG program be eligible for funding; and
- WHEREAS, the Property has a quality score of 58.42 which is greater than 70% of the County average quality score of 48 as determined on July 28, 2011; and
- WHEREAS, the SADC advised D&R of the certified value and its willingness to provide a 50 percent cost share grant pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of D&R's eligible costs and subject to available funds from the \$1,943,000 appropriated in the 2011 Nonprofit round; and

WHEREAS, in accordance with N.J.A.C. 2:76-15.1 if two appraisals have been obtained on a parcel and the difference between the two appraisal values is 10 percent of the higher appraisal value or less, the eligible land cost shall be the average of the appraisal values. The two appraisals submitted were within 10 percent of the highest appraisal value and the resulting average was \$7,300 per acre; and

WHEREAS, on January 24, 2012 D&R informed the SADC that it will accept SADC cost share of \$3,650 per acre and D&R was prepared to move forward with the project; and

WHEREAS, on February 23, 2012 the SADC certified the easement value of the Property to be \$7,300 per acre based on current zoning (as of September 28, 2011); and

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

WHEREAS, the D&R/Waddington Richman farm is eligible for a 50% Federal grant for \$195,250 based on an Federal review easement value of \$7,100 an acre and 55 acres based on current zoning; and

WHEREAS, the landowner has agreed to the additional restrictions associated with the FRPP Grant, including a 6.33% maximum impervious coverage restriction (approximately 3.5 acres available for impervious coverage including agricultural related structures) on the lands being preserved outside of the exception area; and

WHEREAS, the anticipated cost share participation for the project will be as follows based on 55 acres:

D&R Funds	\$ 5,500	\$ 100/acre
D&R Federal Funds	\$195,250	\$3,550/acre (based on \$7,100 value)
SADC Nonprofit Grant Funds	<u>\$200,750</u>	<u>\$3,650/acre</u> (based on \$7,300 value)
Total	\$401,500	\$7,300/acre; and

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

NOW THEREFORE BE IT RESOLVED that the SADC grants final approval to the D&R Greenway Land Trust, Inc./Waddington Richman easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, that the SADC approves a 7.5 acre severable exception area that is to be merged with adjacent Lot 17; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$3,650 per acre (total of approximately \$200,750 based on 55 acres) to D&R Greenway Land Trust, Inc. for the development easement acquisition on the Waddington Richman farm subject to the availability of funds; and

BE IT FURTHER RESOLVED, the SADC approves the use of D&R Federal Farm and Ranch Land Protection Program funds for the preservation of the Waddington Richman farm, which will include an impervious coverage limitation of 6.33 percent and other restrictions required under the Federal Farm and Ranch Land Protection Program; and

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

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

BE IT FURTHER RESOLVED, the SADC's cost share grant to D&R Greenway Land Trust, Inc. for the development easement purchase on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement; and

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

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

2/23/12

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

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Delaware North  
Wetlands Region

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Application within the (PA4) Rural Area

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

Waddington/Richman's Ice Cream/D & R Greenway  
Block 29 Lots P/O 12 (53.9 ac)  
& P/O 12-EN (non-severable exception - 8.7 ac)  
Gross Total = 62.6 ac  
Puesgrove Twp., Salem County



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

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

**Property in Question:**

- EN - (Non-Severable) Exception
- ES - (Severable) Exception

**Wetlands Boundaries:**

- Municipal, County and Non-Fresh Preserved Open Space
- State Owned Conservation Easement
- State Owned OIS & Recreation Easements
- Federal Land
- Tidelands Boundaries



**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  
NJOTIIGIS 2007/2008 Digital Aerial Imagery

State Agriculture Development Committee  
 SADC Final Review: Development Easement Purchase

**Schedule B**

D&R Greenway/Waddington/Richman's Ice Cream  
 17- 0041-NP  
 FY 2011 Easement Purchase - Nonprofit  
 55 Acres

Block 29	Lot 12	Pilesgrove Twp.	Salem County
<b>SOILS:</b>		Other	15% * 0 = .00
		Prime	65% * .15 = 9.75
		Statewide	20% * .1 = 2.00
			<b>SOIL SCORE: 11.75</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	65% * .15 = 9.75
		Woodlands	35% * 0 = .00
			<b>TILLABLE SOILS SCORE: 9.75</b>
<b>FARM USE:</b>	Field Crop Except Cash Grain		40 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 50% of the eligible costs. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (7.4) acres for to be subdivided and merged with adjacent commercial lot
    - Exception is severable
    - Right to Farm language is to be included in Deed of Future Lot
  - c. Additional Restrictions:
    1. Federal funding 6.33% impervious coverage limit
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units.
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for eligible costs ancillary to the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, N.J.A.C. 2:76-12.6 and N/J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY12R2(14)

Final Approval and Authorization to  
Execute Deed of Easement, Project Agreement, and Closing Documents  
New Jersey Conservation Foundation - Conley Farm  
2011 Non Profit Round - SADC #10-0063 NP

February 23, 2012

- WHEREAS, on December 20, 2010 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from New Jersey Conservation Foundation ("NJCF") for the Conley farm identified as Block 6, Lot 12; Block 5, Lots 10, 11.03, and 11.04 and Block 12 Lot 33.01, Delaware Township, Hunterdon County, totaling approximately 110 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and
- WHEREAS, the landowner has requested a three (3) acre non-severable exception around the existing home to be limited to one single family residence; and
- WHEREAS, the farm is approximately 53 percent tilled and was in hay production at the time of application and meets the minimum criteria as set forth in N.J.A.C. 2:76-6.20; and
- WHEREAS, on April 28, 2011 the SADC granted preliminary approval by Resolution #FY2011R4(7) to the NJCF application and appropriated \$2,552,000 for the acquisition of development easements or fee simple interest to seven farms which NJCF had submitted including the Property; and
- WHEREAS, NJCF has received Final Approval for the Miller and Fisher farms in the 2011 Round, which will utilize approximately \$521,785 of the appropriated funds, leaving a balance of approximately \$2,030,215; and
- WHEREAS, in accordance with N.J.A.C. 2:76-12.2(b) the SADC determined that any farm that has a quality score (as determined by N.J.A.C. 2:76-6.16) greater than or equal to 70% of the county average quality score as determined in the County PIG program be eligible for funding; and
- WHEREAS, the Property has a quality score of 62.976 which is greater than 70% of the County average quality score of 45 as determined on June 24, 2010; and
- WHEREAS, the SADC informed NJCF of the certified value and its willingness to provide a 50 percent cost share grant pursuant to N.J.A.C. 2:76-15.1, not to exceed 50 percent of NJCF's eligible costs and subject to available funds from the \$2,552,000 appropriated in the 2011 Nonprofit round; and

WHEREAS, in accordance with N.J.A.C. 2:76-15.1 if two appraisals have been obtained on a parcel and the difference between the two appraisal values is 10 percent of the higher appraisal value or less, the eligible land cost shall be the average of the appraisal values. The two appraisals submitted were within 10 percent of the highest appraisal value and the resulting average was \$10, 243 per acre; and

WHEREAS, on February 7, 2012 NJCF informed the SADC that it will accept SADC cost share of \$5,121.50 per acre and a total value of \$10,243 and NJCF was prepared to move forward with the project; and

WHEREAS, on February 23, 2012 the SADC certified the easement value of the Property to be \$10,243 per acre based on current zoning (as of December 1, 2011); and

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

WHEREAS, the NJCF/Conley farm is eligible for a 50% Federal grant for \$5,050 per acre based on 50% of the NRCS approved easement value of \$10,100 per acre; and

WHEREAS, the landowner has agreed to the additional restrictions associated with the FRPP Grant, including a 4.67% maximum impervious coverage restriction (approximately 5 acres available for impervious coverage including agricultural related structures) on the lands being preserved outside of the exception area; and

WHEREAS, the anticipated cost share participation for the project will be as follows based on 110 acres:

Landowner Donation	\$ 7,865	\$ 71.50/acre(.7% of \$10,243)
NJCF Federal Funds	\$555,500	\$5,050/acre(50% of \$10,100)
SADC Nonprofit Grant Funds	\$563,365	<u>\$5,121.50/acre(50% of \$10,243)</u>
Total	\$1,126,730	\$10,243 /acre; and

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

WHEREAS, the landowner has read and signed acknowledgements stating that they fully understand the benefits and/or restrictions regarding exception areas, division of the premises and non-agricultural uses;

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

BE IT FURTHER RESOLVED, that a three acre nonseverable exception around the existing house that shall be limited to one single family residence is approved; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$5,121.50 per acre (total of approximately \$563,365 based on 110 acres) to New Jersey Conservation Foundation for the development easement acquisition on the Conely farm subject to the availability of funds; and

BE IT FURTHER RESOLVED, the SADC approves the use of NJCF Federal Farm and Ranch Land Protection Program funds for the preservation of the Conley farm, which will include an impervious coverage limitation of 4.67% and other restrictions required under the Federal Farm and Ranch Land Protection Program; and

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

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

BE IT FURTHER RESOLVED, the SADC's cost share grant to New Jersey Conservation Foundation for the development easement purchase on the approved application shall be based on the final surveyed acreage of the Premises adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, and streams or water bodies on the boundaries of the Premises as identified in Policy P-3-B Supplement; and

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

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

2/23/12  
Date



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

VOTE WAS RECORDED AS FOLLOWS:

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



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

Richard Conley/NJCF  
 Block 5 Lots 10 (41.8 ac); 11.03 (3.0 ac) & 11.04 (14.7 ac)  
 Block 6 Lots P/O 12 (37.2 ac); & P/O 12-EN (non-severable exception - 3.0 ac);  
 and Block 12 Lot 33.01 (10.6 ac)  
 Gross Total = 110.3 ac  
 Delaware Twp., Hunterdon County



	Property In Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned D/S & 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  
 NJDOT/OGIS 2007/2008 Digital Aerial Imagery



State Agriculture Development Committee  
 SADC Final Review: Development Easement Purchase

**Schedule B**

NJCF/Conley  
 10- 0063-NP  
 FY 2011 Easement Purchase - Nonprofit  
 110 Acres

Block 6	Lot 12	Delaware Twp.	Hunterdon County
Block 12	Lot 33.01	Delaware Twp.	Hunterdon County
Block 5	Lot 11.04	Delaware Twp.	Hunterdon County
Block 5	Lot 11.03	Delaware Twp.	Hunterdon County
Block 5	Lot 10	Delaware Twp.	Hunterdon County

<b>SOILS:</b>	Other	3% * 0	=	.00
	Prime	2% * .15	=	.30
	Statewide	95% * .1	=	9.50

**SOIL SCORE: 9.80**

<b>TILLABLE SOILS:</b>	Cropland Pastured	23% * .15	=	3.45
	Cropland Harvested	19% * .15	=	2.85
	Permanent Pasture	11% * .02	=	.22
	Woodlands	47% * 0	=	.00

**TILLABLE SOILS SCORE: 6.52**

<b>FARM USE:</b>	Sheep & Goats	9 acres
	Vegetable & Melons	14 acres
	Field Crop Except Cash Grain	36 acres
	Timber Tracts	51 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 50% of the eligible costs. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st three (3) acres for existing house
    - Exception is not to be severable from Premises
    - Right to Farm language is to be included in Deed of Easement
    - Exception is to be restricted to one single family residential unit
  - c. Additional Restrictions:
    1. Federal Funding 4.67% impervious coverage
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises: No Dwelling Units
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for eligible costs ancillary to the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, N.J.A.C. 2:76-12.6 and N/J.A.C. 2:76-16.3 and SADC Policy P-5-A.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.