

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

June 28, 2012

Chairman Fisher 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

Douglas Fisher, Chairperson
Fawn McGee (rep. DEP Commissioner Martin)
James Requa (rep. DCA Acting Commissioner Constable)
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)
James Waltman
Denis C. Germano (Left at 12:03 p.m.)
Torrey Reade

Members Absent

Brian Schilling (rep. Executive Dean Goodman)
Jane R. Brodhecker
Alan A. Danser

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

Others present as recorded on the attendance sheet: Heidi Winzinger, Brian Smith, Timothy Brill, Steve Bruder, Paul Burns, Ed Ireland, Jeffrey Everett, Dave Kimmel, Dan Knox, Charles Roohr, Judy Andrejko, Hope Gruzlovic, Bryan Lofberg, Cindy Roberts, Jessica Uttal, Patricia Riccitello and Sandy Giambrone, SADC staff; Barbara Ernst, Cape May CADB; Nicki Goger, New Jersey Farm Bureau; William Millette, Hunterdon County Agriculture Development Board; Dan Pace, Mercer County Agriculture Development Board; Brian Wilson, Burlington County Agriculture Development Board; Anthony Sposaro, Attorney, Middlesex County; Pete Gasko, Landowner, Middlesex County; Laurie Sobel,

Middlesex County Agriculture Development Board; Ken Atkinson, Gloucester County Agriculture Development Board; and Kerstin Sundstrom, Governor's Authorities Unit.

Minutes

A. SADC Regular Meeting of May 24, 2012 (Open and Closed Session)

It was moved by Ms. Reade and seconded by Mr. Requa to approve the open session minutes and the closed session minutes of the SADC regular meeting of May 24, 2012. The motion was unanimously approved.

REPORT OF THE CHAIRPERSON

- Farmland Preservation

Chairman Fisher noted that the SADC's goal is to preserve farmland as active, productive land. He stated that agricultural production has been ahead of schedule this season and thriving in all sectors and sections of the State. He is very pleased and hopes that the weather provides suitable growing conditions going forward. He encouraged everyone to go out and buy Jersey Fresh products. He stated that he always tells people that, in such a densely populated state, it isn't easy to be a farmer in New Jersey and there are so many things that can get in a farmer's way, yet we have some of the best farmers in the world. He felt that this year will once again prove that.

- State Board of Agriculture Meeting

Chairman Fisher stated that the outgoing State Board of Agriculture President hosted the June meeting of State Board at his home farm in Salem County.

- New SADC Member

Chairman Fisher stated that the Governor has nominated Pete Johnson from Burlington County to be the new farmer member of the SADC. His appointment is subject to approval of the Senate.

- Farmland Assessment

Chairman Fisher noted that there has been recent public discussion regarding farmland assessment and what one senator has characterized as "fake farmers." The Department has sought to explain that, while there are outliers who probably try to game the system as in any system, there is a story to be told about all the

farms – small and large – that make up New Jersey’s 10,000 farms. The whole scope and breadth of farming operations in New Jersey works so well. The bill in question went through the Senate but has not been passed through the Assembly.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne discussed the following with the Committee:

- New SADC Personnel

Ms. Payne stated that the SADC has a new staff member who is present at today’s meeting. His name is Jeffrey Everett and he is the new Chief of Agricultural Resources for the SADC. Mr. Everett’s background is in farmland preservation. A Virginia native, he is very familiar with farmland preservation and has an expertise in installment purchase agreements and in acquisition. He worked for Carroll and Howard Counties, Maryland, in their farmland preservation programs with great success. He took a position with the USDA, NRCS in Wisconsin for a year so he has a great experience on that front as well. Mr. Everett is a very accomplished writer and a very good thinker. The SADC has already had a very productive month and welcomes Mr. Everett; everyone will be hearing a lot more from him in the future.

Ms. Payne stated that now that the four vacant positions have been filled, staff will be sending out to the CADBs a revised organizational chart and contact information.

- Solar Rules

Ms. Payne stated that regarding the solar rules, staff had anticipated bring them back to the Committee. However, staff has picked up on a couple of issues, based on legal reviews, and had to go back to the Board of Public Utilities to coordinate the SADC’s understanding on a couple of technical aspects. That rule proposal will be back to the Committee for approval hopefully next month. The wind rule will follow shortly after that. She stated that a lot of the procedural issues and definitions are the same for the wind rule as with the solar rules, so once the solar rule is done it will be much easier for the wind rule.

- Communications

Ms. Payne stated that some of the clips under the Communications section of the meeting binders refer to the pipeline projects with Tennessee Gas. There is a huge upgrade and expansion going on, in terms of carrying capacity for energy systems throughout the state. Those affect the SADC, both in its requirements to

do agricultural development area (ADA) reviews for investments in nonagricultural projects in the ADA and also for preserved farmland. She stated that what has gotten interesting is that some of these utilities are operating under federal authority, under FERC. She has asked the Office of the Attorney General for advice on which projects are subject to SADC review in its regulations and which ones are not because they have overriding federal authority. For projects that take preserved farmland, the SADC will be directly involved in them, if for nothing else than to be compensated back for extinguishing or subordinating our easements. Mr. Brill has been spending an incredible amount of time reviewing all of those projects in the office.

- On-Farm Direct Marketing AMP Working Group

Ms. Payne stated that after the April 15th comment deadline, staff received 52 comments. All of the comments were provided to the working group and the Committee. Mr. Kimmel did a great job in putting together a summary of those comments. The working group met Monday evening and hammered out some approaches on some of the substantive issues, the biggest one being how to draw the line between municipal authority and the CADB authority, particularly as it relates to areas like storm water review, access and egress, and public safety issues. The working group is trying to figure out how to accomplish that, while still reserving the core value of right to farm and the CADBs having primary jurisdiction to review projects for commercial farms. SADC staff will be meeting weekly to work out the changes and will go back to the working group in August to get its comments, work out the final revisions, and then meet in September for hopefully the last time. Staff will then take that product to the Committee in the fall, so the Committee should be seeing a draft full rule in October or November.

- GSPT Annual Report

Ms. Payne stated she wanted to give Mr. Siegel an opportunity to discuss the GSPT Annual Report. Mr. Siegel stated that he brought a supply of the report for anyone who would like one. He stated that it was distributed to the GSPT board members and it is also available on the GSPT website and he would be happy to mail it to anyone who requests one. He stated that regarding farmland preservation, it's the first printed report that he is aware of, that has the acreage for all farmland preserved, broken down by municipality and by legislative district. This is a report to the Legislature so the report is broken down by the 40 legislative districts. The data is also on the GSPT website, broken down by the county. The last report that was done was limited to the GSPT period. For farmland preservation, the acreage data now goes back to the beginning of the program to 1985. He stated they don't have that as yet for Green Acres but that remains to be worked out.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. She stated that there was also included in the meeting books under the communications section a very nice email from the property owners of the Hill and Dale farm, complimenting Mr. Knox on his work in making the preservation of their farm happen. She thanked Mr. Knox for his good customer service. She stated that there are other articles in the packet regarding wineries and weddings and activities from other places in the country, along with articles on solar and agritourism.

PUBLIC COMMENT

None

OLD BUSINESS

A. Resolution of Amended Final Approval: County Planning Incentive Grant (PIG) Program

1. Robert Smith Farm, Washington Township, Morris County

Mr. Brill referred the Committee to Resolution FY2012R6(1) for a request by the County of Morris for a six-month extension of a one-year time limit that was placed on the amended final approval for the Robert W. Smith Farm, located in Washington Township, Morris County. In June 2010, the property was granted conditional final approval, conditioned on the results of a condemnation action instituted by the Washington Township Municipal Utilities Authority (WTMUA) against the Smith Farm. The WTMUA was successful in condemning a portion of the Smith farm for a new well location, designed to replace some existing wells that are not producing as well as they used to. There were concerns regarding the potential buffer area for the well impacting the preserved farm and limiting the kinds of activities that can take place on the farm. There were observation wells proposed on other locations of this farm at the time. The landowner and many other residents were very concerned. The NJDEP staff worked with the utilities authority and the landowner to identify three locations on this farm for these observation wells that will be within the existing well now, on the farm. They are also working with eight adjacent landowners to monitor private wells in the area as they go through a 72-hour stress test on this proposed new well to see the impacts on the other wells and the ground water in the area. That test is scheduled for the early to mid-part of July. The WTMUA and the CADB requested an extension to the SADC's amended approval from last year, for up to

a six-month period to allow all this to play out. The WTMUA is confident that it will be successful in obtaining the permits and placing this well on line sometime in 2013. Staff is optimistic that the approvals that are required to put this well in service and confirm the extent of the 50-foot radius buffer around the well location will be adequate for public use of this well and have limited impacts on the Smith farm. In July 2011, the SADC granted an amendment to the June 2010 conditional final approval by establishing a one-year time limit during which the WTMUA would secure proper well drilling, water supply and other required permits and approvals from all necessary agencies, including but not limited to the NJDEP and the N.J. Highlands Council. The July amended final approval could be extended for any time period determined to be reasonable by the Committee, upon the County's written request detailing sufficient reasons for an extension. The SADC also reserved that upon expiration of the one-year time period (July 28, 2012), or any approved extension thereof, it reserves the right, at its sole discretion, to rescind its conditional final approval for this property due to the existence of still unresolved issues regarding the public water supply well and its impact on the value of the easement and future agricultural use of the property.

Mr. Brill stated that Morris County has submitted a letter requesting a six-month extension based on significant progress in obtaining all necessary permits and approvals outlined in a letter from the WTMUA (dated May 9, 2012). Staff finds that the County has made significant progress in addressing all outstanding issues and that the County has provided supporting documentation highlighting sufficient reasons to warrant an extension of six months, or until January 28, 2013.

It was moved by Mr. Germano and seconded by Ms. Reade to approve Resolution FY2012R6(1) granting a six-month extension, to January 28, 2013, to the one-year time limit that was included in the amended final approval approved by the Committee at its July 28, 2011 meeting, on the Robert W. Smith Farm, located in Washington Township, Morris County, as outlined in said resolution, subject to any conditions of Resolution FY2012R6(1). The motion was unanimously approved. (A copy of Resolution Fy2012R6(1) is attached to and is a part of these minutes.)

NEW BUSINESS

A. Resolutions for Final Approval – County Planning Incentive Grant Program

1. Maccherone Farm, South Harrison Township, Gloucester County
2. Kurek Farm, Cranbury Township, Middlesex County
3. Durr Estate, Mansfield Township, Burlington County

Ms. Winzinger referred the Committee to three requests for final approval. She reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval to each applicant, as presented and discussed.

It was moved by Mr. Germano and seconded by Mr. Waltman to approve Resolution FY2012R6(2) through Resolution FY2012R6(4) granting final approval to the following landowners, as presented and discussed, subject to any conditions of said Resolutions:

1. Santo J. Maccherone, SADC #08-0126-PG (Resolution FY2012R6(2))
Block 1, Lots 2, 3, 6; Block 5, Lot 4, South Harrison Township, Gloucester County, 117 Acres
State cost share grant of \$334,222.32. To account for any potential increase in the final surveyed acreage, a three percent buffer has been applied to the funds encumbered for possible final surveyed acreage increases. Therefore, 120.51 acres will be utilized to calculate the grant need.

Discussion: The Gloucester CADB is in a situation where it has utilized all of its FY2009 SADC funding and only had a small amount of money left in the FY2011 grant funding. It has previously received final approval for the Ayling farm, which locked down \$272,021.51 in funding. That project is not moving along as expected. The Gloucester CADB has asked that the SADC final approval and \$272,021.51 in SADC competitive grant funding for the Ayling farm, which was approved by the SADC in September 2011, be rescinded. So if the Committee grants final approval to the Maccherone farm, it would also be rescinding final approval of the Ayling farm and the allocation of funds for that farm. With the addition of the \$272,021.51 from the Ayling farm, the County has a total FY2011 competitive grant eligibility of \$334,222.32. At the County's request, the SADC submitted a parcel application to the USDA, NRCS Federal Farm and Ranch Lands Protection Program (FRPP) and the Owners have agreed to the additional restrictions associated with the use of FRPP grant funding, including a 6.33% impervious cover restriction equal to approximately 7.53 acres of land available for the construction of agricultural and other related infrastructure permitted on the Property outside of the exception area. The County intends to utilize the federal funding to supplement a shortfall in the SADC cost share grant, using any remaining funding to further reduce the County cost share.

2. Ronald C. and Patricia A. Kurek, SADC #12-0014-PG (Resolution FY2012R6(3))
Block 14, Lots 3, 4.02, Cranbury Township, Middlesex County, 155 Net Acres;
State cost share grant of \$4,775.00 per acre (61.61% of the certified market value and purchase price) for a total grant need of approximately \$762,328.75. The County has requested a three percent buffer for possible final surveyed acreage increases. Therefore, 159.65 acres will be utilized to calculate the SADC grant need. No competitive grant funding is needed for the SADC cost share grant on this property. Only base grant funds will be utilized.

3. Estate of Mary Pat Durr, SADC #03-0360-PG (Resolution FY2012R6(4)); Block 6.01, Lot 4; Block 8, Lot 9, Mansfield Township, Burlington County, 110 Total Acres;
State cost share grant of \$10,380.00 per acre (60% of the certified market value and 54.63% of the purchase price of \$19,000.00 per acre), totaling \$1,176,054.00. The County is requesting to encumber an additional three percent buffer for possible final surveyed acreage increases. Therefore, 113.3 acres will be utilized to calculate the grant need. Competitive grant funds will be utilized for this property.

Discussion: This property includes one three-acre nonseverable exception around an existing single-family residence and a possible nonagricultural use in the future. The SADC easement certification stated that SADC final approval would be contingent upon the County obtaining a NJDEP No Further Action letter or equivalent regarding the slightly elevated benzene levels detected, which are associated with a previously leaking underground storage tank. Brinkerhoff Environmental Services completed site remediation, which resulted in a November 28, 2011 Licensed Site Remediation Program report stating that no further action is needed. The United States of America, through the Department of the Air Force will contribute up to 25% of the cost share for the purchase of the development easement on this property with no additional restrictions, to provide a three mile buffer around existing military installations.

The motion was unanimously approved. (A copy of Resolution FY2012R6(2) through Resolution FY2012R6(4) is attached to and is a part of these minutes.)

B. Resolution for Final Approval – Nonprofit Grant Program

Mr. Knox referred the Committee to Resolution FY 2012R6(5) for a request for final approval on the Ridge and Valley Conservancy/Windkissed Farm (Robert and Anne Stock). He reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Germano and seconded by Mr. Requa to approve Resolution FY2012R6(5) granting final approval to the following landowner, as presented and discussed and subject to any conditions of said resolution:

1. Windkissed/Stock Farm, Frelinghuysen Township, Warren County; Block 902, Lot 1, Frelinghuysen Township, Warren County, 17 Net Acres; The SADC shall provide a cost share grant not to exceed \$3,750.00 per acre (total of approximately \$63,750.00 based on 17 acres) to the Ridge and Valley Conservancy for the development easement acquisition on this

property, subject to availability of funds. The SADC approves the use of FY 2011 or other available Federal Farm and Ranch Lands Protection Program funds for the preservation of this farm, which will include an impervious coverage limitation of one acre and other restrictions required under the federal program. The application is subject to the USDA, NRCS approval of the Federal Current Easement Value.

Discussion: It has been determined that this property and the landowner qualify for Federal Farm and Ranch Lands Protection Program grant funds. The SADC intends to utilize FY2011 federal funding or federal funds from other funding years that may become available. The landowner has agreed to the additional restrictions associated with the federal grant, including a one-acre impervious coverage restriction on the lands being preserved outside the exception area. The landowners have read and signed acknowledgements stating that they fully understand the benefits and/or restrictions regarding exception areas, division of the premises, and nonagricultural uses.

The motion was unanimously approved. (A copy of Resolution FY2012R6(5) is attached to and is a part of these minutes.)

C. Farmland Stewardship

1. Agricultural Labor Housing

a. J-Jeps Farm, South Harrison Township, Gloucester County

Mr. Roohr referred the Committee to Resolution FY2012R6(6) for a request by J. Jepps, LLC, owner of Block 21, Lot 7, in the Township of South Harrison, Gloucester County, to utilize two agricultural labor apartments on the property to house two farm laborers. The property was preserved in 1999 with no residential buildings and no agricultural labor housing. Due to the nature of the agricultural activity occurring on the farm, the fact that the owner resides in a different state and there being no existing residential units on the property, the owner is requesting to use an area within an existing equine barn to house agricultural laborers. The primary use of the farm is for thoroughbred breeding, raising and training. The owner resides in upstate New York. Part of the reason for purchasing this farm was because his racing circuit involves New York, New Jersey, Pennsylvania and sometimes Delaware and Maryland, depending on the race season. He had been boarding his horses at various locations but it made more sense to buy a centrally located farm and have his own operation here.

Mr. Roohr stated that in 2005 the owner applied to the Gloucester CADB to construct a new stand-alone 2,500 square-foot agricultural labor unit, which the Gloucester CADB approved; the SADC also approved the request in January 2006. For financial reasons the owner has not constructed the agricultural labor unit but recently converted two rooms at the end of an existing barn into efficiency apartments, each totaling approximately 500 square feet. The owner proposes to utilize these apartments to house

two current employees of the farm. However, the owner constructed the apartments prior to receiving approval of the CADB and the SADC. The owner has indicated that the property cannot be fully utilized without onsite labor and that the residents of the agricultural labor units will be full-time employees and will be engaged in the agricultural production activities of breeding, raising and training of horses. There are 10 mares onsite, a number of which are in foal. The owner would also like to reserve his previous SADC approval to construct a stand-alone agricultural labor unit in addition to utilizing the two existing apartments, as his ultimate goal is to construct that stand-alone unit for his agricultural labor. The Gloucester CADB approved the two agricultural labor barn apartments and the owner's request to retain his original approval under conditions that the owner must notify the board and the SADC prior to commencing with the construction of the stand-alone unit and that the barn apartments would be vacated within 30 days of receiving the certificate of occupancy for the stand-alone unit.

Mr. Roohr stated that staff does not concur with the Gloucester CADB in allowing the owner to retain the original, not yet built, agricultural labor approval in addition to the two new agricultural labor units, as having two mutually exclusive approvals operating at the same time invites future compliance concerns. If the prior approval is extinguished, it gives the SADC a bit more control in what housing happens on this farm.

Staff finds that the agricultural production activities occurring on the property warrant the need for onsite agricultural laborers and recommends approval of the request to utilize two agricultural labor apartments on the property to house two farm laborers; only agricultural labor employed on the property and their immediate family members shall occupy the agricultural labor units.

Ms. Payne stated for clarification purposes, having dual approvals is not ideal. Sometime we have had to allow someone to construct something and as soon as they got the certificate of occupancy the other unit had to be demolished. She stated that approval of agricultural labor requires the property owner to demonstrate that sufficient agricultural production is occurring to warrant the agricultural labor. Her position is that she is uncomfortable with a preapproved agricultural labor unit hanging out there that he could exercise in five years. What if the owner only has one horse on the property at that time? She doesn't think the Committee should get in the habit of giving approvals that last forever because the conditions that warranted the approval in the first place may change.

Mr. Atkinson, Administrator for the Gloucester CADB thanked the SADC for all of its past efforts on this issue. Regarding the two barn apartments, they are very modest and he thought they were constructed just for someplace for the employees to go to. There are a couple of bathrooms in there with a couple of couches and a refrigerator. These units were not meant to be livable, full-time 24 hour units. It was more or less a place for them to go because there is not a lot of other space for them to go to relax or take lunch in an enclosed area. The units can be vacated and not utilized very easily. He stated that

the Township will not issue the certificate of occupancy for the two units until the owners receive approval by the SADC.

Mr. Atkinson stated that it is the Gloucester CADB's (GCADB) position that the additional stipulation to have the owner rescind the original approval for the stand-alone unit is unnecessary and actually burdensome for the owner. The GCADB did approve the request in its resolution, with conditions, which are that the use of the two apartments would be discontinued should the owner construct the agricultural labor dwelling that was previously approved by the board and the SADC. He shall notify the board and the SADC upon construction of the previously approved stand-alone unit. The CADB also now has a full-time monitoring inspector who is doing the preserved farmland inspections. She would have the ability to monitor this on a more frequent basis and that would give Gloucester County the assurance that nothing would transpire that they wouldn't know about. Each apartment unit is going to be limited to a total of two occupants and they must be employed by the owner. The owner shall discontinue the use of the two apartments within thirty days of receipt of the certificate of occupancy for the previously approved stand-alone unit. He would also be required to meet all municipal requirements regarding the establishment of the unit, including having inspections completed, making any necessary repairs and the attainment of the certificate of occupancy.

When the CADB was first advised that the SADC staff was recommending additional restrictions, it felt they were unnecessary and the reasons they feel so are valid. The resolution passed by the CADB does contain a number of provisions that ensure that both agricultural labor units cannot be used simultaneously, with the exception of that 30-day grace period of obtaining a certificate of occupancy and vacating the apartments. The owner already has an approved septic design for the previously approved stand-alone unit, which is on file with the Gloucester County Health Department. That verifies that the owner has already expended financial resources on the stand-alone unit and once he has the fiscal means to do so he is going to build it. This is another reason why the owner is reluctant to extinguish the original approval, as there is no guarantee that, even though he has expended the funds on the stand-alone unit, that it would be reapproved by the SADC. Most importantly, there is no previously established SADC precedent or policy that requires the closing out of one agricultural labor unit in order to provide a new temporary unit. As such, the SADC's insistence on this requirement is not based on any past precedent or on any legal requirement at this point. The Gloucester CADB is agreeable if the SADC feels it needs to incorporate stronger language into its own resolution to satisfy any additional concerns regarding the simultaneous use of both units but the Gloucester CADB feels strongly that the requirement to make the owner extinguish the previous approval is unnecessary.

Chairman Fisher asked if consideration could be given to the economic times we're in which affected the owner's ability to pursue the original approval, and that perhaps

putting a timeline on the approval would help. He expressed concern about both the landowner and the SADC having to through this whole process again in the near future. Mr. Siegel asked if there was a statutory authority to give a time clock approval. Mr. Roohr stated that in more current resolutions we do have time frame approvals, which are typically three years and he has seen three years with an option to ask for an extension of one more year. Mr. Germano stated that makes sense because situations do change. He would add to Chairman Fisher's idea that the expiration, perhaps, of whatever timeframe we are talking about, they demonstrate a continuing need to address Ms. Payne's point, that they have to establish a continuing need for the labor. Ms. Payne stated that to her, all of these conditions will require staff to engage, to examine and to meet the conditions so if we are going to have to do another review one way or the other she doesn't see keeping it as a time saver. She understands the landowner's trepidation about government agencies possibly changing their minds but the SADC has been nothing but consistent, helpful, efficient in giving the owner approvals.

Chairman Fisher stated that his thinking was that you hear sometimes about the cart and the horse issue and a landowner wants to make or do something to expand their business but they are not sure what the current thinking is. He understands that the SADC has been consistent, when there is a need, and there is no need to doubt that but he feels it just gives an extra level of comfort, especially with knowing the county itself has also made that stipulation with their enforcement aspect of it. He is asking the question and the Committee will decide whether it is viable or not. Mr. Waltman stated he would be sympathetic if the owner had come in and said we'll do the apartments temporarily and as soon as the funds are available they will build the house but we'll do the apartments to fill the need today and can we keep the other approval active. What concerns him is a pattern, not of this applicant, but in several recent SADC meetings in a row where an owner of a preserved farm did something without securing the approvals that are necessary, and then there is the after the fact approval of that. He stated that he is sympathetic but he is looking at the facts as he understands it and he is uncomfortable with this, with what now seems like a very regular pattern. It means that we're not being very clear, which he doesn't think that is case.

Ms. Payne stated that the other issue staff has seen is where you approve an RDSO or agricultural labor housing and all of a sudden you see the properties being sold and the papers for the auction or the sale indicates there is a pre-approved housing unit. She stated that no, that is not the case so staff is regularly contacting realtors and auctioneers advising that is not the case.

Ms. McGee asked when a preserved farm owner sells, what happens, does the CADB sit down with them and introduce them to what they are purchasing or is it just something that they have to understand what they bought and look at the details of the deed and other things. Ms. Payne stated it is more the latter. Staff wants to spend more time educating owners of preserved farmland but it is basically a private real estate deal, the

SADC's deed is in the title and the SADC finds out about it after the fact. The sooner we can get to property owners and educate them the better. That is something that staff will be working on over the next couple of years as to how we can do a better job in educating new landowners. Sometimes staff finds out about a sale through the appraisers who pick it up as a comparable sale. Mr. Siegel stated that the SADC's deed of easement and the NJ DEP's conservation easements do not give a landowner an affirmative responsibility to notify a state agency that they are transacting a piece of property. Many states do and their easement language will give a seller a positive responsibility to contact the state agency that monitors the easement but we don't have that in our easements.

Chairman Fisher stated that staff recommendation in the draft resolution is to extinguish the previous approval for the stand-alone unit so either the Committee will provide a time-line for the previous approval or extinguish the previous approval. Ms. Reade stated that the county is saying it thinks it is burdensome to the landowner to extinguish the approval, but that Ms. Payne's argument is that it is going to be burdensome either way and that the SADC would try to minimize that burden. Therefore she didn't see why, especially in view of Mr. Waltman's earlier comments that we have had a lot of people, either in a major or minor way, flowing away from the procedural aspects of the deed of easement, we wouldn't extinguish it. Chairman Fisher stated he understood. He was looking at it, not by staff's expenditure of time but rather from the applicant's side, meaning that we want to make sure that these operations get to do what they do and not have to have, sometimes, over burdensome restrictions in their way. Mr. Germano agreed with Ms. Payne and Ms. Reade on the issue. Mr. Germano stated he would make a motion to adopt the draft resolution as proposed.

It was moved by Mr. Germano and seconded by Ms. Reade to approve Resolution FY2010R6(6) finding that the agricultural production activities occurring on the Premises warrant the need for onsite agricultural laborers, approving the request to utilize two agricultural labor apartments on the Premises to house two farm laborers, subject to municipal, state and federal requirements, noting that only agricultural labor employed on the Premises, and their immediate family members, shall occupy the agricultural labor units. The SADC also rescinds the January 26, 2006 agricultural labor unit approval (Resolution FY2006R1(31), as a condition of this approval, as presented and discussed and subject to any conditions of said resolution.

The motion was approved. (Mr. Siegel abstained from the vote.) (A copy of Resolution FY2012R6(6) is attached to and is a part of these minutes.)

2. **Settlement Agreement-Request for Reconsideration**
 - a. All Monmouth Landscaping, Manalapan Township, Monmouth County

Note: Renzi Court Reporting Services were provided for this agenda item.

Mr. Roohr stated that this is a 48 acre farm in Manalapan Township, Monmouth County. This is one that was preserved as a fee simple acquisition by the SADC and then sold at auction in 2002. It was sold to All Monmouth Landscapes. Mr. Jeff Sangillo and Don Gural are the principals of All Monmouth. The property has a little history but staff reviewed that at the last couple of meetings. He stated that at the June 23, 2011 meeting the SADC found the owners to be in violation of the deed of easement for two issues – 1) the use of the premises to deposit waste material from their nonagricultural landscape business and 2) use of the premises to store materials and equipment for that same business. At that time the owners did not voluntarily resolve the violations in the timeframe allotted so the SADC filed a court action. Since that time, the three piles mostly have been cleaned up and the property is in much better shape but there were still some issues, more so having to do with the nonagricultural uses of the property. A court action was filed and SADC staff and DAG Jason Stypinski attended a settlement conference through which the owners and their attorney agreed to a draft settlement. At last month's SADC meeting the Committee approved the written settlement agreement, but since that meeting Jason was notified that the owners wanted to revisit the settlement agreement and have some concerns about some aspects of it that they would like to discuss. Mr. Sangillo and Mr. Gural are here today. Mr. Roohr stated that he didn't know if some parts of the discussion are reserved for closed session or not...Ms. Payne stated that the Committee will give the property owners the opportunity to address it and this will be the opportunity to ask questions and collect information. Since we are in litigation, any discussion about proposed changes to the settlement agreement will be reserved for closed session when we can talk to Jason and then as a result of the closed session discussion we will come back out to open session and the Committee can take whatever action it sees fit at that point.

Mr. Germano asked if this settlement would conclude the matter. Mr. Stypinski stated it would conclude the matter if it was agreed to but it hasn't been agreed to, it hasn't been executed. Therefore there is no agreement as of today. Mr. Germano commented they are not trying to change an agreement that was made. Mr. Stypinski stated that they went in for a settlement conference before Judge Cavanaugh in Monmouth County. Mr. Gural was on the telephone. They sat down and basically took notes on what was agreed to by Mr. Gural as one of the principals of All Monmouth. He stated that they drafted that stipulation and sent it to the defendants' attorney and they had some issues with some of the things that were previously agreed to. That is where we are today. He stated that the landowners want to make a presentation today to the Committee to explain what their position is with regard to the restrictions on the property and with regard to what they would want in the settlement agreement. Any questions regarding litigation should wait until closed session. If you have factual questions for them it would appropriate to ask them at this time. Ms. Payne stated that the only piece of history that she would add is staff thought resolution of this matter could potentially be accomplished through application of the SADC's nonagricultural use regulations. The property was funded in part by FRPP funding and the NRCS indicated that they would not entertain approving a

nonagricultural use on the property. Mr. Stypinski stated they are not party to the litigation. Ms. Payne felt that the SADC could not approve a settlement for a nonagricultural use without NRCS's concurrence. Mr. Stypinski stated that was correct and that the draft settlement didn't approve a nonagricultural use. Mr. Stypinski stated that there is a trial date in this matter, which is July 24th so we are less than a month away from trial.

Don Gural addressed the Committee. Ms. Payne indicated that the Attorney General's Office would like to swear Mr. Gural in through the court reporter. Mr. Gural was sworn in by Renzi Court Reporting Services. Mr. Gural stated that there was a discussion over the telephone and he did make some agreements over the phone and that is what he would like to revisit today, the agreements that were made over a phone conversation. He stated he was on the spot and was not able to make the settlement conference in person and he didn't realize that that what was going to take place and after talking with some other people, they told him he should revisit this and that is why he is here today, to review some of the stipulations. Chairman Fisher asked when you said we had some agreements does that mean you had an agreement. Mr. Gural stated yes, basically with Jay over the telephone he was asked some of the violations, what his thoughts were on some of the violations, he agreed to do this, disagreed to do some of the other matters and basically after consideration, some of the things he agreed to he doesn't feel are just. Mr. Stypinski stated that at this meeting Mr. Gural's counsel was present, Mr. Spector was there. Mr. Gural stated yes he was present at the settlement conference.

Mr. Gural stated that one of the issues he has agreed to relates to the pallets of brick pavers and he did agree to remove them and he is ok with that but some of the other stipulations he feels are unjust. They are growing nursery stock, Christmas trees, deciduous trees, potted material and they feel they are doing what they are supposed to be doing. They are also in the landscape business and the material that they are planting and growing, they are using on jobs so that they can create an income. So the material they are growing they are taking out on sites and selling it, they are wholesaling material, they are constantly replanting and now they are told they cannot have a certain amount of trucks. The limitations on the number of trucks is one of the problems. Mr. Germano stated the trucks that are used in the landscaping business. Mr. Gural responded yes. He stated they have trailers on the property in which they transport material; they dig the material, they have to transport it to sell it and now they are told that they can't have so many trucks on the property. Chairman Fisher asked if that was the only use of these trucks, just for landscaping. Mr. Gural responded that they have multiple uses. The trucks are to move materials around on site, when they are selling it they have to deliver the material. They are loading material to move from site to site, from farm to farm. They also have dump trucks that when they have to fill in holes, they are digging holes all the time...in the spring they dig 500 trees. They have to move material to fill those holes back in. Their vehicles are used for many different reasons. Mr. Germano asked if they wholesale plant material. Mr. Gural responded yes. Mr. Germano commented that they

then use these trucks to deliver plant materials as well. Mr. Gural responded yes. Mr. Germano asked if that was the standard in the industry, the grower delivers. Mr. Gural responded yes. He stated that they deliver or people come to pick up. He estimated that 75% is delivered. He stated that is one of the areas he would like to revisit. Mr. Germano asked how many trucks he has. Mr. Gural responded dump trucks maybe seven, pickups and dump trucks maybe seven total and they have trailers there. Ms. Reade asked how big the farm was. Mr. Gural responded 48 acres. Mr. Germano asked how many trailers were there. Mr. Gural responded he believed they have three box trailers and three flatbeds. The flatbeds transport equipment and trees, you can't put trees inside of a closed container; closed containers are for potted materials. Mr. Germano asked if they transport equipment too. Mr. Gural responded yes. Mr. Germano asked what equipment is on the site. Mr. Gural stated equipment-wise they have one dozer, maybe three front-end loaders or tractors, three skidsters or 4-wheel drive machines, like bobcats. He believed that was it.

Ms. Payne indicated the Committee has in its packet a copy of the draft settlement agreement. Maybe it would be constructive if she walked through these and remind the Committee what the settlement contains and then Mr. Gural could let the Committee know what he is looking for.

Ms. Payne reviewed the settlement agreement starting on page three under the Now, Therefore section as follows: (Mr. Gural was provided a copy of the settlement agreement.)

Paragraph # 1:

Ms. Payne stated that paragraph 1 is to just cease operation of any commercial nonagricultural activities,

Paragraph # 2:

Deals with pavers.

Ms. Payne stated that Mr. Gural indicated that he was ok with # 1 and # 2. Mr. Gural responded yes.

Paragraph # 3:

Ms. Payne stated that item # 3 says that the owner would be permitted to retain one snow plow on the property. She asked if Mr. Gural was looking to have that changed. Mr. Gural stated yes, he doesn't understand why all these regulations are coming down on him. If he has three plows on the property, what is the issue there? They come off in the spring and they go on in the winter. Why does having three plows sitting on his property

cause a problem? If he has a fifty acre farm and he is farming it, he is growing on the farm and he is doing everything that the board wants to maintain it as a farm, where does three steel plows become a problem? Ms. Payne stated that the perspective of the Committee is that a preserved farm is not allowed to be used as a storage place for vehicles for other businesses, whether they are his plows or for a snow removal service down the road and that using a preserved farm to store equipment that is not related to the farming operation is considered a nonagricultural use. She thought what the Committee was attempting to do when we went through this was to provide the allowance to store equipment that it felt was credibly linked to the use of the farm operation but when you talk about three snow plows, the concern was that you're never going to need three snow plows on a 40 some acre farm. That was what we were trying to do, the magnitude of the operation and have a credible understanding of the magnitude of that versus the vehicles being stored on the property. That was the underlying approach. Mr. Gural stated he understood what the board was trying to do, he just has a hard time understanding how that really affects if he has a building there, 50 x 100 foot barn and it has a cement floor and it has a pallet racking and he has some things in there, how that really affects the board's decision to have those plows stuck up on a rack. Chairman Fisher asked if the snow plows are attachments to a vehicle. Mr. Gural stated they are not attached presently but in the winter they get put on, like the county and the state and everyone else does. Chairman Fisher asked that in the summer they are used as vehicles for what he does and then in the winter as an added source of income you plow. Mr. Gural responded yes.

Paragraph # 4:

Ms. Payne stated that this item deals with a paving machine. Mr. Gural stated it has been vacated. He stated that someone asked him to put it there for a week and it turned into a couple of years but it is gone now.

Paragraph # 5:

Ms. Payne this item deals with the pallets. Mr. Gural stated he has no problem with that item.

Paragraph # 6:

Ms. Payne stated that this item deals with All Monmouth being permitted to retain up to four trailers (two flat beds and two box trailers) on the property. Mr. Gural stated that is one of the items he wanted to revisit. Ms. Payne asked if he was seeking no limitation. Mr. Gural responded yes. Mr. Germano commented no limitation or permission to keep what he has. Mr. Gural responded yes. Mr. Germano asked that the owner doesn't want the ability to grow? Mr. Gural stated he doesn't want to be able to grow, just to limit it to what he has. Mr. Waltman asked how many that was. Mr. Gural stated that trailers he believes it is four flat beds, no three flat and three box. Ms. Payne asked for clarification

that he has three box, three flat, three front-end loaders. She asked if that is what he is looking to retain on the property. Mr. Gural responded yes they are tractors and they use them for cutting the grass, for picking up plant material, it's like any farm has to have a front end loader, whether they are moving manure or whatever they are doing.

Ms. Reade commented, and this goes back to paragraph 3 as well – Mr. Gural had mentioned front-end loader. She asked if he was just talking about the loader attachment to his tractor. Mr. Gural responded yes. She asked about the snow plow. She asked if he had three blades on his racks and they go on to the regular trucks. Mr. Gural responded yes. Mr. Germano asked if any of them were big enough to go on to the dump trucks. Mr. Gural responded yes. Mr. Germano stated that they are not just pick-up sized blades, they are some big ones. Mr. Gural responded yes. Ms. Payne asked if they are all that big. Mr. Gural responded that they're not as big as the county uses or the state, it's not that big because they don't have trucks that big. His trucks are smaller but a small dump truck is like an F-350 or F-450, it's like a Ford vehicle.

Ms. Reade stated that in paragraph 6 it reads that they would be permitted to retain two flats and two box trailers and he actually has three flats and two box. Ms. Gural responded yes. Chairman Fisher stated that item six says four and four. Mr. Germano clarified that it says a total of four with two of each and Mr. Gural would like six total - three of each. Mr. Gural stated that these trailers are not there all the time so there may be a day that they all might be there and there may only be three there on another time because they have been sent out to make a delivery or to deliver materials to New York, or wherever they are taking material. Mr. Germano commented that they are there all winter. Mr. Gural responded mostly, yes. Mr. Germano stated that you would also have to have a parking area for them. Mr. Gural responded absolutely yes because in the winter pretty much nothing is moving out.

Paragraph # 7:

Ms. Payne stated that this was regarding the ability to retain PVC pipes necessitated by the operation. Mr. Gural responded yes and he doesn't know how that became an issue because it is irrigation piping and their farm is irrigated. They have maybe 20 extra pipes sitting there and every time they come out of winter they have broken pipes, broken heads. Even though they winterize stuff still breaks. Mr. Germano stated it isn't an issue and the SADC will allow them to keep it.

Paragraph # 8:

Ms. Payne stated that they have addressed this and this was allowing Mr. Gural to retain up to four dump trucks. She asked how many he had. Mr. Gural responded between dump trucks and pickups....Ms. Payne stated that this paragraph only deals with dump trucks. Mr. Gural stated they have five dump trucks.

Paragraph # 9:

Ms. Payne stated that this section required the implementation of a farm conservation plan. Mr. Gural responded yes.

Paragraph # 10:

Ms. Payne stated that this section was regarding the removal of all the plastic pots not necessary to the nursery operation and the broken plastic plant pots and metal debris located on the property by no later than September 1, 2012. Mr. Gural responded yes, they had no issue with that. He stated that they are trying to make this easy for all of us, also he is trying to give. He didn't think that should have been an issue but he is willing to remove it if that is what the Committee is asking but those pots, they plant in them but if the SADC wants to limit them to 2,000 or whatever was put down....Ms. Payne stated that there was nothing listed as a number, they just said as necessary for the agricultural operation. They understand that farmers will plant out of the ground, will put them in a pot and you have the recycling of that. It was the collection of debris over a longer period of time. Mr. Gural stated he has no problem cleaning that up and they are trying to comply the best way they can so if it is an issue they will take care of it.

Paragraph # 11:

Ms. Payne stated they were able to retain the bulk bins containing stone dust and gravel such that it was being used on the property. Mr. Gural responded yes, thank you.

Paragraph # 12:

Ms. Payne stated that this section dealt with being able to retain the 40 x 50 ft. paver patio installed near the farm office for a lunch area. Mr. Gural responded yes.

Paragraph # 13:

Ms. Payne stated this section deals with a top soil pile being permitted to stay such that it is used for agricultural purposes on the property. Mr. Gural responded correct.

Paragraph # 14:

Ms. Payne stated this section deals with the landowner agreeing not to construct any new farm paths, lanes, drives, or roads without first obtaining the SADC's approval. Mr. Gural responded yes, he is in agreement.

Paragraph # 15.

Ms. Payne stated this section is just a general recognition of the SADC's rules applying to all preserved farms.

Paragraph # 16:

Ms. Payne stated that this section requires that if the SADC has to take enforcement action after this matter is settled that Mr. Gural will be responsible for the State's attorney's fees. (Mr. Gural did not provide any response here.)

Paragraph # 17.

Ms. Payne asked Mr. Stypinski to explain this section. Mr. Stypinski stated that it goes to the rights and conditions of the settlement agreement, that the settlement is binding on the SADC and All Monmouth and if you sell the property, or if another agency were to somehow step into SADC's shoes, the settlement agreement would be binding on both.

Paragraph # 18:

Mr. Stypinski stated that this deals with the recording of the settlement agreement.

Paragraph # 19:

Mr. Stypinski stated that this deals with no modifications or waivers are permitted except by written amendment that are executed by both parties.

Paragraph # 20:

Mr. Stypinski stated that this is just a choice of law provision that NJ law governs it.

Paragraph # 21:

Mr. Stypinski stated that this permits either party to force the settlement by way of a motion in aid of litigant's rights.

Paragraph # 22:

Mr. Stypinski stated that this allows the settlement agreement to be executed in any number of counterparts, which means that if portions of this were not deemed accepted, that we could take out paragraphs or execute it in different parts.

Mr. Germano asked how many pickups Mr. Gural has. Mr. Gural responded four. Mr. Germano asked if Mr. Gural reads this as not being able to have pickup trucks. Chairman Fisher indicated that the Committee was still on discussion of items 17 through 22. Mr. Gural indicated he was in agreement of items 17 through 22. Mr. Germano stated that pickup trucks aren't mentioned. He asked if Mr. Gural was concerned that the SADC was trying to make him get rid of those. Mr. Gural responded yes. Mr. Germano stated that we could add something to make Mr. Gural comfortable that we are not trying to make him get rid of his pickups. Mr. Gural responded ok.

Mr. Stypinski stated that one of the things that Mr. Gural was concerned about in drafting this agreement, and he realizes we are in open session but, they didn't want to make an exhaustive list saying what would normally be permitted. This wasn't designed to be that way; it was designed to basically draw a line between what vehicles are being used for the landscaping business and what vehicles are being used for the nursery business, and the commercial landscaping business is a nonagricultural activity that is not permitted on a preserved farm. Chairman Fisher stated that there is nothing that says... "and normally accepted"... we don't use phrases like that? Mr. Stypinski responded no. He stated we could, but we just didn't in this case. Mr. Germano stated that if the pickup trucks are not an issue, this discussion is about one dump truck, one trailer and one...Ms. Payne clarified that there are two trailers. Mr. Germano stated yes, two trailers, one of each kind. Ms. Reade added plus the slow plow blades.

Chairman Fisher advised that the Committee cannot act on this as it will be going into closed session, but it wanted to understand and make sure that it understood what the landowner is requesting for it to consider in closed session. He asked that we list now exactly what it is that the Committee should be considering, giving no indication of what the Committee's thoughts.

Mr. Germano stated the following:

Two snow plows – Ms. Reade clarified they were snow blades, she indicated that it was listed as vehicles in the agreement.

Ms. Payne stated the following:

Paragraph # 3 says that Mr. Gural is permitted to retain one snow plow vehicle so Mr. Gural is seeking to have that changed so that he can retain the three snow plow blades and use them as needed and attached to the other equipment on the property. She asked if that was correct. Mr. Gural responded yes.

Paragraph # 6 authorized retaining four trailers. Mr. Gural is asking to retain six trailers – three trailers and three flat beds. Mr. Gural responded correct and also an extra dump truck. He asked if he buys a new truck in the future, does he have to sell a truck to buy a

new truck? Mr. Germano stated that Mr. Gural indicated earlier that he would be willing to be limited to what he has. Mr. Gural stated yes but he is not looking to expand his business to forty trucks but he also doesn't want to know that he is only allowed only five trucks on a piece of property. He isn't looking to grow to a forty truck company. Chairman Fisher stated that we want our businesses to grow but the question is how much infrastructure does it take to grow a business that is in that business, as opposed to how much infrastructure you can bring on that has nothing to do with the business, that is what is going on here. He stated a business can grow, it's in the business of, whatever that is and it needs...it has three trucks and maybe it needs five eventually but it doesn't need twenty because it wouldn't be that business anymore it would be something else. That is what the Committee is trying to get at. No one wants to micromanage it to a point that you cannot grow that you need another truck. Mr. Gural stated that is his concern. He doesn't understand why that is an issue. He can understand that you don't want forty trucks there, because it is a farm so where do we draw the limit, where do we say that he can grow his business so that he can move more material, plant more material, sell more material, not go to forty trucks but what if he needed eight trucks.

Mr. Germano stated he felt the problem is that the landscaping business, while really closely related to his farming operation, is not a farming operation, it's a contracting business and the theoretical way to look at it is that he shouldn't be allowed to have more vehicles than it would take his agricultural operation to deliver those goods and to deliver what he grows. He stated that the landscaping business can grow far beyond his ability to grow whatever he grows on that 48 acres. That is why he thinks personally he would be looking, like the Committee's attorney did, to limit this to a specific number. Ms. Payne stated that if the SADC had a provision in here that said if he had a need, if the agricultural operation created a need to exceed these vehicles, that he would seek the SADC's concurrence, or if you want to create some provision here where the agreement gets revisited if the agricultural operation intensifies to the point where you need more equipment, would that work? Mr. Gural stated that he could probably live with that but he doesn't feel like he needs to come back here to ask if he can purchase a new truck. He stated that if he had his way maybe to say that if he were to exceed ten vehicles he would have to come back to the Committee. Ms. Payne stated that the SADC would have to believe that ten vehicles were necessary to support the agricultural operation in order to come to that agreement. Mr. Germano stated that ten vehicles may be appropriate if you acquired another 20 acres but maybe it's inappropriate for 48 acres. Chairman Fisher stated that he is at a number that he at one time agreed to and now is coming back to revisit, that is what he is asking. Mr. Gural responded yes.

Mr. Gural stated that they do have three farms – we are talking about this particular farm but they are managing and growing on three farms so they are supporting three farms with the vehicles. Mr. Germano asked how big the other two were. Mr. Gural responded one is 12 acres in Holmdel Township and one is 100 acres in Manalapan Township. Mr. Germano asked what he grows on those farms. Mr. Gural responded all deciduous trees

and evergreens. Chairman Fisher commented that there are trucks on those farms two. Mr. Gural responded actually there are not, they are pretty much centralized because there are no offices on the other farms, and there is no personnel there. Chairman Fisher stated that right now you are running those three farms with this number of vehicles. Mr. Gural responded yes. Chairman Fisher stated that he is doing it now so somewhere between here and a little extra growth is probably a number. Mr. Gural responded yes, he agrees and he is comfortable with that. He stated that vehicles get old and his fleet is getting old. Chairman Fisher stated he should make a request and the Committee will consider it in terms of you are running a farm now, three farms now, which has sort of a centralized motor pool. How many does it take to run those three farms to do what you are doing now and you are thinking a little bit into the future, how many vehicles would do that. Mr. Gural stated he would like the ability for 10 trucks. Mr. Germano commented that would be a combination of dump and pickups. Ms. Reade asked if Mr. Gural was using just the dumps and pickups for hauling trailers, you're not using semi's? Mr. Gural stated they have one semi and that is to pull the trailers and it is at that farm. Ms. Reade stated it isn't even listed in the stipulation because we were excepting that? Mr. Stypinski responded yes. Mr. Roohr stated that in the settlement conference that they had it was agreed that All Monmouth could have these four trailers, at that time we agreed to four trailers and the only way to pull those trailers is with a semi so at that time they had two and they were looking to sell one because they only needed one but if you were going to let him keep the trailers you had to let him keep the semi to pull the trailers. That is why it wasn't in the agreement.

Ms. Payne stated that regarding the dump trucks the owners states he has five and he is looking to keep all of them. He also indicated that he is looking for ten trucks. She stated she needs to understand that ten number, what does that contain? Mr. Gural stated that what they have right now is five dump trucks, a rack body, and four pickups. Mr. Germano indicated that is ten now and that doesn't count the semi. Mr. Gural stated yes. Mr. Germano stated that would be eleven now. Mr. Gural stated that the pickups were never part of the agreement. Mr. Stypinski stated that is correct. Mr. Germano stated that would leave six. Mr. Gural indicated there are seven counting the rack body.

Chairman Fisher asked Ms. Payne to read back the list of what Mr. Gural is asking the Committee to consider and then the Committee will go through them in closed session. Ms. Payne stated the following:

five dump trucks – Mr. Gural responded correct.
a rack body – Mr. Gural responded correct.
four pickups – Mr. Gural responded yes.
Three box trailers and three flatbeds - Mr. Gural responded yes.

Mr. Germano stated that there are seven vehicles and Mr. Gural would like ten. Chairman Fisher asked if there was anything else that Mr. Gural would like to add. Mr.

Gural stated that as far as the vehicles go no. Ms. Reade asked if the other two farms were preserved. Mr. Gural responded that one is and one isn't actually. She commented that he doesn't store equipment on them as he does on this one. Mr. Gural responded no because there is nothing there but just the farm itself.

Chairman Fisher stated that the Committee will be going into closed session to discuss matters. Mr. Gural commented that they should stick around until the end of the day. Ms. Payne responded if he wanted to know what the Committee decides today then yes, after lunch. Mr. Gural thanked the Committee for its time and consideration.

3. Agricultural/Horticultural Production Requirements

a. Gasko Farm, Monroe Township, Middlesex County

Mr. Roohr referred the Committee to Resolution FY2012R6(7) regarding the William Gasko, Jr. and Peter Gasko farm, identified as Block 23, Lot 4.01 in the Township of Monroe, Middlesex County, comprising 71.66 acres. An application was received to preserve the property through the County Planning Incentive Grant (PIG) program in June 2011, along with a request for preliminary approval, or Green Light approval, from the Middlesex CADB on behalf of the owners. The property is used as a large commercial nursery and greenhouse operation. Because of the types of uses on the property, where because of how the property is used for the nursery and greenhouse operation, large portions of it are covered with either buildings or parking areas and driveways or things that facilitate indoor growth of a lot of items. Mr. Roohr stated that when they reviewed the application against the minimum eligibility standards, it would determine that the property would not meet one of the two requirements for preliminary approval. The two requirements are: 1) that the property either needs to be fifty percent tillable or have a minimum 25 acres tillable; and 2) that fifty percent of the property or 25 acres have soils capable of supporting agricultural/horticultural crops.

Mr. Roohr stated that in applying these statutes to the subject property staff analysis determined that 21.7 acres are basically undisturbed soil. There is about a one-half acre lawn. There are approximately 6.2 acres of permanent greenhouses, with concrete floors. The SADC's definition of "tillable" area includes the land under buildings where crops or products are produced. In this case, even though the greenhouses have concrete floors, it is being used for production of crops so, by the SADC's definition, that land is counted as "tillable" under our rules. If you add those up it comes to 27.9, almost 28 acres tillable so it does meet the minimum 25 acres of tillable ground.

The second test regarding soils being capable of supporting agricultural/horticultural crops, for that we only counted the 21.7 acres of undisturbed soil and the .4 acre lawn for a total of 22.1 acres of soils capable of supporting these crops. Staff's perspective was that soils that were either covered in concrete, asphalt, gravel or millings, compacted because they were used as driveways or parking areas, or other sorts of things, and also

what the NJ DEP classifies as wetlands areas, would not qualify as soils capable of supporting agricultural/horticultural crops. So if you do that calculation we are only at 22.1 acres of grounds that meet that test. They have to meet both tests.

Ms. Payne stated that when the SADC drafted regulations, it looked at farmland assessment, so if you have say a horse barn, under farmland assessment that land under the barn is considered production and is assessed as production so our rules mirror that in the definition of "tillable" land. Mr. Roohr stated that because of the calculation, staff determined that it did not meet the minimum criteria to receive green light approval. Staff advised the owner and the owner has requested a formal explanation of how staff came to that conclusion and would also like to obtain direction as to what he could do to bring enough ground into compliance to meet the approval process. Mr. Gasko is present today and he is represented by his attorney, Mr. Sposaro. Mr. Sposaro would like to speak on behalf of his client. Mr. Roohr reviewed various aerial photos with the Committee. He stated that staff conducted a site visit and he reviewed what was seen during the site visit through the aerial photos.

Mr. Roohr stated that staff recommendation is to deny preliminary approval based on the property not meeting the second test of the two minimum criteria. Chairman Fisher asked how close was the difference that would be required for approval? Mr. Roohr responded that staff calculated 22.1 acres and they would need 25 acres for approval. Chairman Fisher asked that at the time staff had questions was there any other options from the landowner? Mr. Roohr stated that one of the concepts was the 15 acre gravel area didn't have much earth work, if any, done below the six inches of gravel and that it may be conceivable to either push back three acres of that gravel or it may be possible to drill holes through the gravel, get into soil and plant trees in the holes. Chairman Fisher stated that based on strict calculations as staff sees it, staff is asking for denial. There is a potential, which we don't know yet, that there could be a change in the use of a small portion of three acres to comply. Mr. Roohr stated that the owner has that concept that he could probably bring it into compliance. Ms. Payne stated that on that point, staff found that this did not comply with the regulations so we couldn't give it green light approval. Mr. Gasko asked what he could do to bring it into compliance and staff said that what its normal course would be to have him engage with the NRCS and the SADC to evaluate the conditions out on the property. She stated she doesn't know what is under the gravel so it we would have to evaluate the site and see if the NRCS thought it was practical to be able to bring that property back into production. Ms. Payne stated that when the application first came in, due to the extent of the greenhouses and gravel and parking areas, this is very closely related to the Committee's deliberations on soil disturbance and the Committee is going to be issuing the standards for soil disturbance in order to flesh out our interpretations of the deed of easement. So the other concern raised was that we would hate to see this property come into the program and immediately be in violation of the deed. Staff sent correspondence last December saying that we would like to hit the pause button on this application, have the Committee issue its soil disturbance standards

so that the landowner is well educated before coming into the program. She wanted the Committee to know that that conversation occurred. The landowner has asked that green light approval be issued irrespectively of that concern.

Mr. Sposaro, attorney for Mr. Gasko stated that this matter puts him in somewhat of an awkward position. A substantial portion of his practice is devoted to representing farmers and he is on the front lines on a daily basis fighting for the rights of farmers. Some of his strongest allies and those that he turns to for help are members of the SADC staff and Ms. Payne on a number of occasions. He stated that he also has a client who is a legitimate farmer. Pete Gasko has been at this his entire life. He already owns four preserved farms. We talked about the greenhouses, and he'll call them temporary greenhouses, not the hoop houses but the other ones that are six acres, there is a case from the NJ Supreme Court, Gasko v. Monroe Township and his name is on that case because he had the wisdom and the strength and laid out the money to fight Monroe Township when it sought to deny farmland assessment for his temporary greenhouses. He succeeded in convincing the Supreme Court that those greenhouses were entitled to farmland assessment. He stated that he respectfully has to disagree with staff and the recommendation. In looking at this farm, it is just over 71 acres, and Mr. Roohr is correct in that the regulations do define what land is tillable. When you look at the definition of tillable, it includes the acreage that is under not just the hoop houses but the temporary greenhouses. But for a reason that he has to say defies explanation and common sense you can call land tillable but then in the next breath you can say some of that land does not contain soils capable of supporting agricultural/horticultural production. He doesn't think it makes common sense. It is also his understanding that in other applications, land that was within green houses, such as these, has been considered in the acreage of soil capable of supporting production. So why this farm is being treated for that purpose, he has yet to hear a fair, logical, cogent explanation.

Mr. Sposaro stated he thinks what they are getting caught in here is a shift in policy. What has not been mentioned and what has not been provided to him is, there was an earlier staff report that analyzed this application and that staff report indicated that the farm did comply with the regulations but then apparently it was revisited and he doesn't think that first evaluation was a mistake. He thinks what we are looking at here is a subjective interpretation and analysis of what it means by soil capable of production. Oddly, that phrase is not defined in the regulations. The phrase tillable is but not soils capable of production. To anyone looking at this, it doesn't make common sense to distinguish between the two. If soils are tillable, they've got to be capable of producing agriculture and if you include it for one purpose then respectfully you have to include it for another purpose. Mr. Sposaro stated that he heard Ms. Payne's comments about this property coming into this program and then being in violation. He said, well in response to that comment, can you share these draft regulations with him so he can figure out how they can comply or if we even want to participate in the program. He was told that they remain with staff, are confidential and he has not been provided with those. His hands

have been tied in his ability to figure out a way to comply. Mr. Gasko also has some very brief comments that he would like to add. There were questions raised...his focus is really on the temporary greenhouses but there is also, he believes, nine acres where there are some millings and the staff's final analysis, he doesn't think the initial analysis, but their most recent analysis was that this was not an area capable of production. We beg to differ and he would like Mr. Gasko to briefly address that issue.

Mr. Gasko stated that he just wanted to make a couple quick points on the nine acres that Mr. Roohr is saying is gravel. He has pictures showing, and he did speak to Mr. Roohr and maybe he did say six inches but on that particular field there certainly is not six inches of gravel and we never removed any of the top soil. He has pictures to show that they do use it in the early spring to support some of their different things that they dig B&B and dig holes and put it in there. They basically level that and they grow their mums. That field's main purpose, and almost only purpose, they do park some cars on the one end of it in the spring for probably a three week period, but the rest of the year its main purpose is for growing. The gravel was put down basically to keep the pots for the mums, they grow a lot of mums there clean because just putting them on virgin soil, as much as they water, they would always be muddy, that is why they had to put gravel down. There certainly is not six inches on that field. He has pictures to show that they drill holes and that they do use it (he passed the pictures around to the Committee). He stated that you can see that there aren't six inches on that field. Mr. Germano asked how much gravel is there. Mr. Gasko stated honestly, two inches maybe and in spots probably less. When you think about it, it would cost him a fortune to put six acres of gravel on a nine acre field so it's pretty much impossible to put six inches.

Mr. Gasko stated that if you take half of the field, they meet the criteria so that was one thing. Another thing, this farm generates a lot of revenue for the state as far as sales tax and everything and he thinks it is a farm that should be preserved and kept in the system. He stated it was a produce farm when he was a kid, that is what they grew and he got into the greenhouse business to grow better plants for the field, so this was a truck farm. They changed it in order to survive. He thinks now he is being penalized for changing it and making it a productive farm. It is a 70 acre parcel of land and it probably produces more agricultural products than probably any other 70 acre parcel in the state. He doesn't think he should be penalized for that. Chairman Fisher asked if Mr. Gasko believes you can till it and grow crops on the 9 acres. Mr. Gasko stated there is no question about it; they never removed any of the soil underneath it. Ms. Reade asked about the pictures. She stated that it looks like he has boxwoods and there are holes. He stated that they showed the holes where the boxwoods would go in and now if you were to go and look it would look like the picture with the mums, so they leveled it back out and the mums are sitting on top of the ground. Ms. Reade asked how long are the boxwoods in there? Mr. Gasko responded about probably from about mid-March to mid-June. They use that area like a holding area you would say for the nursery. Ms. Reade asked if they apply fertilizer. Mr. Gasko stated that they really don't have to because they are only there a couple of months

so when they have stuff left from there they put them in pots and then fertilize for fall so they have it. He stated that was really his main thing, and also he is a big supporter of this program and he just purchased two farms, totaling about 300 acres in the last three years in the program. He feels that they support the program and they do what they had to, to survive and then he is being penalized over two acres, which on a 70 acre piece of land doesn't make any sense to him. He could find the two acres anywhere. He stated that the nine acres of land - if he wanted to he could turn it into a field he could do that tomorrow, it is not a big deal. It generates a lot more income for them by growing mums on top of the travel than it would by putting corn in there. Ms. Reade stated that it looks like he has a pretty clean looking operation, she assumes that he works pretty closely with the NRCS. Mr. Gasko responded that he doesn't work with the NRCS at all. He stated that he is a fourth-generation farmer on this piece of land.

Chairman Fisher asked Mr. Roohr what makes the 9 acre field not meet the criteria? Mr. Roohr said it was the gravel. He stated that it was staff's understanding that there were six inches of gravel or millings, or something on that field, and how you would make that easily usable for supported agricultural/horticultural is what we don't know. Chairman Fisher asked if staff was aware of all these things that were being grown? Mr. Roohr stated he was not aware that there was anything grown in the ground, he thought it was all on top of the ground. Ms. Payne stated there is nothing being grown in the ground...Mr. Gasko stated that to a certain extent it is, it's being supported...the definition of growing is you have it there for a day and you are watering and taking care of it that is considered growing. It is supporting it for a three month period. He stated that you dig the hole so it stands up for one and plus you get more water in the hole for the B&B because B&B aboveground is virtually impossible to keep watered.

Mr. Siegel stated that on the 9.4 acres of gravel there is nothing growing in the dirt so essentially Mr. Roohr's representations are accurate. Whether you are pitting the gravel or keeping the gravel plain, the plants that are growing there are not growing in the soil, they are growing in pots that are sitting on the gravel. Mr. Gasko stated the mums are but he begs to differ with Mr. Siegel because he thinks the nursery stock being there for three months is a form of growing. It does let roots out and when they pull it out of there to pot it up it does have roots. Mr. Siegel asked how many years has this gravel been in place. Mr. Gasko stated that field has probably been used for mums for an eight to ten year range. Mr. Siegel stated that there may not be soil under there anymore.

Mr. Waltman stated that regarding Mr. Sposaro's earlier comment, he feels that the man on the street looking at this looks at the concrete building and says that is not a farm. He stated that he won't quibble about some of the language in the body of our policies and so forth looks a little inconsistent perhaps and that is why we need to get on with the project of clarifying what we think is disturbing the soil to the extent that it is not appropriate and consistent so we need to finish that project soon. He stated that he cannot get over Mr. Roohr's pictures and he cannot bring himself to see that this is the kind of ground that we

should be spending limited resources to preserve. He stated that he also looks at this and wonders to what degree Mr. Gasko would be willing to.....he looks at this and sees say 25 or so acres that aren't impacting or aren't disturbed. If you took a big chunk of this stuff, he counts up 36.1 acres, that is either under gravel or concrete or asphalt, and maybe this would be completely unprecedented, but personally, assuming it is consistent with the other rules we have, if you took a 36.1 acre exception on this farm, he would be comfortable with that. It would be a radical approach perhaps but he doesn't see those photos and then see a farm and he doesn't think the people of this state would see a farm. Mr. Waltman stated that you could walk out this door and find 70 acres in down-town Trenton covered with asphalt that could do as good a job probably in growing mums as what Mr. Gasko is doing quite well on this property. The question to him is should we expend limited resources to preserve these areas, not whether it is an appropriate activity for the state of New Jersey.

Ms. Payne stated that Mr. Sposaro raised three issues – 1) the logic of the rules. She felt the rules are deliberate in making a distinction between our definition of tillable, which maybe we could have used a different word besides tillable, but we were trying to convey the land that is supporting agricultural production and we mirrored the cropland harvested definition under farmland assessment to create consistency there but with the recognition that you could have a property that is entirely buildings that is considered farmland assessed and we deliberately created another provision in the rules that said that we are not just looking at just this farmer, we want to preserve properties that have at least 25 acres of ground that you can plant agricultural crops in so that when this property owner sells, the next person who isn't in greenhouses, has a soil base to work with. That has been the basis of the program from the beginning. She doesn't feel that it is illogical the language that we picked, may its inarticulate, but the logic was deliberate.

With respect to the allegation that other farms weren't treated as this one, she felt that was incorrect and she would be very open to hear what application that Mr. Sposaro was referring to. The SADC has never counted land under glass greenhouses with concrete floors as lands capable of supporting agricultural production.

With respect to Mr. Sposaro's questions regarding earlier analysis, she pointed out that this is a green light approval and yet Mr. Roohr is handling the agenda item. This started as an acquisition question with Ms. Winzinger and the acquisition staff, as it always does, and they make the determination based on the rules of whether or not it is tillable so that first analysis that was done determined, yes, it met the tillable test. She then asked Mr. Roohr to review it and the rules requirements, and we determined that the second test hasn't been analyzed by staff yet, and that once done, we determined the property does not have sufficient soils capable of supporting agricultural production. So it is not an inconsistent treatment by staff it is a more complete treatment by staff and that is why she engaged Mr. Roohr because he is more on the front end of all of our research on what is

capable of supporting agriculture and what is not. She totally rejects any suggestion that the staff has been anything but objective and thorough on this.

Ms. Payne stated that staff hasn't said to Mr. Gasko you're not eligible for green light approval and then stopped it, we are saying we don't know what is under the gravel, we don't know how deep it is, so we've asked that an assessment be done of the condition of these soils by the agency in the United States that is in charge of doing those kinds of assessments, which is the USDA, NRCS, to get their advice of what would be required to bring the property into clearer compliance. She doesn't understand how that can be an unreasonable request. She is completely supportive of nursery operations, we have them all over the state and in the program, but we do have to have an eye for not having a piece of property that can support only one kind of agriculture forever, that is the issue being raised. Ms. Payne stated that the USDA, NRCS is the ultimate authority on farms and soils conservation issues related to agricultural use. That is the agency we work with. Under the deed of easement landowners are required to get a farm conservation plan complying with the NRCS and to be consistent with it. If you were to come into the program you would need to engage with the NRCS in any case so to her, requiring/suggesting that we engage with them to find out what is what, can this be brought into compliance, to get on the same page with respect to soil quality on the site would be the most logical thing to do.

Mr. Siegel stated that firstly to the staff, he understands there is a subcommittee but he thinks all the board members need to have more of a discussion, possibly not in the context of a meeting, on 2:76-6.20 and how that actually functions, what our regulations are on this fifty percent/twenty-five percent issue. He stated that he is the representative of the Treasurer and frequently he finds himself in the position of reminding people that this is not a farm preservation program, the word is not farm preservation, it is farm land preservation. The financing that comes through treasury and the treasurer's goals, as best as he can understand them, are to maintain the value of what the taxpayers are paying for. He stated that Mr. Gasko has talked about being penalized in terms of how this is being interpreted. There is no penalty, you are applying to a program so that the Treasurer writes you a check, probably for more than a million dollars. That is the bar that is being tested here, this isn't a matter of penalty it is a matter of asking the taxpayers to pay an amount of money to take development rights on a property so that when it's done you'll still own it. The issues involving fairness and farmland assessment are a little different in his opinion than the standards we're dealing with here.

Mr. Sposaro stated that they are asking the Committee to give them its position as to whether or not it agrees with staff's recommendation and if it doesn't then give the landowner some clear direction on what he needs to do to comply. He doesn't think it makes sense to just dump it on to NRCS because ultimately it is going to come back to staff and here. He doesn't know if the NRCS is going to look at this and they are going to scratch their head and say if you got holes that are bored in the two or six inches,

whatever it is, they may not be able to express an opinion. Chairman Fisher stated that the Committee is capable of taking action if that is what Mr. Gasko is looking for he just wants to make sure he wants the Committee to do that based on what it knows today to take that action or if he would like to think about it. Mr. Roohr stated that the resolution before the Committee restates the staff position on why we don't think it qualifies for green light approval and if the Committee approves it, it says that the Committee concurs with the staff evaluation that is all it says. Mr. Sposaro stated that they are asking that the Committee not adopt the resolution and disagree with staff recommendation.

Mr. Germano stated that he would like to make a motion to accept the draft resolution as written.

It was moved by Mr. Germano and seconded by Mr. Waltman to approve Resolution FY2012R6(7) concurring with SADC staff's analysis that the William Gasko Jr. and Peter Gasko Farm, known as Block 23, Lot 4.01, Monroe Township, Middlesex County, comprising 71.66 acres, does not meet the minimum eligibility for Preliminary Approval as set forth in NJAC 2:76-6.20(2ii) for the reasons outlined in said Resolution and as discussed. The motion was unanimously approved. (A copy of Resolution FY2012R6(7) is attached to and is a part of these minutes.)

Mr. Sposaro asked if they could get some feed-back from staff regarding what they need to do in order to get a positive recommendation here. He doesn't want to be put in a position to go to the NRCS, we don't know what they are going to ask them to do and then they go to staff and staff and staff may not be sure on what they can do in this area. Is it sufficient if they drill holes and put the plant material that is not balled and berlapped in the ground for a period here, does that satisfy the Committee. Do they need to the gravel, what do they need to do.

Chairman Fisher stated that nobody can guarantee whether this is going to be in the program but staff already offered some recommendations of things you may want to look at that would allow the Committee to possibly act favorably. Ms. Payne stated that staff offered to participate in the conversation and to sit down with the NRCS and be at the table. The SADC's intention is not to just send you off to the NRCS and then come back blind. The recommendation from the beginning is that we engage together in a conversation with the NRCS and do some more fact-finding and understand what the possibilities may be. She didn't think you could ask the Committee for any more specificity than that. Mr. Siegel reminded Mr. Gasko about Mr. Waltman's earlier suggestion relating to carving out the areas in question.

D. Agricultural Mediation Program
1. Certification of New Mediators

Mr. Kimmel referred the Committee to Resolution FY2012R6(8) for a request to certify two new mediators, David Lu, Esquire and Gaetano M. DeSapio, Esquire in the Agricultural Mediation Program. He reviewed the specifics of the request with the Committee and stated that staff recommendation is to certify both Mr. Lu and Mr. DeSapio into the Agricultural Mediation Program mediators.

It was moved by Mr. Requa and seconded by Mr. Waltman to approve Resolution FY2012R6(8) certifying David Lu, Esquire and Gaetano M. DeSapio, Esquire, as agricultural mediators, as presented and discussed, and subject to any conditions of said resolution. The motion was unanimously approved. (A copy of Resolution FY2012R6(8) is attached to and is a part of these minutes.)

E. SADC Approved Appraiser List (Recertification/Additions/Deletions)

Mr. Burns referred the Committee to Resolution FY2012R6(9), including Schedule "A" and "B", listing those appraisers who attended the annual appraisal conference held in June and who are being recertified (Schedule "A"). The resolution also reflects those appraisers who did not attend the appraisal conference for two years and are being removed for that reason (Schedule "B"). He stated that Schedule "C" reflects appraisers requesting inclusion on the Approved Appraiser List. He stated that there are three (3) new appraisers requesting inclusion on the Approved Appraiser List. He stated that staff recommendation is to approve Resolution FY2012R6(9) to reflect the recertifications, deletions and new inclusions to the Approved Appraiser List as presented and discussed.

It was moved by Ms. Reade and seconded by Mr. Requa to approve Resolution FY2012R6(9) recertifying the list of appraisers as presented and discussed to the Approved Appraiser List (Schedule "A") and deleting those appraisers on the Deleted Appraiser List (Schedule "B"), and approving the new appraisers to the Approved Appraiser List (Schedule "C"), as presented and discussed and subject to any conditions of said resolution. The motion was unanimously approved. (A copy of Resolution FY2012R6(9) is attached to and is a part of these minutes.)

PUBLIC COMMENT

None

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, July 26, 2012, beginning at 9:00 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 12:18 p.m. Ms. Reade moved the following resolution to go into Closed Session. The motion was seconded by Mr. Requa 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

It was moved by Mr. Siegel and seconded by Ms. Reade to certify the development easement values and the Fee Simple values (where applicable) for the following landowners, as presented and discussed in closed session:

Municipal Planning Incentive Grant Program

1. Benny A. Sorbello Family LLC, SADC # 08-148-PG
Block 49, Lot 2; Block 50, Lot 2, Woolwich Township, Gloucester County, 80.53 Acres
2. Tracie Vandergracht, SADC #08-149-PG
Block 55, Lot 3, Woolwich Township, Gloucester County, 18.8 Acres
3. Dale & Diane Makatura/Sandra Search (Maplewood Farm), SADC #10-0322-PG
Block 7, Lot 6, Kingwood Township, Hunterdon County
4. Jean and Jesse Pariso, SADC #18-0202-PG
Block 14001, Lot 27, Montgomery Township, Somerset County, 12 Acres

County Planning Incentive Grant Program

1. Frank Burke, III (FLB Farm), SADC #01-0003-PG
Block 903, Lots 4, 5, 6, Mullica Township, Atlantic County, 58 Acres
2. Paul and Shirley Leonardo, SADC # 01-0002-PG
Block 121, Lot 8, Buena Boro, Atlantic County, 19 Acres

3. David, Thomas & Joseph Monfardini, SADC #01-0001-PG
Block 105, Lot 6.02, Buena Boro, Atlantic County, 10 Acres
4. Jesse Voight, SADC # 12-0017-PG
Block 22, Lot 17.0111, South Brunswick Township, Middlesex County, 36 Acres

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

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

4. Bezr Homes/NAR Farms (Bezr Homes LLC (Zeck)), SADC #08-0132-PG
Block 1102, Lots 1, 2.01, 2.05, 3, 3.02, 5, 7, East Greenwich Twp., Gloucester Co., 114 Acres

The motion was approved. (Mr. Siegel abstained from the vote, Mr. Germano was absent for the vote.) (A copy of the Certification of Value Report is attached to and is a part of the closed session minutes.)

B. Attorney/Client Matters

Litigation

- a. All Monmouth Landscaping, Manalapan Township, Monmouth County

Note: Renzi Court Reporting Services were provided for this agenda item.

Mr. Stypinski stated that this is a settlement offer so he doesn't think it needs to be recorded. He stated that he wasn't sure if the court reporter should be taking notes on the settlement offer because the settlement offer itself would not be admissible in court so it shouldn't be part of the transcript of the proceedings. Ms. Payne asked if the Committee authorize changes to the settlement agreement. Mr. Stypinski stated that that settlement agreement was never executed by All Monmouth. He stated that this is really an offer and they can reject that offer and if they reject this offer then we would go to trial.

Chairman Fisher stated that since this is the last matter of business that the Committee thought it might discuss, we are not going to discuss it. We will close the meeting and then will talk to the client as to what was determined as a result of closed session. Chairman Fisher called for a motion to adjourn the meeting.

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 1:22 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Susan E. Payne". The signature is written in a cursive style with some loops and flourishes.

Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

S:\minutes\2012\REG June 28 2012.docx

STATE AGRICULTURE DEVELOPMENT COMMITTEE

EXTENSION OF

RESOLUTION #FY2012R6(1)

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

**MORRIS COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT**

**On the Property of
Robert W. Smith
Washington Township, Morris County**

**N.J.A.C 2:76-17 et seq.
SADC ID# 14-0096-PG**

June 28, 2012

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC granted conditional final approval on June 24, 2010 to provide a cost share grant to Morris County for the purchase of a development easement on the Property conditioned on the results of the condemnation action instituted by the Washington Township Municipal Utilities Authority (WTMUA) against the Smith Farm (Schedule A); and

WHEREAS, on July 28, 2011 the SADC amended its June 24, 2010 conditional final approval for the Smith Farm by establishing a one (1) year time limit during which the WTMUA would secure proper well drilling, water supply and other required permits and approvals from all necessary agencies including but not limited to the NJDEP and the NJ Highlands Council (Schedule B); and

WHEREAS, the July 28, 2011 amended final approval included a one (1) year time limit of the conditional final approval that could be extended for any time period determined to be reasonable by the Committee, upon the County's written request detailing sufficient reasons for the extension; and

WHEREAS, in addition the SADC reserved that upon expiration of the one (1) year time period (July 28, 2012), or any approved extension thereof, the SADC reserves the right, in the SADC's sole discretion, to rescind its conditional final approval for the Smith Farm due to the existence of still unresolved issues regarding the public water supply well and its impact on the value of the Smith Farm easement and future agricultural use of the property; and

WHEREAS, Morris County has submitted a letter requesting a six month extension (Schedule C) based on significant progress in obtaining all necessary permits and approvals outlined in a letter from the WTMUA dated May 9, 2012 (Schedule D)

NOW THEREFORE BE IT RESOLVED, the SADC finds that the County has made significant progress in addressing all outstanding issues and have provided supporting documentation highlighting sufficient reasons to warrant an extension of six months until January 28, 2013; and

BE IT FUTURE RESOLVED, that upon receipt of information supporting the determinations set forth above, the SADC reserves complete authority to reassess the validity of the appraisals, in both the "before" and "after" valuations, upon which the SADC relied upon to certify the easement value, and if determined necessary by the SADC, require updated appraisals be submitted to reflect the conditions then known as a result of the permits/approvals obtained; and

BE IT FURTHER RESOLVED, that the SADC will continue to encumber the \$646, 823.52 in State funding allocated to its share of the cost of the development rights to the Smith Farm and will exclude the Smith Farm encumbrance from any and all calculations regarding future funding eligibility of Morris County pursuant to N.J.A.C. 2:76-17.8; and

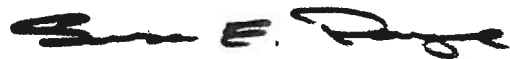
BE IT FURTHER RESOLVED, should the well-related issues be resolved and the SADC determines the closing can proceed, if the County requires additional funds for the Property due to an increase in the final surveyed acreage, the County may utilize unencumbered and available base grant funds to supplement the shortfall; however, no additional SADC competitive grant funds above the \$646,823.52 are available for this Property; and

BE IT FURTHER RESOLVED, that the provisions of the SADC's June 24, 2010 conditional approval and the SADC's July 28, 2011 amended and conditional final approval, to the extent not inconsistent herewith, remain in full force and effect as though set forth herein at length; and

BE IT FURTHER RESOLVED, that this Extension of Amended Final Review and Conditional Approval is subject to the Governor's review pursuant to N.J.S.A. 4:1C-4f.

6/28/12

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

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STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY10R6(12)

FINAL REVIEW AND CONDITIONAL APPROVAL OF A PLANNING INCENTIVE
GRANT TO

MORRIS COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Robert W. Smith
Washington Township, Morris County

N.J.A.C 2:76-17 et seq.
SADC ID# 14-0096-PG

June 24, 2010

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Morris 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 Morris County's 2010 PIG application on May 28, 2009; and

WHEREAS, on June 30, 2009 the SADC received an application for the sale of a development easement from Morris County for the Smith Farm, hereinafter referred to as "Owner", identified as Block 12 Lot 4, Washington Township, Morris County, totaling approximately 100.8 acres hereinafter referred to as "Property" and as identified on the attached map (Schedule A); and

WHEREAS, the Property is a targeted farm located in Morris County's Agriculture Development Area (ADA) West Project Area and is within the Highlands Preservation Area; and

WHEREAS, the Property contains a 6.2+- acre conservation/drainage easement area servicing the neighboring school which the SADC may not provide a cost share towards due to its restriction on development and agricultural use; and

WHEREAS, the Washington Township Municipal Utilities Authority (WTMUA) filed a Notice of Intent dated August 19, 2009 with the SADC and the Morris County Agriculture Development Board (MCADB) regarding the proposed condemnation of a portion of the Smith Farm for purposes of placing a public water supply well on the Property; and

WHEREAS, while the Notice of Intent was filed with the MCADB and SADC as required by N.J.S.A. 4:1C-19a., the WTMUA instituted condemnation proceedings against the Smith Farm on or about January 2010 without first obtaining the review and findings of the MCADB and SADC pursuant to N.J.S.A. 4:1C-19b., and

WHEREAS, pursuant to N.J.S.A. 4:1C-19b., on May 10 2010 and June 10, 2010, the MCADB conducted its review of the Notice of Intent, conducted a public hearing, and issued a resolution concluding that the proposed condemnation will "cause unreasonably adverse effects upon: 1) preservation and enhancement of agriculture in the ADA; and 2) upon overall State agricultural preservation and development policies", and recommended that the eminent domain action against the Smith Farm be withdrawn by the WTMUA; and

WHEREAS, the SADC staff continues to review all information submitted by the WTMUA in order to determine whether the Notice of Intent is complete, with the most recent information having been submitted to the SADC by the WTMUA on June 8, 2010; and

WHEREAS, upon the SADC's determination that it has received a complete Notice of Intent, the SADC will have 30 days to issue findings regarding the effect of the proposed taking upon the preservation and enhancement of agriculture in the ADA, the municipally approved program, and upon overall State agricultural preservation and development policies; and

WHEREAS, since the return date of the order to show cause on the Smith Farm condemnation is scheduled for July 9, 2010, pursuant to NJSA 4:1C-19c., the Secretary of Agriculture has authorized the Office of the Attorney General to intervene in and to seek a postponement of those proceedings in order allow the SADC to issue its findings and conclusions related to this proposed taking of land in an ADA in accordance with N.J.S.A. 4:1C-19b., and

WHEREAS, to some extent, the preservation of the Smith Farm will be dependent upon a final judicial disposition of the proposed condemnation action which may, in turn, effect the final size and configuration of the Smith Farm; and

WHEREAS should the configuration of the Smith Farm change due to a successful taking by the WTMUA, the application would be reviewed, appraisal updates would be evaluated and this final conditional approval would be submitted to the SADC for amendments, as appropriate; and

WHEREAS, the Property includes a one (1) acre nonseverable exception area for a future single family home and zero (0) residences used for agricultural labor; and

WHEREAS, the Property includes a Garage/Barn, approximately 32'x130' and parking area for the storage and year round sale of antiques which will be noted and fully described as a pre-existing non-agricultural use in the Deed of Easement and final survey; and

WHEREAS, the Property has a rank score of 62.55 which exceeds the County's average quality score of 44, as determined by the SADC on July 24, 2008; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b), on September 23, 2009 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 25, 2010 the SADC certified a development easement value of \$14,200 per acre based on zoning and environmental regulations in place as of January 1, 2004 and \$2,800 per acre based on zoning and environmental regulations in place as of the date of valuation June 30, 2009; and

WHEREAS, Morris County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 103.824 acres will be utilized to calculate the grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner offered to sell the development easement to the County for \$14,350 per acre which is higher than the highest certified easement value, but not higher than the highest appraised value ; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Washington Township Committee approved the Owner's application for the sale of a development easement on August 24, 2009, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Morris County Agriculture Development Board approved the application on April 1, 2010 and secured a commitment of funding for approximately 57% of the easement purchase price from the Morris County Board of Chosen Freeholders for the required local match on April 26, 2010; and

WHEREAS, Morris County has requested the SADC approve and encumber a reduced cost share for the Smith farm in order to preserve competitive grant funds which may be available for future projects; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13(d) and 17.14, on May 3, 2010 the County established a prioritization of farms and submitted a request to the SADC to conduct a final review of the application for the sale of a development easement; 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. 2:76-17.8, and 17.14 Morris 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, to date the County has closed the Cobb/Headly Farm and the Estate of Hansel/Greenway Flowers Farm expending \$1,903,206.60 of their \$2,000,000 base grant and requested final approval for the Farrand #5, Farrand #6, Lare and McLaughlin Farms encumbering the remaining base grant and leaving \$2,335,038.94 potentially available in FY09 competitive funding (Schedule C); 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, 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 D); and

WHEREAS, Morris County is requesting to encumber \$646,823.52 from its available competitive funds for the purchase of development easements on the Smith Farm;

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, grants final conditional approval to provide a cost share grant to Morris County for the purchase of a development easement on the Property comprising approximately 103.824 acres, at a State cost share of \$6,230 per acre (approximately 43% of certified market value) for a total grant of approximately \$646,823.52 which is less than the SADC cost share pursuant to N.J.A.C. 2:76-6.11 at the request of Morris County; and

BE IT FURTHER RESOLVED, the SADC grants final approval based on the conditions contained in Schedule B and further conditioned upon the results of the condemnation action instituted against the Smith Farm by the WTMUA; and (4)

BE IT FURTHER RESOLVED, that the SADC reserves the right to reevaluate the Smith Farm application at the conclusion of the aforesaid condemnation action; and

BE IT FURTHER RESOLVED, that based on the priority ranking of applications competing for competitive grant funds pursuant to N.J.A.C. 2:76-17.14 (e), and as identified in Schedule D, the subject Property qualifies for competitive grant funds; and

BE IT FURTHER RESOLVED, should the County require additional funds for the Property due to an increase in the final surveyed acreage the County may utilize unencumbered and available base grant funds to supplement the shortfall, however no additional SADC competitive grant funds above the \$646,823.52 are available for this Property; and

BE IT FURTHER RESOLVED, that any unused funds encumbered from either the base or competitive grant at the time of final approval shall be returned to its respective sources (base or competitive grant fund) after closing on the easement purchase; and

BE IT FURTHER RESOLVED, that the SADC's expenditure of a cost share grant to the County for the purchase of a development easement on the Smith Farm shall be conditioned upon and 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, for residual dwelling site opportunities allocated pursuant to Policy P-19-A, and areas taken as a result of a final, nonappealable judgment or order entered in the aforesaid condemnation action; and

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

BE IT FURTHER RESOLVED, that final authorization to provide a cost share grant to the County for the purchase of a development easement on the Property is subject to the review and approval of the Attorney General's Office for compliance with the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq. and the Garden State Preservation Trust Act, N.J.S.A. 13:8C-1, et seq.

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-4f.

6/24/10

Date



Susan E. Craft, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	YES
Ralph Siegel (rep. State Treasurer Sidamon-Erstoff)	ABSTAINED
Richard Boornazian (rep. DEP Commissioner Martin)	YES
Donna Rendeiro (rep. DCA Commissioner Grifa)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James R. Waltman	YES
Denis C. Germano	ABSENT
Jane Brodhecker	YES
Torrey Reade	YES
Alan A. Danser	YES
Dr. Stephen P. Dey	YES

Wetlands

Application within the Highlands Preservation Area



x:\counties\morco\projects\smith\10fww.mxd

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

Robert Smith
Block 12 Lots P/O 4 (100.8 ac) & P/O 4-EN (non-severable exception - 1.0 ac)
Gross Total = 101.8 ac
Washington Twp., Morris 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 Owned Conservation Easement
	State Owned OIB & 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

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

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

B Worksheet

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Willow Pond Farm
14- 0096-PG
FY 2009 County PIG Program
101 Acres

Block 12	Lot 4	Washington Twp.	Morris County		
SOILS:		Other	20.3	*	0 = .00
		Prime	78.5	*	.15 = 11.33
		Statewide	4.2	*	.1 = .42
					SOIL SCORE: 11.75
TILLABLE SOILS:		Cropland Harvested	54.6	*	.15 = 8.19
		Permanent Pasture	8	*	.02 = .16
		Wetlands	27.4	*	0 = .00
		Woodlands	10	*	0 = .00
					TILLABLE SOILS SCORE: 8.35
FARM USE:		Corn-Cash Grain	40	acres	
		Hay	15	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:
 - storage of antiques for sale
 - year-round
 - b. Exceptions:
 - 1st one (1) acres 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)
 - Can not be further subdivided.
 - c. Additional Restrictions:
 1. can not be further subdivided
 - 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 #FY2012R7(33)

AMENDED FINAL REVIEW AND CONDITIONAL APPROVAL
OF A PLANNING INCENTIVE GRANT TO

MORRIS COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Robert W. Smith
Washington Township, Morris County

N.J.A.C 2:76-17 et seq.
SADC ID# 14-0096-PG

July 28, 2011

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") application from Morris County ("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 2010 PIG application on May 28, 2009; and

WHEREAS, on June 30, 2009 the SADC received an application for the sale of a development easement from Morris County on lands designated as Block 12, Lot 4, Washington Township, Morris County, totaling approximately 100.8 acres ("Smith Farm"), as identified on the attached map (Schedule A); and

WHEREAS, the Smith Farm is a targeted farm located in Morris County's Agricultural Development Area (ADA) West Project Area and is within the Highlands Preservation Area; and

WHEREAS, the Smith Farm contains a 6.2+- acre conservation/drainage easement area, servicing a neighboring elementary school, for which the SADC will not provide a cost share grant due to the easement's restrictions on development and agricultural use; and

WHEREAS, the Washington Township Municipal Utilities Authority (WTMUA) filed a Notice of Intent dated August 19, 2009 with the SADC and the Morris County Agriculture Development Board (MCADB) as required by N.J.S.A. 4:1C-19a, regarding the proposed condemnation of a portion of the Smith Farm for purposes of placing a public water supply well thereon; and

WHEREAS, while the Notice of Intent was filed with the MCADB and SADC as required by N.J.S.A. 4:1C-19a., the WTMUA instituted condemnation proceedings against the Smith Farm in or about January 2010 without first obtaining the review and findings of the MCADB and SADC pursuant to N.J.S.A. 4:1C-19b., and

WHEREAS, pursuant to N.J.S.A. 4:1C-19b., at meetings held on May 10 and June 10, 2010, the MCADB reviewed the Notice of Intent, conducted a public hearing, and issued a resolution concluding that the proposed condemnation will "cause unreasonably adverse effects upon: 1) preservation and enhancement of agriculture in the ADA; and 2) upon overall State agricultural preservation and development policies", and recommended that the eminent domain action against the Smith Farm be withdrawn by the WTMUA; and

WHEREAS, pursuant to N.J.S.A. 4:1C-19b., the SADC completed its review of the Notice of Intent, conducted a public hearing on August 23, 2010, and approved by motion on September 17, 2010 a Summary of Findings and Recommendations Report concluding that the proposed condemnation will cause unreasonably adverse effects upon Morris County's ADA and State agriculture preservation and development policies, and recommended that:

1. The WTMUA should be required to exhaust all other water supply options prior to consideration of a new well on the Smith farm;
2. The ADA review process should be included in all pertinent NJ Department of Environmental Protection (NJDEP) permit procedures;
3. All parties involved should expedite the process so as to not unduly interfere with the permanent preservation of the Smith Farm; and

WHEREAS, on October 1, 2010, Superior Court Judge B. Theodore Bozonelis ruled that the WTMUA could proceed with its condemnation of a 0.72 acre easement on the Smith Farm to accommodate the new well, well housing and piping and provide for a 50-foot minimum buffer around the well; and

WHEREAS, the SADC recognized that, should the final size and configuration of the Smith Farm change due to a successful eminent domain taking by the WTMUA, the application would be reviewed, appraisal updates would be evaluated and this final conditional approval would be submitted to the SADC for amendments, as appropriate; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC granted conditional final approval on June 24, 2010 to provide a cost share grant to Morris County for the purchase of a development easement on the Property comprising approximately 103.824 acres, at a State cost share of \$6,230 per acre (approximately 43% of certified market value) for a total grant of approximately \$646,823.52 which is less than the SADC cost share pursuant to N.J.A.C. 2:76-

6.11 at the request of Morris County: and

WHEREAS, the SADC's issuance of conditional final approval was based on the conditions contained in Schedule B and upon the results of the condemnation action instituted by the WTMUA against the Smith Farm; and

WHEREAS, the SADC reserved the right to reevaluate the Smith Farm application at the conclusion of the aforesaid condemnation action; and

WHEREAS, the SADC gathered additional information from the NJDEP, the WTMUA and Morris County staff on the potential impact of the proposed community well on the ability of current and future landowners to use the preserved farmland for a full range of agricultural activities and concluded that:

1. The ultimate size of the required buffer around the well is not yet known;
2. The potential limitations on agricultural activity, including the ability of a future farm operator to obtain an agricultural water use permit, are also unclear;
3. Depending on the ultimate impact of the public water supply well on the Smith Farm, the appraised easement value certified by the SADC pursuant to N.J.A.C. 2:76-17.11 on March 25, 2010 could be negatively impacted;
4. Preservation of the Smith Farm at this time could necessitate the WTMUA's condemnation of additional buffer area which in turn would require the SADC and the MCADB to proceed with the time consuming process of releasing an easement pursuant to N.J.S.A 4:1C-25, including an assessment of immediately apparent feasible alternatives and the Governor's declaration that the action is necessary for public health, safety and welfare; and

WHEREAS, the SADC evaluated various options regarding the timing of the closing on the development rights to the Smith Farm in relation to the approval of the community well on the Property at its June 23, 2010 meeting.

NOW THEREFORE BE IT RESOLVED, that the SADC, pursuant to N.J.A.C. 2:76-17.14, amends its June 24, 2010 conditional final approval of a planning incentive grant for the Smith Farm by establishing a one (1) year time limit during which the WTMUA shall apply for and secure proper well drilling, water supply and other required permits and approvals from all necessary agencies including but not limited to the NJDEP and the NJ Highlands Council; and

BE IT FURTHER RESOLVED, as a result of securing all necessary permits and approvals the final extent, configuration and nature of the buffer necessitated by the well will be determined and its impact on the ability of current and future landowners to use the Smith Farm for a full range



of agricultural activities, including the ability to secure agricultural water use permits, will be established to the satisfaction of the Committee: and

BE IT FUTURE RESOLVED, that upon receipt of information supporting the determinations set forth above, the SADC reserves complete authority to reassess the validity of the appraisals, in both the "before" and "after" valuations, upon which the SADC relied upon to certify the easement value, and if determined necessary by the SADC, require updated appraisals be submitted to reflect the conditions then known as a result of the permits/approvals obtained:

BE IT FURTHER RESOLVED, that should updated appraisals be necessary the SADC will review the new appraisals and certify a new easement value pursuant to N.J.A.C. 2:76-17.10-17.11: and

BE IT FURTHER RESOLVED, that the SADC will continue to encumber the \$646,823.52 in State funding allocated to its share of the cost of the development rights to the Smith Farm and will exclude the Smith Farm encumbrance from any and all calculations regarding future funding eligibility of Morris County pursuant to N.J.A.C. 2:76-17.8: and

BE IT FURTHER RESOLVED, that the WTMUA is encouraged to expedite the permit process and associated well tests in order to minimize the delay to the closing on the development rights to the Smith Farm: and

BE IT FURTHER RESOLVED that the one (1) year time limit of the conditional final approval of the planning incentive grant for the Smith Farm may be further extended for any time period determined to be reasonable by the Committee, upon the County's written request detailing sufficient reasons for the extension: and

BE IT FURTHER RESOLVED, that upon expiration of the one (1) year time period, or any approved extension thereof, the SADC reserves the right, in the SADC's sole discretion, to rescind its conditional final approval for the Smith Farm due to the existence of still unresolved issues regarding the public water supply well and its impact on the value of the Smith Farm easement and future agricultural use of the property: and

BE IT FURTHER RESOLVED, should the well-related issues be resolved and the SADC determines the closing can proceed, if the County requires additional funds for the Property due to an increase in the final surveyed acreage, the County may utilize unencumbered and available base grant funds to supplement the shortfall: however, no additional SADC competitive grant funds above the \$646,823.52 are available for this Property: and

BE IT FURTHER RESOLVED, that any unused funds encumbered from either the County's base or competitive grant at the time of final approval shall be returned to its respective sources (base or competitive grant fund) after closing on the easement purchase: and

BE IT FURTHER RESOLVED, that the SADC's expenditure of a cost share grant to the County for the purchase of a development easement on the Smith Farm shall be conditioned upon and 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, for residual dwelling site opportunities allocated pursuant to Policy P-19-A, and areas taken as a result of a final, nonappealable judgment or order entered in the aforesaid condemnation action; 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 final authorization to provide a cost share grant to the County for the purchase of a development easement on the Smith Farm is subject to the review and approval of the Attorney General's Office for compliance with the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11, et seq. and the Garden State Preservation Trust Act, N.J.S.A. 13:8C-1, et seq.; and

BE IT FURTHER RESOLVED that the provisions of the SADC's June 24, 2010 conditional approval, to the extent not inconsistent herewith, remain in full force and effect as though set forth herein at length; and

BE IT FURTHER RESOLVED, that this Amended Final Review and Conditional Approval is subject to the Governor's review pursuant to N.J.S.A. 4:1C-4f.

7/28/11
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS

- | | |
|---|--------|
| Douglas H. Fisher, Chairperson | YES |
| Richard Boormazian (rep. DEP Commissioner Martin) | ABSENT |
| James Requa (rep. DCA Commissioner Grifa) | YES |
| Ralph Siegel (rep. State Treasurer Sidamon-Erstoff) | YES |
| Brian Schilling (rep. Executive Dean Goodman) | YES |
| Jane R. Brodhecker | YES |
| Alan A. Danser | YES |
| James Waltman | ABSENT |
| Denis C. Germano | ABSENT |
| Torrey Reade | YES |

Wetlands

Schedule A
Schedule B

Application within the Highlands Preservation Area

x:\counties\morco\projects\smith10\www.mxd



FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Robert Smith
Block 12 Lots P/O 4 (100.8 ac) & P/O 4-EN (non-severable exception - 1.0 ac)
Gross Total = 101.8 ac
Washington Twp., Morris County



Property in Question	
	EW - (Non-Governable) Exception
	ES - (Severable) Exception
Wetlands Boundaries	
	300' Buffer Wetlands
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned OES & 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
NJDOT/GIS 2007/2008 DigitalAerial Image

July 29, 2009

Schedule C

Sch 15

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

FY 2009 SARC Funding
 3,000,000

Farm	Municipality	Pres. Acres	Pres. Per Acre	SARC		Ineligible & Approved Per Acre	SARC Grant Per Acre	SADC		Encumbered at Final	Base Grant		Encumbered at Final	Competitive Grant		Cap Total	Exp. Encumbered	Balance	Payable subject to availability & approval	
				Countied	Per Acre			Cost Share	Expend		Balance	Expend		Balance						
Cobb, Wrentham, C.	Denville	21,630	21,170	53,500.00	54,000.00	31,925.00	31,925.00	690,537.75	670,435.00	46,739.35	634,093.35	1,365,905.65	3,000,000.00	13,031.63	3,000,000.00	2,579,334.28	646,823.52	1,413,812.20		
Estate of Jack H. Jansell	Washington	26,780	24,810	104,300.00	35,000.00	52,750.00	52,750.00	1,268,112.25	1,268,112.25	96,793.40	96,793.40	0.00	2,986,968.37	88,968.91	2,986,968.37					
Jordan Farm LP #5	Washington	26,235	26,250	11,500.00	11,500.00	0.00	0.00	109,825.00	96,793.10	88,968.91	88,968.91	0.00	2,888,001.46	391,960.45	2,888,001.46					
Land #5, Daniel	Washington	15,516	14,820	10,000.00	19,450.00	6,216.68	6,216.68	88,968.91	88,968.91	88,968.91	88,968.91	0.00	2,506,041.01	101,002.01	2,506,041.01					
Land, William	Washington	27,203	27,203	19,900.00	19,950.00	6,230.00	6,230.00	391,960.45	391,960.45	391,960.45	391,960.45	0.00	2,405,039.00	237,399.36	2,405,039.00					
McLaughlin, William & Helen	Washington	16,212	16,740	20,500.00	20,800.00	6,430.01	6,430.01	101,002.01	101,002.01	101,002.01	101,002.01	0.00	2,117,923.37	111,272.82	2,117,923.37					
Richard, Allen & Denise	Washington	30,026	37,330	11,000.00	12,050.00	6,442.82	6,442.82	231,100.86	231,100.86	231,100.86	231,100.86	0.00	2,060,663.72	1,413,812.20	2,060,663.72					
Roby, Edward	Washington	16,510	17,850	21,000.00	21,000.00	6,195.68	6,195.68	111,272.82	111,272.82	111,272.82	111,272.82	0.00	1,413,812.20		1,413,812.20					
Sand, Richard	Washington	14,136	11,200	11,200.00	11,200.00	6,730.00	6,730.00	616,823.52	616,823.52	616,823.52	616,823.52	0.00	3,000,000.00		3,000,000.00					
Truce, Avalon Capital Approval	Washington	15,000	15,000	15,000.00	15,000.00															
Washington, E. & S. Exchange	Washington	3,693	3,693																	
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Washington, Exchange	Washington	3,693																		

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Willow Pond Farm
14-0096-96
FY 2009 County FIE Program
101 Acres

Section II	DATA	Washington Twp.	Marble County	
SOILS:	Other	21.37	0	100
	Prime	78.57	0	100
	Statewide	4.07	0	100
				SOIL SCORE: 11.75
TILLABLE SOILS:	Cropland Harvested	58.00	0	100
	Permanent Pasture	0.00	0	100
	Wetlands	27.40	0	100
	Woodlands	10.00	0	100
				TILLABLE SOILS SCORE: 8.25
FARM USE:	Direct-lact Dairy		46 acres	
	Hay		11 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 1 Residential Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
4. Other:
 - a. Pre-existing Nonagricultural Use:
 - Storage of antiques for sale year-round
 - b. Exceptions:
 - Not one (1) acre 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
 - Can not be further subdivided.
 - c. Additional Restrictions:
 - Can not be further subdivided
 - d. Additional Conditions for Additional Conditions:
 - Dwelling Unit on Premises: No Dwelling Unit
 - Additional Land Housing Unit on Premises: No Additional Housing
5. The SADC grants for the amount of the development easement... (text is faint and partially illegible)
6. Review and approval by the SADC... (text is faint and partially illegible)



Checkle C

MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD

P.O. Box 900 Morristown, NJ 07963-0900
(973) 829-8120 • FAX (973) 326-9025 • WEBSITE: www.morrispreservation.com

Office located at: 30 Schuyler Place, Morristown, NJ

June 15, 2012

Ms. Susan Payne, Executive Director
State Agriculture Development Committee
CN-330
Trenton, NJ 08625-0330

Re: **Robert Smith Farm, Washington Township**

Dear Ms. Payne:

On July 28, 2012, the SADC adopted Resolution #FY2012R7(33), Amended Final Review and Conditional Approval (copy enclosed), for the preservation of the Robert W. Smith Farm in Washington Township, Morris County. The resolution established a one-year time limit during which the WTMUA shall apply for and secure proper well drilling, water supply and other required permits and approvals from all necessary agencies including but not limited to the NJDEP and the NJ Highlands Council. The established time limit will expire on July 28, 2012.

In a letter dated May 9, 2012 (copy enclosed), Mr. James Gregory provided the status of the permitting process. Mr. Gregory stated that the WTMUA obtained the following permits from NJDEP Bureau of Water Systems and Well Permitting: (1) a new permit for the proposed public well, and (2) permits for three observation wells.

In light of the impending expiration of the one-year time limit set by the SADC, the Morris CADB hereby requests the SADC to grant a six-month extension for the WTMUA to secure all necessary permits and approvals.

If you have any questions, please contact me.

Sincerely,

K. Coyle
Katherine Coyle, Director

Enclosures

Cc: Robert Smith (w/o enclosures)
Joseph Grather, Esq. (w/o enclosures)
W. Randall Bush, Esq. (w/o enclosures)
James Gregory, Esq. (w/o enclosures)

OFFICERS: Gregory Keller, *Chairman* • Kenneth Wightman, *Vice Chairman* • Aimee Ashley Myers, *Secretary*

MEMBERS: Dale Davis III • Louise Davis • Rick Desiderio • Harvey Ort, Jr.

STAFF: Katherine Coyle, *Director*

GREGORY & REED, L.L.C.

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Fax: (973) 898-1403
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Tara Ann St. Angelo +
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Benjamin H. Zilbergeld +
bzilbergeld@gregoryreedlaw.com

* Also Member DC Bar
+ Also Member of NY Bar

May 9, 2012

Via E-mail and Regular Mail

Ms. Susan E. Payne, Executive Director
State Agriculture Development Committee
Health/Agriculture Building
369 South Warren Street
P.O. Box 330
Trenton, New Jersey 08625-0330

**Re: Washington Township Municipal Utilities Authority (WTMUA)
Block 12, Lot 4 (Smith), Washington Township, Morris County, NJ
SADC ID#14-0096-PG**

Dear Ms. Payne:

As you know, I represent the WTMUA. I am writing to update the SADC on the progress that has been made to secure all necessary permits and approvals for the WTMUA's proposed new public water supply well on the Smith Farm.

The SADC's July 28, 2011 Resolution established a one (1) year time limit during which the WTMUA would apply for and secure well drilling and other required permits and approvals for the public water supply well and provided for reasonable and necessary extensions.

The WTMUA has taken the following steps in pursuit of the necessary permits:

- Retained Joseph Fisher, Geosciences Inc., to locate 3 observation wells to confirm safe pumping rates for the new public well.
- Retained land surveyor to amend observation well locations to locate all wells within the easement area and not on the Smith farm.
- Entered into a Right of Entry Agreement with Mr. Smith for access to drill the three observation wells and perform the seventy-two (72) hour pump test.

Gregory & Reed, L.L.C.

Ms. Susan E. Payne

May 9, 2012

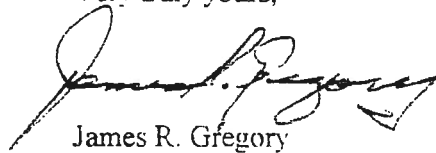
Page 2

- Obtained a new permit for the proposed public well from NJDEP Bureau of Water Systems and Well Permitting listing Mr Smith as the owner, but signed by the WTMUA as the easement holder.
- Obtained permits from DEP Bureau of Water Systems and Well Permitting for the three observation wells.
- Notified residents by mail in the vicinity of the test well that the Authority would like to monitor their domestic wells when the seventy-two (72) hour pump test is conducted.
- Communicated with residents and obtained permission to test domestic wells to ensure safe operation of the proposed new public well.
- Entered into contract with well driller to drill observation wells and conduct testing on domestic wells.
- Installed the three observation wells between March 19, 2012 and March 26, 2012.
- Obtained well records for several of the residential wells to determine depth of the well so equipment for the monitors can be obtained and installed.

The seventy-two hour pump test is likely to be completed within the next three weeks. The results of the test will be immediately submitted to the DEP. Upon receipt and review of the test results we are confident that the DEP will confirm the 50 foot buffer area and establish safe pumping rates for the new public well.

I hope this information is helpful to the Board. We appreciate your attention to this matter.

Very truly yours,



James R. Gregory

JRG:tas

cc: Walter Cullen, Chairman, WTMUA (via email)
All Members of WTMUA Board (via email)
Michael Pucilowski, P.E., Executive Director, WTMUA (via email)
Kenneth Short, Mayor, Washington Township (via email)
Timothy Brill, SADC (via email)
Randal Bush, Esq., MCADB (via email)
Katherine Coyle, MCADB (via email)
Joseph J. Grather, Esq., attorney for Robert Smith (via email)
Honorable Anthony R. Bucco (via email)
Honorable Anthony M. Bucco (via email)
Honorable Michael Patrick Carroll (via email)

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2012R6(2)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

GLOUCESTER COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Santo J. Maccherone Farm ("Owner")
South Harrison Township, Gloucester County

N.J.A.C. 2:76-17 et seq.
SADC ID# 08-0126-PG

JUNE 28, 2012

WHEREAS, on December 15, 2008, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Gloucester 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, Gloucester County received SADC approval of its FY2013 PIG Plan application annual update on May 24, 2012; and

WHEREAS, on October 6, 2010 the SADC received an application for the sale of a development easement from Gloucester County for the subject farm identified as Block 1, Lots, 2, 3, 6 and Block 5 Lot 4, South Harrison Township Gloucester County, totaling 117 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the Property is located in Gloucester County's Raccoon Creek Project Area; and

WHEREAS, the Property has a rank score of 81.32 which exceeds 40, which is 70% of the County's average quality score as determined by the SADC on; and

WHEREAS, the Property includes a severable exception approximately 1.52 acres in size, restricted to one future single family residence; and

WHEREAS, the Property has one (1) dormitory used for agricultural labor on the area to be preserved; and

WHEREAS, the Property has approximately 71% Prime soils 22% Statewide Important soils and at the time of application the farm was in fruit, vegetable and grain production; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on October 31, 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 February 23, 2012 the SADC certified a development easement value of \$11,900 per acre based on zoning and environmental regulations in place as of September 13, 2011; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$11,900 per acre for the development easement for the Property; and

WHEREAS, on April 19, 2012 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, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 120.51 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, 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, the Gloucester County Agriculture Development Board has asked that the SADC final approval and the \$272,021.51 SADC competitive grant allocation for the Ayling farm approved by the SADC on September 22, 2011 be rescinded due to significant contractual delays with the Owner; and

WHEREAS, with the addition of the \$272,021.51 from the Ayling farm the County has a total SADC FY11 competitive grant eligibility of \$334,222.32; and

WHEREAS, at the County's request the SADC submitted a parcel application to the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) Federal Farm and Ranch Lands Protection Program (FRPP); and

WHEREAS, the Owner agreed to the additional restrictions associated with the use of FRPP grant funding, including a 6.33% impervious cover restriction equal to approximately 7.53 acres of land available for the construction of agricultural and other related infrastructure permitted on the Property outside of the exception area; and

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

WHEREAS, the federal appraised current easement value, as of September 2012, has been determined to be \$1,260,800 or \$10,776.07 per acre based on 117 acres, resulting in an estimated \$630,400 FRPP grant (50% of the FRPP easement value); and; and

WHEREAS, the County intends to utilize the FRPP grant to supplement the shortfall in the SADC cost share grant, using any remaining funding to further reduce the County cost share; and

Cost share breakdown prior to FRPP Grant (based on 120.51 acres)

	<u>Total</u>	<u>Funding Available</u>	<u>Shortfall</u>
SADC	\$860,441.40(60% at \$7,140/acre)	\$334,222.32	\$526,219.18
Gloucester Cty	\$573,627.60(40% at \$4,760/acre)	\$573,627.60	\$0
Total Easement	\$1,434,069.00(\$11,900 /acre)		

Cost share breakdown with estimated FRPP Grant of \$630,400 (based on 120.51 acres):

	<u>Total (before FRPP grant)</u>	<u>FRPP</u>	<u>New Cost Share</u> (% of Total)
FRPP Grant			\$630,400.00 (43.95% at \$5,231.10/acre)
SADC	\$860,441.40	\$526,219.08	\$334,222.32 (23.31% at \$2,773.40/acre)
Gloucester Cty	\$573,627.60	\$104,180.92	\$469,446.68 (32.74% at \$3,895.50/acre)
			\$1,434,069.00 \$11,900/acre

WHEREAS, pursuant to N.J.A.C. 2:76-17.4 the Gloucester County Agriculture Development Board is requesting to use its remaining FY11 competitive grant fund eligibility of \$334,222.32 (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on May 9, 2012, the South Harrison Township Committee approved the application; and

WHEREAS, the Gloucester County Agriculture Development Board approved the application on April 19, 2012 and secured a commitment of funding for up to \$4,760/acre from the Gloucester County Board of Chosen Freeholders for the required local match on April 18, 2012; 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 Gloucester County for the purchase of a development easement on the subject farm, comprising approximately 120.51 acres, at a State cost share totaling \$334,222.32 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 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

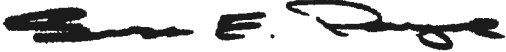
BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

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.

6/28/12
Date

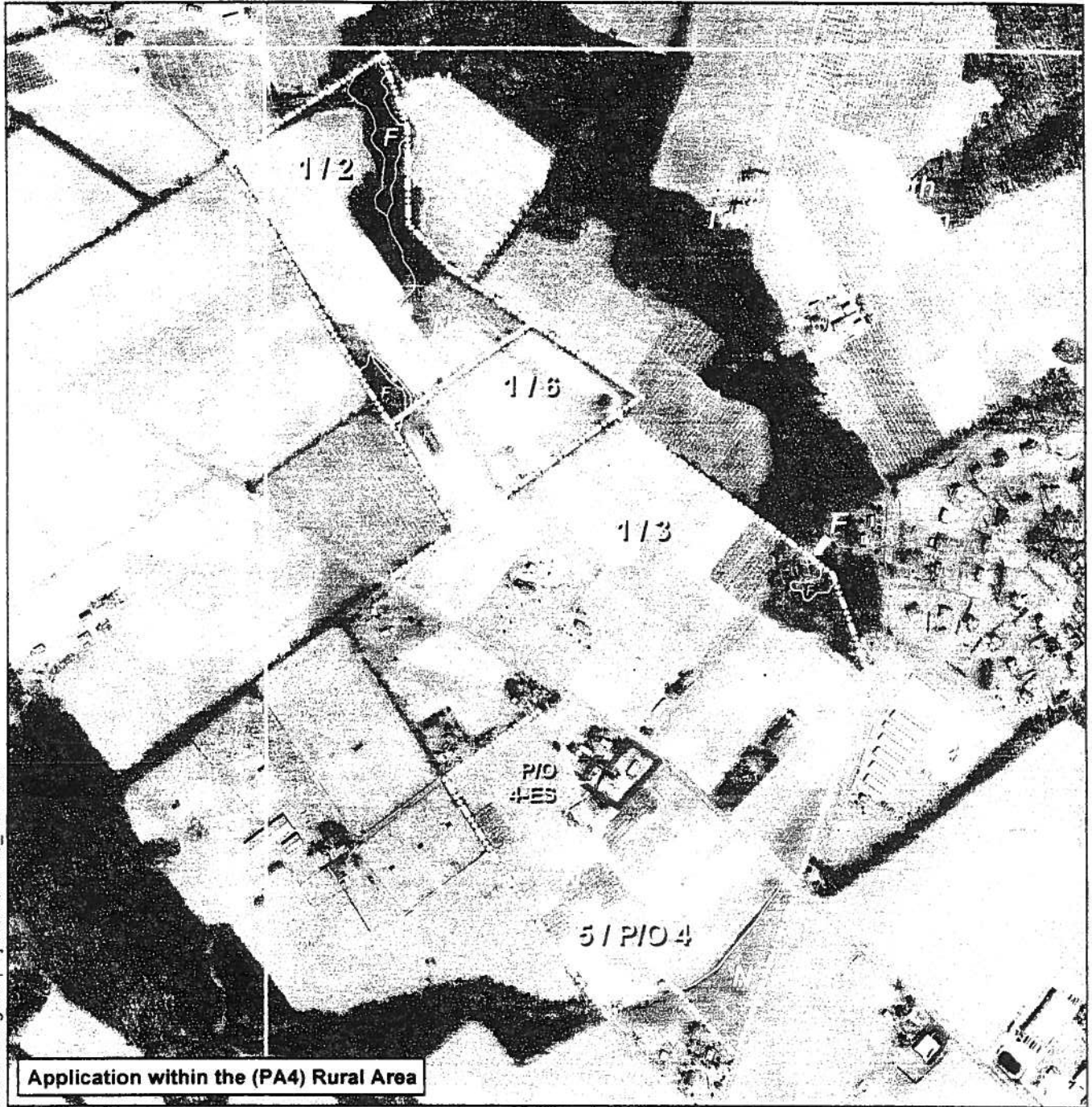

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands

Schedule A



x:\counties\gloco\projects\macch10_fwv.mxd

Application within the (PA4) Rural Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Santo J. Maccherone

Block 1 Lots 2 (27.81 ac), 3 (44.32 ac), & 6 (14.58 ac)

Block 5 P/O Lot 4 (29.22 ac) & P/O Lot 4-ES (severable exception – 1.52 ac)

Gross Total = 117.45 ac

South Harrison Twp., Gloucester County

500 250 0 500 1,000 Feet

TIDELANDS DISCLAIMER

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

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	
	BN - (Non-Severable) Exception
	ES - (Severable) Exception
Wetlands Boundaries	
	Municipal County and Non-Profit Preserved Open Space
	State Owned Conservation Easement
	State Owned OIB & Recreation Easement
	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
NJGIT/IGIS 2007/2008 Digital/Aerial Image

Date: 10/26/2011

Schedule B
FY09

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

Farm	Municipality	App Plus 3 Percent Acres	SADC Certified		Negotiated & Approved		SADC Grant		Actual Easement		SADC		Total Federal Grant		SADC Federal Grant		Base Grant		Competitive Grant	
			Per Acre	Per Acre	Per Acre	Per Acre	Per Acre	Per Acre	Per Acre	Per Acre	Consideration	Cost Share	Encumbered at Final	Balance	Encumbered at Final	Balance				
DiBella, Joseph & Wright,	Woolwich		11,850.00	11,850.00	7,110.00	1,528,863.30	917,317.98	917,317.98	917,317.98	582,682.02	3,000,000.00									
DiBella, Michael & Jane	Woolwich		12,250.00	12,250.00	7,350.00	1,120,213.50	672,128.10	672,128.10	672,128.10	0.00	2,910,553.92									
Still Run Properties LLC	Mantua		16,000.00	16,000.00	9,600.00	1,491,728.00	894,950.40	894,950.40	894,950.40		2,015,603.52									
Chiuccarello, Matthew	Woolwich		15,000.00	15,000.00	9,000.00	793,500.00	476,100.00	476,100.00	476,100.00		1,539,503.52									
Prowe, Gary	Mantua		14,000.00	14,000.00	8,400.00	347,914.00	208,748.40	208,748.40	208,748.40		1,330,755.12									
Heatherwood Farms III, L.L.C.	Woolwich		11,000.00	11,000.00	6,600.00	857,912.00	504,847.20	504,847.20	504,847.20		825,907.92									
W.W. Heritage Sons, Inc.	Harrison		24,500.00	24,500.00	14,700.00	819,476.00	491,685.60	491,685.60	491,685.60		334,222.32									
Maccherone, Santo J.J.	South Harrison	120.510	11,900.00	11,900.00	7,140.00	1,434,069.00	860,441.40	860,441.40	860,441.40		526,219.08									

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Maccherone, Santo J.
08- 0126-PG
FY 2011 County PIG Program
117 Acres

Block 1	Lot 2	South Harrison Twp.	Gloucester County
Block 1	Lot 3	South Harrison Twp.	Gloucester County
Block 1	Lot 6	South Harrison Twp.	Gloucester County
Block 5	Lot 4	South Harrison Twp.	Gloucester County

SOILS:	Local	3% *	.05	=	.15
	Other	4% *	0	=	.00
	Prime	71% *	.15	=	10.65
	Statewide	22% *	.1	=	2.20

SOIL SCORE: 13.00

TILLABLE SOILS:	Cropland Harvested	85% *	.15	=	12.75
	Other	4% *	0	=	.00
	Wetlands	3% *	0	=	.00
	Woodlands	8% *	0	=	.00

TILLABLE SOILS SCORE: 12.75

FARM USE:	Wheat-Cash Grain	84 acres
	Vegetable & Melons	30 acres
	Deciduous Tree Fruit	5 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 (1.52) acres for
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
Exception is to be restricted to one single family residential unit(s)
 - c. Additional Restrictions:
 1. 6.33% impervious cover max (approx 7.53 acres) pursuant to FY12 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:
Dormitory - structure for agricultural 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 June 28, 2012
 Farms to Utilize Competitive Grant Monies

FY 2011 Funding

County	Municipality	Farm	Acres	Total Competitive Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Gloucester County	South Harrison Twp.	Maccherone, Santo J.	117	100	10	40	50	0
Burlington County	Mansfield Twp.	Burlington Cnty/Durr Estate	110	70.35	10	30	50	-19.65

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2012R6(3)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

MIDDLESEX COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Ronald C. and Patricia A. Kurek
Kurek Farm
Cranbury Township, Middlesex County

N.J.A.C. 2:76-17 et seq.
SADC ID# 12-0014-PG
June 28, 2012

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Middlesex County received SADC approval of its FY2013 PIG Plan application annual update on May 24, 2012; and

WHEREAS, on 7/16/10 the SADC received an application for the sale of a development easement from Middlesex County for the Kurek Farm identified as Block 14, Lots 3 & 4.02, Cranbury Township, Middlesex County, totaling approximately 155 net acres ("Property") and as identified on the attached map (Schedule A); and

WHEREAS, the Property is located in Middlesex County's Southeastern Project area; and

WHEREAS, the Property has zero (0) existing single family residences, zero (0) residences used for agricultural labor, and no pre-existing non-agricultural uses; and

WHEREAS, the Property has one, 2 acre non-severable exception for a future single family residence and a 7 acre severable exception area containing the existing homestead; and

WHEREAS, the Property has a rank score of 71.21 which exceeds 70% of the County's average quality score of 41, as determined by the SADC on June 24, 2010; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on 12/14/10 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 8, 2011 the SADC certified a development easement value of \$7,750 per acre based on current zoning and environmental regulations as of the 7/1/10 valuation date; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$7,750 per acre for the development easement for the Property; and

WHEREAS, on February 8, 2012 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, the County has \$294,985.10 available in SADC FY09 (2007 bond fund) base grant funding (Schedule B1); and

WHEREAS, to date the County has not encumbered any funds from its \$1,500,000 FY2011 (2009 bond fund) base grant funds (Schedule B2); and

WHEREAS, the County will utilize a combination of SADC FY09 and FY11 base grant funding to cover the SADC cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 159.65 acres will be utilized to calculate the SADC grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 159.65 acres):

	<u>Cost Share</u>	
SADC	\$762,328.75	(\$ 4,775 per acre or 61.61%)
Cranbury Twp.	\$237,479.38	(\$ 1,487.50 per acre or 19.2%)
<u>Middlesex County</u>	<u>\$237,479.38</u>	<u>(\$ 1,487.50 per acre or 19.2%)</u>
	\$1,237,287.51	(\$7,750 per acre) ; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, Cranbury Township approved the application on 2/27/12 and its funding commitment, the County Agriculture Development Board approved the application on 2/8/12 and the County Board of Chosen Freeholders approved the application on 4/5/2012 with its funding commitment; and

WHEREAS, the Middlesex County Agriculture Development Board is requesting \$762,328.75 (the 294,985.10 balance from its FY09 funds and \$467,343.65 from its FY11 base grant funding), leaving a cumulative balance of \$0 in the FY09 base grant and \$1,032,656.35 in their FY11 base grant (Schedule B1 & B2); 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 grants; 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, pursuant to N.J.A.C. 2:76-17.14, grants final approval to provide a cost share grant to Middlesex County for the purchase of a development easement on the Kurek Farm, comprising approximately 159.65 acres, at a State cost share of \$4,775 per acre (61.61% of certified market value and purchase price) for a total grant need of approximately \$762,328.75 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 estimated acreage utilized for evaluation purposes has been increased by 3% and has been applied to the funds encumbered from the County's base grant; 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 application's encumbrance; and

BE IT FURTHER RESOLVED, any unused funds including the 3% buffer, if utilized, 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) after closing on the easement purchase; 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 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.

Date

6/28/12

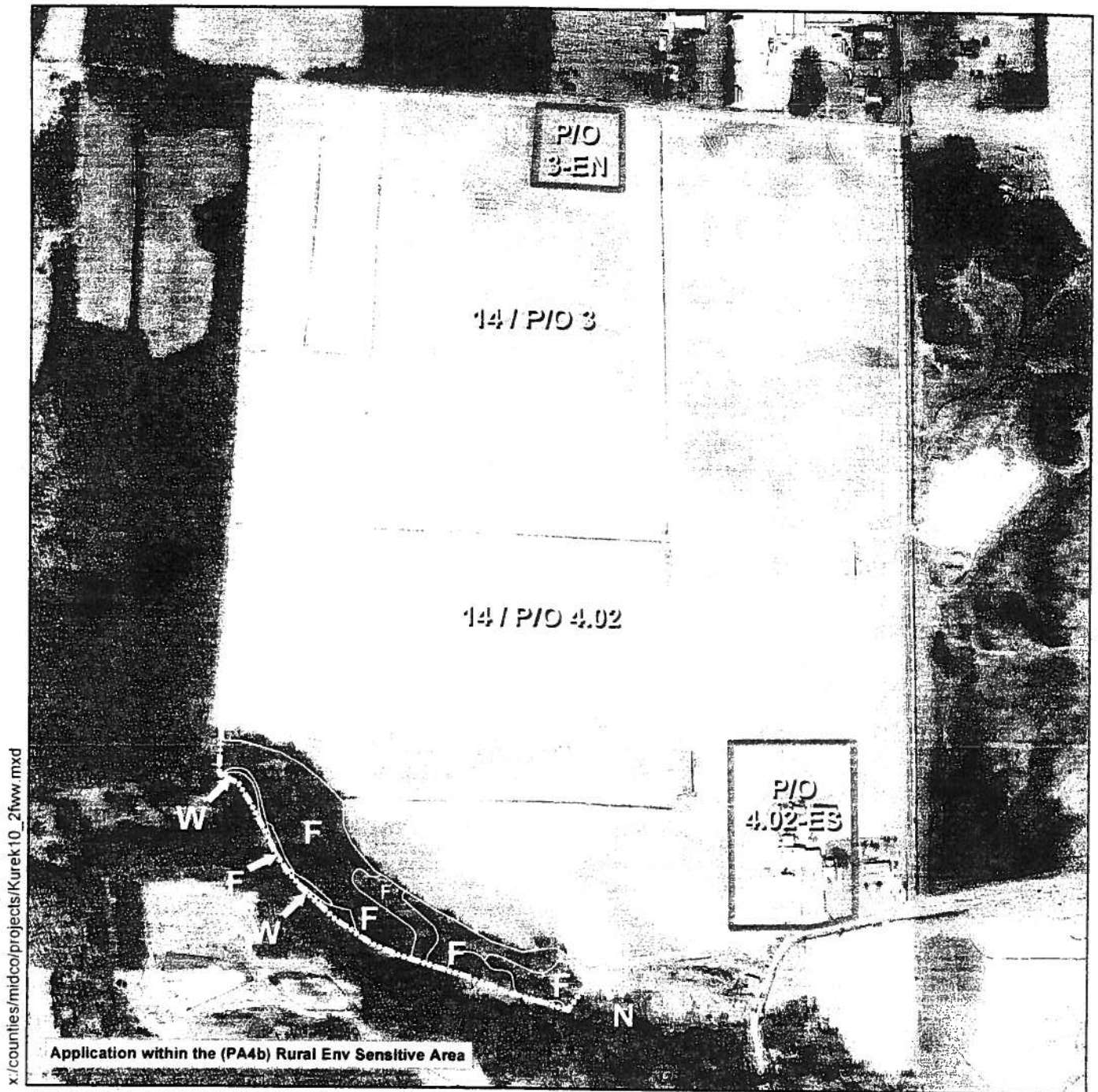


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands



x:/counties/midco/projects/Kurek10_2fww.mxd

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee
 Ronald and Patricia Kurek
 Block 14 Lots P/O 3 (53.98 ac); P/O 3-EN (non-severable exception - 2.04 ac)
 P/O 4.02 (101.93 ac) & P/O 4.02-ES (severable exceptions - 7.0 ac)
 Gross Total = 164.95 ac
 Cranbury Twp., Middlesex County



Property in Question	
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
Wetlands Boundaries	
	Municipal, County and Non-Profit Preserved Open Space
	State Owned Conservation Baseline
	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

Sources:
 NJDEP Freshwater Wetlands Data
 Green Acres Conservation Easement Data
 NJOH/OGIS 2007/2008 DigitalAerial Image

Date: 5/10/2017

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.

Schedule B1

Middlesex County Reservation Program
New Jersey Farm Preservation Program
County Planning Incentive Grant - N.J.A.C. 2-76-17 et seq.

Farm	Municipality	App No Buffer Acres	App Plus 3 Percent Acres	SADC		Negotiated & Approved		SADC Grant		Grant% Per Acre	Easement Consideration	Cost		Base Grant		Competitive Grant		Cap Total	Cum Expend	Cum Encumbered	Balance subject to availability & approval 3,000,000
				Per Acre	Per Acre	Per Acre	Per Acre	Per Acre	Per Acre			Share	Encumbered at Final	PV Encumbered	Expend	Balance	Encumbered at Final				
Tosciano, Saline	Cranbury	42,000	43,260	30,000.00	30,000.00	18,000.00	60.00%	1,314,693.00	788,815.80	788,815.80	1,211,184.20	778,680.00	788,815.80	788,815.80	1,211,184.20			5,000,000.00	1,327,619.70	672,380.30	
Lum, Kin F. & Shao Ling	Cranbury	49,271	50,749	19,000.00	19,000.00	11,400.00	60.00%	896,005.50	538,603.90	538,603.90	672,580.30	578,538.60	538,603.90	538,603.90	672,580.30						
Batz, Robert D. & Karen A	Monte	14,100	14,520	45,000.00	45,000.00	27,000.00	60.00%	628,992.00	377,395.20	377,395.20	294,995.10	377,395.20	377,395.20	377,395.20	294,995.10						
Kurek, Ronald & Patricia	Cranbury	155,000	159,650	7,750.00	7,750.00	4,775.00	61.61%	1,237,297.50	762,328.75	294,995.10	0.00	294,995.10	294,995.10	0.00	0.00						
rejected: Winters, Gregory																					
Total Pending	4	260,371	268,182						2,467,343.65	2,029,598.90	0.00	672,380.30		1,327,619.70				5,000,000.00	1,327,619.70	672,380.30	3,000,000.00
Total Encumbered	2	64,849	63,053																		
Closed/Expended	1	42,000	43,260																		
Total																					
Reprogram Out																					
FY 10 & 11 expend																					
AFY 2011		14,100																			

JHEA 112

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Kurek Farm
12- 0014-PG
FY 2011 County PIG Program
155 Acres

Block 14	Lot 3	Cranbury Twp.	Middlesex County	
Block 14	Lot 4.02	Cranbury Twp.	Middlesex County	
SOILS:		Other	5.4% * 0	= .00
		Prime	62.28% * .15	= 9.34
		Statewide	32.32% * .1	= 3.23
				SOIL SCORE: 12.57
TILLABLE SOILS:		Cropland Harvested	95% * .15	= 14.25
		Wetlands	5% * 0	= .00
				TILLABLE SOILS SCORE: 14.25
FARM USE:	Soybeans-Cash Grain		155 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 family dwelling
Exception is not to be severed from Premises
Exception is to be restricted to one single family residential unit(s)
 - 2nd seven (7) acres for existing house and farm buildings
Exception is severable
Right to Farm language is to be included in Deed of Future Lot
Exception is to be restricted to one single family residential unit(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 FY2012R6(4)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Estate of Mary Pat Durr ("Owner")
Mansfield Township, Burlington County

N.J.A.C. 2:76-17 et seq.
SADC ID# 03-0360-PG

June 28, 2012

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Burlington 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, Burlington County received SADC approval of its FY2013 PIG Plan application annual update on May 24, 2012; and

WHEREAS, on September 14, 2011 the SADC received an application for the sale of a development easement from Burlington County for the Estate of Mary Pat Durr Farm identified as Block 6.01, Lot 4 and Block 8, Lot 9, Mansfield Township, Burlington County, totaling approximately 110 acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

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

WHEREAS, the Property has one single family residence on the land to be preserved; and

WHEREAS, the Property also includes one, 3-acre non-severable exception around an existing single family residence and a possible non-agricultural use; and

WHEREAS, the Property has a rank score of 75.73 which exceeds 45, which is 70% of the County's average quality score as determined by the SADC on July 28, 2010; and

WHEREAS, the Property has approximately 88% Prime soils and supports a corn (cash grain) operation; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on November 1, 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 November 3, 2011, the SADC certified a development easement value of \$17,300 per acre based on zoning and environmental regulations in place as of October 2008; and

WHEREAS, the SADC easement certification stated that SADC final approval would be contingent upon the County obtaining a NJDEP No Further Action letter or equivalent, regarding the slightly elevated benzene levels detected associated with previously leaking underground storage tank; and

WHEREAS, Brinkerhoff Environmental Services (BES) completed site remediation which resulted in a November 28, 2011 Licensed Site Remediation Program report stating that no further action is needed; and

WHEREAS, the County is requesting to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 113.3 will be utilized to calculate the grant need; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted an offer from the County to sell their development easement for \$19,000.00 per acre, (which is higher than the certified value, of \$17,300, but not higher than the highest appraised easement value of \$24,000) for an estimated cost of \$2,152,700 based on an estimated acreage of 113.3; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, the Mansfield Committee approved the application of the "Property" for the sale of a development easement cost on July 27, 2011, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 8, 2011 the Burlington CADB passed a resolution granting final approval to the Property and to request a 60% cost share grant from the SADC; and

WHEREAS, the United States of America, through the Department of the Air Force will contribute up to 25% of the cost share for the purchase of the development easement with no additional restrictions, to provide a three mile buffer around existing military installations; and

WHEREAS, the Burlington County Board of Chosen Freeholders granted final approval to the application on January 25, 2012; and

WHEREAS, on October 19, 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, 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, the entire FY11 County base grant of \$1,500,000 has been encumbered with a balance of \$1,626,891.39 in the Competitive Grant; 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 priority ranking of the individual farm application applying for grants from the competitive grant fund based on cumulative points of the project area (Schedule C); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Burlington County CADB is requesting \$1,176,054 from the competitive grant, leaving a remaining competitive eligibility to the County of \$450,837.39 out of a possible \$3,000,000 (Schedule B); 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 Burlington County for the purchase of a development easement on the Durr Property, comprising approximately 113.3 acres, at a State cost share of \$10,380 per acre (60.00% of certified market value and 54.63% of purchase price of \$19,000), totaling \$1,176,054 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 it does not impact any other application's 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.



6/28/12

Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands

Schedule A

x:\counties\burco\projects\durr8_9_fwv.mxd



Application within the (PA4) Rural Area

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

Mary Durr Estate/Jonas Singer/Burlington County
Block 6.01 Lot 4 (24.6 ac); Block 8 P/O 9 (85.4 ac)
& P/O 9-EN (non-severable exception - 3.0 ac)
Gross Total = 113.0 ac
Mansfield Twp., Burlington 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 OS & 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

New Jersey Farmland Preservation
 Competitive Ranking Report
 Farms Receiving Final Approval June 28, 2012
 Farms to Utilize Competitive Grant Monies

FY 2011 Funding

County	Municipality	Farm	Acres	Total Competative Rank Score	Density Ratio Points	Soils Ratio Points	Contiguous Points	Relative Best Buy Points
Gloucester County	South Harrison Twp.	Maccherone, Santo J.	117	100	10	40	50	0
Burlington County	Mansfield Twp.	Burlington Cnty/Durr Estate	110	70.35	10	30	50	-19.65

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Durr, Mary Pat Estate
03- 0360-PG
FY 2011 County PIG Program
110 Acres

Block 6.01	Lot 4	Mansfield Twp.	Burlington County
Block 8	Lot 9	Mansfield Twp.	Burlington County
SOILS:		Other	10% * 0 = .00
		Prime	88% * .15 = 13.20
		Statewide	2% * .1 = .20
			SOIL SCORE: 13.40
TILLABLE SOILS:		Cropland Harvested	90% * .15 = 13.50
		Wetlands	10% * 0 = .00
			TILLABLE SOILS SCORE: 13.50
FARM USE:		Corn-Cash Grain	85 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 Flexibility in use around residence and ag structures
 - Exception is not to be severed from Premises
 - 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 FY2012R6(5)

**Final Approval and Authorization to
Execute Deed of Easement, Project Agreement, and Closing Documents
The Ridge & Valley Conservancy - Windkissed Farm (Robert & Anne Stock)
2011 Non Profit Round - SADC #21-0026 NP**

June 28, 2012

WHEREAS, on December 6, 2010 the State Agriculture Development Committee ("SADC"), received a non-profit cost share grant application from the Ridge & Valley Conservancy (RVC) for the Windkissed farm identified as Block 902, Lot 1, Frelinghuysen Township, Warren County, totaling approximately 17 net acres hereinafter referred to as "Property" and as identified on the attached map Schedule A; and

WHEREAS, the Windkissed Farm has one, one (1) acre nonseverable exception for and restricted to one existing single family residence; and

WHEREAS, the farm is approximately 76 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 RVC's application and appropriated \$87,000 for the acquisition of development easements or fee simple interest on the Windkissed Farm which was the only application the Ridge & Valley Conservancy submitted for FY2011; 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 62.34 which is greater than 70% of the County average quality score of 43 as determined by the Committee on July 28, 2011; and

WHEREAS, on March 22, 2012 the SADC certified the easement value of the Property to be \$7,500 per acre based on current zoning (as of September 2011); and

WHEREAS, on May 31, 2012 the SADC informed the RVC 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 eligible costs and subject to available funds; and

WHEREAS, on June 8, 2012 the RVC informed the SADC that it will accept SADC cost share of \$3,750 per acre and a total value of \$7,500 per acre; and

WHEREAS, at the RVC's request, the SADC submitted a request to the United States Department of Agriculture, Natural Resources Conservation Service Federal Farm and Ranch Lands Protection Program (FRPP) to substitute the Windkissed Farm for available grant funds; and

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

WHEREAS, the SADC intends to utilize FY11 FRPP funding or FRPP funds from other funding years that may become available; and

WHEREAS, the Windkissed farm is eligible for a 50% Federal grant based on 50% of the NRCS approved easement value; and

WHEREAS, the landowner has agreed to the additional restrictions associated with the FRPP Grant, including a one acre impervious coverage restriction on the lands being preserved outside of the exception area; and

WHEREAS, the Federal Appraisal Current Easement Value, based on the appraisals utilized for SADC certification of the easement value, is anticipated to be \$7,000 per acre for an estimated cost share of \$3,500 per acre, or 50% of the final Federal Certified Current Easement Value; and

WHEREAS, RVC requested the FRPP funding be passed through to cover a shortfall of RVC funding available for this project; and

WHEREAS, the anticipated cost share participation is (based on 17 acres):

Ridge & Valley Conservancy	\$ 4,250	\$ 250/acre (3.33% of \$7,500)
FRPP Grant	\$ 59,500	\$3,500 /acre (50% of \$7,000 which is 46.67% of \$7,500)
SADC Nonprofit Grant Funds	<u>\$ 63,750</u>	<u>\$3,750/acre (50% of \$7,500)</u>
Total	\$127,500	\$7,500/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 Ridge and Valley Conservancy for up to 50% of the eligible ancillary costs which will be deducted from its 2011 appropriation and subject to the availability of funds; and

WHEREAS, the landowners have 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 Ridge & Valley Conservancy for the Windkissed easement acquisition application subject to compliance with N.J.A.C. 2:76-16; and

BE IT FURTHER RESOLVED, that a one acre nonseverable exception limited to one single family residence is recognized; and

BE IT FURTHER RESOLVED, the SADC shall provide a cost share grant not to exceed \$3,750 per acre (total of approximately \$63,750 based on 17 acres) to Ridge & Valley Conservancy for the development easement acquisition on the Windkissed farm subject to the availability of funds; and

BE IT FURTHER RESOLVED, the SADC approves the use of FY11, or other available Federal Farm and Ranch Land Protection Program funds for the preservation of the Windkissed farm, which will include an impervious coverage limitation of one acre and other restrictions required under the Federal Farm and Ranch Land Protection Program; and

BE IT FURTHER RESOLVED, the application is subject to the NRCS approval of the Federal Current Easement Value; 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 Ridge & Valley Conservancy 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 Ridge & Valley Conservancy for the acquisition of a development easement on the Windkissed 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.

6/28/12
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Wetlands

A



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Application within the Highlands Planning Area

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Robert and Ann Stock/Windkissed Farm/R&V Conservancy, Inc.
Block 902 Lots P/O 1 (18.0 ac)
& P/O 1-EN (non-severable exception - 1.0 ac)
Gross Total = 19.0 ac
Frelinghuysen Twp., Warren County



	Property in Question
	EN - (Non-Severable) Exception
	ES - (Severable) Exception
	Wetlands Boundaries
	Municipal, County and Non-Profit Preserved Open Areas
	State Owned Conservation Easement
	State Owned OR & Recreation Easement



	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
NJGIT/IGIS 2007/2008 Digital/Aerial Image

B

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

R&V/Windkissed Farm (Stock)
21- 0026-NP

FY 2011 Easement Purchase - Nonprofit
17 Acres

Block 902	Lot 1	Frelinghuysen Twp.	Warren County
SOILS:		Prime	43% * .15 = 6.45
		Statewide	57% * .1 = 5.70
			SOIL SCORE: 12.15
TILLABLE SOILS:		Cropland Harvested	76% * .15 = 11.40
		Other	10% * 0 = .00
		Woodlands	14% * 0 = .00
			TILLABLE SOILS SCORE: 11.40
FARM USE:	Field Crop Except Cash Grain	10 acres	Hay

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for existing 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. 1 acre impervious cover limit available for the construction of agricultural infrastructure on the Property 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 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 FY2012R6(6)

Construction of Onsite Agricultural Labor Housing

J. Jeps, LLC

June 28, 2012

WHEREAS, J. Jeps, LLC., ("Owner") is the current record owner of Block 21, Lot 7, as identified in the Township of South Harrison, County of Gloucester, by deed dated May 11, 2004 and recorded in the Gloucester County Clerk's office in Deed Book 3770, Page 162, totaling 37.30 acres, hereinafter referred to as "Premises", see attached Schedule "A"; and

WHEREAS, on December 15, 1999, the former owner, Royal Oaks Inc., conveyed the development easement on Block 21, Lot 7, consisting of 29.25-acres and a 7.47-acre severable exception, to Gloucester County as recorded in Deed Book 3073, Page 131, pursuant to the Agriculture and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983; and

WHEREAS, the SADC provided a grant to Gloucester County on November 6, 2000, to enroll the preserved farm in the State Farmland Preservation Program, and recorded as a Cost Sharing Grant Agreement on November 17, 2000, in Deed Book 3193, Page 140; and

WHEREAS, the Deed of Easement identifies no residential buildings and no residential units used for agricultural labor purposes; and

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

To provide structures for housing of agricultural labor employed on the Premises but only with the approval of the Grantee and Committee. If Grantee and the Committee grant approval for the construction of agricultural labor housing, such housing shall not be used as a residence for Grantor"; and

WHEREAS, based on the nature of agricultural activity occurring on the Premises, the fact that the owner resides in a different state, and there being no existing residential units on the Premises the Owner is requesting to use an area within an existing equine barn to house agricultural laborers; and

WHEREAS, in the fall of 2005, the Owner previously applied to the Gloucester County Agriculture Board ("GCADB") to construct a new stand-alone 2,500 sq./ft. agricultural labor unit on the Premises; and

WHEREAS, by resolution dated October 13, 2005, the GCADB approved the Owner's request; and

WHEREAS, on January 26, 2006, the SADC also approved the Owner's request; and

WHEREAS, due to financial constraints since that time the Owner has not constructed the previously approved agricultural labor unit; and

WHEREAS, the Owner recently converted two rooms at the end of an existing barn into efficiency apartments, each totaling approximately 500 sq./ft.; and

WHEREAS, the Owner proposes to utilize these two apartments to house two current employees of the farm; and

WHEREAS, the Owner constructed these two efficiency apartments prior to receiving approval of the CADB or SADC; and

WHEREAS, SADC staff visited the Premises on April 26, 2012; and

WHEREAS, the primary use of the farm is for thoroughbred breeding, raising and training; and

WHEREAS, at the present time 10 mares and a stallion are kept onsite for breeding, with 5 mares currently in foal; and

WHEREAS, the younger horses are either raised for sale as race horses or kept for future breeding stock; and

WHEREAS, the Owner owns a number of additional horses which are kept in New York or Pennsylvania depending on the race season; and

WHEREAS, the Owner finds that raising, breeding and training the horses on the Premises benefits the operation by reducing boarding fees, allowing more control of training activities and providing more efficient access to a wider variety of racing venues; and

WHEREAS, there were existing equine facilities onsite when the Owner acquired the property including fenced paddocks, equipment shed, an indoor equine training pool, outdoor training track and a 32-stall barn; and

WHEREAS, many of the existing facilities were in a state of disrepair at the time of purchase, however, since acquiring the property the Owner has made significant improvements to the facilities; and

WHEREAS, the Owner finds that the property cannot be fully utilized without onsite labor; and

WHEREAS, the residents of the agricultural labor unit will be full-time employees and shall be engaged in the agricultural production activities of breeding, raising and training of horses on the Premises; and

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

WHEREAS, the Owner would like to reserve his previous SADC approval to construct a stand-alone agricultural labor unit in addition to utilizing the two existing apartments; and

WHEREAS, the GCADB reviewed the Owner's request to construct two agricultural labor apartments at its June 14, 2012, meeting and have determined that the size and location of the proposed units minimize any adverse impact on the agricultural operation; and

WHEREAS, the GCADB approved the Owner's request to retain his original approval under the conditions that:

The Owner must notify the Board and the SADC prior to commencing with the construction of the previously approved stand-alone agricultural labor unit; and That the barn apartments would be vacated within 30 days of receiving the certificate of occupancy for the stand-alone unit; and

WHEREAS, the SADC does not concur with the Gloucester CADB in allowing the Owner to retain the original, unbuilt, agricultural labor approval in addition to the two new agricultural labor units;

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the agricultural production activities occurring on the Premises warrant the need for onsite agricultural laborers; and

BE IT FURTHER RESOLVED, that the SADC approves the request to utilize two agricultural labor apartments on the Premises to house two farm laborers, subject to municipal, state and federal requirements; and

BE IT FURTHER RESOLVED, that only agricultural labor employed on the Premises, and their immediate family members, shall occupy the agricultural labor units; and

BE IT FURTHER RESOLVED, that the January 26, 2006 agricultural labor unit approval, Resolution #FYR06R1(31), is hereby rescinded as a condition of this approval; and

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

6/28/12
DATE

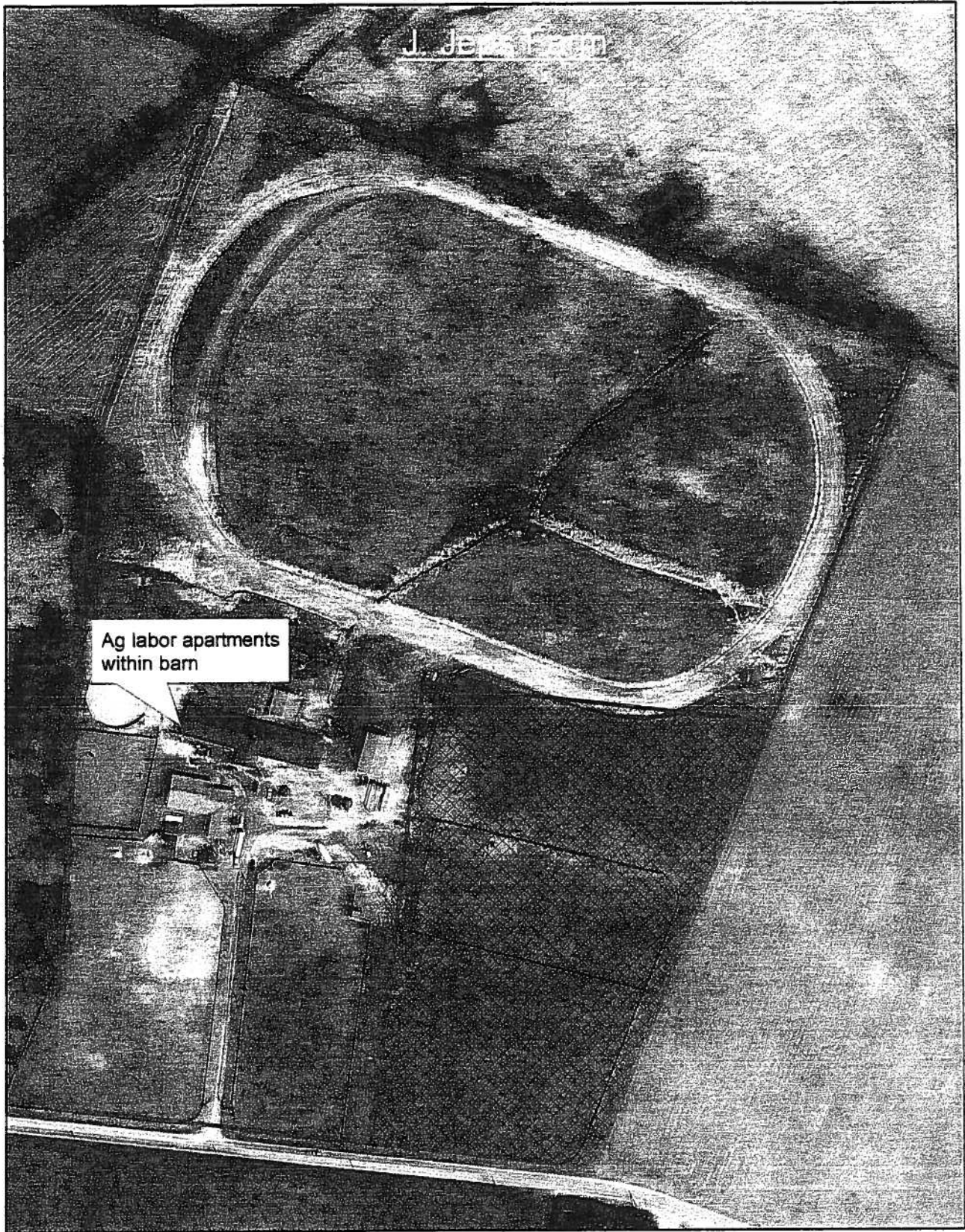


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule "A"



J. Jeps Farm
Block 21, Lot 7
South Harrison Township, Gloucester County

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2012R6(7)

Denial of Green Light Approval

William Gasko Jr. & Peter Gasko Farm

June 28, 2012

WHEREAS, William Gasko Jr., and Peter Gasko ("Owners") are the current record owners of Block 23, Lot 4.01, as identified in the Township of Monroe, County of Middlesex, by deed dated September 14, 2010 and recorded in the Middlesex County Clerk's office in Deed Book 6197, Page 503, totaling 71.66 acres, hereinafter referred to as "Premises", see attached Schedule "A"; and

WHEREAS, in accordance with N.J.A.C. 2:76-17, on June 17, 2011, the SADC received an application to preserve the Premises through the County Planning Incentive Grant program, and a request for Preliminary Approval, from the Middlesex County Agriculture Development Board ("CADB") on behalf of the Owners; and

WHEREAS, the property is used as a large commercial nursery and greenhouse operation; and

WHEREAS, the application was evaluated based on the minimum eligibility criteria set forth in N.J.A.C. 2:76-6.20; and

WHEREAS, upon review of the application it was determined that a significant amount of infrastructure in the form of permanent greenhouses, temporary hoop houses, barns, paved and unpaved parking and driveways existed on the property; and

WHEREAS, on September 21, 2011, SADC and CADB staff visited and inspected the site with the Owners; and

WHEREAS, as a result of that site visit the SADC was able to better understand and map the infrastructure and production areas of the farm, see attached Schedule "B"; and

WHEREAS, on December 30, 2011, the SADC notified the Middlesex CADB of its concerns with the extensive amount of infrastructure and the need to

postpone a Preliminary Approval determination until further evaluation could be done, see attached Schedule "C"; and

WHEREAS, it was determined that the Premises contained the following land uses:

- 21.7 acres of undisturbed soil
- 6.2 acres of concrete (permanent greenhouse)
- 0.4 acres of lawn
- 14.5 acres of asphalt millings/gravel
- 8.3 acres asphalt
- 11.6 acres of wood & wetlands
- 7.1 acres of compacted areas & driveways

WHEREAS, N.J.A.C. 2:76-6.20(2) requires that:

- i. "At least 50% of the land, or a minimum of 25 acres, whichever is less, is tillable;
- ii. "At least 50 percent of the land or 25 acres, whichever is less, consists of soils that are capable of supporting agricultural or horticultural production."; and

WHEREAS, for the subject Premises, at approximately 71 acres, N.J.A.C. 2:76-6.20(2) requires a minimum 25 acres of the property be tillable and consist of soils capable of supporting agricultural and horticultural production; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.16(d) the SADC definition of tillable soils includes the land under structures utilized for agricultural or horticultural production; and

WHEREAS, in applying N.J.A.C. 2:76-6.20(2) and N.J.A.C. 2:76-6.16(d) to the subject Premises staff analysis determined that approximately 27.9 acres of the Premises could be classified as tillable (when the 6.2 acres of permanent greenhouses are included), but that only 22.1 acres of the Premises could be classified as having soils capable of supporting agricultural or horticultural production; and

WHEREAS, the determination that certain areas are capable of supporting agricultural and horticultural production is based on the Owners indication that soils under these areas have not been disturbed or altered in any significant manner; and

WHEREAS, staff concluded that soils that have been covered with concrete, asphalt, millings, gravel or areas that have been compacted through heavy use or intentional compaction are not considered soils capable of supporting agricultural or horticultural production; and

WHEREAS, based on this analysis staff determined that the Premises does not meet the minimum eligibility requirement of 25 acres of soils capable of supporting agricultural and horticultural production for Preliminary Approval because only 22.1 acres of the Premises is considered capable of supporting agricultural and horticultural production; and

WHEREAS, the Owners have requested an SADC review the staff finding that the property does not meet the minimum eligibility requirements set forth in N.J.A.C. 4:26-6.20; and

NOW THEREFORE BE IT RESOLVED, that the SADC concurs with the staff analysis that this Premises does not meet the minimum eligibility for Preliminary Approval set forth in N.J.A.C. 2:76-6.20(2ii), for the reasons stated above; 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.

6/29/12
DATE

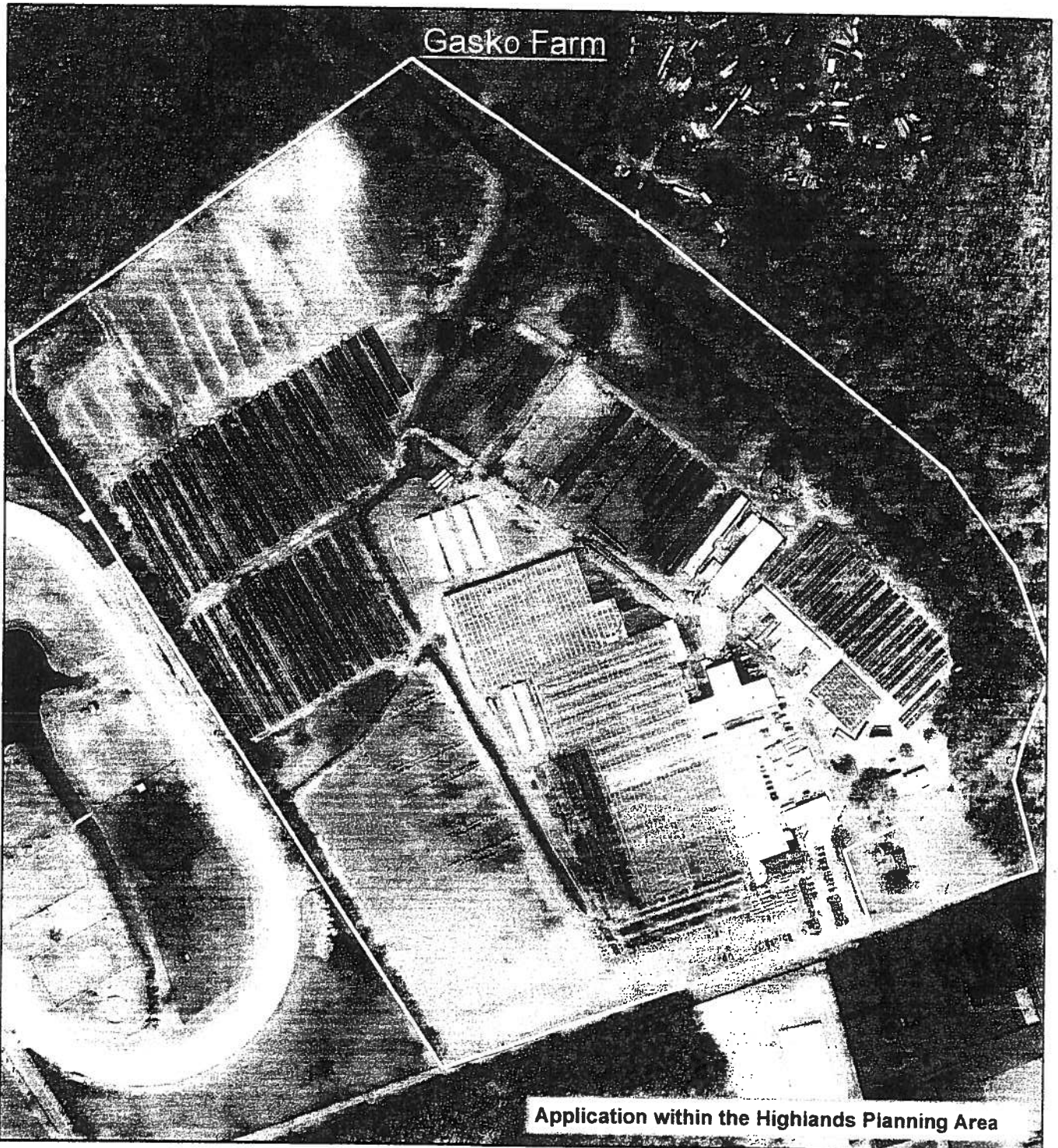


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

Schedule "A"



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Farmland Preservation Program NJ State Agriculture Development Committee

William Jr. and Peter Gasko
Block 23 Lot 4.01
Total 70.3 acres
Monroe Township, Middlesex County



50

month/day/year

Farmland Preservation Program

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

Local Planning Areas

- MULTI-MUNI
- MULTI-SUBURBAN
- MULTI-TOWNSHIP
- RURAL
- RURAL ENV. SENSITIVE
- SUBURBAN ENV. SENSITIVE
- SUBURBAN ENV. SENSITIVE BARRIER
- PINELANDS
- PALM BEACH
- MOUNTAIN
- NEW JERSEY WOODLANDS
- WATER
- ISLAND

BLDG. 40 AND 41

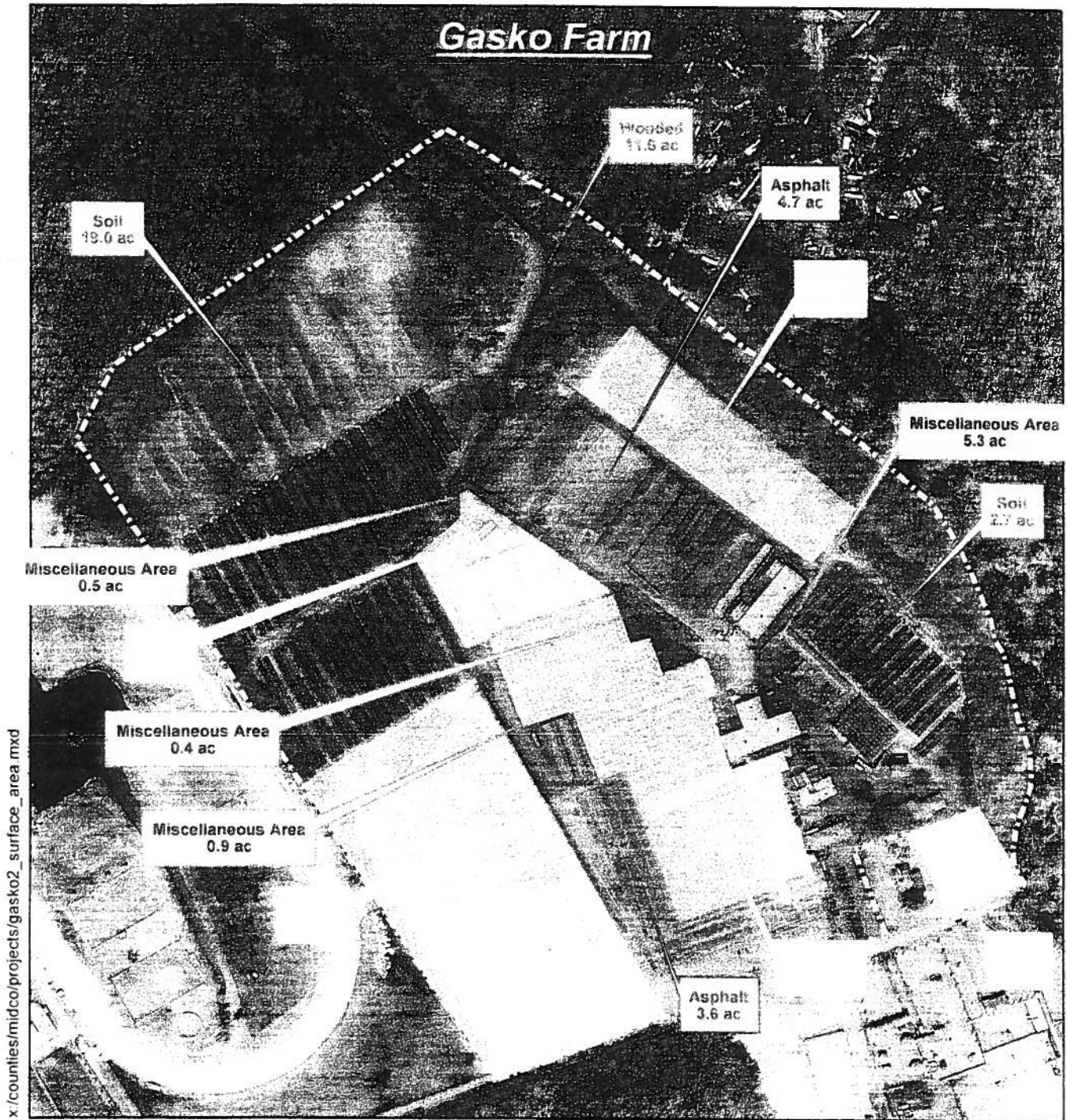
BLDG. 40 AND 41

Base Map

- County (unshaded)
- Municipal (shaded)
- Highlands Planning Area

Schedule "B"

Gasko Farm



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

William Jr. and Peter Gasko
Block 23 Lot 4.01 (70.3 ac)
Gross Total = 70.3 ac
Monroe Twp., Middlesex County

200 100 0 200 400 600 Feet

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	
Asphalt Surface (Total 8.3 ac)	
Concrete Surface (Total 8.2 ac)	
Gravel Surface (Total 14.5 ac)	
Soil Surface (Total 21.7 ac)	
Wooded Surface (Total 11.5 ac)	
Lawn (Total 1.0 ac)	
Miscellaneous (Total 7.1 acres)	
Other Surface (Total 8.7 ac)	

Sources:
NJDA-SADC Farmland Preservation Program
NJGIT/OGIS 2007/2008 Digital Aerial Image

August 1, 2011



State of New Jersey

STATE AGRICULTURE DEVELOPMENT COMMITTEE
HEALTH/AGRICULTURE BUILDING
PO Box 330
TRENTON NJ 08625-0330

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

DOUGLAS H. FISHER
Secretary

Susan E. Payne
Executive Director
(609) 984-2504
(609) 292-7988
(609) 633-2004 ~ FAX

December 30, 2011

Douglas H. Fisher
Chairman

Alan A. Danser, Chairperson
Middlesex CADB
Middlesex County Planning Department
40 Livingston Avenue
New Brunswick, New Jersey 08901

Re: Individual Farm Application Green Light Review:
William Gasko Jr. and Peter Gasko
SADC ID# 12-0018-PG
Monroe Township, Middlesex County

Dear Mr. ~~Danser~~: *Alan* —

State Agriculture Development Committee (SADC) staff has reviewed the above-referenced application and, along with CADB staff, visited the property in order to more clearly understand the operation and extent of improvements.

SADC staff is concerned that the extensive amount of infrastructure and areas covered in asphalt and/or gravel on this property may be inconsistent with the farmland preservation Deed of Easement. Also, since some areas may not be considered "tillable" in their current form, the property may not have the minimum 25 acres of tillable area needed to meet SADC's minimum standards as per N.J.A.C. 2:76-6.20 2(i).

As you know, the SADC is examining this issue of soil disturbance on preserved farmland to clarify the nature and extent of soil disturbance considered consistent with the Deed of Easement. Therefore, I feel at this time it would be best for the SADC to postpone processing this application for Green Light review until the SADC has finalized its examination of soil disturbance and impervious cover on preserved farms. This will provide the landowners with a clear understanding of the programs requirements and allow them to make a better informed decision with respect to program participation.

Alan A. Danser, Chairperson
December 30, 2011
Page 2

If you have any questions, please do not hesitate to contact me.

Sincerely,



Susan E. Payne
Executive Director

Enclosures

c: Mirah Becker, CADB Administrator
William Gasko Jr. and Peter Gasko

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STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2012R6(8)

Certification of Two Agricultural Mediation Program Mediators

June 12, 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. 2:76-18.3(a), 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, David Lu, Esq., and Gaetano M. De Sapio, Esq., have satisfied the requirements of N.J.A.C. 2:76-18.3(a) and (b), as Mr. Lu and Mr. De Sapio have contacted the SADC in writing to express their interests in becoming certified agricultural mediators and have 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, Mr. Lu's mediation and law experience further includes the following: completion of a 12-hour mediation and conciliation skills training from the New Jersey Administrative Office of the Courts; and serving as a mediator on the Superior Court of New Jersey Civil Roster of Mediators, for the U.S. Equal Employment Opportunity Commission, and with the firm Matrina Mediation;

WHEREAS, Mr. De Sapio's mediation and law experience further includes the following: serving as the attorney for the Hunterdon County Agriculture Development Board for thirty years, a position that involved advising the Board on Right to Farm disputes and other issues that arose concerning farms as well as mediating Right to Farm disputes between complainants, farmers, and municipalities.

NOW THEREFORE BE IT RESOLVED, the SADC certifies David Lu, Esq., and Gaetano M. De Sapio, Esq., as agricultural mediators pursuant to N.J.A.C. 2:76-18.3.

6/29/12
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

To: SADC Members

From: David Kimmel

Date: June 28, 2012

Subject: New Jersey Agricultural Mediation Program: Requests by David Lu, Esq., and Gaetano M. De Sapio, Esq., to be certified as new agricultural mediators

The SADC periodically receives inquiries from individuals interested in becoming mediators with the Agricultural Mediation Program. The SADC has the ability to add these individuals to the agency's roster of mediators if they meet the program's certification requirements outlined in N.J.A.C. 2:76-18.3.

In February 2012, David Lu, Esq., contacted the SADC to express his interest in joining the program's roster of mediators. In May 2012, Gaetano M. De Sapio, Esq., contacted the SADC expressing the same interest.

In order to join the roster as a new mediator, a person must complete an appropriate 18-hour mediation training course and then be certified by the SADC.

Mr. Lu and Mr. De Sapio have both completed an 18-hour course sponsored by the New Jersey Office of the Public Defender, Office of Dispute Settlement. Mr. Lu completed the course in July 2011, and Mr. De Sapio completed the course in May 2012.

Mr. Lu's mediation and law experience includes the following: completing a 12-hour mediation and conciliation skills training from the New Jersey Administrative Office of the Court in 2005; serving as a mediator on the Superior Court of New Jersey Civil Roster of Mediators since 2011 and for the U.S. Equal Employment Opportunity Commission since 2011; and serving as a mediator with the firm Matrina Mediation since 2012.

Mr. De Sapio's mediation and law experience includes serving as the attorney for the Hunterdon CADB for thirty years, a position that involved advising the CADB on Right to Farm disputes and other issues that arose concerning farms as well as mediating Right to Farm disputes between complainants, farmers, and municipalities.

→ Staff recommends that David Lu, Esq., and Gaetano M. De Sapio, Esq. be certified as Agricultural Mediation Program mediators.

February 21, 2012

#250
2/24/12

**To: Mr. David Kimmel
Agricultural Resource Specialist
New Jersey Agricultural Mediation Program
State Agriculture Development Committee
P.O. Box 330
Trenton, NJ 08625-0330**

**From: David Lu, Esq.
5 Sedgefield Drive
Morris Plains, NJ 07950**

Dear Mr. Kimmel:

It was a pleasure speaking with you this morning by phone regarding the state's Agricultural Mediation Program. As discussed, I am writing to express my interest to join the Program's roster of certified mediators. I have attached my resume and proof of mediation training for the Committee to consider my qualifications.

As you can see from my resume, I am familiar with the fundamentals of mediation, having completed two state sponsored training programs. I completed a 12-hour training program entitled "Mediation and Conciliation Skills" as a law clerk in August of 2005. More recently, I attended and completed "Basic Mediation," a three-day, 20-hour training program administered by the New Jersey State Office of Dispute Settlement enroute to becoming a court approved civil mediator. Furthermore, I have been a pro bono mediator for the United States Equal Employment Opportunity Commission in its Newark office since May of 2011. Given the above, I believe I have met the Program's mediation training requirements. I would therefore ask the Committee to consider adding me to the Program's roster of certified mediators.

Please feel free to contact me if I can provide you or the Committee further information. Thank you very much for your assistance. I look forward to hearing from you in the near future.

Very truly yours,


David Lu, Esq.

Encl.

BAR ADMISSIONS

ADMITTED TO PRACTICE: NEW JERSEY ♦ US DISTRICT COURT OF NEW JERSEY ♦ NEW YORK

EDUCATION

New York Law School / J.D. New York, NY
Cornell University, N.Y. State School of Industrial and Labor Relations Ithaca, NY
B.S., Industrial and Labor Relations

PROFESSIONAL EXPERIENCE

Matrina Mediation, LLC Morris Plains, NJ
Mediator (January 2012 – Present)

New Jersey Superior Court Civil Roster of Mediators Multiple Counties, NJ
Mediator (November 2011 – Present)

U.S. Equal Employment Opportunity Commission Newark, NJ
Mediator (May 2011 – Present)

Financial Industry Regulatory Authority NYC and Newark, NJ
Public Arbitrator (February 2012 – Present)

Hunterdon County Prosecutor's Office / Juvenile and Megan's Law Sections Flemington, NJ
Assistant Prosecutor (March 2008 – March 2011)

Passaic County Prosecutor's Office / Juvenile Section Paterson, NJ
Assistant Prosecutor (October 2006 – February 2008)

Superior Court of New Jersey / The Honorable Ronald G. Marmo, J.S.C. Paterson, NJ
Law Clerk (September 2005 – August 2006)

WageWorks.com / Service Delivery Organization San Mateo, CA
Senior Operations Analyst (April 2000 - July 2002)

Arthur Andersen LLP / Human Capital Services San Francisco, CA
Associate Compensation Consultant (August 1998 - April 2000)

NCR Corporation/ Global Compensation Dayton, OH
Compensation Consultant (June 1997 - July 1998)

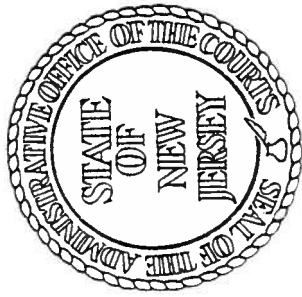
COMPUTER SKILLS

Lexis, WestLaw, Word, Excel, Access, PowerPoint, Visio, Outlook, Promis Gavel, FACTS.

ADDITIONAL INFORMATION

Fluent in Mandarin Chinese

ADMINISTRATIVE OFFICE OF THE COURTS



does hereby recognize

David Lu

as having successfully completed
the twelve-hour training program in

MEDIATION AND CONCILIATION SKILLS

Philip Carchman, J.A.D.
Acting Administrative Director

August 2005

New Jersey Continuing Legal Education Certificate of Attendance

This certificate is issued under Rule 1:42 and BCLE Reg. 301:8 of the Board on Continuing Legal Education.

Title of Program: Mediation Basic Three Day Training - Day One

Date: 7/19/2011 Location: Trenton, NJ

Format:

- | | | |
|--|--|---------------------------------------|
| <input checked="" type="checkbox"/> Traditional live classroom setting | <input type="checkbox"/> CD | <input type="checkbox"/> Webinar |
| <input type="checkbox"/> Teleconference/Videoconference | <input type="checkbox"/> DVD | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Simulcast | <input type="checkbox"/> Audio/Videotape | |

This program has been approved for:

8.00 CLE credits (50 minute hour)
including 1.00 Ethics/Professionalism credits

This course also qualifies for certification credits for:

- civil trial law criminal trial law matrimonial law workers' compensation law

Attorneys: Retain this certificate for a period of at least three years from the date of your attendance. In the event of an audit, you will be required to provide this certificate as proof of your compliance. By signing this certificate, you certify that you attended the activity described above and are entitled to claim the amount of credits listed.

Name of Attorney: David Lu

Signature: _____ Attorney ID # (if applicable) _____

Credit for Faculty Participation:

- | | |
|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> Speaker | <input type="checkbox"/> Moderator |
| <input type="checkbox"/> Panel Member | <input type="checkbox"/> Other _____ |

Providers: By issuing this certificate, you verify that the attorney named above completed this program.

Provider: New Jersey Office of the Public Defender

Acknowledged by: _____
(Provider Representative Signature)

New Jersey Continuing Legal Education Certificate of Attendance

This certificate is issued under Rule 1:42 and BCLE Reg. 301:8 of the Board on Continuing Legal Education.

Title of Program: Mediation Basic Three Day Training - Day Two

Date: 7/20/2011 Location: Trenton, NJ

Format:

- | | | |
|--|--|---------------------------------------|
| <input checked="" type="checkbox"/> Traditional live classroom setting | <input type="checkbox"/> CD | <input type="checkbox"/> Webinar |
| <input type="checkbox"/> Teleconference/Videoconference | <input type="checkbox"/> DVD | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Simulcast | <input type="checkbox"/> Audio/Videotape | |

This program has been approved for:

8.00 CLE credits (50 minute hour)
including 1.00 Ethics/Professionalism credits

This course also qualifies for certification credits for:

- civil trial law criminal trial law matrimonial law workers' compensation law

Attorneys: Retain this certificate for a period of at least three years from the date of your attendance. In the event of an audit, you will be required to provide this certificate as proof of your compliance. By signing this certificate, you certify that you attended the activity described above and are entitled to claim the amount of credits listed.

Name of Attorney: David Lu

Signature: _____ Attorney ID # (if applicable) _____

Credit for Faculty Participation:

- | | |
|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> Speaker | <input type="checkbox"/> Moderator |
| <input type="checkbox"/> Panel Member | <input type="checkbox"/> Other _____ |

Providers: By issuing this certificate, you verify that the attorney named above completed this program.

Provider: New Jersey Office of the Public Defender

Acknowledged by: _____
(Provider Representative Signature)

New Jersey Continuing Legal Education Certificate of Attendance

This certificate is issued under Rule 1:42 and BCLE Reg. 301:8 of the Board on Continuing Legal Education.

Title of Program: Mediation Basic Three Day Training - Day Three

Date: 7/21/2011 Location: Trenton, NJ

Format:

- | | | |
|--|--|---------------------------------------|
| <input checked="" type="checkbox"/> Traditional live classroom setting | <input type="checkbox"/> CD | <input type="checkbox"/> Webinar |
| <input type="checkbox"/> Teleconference/Videoconference | <input type="checkbox"/> DVD | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Simulcast | <input type="checkbox"/> Audio/Videotape | |

This program has been approved for:

8.00 _____ CLE credits (50 minute hour)
including 0.00 _____ Ethics/Professionalism credits

This course also qualifies for certification credits for:

- civil trial law criminal trial law matrimonial law workers' compensation law

Attorneys: Retain this certificate for a period of at least three years from the date of your attendance. In the event of an audit, you will be required to provide this certificate as proof of your compliance. By signing this certificate, you certify that you attended the activity described above and are entitled to claim the amount of credits listed.

Name of Attorney: David Lu

Signature: _____ Attorney ID # (if applicable) _____

Credit for Faculty Participation:

- | | |
|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> Speaker | <input type="checkbox"/> Moderator |
| <input type="checkbox"/> Panel Member | <input type="checkbox"/> Other _____ |

Providers: By issuing this certificate, you verify that the attorney named above completed this program.

Provider: New Jersey Office of the Public Defender

Acknowledged by: _____
(Provider Representative Signature)

104
5/14/11
Dave
BS

GAETANO M. DE SAPIO
ATTORNEY AT LAW

OLDE THEATRE CENTRE
1110 HARRISON STREET - SUITE H
FRENCHTOWN, NEW JERSEY 08825

MICHAEL A. DE SAPIO

(908) 996-6240
FACSIMILE: (908) 996-6928

Direct e-mail:
desapiolaw@earthlink.net

*NEW JERSEY &
PENNSYLVANIA BARS

May 8, 2012

David Kimmel, Agricultural Resource Specialist
State of New Jersey
State Agriculture Development Committee
Health/Agriculture Building - P.O. Box 330
Trenton, NJ 08825

Re: SADC Mediator Roster

Dear Mr. Kimmel:

Please accept this application for my being placed on the New Jersey Agriculture Mediation Program Roster. I recently completed my 18 hour mediation training requirement. Enclosed is a copy of my Certificate.

For the thirty years ending December 31, 2011, I was the attorney for the County of Hunterdon. During that period of time, I have a wide variety of experiences handling different types of legal matters which effect public entities. One of my responsibilities was to serve as the attorney for the Hunterdon County Agricultural Development Board since its inception. During that period I provided advice to the Board concerning Right to Farm disputes and other issues that arose concerning the operation of farms in Hunterdon County. The Board often had me mediate disputes between complainants and farmers, or, municipalities and farmers over the Right to Farm Act.

Thank you.

Very truly yours,


GAETANO M. DE SAPIO

GMDS:rg
cc: Susan E. Payne, Executive Director
Brian D. Smith, Esq.

2012 MAY 14 PM 12:32
RECEIVED
STATE AGRICULTURE DEVELOPMENT COMMITTEE

State of New Jersey



Office of Dispute Settlement

This Certificate
Is awarded to

Gaetano M. DeSapio, Esq.

For the satisfactory completion of a 18 hour course in
Basic Mediation Training

EMM

Eric Max, Director
Office of Dispute Settlement
May 2, 3, & 4, 2012

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2012R6(9)

CERTIFICATION, RE-CERTIFICATION AND
REMOVAL OF APPRAISERS
FROM THE SADC
APPROVED APPRAISER LIST

JUNE 28, 2012

WHEREAS, pursuant to N.J.A.C. 2:76-6.7, the State Agriculture Development Committee (SADC) shall adopt a list of appraisers who are designated as state certified general real estate appraisers (SCGREA) pursuant to N.J.A.C. 13:40A-1.2; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.22 the SADC shall conduct an annual review of all approved appraisers for the purpose of re-certification; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.22 staff has confirmed that the approved appraisers contained in Schedule "A" satisfy all the requirements for re-certification and the appraisers as identified in Schedule "B" do not meet the requirements for re-certification due to not attending at least one of the SADC's annual appraiser seminars in the last two years; and

WHEREAS, any new appraiser that requests inclusion on the approved appraiser list must satisfy the requirements of N.J.A.C. 2:76-6.21; and

WHEREAS, SADC staff has reviewed the qualifications, experience and mandatory attendance at the June 6, 2012 Appraiser Conference of the appraisers contained in Schedule "C" and has determined that the appraisers satisfy all of the requirements for certification;

NOW THEREFORE BE IT RESOLVED that pursuant to N.J.A.C. 2:76-6.21 and 22, the SADC certifies the appraisers identified in Schedule "A" and "C" as approved appraisers and removes the appraisers identified in Schedule "B" from the SADC list of approved appraisers.

6/28/12
Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

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

S:\APP\certs recerts 2012\res.doc

State Agriculture Development Committee
Farmland Preservation Program
Approved Appraisers
As of June 28, 2012

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. George A. Copeland, Jr., MAI	Copeland Appraisal Associates, Inc. 971 U.S. Route 202	Somerville	NJ	08876	Somerset	19081526-5520	(908)526-5265	June 8th 2011, Mercer
Mr. Albert Crosby	Insight Appraisal Group PO Box 9187	Turnersville	NJ	08012	Gloucester	(856)552-4611	(856)582-4711	June 6th 2012, Mercer June 8th 2011, Mercer
Mrs. Susanne H. Curran MAI, RP Approved for Yellow Book	Curran Realty Advisors 195 Nassau Street, Suite 17	Princeton	NJ	08542	Mercer	16091921-8778	(609)921-8224	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Ernest R. Carpino FLP, ASA	137 Stokes Road	Medford Lakes	NJ	08055	Burlington	(609)654-2125	(609)953-7434	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Thomas DeMarrin	Demarrin Schwartz Consulting Serv 100 Federal City Road, Suite 102	Trenton	NJ	08648-1664	Mercer	(609)587-2144	(609)587-4557	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Kenneth Pope Approved for Yellow Book	DeFev Martin LLC 302 N. Washington Ave.	Morristown	NJ	08057	Burlington	(856)231-9300	(856)231-7419	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Victor P. Disanto Approved for Yellow Book	145 West End Avenue P O Box 977	Somerville	NJ	08876	Somerset	(908)526-4244	(908)526-3228	June 8th 2011, Mercer
Mr. Daniel P. Donovan Approved for Yellow Book	15 Skytop Road	Cedar Grove	NJ	07009	Essex	19731857-3120		June 8th 2011, Mercer
Mr. Halvor J. Egeblad MAI Approved for Yellow Book	Infegra Realty Sources 1415 Hooper Avenue, Suite 202	Toms River	NJ	08753	Monmouth	(732)244-7000	(732)505-9498	June 8th 2011, Mercer
Mr. Darryl Fanelli	Fanelli Real Estate, LLC 151 Fries Mill Road, Suite 306B	Turnersville	NJ	08012	Gloucester	(609)313-1721	(856)227-7226	June 8th 2011, Mercer
Mr. Carl Fleming	2 Pidge Lane	Colonia	NJ	07067	Middlesex	(908)388-2177	(908)499-7233	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Robert W. Franklenfield Approved for Yellow Book	Robert W. Franklenfield Assoc. 521 Middle Road	Hamptonton	NJ	08037	Atlantic	(609)457-9570	(609)704-8665	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Robert Capliano MAI Approved for Yellow Book	1129 Broad Street Suite 104	Shrewsbury	NJ	07702	Monmouth	(732)380-0880	(732)380-1521	June 8th 2011, Mercer
Mr. Norman L. Goldbart Approved for Yellow Book	44 Leigh Street	Clinton	NJ	08803	Hunterdon	(908)730-8802	(908)730-6242	June 6th 2012, Mercer June 8th 2011, Mercer

State Agriculture Development Committee
Farmland Preservation Program
Approved Appraisers
As of June 28, 2012

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. Andrew Cvetkovic	31 Kennedy Drive Fairless Hills	PA	19030-2008	Nonmouth	(509)633-0333	(509)637-0301	June 8th 2011, Mercer	
Mr. Ronald A. Hagel MAI, SRA Approved for Yellow Book	P/A F A Hagel, & Assoc. 405 Rostan Court	Vineland	NJ	08361	Cumberland	(856)691-7055	(856)691-7017	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Richard E. Hall MAI, CRE Approved for Yellow Book	20 Hadley Avenue	Toms River	NJ	08753	Ocean	(732)503-4109	(856)340-8596	June 8th 2011, Mercer
Mr. Mark J. Hanson PC Approved for Yellow Book	809 2nd Street	Ocean City	NJ	08226-4117	Cape May	1609)398-3189	(609)398-6218	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Joseph V. Haenan	500 Ocean Avenue, Suite 12 PO Box 1405	Ocean City	NJ	08226	Cape May	1609)391-8852	(609)399-1916	June 8th 2011, Mercer
Mr. Robert F. Heffernan Approved for Yellow Book	148 Main Street, Bldg. C, 2nd Flr Oldwick, NJ PO Box 611	Oldwick	NJ	08858-0611	Hunterdon	(908)236-7098	(908)236-7613	June 8th 2011, Mercer
Mr. Francis C. Heil III Approved for Yellow Book	Suite 505 750 Rt. 73, South	Marlton	NJ	08053	Burlington	(856)985-7799	(856)985-1771	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Michael E. Hohenstein Approved for Yellow Book	Heizhauer & Hohenstein, LLC 222 Hight St. - Box 11 - Suite 20	Newton	NJ	07860	Sussex	1973)300-0121	(973)300-0171	June 8th 2011, Mercer
Mr. (Mohammed) Imran Approved for Yellow Book	Dickinson & McCormick 3 Valley View Road	Long Valley	NJ	07853	Morris	(908)876-9074	(908)876-9134	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Michael D. Jones Approved for Yellow Book	Legate & Jones Appraisal 664 Washington Street, 1st Floor	Cape May	NJ	08210	Cumberland	(609)770-7146	(609)770-7194	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Patrick Josephs Approved for Yellow Book	21 Crestview Drive PO Box 5055	Kendall Park	NJ	08824	Middlesex	(732)297-5400	(732)297-7220	June 8th 2011, Mercer
Mr. Edwin F. Kay Approved for Yellow Book	Kay & Assoc. Inc. 107 E. Commerce St.	Bridgeton	NJ	08302	Cumberland	(856)451-2000	(856)451-2001	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Barry J. Krauser MAI, CRE Approved for Yellow Book	Integra Realty Resources 110 S. Jefferson Road, 2nd Floor	Whippany	NJ	07981-1038	Morris	(973)528-3188	(973)285-5045	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Matthew Krauser MAI, CRE Approved for Yellow Book	Integra Realty Resources 110 South Jefferson Road, 2nd Flr	Whippany	NJ	07981	Morris	(973)528-3188	(973)515-2999	June 6th 2012, Mercer June 8th 2011, Mercer

State Agriculture Development Committee
Farmland Preservation Program
Approved Appraisers
As of June 28, 2012

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. William L. Lincille Approved for Yellow Book	Valuation Consultants 1021 Tuillo Farm Road	Bridgewater	NJ	08807	Somerset	(732) 627-0557	(732) 627-0571	June 6th 2012, Mercer
Mr. Bonnie L. Longo Approved for Yellow Book	438 Cantown Road, Unit A2	Sevill	NJ	08080	Gloucester	(856) 582-4611	(856) 582-4711	June 6th 2012, Mercer
Mr. Joshua D. Markoff	44 Maple Avenue	Morristown	NJ	07960	Morris	(973) 539-0406	(973) 540-1499	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. A. Fred Hafer III	2 Primrose Lane	West Long Branch	NJ	07764-1524	Monmouth	(732) 530-1550	(732) 530-9986	June 8th 2011, Mercer
Mr. Peter A. Maher	PO Box 1008 Cayuga Lane	Jackson	NJ	08527	Ocean	(732) 928-1550	(732) 928-1501	June 6th 2012, Mercer
Mr. Henry J. Mancini Approved for Yellow Book	Henry J. Mancini & Associates 1064 So. Main Street - Suite 1A	West Creek	NJ	08092	Ocean	(609) 978-9750	(609) 978-9180	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Richard J. Martin Approved for Yellow Book	DepewMartin LLC: 302 N Washington 305 Shrewsbury Lane	Riverton	NJ	08077	Burlington	(856) 231-9300	(856) 231-7419	June 6th 2012, Mercer
Mr. Joseph L. Mazotas	344 Nassau Street	Princeton	NJ	08540	Mercer	(609) 924-5353	(609) 497-9325	June 8th 2011, Mercer
Mr. Thomas J. McCarthey Approved for Yellow Book	James P. Casey Appraisal Assoc. 2164 Route 35 - Bldg. C, Suite 1	Sea Girt	NJ	08750	Monmouth	(732) 974-7744	(732) 974-7766	June 8th 2011, Mercer
Mr. John K. McFhesney Approved for Yellow Book	Swift Real Estate Solutions 15 Church Street	Newton	NJ	07860	Sussex	(973) 300-0044	(973) 300-0079	June 8th 2011, Mercer
Mr. Charles A. McCullough Approved for Yellow Book	Giulliano, Miller & Co. 140 Bradford Drive	West Berlin	NJ	08052	Camden	(856) 767-3000	(856) 767-3500	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Jerome J. Hreliale	J. McHale & Associates Inc. 693 Main St, Bldg C 2nd FL PO Bx	Lumberton	NJ	08048	Burlington	(609) 914-4679	(609) 914-0079	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. William H. Herdinger	Dickinson & McCormick 3 Valley View Road	Long Valley	NJ	07853	Morris	(908) 876-9074	(908) 976-9134	June 8th 2011, Mercer
Mr. Edward T. Molinari Approved for Yellow Book	Edward T. Molinari, SRA 14 Harrison Street, Suite 202	Woodbury	NJ	08095	Gloucester	(856) 853-7622	(856) 853-7627	June 6th 2012, Mercer June 8th 2011, Mercer

State Agriculture Development Committee
Farmland Preservation Program
Approved Appraisers
As of June 28, 2012

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. Joseph Murray	Paramount Appraisal Services, Inc Somerville 971 Rt. 202 North, 2nd Floor	Somerset	NJ	08876	Somerset	19081218-4323	(908)526-0291	June 8th 2011, Mercer
Mr. John J. Husnuff, MAI Approved for Yellow Book	Husnuff Group, LLC 17 E. Main Street - F.O. Box 517	Clinton	NJ	08809	Hunterdon	19081735-0009	(908)735-0067	June 8th 2011, Mercer
Mr. Mark Fomybacz Approved for Yellow Book	372 Route 22 West-wing addr8 Suite 1A	Hunterdon	NJ	08889	Hunterdon	19081534-3590	(908)823-0575	June 6th 2012, Mercer
Ms. Heidi M. Quinn	199 Sixth Street	Greenbrook	NJ	08812	Somerset	19081685-1234	(908)526-6267	June 8th 2011, Mercer
Mr. Ronald B. Pabish Approved for Yellow Book	Appraisal Services of North Jersey Sparta 13 Ginger Lane	Sparta	NJ	07871	Passaic	(973)726-9304	(973)726-9314	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Harry E. Renwick Jr	Renwick and Associates 1000 S. Lenola Rd-Bldg. 2 Suite 1	Maple Shade	NJ	08052	Burlington	(856)779-7050	(856)608-8981	June 6th 2012, Mercer
Ms. Tracy A. Reuter	44 Leigh Street	Clinton	NJ	08809	Hunterdon	19081730-8808	(908)730-6242	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Jay R. Ririgliano Approved for Yellow Book	1410 Route # 33	Hamilton	NJ	08690	Mercer	(609)890-7535	(609)890-1182	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Thomas Rodriguez Approved for Yellow Book	74 Lambert Road	Stockton	NJ	08559	Hunterdon	(908)788-5543	(908)788-6881	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Lee L. Romm Approved for Yellow Book	The Pavillions at Greentree Suite 207, Route 73	Marlton	NJ	08053	Burlington	18561983-5500	(856)983-9523	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Ronald L. Rubinstein	Comprehensive Appraisal Corp. 1015 Rt. 25	Freehold	NJ	07728	Monmouth	(732)308-0909	(732)431-5031	June 6th 2012, Mercer
Mr. William J. Sepio MAI	North Star Appraisal Company 420 Benigno Boulevard	Bellmawr	NJ	08031	Camden	(856)933-1272	(856)933-1362	June 8th 2011, Mercer
Mr. R. Michael Schaible	87 Sanford Road	Stockton, NJ	NJ	08559	Hunterdon	(609)460-4530	(609)460-4775	June 8th 2011, Mercer
Ms. Coleen Schwartz	DeMartin Schwartz Consulting Serv Trenton-Circle Branch 100 Federal City Road, Suite 102	Trenton	NJ	08648	Mercer	(609)587-2144	(609)587-4557	June 6th 2012, Mercer June 8th 2011, Mercer

State Agriculture Development Committee
Farmland Preservation Program
Approved Appraisers
As of June 28, 2012

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. Robert G. Schwarz MAI Approved for Yellow Book	28-30 N. Sussex Street PO Box 1008	Dover	NJ	07802	Morris	(973)366-5600	(973)366-6594	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Timothy W. Sheehan MAI, SRA Approved for Yellow Book	1209 South Union Avenue Suite 101	Cherry Hill	NJ	08002	Camden	(856)313-8787	(856)547-3559	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Richard S. Sheldon	420 Bradshaw Avenue	Haddonfield	NJ	08033	Camden	(856)546-5992	(856)546-6311	June 6th 2012, Mercer June 8th 2011, Mercer
Ms. Bettina Durmaskin Sholk Approved for Yellow Book	5 Rosemary Road	East Brunswick	NJ	08816	Hudlesex	(732)254-4410	(732)254-0451	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Peter E. Sockler	299 Ward Street, Suite C	Hightstown	NJ	08520	Mercer	(609)918-1000	(609)918-1006	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Paul B. Sopenoff Approved for Yellow Book	18 W. White Horse Road Suite 200, PO Box 475	Voorhees	NJ	08043-0476	Camden	(856)504-6860	(609)258-2045	June 8th 2011, Mercer
Mr. Frank J. Stearla Jr.	Associates Appraisal Agcy of NJ I 1111 South Clinton Avenue	Trenton	NJ	08611	Mercer	(609)695-4666	(609)695-2427	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Russell K. Sterling Approved for Yellow Book	145 West End Avenue PO Box 977	Somerville	NJ	08876	Somerset	(908)526-4244	(908)526-3228	June 6th 2012, Mercer
Mr. James Stuart	Hon CADB Member 28 Rimwood Lane	Colts Neck	NJ	07722	Honmouth	(732)801-9720	(732)842-0115	June 6th 2012, Mercer
Mr. Christopher Sullivan Approved for Yellow Book	Sullivan & Company 136 Meadows Road	Lafayette	NJ	07848	Sussex	(973)875-7430	(973)875-7986	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Mark W. Sussman Approved for Yellow Book	Lasser Sussman Assoc. 220 S. Orange Ave.	Livingston	NJ	08039	Essex	(973)535-9600	(973)535-9811	June 8th 2011, Mercer
Mr. Merrill Taub Approved for Yellow Book	205 W. Main Street - Suite 304 PO Box 914	Somerville	NJ	08876	Somerset	(908)229-5161	(732)627-0571	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Robert Tighue MAI Approved for Yellow Book	Eastern Valuation Group 24 Buxton Road	Cherry Hill	NJ	08003	Camden	(609)792-0684	(856)831-7199	June 8th 2011, Mercer
Mr. Damien Tyjanowski	General Appraisal Services 121 Inverness Drive	Hoboken	NJ	08057	Burlington	(956)220-3182		June 6th 2012, Mercer June 8th 2011, Mercer

State Agriculture Development Committee
Farmland Preservation Program
Approved Appraisers
As of June 28, 2012

Name	Address	City	State	Zip	County	Phone	Fax	Meetings Attended
Mr. Robert H. Vance Approved for Yellow Book	29 Somersset Street Second Floor	Somersville	NJ	08876	Somerset	(908) 526-1226	(908) 526-6267	June 8th 2011, Mercer
Mr. Richard M. Ward	13 Balmoral Drive	Jackson	NJ	08527	Monmouth	(732) 253-7192	(732) 615-0337	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. Daniel C. Webb Approved for Yellow Book	Jasser Sussman Associates, LLC 220 South Orange Avenue	Livingston	NJ	07039	Essex	(973) 535-9600	(973) 535-9811	June 6th 2012, Mercer June 8th 2011, Mercer
Mr. John R. Weber Jr.	Curini Appraisal Inc. 1540 Kuser Road - Suite A-7	Hanilton	NJ	08619	Mercer	(609) 586-3500	(609) 586-3504	June 6th 2012, Mercer June 8th 2011, Mercer
Ms. Barbara N. Wanner	BHW Inc. Real Estate 108 Pixie Moss Trail	Medford	NJ	08055	Burlington	(609) 654-7842	(609) 654-2872	June 8th 2011, Mercer
Mr. Michael White	2 Ridge Lane	Colonia	NJ	07067	Middlesex	(908) 388-2177	(908) 499-7233	June 8th 2011, Mercer
Mr. William S. Yet's Approved for Yellow Book	1315 Walnut Street Suite 808	Philadelphia	PA	19107		(215) 546-3241	(215) 546-3879	June 8th 2011, Mercer

Sched. = B

State Agriculture Development Committee
 Farmland Preservation Program
 Appraisers Which Will Be Removed
 Effective June 6, 2012

Name	Address	City	State	zip	County	Phone	Fax	Meetings Attended
Mr. James A. Cann, SCFSEA	Benchmark Appraisal, Inc. Fountain 9 Mall, 2153 Highway 35	Sea Girt	NJ	08750	Monmouth	(732)974-9333	(732)974-3131	June 11th 2008, Mercer June 2002 Middlesex June 2004 Mercer June 2005 Mercer June 6th 2007, Mercer June 9th 2010, Mercer
Mr. Phillip L. Cassell SPA	Cassell's Appraisal Serv. 58 Flatbrook Rd	Branchville	NJ	07826	Monmouth	(973)948-6487	(973)948-5847	June 1997 Mercer June 2001 Middlesex June 2002 Middlesex June 2003 Mercer June 2005 Mercer June 6th 2007, Mercer June 9th 2010, Mercer
Ms. Barbara A. Flaherty	808 Ten Eyck Court	Hillsborough	NJ	08844	Somerset	(908)722-9090	(908)722-9118	June 11th 2008, Mercer June 2001 Middlesex June 2002 Middlesex June 2004 Mercer June 7th 2006, Mercer June 9th 2010, Mercer
Mr. Eugene J. Flaherty SPA	EJ Flaherty Real Estate Consultant 808 Ten Eyck Court	Hillsborough	NJ	08844	Somerset	1908)722-9090	(908)722-9118	June 11th 2008, Mercer June 1997 Mercer June 2000 Middlesex June 2001 Middlesex June 2002 Middlesex June 2003 Mercer June 2004 Mercer June 7th 2006, Mercer June 9th 2010, Mercer