

STATE AGRICULTURE DEVELOPMENT COMMITTEE
Department of Agriculture
Market and Warren Streets
1st Floor Auditorium
Trenton, NJ 08625

REGULAR MEETING

February 25, 2016

Chairman Fisher called the meeting to order at 9:06 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

The flag salute was conducted at the start of the meeting.

Roll call indicated the following:

Members Present

Douglas H. Fisher, Chairman (Left meeting at 9:44 a.m.)
Monique Purcell, Acting Chairperson (Arrived at 9:44 a.m.)
Brian Schilling (rep. Executive Dean Goodman)
James Requa (rep. DCA Commissioner Richman)
Renee Jones (rep. DEP Commissioner Martin)
Ralph Siegel (rep. Acting State Treasurer Scudder)
Alan Danser, Vice Chairman
W. Scott Ellis
James Waltman
Jane Brodhecker

Members Absent

Peter Johnson
Denis C. Germano, Esq.

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

Others present as recorded on the attendance sheet: Stefanie Miller, Cindy Roberts, Paul Burns, Richard Martin, Dan Knox, Brian Smith, Esq., David Kimmel, Charles Roohr, David Clapp, Hope Gruzlovic, Alison Reynolds, Esq., Pat O'Connell, Matthew DiStaulo, Steven Bruder, Sandy Giambrone and Patricia Riccitello, SADC staff; Michael Collins, Esq., Governor's Authorities Unit (via telephone conferencing); Daniel Pace, Mercer County Agriculture Development Board; Brian Wilson, Burlington County Agriculture Development Board; Brigitte Sherman, Cape May County Agriculture Development Board; Tom Beaver, New Jersey Farm Bureau; Donna Rue, landowner, Monmouth County; Frank Pinto, Spinelli and Pinto Consulting Firm; Harriet Honigfeld, Monmouth County Agriculture Development Board; Mary Coombs, MJC Properties, LLC, Salem/Cumberland Counties; and Adam Bradford, Hunterdon County Agriculture Development Board.

Minutes

A. SADC Regular Meeting of January 28, 2016 (Open and Closed Sessions)

It was moved by Mr. Requa and seconded by Mr. Danser to approve the Open Session and Closed Session minutes of the SADC regular meeting of January 28, 2016. The motion was unanimously approved.

REPORT OF THE ACTING CHAIRPERSON

- Corporate Business Tax (CBT) Funding

Chairman Fisher stated that everyone is anxiously awaiting the funding for CBT redirection. The Governor has included that in his budget so we know the money is there. It is just that the redirection has not been released just yet and/or the allocation determined. There is a lot of movement in the Legislature and in the Governor's Office so hopefully we will get a clearer understanding of when that money will be released.

- Agricultural Land Easement (ALE) Program

Chairman Fisher stated that a lot of time has been spent talking about whether we want to continue to participate in the Federal Farm and Ranch Lands Protection Program (FRPP), which was renamed the ALE program. As members will recall we have had some real problems or concerns in a number of areas such as

indemnification and what was in and what was out – for example, whether the presence of grassland birds could prevent farming activities such as haying, mowing or harvesting. The farmers are very concerned about that and also landowners as well. Because Ms. Payne brought this to everyone's attention, we asked for a detailed explanation of changes under the new Federal program. We were questioning whether we as a state would even participate in the program since it has been changed. The Committee asked SADC staff to do some research and we found that half of all the money that goes into that program in the entire country goes to the Northeast. That means that we should have a lot of influence. When he went to the annual meeting of the National Association of State Departments of Agriculture (NASDA) in Washington, other secretaries of agriculture and commissioners started asking the same questions so we were able to get a meeting with NRCS Chief Jason Weller. Chairman Fisher stated that Chief Weller was extraordinary in his willingness to listen to and understand our concerns. Delaware, Pennsylvania, New Jersey, Virginia, Ohio and Connecticut were on the call. New Jersey, because of the research by the SADC, was so prepared that we were able to raise, in his opinion, the most points for the Chief to listen to. As a result, NRCS will be looking at whether or not the prohibition on bag and burlap and sod maybe should be changed. They are going to look at the whole idea of indemnification, which was a big concern of New Jersey's. If for any reason NRCS would have to go after the landowner for indemnification, frankly that would mean that a lot of landowners would not go into the program. They are looking at the grassland bird issue, the ability of a species of bird or whatever wildlife or plan to upset the whole apple cart. Ms. Payne stated that regarding the ALE plan in general – the conservation plan that has to be written – the requirements of the ALE plan are not clear so landowners are needing to commit without knowing that, so several of the states echoed that concern as well. Chairman Fisher stated that we will see. We are going to hear back from them and the SADC will be presenting some of the lease templates it was considering. Ms. Payne stated right. This came to a head because we were having to negotiate a new template deed of easement that we use when we have FRPP funding. So what we are going to do is take where we left off with the NRCS in that conversation and propose amendments to the various paragraphs, based on basically what Chief Weller was representing on the phone call. We'll see if we can get to a deed of easement that we can sign off on so we can continue to participate in the Federal agricultural land protection program. Chairman Fisher stated that he has learned a lot. Everyone said that bag and burlap and sod are out and he isn't sure that Chief Weller knew that. He had someone in Washington sitting there at the same time and they said they didn't think they knew it either. It shows you that we all need

to make sure the proper information gets to the decision-makers.

REPORT OF THE EXECUTIVE DIRECTOR

- State Board of Agriculture Convention

Ms. Payne stated that the State Board of Agriculture held its annual convention two weeks ago in early February. It was held at the Harrah's Casino/Hotel this year. It is also held simultaneously with the New Jersey Vegetable Growers Convention so they both happened under the same roof at the same time. The convention went really well this year. There was a substantial policy discussion among the State Board and the delegates with respect to the Department of Agriculture considering a rule to define "locally grown." In the end, the delegates recommended that the State Board not adopt that rule and instead focus on trying to amplify and beef up the Jersey Fresh program. We will see where the State Board goes with that recommendation.

Ms. Payne stated that Rutgers did an outstanding presentation this year. The Agricultural Experiment Station did an excellent job featuring about a dozen people who came up and did rapid three-minute presentations on many different aspects of what Rutgers is working on. She felt it was very beneficial for her because you get blurbs through newsletters and news articles but to see it all at once and then connect the dots of all the beginning farmer and new farmer initiatives and efforts to promote agricultural viability in the agricultural industry, she thought was really great. It was beyond just what we consider the typical and historic work that is crop-production related. Ms. Payne stated that we just received copies of all the final resolutions from the convention and she will send the State Board's resolutions that pertain to the SADC's work to the Committee so members can see what the delegates of the agricultural community are saying to the State Board with respect to right to farm, farmland preservation, funding, soil disturbance and the like.

- Woolwich Township Information Sessions

Ms. Payne stated that Woolwich Township in Gloucester County had its second of two public information sessions last week. This is in preparation for Woolwich Township holding a reverse auction to buy Transfer of Development Rights (TDR) credits from landowners because the private sector TDR market hasn't been established yet due to the recession, and secondly they have struggled to get

sewer extensions to the receiving areas and without sewer it is never going to happen. That is starting to gel. Logan Township is starting to enter into agreements to extend sewer. She has reported previously that the TDR Bank Board has provided \$5 million in grant funds to be matched with \$2 million in local funds to have a \$7 million total auction. That auction is scheduled for March 29th.

COMMUNICATIONS

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

PUBLIC COMMENT

Daniel Pace from the Mercer County Agriculture Development Board stated that he wanted to give kudos to Jessica Neiderer who was named New Jersey's Outstanding Young Farmer of the Year and went on to win National Outstanding Young Farmer of the Year. She is one of four national winners. Mr. Ellis stated that she farms the smallest acreage of any farmer ever to win. She runs an organic operation on a farm in Mercer County. Mr. Waltman stated it is tucked into a small area within the Stony Brook-Millstone Watershed Association's nature preserve. She also was an intern at the organic farm. Everyone is very proud of her.

Ms. Payne introduced Kristen Johnson, a student at Rutgers University in the audience. Ms. Johnson stated that she is studying environmental policy. She is taking a class regarding agricultural leadership and therefore, she is attending today's meeting to write a paper about what is happening and what the SADC is doing. Ms. Payne welcomed her to the meeting.

Ms. Payne stated that Michael Collins from the Governor's Authorities Unit couldn't be here in person today so he is attending via speaker phone.

NEW BUSINESS

- A. **Resolution for Certification – Agricultural Development Area Map Amendment**
 - 1. Hunterdon County

Mr. Bruder referred the Committee to Resolution FY2016R2(1) dealing with an

agricultural development area (ADA) map amendment for Hunterdon County. Mr. Bruder reviewed the specifics of the amendment with the Committee and stated that staff recommendation is to certify the ADA map amendment request as presented and discussed.

It was moved by Mr. Danser and seconded by Mr. Waltman to approve Resolution FY2016R2(1) certifying the amendment to the Hunterdon County Agriculture Development Board's Agricultural Development Area map to include the Greffe Farm, known as Block 11, Lot 14, in Alexandria Township. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. (A copy of Resolution FY2016R2(1) is attached to and is a part of these minutes.)

2. Gloucester County

Mr. Bruder referred the Committee to Resolution FY2016R2(2) dealing with an agricultural development area (ADA) map amendment for Gloucester County. Mr. Bruder reviewed the specifics of the amendment with the Committee.

Mr. Bruder stated that Gloucester County's most recent comprehensive update to the ADA map was done as part of its 2008 comprehensive farmland preservation plan. Subsequently, the ADA map was further revised to accommodate farms whose owners had applied for or expressed interest in the farmland preservation program but were not included in the ADA. The SADC certified that revision in February 2015.

Since then, the Gloucester County Office of Land Preservation, in consultation with SADC staff, continued to work on the draft County Comprehensive Farmland Preservation Plan, including review of local zoning and reexamination of areas along the major transportation corridors, the riparian corridor of the Delaware River and Oldmans Creek, and lands that have been designated by the local municipalities as areas in need of redevelopment or rehabilitation. It was determined that these additional amendments to the ADA were warranted to ensure consistency with local and State planning objectives and to exclude previously developed areas or those lacking productive farmland from the ADA.

Mr. Bruder stated that the SADC reviewed the Gloucester County Agriculture Development Board (CADB) submission and has determined that the analysis of factors and resultant criteria are reasonable and consistent with the statute and SADC regulations, pursuant to N.J.A.C. 2:76-1.6. Staff recommendation is to certify the ADA

map amendment request as presented and discussed.

It was moved by Mr. Schilling and seconded by Mr. Danser to approve Resolution FY2016R2(2) certifying the amendment to the Gloucester County Agriculture Development Board's Agricultural Development Area map to reflect that the cumulative ADA amendments associated with the 2015 County Comprehensive Farmland Preservation Plan update add 1,315 acres and remove 6,404 acres from the County's ADA for a net decrease of 5,090 acres. The revised ADA includes 76.42% of the total farmland-assessed acreage in Gloucester County (48,658 acres), below the statutory limitation of no more than 90% of the agricultural land mass of the County. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. (A copy of Resolution FY2016R2(2) is attached to and is a part of these minutes.)

B. Resolutions for Final Approval – Municipal Planning Incentive Grant Program

SADC staff referred the Committee to three requests for final approval under the Municipal Planning Incentive Grant Program. SADC staff reviewed the specifics with the Committee and stated that the recommendation is to grant final approval.

It was moved by Mr. Requa and seconded by Mr. Ellis to approve Resolution FY2016R2(3) through Resolution FY2016R2(5), granting final approval to the following applications under the Municipal Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said resolutions:

1. Robert and Janet Cole, SADC # 10-0360-PG (Resolution FY2016R2(3))
Block 67, Lot 12, Readington Township, Hunterdon County, 22.8 Gross Acres
State cost share of \$5,640 per acre (60% of the certified easement value and purchase price), for a total grant need of \$117,312 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Scheduled C. If Federal Farm and Ranch Lands Protection Program (FRPP) funding is secured and approved for use by the SADC, that funding will first be used to reduce the Township cost share and then, with the remaining funds, reduce the SADC's cost share (estimated \$19,552). The property includes one approximately 2-acre nonseverable exception area for one existing single-family residential unit and one future single-family residential unit and limited to two single-family residential units. The portion of the property outside of the exception area includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses on the area to be

preserved. The SADC will hold title to the easement.

Discussion: A parcel application was submitted by the New Jersey Conservation Foundation (NJCF) to the FY2013 U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), Federal Farm and Ranch Lands Protection Program (FRPP) for grant funding. The NRCS has determined that the property and landowner qualified for FRPP grant funds. The landowner has agreed to the additional restrictions associated with the FRPP grant, including a 7.33% maximum impervious coverage restriction (approximately 1.53 acres) for the construction of agricultural infrastructure on the property outside of the exception area, which is the maximum allowable for this property through the FRPP at this time. The impervious coverage shall include, but is not limited to, houses, barns, stables, sheds, silos, outhouses, cabanas, other buildings, swimming pools, docks or decks. Temporary greenhouses or other temporary coverings that do not have impervious floors are not included.

2. DuBois Farm Properties, LLC, SADC #17-0145-PG (Resolution FY2016R2(4)) Block 1801, Lot 6, Pittsgrove Township, Salem County, 68 Gross Acres State cost share of \$4,875 per acre (61.32% of the certified easement value and purchase price) for a total grant need of \$316,875, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 3-acre severable exception area for and limited to one future single-family residential unit and for future flexibility of use. The portion of the property outside the exception area includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses.
3. Croucher Property LLC, SADC # 21-0585-PG (Resolution FY2016R2(5)) Block 1501, Lot 15, Blairstown Township, Warren County, 145.8 Gross Acres State cost share of \$2,860 per acre (69.76% of the certified easement value and purchase price), for a total grant need of \$243,100 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 2.4-acre nonseverable exception area for and limited to one single-family residential unit and to afford future flexibility of use, and one approximately 58.7-acre severable exception area for Green Acres Open Space fee acquisition. The Township, landowner and Green Acres will secure an easement to access water for agricultural purposes through the severable exception for the benefit of the preserved farm prior to closing. The portion of the property outside of the exception area includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses on the area to be preserved.

Discussion: The 58.7-acre severable exception is flood plain along the Paulinskill River, which is being purchased in fee by the N.J. Department of Environmental Protection, Green Acres State Acquisition Program, and restricted from development. The Township, landowner and Green Acres have agreed to work together to secure any easements needed to access water for agricultural purposes through the severable exception for the benefit of the preserved farm prior to closing.

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey (Copies of Resolution FY2016R2(3) through Resolution FY2016R2(5) are attached to and are a part of these minutes.)

Chairman Fisher left the meeting at this point in time. Acting Chairperson Monique Purcell presided over the meeting.

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

SADC staff referred the Committee to six requests for final approval under the County Planning Incentive Grant Program. SADC staff reviewed the specifics with the Committee and stated that the recommendation is to grant final approval.

It was moved by Mr. Danser and seconded by Ms. Brodhecker to approve Resolution FY2016R2(6) through Resolution FY2016R2(11), granting final approval to the following applications under the County Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said resolutions:

1. John M. Barton Farm #2, SADC # 21-054-PG (Resolution FY2016R2(6))
Block 102, Lot 3, Mansfield Township; Block 13, Lot 9, Liberty Township
Warren County, 69.51 Gross Acres
State cost share of \$3,280 per acre (68.33% of the certified easement value and purchase price), for a total grant need of \$228,074.80 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 2-acre nonseverable exception area for and limited to one future single-family residential unit and to afford future flexibility of use. The portion of the property outside of the exception area includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses on the area to be preserved outside of the exception area.

Discussion: The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 69.535 acres will be utilized to calculate the grant need.

2. John M. and Cheryl Barton Farm #3, SADC # 21-0565-PG (Resolution FY2016R2(7))
Block 102, Lot 4.01, Mansfield Township; Block 13, Lots 6 and 6.02, Liberty Township
Warren County, 28.55 Gross Acres
State cost share of \$3,800 per acre (65.52% of the certified easement value and purchase price) for a total grant need of \$103,918.60 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 2-acre nonseverable exception area for and limited to one future single-family residential unit. The portion of the property outside of the exception area includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses on the area to be preserved.

Discussion: The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 27.347 acres will be utilized to calculate the grant need.

3. O'Dowd and Associates, O'Dowd Farm West, SADC # 21-0554-PG (Resolution FY2016R2(8))
Block 16, Lot 6, Greenwich Township, Warren County, 111.646 Gross Acres
State cost share of \$3,700 per acre (66.07% of the certified easement value and purchase price) for a total grant need of \$402,234.40 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 1-acre nonseverable exception area for and limited to one future single-family residential unit and one approximately 5.1-acre severable exception for a 50-foot wide addition to the Morris Canal Trail. The portion of the property outside of the exception area includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses on the area to be preserved outside of the exception area.

Discussion: In addition to the approximately 1-acre nonseverable exception area for and limited to one existing single-family residential unit, the property includes one approximately 5.1-acre severable exception for a 50-foot wide addition to the Morris Canal Trail resulting in approximately 105.546 net acres to be preserved. The County is agreeable to including a natural buffer area between the Morris Canal Trail and the

preserved farmland if and when the trail is constructed. The standard trail easement Warren County uses for the Morris Canal Trail contains indemnification language requiring the County to indemnify the owners from any and all suits, claims, demands, other actions, and damages and expenses resulting from property damage and/or personal injuries associated with the County's development, installation or maintenance of the Morris Canal Trail or the public's use of the Morris Canal Trail for recreational trail purposes.

The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 108.712 acres will be utilized to calculate the grant need.

- 4, O'Dowd and Associates and Brian O'Dowd, O'Dowd Farm East, SADC # 21-0557-PG (Resolution FY2016R2(9))
Block 17, Lots 1 and 2, Greenwich Township, and Block 40, Lot 1, Franklin Township, Warren County, 97.18 Gross Acres
State cost share of \$4,050 per acre (64.28% of the certified easement value and purchase price) for a total grant need of \$401,213.25 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 1-acre nonseverable exception area for and limited to one future single-family residential unit. The property includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses on the area to be preserved outside of the exception area.

Discussion: The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 99.065 acres will be utilized to calculate the grant need.

5. Raymond A. Coleman # 1, SADC # 06-0152-PG (Resolution FY2016R2(10))
Block 57, Lot 2, Deerfield Township; Block 2603, Lot 3, Upper Deerfield Twp. Cumberland County, 14 Gross Acres
State cost share of \$3,525 per acre (67.14% of the certified market value and the purchase price) for a total grant need of approximately \$64,890 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 2-acre nonseverable exception area for and limited to one existing single-family residential unit and for future flexibility of use, resulting in approximately 12 net acres to be preserved. The portion of the property outside of the exception area includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses or exceptions.

Discussion: The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 12.36 acres will be utilized to calculate the grant need.

6. Susan Harris, SADC # 17-0133-PG (Resolution FY2016R2(11))
Block 3, Lot 46, Quinton Township, Salem County, 52.317 Gross Surveyed Acres
State cost share of \$2,500 per acre (71.43% of the certified easement value and purchase price) for a total grant need of \$123,292.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 3-acre severable exception area for and limited to one existing single-family residential unit and for future flexibility of use. The portion of the property outside of the exception area includes zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses.

Discussion: Since the County has a survey completed, it does not need to encumber an additional 3% buffer for possible final surveyed acreage increases. Therefore, 49.317 acres will be utilized to calculate the grant need.

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey
(Copies of Resolution FY2016R2(6) through Resolution FY2016R2(11) are attached to and are a part of these minutes.)

D. Stewardship

1. Agricultural Labor Housing
 - a. Metropolitan Farms, Closter Borough, Bergen County

Mr. Roohr referred the Committee to Resolution FY2016R2(12) involving Metropolitan Farm, LLC, owner of Block 2102, Lot 55, Closter Borough, Bergen County, comprising 11.05 acres. In December 2015, the SADC received an agricultural labor housing request from the owner to utilize a newly renovated portion of an existing barn structure that includes a one-bedroom apartment, as an agricultural labor housing unit for the current farm manager, Jennifer Anderson. The apartment is approximately 750 square feet in size. The owner renovated the barn over the past year, prior to applying for CADB and SADC approval, and is seeking retroactive approval to utilize the apartment as agricultural labor housing.

Ms. Anderson is a full-time, year-round employee of the farm directly involved with the

day-to-day production activities of planting, crop maintenance, irrigation and sale of nursery stock as well as daily care of the poultry flock and preparation of eggs for sale. The owner finds that having an on-site employee is necessary to properly manage the livestock and to maximize use of the Premises for production, maintenance and direct-market sale of the nursery stock on site. The agricultural labor housing unit identified at the time of preservation is an approximately 1,200 square-foot ranch-style home on the south side of the property. When questioned why he did not utilize the already existing ranch-style home listed as an agricultural labor unit in the Deed of Easement as housing for the farm manager, the owner explained that the home has significant structural damage and estimates to repair the home were extremely cost prohibitive for the structural rehabilitation work needed to bring it back to a habitable condition. Also, when questioned why he has not removed the uninhabitable unit, the owner explained that he hopes to further intensify production on the property and anticipates a need for additional on-site labor in the future, which at that time would justify the expense of rehabilitating this structure. Additionally, the city water and gas mains that service all of the other residential and agricultural structures on the property are routed through this building, further complicating its removal.

Mr. Roohr stated that a site visit confirmed that the ranch-style home does have significant structural problems and is currently not habitable and that the water and gas mains are routed through this structure. Staff recommendation is to approve the request to utilize the newly created apartment for agricultural labor as presented and discussed.

It was moved by Mr. Danser and seconded by Ms. Jones to approve Resolution FY2016R2(12) approving the request to utilize a newly created one-bedroom apartment within an existing barn on the Premises as a year-round agricultural labor unit, consisting of approximately 750 square feet in size, as depicted on Schedule A, subject to municipal, State and Federal requirements. Only agricultural labor employed on the Premises in production aspects of the operation and their immediate family may live in the agricultural labor unit. The agricultural laborer shall be engaged in the day-to-day production activities on the Premises, which at this time include the planting, crop maintenance, irrigation and sale of nursery stock as well as daily care of the poultry flock and preparation of the eggs for sale. As a condition of this approval the SADC prohibits any future use of the ranch-style home identified as agricultural labor housing in the Deed of Easement for any residential purposes without review and approval by the CADB and the SADC. Any future residential use of the ranch-style home considered by the CADB or SADC shall be strictly limited to use as agricultural labor housing under the terms described in the Deed of Easement. This approval is valid for a period of three years from the date of approval and is not transferrable. The owner's use of any structures for

housing agricultural laborers shall be in compliance with all applicable Federal, State, County and local regulations. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. (A copy of Resolution FY2016R2(12) is attached to and is a part of these minutes.)

2. Nonagricultural Use Permit
 - a. MJC Properties LLC, Upper Deerfield Township, Cumberland County

Mr. Roohr referred the Committee to Resolution FY2016R2(13) for approval of a special permit for commercial nonagricultural activity on a preserved farm. The SADC adopted regulations at N.J.A.C. 2:76-22.1 et seq., to establish the process for owners of preserved farms to apply, pursuant to N.J.S.A. 4:1C-32.1, for a special permit to allow for a commercial nonagricultural activity to occur on the Premises, and to establish standards governing SADC review of such applications. The regulations stated that the owner of a preserved farm may conduct a commercial nonagricultural activity thereon provided that the SADC and the appropriate county agriculture development board (CADB) determine that the application meets the criteria found in N.J.A.C. 2:76-22.1 et seq (Schedule B).

Mr. Roohr stated that staff received an application from the owner, Mary Coombs. Mary Coombs and her husband John Coombs are the principals of MJC Properties LLC. Ms. Coombs owns and has operated a florist shop in the nearby town of Elmer for the past nine years. She has begun planting various perennials in and around the Premises' farmstead complex for the purpose of supplying seasonally available product to the florist shop and for the proposed commercial nonagricultural activity on site. The owner proposes to utilize a former milk house structure on the property to conduct floral design classes, craft workshops and other events. Ms. Coombs and her sister, Dawn Clark, would be the primary operators/instructors of classes and events held on site. Currently approximately 800 square feet of the front section of the milk house has been cleaned and finished to accommodate attendees of the milk house activities. The owner proposes to finish and utilize the remainder of the structure for milk house activities over time as customer interest increases. There are no food preparation facilities associated with the milk house renovations and the interior rear of the structure is currently used to store materials used in the floral design workshops.

Mr. Roohr stated that the owner proposes to dedicate one parking space for disabled parking and install a yard light over the parking area to illuminate the area immediately surrounding the milk house in order to meet Township requirements. There is no other

special permit for a commercial nonagricultural activity existing on the property and no other commercial nonagricultural activity existing on the property or on any portion of the farm that is not subject to the Deed of Easement. Mr. Roohr stated that the commercial nonagricultural activities and events that are proposed within the milk house are listed in the resolution before the Committee today. The original application stated that the proposed schedule was two classes per month for a total of 24 classes per year but after submitting revisions to the application (January 20, 2016), the owner confirmed that they could anticipate a maximum of 36 milk house activities per year. Mr. Roohr referred the Committee to the draft resolution for more specifics on the application information provided by the landowner. The Cumberland CADB approved the issuance of a permit to conduct the nonagricultural activity within the former milk house structure. Staff recommendation is to approve the request as presented and discussed and as outlined in said resolution.

Ms. Coombs thanked the Committee for its consideration of this request. She stated that Mr. Roohr has done a wonderful job in gathering information and guiding her through the process. She stated this was a dream of hers for a very long time and she didn't realize how hard it would be but she understands now why it is so important to keep it small and to keep the footprint minimal and keep the main purpose of their farm, which is to be a farm. She and her husband are very proud to be taking over the family farm. They hope it will always remain as beautiful as it is. As they continue to plant more American-grown flowers, the property will only be more beautiful over time.

It was moved by Mr. Ellis and seconded by Mr. Schilling to approve Resolution FY2016R2(13) and that the SADC makes the following findings of fact with regard to the application by the owner for the issuance of a special permit to conduct nonagricultural activity on the Premises:

1. The Premises produces agricultural and horticultural products worth at least \$2,500 or more annually, and satisfies the eligibility criteria for differential property taxation under the Farmland Assessment Act, N.J.S.A. 54:4-23.1, et seq.;
2. The Premises was preserved by Deed of Easement dated April 23, 1997 and recorded March 20, 1998, in the Cumberland County Clerk's Office in Deed Book 2286, Page 135.
3. The Deed of Easement was acquired without the participation of Federal Farm and Ranch Lands Protection Program funds;

4. No other special permit for a commercial nonagricultural activity exists on the Premises and there is no other commercial nonagricultural activity in existence on the Premises or on any portion of the farm that is not subject to the Deed of Easement;
5. The former milk house structure on the Premises, constructed circa 1977, is approximately 2,200 sq. ft. in size;
6. Approximately 800 sq. ft. of the front section of the milk house has currently been cleaned and finished to accommodate attendees of the floral design workshops;
7. Renovations have included replacing the tin roof on the milk house, adding insulation, replacing the hot water heater and bringing in work tables and stools for use by workshop participants;
8. The former milk house structure on the Premises is intended to be utilized to engage in the activities listed on page three of the Resolution;
9. The milk house will contain a classroom a combined office and art room and a bathroom;
10. The interior rear section of the milk house is currently used to store materials used in the floral design workshops;
11. One parking space shall be provided for disabled parking and a yard light will be installed over the parking area to illuminate the area immediately surrounding the milk house in order to meet Township requirements;
12. Parking is available in a graveled area already used for farm vehicle parking and movement adjacent to a building used by Coombs Sod Farms, as shown on Schedule "A-2";
13. In November 2015, the owner contacted the Township zoning officer regarding municipal land use approval, and the owner is scheduled to appear before the municipal land use board in March 2016;
14. Due to the specialized nature of the building design and current obsolescence of its original intended use, the improvements to the structure repurpose its functionality and will not substantially interfere with use of the structure for agricultural purposes;

15. No public utilities or wastewater facilities are being created or expanded;
16. No storage of vehicles, products or supplies is proposed outside of the structure;
17. No new agricultural structures have been constructed or relocated on the Premises within the past three years to service a function previously served by the milk house;
18. The milk house activities are incidental to and compatible with the use of the Premises as a farm or subordinate to the agricultural use of the Premises;
19. The milk house activities will not create adverse impacts to natural resources;
20. There are no existing violations of the Deed of Easement;

Based on the above findings of fact, the SADC determines that the owner is eligible to apply for a special permit for a commercial nonagricultural activity on the Premises pursuant to applicable provisions in N.J.S.A. 4:1C-32.1, et seq. and N.J.A.C. 2:76-22.4. The issuance of the special permit to the owner for a commercial nonagricultural activity shall be subject to the following conditions:

1. The milk house activities allowed by and listed in the special permit shall be:
 - Floral design classes
 - Soap-, lotion- and balm-making classes
 - Terrarium classes
 - Wreath workshops
 - Kids' creative carnivals (crafts; face-painting; temporary tattoos; snacks)
 - Painting parties
 - Calligraphy classes
 - Jewelry classes
 - Paper flower classes
 - Makeup classes
 - Holiday parties
 - Date night
 - Baby showers; bridal showers; birthday parties
 - Cake decorating classes
 - Craft-making classes
2. All of the commercial nonagricultural activities listed above shall be conducted

within the milk house structure as required by N.J.S.A. 4:1C-32.1(c)7;

3. The total number of occupants within the milk house structure for the activities listed above shall be limited to that permitted by applicable State, County and/or local codes, rules and regulations; however, no activity shall require more than four full-time employees at peak operational periods;
4. There shall be no more than 36 milk house activities each year, the annual period beginning on the date this resolution becomes effective and ending 365 days thereafter; the owner may apply to the SADC for permission to increase the annual number of milk house activities.
5. No special permit shall be issued until the owner receives all necessary Federal, State and local approvals, and such approvals shall not contain any requirements for implementation of the nonagricultural activity that are inconsistent with N.J.S.A 4:1C-32.1 et seq., applicable SADC regulations, or the resolution;
6. All pending Federal, State and local approvals related to implementation of the nonagricultural activity shall be forwarded to the CADB and SADC for review upon receipt by the owner;
7. The special permit:
 - (1) shall be valid for a period of 5 years from the date the resolution becomes effective;
 - (2) applies to the current record owner and is not transferrable;
 - (3) shall automatically terminate upon change in record ownership of the property;
8. The owner shall initiate the commercial nonagricultural activity within six (6) months of the effective date of this approval;
9. No amplified music shall be permitted during milk house activities that causes disturbance to neighboring property owners;
10. Food preparation for milk house activities shall be conducted off site; and

11. The entire interior of the milk house structure, at approximately 2,200 sq. ft., may be finished and utilized to engage in milk house activities.

This approval shall be recorded with the Cumberland County Clerk's office. SADC staff is authorized to issue an appropriate permit document to the owner consistent with said Resolution. The motion was unanimously approved. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. (A copy of Resolution FY2016R2(13) is attached to and is a part of these minutes.)

E. Agricultural Mediation

1. Certification of New Agricultural Mediator

- a. Caroline Petrilla

Mr. Kimmel referred the Committee to Resolution FY2016R2(14) for a request by Caroline Petrilla to join the program's roster of mediators. Mr. Kimmel reviewed the specifics of the resolution and Ms. Petrilla's qualifications to become a mediator with the Committee. He stated that staff recommendation is to certify Ms. Petrilla as an agricultural mediator.

It was moved by Mr. Siegel and seconded by Mr. Requa to approve Resolution FY2016R2(14) certifying Caroline Petrilla as an agricultural mediator pursuant to N.J.A.C. 2:76-18.3 et seq. The motion was unanimously approved. This action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. (A copy of Resolution FY2016R2(14) is attached to and is a part of these minutes.)

PUBLIC COMMENT

None

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, March 24, 2016, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 10:16 a.m., Mr. Siegel moved the following resolution to go into Closed Session. The

motion was seconded by Mr. Danser and unanimously approved.

“Be it resolved, in order to protect the public interest in matters involving minutes, real estate, and attorney-client matters, pursuant to N.J.S.A. 10:4-12, the N.J. 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 Mr. Danser to approve the following Certification of Values as discussed in Closed Session for the following applicants as discussed in Closed Session:

County Planning Incentive Grant Program

1. Estate of Ricksom Robbins, SADC #05-0019-PG
Block 1, Lot 21, Middle Township, Cape May County, 29.90 Acres
2. Daniel Brusha, SADC # 08-0190-PG
Block 1002.03, Lot 6, Franklin Township, Gloucester County, 9.6 Gross/9.6 Net Acres (Appraisal Order Checklist (AOC))
3. Cohawkin Road, LLC, c/o Joe Duca/Cohawkin Rd., LLC Farm, SADC #08-0187-PG
Block 1204, Lot 2, East Greenwich Township, Gloucester County, 33.56 Gross/32.31 Net Acres

Municipal Planning Incentive Grant Program

1. Peter and Ellen Kluber, SADC #10-0371-PG
Block 20.01, Lot 9, Alexandria Township, Hunterdon County, 53.07 Net/57.07 Gross Acres (AOC)

Direct Easement Purchase Program

1. Joseph Case #1 West Farm, SADC #10-0238-DE
Block 21, Lot p/o 36, Alexandria Township, Hunterdon County, 75 Acres
2. Joseph Case #2 East Farm, SADC #10-0237-DE
Block 21, Lot p/o 36, Alexandria Township, Hunterdon County, 73 Acres
3. David K. and Tracy L. Strang, SADC #17-0289-DE
Block 74, Lots 1 and 14; Block 76, Lot 10, Upper Pittsgrove Township
Block 44, Lot 5, Alloway Township, Salem County, 160.4 Acres

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

Mr. Ellis recused himself from any discussion/action pertaining to the following certification of value to avoid the appearance of a conflict of interest. Mr. Ellis has farmed this property for many years.

It was moved by Mr. Danser and seconded by Ms. Jones to approve the following Certification of Value as discussed in Closed Session for the following applicant as discussed in Closed Session:

4. Gaskill, Rockhold, Laughlin and Smith (The Gaskill Farm), SADC #11-0177-PG
Block 2730, Lots 5 and 6, Hamilton Township, Mercer County, 16.09 Net Acres (AOC), 18.09 Gross Acres (AOC)

The motion was approved. (Mr. Ellis recused himself from the vote.) (A copy of the Certification of Value Report is attached to and is a part of the Closed Session minutes.)

Mr. Payne introduced John Jones to the Committee. Jeffrey Everett took the initiative to bring Mr. Jones on for part of the summer. Mr. Jones stated that he is a third-year doctoral student in urban studies at Rutgers University. He is from Ohio originally and his mother's side is dairy farmers from western Ohio. He used to work in economic development for the State of Ohio for a number of years before coming here to start his PhD program. He is very interested in the challenges that post-industrial cities face in trying to deal with vacant land and post-industrial spaces. A number of years ago he was exposed to folks from the Ohio State Extension working to create community gardens and local urban agricultural activities in the City of Dayton where he is from. He did a lot

of reading on that topic and eventually decided to get his PhD and try to look at how local government policies in cities interact with the ability of local food businesses – both for-profit and nonprofit – to get started with sustainable agriculture within vacant post-industrial spaces and vacant lots. This school year he won a fellowship through the Eagleton Institute of Politics, which is at the Rutgers main campus in New Brunswick. As part of that fellowship he has to do an internship, which is how he found himself here. He will be working with Mr. Everett and Ms. Payne and others that he hasn't met yet.

Ms. Payne stated that one of the back-burner projects that the SADC has had is that the SADC owns three properties in fee simple. One is the Lamb Farm out at the Horse Park and there is one in Hunterdon County and another in Salem County. One of the ideas that we have had over the years with all the work that Dave Kimmel has done with the beginning farmer program and Farm Link, is the concept of, would it be possible or appropriate for the State to take a piece that it owns in fee simple and make it an agricultural incubator of some kind to give beginning farmers an opportunity to access land and irrigation and possibly some equipment to get their feet wet so to speak, given how capital-intensive agriculture is, particularly in a state like New Jersey? So that is one of the projects that we will be asking Mr. Jones to look into as to what is involved with that – everything from liability to lease terms to the legality of us confining who we lease land to if we were to open it up. There are many questions that we have not had the time to get answers for.

PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, it was moved by Mr. Danser and seconded by Mr. Requa and unanimously approved to adjourn the meeting at 10:51 a.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R2(1)

CERTIFICATION OF AMENDED AGRICULTURAL DEVELOPMENT AREA MAP

HUNTERDON COUNTY

FEBRUARY 25, 2016

WHEREAS, the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, provides for the identification of Agricultural Development Areas (ADAs) by county agriculture development boards; and

WHEREAS, pursuant to N.J.S.A. 4:1C-18, the Hunterdon County Agriculture Development Board (HCADB) adopted, after a public hearing, ADA criteria and a map identifying areas where agriculture shall be the preferred, but not necessarily exclusive use of land, documenting that the area:

1. Encompasses productive agricultural lands which are currently in production or have a strong potential for future production and in which agriculture is a permitted use under the current municipal zoning ordinance or in which agriculture is permitted as a nonconforming use;
2. Is reasonably free of suburban and conflicting commercial development;
3. Comprises not greater than 90% of the agricultural land mass of the county;
4. Incorporates any other characteristics deemed appropriate by the Board; and

WHEREAS, pursuant to N.J.A.C. 2:76-1.4, the HCADB incorporated the following other criteria into the County ADA criteria:

1. A minimum contiguous area of at least 250 acres;
2. The predominance of prime or statewide important soils;
3. Land use that is reasonably free of non-farm development;
4. The absence of public sewers; and
5. Landowner consent to be included within the ADA; and

WHEREAS, the State Agriculture Development Committee (SADC) certified Hunterdon County's designated ADA criteria pursuant to N.J.S.A. 4:1C-18, and N.J.A.C. 2:76-1.4 on September 23, 1999; and

WHEREAS, on November 6, 2008, the SADC approved the Hunterdon County Comprehensive Farmland Preservation Plan which included statements reaffirming the County's ADA criteria but also recognizing the need to waive certain criteria in suburbanizing areas at the request of landowners and municipal officials in order to protect important farmlands in strategic areas from increasing development pressures; and

WHEREAS, the SADC certified amendments to Hunterdon County's designated ADA map showing the general location of the ADA(s) as defined by the application of the criteria many times over the years at the request of several municipalities, most recently on August 27, 2015; and

WHEREAS, Hunterdon County included the Grefe Farm (Block 11, Lot 14) in Alexandria Township in their State Fiscal Year 2016 Municipal Planning Incentive Grant Application as a targeted farm; and

WHEREAS, the Grefe farm is an application for farmland preservation currently being processed by Alexandria Township; and

WHEREAS, despite its adjacency to ADA parcels Block 11, Lot 14 is not currently within the Hunterdon County ADA (Schedule A); and

WHEREAS, on November 10, 2015, the Alexandria Township Committee adopted a resolution supporting the expansion of the Hunterdon County ADA to include Block 11, Lot 14; and

WHEREAS, Block 11, Lot 14 is in the AR Agricultural Residential District (10 acre minimum lot size), not in a sewer service area or a public water service area, is immediately adjacent to a parcel in common ownership (Lot 14.01) which itself is an application for farmland preservation and within one mile of 12 preserved farms (Schedule B); and

WHEREAS, the 19.5-acre Grefe Farm is currently a hay, Christmas tree and pasture operation consisting of 24.8% prime and 75.2% statewide important soils that are roughly 89% tillable (Schedule C); and

WHEREAS, the Grefe Farm is in the Highlands Planning Area and the Rural Planning Area (PA 4) of the State Development and Redevelopment Plan Policy Map; and

WHEREAS, Alexandria Township has not sought conformance of its Planning Area to the Highlands Regional Master Plan; and

WHEREAS, HCADB and its staff reviewed the proposed ADA amendment against the ADA criteria set forth at N.J.S.A. 4:1C-18 and N.J.A.C. 2:76-1.4 and the certified CADB criteria; and

WHEREAS, on December 10, 2015, the HCADB held a public hearing to consider public comment on the proposed amendment to its ADA map pursuant to N.J.A.C. 2:76-1.5; and

WHEREAS, on December 10, 2015, the HCADB approved the ADA amendment to include Block 11, Lot 14 in Alexandria Township; and

WHEREAS, the HCADB requested the SADC's certification of the amended ADA map; and

WHEREAS, pursuant to N.J.A.C. 2:76-1.5, the CADB submitted to the SADC, copies of the agenda and minutes of the December 10, 2015 meeting; and

WHEREAS, the SADC has reviewed the CADB's submissions and has determined that the analysis of factors and resultant criteria is reasonable and consistent and in compliance with the provisions of N.J.A.C. 2:76-1.6;

NOW THEREFORE BE IT RESOLVED that the SADC certifies the amendment to the Hunterdon County Agriculture Development Board's Agricultural Development Area map to include Block 11, Lot 14 in Alexandria Township; and

BE IT FURTHER RESOLVED that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

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

2/25/16

Date

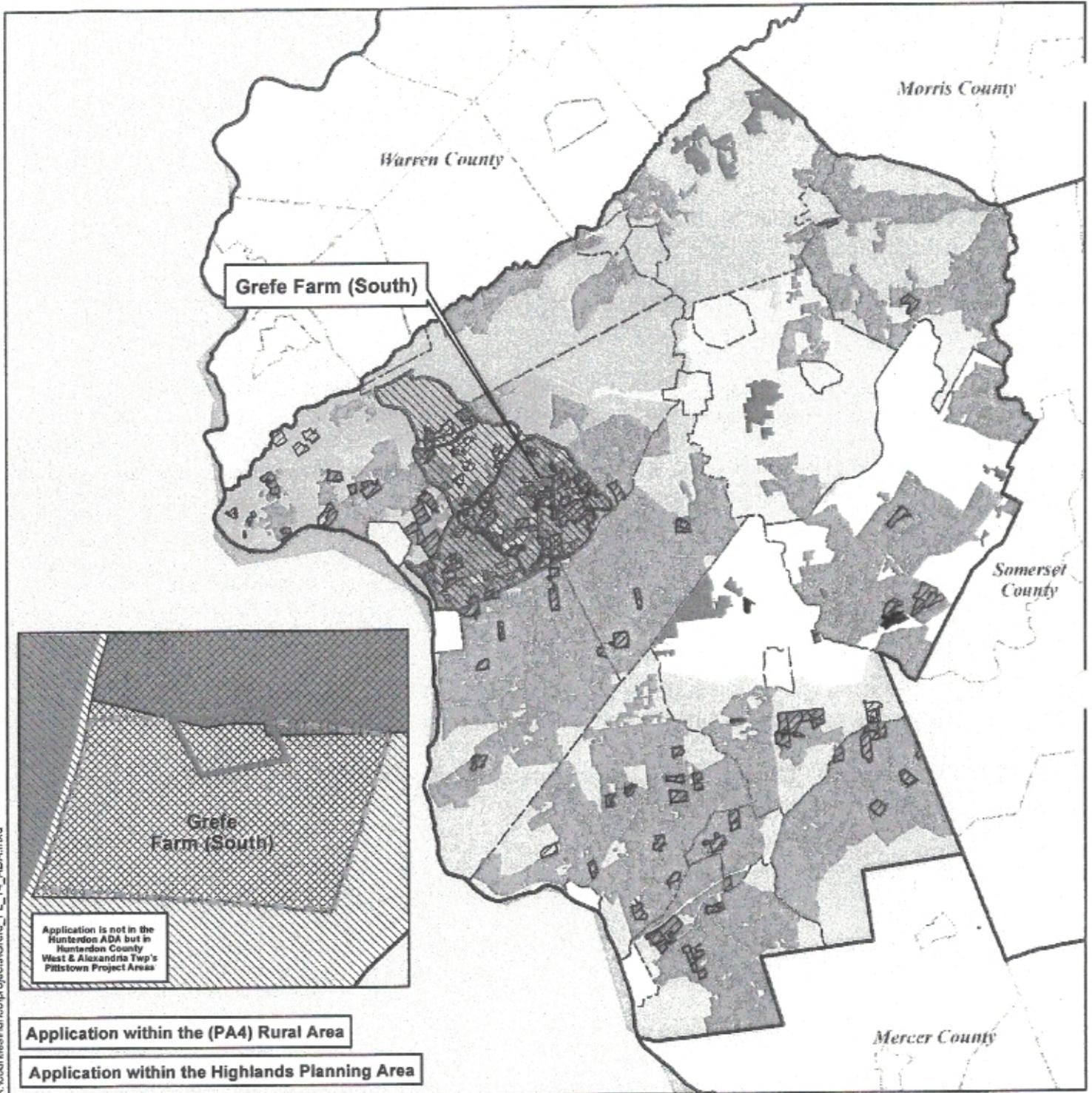


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DCA Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis Germano, Esq.	ABSENT
Pete Johnson	ABSENT
James Waltman	YES

Agricultural Development and Planning Areas

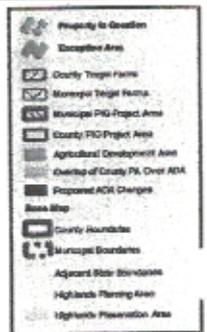


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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Grege, Paul W. & Linda E. (South)
Block 11 P/O Lot 14 (17.7 ac) & P/O Lot 14-EN (non-severable exceptions – 1.83 ac)
Gross Total – 19.53 ac
Alexandria Twp. Hunterdon County

0 2.5 5 10 15 Miles



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.

Date: 10/30/2015

Preserved Farms and Active Applications Within Two Miles



Application within the (PA4) Rural Area

Application within the Highlands Planning Area

X:\counties\hunco\projects\Grefe_PL_14_2Mile.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Grefe, Paul W. & Linda E. (South)
Block 11 P/O Lot 14 (17.7 ac) & P/O Lot 14-EN (non-severable exceptions – 1.83 ac)
Gross Total – 19.53 ac
Alexandria Twp. Hunterdon County

Property's Condition

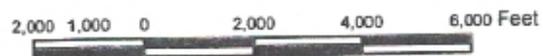
- EW - Non-Severable Exception
- EN - Severable Exception
- ES - Generalized Easement

Preserved Elements

- Active Applications
- General Boundaries
- Statutory Boundaries

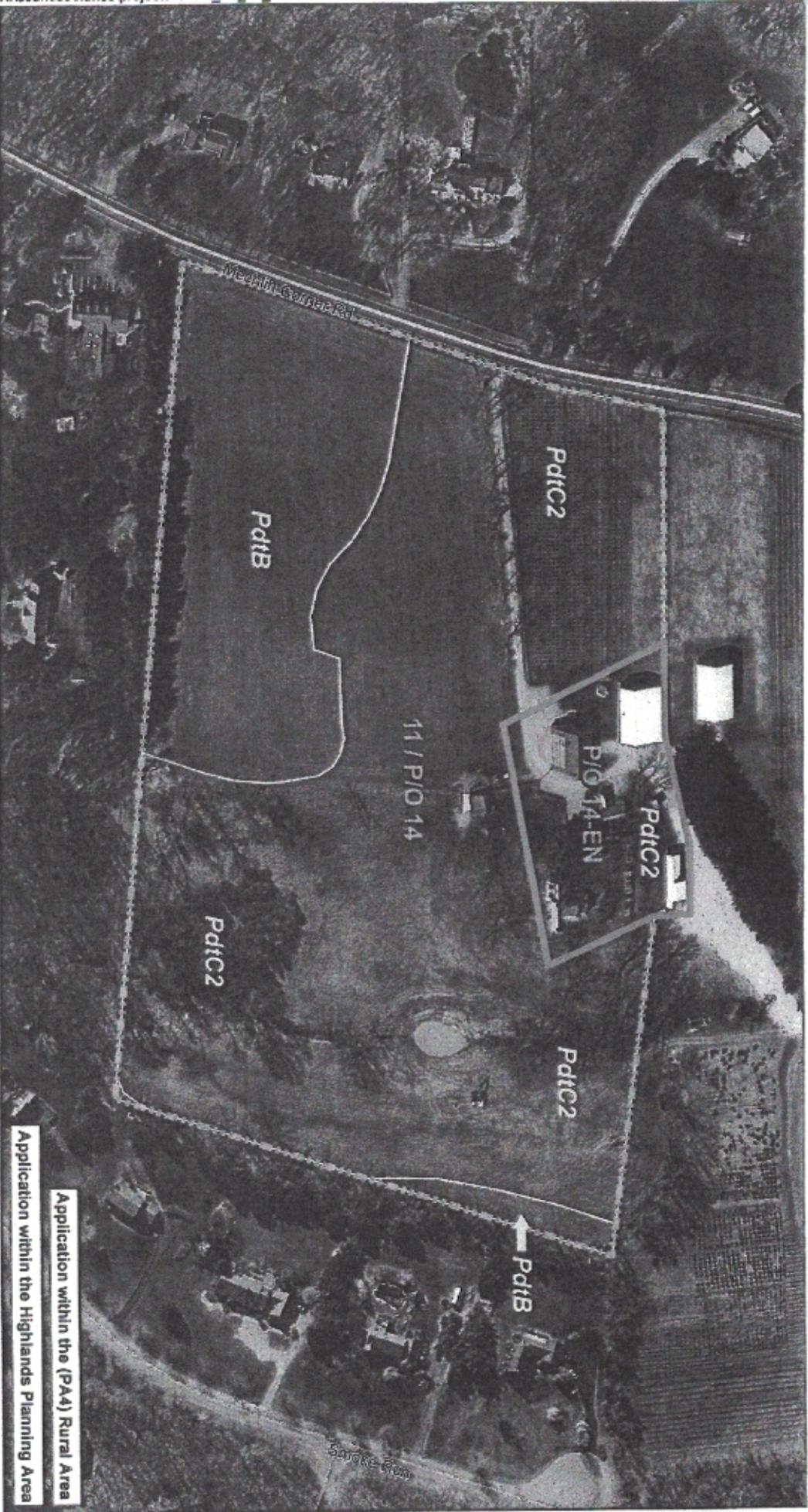
Other Elements

- Unsevered, Covenanted Non-Fruit Preserved Open Space
- State Owned Conservation Easement
- State Owned O&G & Executive Easement



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJ Highlands Council Data
NJGIS/TOGIS 2012 Digital Aerial Image

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



FARMLAND PRESERVATION PROGRAM
 NJ State Agriculture Development Committee

Grefe, Paul W. & Linda E. (South)
 Block 11 P/O Lot 14 (17.7 ac) & P/O Lot 14-EN (non-severable exceptions - 1.83 ac)
 Gross Total - 19.53 ac
 Alexandria Twp. Hunterdon County



DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximates and were developed primarily for planning purposes. The geographic accuracy and precision of the GIS data is not guaranteed in this and other layers of the data. Horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

Application within the (PA4) Rural Area

Property in Question

- PA - Non-Severable Exception
- BA - Agricultural Zoning
- Other Boundaries
- Primary - Labeled Areas
- Secondary - Labeled Areas
- County Roads
- Municipal Boundaries

Sources:
 NRCS - SSURGO 2013 Soil Data
 NJ Highlands Council Data
 Green Acres Conservation Easement Data
 NDOT Road Data
 NJOT/OGIS 2012 Digital Aerial Image

STATE AGRICULTURE DEVELOPMENT COMMITTEE

CERTIFICATION OF
THE AMENDED AGRICULTURAL DEVELOPMENT AREA MAP

GLOUCESTER COUNTY

RESOLUTION FY2016R2(2)

FEBRUARY 25, 2016

WHEREAS, the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, provides for the identification of Agricultural Development Areas (ADAs) by county agriculture development boards; and

WHEREAS, pursuant to N.J.S.A. 4:1C-18, the Gloucester County Agriculture Development Board (GCADB) adopted, after a public hearing, ADA criteria and a map identifying areas where agriculture shall be the preferred, but not necessarily exclusive use of land, documenting that the area:

1. Encompasses productive agricultural lands which are currently in production or have a strong potential for future production and in which agriculture is a permitted use under the current municipal zoning ordinance or in which agriculture is permitted as a nonconforming use;
2. Is reasonably free of suburban and conflicting commercial development;
3. Comprises not greater than 90% of the agricultural land mass of the county;
4. Incorporates any other characteristics deemed appropriate by the Board; and

WHEREAS, pursuant to N.J.A.C. 2:76-1.4, the GCADB incorporated the following other criteria into the County ADA criteria as a component of the 2008 County Comprehensive Farmland Preservation Plan associated with the County's Planning Incentive Grant application:

1. Land is currently in agricultural production, has strong potential for agricultural production, or is farm assessed through a woodland management plan;
2. Agriculture is the preferred, but not the exclusive use;
3. Agriculture is a use permitted by current municipal zoning ordinance or is allowed as a non-conforming use; and

WHEREAS, for the 2008 Gloucester County Comprehensive Farmland Preservation Plan the GCADB and the County Office of Land Preservation utilized the following methodology to develop the updated ADA:

1. Staff reviewed the criteria for creating an ADA as set forth in the state's enabling statutes;
2. All farmland assessed properties and existing farmland were reviewed and mapped;
3. The County's 1997 farmland priority analysis was reviewed;
4. The State Development and Redevelopment Plan Planning Areas were reviewed with particular attention on Planning Areas 1 (Metropolitan), 2 (Suburban) and 3 (Fringe);
5. Sewer service areas were reviewed and mapped;
6. New Jersey Pinelands Land Capability Map (Management Areas) was reviewed and mapped with particular attention on the Agricultural Production Area;
7. Municipal zoning was reviewed; and
8. Areas located within Planning Areas 1 and 2 and sewer service areas were generally excluded except where farmland is concentrated, the primary land use, and contains existing preserved farms or farms with pending applications for preservation; and

WHEREAS, the GCADB included within the ADA the following lands:

1. All preserved farmland in the County;
2. All farmland in the municipal eight-year program within the County;
3. All farmland in the state eight-year program within the County;
4. All 2008 and 2009 pending farmland preservation applications within the County; and
5. Farmland included within the Woolwich and Franklin Township Municipal Planning Incentive Grant (PIG) project areas; and

WHEREAS, the GCADB excluded the following from the County ADA:

1. All farmland assessed properties that are currently under development;
2. All farmland located in Planning Area 1; and
3. The Receiving Areas identified in Woolwich Township's Transfer of Development Rights (TDR) Plan; and

WHEREAS, the ADA amendment associated with the 2008 Gloucester County Comprehensive Farmland Preservation Plan was adopted by the GCADB and certified by the SADC on June 26, 2008; and

WHEREAS, beginning in 2012, the Gloucester County Office of Land Preservation and the GCADB proposed a series of parcel specific additions to the ADA to include farmland whose owners had expressed interest in preserving their land and whose respective municipalities supported the preservation of those farms; and

WHEREAS, for those farms located in Planning Areas 1 and 2, the Gloucester County Office of Land Preservation and the GCADB studied the benefits to the local economy and the community if the farms were included in the ADA and ultimately preserved; and

WHEREAS, the Gloucester County Office of Land Preservation and the GCADB used this ADA amendment as part of a County Comprehensive Farmland Preservation Plan update delivered in draft to the SADC on December 18, 2014 in conjunction with the County's annual Planning Incentive Grant Program application; and

WHEREAS, on February 26, 2015 the SADC certified the requested parcel specific ADA amendments to accommodate those farms whose owners had applied for or expressed interest in the farmland preservation program and appear to exceed the minimum SADC eligibility standards for tillable acreage and soil productivity; and

WHEREAS, continued work on the draft County Comprehensive Farmland Preservation Plan by the Gloucester County Office of Land Preservation, in consultation with SADC staff, included review of local zoning, and reexamination of areas along the major transportation corridors, the riparian corridor of the Delaware River and Oldmans Creek and lands that have been designated by the local municipalities as areas in need of redevelopment or rehabilitation; and

WHEREAS, it was determined that additional amendments to the ADA were warranted to ensure consistency with local and state planning objectives and to exclude previously developed areas or those lacking productive farmland from the ADA; and

WHEREAS, the GCADB received support for the ADA amendments from the Township and Borough Governing Bodies; and

WHEREAS, on November 5, 2015 the GCADB held a public hearing to adopt by resolution the 2015 update to the Gloucester County Comprehensive Farmland Preservation Plan, including revision to the ADA; and

WHEREAS, the cumulative ADA amendments associated with the 2015 County Comprehensive Farmland Preservation Plan update add 1,315 acres and remove 6,404 acres from the County's ADA for a net decrease of 5,090 acres; and

WHEREAS, the revised ADA includes 76.42% of the total farmland assessed acreage in Gloucester County (48,658 acres), below the statutory limitation of no more than 90% of the agricultural land mass of the County; and

WHEREAS, the GCADB has requested the SADC's certification of the amended ADA map; and

WHEREAS, the SADC reviewed the GCADB submissions and has determined that the analysis of factors and resultant criteria is reasonable and consistent with the statute and SADC regulations, pursuant to N.J.A.C. 2:76-1.6.

NOW THEREFORE BE IT RESOLVED that the SADC certifies the GCADB approval of the amended ADA map, pursuant to N.J.A.C. 2:76-1.7 as shown on the attached Schedules A through M; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

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

2/25/16



Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DCA Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis Germano, Esq.	ABSENT
Pete Johnson	ABSENT
James Waltman	YES

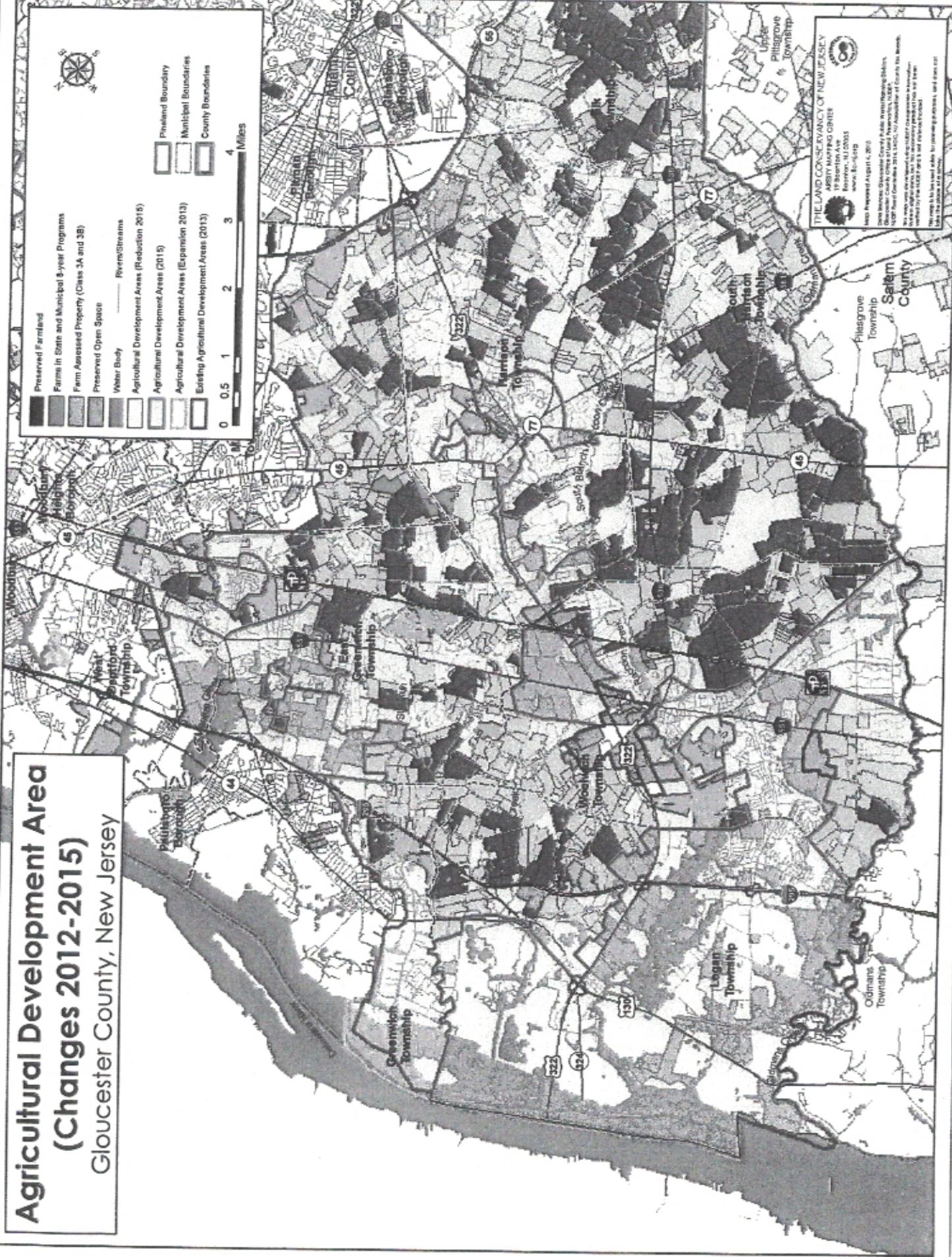
Map 15. Agricultural Development Area (Changes 2012-20)

Agricultural Development Area (Changes 2012-2015) Gloucester County, New Jersey

Legend:

- Preserved Farmland
- Farms in State and Municipal 8-year Programs
- Firm Assessed Property (Class 3A and 3B)
- Preserved Open Space
- Water Body
- Rivers/Streams
- Agricultural Development Areas (Reduction 2015)
- Agricultural Development Areas (2015)
- Agricultural Development Areas (Expansion 2013)
- Existing Agricultural Development Areas (2013)
- Priviled Boundary
- Municipal Boundaries
- County Boundaries

Scale: 0 0.5 1 2 3 4 Miles



THE LAND CONSERVANCY OF NEW JERSEY
 AUSTIN MARSH CENTER
 19 Barton Ave.
 Florham, NJ 08003
 www.lcnj.org

Map Prepared August 1, 2015

Drawn by: Gloucester County Public Works Department
 Gloucester County, Office of Land Preservation, NJSEA
 1000 North Gloucester St., Suite 200, Gloucester, NJ 08030
 www.gloucestercountynj.gov
 All other rights reserved. No warranty is made by the County or the Land Conservancy of New Jersey.

This map is to be used solely for planning purposes, and is not to be used for any other purpose.

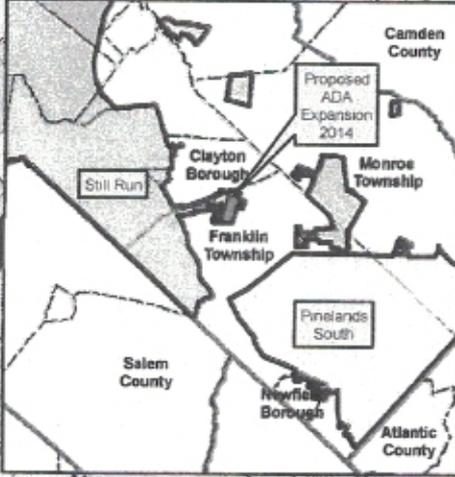
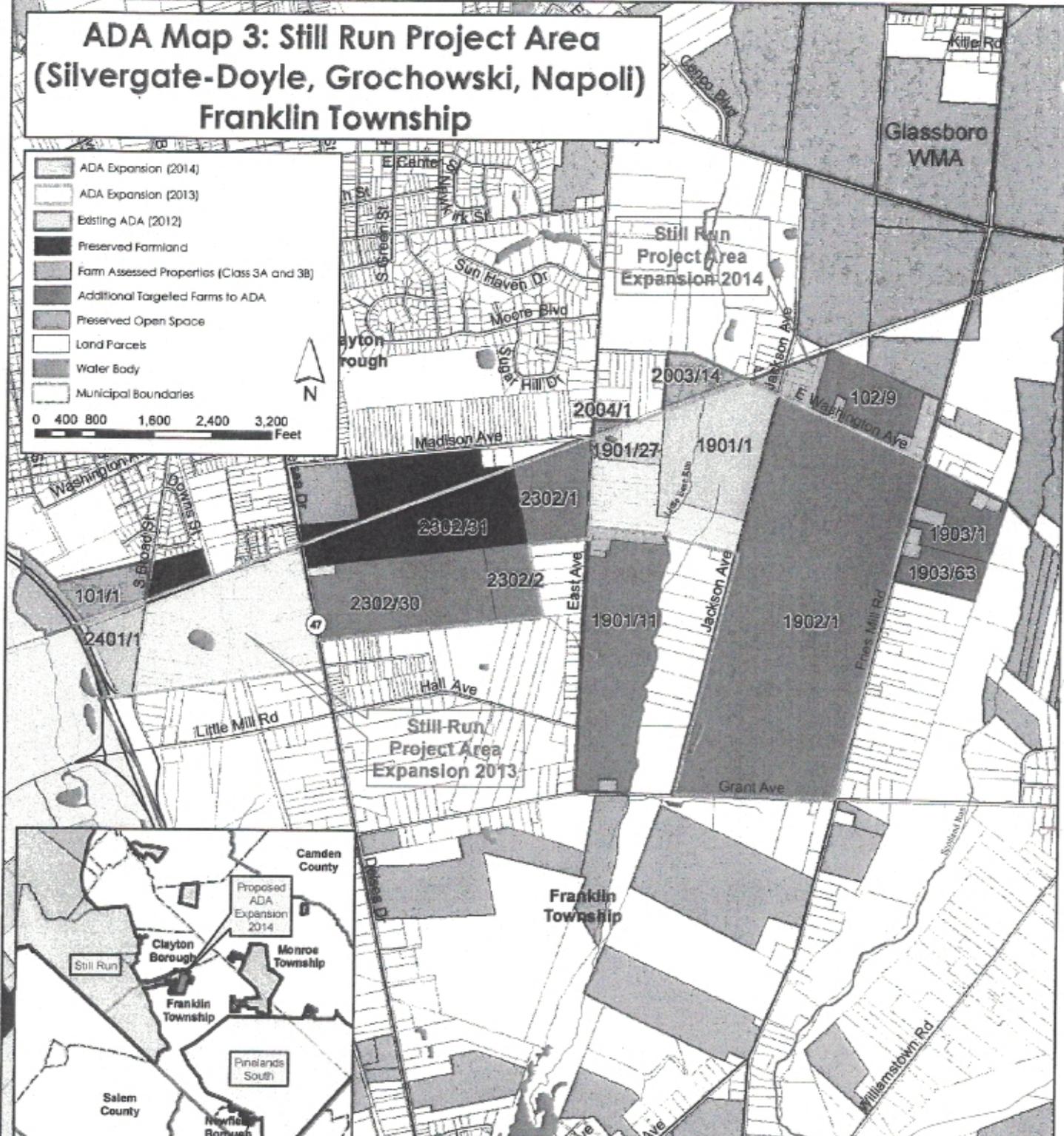
ADA Map 3: Still Run Project Area (Silvergate-Doyle, Grochowski, Napoli) Franklin Township

Legend

- ADA Expansion (2014)
- ADA Expansion (2013)
- Existing ADA (2012)
- Preserved Farmland
- Farm Assessed Properties (Class 3A and 3B)
- Additional Targeted Farms to ADA
- Preserved Open Space
- Land Parcels
- Water Body
- Municipal Boundaries

0 400 800 1,600 2,400 3,200 Feet

N



Municipalities	Block	Lot	Owner	Acres	Targeted Farm
Clayton Borough	101	1	MILL CREEK ASSOCIATES	15.95	No
Clayton Borough	2003	14	ROMAN GINA	9.24	No
Clayton Borough	2004	1	BOTTARO LAWRENCE ET UX	0.70	No
Franklin Township	102	9	NAPOLI, DANIE L & MARIE A	26.03	Yes
Franklin Township	1901	11	DOLINSKI, ALFRED R JR & ELIZABETH A	69.86	Yes
Franklin Township	1901	1	ROMAN, GINA	53.35	No
Franklin Township	1901	27	BOTTARO, LAWRENCE & KATHLEEN	5.91	No
Franklin Township	1902	1	KIEFER L, DONAHOWER, KRUSE, K @	255.05	Yes
Franklin Township	1903	1	KENNEDY, MARY W	21.10	Yes
Franklin Township	1903	63	KENNEDY, MARY W	13.25	Yes
Franklin Township	2302	1	ALL AMERICAN FARMS, LLC	26.71	Yes
Franklin Township	2302	2	ALL AMERICAN FARMS, LLC	14.95	Yes
Franklin Township	2302	30	ALL AMERICAN FARMS, LLC	55.35	Yes
Franklin Township	2302	31	DUBOIS, BENJAMIN F JR & ELAINE	48.98	No (Preserved)
Franklin Township	2401	1	MILL CREEK ASSOCIATES	12.24	No
Total Acres				629.70	

THE LAND CONSERVANCY OF NEW JERSEY
ARESTY MAPPING CENTER
 19 Boonlan Ave
 Boonlan, NJ 07005
 www.lfc-nj.org

Map Prepared December 11, 2014

Data Sources: Gloucester County Public Works/Planning Division, Gloucester County Office of Land Preservation, NJDP, NJDEP Parcel Center/2014, SADC, NJ Association of County Tax Boards.

This map was developed using GIS/Map Information System digital data, but the secondary product has not been verified by the NJDEP and is not state-certified.

This map is to be used solely for planning purposes, and does not take the place of a survey.

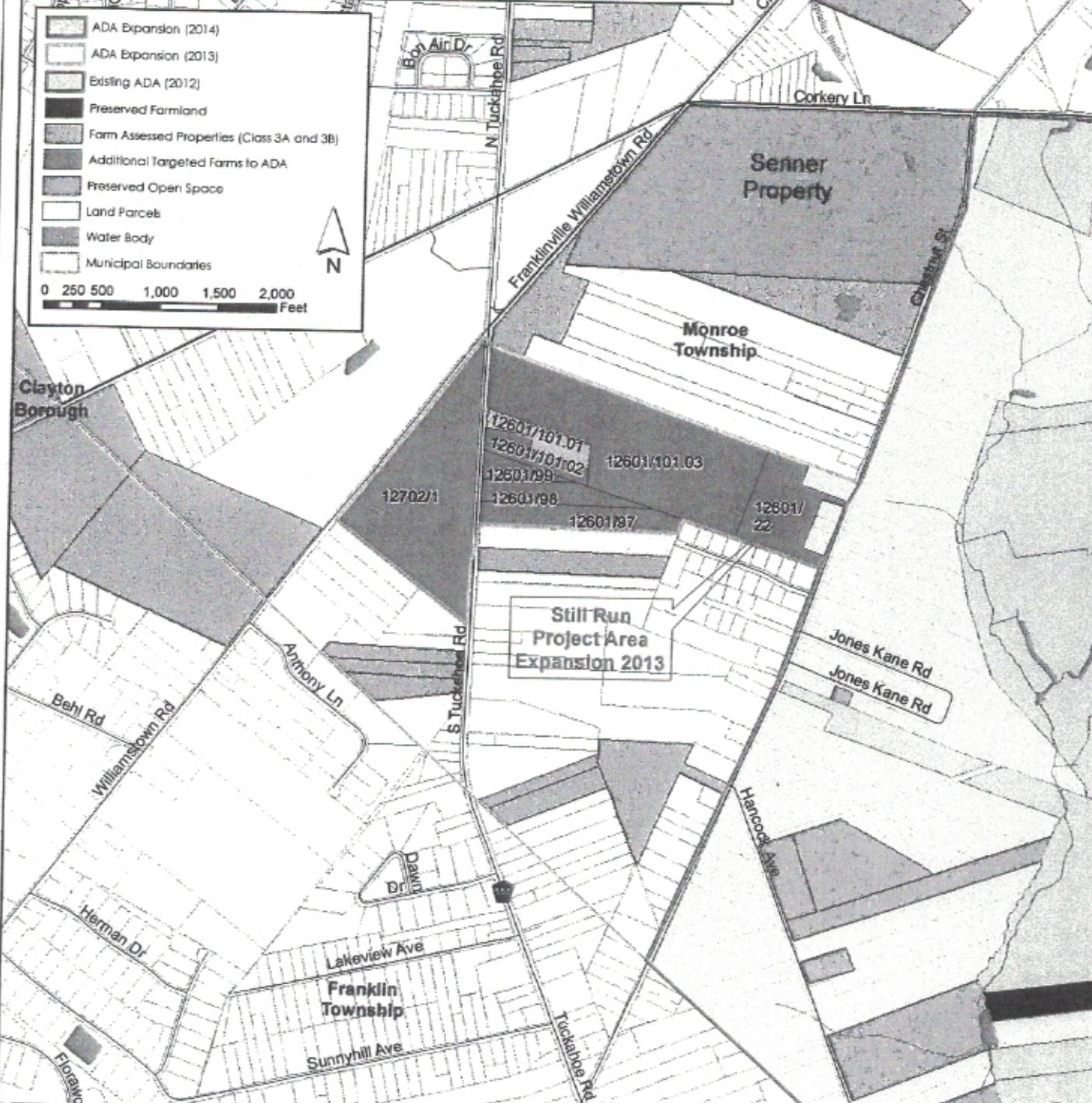
ADA Map 4: Pinelands North Project Area (Senor Farm) Monroe Township

Legend:

- ADA Expansion (2014)
- ADA Expansion (2013)
- Existing ADA (2012)
- Preserved Farmland
- Farm Assessed Properties (Class 3A and 3B)
- Additional Targeted Farms to ADA
- Preserved Open Space
- Land Parcels
- Water Body
- Municipal Boundaries

Scale: 0 250 500 1,000 1,500 2,000 Feet

North Arrow: N



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 Boonton, NJ 07005
 www.lc-nj.org

Map Prepared December 11, 2014

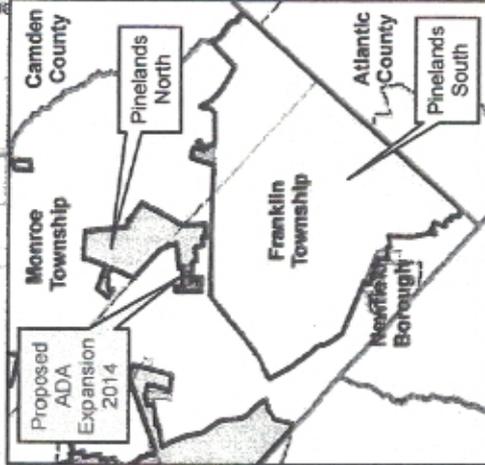
Data Sources: Gloucester County Public Works/Planning Division, Gloucester County Office of Land Preservation, NJDEP, NJDOT Road Centerline 2014, SADC, NJ Association of County Tax Boards.

This map was developed using GIS/RS. Geographic Information System digital data, but the secondary product has not been verified by the NJDEP and is not state-certified.

This map is to be used solely for planning purposes, and does not take the place of survey.

Proposed ADA Expansion (2013)					
Municipalities	Block	Lot	Owner	Acres	Targeted Farm
Monroe Township	12601	22	WITCZAK, SUSAN M	10.94	Yes
Monroe Township	12601	97	KNOWLES, FRANCIS H & NANCY L	7.71	Yes
Monroe Township	12601	98	KNOWLES, FRANCIS H & NANCY L	5.38	Yes
Monroe Township	12601	99	KNOWLES, FRANCIS & NANCY	2.36	Yes
Monroe Township	12601	101.01	FREEMAN, ROBIN & WILLIAM	3.89	No
Monroe Township	12601	101.02	FREEMAN, ROBIN & WILLIAM	3.79	Yes
Monroe Township	12601	101.03	SENROR, ELIZABETH H	39.87	Yes
Monroe Township	12702	1	SENROR, ELIZABETH H	34.08	Yes
Total Acres				108.04	

ADA Map 5: Pinelands North Project Area (Tuckahoe Road Expansion) Franklin Township



Pinelands North
Project Area
Expansion - 2014

Pinelands
North
Project
Area

Pinelands
South
Project
Area

- ADA Expansion (2014)
- ADA Expansion (2013)
- Existing ADA (2012)
- Preserved Farmland
- Farm Assessed Properties (Class 3A and 3B)
- Additional Targeted Farms to ADA
- Preserved Open Spaces
- Land Parcels
- Water Body
- Municipal Boundaries



Proposed ADA Expansion Municipalities	Block	Lot	Owner	Acres	Targeted Farm
Franklin Township	701	14	KASSAB, LOUIS J. JR & MARIE HELEN	12.81	
Franklin Township	701	15,01	IRONEY, JOHN J & JEANNE D	11.77	Yes
Franklin Township	701	16	BRONK, CHARLES H & BYFORD, TRACYLEA	32.48	Yes
Franklin Township	802	19	AVIS, SHARON LYNN & ECKER, LONA BET	3.65	
Franklin Township	802	20	AVIS, SHARON LYNN & ECKER, LONA BET	17.81	Yes
Franklin Township	802	21	OLSEN, HAROLD R & MARGARET H	13.23	
Franklin Township	905	1	OLSEN, HAROLD & MARGARET	20.11	
Franklin Township	1002.03	6	BRUSHA, DANIEL J	9.81	Yes
Franklin Township	1002.03	11	DYER, STEPHEN G & CHARLOTTE	8.96	Yes
Franklin Township	1002.03	11.01	ROLLO, FRANK JR	9.52	Yes
			Total Acres	140.16	

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Bordentown, NJ 07833
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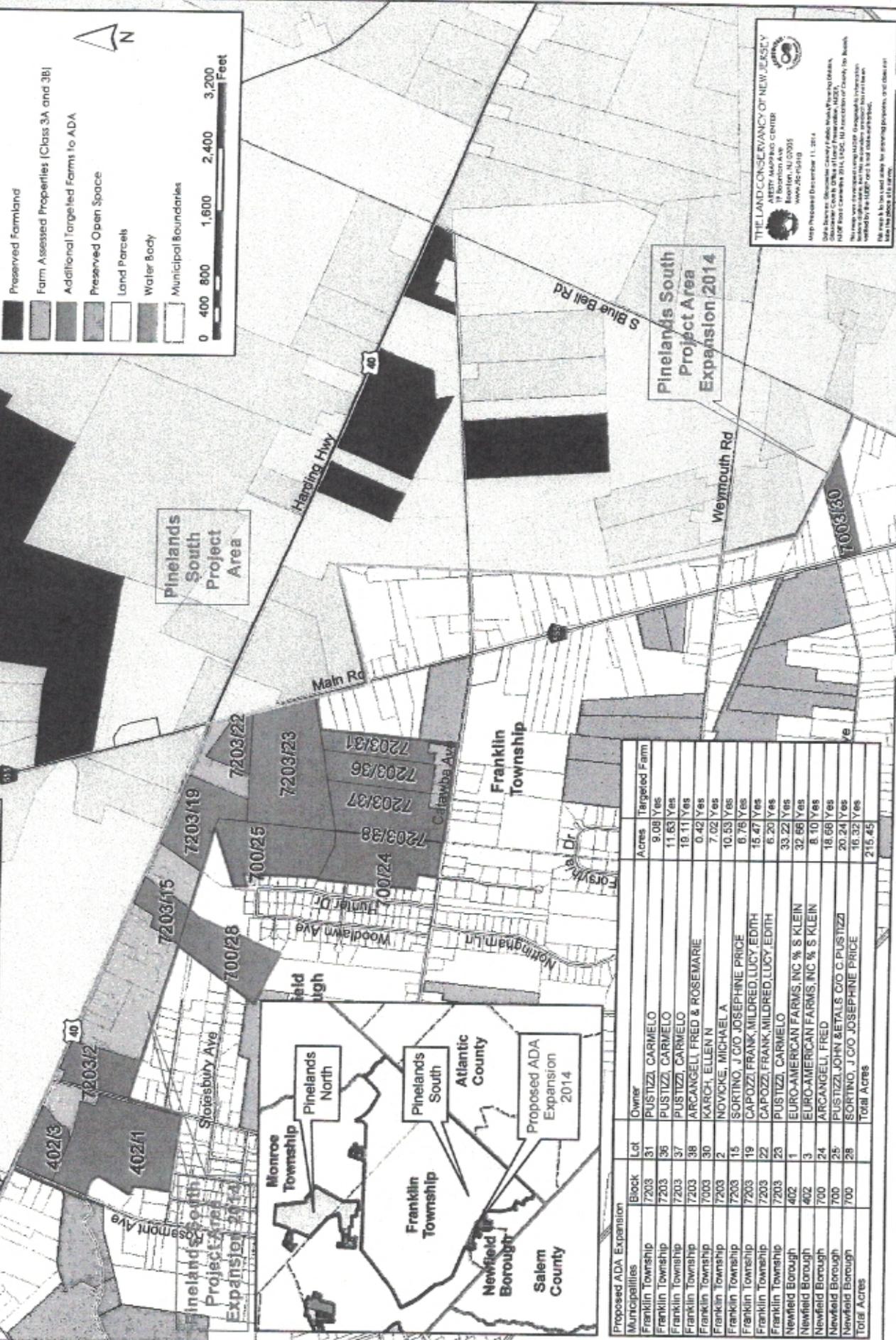
Map Prepared December 11, 2014
Data Sources: Gloucester County Public Works Planning Division, NJDOT, NJDOT Gloucester County Office of Land Assessment, NJDOT.
This map was prepared for the Pinelands North Project Area by the Land Conservancy of New Jersey. It is not intended to be used as a substitute for a professional survey or other engineering or planning project, and does not constitute a warranty.

ADA Map 7: Pinelands South Project Area (Harding Highway-Main Road Expansion) Franklin Township and Newfield Borough

Legend:

- ADA Expansion (2014)
- ADA Expansion (2013)
- Existing ADA (2012)
- Preserved Farmland
- Farm Assessed Properties (Class 3A and 3B)
- Additional Targeted Farms to ADA
- Preserved Open Space
- Land Parcels
- Water Body
- Municipal Boundaries

Scale: 0 400 800 1,600 2,400 3,200 Feet



Proposed ADA Expansion	Block	Lot	Owner	Acres	Targeted Farm
Franklin Township	7203	31	PUSTIZI, CARMELO	9.08	Yes
Franklin Township	7203	36	PUSTIZI, CARMELO	11.63	Yes
Franklin Township	7203	37	PUSTIZI, CARMELO	18.11	Yes
Franklin Township	7203	38	ARCANGELI, FRED & ROSEMARIE	0.42	Yes
Franklin Township	7003	30	KAROH, ELLEN N	7.02	Yes
Franklin Township	7203	2	NOVICKI, MICHAEL A	10.53	Yes
Franklin Township	7203	15	SORTINO, J C/O JOSEPHINE PRICE	6.78	Yes
Franklin Township	7203	19	CAPOZZI, FRANK, MILDRED, LUCY, EDITH	15.47	Yes
Franklin Township	7203	22	CAPOZZI, FRANK, MILDRED, LUCY, EDITH	6.20	Yes
Franklin Township	7203	23	PUSTIZI, CARMELO	33.22	Yes
Newfield Borough	402	1	EURO-AMERICAN FARMS, INC % S KLEIN	32.66	Yes
Newfield Borough	402	3	EURO-AMERICAN FARMS, INC % S KLEIN	8.10	Yes
Newfield Borough	700	24	ARCANGELI, FRED	18.66	Yes
Newfield Borough	700	25	PUSTIZI, JOHN & BETALS C/O PUSTIZI	20.24	Yes
Newfield Borough	700	28	SORTINO, J C/O JOSEPHINE PRICE	16.32	Yes
Total Acres				215.45	

THE LAND CONSERVANCY OF NEW JERSEY
 800-451-4242
 17 BOACON AVE
 SUITE 200
 NEWARK, NJ 07102
 www.lcnj.org

Map Prepared December 11, 2014

Data Source: The Office of the County Planner, Planning Board, NJDOT Road Center 2014, NCEM, NJ Association of County Planners, No map was created using NCEM. Geographic Information Systems (GIS) data was provided by the NJDOT. All other data was provided by the user. Map is for informational purposes only and does not constitute a contract.

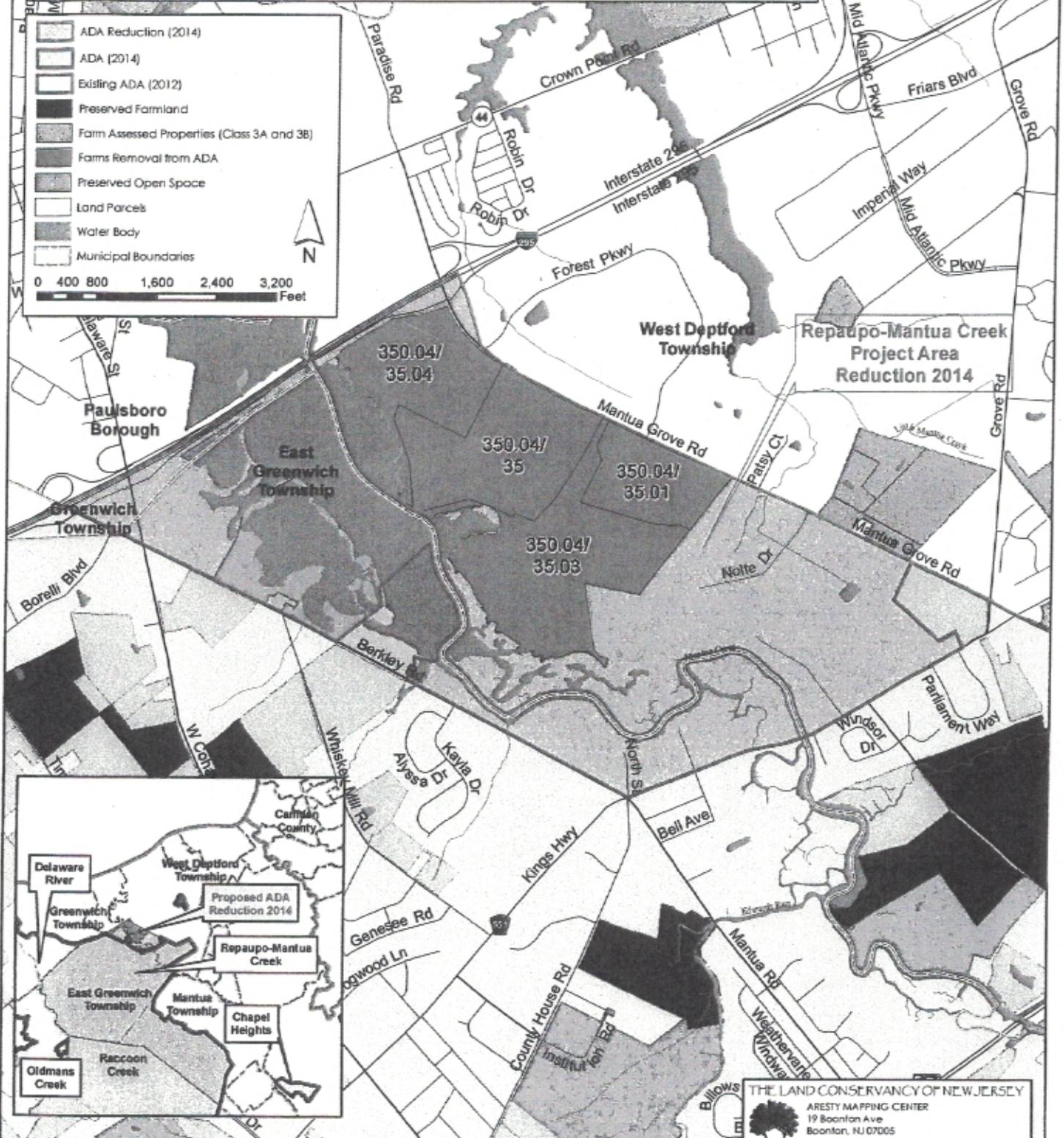
ADA Map 8: Repaupo-Mantua Creek Project Area (Prei Mantua Grove Farms) West Deptford Township

Legend

- ADA Reduction (2014)
- ADA (2014)
- Existing ADA (2012)
- Preserved Farmland
- Farm Assessed Properties (Class 3A and 3B)
- Farms Removal from ADA
- Preserved Open Space
- Land Parcels
- Water Body
- Municipal Boundaries

0 400 800 1,600 2,400 3,200 Feet

N



Proposed ADA Reduction Municipalities	Block	Lot	Owner	Acres Removed	Targeted Farm
West Deptford Township	350.04	35	PREI MANTUA GROVE ASSOCIATES, L.P.	77.13	No
West Deptford Township	350.04	35.04	PREI MANTUA GROVE ASSOCIATES, L.P.	56.20	No
West Deptford Township	350.04	35.01	COIM USA REAL ESTATE, INC	38.99	No
West Deptford Township	350.04	35.03	PREI MANTUA GROVE ASSOCIATES, L.P.	96.81	Yes
				269.13	

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 Boonton, NJ 07005
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Map Prepared December 11, 2014

Data Sources: Gloucester County Public Works/Planning Division, Gloucester County Office of Land Preservation, NJDOT, NJDOT Road Centerline 2014, SADC, NJ Association of County Tax Boards.

This map was developed using NAD83 Geographic Information System digital data, but its secondary product has not been verified by the NAD83 and is not state authorized.

This map is to be used solely for planning purposes, and does not take the place of a survey.

Map 9. ADA Map 9: Delaware River Project Area, Logan and Greenwich Townships

ADA Map 9: Delaware River Project Area Logan and Greenwich Townships

Areas removed from ADA include:
 Areas identified in Need of Redevelopment;
 Riparian Corridor of Delaware River and Oldmans Creek

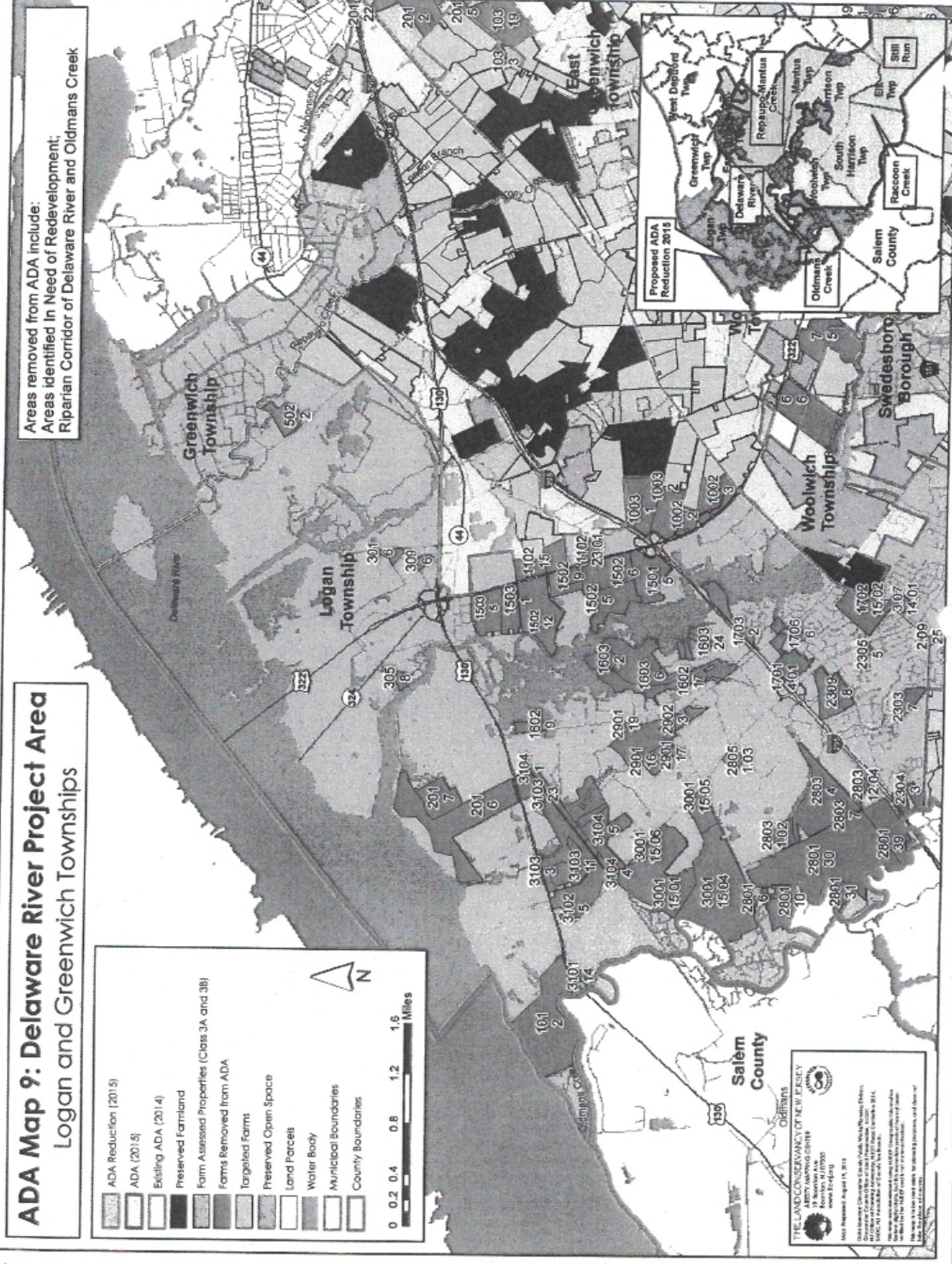
	ADA Reduction (2015)
	ADA (2015)
	Existing ADA (2014)
	Preserved Farmland
	Farm Assessed Properties (Class 3A and 3B)
	Farms Removed from ADA
	Targeted Farms
	Preserved Open Space
	Land Parcels
	Water Body
	Municipal Boundaries
	County Boundaries

0 0.2 0.4 0.8 1.2 1.6 Miles

N

Proposed ADA Reduction 2015

Inset map labels: West Deptford Twp, Greenwich Twp, Logan Twp, Delaware River, Repaupo-Mantua Creek, Mantua Twp, South Harrison Twp, Foothill Twp, Oldmans Creek, Raccoon Creek, Still Run, Swedesboro Borough, Woolwich Township, Oldmans, Salem County.



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 Princeton, NJ 08505
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Map Prepared August 15, 2015

Digitized from the County Office of the Project Area, Logan and Greenwich Townships, NJ. The map was prepared using GIS software. The map is for informational purposes only and does not constitute a warranty of any kind. The map is not to be used for any other purpose, and there is no liability for any errors or omissions.

ADA Map 10: Oldmans Creek Project Area

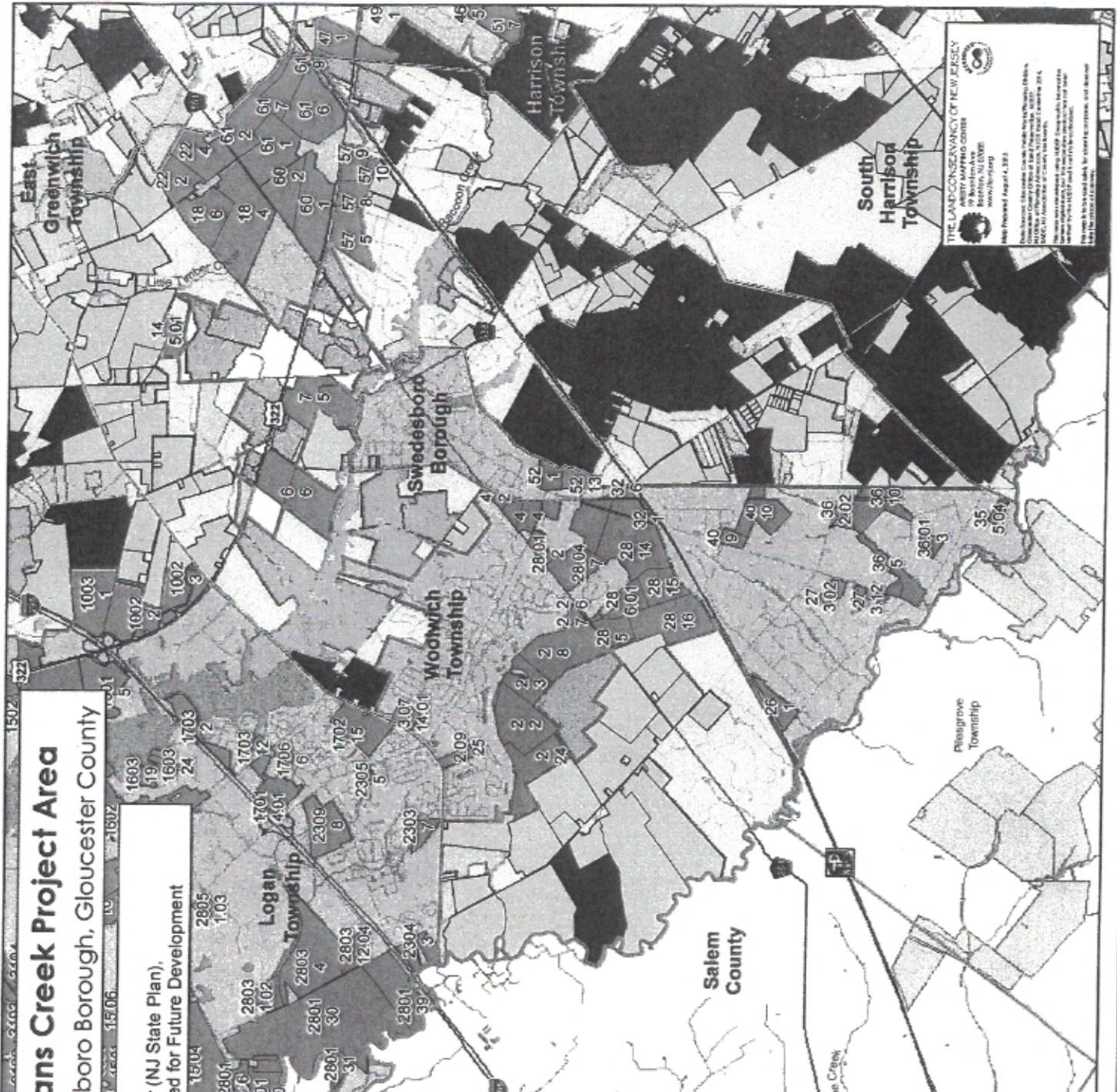
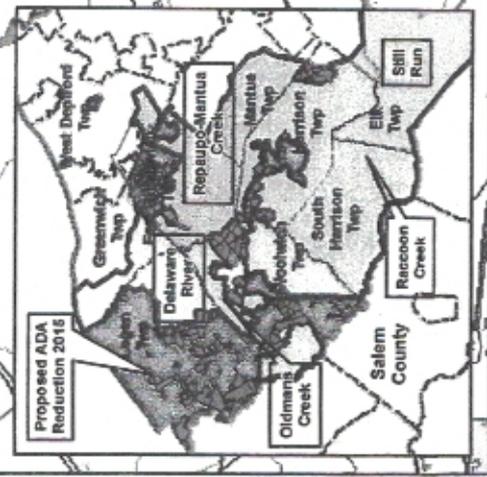
Woolwich Township & Swedesboro Borough, Gloucester County

Areas removed from ADA include:
 Areas identified as Designated Town Center (NJ State Plan),
 In need of Rehabilitation, and Areas proposed for Future Development

	ADA Reduction (2015)
	ADA (2015)
	Existing ADA (2014)
	Preserved Farmland
	Farm Assessed Properties (Class 3A and 3B)
	Farms Removed from ADA
	Targeted Farms
	Preserved Open Space
	Land Parcels
	Water Body
	Municipal Boundaries
	County Boundaries

0 0.2 0.4 0.8 1.2 1.6 Miles

N



THE LAND CONSERVANCY OF NEW JERSEY
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 Roseland, NJ 07068
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Map Prepared August 4, 2015

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ADA Map 12: Repaupo Mantua Creek Project Area

East Greenwich Township, Gloucester County

Areas removed from ADA include:
 Areas identified as Existing and Future Development Sites,
 Areas in Need of Redevelopment.



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 19 BROADWAY
 SUITE 200
 NEWARK, NJ 07102
 www.lcnj.org

Map Prepared August 1, 2015

State of New Jersey
 Department of Transportation
 Office of Planning and Economic Development
 200 South Broad Street, 10th Floor
 Newark, NJ 07102

Map 12. ADA Map 12: Repaupo Mantua Creek Project Area, East Greenwich Town.

STATE AGRICULTURE DEVELOPMENT COMMITTEE
RESOLUTION FY2016R2(3)
FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
READINGTON TOWNSHIP
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Robert and Janet Cole ("Owners")
Readington Township, Hunterdon County

N.J.A.C. 2:76-17A. et seq.
SADC ID# 10-0360-PG

FEBRUARY 25, 2016

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Readington Township, Hunterdon County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Readington Township received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on October 21, 2014 the SADC received an application for the sale of a development easement from Readington Township for the subject farm identified as Block 67, Lot 12, Readington Township, Hunterdon County, totaling approximately 22.8 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property is located in Readington Township's PIG Project Area; and

WHEREAS, the Property includes one (1), approximately 2-acre non-severable exception area for one (1) existing single family residential unit and one (1) future single family residential unit, limited to two (2) single family residential units resulting in approximately 20.8 net acres to be preserved; and

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

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

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

- WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on May 19, 2015 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and
- WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 24, 2015 the SADC certified a development easement value of \$9,400 per acre based on current zoning and environmental regulations in place as of July 2015; and
- WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township's offer of \$9,400 per acre for the development easement for the Property; and
- WHEREAS, a parcel application was submitted by the New Jersey Conservation Foundation (NJCF) to the FY2013 United States Department of Agriculture, Natural Resources Conservation Service (NRCS), Federal Farm and Ranch Lands Protection Program (FRPP) grant funding; and
- WHEREAS, the NRCS has determined that the Property and Landowner qualified for FRPP grant funds; and
- WHEREAS, the landowner has agreed to the additional restrictions associated with the FRPP Grant, including a 7.33% maximum impervious coverage restriction (approximately 1.53 acres) for the construction of agricultural infrastructure on the Property outside of exception area, which is the maximum allowable for this property through the FRPP program at this time; and
- WHEREAS, the FRPP grant will be based on an estimated current easement value of \$9,400 per acre equating to a FRPP grant of \$4,700 per acre (50% of \$9,400) or approximately \$97,760 in total FRPP funds; and
- WHEREAS, should alternate Federal funding become available from other funding years or through other qualified entities such as the SADC, a Non-Profit organization or County it may be utilized if such funding benefits the easement acquisition and/or the successful use of FRPP funding; and
- WHEREAS, the Hunterdon County Agriculture Development Board (CADB) did not approve the application or recommend funding from the County Board of Chosen Freeholders because the Property does not meet its minimum criteria of 40 acres and on February 11, 2016 the CADB declined to hold the easement pursuant to N.J.A.C. 2:76-17A.15; and
- WHEREAS, pursuant to N.J.A.C. 2:76-17A.15, since the County is not providing any funding, the SADC shall hold the development easement; and

WHEREAS, the SADC and Township have agreed to first cover the Township's cost share (40% of easement purchase) with the FRPP funding and then utilize any remaining FRPP funds to reduce the SADC's cost share: and

WHEREAS, Readington Township is requesting \$117,312 and sufficient funds are available (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on February 16, 2016 the Readington Township Committee approved the application and a funding commitment for an estimated \$3,760 per acre; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 20.8 net easement acres):

	<u>Total</u>	
SADC	\$117,312	(\$5,640 per acre and 60% of CMV)
Readington Twp.	\$ 78,208	(\$3,760 per acre and 40% of CMV)
Total Easement Purchase	\$195,520	(\$9,400 per acre)

Estimated Cost share breakdown if the \$97,760 FRPP Grant is finalized and applied:

	<u>Total</u>	<u>FRPP \$</u>	<u>New Cost Share</u>
SADC	\$117,312	\$ 19,552	\$97,760 (\$4,700 / acre)
Readington Township	\$ 78,208	\$ 78,208	\$0
FRPP Grant			\$97,760 (\$4,700 / acre)
TOTAL	\$195,520	\$97,760	\$195,520 (\$9,400 per acre)

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Readington Township for the purchase of a development easement on the Property, comprising approximately 20.8 net easement acres, at a State cost share of \$5,640 per acre, (60% of certified easement value and purchase price), for a total grant need of \$117,312 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

BE IT FURTHER RESOLVED, that if FRPP funding is secured and approved for use by the SADC, said funding will first be used to reduce the Township cost share and then, with the remaining funds, reduce the SADC's cost share (estimated \$ 19,552); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 2-acre non-severable exception area for one (1) existing single family residential unit and one (1) future single family residential unit and limited to two (2) single family residential units; and

BE IT FURTHER RESOLVED, the portion of the Property outside of the exception area includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved; and

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

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the Township for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

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

2/25/16

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DCA Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis Germano, Esq.	ABSENT
Pete Johnson	ABSENT
James Waltman	YES

Schedule A

X:\counties\hunco\projects\cole_fwv.mxd



Application within the (PA3) Fringe Planning Area

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

Janet and Bob Cole
Block 67 Lots P/O 12 (20.8 ac)
& P/O 12-EN (non-severable exception - 2.0 ac)
Gross Total = 22.8 ac
Readington Twp., Hunterdon County

Property to Owner

- 67 - Non-Severable Exception
- 67 - Severable Exception
- Wetlands - Agricultural
- Wetlands - Linear
- Wetlands - Tidal
- Wetlands - Non-Tidal
- Wetlands - 300' Buffer
- Water

Wetlands Legend:

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

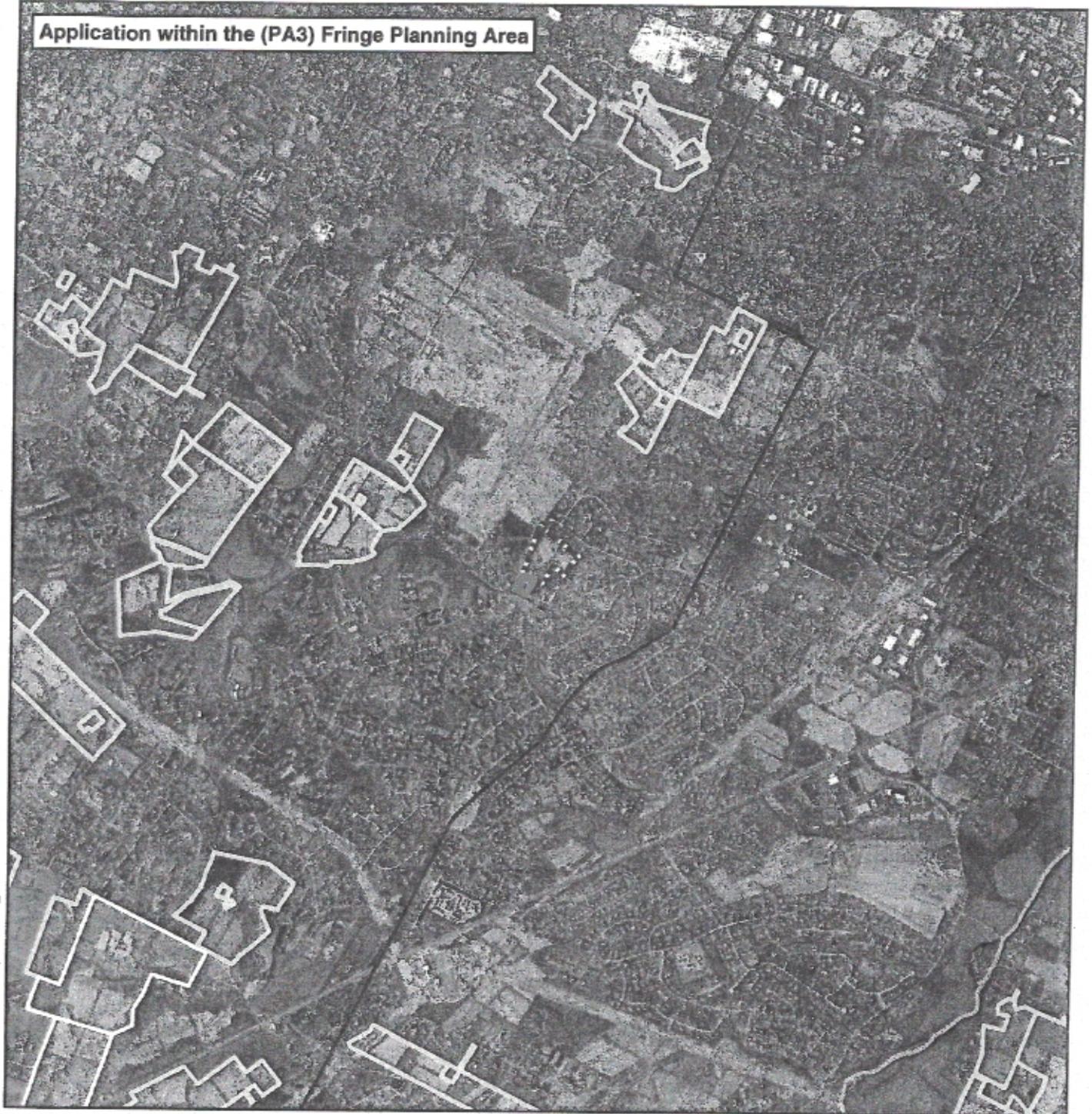


DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision 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 Road Data
NJOT/OGIS 2012 Digital Aerial Image

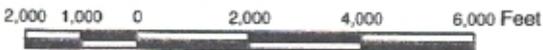
Application within the (PA3) Fringe Planning Area

X:\counties\hunco\projects\cole_2mile.mxd



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

Janet and Bob Cole
Block 67 Lots P/O 12 (20.8 ac)
& P/O 12-EN (non-severable exception - 2.0 ac)
Gross Total = 22.8 ac
Readington Twp., Hunterdon County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOT/OGIS 2012 Digital Aerial Image

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

SADC Municipal Pig Financial Status
Schedule B

Readington Township, Hunterdon County

Farm	SADC ID#	Acres	Pay Acres	SADC		SADC		Federal Grant		Encumbered	Expended	Balance
				Certified Per Acre	SADC Grant Per Acre	Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant			
Holland Brook	10-0277-PG	23.328	23.328	17,500.00	10,500.00	17,500.00	244,944.00			244,944.00	244,944.00	1,750,000.00
Toil Bros. (Elbert)	10-0297-PG	26.756	26.756	18,000.00	8,700.00	387,947.50	232,768.50			232,768.50	232,768.50	1,505,056.00
Peters	10-0306-PG	60.810	60.810	19,000.00	11,400.00	1,135,497.00	681,298.20	531,601.15	318,960.69	362,337.51	362,337.51	1,272,287.50
Cole, J & B	10-0380-PG	20.800	20.800	9,490.00	5,640.00	185,520.00	117,312.00	97,750.00	19,552.00	117,312.00	362,337.51	909,949.99
Total Encumbered	1									117,312.00		
Closed/Expended	3	110.593									840,050.01	
Total												792,637.99

State Agriculture Development Committee
 SADC Final Review: Development Easement Purchase
 April 22, 2016

Cole, Robert & Janet
 10- 0360-PG
 PIG EP - Municipal 2007 Rule
 21 Acres

Block 67	Lot 12	Readington Twp.	Hunterdon County	
SOILS:		Prime	28% * .15	= 4.20
		Statewide	72% * .1	= 7.20
				SOIL SCORE: 11.40
TILLABLE SOILS:		Cropland Harvested	82% * .15	= 12.30
		Wetlands	2% * 0	= .00
		Woodlands	16% * 0	= .00
				TILLABLE SOILS SCORE: 12.30
FARM USE:	Cash Grains		17 acres	Oats

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 Around existing house and buildings
 - Exception is not to be severed from Premises
 - Exception is to be limited to one existing single family residential unit(s) and one future single family residential unit(s)
 - c. Additional Restrictions:
 1. FY13 FRPP via NJCF subject to a 7.33% maximum impervious cover restriction on the Premises.
 - 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 FY2016R2(4)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

PITTSGROVE TOWNSHIP

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
DuBois Farm Properties, LLC ("Owner")
Pittsgrove Township, Salem County

N.J.A.C. 2:76-17A. et seq.
SADC ID# 17-0145-PG

February 25, 2016

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Pittsgrove Township, Salem County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Pittsgrove Township received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on May 27, 2015 the SADC received an application for the sale of a development easement from Pittsgrove Township for the subject farm identified as Block 1801, Lot 6, Pittsgrove Township, Salem County, totaling approximately 68 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property is located in Pittsgrove Township's East Project Area; and

WHEREAS, the Property includes one (1), approximately 3-acre severable exception area for and limited to one (1) future single family residential unit and for future flexibility of use, resulting in approximately 65 net acres to be preserved; and

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

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on June 17, 2015 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on November 12, 2015 the SADC certified a development easement value of \$7,950 per acre based on current zoning and environmental regulations in place as of August 16, 2015 ; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township's offer of \$7,950.00 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on December 30, 2015 the Pittsgrove Township Committee approved the application and a funding commitment for an estimated \$1,537.50 per acre; and

WHEREAS, the Salem County Agriculture Development Board approved the application on January 27, 2016 and secured a commitment of funding from the Salem County Board of Chosen Freeholders for the \$1,537.50 required local match on February 3, 2016; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 65 net easement acres):

	<u>Total</u>	
SADC	\$316,875.00	(\$4,875 per acre)
Salem County	\$ 99,937.50	(\$1,537.50 per acre)
Pittsgrove Twp.	\$ 99,937.50	<u>(\$1,537.50 per acre)</u>
Total Easement Purchase	\$516,750.00	(\$7,950.00 per acre)

WHEREAS, Pittsgrove Township is requesting \$316,875.00 and sufficient funds are available (Schedule B); and

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

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Pittsgrove Township for the purchase of a development easement on the Property, comprising approximately 65 easement acres, at a State cost share of \$4,875 per acre, (61.32% of certified easement value and purchase price), for a total grant need of \$316,875.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 3-acre severable exception area for and limited to one (1) future single family residential unit and for future flexibility of use; and

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

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

BE IT FURTHER RESOLVED, that the SADC's 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 area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

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

2/25/16



Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DCA Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis Germano, Esq.	ABSENT
Pete Johnson	ABSENT
James Waltman	YES

Schedule A



X:\counties\sarco\projects\dubois_farm_properties_fwv.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Dubois Farm Properties, LLC
Block 1801 Lots P/O 6 (64.5 ac)
& Lot P/O 6-ES (severable exception - 3.0 ac)
Gross Total = 67.5 ac
Pittsgrove Twp., Salem County

250 125 0 250 500 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
	EM - (Non-Severable) Easement
	ES - (Severable) Easement
Wetlands Boundaries	
	Primary - Limited Access
	Federal or State Ways
	County Roads
	Municipal/Local Roads
	Municipal, County and Non-Point Preserved Open Space
	State Owned Conservation Easement
	State Owned GIS & Recreation Easement



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

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJDEP Wetlands Data
NJOTIS 2012 Digital Aerial Image

X:\counties\salc\projects\dubois_farm_properties_2mile.mxd



Application within the (PA4b) Rural Env Sens Area

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

Dubois Farm Properties, LLC
 Block 1801 Lots P/O 6 (64.5 ac)
 & Lot P/O 6-ES (severable exception - 3.0 ac)
 Gross Total = 67.5 ac
 Pittsgrove Twp., Salem County



- Property In Question
- EN - (Non-Severable) Exception
- ES - (Severable) Exception
- Preserved Easements
- Active Applications
- County Boundaries
- Municipal Boundaries
- Municipal, County and Non-Pwr/E Preserved Open Space
- State Owned Conservation Easement
- State Owned GIS & Recreation Easement

Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 NJGIT/IGIS 2012 Digital Aerial Image

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

SADC Municipal PIG Financial Status
Schedule B
Pittsgrove Township, Salem County

Farm	Acres	Pay Acres	SADC FA	Closing Review	Closed	SADC		Easement Consideration	SADC			Federal Grant		Encumbered	Expended	Balance
						Certified Per Acre	SADC Grant Per Acre		Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant				
Sadeghian	58.000	58.154	04/23/10		02/25/11	8,700.00	5,250.00	504,800.00	505,839.80	305,308.50	360,083.22	241,848.22	497,550.00	1,068,174.12	1,750,000.00	
Sara & Goren	37.708	37.708	07/22/10		06/30/11	7,800.00	4,800.00	294,122.40	294,122.40	180,998.40	360,083.22	241,848.22	180,998.40	1,263,693.10		
Camp	19.956	19.956	11/04/10		03/24/11	8,150.00	4,975.00	162,841.40	162,841.40	99,281.10	360,083.22	241,848.22	77,844.80	1,164,412.00		
Lenchitz	17.692	17.692	12/09/10		03/24/11	7,000.00	4,400.00	123,844.00	123,844.00	77,844.80	360,083.22	241,848.22	77,844.80	1,098,567.20		
Sadeghian ancillary costs									14,472.72	7,371.36	360,083.22	241,848.22		1,098,567.20		
Camp & Lenchitz ancillary costs									17,898.00	8,949.00	360,083.22	241,848.22		1,079,198.84		
Sara Goren Ancillary costs									12,198.00	6,099.00	360,083.22	241,848.22		1,064,147.84		
Lin	18.512	18.512	12/08/11		07/11/12	5,900.00	3,850.00	108,220.80	108,220.80	71,271.20	360,083.22	241,848.22		992,876.64		
Wagner	18.636	18.627	12/08/11		08/14/12	6,880.00	4,325.00	127,594.95	127,594.95	80,561.78	360,083.22	241,848.22		912,314.86		
Wagner ancillary costs									7,677.00	3,838.50	360,083.22	241,848.22		908,476.36		
Lin Ancillary Costs									7,653.00	3,826.50	360,083.22	241,848.22		904,594.86		
Waiters	19.330	19.330	01/24/13		09/25/13	4,900.00	3,340.00	94,717.00	94,717.00	64,562.20	360,083.22	241,848.22		840,032.66		
Schmidt	89.900	89.900	02/23/12		03/05/14	7,100.00	4,450.00	638,290.00	638,290.00	400,055.00	360,083.22	241,848.22		691,825.88		
Kupelian	36.500	36.500	10/12/15			8,100.00	4,950.00	295,650.00	295,650.00	180,875.00	360,083.22	241,848.22		501,150.88		
Dubois Farm Properties LLC	65.000	65.000	02/25/16			7,950.00	4,875.00	516,750.00	516,750.00	316,875.00	360,083.22	241,848.22		184,275.88		
Closed/Expended	279.734	279.879						2,055,030.55	1,819,554.60	1,310,022.34	360,083.22	241,848.22	497,550.00	1,068,174.12	184,275.88	
Total																

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Dubois Farm Properties, LLC
17- 0145-PG
PIG EP - Municipal 2007 Rule
65 Acres

Block 1801	Lot 6	Pittsgrove Twp.	Salem County		
SOILS:		Prime	100% * .15	=	15.00
				SOIL SCORE:	15.00
TILLABLE SOILS:		Cropland Harvested	100% * .15	=	15.00
				TILLABLE SOILS SCORE:	15.00
FARM USE:	Field Crop Except Cash Grain	65 acres	corn, wheat, soybeans		
	Vegetable & Melons	65 acres	tomatoes		

the SADC certified a value of \$7,950.00 per acre for the development easement. The Township is contracted to purchase the easement for \$7,950.00 per acre. The SADC approves a purchase price of the development easement of \$7,950.00 per acre for an estimated \$516,750.00. The SADC 61.32% cost share pursuant to N.J.A.C. 2:76-6.11 is \$4,875.00 per acre for an estimate of 316,875.00. County 19.34% cost share is \$1,537.50 per acre for an estimate of 99,937.50. Municipal 19.34% cost share is \$1,537.50 per acre for an estimate of 99,937.50.

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 future single family residence
 - Exception is severable
 - Right to Farm language is to be included in Deed of Future Lot
 - Exception is to be limited to one single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R2(5)

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

On the Property of
Croucher Property LLC ("Owners")
Blairstown Township, Warren County

N.J.A.C. 2:76-17A. et seq.
SADC ID# 21-0585-PG

FEBRUARY 25, 2016

WHEREAS, on December 15, 2007, pursuant to N.J.A.C. 2:76-17A.4, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Blairstown Township, Warren County; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.7, Blairstown Township received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on April 9, 2015 the SADC received an application for the sale of a development easement from Blairstown Township for the subject farm identified as Block 1501, Lot 15, Blairstown Township, Warren County, totaling approximately 145.8 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property is located in Blairstown Township's Central Project Area; and

WHEREAS, the Property includes one (1), approximately 2.4-acre non-severable exception area for and limited to one (1) single family residential unit and one (1) approximately 58.7-acre severable exception area for Green Acres Open Space fee acquisition resulting in approximately 85 net acres to be preserved; and

WHEREAS, the 58.7 acre severable exception is flood plain along the Paulins Kill River being purchased in fee by the New Jersey Department of Environmental Protection, Green Acres State Acquisition Program and restricted from development; and

WHEREAS, the Township, landowner and Green Acres agreed to work together to secure any easements needed to access water for agricultural purposes through the severable exception for the benefit of the preserved farm prior to closing; and

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

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

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

WHEREAS, pursuant to N.J.A.C. 2:76-17.9A(b) on June 8, 2015 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on September 24, 2015 the SADC certified a development easement value of \$4,100 per acre based on current zoning and environmental regulations in place as of August 1, 2015; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township's offer of \$4,100 per acre for the development easement for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.13, on December 2, 2015 the Blairstown Township Committee approved the application and a funding commitment for an estimated \$620 per acre; and

WHEREAS, the Warren County Agriculture Development Board approved the application on January 21, 2016 and secured a commitment of funding from the Warren County Board of Chosen Freeholders for the \$620 per acre required local match on January 27, 2016; and

WHEREAS, the cost share breakdown is approximately as follows (based on approximately 85 net easement acres):

	Total	
SADC	\$ 243,100	(\$2,860 per acre)
Warren County	\$ 52,700	(\$620 per acre)
<u>Blaristown Twp.</u>	<u>\$ 52,700</u>	<u>(\$620 per acre)</u>
Total Easement Purchase	\$ 348,500	(\$4,100 per acre)

WHEREAS, Blairstown Township is requesting \$243,100 and sufficient funds are available (Schedule B); and

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

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

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

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Blairstown Township for the purchase of a development easement on the Property, comprising approximately 85 net easement acres, at a State cost share of \$2,860 per acre, (69.76% of certified easement value and purchase price), for a total grant need of \$243,100 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C);

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 2.4-acre non-severable exception area for and limited to one (1) single family residential unit and to afford future flexibility of use and one (1) approximately 58.7-acre severable exception area for Green Acres Open Space fee acquisition; and

BE IT FURTHER RESOLVED, the Township, landowner and Green Acres will secure an easement to access water for agricultural purposes through the severable exception for the benefit of the preserved farm prior to closing; and

BE IT FURTHER RESOLVED, the portion of the Property outside of the exception area includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved; and

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

BE IT FURTHER RESOLVED, that the SADC's 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 area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

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

2/25/16



Date

Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DCA Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis Germano, Esq.	ABSENT
Pete Johnson	ABSENT
James Waltman	YES

Schedule A



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Calvin Croucher, Jr/Croucher Property, LLC
 Block 1501 Lots P/O 15 (84.75 ac); P/O 15-ES (severable exception - 58.7 ac);
 & P/O 15-EN (non-severable exception - 2.4 ac)
 Gross Total = 145.8 ac
 Blairstown Twp., Warren County

500 250 0 500 1,000 Feet



NJDEP Green Acres

Application within the (PA4b) Rural Env Sens Planning Area

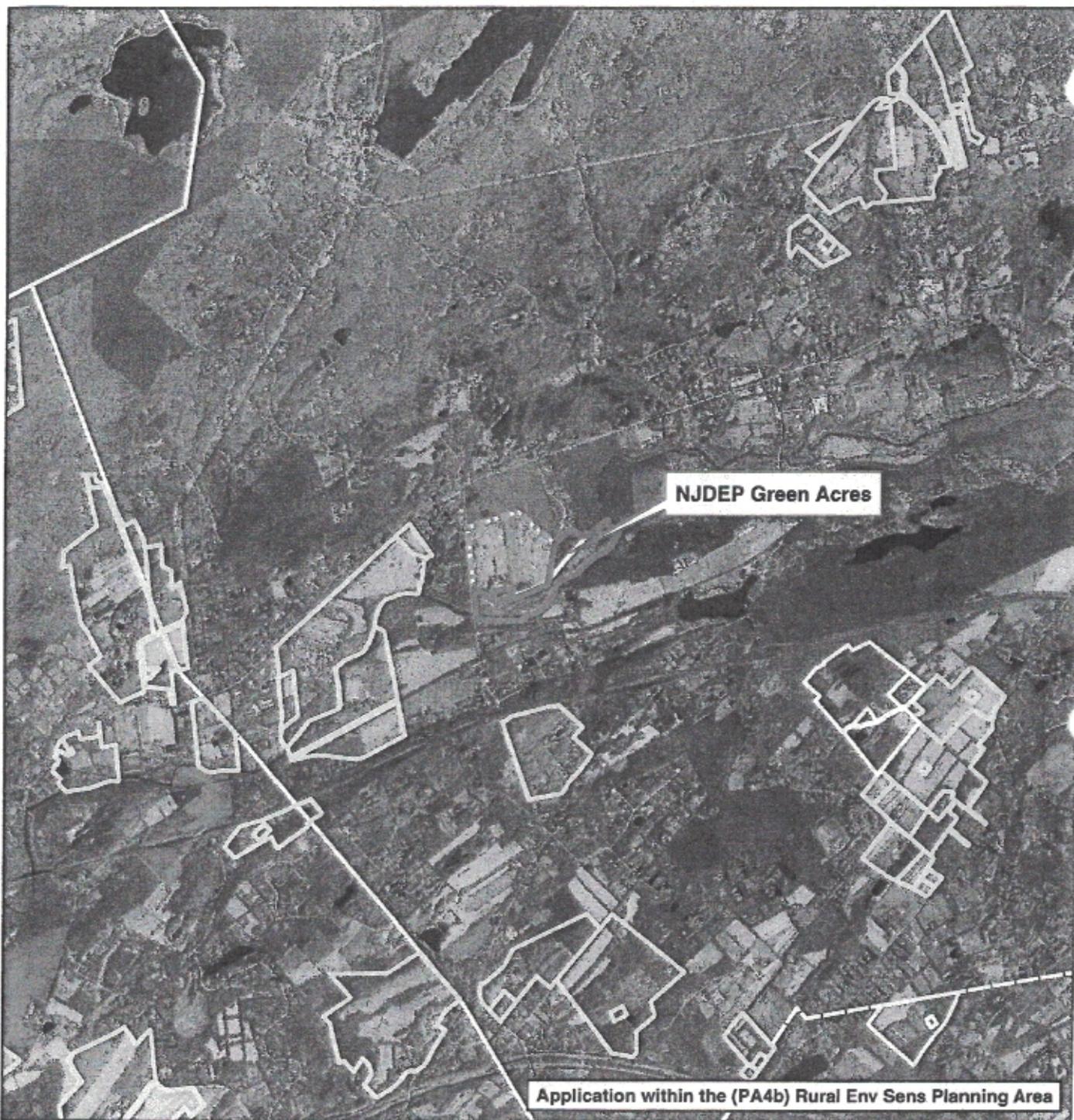


Wetlands Legend:
 F - Freshwater Wetlands
 L - Linear Wetlands
 M - Wetlands Modified for Agriculture
 T - Tidal Wetlands
 N - Non-Wetlands
 B - 300' Buffer
 W - Water

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

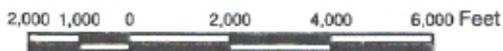
Sources:
 NJDEP Freshwater Wetlands Data
 Green Acres Conservation Easement Data
 NJDOT Road Data
 NJDOT/OGIS 2012 Digital Aerial Image

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

Calvin Croucher, Jr/Croucher Property, LLC
 Block 1501 Lots P/O 15 (84.75 ac); P/O 15-ES (severable exception - 58.7 ac);
 & P/O 15-EN (non-severable exception - 2.4 ac)
 Gross Total = 145.8 ac
 Blairstown Twp., Warren County



Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 NJ Pinelands Commission PDC Data
 NJ/OT/OGIS 2012 Digital Aerial Image

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

SADC Municipal PIG Financial Status
Schedule B

Blairstown Township, Warren County

Farm	SADC ID#	Acres	Pay Acres	SADC			SADC			Encumbered	Expended	Balance
				Certified Per Acre	SADC Grant Per Acre	Cost Basis	Cost Share					
C&J Race	21-0502-PG	44.444	44.196	7,700.00	4,750.00	340,309.20	209,931.00			209,931.00	1,250,000.00	
D Race (LLC)	21-0511-PG	30.033	30.033	6,700.00	4,250.00	201,221.10	127,540.25			127,540.25	1,040,069.00	
Ancillary Costs - D Race & C&J Race						16,850.00	8,425.00			8,425.00	912,428.75	
Croucher	21-0585-PG	85.000	85.000	4,100.00	2,860.00	348,500.00	243,100.00		243,100.00		904,003.75	
											660,903.75	
Total Encumbered									243,100.00			
Closed/Expended	2	74.477	74.229			906,880.30	589,096.25		243,100.00	345,996.25		
Total											660,903.75	

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Croucher Property LLC
21- 0585-PG
PIG EP - Municipal 2007 Rule
85 Acres

Block 1501	Lot 15	Blairstown Twp.	Warren County
SOILS:		Other	26% * 0 = .00
		Prime	74% * .15 = 11.10
			SOIL SCORE: 11.10
TILLABLE SOILS:		Cropland Harvested	79% * .15 = 11.85
		Wetlands	5% * 0 = .00
		Woodlands	16% * 0 = .00
			TILLABLE SOILS SCORE: 11.85
FARM USE:	Corn-Cash Grain		74 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 (2.4) acres for existing single family residential unit and improvements
Exception is not to be severed from Premises
Exception is to be limited to one existing single family residential unit(s)
 - 2nd (58.7) acres for Green Acres Acquisition
Exception is severable
No housing opportunities
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions:
The Twp., landowner and Cnty will secure an easement to access water for agricultural purposes through the severable exception to benefit the farm, prior to closing.
 - 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 FY2016R2(6)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

WARREN COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

John M. Barton Farm #2 ("Owners")

Mansfield & Liberty Townships, Warren County

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

SADC ID# 21-0564-PG

FEBRUARY 25, 2016

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Warren 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, Warren County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on March 27, 2014 the SADC received an application for the sale of a development easement from Warren County for the subject farm identified as Block 102, Lot 3, Mansfield Township and Block 13, Lot 9, Liberty Township, Warren County, totaling approximately 69.51 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property is located in Warren County's Central Project Area and in the Highlands Preservation Area; and

WHEREAS, the Property includes one (1), approximately 2- acre non-severable exception area for and limited to one (1) future single family residential unit and to afford future flexibility of use resulting in approximately 67.51 net acres to be preserved; and

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

WHEREAS, at the time of application the Property was in wheat, beef, hog and goat production; and

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

WHEREAS, the Property has a quality score of 57.31 which exceeds 41, which is 70% of the County's average quality score as determined by the SADC July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on June 24, 2014 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 January 22, 2015 the SADC certified a development easement value of \$4,800 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$500 per acre based on zoning and environmental regulations in place as of the current valuation date of June 28, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$4,800 per acre for the development easement for the Property; and

WHEREAS, on November 25, 2015 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. 2:76-17.13, on October 14, 2015 the Mansfield Township Committee approved the Owner's application for the sale of development easement followed by approval from Liberty Township on December 3, 2015; neither are participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 17, 2015 the Warren CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on October 14, 2015, the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and a commitment of funding for \$4,800 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 69.535 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 69.535 acres); and

SADC	\$228,074.80 (\$3,280/acre)
<u>Warren County</u>	<u>\$105,693.20 (\$1,520/acre)</u>
Total Easement Purchase	\$333,768.00 (\$4,800/acre)

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, the Warren County Agriculture Development Board is requesting \$228,074.80 in FY13 competitive grant funding which is available at this time (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 Warren County for the purchase of a development easement on the Property, comprising approximately 69.535 net easement acres, at a State cost share of \$3,280 per acre, (68.33% of certified easement value and purchase price), for a total grant need of \$228,074.80 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 2- acre non-severable exception area for and limited to one (1), future single family residential unit and to afford future flexibility of use; and

BE IT FURTHER RESOLVED, the portion of the Property outside of the exception area includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area; 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 if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; 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 area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-B Supplement; 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 all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

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

2/25/16

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DCA Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis Germano, Esq.	ABSENT
Pete Johnson	ABSENT
James Waltman	YES

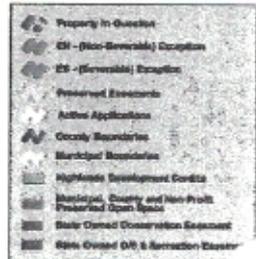
Schedule A (continued)



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

John Barton (#2)
 Liberty Twp. - Block 13 Lot 9 (30.8 ac)
 Mansfield Twp. - Block 102 Lots P/O 3 (40.0 ac)
 & P/O 3-EN (non-severable exception - 2.0 ac)
 Gross Total = 72.8 ac
 Warren County



Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 NJ Highlands Council Data
 NJDOT/OGIS 2012 Digital Aerial Image

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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

John M. Barton #2
21- 0564-PG
County PIG Program
71 Acres

Block 13	Lot 9	Liberty Twp.	Warren County		
Block 102	Lot 3	Mansfield Twp.	Warren County		
SOILS:		Other	16% *	0	= .00
		Prime	46% *	.15	= 6.90
		Statewide	38% *	.1	= 3.80
					SOIL SCORE: 10.70
TILLABLE SOILS:		Cropland Harvested	37% *	.15	= 5.55
		Other	1% *	0	= .00
		Wetlands	3% *	0	= .00
		Woodlands	59% *	0	= .00
					TILLABLE SOILS SCORE: 5.55
FARM USE:		Wheat-Cash Grain	23 acres		
		Beef Cattle Feedlots	acres		9
		Hogs	acres		14
		Sheep & Goats	acres		12

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 dwelling
 - Exception is not to be severed from Premises
 - Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 - No 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 FY2016R2(7)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

WARREN COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of

John M. & Cheryl Barton Farm #3 ("Owners")
Mansfield & Liberty Townships, Warren County

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

SADC ID# 21-0565-PG

FEBRUARY 25, 2016

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Warren 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, Warren County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on April 16, 2014 the SADC received an application for the sale of a development easement from Warren County for the subject farm identified as Block 102, Lot 4.01, Mansfield Township and Block 13, Lots 6 and 6.02, Liberty Township, Warren County, totaling approximately 28.55 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property is located in Warren County's Central Project Area and in the Highlands Preservation Area; and

WHEREAS, the Property includes one (1), approximately 2- acre non-severable exception area for and limited to one (1) future single family residential unit, resulting in approximately 26.55 net acres to be preserved; and

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

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

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

WHEREAS, the Property has a quality score of 60.44 which exceeds 41, which is 70% of the County's average quality score as determined by the SADC July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on May 21, 2014 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 January 22, 2015 the SADC certified a development easement value of \$5,800 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$400 per acre based on zoning and environmental regulations in place as of the current valuation date of June 28, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$5,800 per acre for the development easement for the Property; and

WHEREAS, on November 25, 2015 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. 2:76-17.13, on October 14, 2015 the Mansfield Township Committee approved the Owner's application for the sale of development easement followed by approval from Liberty Township on December 3, 2015; neither are participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on September 17, 2015 the Warren CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on October 14, 2015, the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and a commitment of funding for \$5,800 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 27.347 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 27.347 acres); and

SADC	\$103,918.60 (\$3,800/acre)
Warren County	\$ 54,694.00 (\$2,000/acre)
Total Easement Purchase	\$158,612.60 (\$5,800/acre)

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, the Warren County Agriculture Development Board is requesting \$103,918.60 in FY13 competitive grant funding which is available at this time (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 Warren County for the purchase of a development easement on the Property, comprising approximately 27.347 net easement acres, at a State cost share of \$3,800 per acre, (65.52% of certified easement value and purchase price), for a total grant need of \$103,918.60 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 2- acre non-severable exception area for and limited to one (1) future single family residential unit; and

BE IT FURTHER RESOLVED, the portion of the Property outside of the exception area includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved; 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 if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and

BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; 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 area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-B Supplement; 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 all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

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

2/25/16

Date

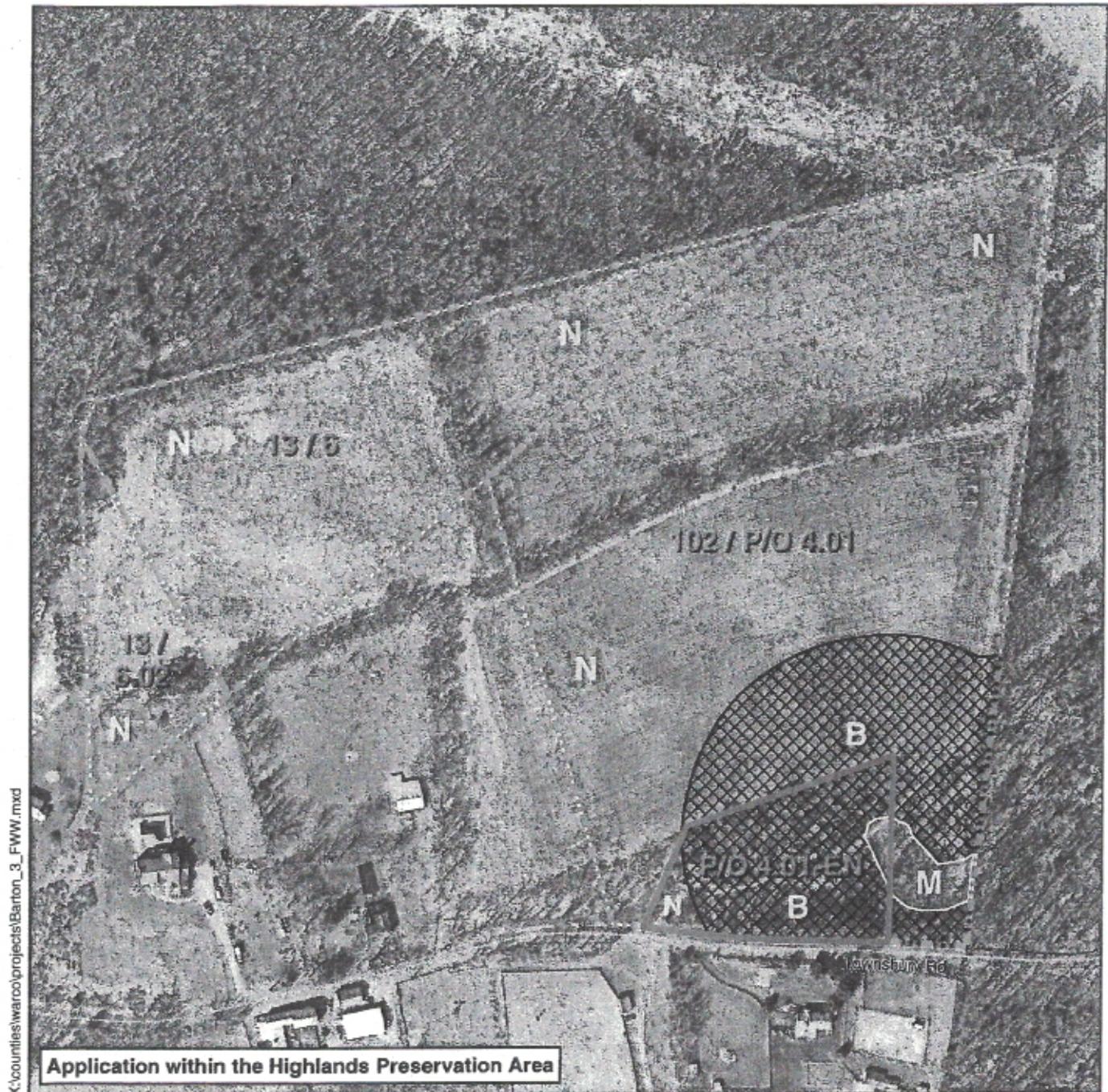


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DCA Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis Germano, Esq.	ABSENT
Pete Johnson	ABSENT
James Waltman	YES

Schedule A



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Application within the Highlands Preservation Area

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

Barton, John & Cheryl #3
 Block 13 Lots 6 (7.23 ac) & 6.02 (1.61 ac), Liberty Twp.
 Block 102 P/O Lot 4.01 (17.46 ac)
 & P/O Lot 4.01-EN (non-severable exception – 2.02 ac.) Mansfield Twp.
 Gross Total – 28.32 ac.
 Warren County

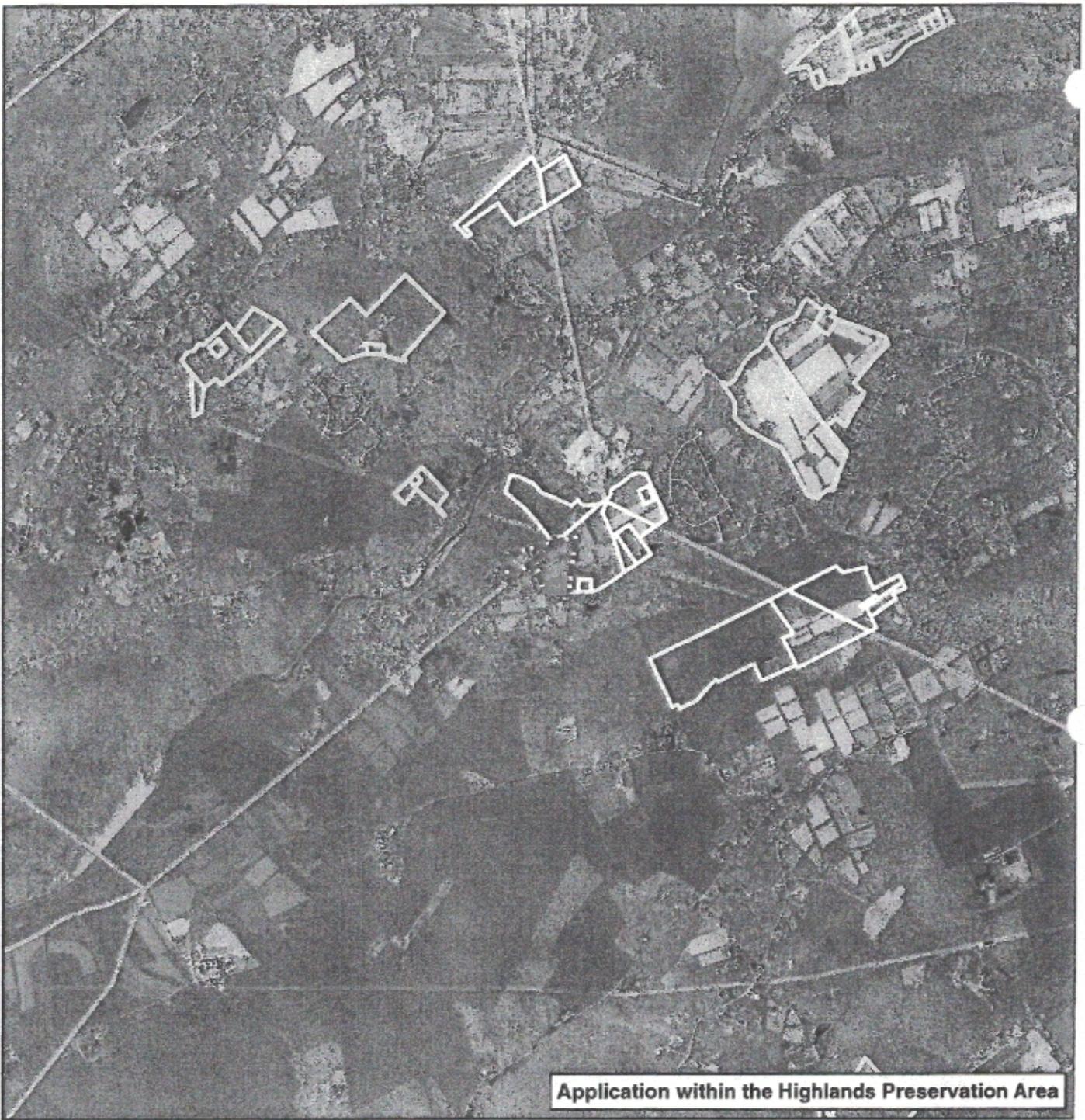


Wetlands Legend:
 F - Freshwater Wetlands
 L - Lower Wetlands
 M - Wetlands Modified for Agriculture
 T - Tidal Wetlands
 N - Non-Wetlands
 B - 300 Buffer
 W - Water

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

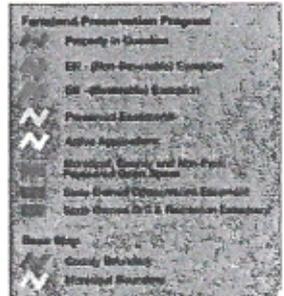
Sources:
 NJDEP Freshwater Wetlands Data
 Green Acres Conservation Easement Data
 NJOT/CGIS 2012 Digital Aerial Image

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

Barton, John & Cheryl #3
 Block 13 Lots 6 (7.23 ac) & 6.02 (1.61 ac), Liberty Twp.
 Block 102 P/O Lot 4.01 (17.46 ac)
 & P/O Lot 4.01-EN (non-severable exception – 2.02 ac.) Mansfield Twp.
 Gross Total – 28.32 ac.
 Warren County



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

Sources:
 NJ Farmland Preservation Program
 Green Acres Conservation Easement Data
 NJ01170GIS 2012 Digital Aerial Image

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Barton, John M. & Cheryl #3
21- 0565-PG
County FIG Program
24 Acres

Block 13	Lot 6	Liberty Twp.	Warren County
Block 13	Lot 6.02	Liberty Twp.	Warren County
Block 102	Lot 4.01	Mansfield Twp.	Warren County

SOILS:	Prime	3% * .15	=	.45
	Statewide	97% * .1	=	9.70

SOIL SCORE: 10.15

TILLABLE SOILS:	Cropland Harvested	85% * .15	=	12.75
	Woodlands	15% * 0	=	.00

TILLABLE SOILS SCORE: 12.75

FARM USE:	Corn-Cash Grain	8 acres
	Soybeans-Cash Grain	8 acres
	Hay	6 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 (2.02) acres for for a future single family residence
Exception is not to be severed from Premises
Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 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 FY2016R2(8)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
WARREN COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
O'Dowd & Associates ("Owners")
O'Dowd Farm West
Greenwich Township, Warren County

N.J.A.C. 2:76-17 et seq.
SADC ID# 21-0554-PG

February 25, 2016

- WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Warren 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, Warren County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and
- WHEREAS, on January 28, 2014 the SADC received an application for the sale of a development easement from Warren County for the subject farm identified as Block 16, Lot 6, Greenwich Township, Warren County, totaling approximately 111.646 gross acres hereinafter referred to as "the Property" (Schedule A); and
- WHEREAS, the Property is located in Warren County's Southeast Project Area and in the Highlands Planning Area; and
- WHEREAS, the Property includes one (1), approximately 1-acre non-severable exception area for and limited to one (1) existing single family residential unit and one (1) approximately 5.1 acre severable exception for a 50 foot wide addition to the Morris Canal Trail resulting in approximately 105.546 net acres to be preserved; and
- WHEREAS, the County is agreeable to including a natural buffer area between the trail and the preserved farmland if and when the trail is constructed; and
- WHEREAS, the standard Trail Easement Warren County uses for the Morris Canal Trail contains indemnification language requiring the County to indemnify the Owner(s) from any and all suits, claims, demands, other actions, and damages and expenses resulting from property damage and/or personal injuries associated with the County's development, installation or maintenance of Morris Canal Trail or the public's use of the Morris Canal Trail for recreational trail purposes; and

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

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

WHEREAS, the Contract Purchaser has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 76.52 which exceeds 41, which is 70% of the County's average quality score as determined by the SADC July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on March 12, 2014 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 13, 2014 the SADC certified a development easement value of \$5,600 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$5,100 per acre based on zoning and environmental regulations in place as of the current valuation date May 2014; and

WHEREAS, the County of Warren is under contract to acquire the O'Dowd West Farm, in fee simple title, for \$1,417,904.20 (\$12,700 per acre), which is equal to the highest appraised before value; and

WHEREAS, N.J.A.C. 2:76-6.23(b) provides that when a government entity has acquired fee simple title to a property, and has not yet resold the property with deed restrictions at the time the Committee provides its cost share grant, the Committee shall base the amount of its grant on either the development easement value determined pursuant to N.J.A.C. 2:76-10 and certified by the Committee (\$5,600 per acre) or the purchase price of the property paid by the County minus the SADC certified "after value" of the restricted property, ($\$12,700 - \$5,400 = \$7,300$ per acre), whichever is less; and

WHEREAS, in accordance with N.J.A.C. 2:76-6.23(b)(1) the grant agreement between the County and the Committee shall provide if the County sells the restricted Premises for more than the SADC certified after value of \$5,400 per acre, (the SADC certified after value), the County shall reimburse the Committee any funds previously paid by the Committee for the development easement on a pro rata basis up to the amount of the SADC cost share grant; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$12,700 per acre for the fee purchase of the Property; and

WHEREAS, on January 4, 2016 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. 2:76-17.13, on December 17, 2015 the Greenwich Township Committee approved the Owner's application for the sale of development easement and committed to fund above up to the highest appraised "BEFORE" value for the fee purchase (\$1,700 per acre or \$189,798.20); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on December 17, 2015 the Warren CADB passed a resolution granting final approval for a development easement cost share grant application for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on December 9, 2015, the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and accepted the SADC cost share of \$3,700 per acre for the easement; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 108.712 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 108.712 acres); and

SADC	\$402,234.40	(\$3,700/acre)
County	\$206,552.80	(\$1,900/acre)
Total Easement Purchase	\$608,787.20	(\$5,600/acre)

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, the Warren County Agriculture Development Board is requesting \$402,234.40 in competitive grant funding which is available at this time (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 Warren County for the purchase of a development easement on the Property, comprising approximately 108.712 net easement acres, at a State cost share of \$3,700 per acre, (66.07% of certified easement value and purchase price), for a total grant need of \$402,234.40 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

- BE IT FURTHER RESOLVED, the Property includes one (1), approximately 1-acre non-severable exception area for and limited to one (1) future single family residential unit and one (1) approximately 5.1 acre severable exception for a 50 foot wide addition to the Morris Canal Trail; and
- BE IT FURTHER RESOLVED, the portion of the Property outside of the exception area includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area; 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 if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and
- BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and
- BE IT FURTHER RESOLVED, in accordance with N.J.A.C. 2:76-6.23(b)(1) the grant agreement between the County and the Committee shall provide if the County sells the restricted Premises for more than \$5,400 per acre, the County shall reimburse the Committee any funds previously paid by the Committee for the development easement on a pro rata basis up to the amount of the SADC cost share grant; 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 area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-B Supplement; and
- BE IT FURTHER RESOLVED, the SADC shall enter into a Cost Share 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 all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and
- BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

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

2/25/16

Date

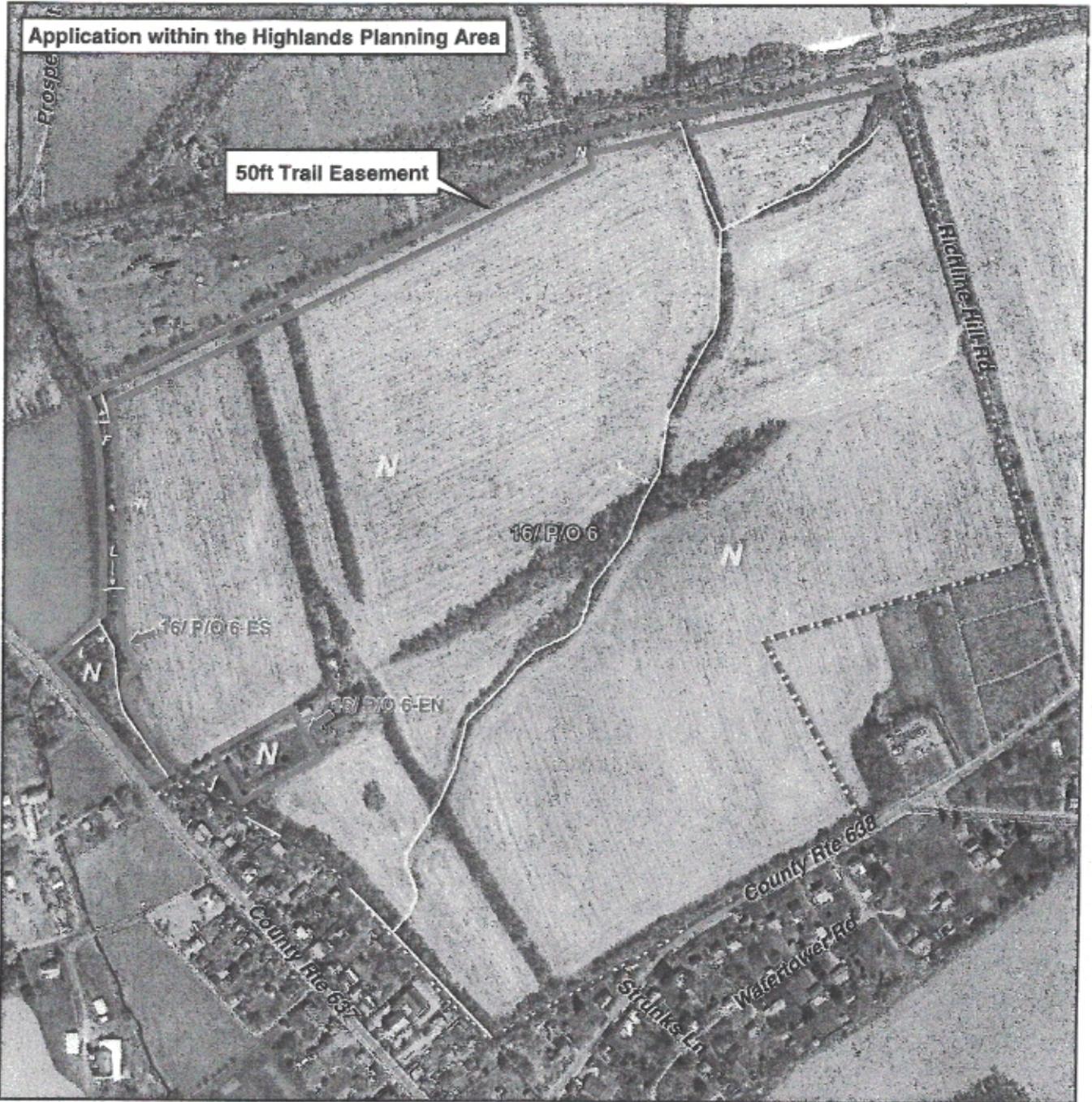


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DCA Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis Germano, Esq.	ABSENT
Pete Johnson	ABSENT
James Waltman	YES

Schedule A



X:\counties\warco\projects\odowd_west_fw2.mxd

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

O'Dowd Associates - West
 Block 16 Lots P/O 6 (106.2 ac); P/O 6-ES (severable exception - 5.1 ac)
 & P/O 6-EN (non-severable exception - 1.0 ac)
 Gross Total = 112.3 ac
 Greenwich Twp., Warren County



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

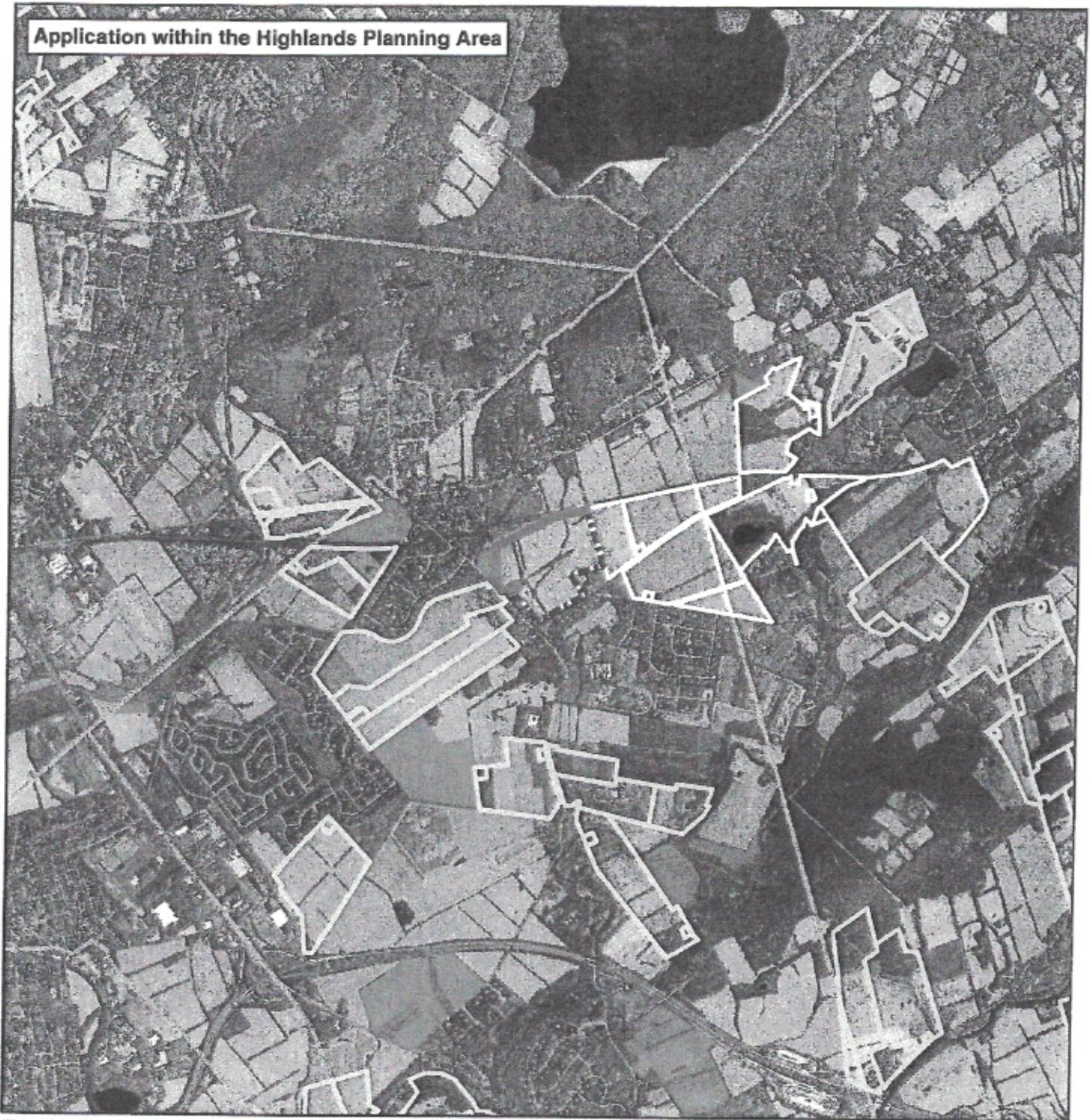
DISCLAIMER: Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision 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 2012 Digital Aerial Image

March 4, 2014

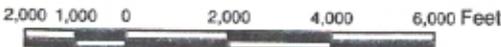
Application within the Highlands Planning Area

X:\counties\warco\projects\odowd_west_2mile2.mxd



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

O'Dowd Associates - West
Block 16 Lots P/O 6 (106.2 ac); P/O 6-ES (severable exception - 5.1 ac)
& P/O 6-EN (non-severable exception - 1.0 ac)
Gross Total = 112.3 ac
Greenwich Twp., Warren County



Farmland Preservation Program

- Property In Question
- EN - (Non-Severable) Exception
- ES - (Severable) Exception
- Preserved Easements
- Active Applications
- Municipal, County and Non-Prof Preserved Open Space
- State Owned Conservation Easement
- State Owned C/S & Recreation Easement

Base Map

- County Boundary
- Municipal Boundary



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

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOT/OGIS 2012 Digital Aerial Image

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

O'Dowd Associates (West)
21- 0554-PG
County PIG Program
105 Acres

Block 16	Lot 6	Greenwich Twp.	Warren County	
SOILS:		Prime	85% * .15	= 12.75
		Statewide	15% * .1	= 1.50
			SOIL SCORE:	14.25
TILLABLE SOILS:		Cropland Harvested	87% * .15	= 13.05
		Woodlands	13% * 0	= .00
			TILLABLE SOILS SCORE:	13.05
FARM USE:	Corn-Cash Grain		100 acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for existing single family residential unit
Exception is not to be severed from Premises
Exception is to be limited to one existing single family residential unit(s)
 - 2nd (5.1) acres for 50' wide Trail easement to add on to existing Morris Canal Trail
Exception is severable
no housing opportunities
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises: No Dwelling Units
 - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R2(9)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

WARREN COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
O'Dowd & Associates and Brian O'Dowd ("Owners")
O'Dowd Farm East
Greenwich and Franklin Townships, Warren County

N.J.A.C. 2:76-17 et seq.
SADC ID# 21-0557-PG

February 25, 2016

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Warren 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, Warren County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on January 28, 2014 the SADC received an application for the sale of a development easement from Warren County for the subject farm identified as Block 17, Lots 1 & 2, Greenwich Township and Block 40, Lot 1, Franklin Township, Warren County, totaling approximately 97.18 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property is located in Warren County's Southeast Project Area and in the Highlands Planning Area; and

WHEREAS, the Property includes one (1), approximately 1- acre non-severable exception area for and limited to one (1) future single family residential unit resulting in approximately 96.18 net acres to be preserved; and

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

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

WHEREAS, the Contract Purchaser has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 77.03 which exceeds 41, which is 70% of the County's average quality score as determined by the SADC July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on February 24, 2014 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 13, 2014 the SADC certified a development easement value of \$6,300 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$5,800 per acre based on zoning and environmental regulations in place as of the current valuation date May 2014; and

WHEREAS, the County of Warren is under contract to acquire the O'Dowd East Farm, in fee simple title, for \$1,368,638.60 (\$14,083.54 per acre), which is lower than the highest appraised before value (\$14,400 per acre); and

WHEREAS, N.J.A.C. 2:76-6.23(b) provides that when a government entity has acquired fee simple title to a property, and has not yet resold the property with deed restrictions at the time the Committee provides its cost share grant, the Committee shall base the amount of its grant on either the development easement value determined pursuant to N.J.A.C. 2:76-10 and certified by the Committee (\$6,300 per acre) or the purchase price of the property paid by the County minus the SADC certified "after value" of the restricted property, ($\$14,083.54 - \$6,200 = \$7,883.54$ per acre), whichever is less; and

WHEREAS, in accordance with N.J.A.C. 2:76-6.23(b)(1) the grant agreement between the County and the Committee shall provide if the County sells the restricted Premises for more than the SADC certified after value of \$6,200 per acre, (the SADC certified after value), the County shall reimburse the Committee any funds previously paid by the Committee for the development easement on a pro rata basis up to the amount of the SADC cost share grant; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$14,083.54 per acre for the fee purchase of the Property; and

WHEREAS, on January 4, 2016 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. 2:76-17.13, on December 07, 2015 the Franklin Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on December 17, 2015 the Greenwich Township Committee approved the Owner's application for the sale of development easement and committed to fund the acreage in Greenwich (80.994 acres) above the certified value up to the highest appraised value for the fee purchase (\$1,900 per acre or \$153,888.60); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on December 17, 2015 the Warren CADB passed a resolution granting final approval for a development easement cost share grant application for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on December 9, 2015, the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and accepted the SADC cost share of \$4,050 per acre for the easement; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 99.065 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 99.065 acres); and

SADC	\$401,213.25	(\$4,050/acre)
County	\$222,896.25	(\$2,250/acre)
Total Easement Purchase	\$624,109.50	(\$6,300/acre)

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, the Warren County Agriculture Development Board is requesting \$401,213.25 in competitive grant funding which is available at this time (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 Warren County for the purchase of a development easement on the Property, comprising approximately 99.065 net easement acres, at a State cost share of \$4,050 per acre, (64.28% of certified easement value and purchase price), for a total grant need of \$401,213.25 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 1-acre non-severable exception area for and limited to one (1) future single family residential unit; and

- BE IT FURTHER RESOLVED, the Property includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses on the area to be preserved outside of the exception area; 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 if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and
- BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and
- BE IT FURTHER RESOLVED, in accordance with N.J.A.C. 2:76-6.23(b)(1) the grant agreement between the County and the Committee shall provide if the County sells the restricted Premises for more than \$6,200 per acre, the County shall reimburse the Committee any funds previously paid by the Committee for the development easement on a pro rata basis up to the amount of the SADC cost share grant; 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 area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-B Supplement; and
- BE IT FURTHER RESOLVED, the SADC shall enter into a Cost Share 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 all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and
- BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and
- BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

2/25/16

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DCA Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis Germano, Esq.	ABSENT
Pete Johnson	ABSENT
James Waltman	YES

Application is in the
(PA4B) Rural Environmentally Sensitive Area

Application within the Highlands Planning Area

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

O'Dowd Associates - East
Block 40 Lot 1 (15.13 ac) Franklin Twp.
Block 17 Lot 1 (32.96 ac), P/O Lot 2 (44.77 ac)
& P/O Lot 2-EN (non-severable exception – 1.0 ac) Greenwich Twp.
Gross Total – 93.86 ac
Warren County

2,000 1,000 0 2,000 4,000 6,000 Feet



Farmland Preservation Program

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

Base Map

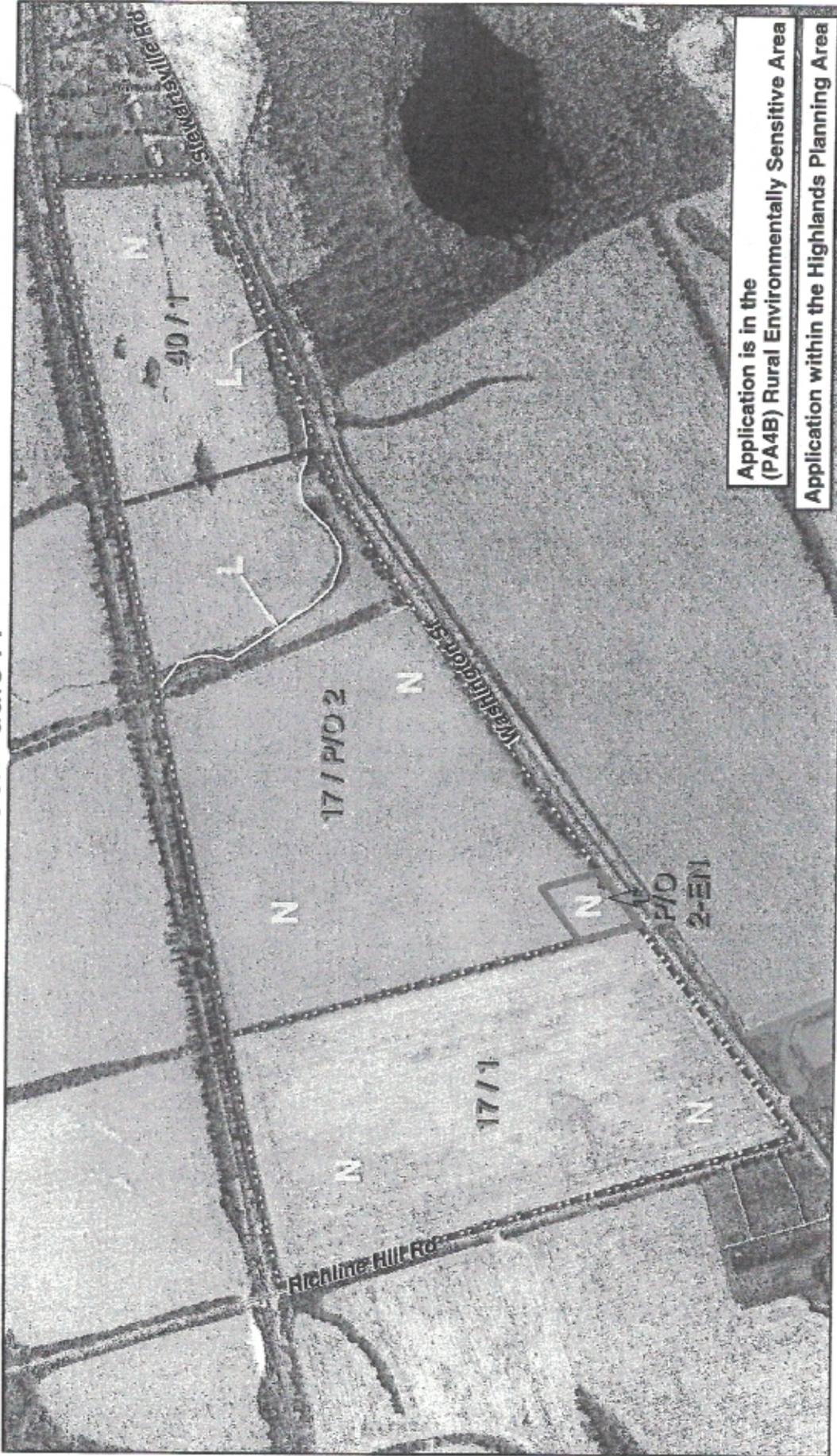
- County Boundary
- Municipal boundary



NOTE:

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

Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOTICGIS 2012 Digital Aerial Image



Application is in the
(PA4B) Rural Environmentally Sensitive Area
Application within the Highlands Planning Area

Property In Question

PA - (Nonseverable) Exception	Wetlands Legend:
PA - (Severable) Exception	L - Linear Wetlands
Property Boundaries	W - Wetlands Modified for Application
Property - Unsplit Access	N - Non Wetlands
Adjacent State Ways	W - Water
County Roads	
Municipal/County Roads	
Proposed Easement	
State Approved Conservation Assessment	
State Survey Data & Surveyed Boundaries	

Wetlands Legend:
L - Linear Wetlands
W - Wetlands Modified for Application
N - Non Wetlands
W - Water

Source:
NJDEP - non-tidal Wetlands Data
USGS - National Wetlands Inventory
NJDOT/OGIS 2012 Digital Aerial Imagery

X:\counties\warco\projects\O'Dowd_East_FWW.mxd

FARMLAND PRESERVATION PROGRAM
NJ State Agriculture Development Committee

O'Dowd Associates - East
Block 40 Lot 1 (15.13 ac) Franklin Twp.
Block 17 Lot 1 (32.96 ac), P/O Lot 2 (44.77 ac)
& P/O Lot 2-EN (non-severable exception - 1.0 ac) Greenwich Twp.
Gross Total - 93.86 ac
Warren County



DISCLAIMER:
The data features depicted on this map were derived from the NJDEP's CD ROM series 1, volume 4, "Malaria's Climate Mgmt".
The data was not independently verified and is provided as a general reference. Only NJDEP's Bureau
of Wetlands Management can perform an official determination of Wetlands/Exception status.

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 geocentric accuracy and precision of the GIS data contained in this file and
associated metadata are not intended to be relied upon in matters requiring delineation and location of true ground
horizontal and/or vertical coordinates as would be obtained by an actual ground survey conducted by a licensed
Professional Land Surveyor.

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

O'Dowd Associates (East)
21- 0557-PG
County PIG Program
92 Acres

Block 17	Lot 1	Greenwich Twp.	Warren County
Block 17	Lot 2	Greenwich Twp.	Warren County
Block 40	Lot 1	Franklin Twp.	Warren County

SOILS:	Prime	84% *	.15	=	12.60
	Statewide	16% *	.1	=	1.60

SOIL SCORE: 14.20

TILLABLE SOILS:	Cropland Harvested	97% *	.15	=	14.55
	Woodlands	3% *	0	=	.00

TILLABLE SOILS SCORE: 14.55

FARM USE:	Cash Grains	90 acres
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In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st one (1) acres for Future single family residential unit
 - Exception is not to be severed from Premises
 - Exception is to be limited to one future single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 - No 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 FY2016R2(10)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO
CUMBERLAND COUNTY
for the
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Raymond A. Coleman #1 ("Owner")
Deerfield Township, Cumberland County

N.J.A.C. 2:76-17 et seq.
SADC ID# 06-0152-PG

February 25, 2016

- WHEREAS, on June 7, 2012, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Cumberland County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and
- WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Cumberland County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and
- WHEREAS, on June 30, 2014, the SADC received an application for the sale of a development easement from Cumberland County for the subject farm identified as Block 57, Lot 2, Deerfield Township; and Block 2603, Lot 3, Upper Deerfield, Cumberland County, totaling approximately 14 gross acres hereinafter referred to as "Property" (Schedule A); and
- WHEREAS, the Property is located in Cumberland County's Deerfield-Upper Deerfield Project Area; and
- WHEREAS, the Property includes one (1), approximately 2-acre non-severable exception area for and limited to one (1) existing single family residential unit and for future flexibility of use, resulting in approximately 12 net acres to be preserved; and
- WHEREAS, the portion of the Property outside of the exception area includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses or exceptions; and
- WHEREAS, at the time of application the farm was in soybean production; and
- WHEREAS, the Owner, has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a rank score of 59.63, which is 70% of the County's average quality score of 41 as determined by the SADC on July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on August 13, 2014 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 October 3, 2014 the SADC certified a development easement value of \$5,250 per acre based on zoning and environmental regulations in place as of October 1, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted Cumberland County's offer of \$5,250 per acre for the development easement for the Property; and

WHEREAS, on January 4, 2016 the County prioritized its farms and submitted its application in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on February 18, 2015 the Deerfield Township Committee approved the application but is not participating financially; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on March 11, 2015 the Upper Deerfield Township Committee approved the application but is not participating financially; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on November 12, 2014 the Cumberland CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on January 27, 2015, the Board of Chosen Freeholders of the County of Cumberland passed a resolution granting final approval and a commitment of funding for \$1,725 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 12.36 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 12.36 acres); and

SADC	\$ 43,569.00	(\$3,525/acre)
Cumberland County	\$ 21,321.00	(\$1,725/acre)
Total	\$64,890.00	(\$5,250/acre)

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, the Cumberland County Agriculture Development Board is requesting \$43,569 from its competitive grant funding which is available at this time (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 Cumberland County for the purchase of a development easement on the Property, comprising approximately 12.36 acres, at a State cost share of \$3,525 per acre (67.14%) of certified market value and the purchase price for a total grant need of approximately \$64,890, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 2-acre non-severable exception area for and limited to one (1) existing single family residential unit and for future flexibility of use, resulting in approximately 12 net acres to be preserved; and

BE IT FURTHER RESOLVED, the portion of the Property outside of the exception area includes zero (0) housing opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses or exceptions; and

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

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

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

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

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

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

2/25/16

Date

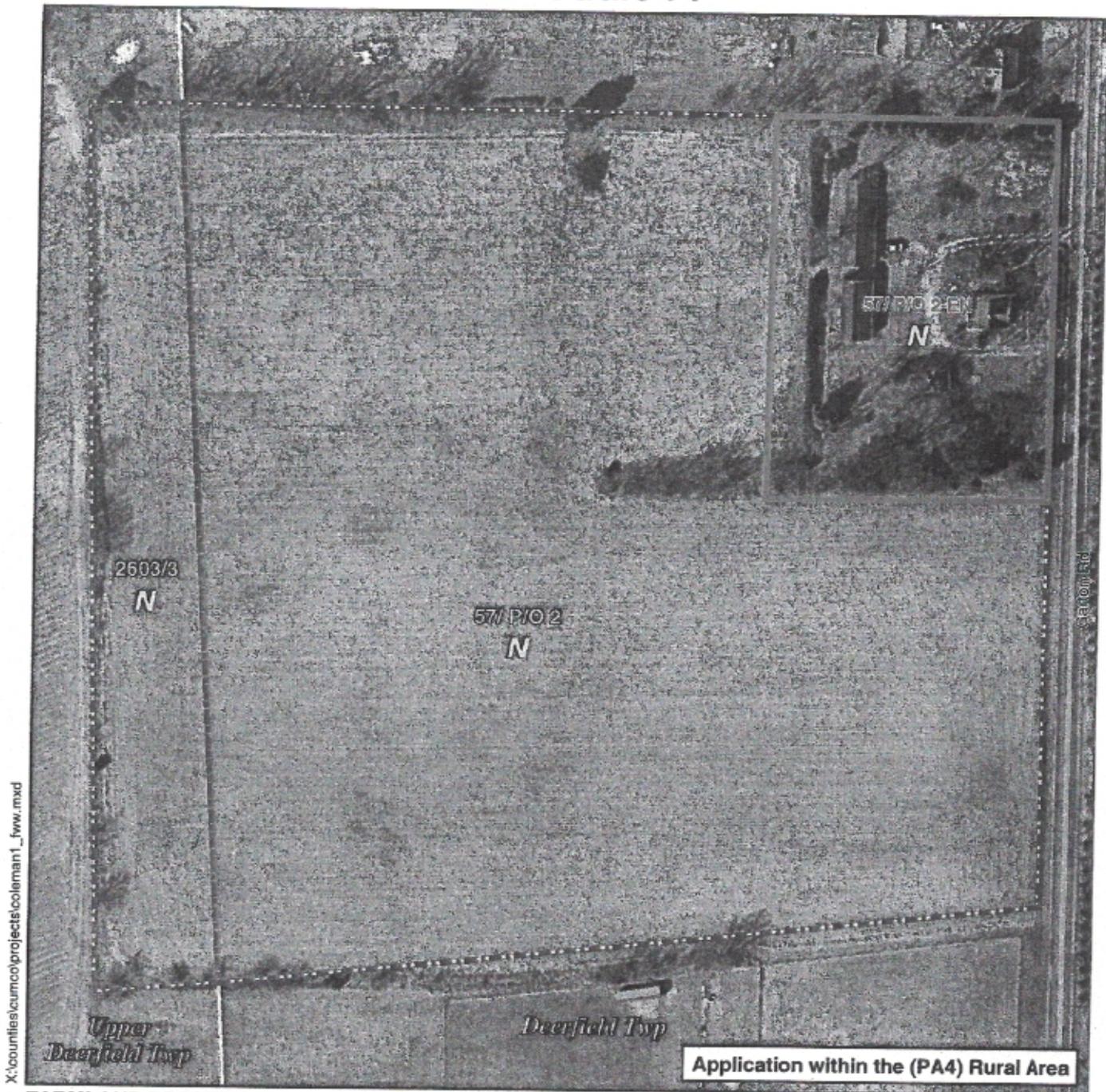


Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DCA Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis Germano, Esq.	ABSENT
Pete Johnson	ABSENT
James Waltman	YES

Schedule A



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

Raymond A Coleman III (#1)
Deerfield Twp - Block 57 Lots P/O 2 (10.8 ac)
& P/O 2-EN (non-severable exception - 2.0 ac)
Upper Deerfield Twp - Block 2603 Lot 3 (1.7 ac)
Gross Total = 14.5 ac
Cumberland County

	Property in Contention
	50' - 99' Buffering Exception
	100' - 199' Buffering Exception
	Wetlands Boundary
	Wetlands - 300' Buffer
	Wetlands - 600' Buffer
	Wetlands - 900' Buffer
	Wetlands - 1200' Buffer
	Wetlands - 1500' Buffer
	Wetlands - 1800' Buffer
	Wetlands - 2100' Buffer
	Wetlands - 2400' Buffer
	Wetlands - 2700' Buffer
	Wetlands - 3000' Buffer
	Wetlands - 3300' Buffer
	Wetlands - 3600' Buffer
	Wetlands - 3900' Buffer
	Wetlands - 4200' Buffer
	Wetlands - 4500' Buffer
	Wetlands - 4800' Buffer
	Wetlands - 5100' Buffer
	Wetlands - 5400' Buffer
	Wetlands - 5700' Buffer
	Wetlands - 6000' Buffer
	Wetlands - 6300' Buffer
	Wetlands - 6600' Buffer
	Wetlands - 6900' Buffer
	Wetlands - 7200' Buffer
	Wetlands - 7500' Buffer
	Wetlands - 7800' Buffer
	Wetlands - 8100' Buffer
	Wetlands - 8400' Buffer
	Wetlands - 8700' Buffer
	Wetlands - 9000' Buffer
	Wetlands - 9300' Buffer
	Wetlands - 9600' Buffer
	Wetlands - 9900' Buffer
	Wetlands - 10200' Buffer
	Wetlands - 10500' Buffer
	Wetlands - 10800' Buffer
	Wetlands - 11100' Buffer
	Wetlands - 11400' Buffer
	Wetlands - 11700' Buffer
	Wetlands - 12000' Buffer
	Wetlands - 12300' Buffer
	Wetlands - 12600' Buffer
	Wetlands - 12900' Buffer
	Wetlands - 13200' Buffer
	Wetlands - 13500' Buffer
	Wetlands - 13800' Buffer
	Wetlands - 14100' Buffer
	Wetlands - 14400' Buffer
	Wetlands - 14700' Buffer
	Wetlands - 15000' Buffer
	Wetlands - 15300' Buffer
	Wetlands - 15600' Buffer
	Wetlands - 15900' Buffer
	Wetlands - 16200' Buffer
	Wetlands - 16500' Buffer
	Wetlands - 16800' Buffer
	Wetlands - 17100' Buffer
	Wetlands - 17400' Buffer
	Wetlands - 17700' Buffer
	Wetlands - 18000' Buffer
	Wetlands - 18300' Buffer
	Wetlands - 18600' Buffer
	Wetlands - 18900' Buffer
	Wetlands - 19200' Buffer
	Wetlands - 19500' Buffer
	Wetlands - 19800' Buffer
	Wetlands - 20100' Buffer
	Wetlands - 20400' Buffer
	Wetlands - 20700' Buffer
	Wetlands - 21000' Buffer
	Wetlands - 21300' Buffer
	Wetlands - 21600' Buffer
	Wetlands - 21900' Buffer
	Wetlands - 22200' Buffer
	Wetlands - 22500' Buffer
	Wetlands - 22800' Buffer
	Wetlands - 23100' Buffer
	Wetlands - 23400' Buffer
	Wetlands - 23700' Buffer
	Wetlands - 24000' Buffer
	Wetlands - 24300' Buffer
	Wetlands - 24600' Buffer
	Wetlands - 24900' Buffer
	Wetlands - 25200' Buffer
	Wetlands - 25500' Buffer
	Wetlands - 25800' Buffer
	Wetlands - 26100' Buffer
	Wetlands - 26400' Buffer
	Wetlands - 26700' Buffer
	Wetlands - 27000' Buffer
	Wetlands - 27300' Buffer
	Wetlands - 27600' Buffer
	Wetlands - 27900' Buffer
	Wetlands - 28200' Buffer
	Wetlands - 28500' Buffer
	Wetlands - 28800' Buffer
	Wetlands - 29100' Buffer
	Wetlands - 29400' Buffer
	Wetlands - 29700' Buffer
	Wetlands - 30000' Buffer



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 Road Data
 NJOTISGIS 2012 Digital Aerial Image

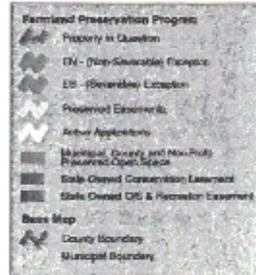
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Application within the (PA4) Rural Area

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

Raymond A Coleman III (#1)
Deerfield Twp - Block 57 Lots P/O 2 (10.8 ac)
& P/O 2-EN (non-severable exception - 2.0 ac)
Upper Deerfield Twp - Block 2603 Lot 3 (1.7 ac)
Gross Total = 14.5 ac
Cumberland County



Sources:
NJ Farmland Preservation Program
Green Acres Conservation Easement Data
NJOT/DGIS 2012 Digital Aerial Image

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

State Agriculture Development Committee
SADC Final Review: Development Easement Purchase

Coleman Farm (I)
06- 0152-PG
County PIG Program
13 Acres

Block 57	Lot 2	Deerfield Twp.	Cumberland County
Block 2603	Lot 3	Upper Deerfield Twp.	Cumberland County

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

TILLABLE SOILS:	Cropland Harvested	98% * .15	= 14.70	
	Woodlands	2% * 0	= .00	
				TILLABLE SOILS SCORE: 14.70

FARM USE:	Soybeans-Cash Grain	12 acres
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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 existing residence and outbuildings
 - Exception is not to be severed from Premises
 - Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 - No 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 FY2016R2(11)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

SALEM COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of
Susan Harris ("Owner")
Quinton Township, Salem County

N.J.A.C. 2:76-17 et seq.
SADC ID# 17-0133-PG

February 25, 2016

WHEREAS, on December 15, 2007 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Salem 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, Salem County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on May 13, 2014 the SADC received an application for the sale of a development easement from Salem County for the subject farm identified as Block 3, Lot 46, Quinton Township, Salem County, totaling 52.317 gross surveyed acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property is located in Salem County's Project Area #3; and

WHEREAS, the Property includes one (1), approximately 3- acre severable exception area for and limited to one (1) existing single family residential unit and for future flexibility of use, resulting in 49.317 net surveyed acres to be preserved; and

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

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

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

WHEREAS, the Property has a quality score of 65.76 which exceeds 46, which is 70% of the County's average quality score as determined by the SADC July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on July 30, 2014 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 January 22, 2015 the SADC certified a development easement value of \$3,500 per acre based on zoning and environmental regulations in place as of the current valuation date October 2, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$3,500 per acre for the development easement for the Property; and

WHEREAS, on October 22, 2015 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. 2:76-17.13, on January 1, 2016 the Quinton Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on October 28, 2015 the Salem CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on November 4, 2015, the Board of Chosen Freeholders of the County of Salem passed a resolution granting final approval and a commitment of funding for \$1,000 per acre to cover the local cost share; and

WHEREAS, the County has a survey completed and therefore does not need to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 49.317 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 49.317 surveyed acres); and

SADC	\$123,292.50	(\$2,500/acre)
<u>County</u>	<u>\$ 49,317.00</u>	<u>(\$1,000/acre)</u>
Total Easement Purchase	\$172,609.50	(\$3,500/acre)

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, the Salem County Agriculture Development Board is requesting \$123,292.50 in base grant funding which is available at this time (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 Salem County for the purchase of a development easement on the Property, comprising 49.317 net surveyed easement acres, at a State cost share of \$2,500 per acre, (71.43% of certified easement value and purchase price), for a total grant need of \$123,292.50 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1), approximately 3- acre severable exception area for and limited to one (1) existing single family residential unit and for future flexibility of use; and

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

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

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

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, 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 as identified in Policy P-3-B Supplement; 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 all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

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

2/25/16

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DCA Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis Germano, Esq.	ABSENT
Pete Johnson	ABSENT
James Waltman	YES

Schedule A



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FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Susan M. Harris
Block 3 Lots P/O 46 (47.8 ac)
& P/O 46-ES (severable exception - 3.0 ac)
Gross Total = 50.8 ac
Quinton Twp., Salem County



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

Application within the (PA4) Rural Area



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

Sources:
NJDEP Freshwater Wetlands Data
Green Acres Conservation Easement Data
NJOT/CGIS 2012 Digital Aerial Image

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Application within the (PA4) Rural Area

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

Susan M. Harris
Block 3 Lots P/O 46 (47.8 ac)
& P/O 46-ES (severable exception - 3.0 ac)
Gross Total = 50.8 ac
Quinton Twp., Salem County



Farmland Preservation Program

- Property in Question
- EM - (Non-Severable Exception)
- ES - (Severable Exception)
- Preserved Environments
- Active Applications
- Formerly Sequestered PDCs
- Municipal, County and Non-Public Preserved Open Space
- State Owned Conservation Easement
- State Owned OES & Recreation Easement
- Municipal County Parks

Base Map

- County Boundary
- Municipal Boundary



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

SADC County Pig Financial Status Schedule B

Salem County

SADC ID#	Farm	Municipality	Acres	Pay Acres	SADC Certified or Negotiated Per Acre	SADC Grant Per Acre	SADC		Federal Grant		Base Grant		Balance	
							Cost Basis	Cost Share	Total Federal Grant	SADC Federal Grant	Fiscal Year 09	Fiscal Year 11		Fiscal Year 13
1-PG	Graco	Pittsgrove	313.4310	313.3210	5,100.00	3,450.00	1,597,937.10	1,080,957.45	1,122,006.00	1,080,957.46	1,080,957.46	1,535,382.52	617,339.97	
2-PG	Prestige World Wide	Alloway	61.3530	61.3172	7,100.00	4,450.00	364,352.12	220,261.54	242,925.00	220,261.54	220,261.54	1,500,000.00	1,500,000.00	
3-PG	Dunham	Mannington	38.4830	38.1450	5,700.00	3,750.00	217,428.50	143,043.75	146,775.00	143,043.75	1,184,977.23	800,000.00	800,000.00	
4-PG	Mathony	Mannington	28.8220	28.6910	5,300.00	3,650.00	160,062.50	101,853.05	106,038.50	101,853.05	257,924.76	1,083,124.18	805,199.42	
5-PG	Moore	Mannington	149,7480	148,7480	8,080.00	5,428.00	756,217.30	612,980.05	511,523.76	287,924.76	151,431.55	663,767.57	445,485.52	
6-PG	Durbio Progs, LLC	Pittsgrove	31.2230	31.2230	7,900.00	4,850.00	246,661.70	151,431.55	149,868.00	151,431.55	208,272.25	208,272.25	445,485.52	
7-PG	Brown	Upper Pittsgrove	68.2580	68.2580	5,350.00	3,575.00	311,680.30	208,272.35	213,570.50	208,272.25	301,648.02	301,648.02		
8-PG	Foggs, Harris, Allen	Quinton	33.5790	33.5790	3,600.00	2,500.00	117,528.50	83,847.50	87,850.00	83,847.50	289,394.96	185,002.46		
9-PG	Eckel, Hebert & Rowaria	Elisboro	46.6520	46.6520	2,100.00	1,570.00	97,969.20	73,243.54	71,843.20	73,253.05	185,002.46	185,002.46		
10-PG	Harris	Quinton	49.3170	49.3170	3,500.00	2,500.00	172,099.50	123,292.50	129,292.50	129,292.50	185,002.46	185,002.46		
Closed	8		704.8950	704.2802			3,763,863.82	2,510,747.24	498,292.54	284,955.29	617,339.97	1,500,000.00	1,500,000.00	
Encumbered	2		95.9590	95.9590			270,578.70	195,538.14	0.00	0.00	123,292.50	73,253.05	138,481.98	185,002.46
										Encumbered/Expended Fy09	0.00			
										Encumbered/Expended Fy11	0.00			
										Encumbered/Expended Fy13	123,292.50	73,253.05	138,481.98	185,002.46
										Encumbered/Expended Fy16				
										Total				

State Agriculture Development Committee
 SADC Final Review: Development Easement Purchase
 January 28, 2016

Susan M. Harris
 17- 0133-PG
 County PIG Program
 49 Acres

Block 3	Lot 46	Quinton Twp.	Salem County	
SOILS:		Other	4% * 0	= .00
		Prime	43% * .15	= 6.45
		Statewide	53% * .1	= 5.30
				SOIL SCORE: 11.75
TILLABLE SOILS:		Cropland Harvested	93% * .15	= 13.95
		Other	3% * 0	= .00
		Wetlands	4% * 0	= .00
				TILLABLE SOILS SCORE: 13.95
FARM USE:	Soybeans-Cash Grain		50 acres	

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

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
 - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
 - b. Exceptions:
 - 1st three (3) acres for Single family residence, future flexibility around other buildings
 - Exception is severable
 - Exception is to be limited to one existing single family residential unit(s)
 - c. Additional Restrictions: No Additional Restrictions
 - d. Additional Conditions: No Additional Conditions
 - e. Dwelling Units on Premises:
 - No 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 FY2016R2(12)

Construction of Agricultural Labor Housing
Metropolitan Farm, LLC

February 25, 2016

WHEREAS, Metropolitan Farm, LLC, hereinafter ("Owner") is the current record owner of Block 2102, Lot 55, as identified in the Borough of Closter, County of Bergen, as recorded in the Bergen County Clerk's Office in Deed Book 1016, Page 1701 by deed dated January 11, 2012, totaling 11.05 acres, hereinafter referred to as the "Premises," (Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the County of Bergen on June 29, 2004, by the former owner Ellen Brooks, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c. 32, as a Deed of Easement, recorded in Deed Book 8699, Page 271; and

WHEREAS, the USDA Natural Resources Conservation Service (NRCS) provided a portion of the cost share funding associated with the preservation of this property through the Federal Farm and Ranch Lands Protection Program (FRPP); and

WHEREAS, the farmland preservation Deed of Easement identifies one existing single family residential building, one residential building used for agricultural labor purposes, no residual dwelling site opportunities (RDSOs) and no exception areas; and

WHEREAS, on December 4, 2015, the SADC received an agricultural labor housing request from the Owner to utilize a newly renovated portion of an existing barn structure that includes a one-bedroom apartment, as an agricultural labor housing unit for the current farm manager, Jennifer Anderson; and

WHEREAS, the apartment is approximately 750 sq./ft. in size, in the location as shown on Schedule "A"; and

WHEREAS, the Owner renovated the barn over the past year, prior to applying for CADB and SADC approval, and is seeking retroactive approval to utilize the apartment as agricultural labor housing; and

WHEREAS, Frank Vastano is the principal of Metropolitan Farm LLC, and also the owner of Metropolitan Plant Exchange, a chain of three retail garden centers in Bergen and Essex Counties; and

WHEREAS, upon acquiring the Premises, the Owner began expanding a field area on the west side of the property with the intent of creating areas for potted plant production in hoophouses and to grow outdoor perennials; and

WHEREAS, since acquiring the Premises, the Owner has installed a deer fence around the property, an irrigation well, underground irrigation mains, two hoophouses for propagation, created a sales area for plant material and has made repairs to numerous pre-existing structures; and

WHEREAS, the Owner has approximately 20,000 pots of perennials growing on-site; and

WHEREAS, the Owner rehabilitated the rear portion of the same barn on the Premises for use as a chicken coop and has approximately 200-250 layer hens onsite; and

WHEREAS, the farm opened to the public for business in the spring of 2013 selling its potted perennials and eggs; and

WHEREAS, paragraph 14 of the Deed of Easement allows for the construction of housing for agricultural labor employed on the Premises but only with the approval of the Grantee (Bergen County Agriculture Development Board) and the Committee; and

WHEREAS, Ms. Anderson is a full-time, year-round, employee of the farm directly involved with the day-to-day production activities of planting, crop maintenance, irrigation and sale of nursery stock as well daily care of the poultry flock and preparation of the eggs for sale; and

WHEREAS, the Owner finds that having an on-site employee is necessary to properly manage the livestock and to maximize use of the Premises for production, maintenance and direct-market sale of the nursery stock on-site; and

WHEREAS, the agricultural labor housing unit identified at the time of preservation is an approximately 1,200 sq./ft. ranch style home on the south side of the Premises near Hickory Lane; and

WHEREAS, when questioned why the Owner did not utilize the already existing ranch style home listed as an agricultural labor unit in the Deed of Easement as housing for the farm manager, the Owner explained that the home has significant structural damage and estimates to repair the ranch style home were extremely cost prohibitive for the structural rehabilitation work needed to bring it back to a habitable condition; and

WHEREAS, when questioned why the Owner has not removed the uninhabitable unit the Owner explained that he hopes to further intensify production on the Premises and anticipates a need for additional onsite labor in the future, which at that time would justify the expense of rehabilitating this structure. Additionally, the city water and gas mains which service all of the other residential and agricultural structures on the premises are routed through this building, further complicating its removal; and

WHEREAS, a site visit by SADC staff on February 3, 2016, confirmed that the ranch style home does have significant structural problems, is currently not habitable, has not been inhabited for some time, and that city water and gas mains are routed through this structure; and

WHEREAS, the SADC has reviewed the Owner's request to utilize the newly created apartment within the barn for purposes of agricultural labor housing and has determined that the size and location of the proposed unit minimizes adverse impacts on the agricultural operation; and

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

WHEREAS, on November 19, 2015, the Bergen CADB found that the conversion of a portion of the existing barn in to an agricultural labor unit to house one full-time, year-round employee engaged in the day-to-day agricultural production activities of the Premises was consistent with the requirements of the Deed of Easement; and

WHEREAS, on February 16, 2016, the NRCS informed the SADC that it had no objection to the new apartment; and

NOW THEREFORE BE IT RESOLVED, that the SADC approves the request to utilize a newly created one bedroom apartment within an existing barn on the Premises as a year round agriculture labor unit, consisting of approximately 750 square feet in size, as depicted on Schedule "A", subject to municipal, state and federal requirements; and

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

BE IT FURTHER RESOLVED, that the agricultural laborer shall be engaged in the day-to-day production activities on the Premises, which at this time include the planting, crop maintenance, irrigation and sale of nursery stock as well daily care of the poultry flock and preparation of the eggs for sale; and

BE IT FURTHER RESOLVED, that as a condition of this approval the SADC prohibits any future use of the ranch style home identified as agricultural labor housing in the Deed of Easement for any residential purposes without review and approval by the CADB and SADC; and

BE IT FURTHER RESOLVED, that any future residential use of the ranch style home considered by the CADB or SADC shall be strictly limited to use as agricultural labor housing under the terms described in the Deed of Easement; and

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

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

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

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

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

2/25/16

DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

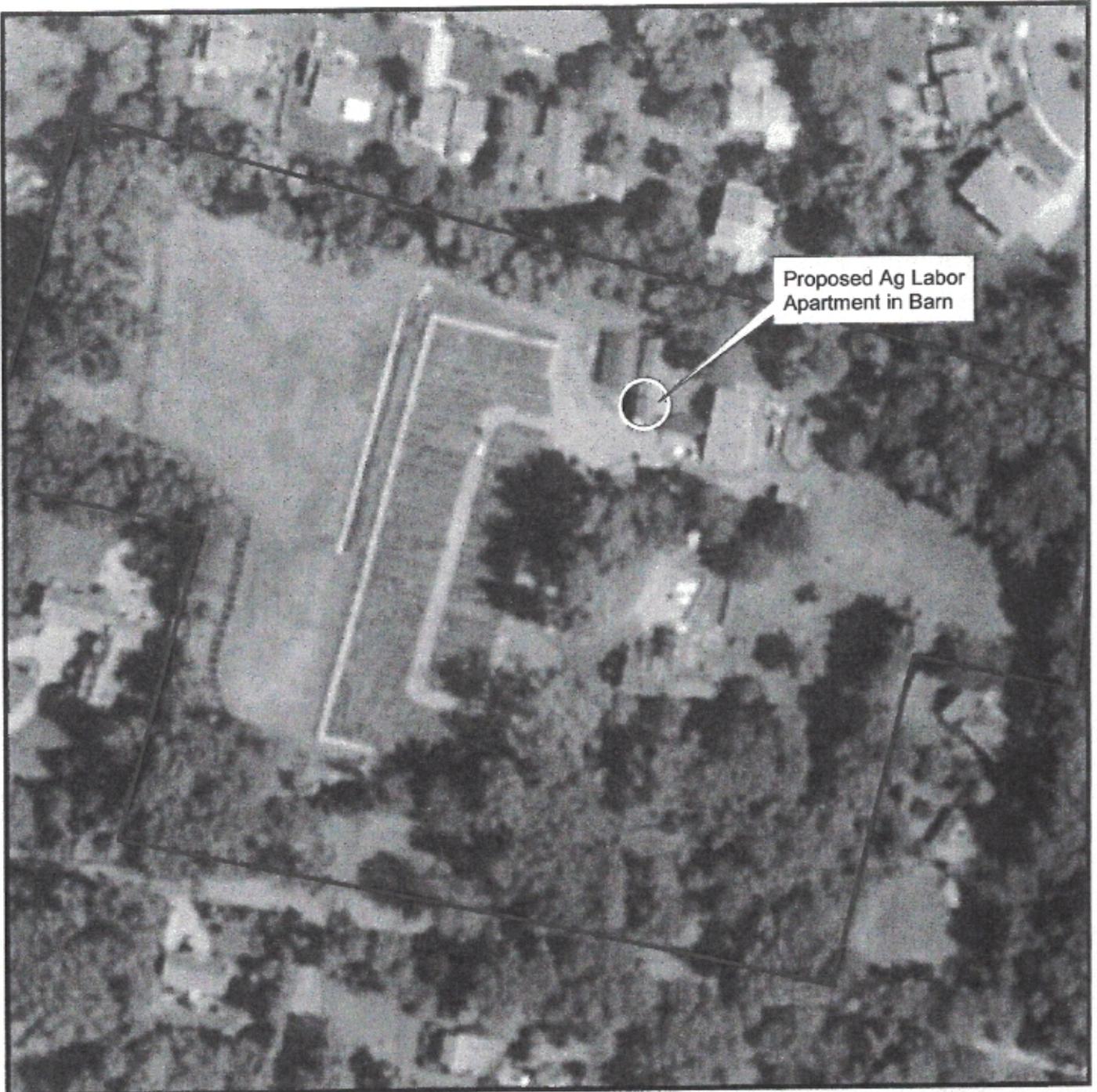
VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DCA Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis Germano, Esq.	ABSENT
Pete Johnson	ABSENT
James Waltman	YES

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Schedule "A"

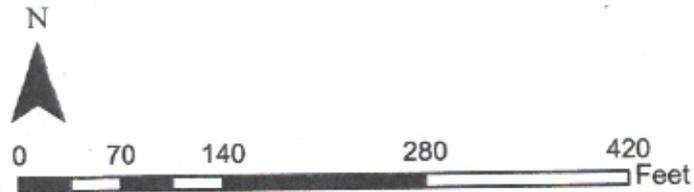
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Proposed Ag Labor Apartment in Barn

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Metropolitan Farms
Block 2102, Lot 55
Closter Borough, Bergen County
11.05 - Acres



2/4/2016

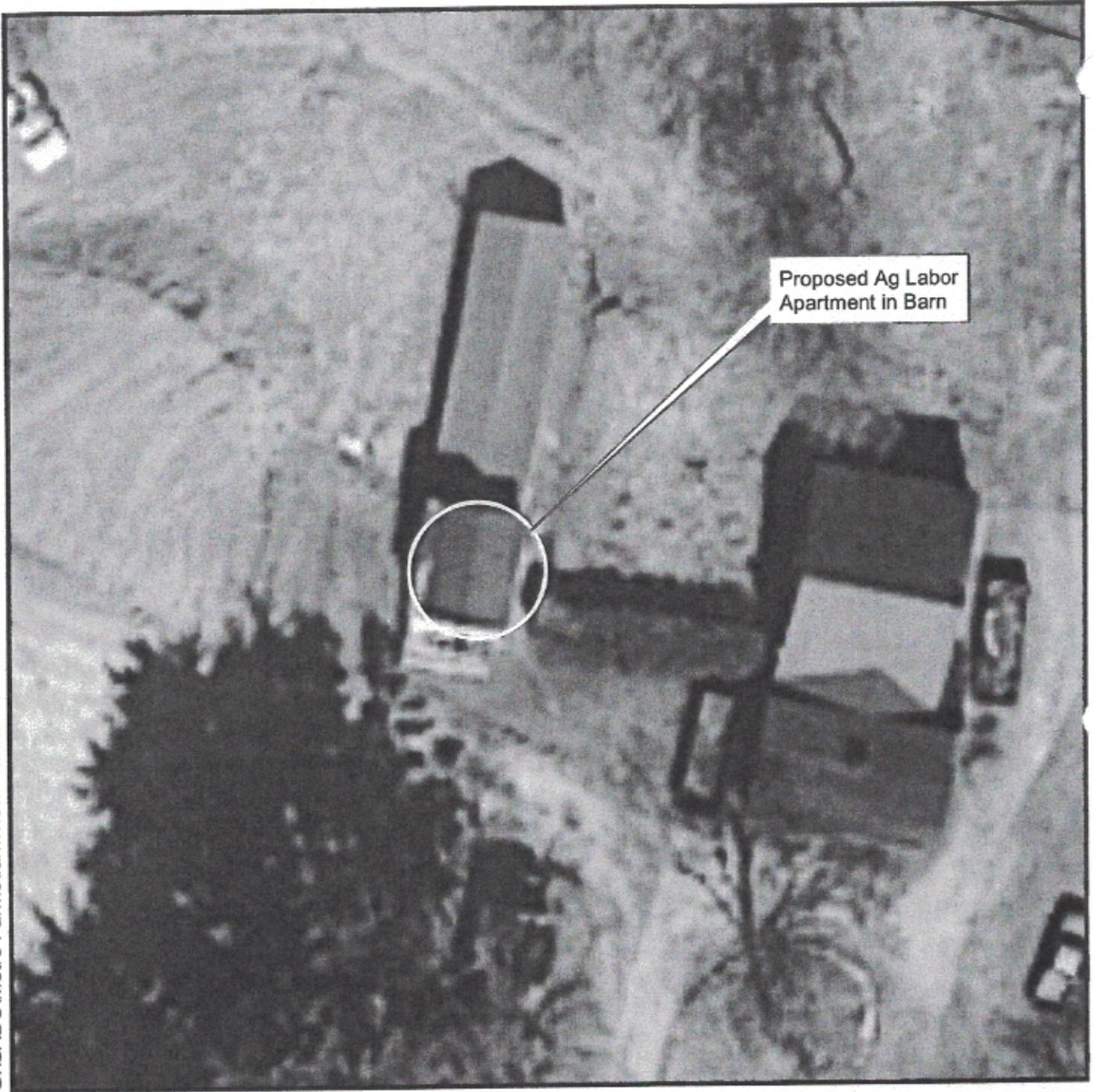
Farmland Preservation Program

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

- ### State Planning Area
- (PA1) METRO
 - (PA2) SUBURBAN
 - (PA3) FRINGE
 - (PA4) RURAL
 - (PA5) RURAL ENV NRH
 - (PA6) ENV SENS
 - (PA7) ENV SENSITIVE BARRIER IS
 - (PA8) PINELANDS
 - PARK
 - MILITARY
 - NEW JERSEY MEADOWLANDS
 - WATER
 - ELLIS ISLAND - NJ
 - ELLIS ISLAND - NY
- ### Base Map
- County Boundaries
 - Municipal Boundaries
 - Highlands Planning Area
 - Highlands Preservation Area
 - Pinelands Area
- Green Areas Preserved Easements

Schedule "B"

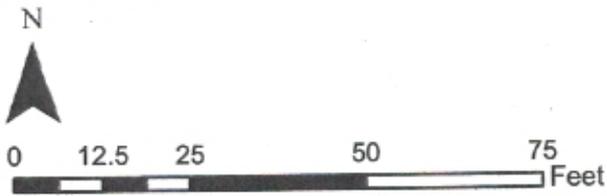
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Proposed Ag Labor Apartment in Barn

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Metropolitan Farms
Block 2102, Lot 55
Closter Borough, Bergen County
11.05 - Acres



2/4/2016

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

State Planning Areas	
	(P1) METRO
	(P2) SUBURBAN
	(P3) FRINGE
	(P4) RURAL
	(P4a) RURAL ENV SENS
	(P5) ENV SENS
	(P6) ENV SENSITIVE BARRIER IS
	(P10) FIELANDS
	PARK
	MILITARY
	NEW JERSEY MEADOWLANDS
	WATER
	ELLIS ISLAND-NJ
	ELLIS ISLAND-NY
Base Map	
	County Boundaries
	Municipal Boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Fielands Area
	Green Acres Preserved Easements

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R2(13)

MJC Properties, LLC

February 25, 2016

Approval of Special Permit for Commercial Non-Agricultural Activity on a Preserved Farm

Subject Property: MJC Properties, LLC
Block 102, Lot 3
Upper Deerfield Township, Cumberland County
88.77 Acres

WHEREAS, MJC Properties, LLC, hereinafter "Owner", is the record owner of Block 102, Lot 3, in the Township of Upper Deerfield, County of Cumberland, by Deed dated February 3, 2012, and recorded in the Cumberland County Clerk's Office in Deed Book 40890, Page 31150, totaling approximately 88.77 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the Premises was conveyed to the County of Cumberland ("County") by the former owners Leon and Arlene Tice, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., by a Deed of Easement dated April 23, 1997 and recorded March 20, 1998 in the Cumberland County Clerk's Office in Deed Book 2286, Page 135; and

WHEREAS, the development easement was acquired without the participation of Federal Farm and Ranch Lands Protection Program funds; and

WHEREAS, P.L. 2005, c.314 (N.J.S.A. 4:1C-32.1, et seq.), signed into law on January 12, 2006, allows the State Agriculture Development Committee (SADC) to issue a special permit to allow a commercial non-agricultural activity to occur on farmland on which a development easement has been recorded; and

WHEREAS, the SADC adopted regulations at N.J.A.C. 2:76-22.1, et seq., to establish the process for owners of preserved farms to apply, pursuant to N.J.S.A. 4:1C-32.1, for a special permit to allow for a commercial non-agricultural activity to occur on the premises, and to establish standards governing SADC review of such applications ; and

WHEREAS, the regulations state that the owner of a preserved farm may conduct a commercial non-agricultural activity thereon provided that the SADC and the appropriate county agriculture development board (CADB) determine that the application meets the criteria found in N.J.A.C. 2:76-22.1, et seq. (as shown in Schedule "B"); and

WHEREAS, on December 9, 2015, the SADC received an "Application for a Special Permit for Commercial Non-Agricultural Activity" from the Owner, pursuant to N.J.S.A. 4:1C-32.1 and N.J.A.C. 2:76-22.1, et seq.; and

WHEREAS, Mary Coombs and John Coombs, her husband, are the principals of MJC Properties, LLC; and

WHEREAS, the 83 acres of tillable ground on the Premises are utilized as part of the Coombs family's rotation of vegetables, grain and sod in their approximately 1,500 acre overall operation, producing agricultural and horticultural products worth at least \$2,500.00 or more annually, and satisfying the eligibility criteria for differential property taxation under the Farmland Assessment Act, N.J.S.A. 54:4-23.1, et seq.; and

WHEREAS, Ms. Coombs owns and has operated a florist shop in the nearby town of Elmer for the past nine years; and

WHEREAS, Ms. Coombs has begun planting various perennials in and around the Premises' farmstead complex for the purpose of supplying seasonally available product to the florist shop and for the proposed commercial non-agricultural activity onsite; and

WHEREAS, the Owner proposes to utilize a former milkhouse structure on the Premises to conduct floral design classes, craft workshops and other events; and

WHEREAS, Ms. Coombs and her sister, Dawn Clark, would be the primary operators/instructors of classes and events held onsite; and

WHEREAS, currently, approximately 800 sq. ft. of the front section of the milkhouse has been cleaned and finished to accommodate attendees of the milkhouse activities; and

WHEREAS, the Owner proposes to finish and utilize the remainder of the structure for milkhouse activities over time as customer interest increases; and

WHEREAS, the Owner has indicated that renovations to the milkhouse structure have cost approximately \$20,000, with about half of that cost going toward the replacement of the roof; and

WHEREAS, there are no food preparation facilities associated with the milkhouse renovations; and

WHEREAS, the interior rear of the structure is currently used to store materials used in the floral design workshops; and

WHEREAS, the Owner proposes to dedicate one parking space for handicap parking and install a yard light over the parking area to illuminate the area immediately surrounding the milkhouse in order to meet township requirements ; and

WHEREAS, the closest off farm residence is over 1,100 feet from the milkhouse, thereby minimizing potential conflicts related to milkhouse activities; and

WHEREAS, no other special permit for a commercial nonagricultural activity exists on the Premises and no other commercial nonagricultural activity exists on the Premises or on any portion of the farm that is not subject to the Deed of Easement ;

WHEREAS, on January 20, 2016, the Owner provided the SADC with a written revision to the application specifying the following commercial nonagricultural activities and events are proposed within the milkhouse (collectively, the "milkhouse activities"):

- Floral design classes
- Soap-, lotion-, and balm-making classes
- Terrarium-making classes
- Wreath workshops
- Kids' creative carnivals (crafts; face-painting; temporary tattoos; snacks)
- Painting parties
- Calligraphy classes
- Jewelry classes
- Paper flower classes
- Makeup classes
- Holiday parties
- Date night
- Baby showers; bridal showers; birthday parties
- Cake decorating classes
- Craft-making classes

WHEREAS, the original application stated that the proposed schedule was two (2) classes per month, for a total of 24 classes per year, but after submitting the January 20, 2016 revisions, the Owner confirmed to the SADC that they could anticipate a maximum of 36 milkhouse activities per year; and

WHEREAS, the application states that:

- The milkhouse structure constructed in 1977 is approximately 2,200 sq. ft. in total size;
- Renovations to date have included replacing the tin roof on the milkhouse, adding insulation, replacing the hot water heater and bringing in work tables and stools for use by workshop participants;
- The milkhouse will contain a classroom; an office/art room; and a bathroom utilizing pre-existing water and septic facilities;
- Floral design classes would involve up to twelve (12) students and two part-time instructors; and
- The building will remain unstaffed except for classes and preparation for classes; and
- Parking is available in an existing graveled farmyard area between the milkhouse and a large farm building used by Coombs Sod Farms, as shown on Schedule "A-2"; and

WHEREAS, N.J.A.C. 2:76-22.7 states that the owner of a preserved farm may apply for a special permit to allow a commercial non-agricultural activity to occur on the land, provided that the CADB reviews the application in accordance with criteria found at N.J.A.C. 2:76-22.6 and finds that the application is complete and that owner of the Premises is not in violation of any provision of the Deed of Easement; and

WHEREAS, on January 13, 2016, the Cumberland CADB found that the Owner was not in violation of any provision of the Deed of Easement, that the application was compliant with N.J.S.A. 4:1C-32.1 and N.J.A.C. 2:76-22.1, et seq., and approved the issuance of a permit to conduct the non-agricultural activity within the former milkhouse structure; and

NOW, THEREFORE, BE IT RESOLVED, that the SADC makes the following findings of fact with regard to the application by Owner for the issuance of a special permit to conduct non-agricultural activity on the Premises:

1. The Premises produces agricultural and horticultural products worth at least \$2,500.00 or more annually, and satisfies the eligibility criteria for differential property taxation under the Farmland Assessment Act, N.J.S.A. 54:4-23.1, et seq.;

2. The Premises were preserved by Deed of Easement dated April 23, 1997 and recorded March 20, 1998, in the Cumberland County Clerk's Office in Deed Book 2286, Page 135.
3. The Deed of Easement was acquired without the participation of Federal Farm and Ranch Lands Protection Program funds;
4. No other special permit for a commercial nonagricultural activity exists on the Premises and there is no other commercial nonagricultural activity in existence on the Premises or on any portion of the farm that is not subject to the Deed of Easement;
5. The former milkhouse structure on the Premises, constructed circa 1977 is approximately 2,200 sq. ft. in size;
6. Approximately 800 sq. ft. of the front section of the milkhouse has currently been cleaned and finished to accommodate attendees of the floral design workshops;
7. Renovations have included replacing the tin roof on the milkhouse, adding insulation, replacing the hot water heater and bringing in work tables and stools for use by workshop participants;
8. The former milkhouse structure on the Premises is intended to be utilized to engage in the activities listed on page three of this Resolution;
9. The milkhouse will contain a classroom; a combined office and art room; and a bathroom;
10. The interior rear section of the milkhouse is currently used to store materials used in the floral design workshops;
11. One (1) parking space shall be provided for handicap parking and a yard light will be installed over the parking area to illuminate the area immediately surrounding the milkhouse in order to meet township requirements ;
12. Parking is available in a graveled area already used for farm vehicle parking and movement adjacent to a building used by Coombs Sod Farms, as shown on Schedule "A-2";
13. In November 2015 the Owner contacted the township zoning officer regarding municipal land use approval, and the Owner is scheduled to appear before the municipal land use board in March 2016.

14. Due to the specialized nature of the building design and current obsolescence of its original intended use, the improvements to the structure repurpose its functionality and will not substantially interfere with use of the structure for agricultural purposes;
15. No public utilities or wastewater facilities are being created or expanded;
16. No storage of vehicles, products or supplies is proposed outside of the structure;
17. No new agricultural structures have been constructed or relocated on the Premises within the last three (3) years to service a function previously served by the milkhouse;
18. The milkhouse activities are incidental to and compatible with the use of the Premises as a farm or subordinate to the agricultural use of the Premises;
19. The milkhouse activities will not create adverse impacts to natural resources;
20. There are no existing violations of the Deed of Easement;

AND BE IT FURTHER RESOLVED that, based on the above findings of fact, the SADC determines that the Owner is eligible to apply for a special permit for a commercial nonagricultural activity on the Premises pursuant to applicable provisions in N.J.S.A. 4:1C-32.1, et seq. and N.J.A.C. 2:76-22.4;

AND BE IT FURTHER RESOLVED that the issuance of the special permit to the Owner for a commercial nonagricultural activity shall be subject to the following conditions:

1. The milkhouse activities allowed by and listed in the special permit shall be:

- Floral design classes
- Soap-, lotion-, and balm-making classes
- Terrarium classes
- Wreath workshops
- Kids' creative carnivals (crafts; face-painting; temporary tattoos; snacks)
- Painting parties
- Calligraphy classes
- Jewelry classes
- Paper flower classes
- Makeup classes
- Holiday parties
- Date night

Baby showers; bridal showers; birthday parties
Cake decorating classes
Craft-making classes

2. All of the commercial nonagricultural activities listed above shall be conducted within the milkhouse structure as required by N.J.S.A. 4:1C-32.1(c)7;
3. The total number of occupants within the milkhouse structure for the activities listed above shall be limited to that permitted by applicable state, county and/or local codes, rules and regulations; however, no activity shall require more than four (4) full-time employees at peak operational periods;
4. There shall be no more than 36 milkhouse activities each year, the annual period beginning on the date this resolution becomes effective and ending 365 days thereafter; Owner may apply to the SADC for permission to increase the annual number of milkhouse activities.
5. No special permit shall be issued until the Owner receives all necessary Federal, State and local approvals, and such approvals shall not contain any requirements for implementation of the nonagricultural activity that are inconsistent with N.J.S.A 4:1C-32.1 et seq., applicable SADC regulations, or this Resolution;
6. All pending Federal, State and local approvals related to implementation of the nonagricultural activity shall be forwarded to the CADB and SADC for review upon receipt by the Owner;
7. The special permit :
 - (1) shall be valid for a period of 5 years from the date this resolution becomes effective;
 - (2) applies to the current record owner and is not transferrable;
 - (3) shall automatically terminate upon change in record ownership of the property;
8. The Owner shall initiate the commercial non-agricultural activity within six (6) months of the effective date of this approval;
9. No amplified music shall be permitted during milkhouse activities that causes disturbance to neighboring property owners;
10. Food preparation for milkhouse activities shall be conducted off site; and

11. The entire interior of the milkhouse structure, at approximately 2,200 sq. ft. may be finished and utilized to engage in milkhouse activities;

AND BE IT FURTHER RESOLVED that this approval shall be recorded with the Cumberland County Clerk's office; and

BE IT FURTHER RESOLVED that SADC staff is authorized to issue an appropriate permit document to the Owner consistent with this Resolution; and

BE IT FURTHER RESOLVED, that this action is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

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

2/25/16
DATE



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	YES
W. Scott Ellis	YES
James Waltman	YES
Peter Johnson	ABSENT
Denis C. Germano, Esq.	ABSENT

Schedule "A"

MJC Properties LLC

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Former Milk House

FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

MJC Properties LLC
Block 102, Lot 3
Upper Deerfield Township, Cumberland County
88.77 - Acres



0 220 440 880 1,320 Feet

2/4/2016

Farmland Preservation Program

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

State Planning Areas

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

Schedule "A-2"

MJC Properties LLC

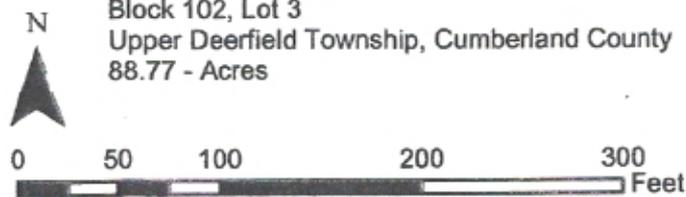
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FARMLAND PRESERVATION PROGRAM

NJ State Agriculture Development Committee

MJC Properties LLC
 Block 102, Lot 3
 Upper Deerfield Township, Cumberland County
 88.77 - Acres



2/17/2016

Farmland Preservation Program

- PRESERVED EASEMENT
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- PRESERVED EASEMENT / NR
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 - (PA3) FRINGE
 - (PA4) RURAL
 - (PA4a) RURAL ENV SENS
 - (PA4b) ENV SENS
 - (PA5) ENV. SENSITIVE BARREN LS
 - (PA6) PINELANDS
 - PARK
 - MILITARY
 - NEW JERSEY MEADOWLANDS
 - WATER
 - ELLIS ISLAND-NJ
 - ELLIS ISLAND-NY
- Base Map**
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 - Municipal Boundaries
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 - Highlands Preservation Area
 - Pinelands Area
- Green Acres Preserved Easements

2:76-21.5 Amount of grant

(a) Grant amounts shall be 50 percent of the cost of creating and filling new staff positions. Cost shall be limited to the following:

1. Salary; and
2. Fringe benefits.

(b) A grant shall not exceed \$20,000 per county.

2:76-21.6 Applications

(a) A county shall obtain grant application forms from the Committee.

(b) Completed application forms shall be submitted to the Committee by January 17, 2002, for fiscal year 2002 and by April 1 for future grant requests.

(c) The application form shall request the following information:

1. County requesting grant;
2. Grant amount requested;
3. Title of new position created subsequent to January 2001, for purposes described in N.J.A.C. 2:76-21.4;
4. Agency or unit where the position will be established;
5. Person supervising position;
6. Salary and fringe benefits allocated to fund the position;
7. Verification that the position was approved by the Board of Chosen Freeholders or other appropriate authority;
8. Anticipated work hours and permanency of the position;
9. Anticipated duties of the position;
10. Copy (if available) and status of county's farmland preservation plan; and
11. Number and acres of applications pending pursuant to N.J.A.C. 2:76-21.7(a)2.

2:76-21.7 Awarding of grant

(a) The Committee shall determine the priority of allocating grants to counties according to the following factors:

1. Priority shall first be given to counties that have the most agricultural lands to potentially be preserved, indexed to the county in the State with the most agricultural land to potentially be preserved, based on the 1997 Agricultural Census or most current U.S. Agricultural Census data

available and adjusted for acreage already preserved for agricultural purposes.

i. Grant applications shall be assigned a maximum of 50 points identifying farmland preservation potential based on the following formula:

$$\frac{\text{County Preservation Potential (Acres)}}{\text{County With Highest Preservation Potential (Acres)}} \times 50 = \text{points}$$

2. Priority shall next be given to counties that have the most acreage from farmland preservation applications pending before the county and the Committee, indexed to the county in the State with the most acreage from farmland applications pending before the county and the Committee.

i. Grant applications shall be assigned a maximum of 25 points identifying applications pending based on the following formula:

$$\frac{\text{County Applications Pending (Acres)}}{\text{County With Most Applications Pending (Acres)}} \times 25 = \text{points}$$

(b) Grants shall be awarded by the Committee in the order of those counties with the highest point total resulting from the combination of (a)1 and 2 above.

(c) The Committee shall enter into a grant agreement with the county.

2:76-21.8 Annual review

(a) A Board that has received a grant shall provide the Committee with an annual performance review of each new staff person that was funded with the grant indicating the benefits and accomplishments resulting from the position.

(b) Annual performance summaries shall be filed with the Committee by August 15 of each year a grant is awarded.

SUBCHAPTER 22. SPECIAL PERMIT FOR COMMERCIAL NONAGRICULTURAL ACTIVITY ON PRESERVED FARMLAND

2:76-22.1 Applicability

This subchapter applies to the issuance of any special permit pursuant to N.J.S.A. 4:1C-32.1 to allow a commercial nonagricultural activity to occur on qualifying land on which a development easement was conveyed to, or retained by, the Committee, a board, or a qualifying tax exempt nonprofit organization pursuant to the provisions of section 24 of P.L. 1983, c. 32 (N.J.S.A. 4:1C-31), section 5 of P.L. 1988, c. 4 (N.J.S.A. 4:1C-31.1), section 1 of P.L. 1989, c. 28 (N.J.S.A. 4:1C-38), section 1 of P.L. 1999, c. 180 (N.J.S.A. 4:1C-43.1), or sections 37 through 40 of P.L. 1999, c. 152 (N.J.S.A. 13:8C-37 through 13:8C-40).

2:76-22.2 Purpose

The purpose of this subchapter is to establish the process for any person who owns qualifying land from which a development easement was conveyed to, or retained by, the Committee, a board, or a qualifying tax exempt nonprofit organization to apply for a special permit, pursuant to N.J.S.A. 4:1C-32.1, to allow a commercial nonagricultural activity to occur on the premises and to identify the standards for review of such an application by the Committee, board or qualifying tax exempt non-profit organization.

2:76-22.3 Definitions

As used in this subchapter, the following words and terms shall have the following meanings:

"Application" means a request for a special permit to allow for a commercial nonagricultural activity as detailed in a standard form adopted by the Committee.

"Board" means a county agriculture development board established pursuant to N.J.S.A. 4:1C-17 or a sub-regional agricultural retention board established pursuant to N.J.S.A. 4:1C-20.

"Commercial farm" means:

1. A farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.; or

2. A farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.

"Commercial nonagricultural activity" means a small enterprise or low impact use that is not permitted under the terms of the deed of easement, but which may be permitted pursuant to N.J.S.A. 4:1C-32.1 and this subchapter. It does not include franchises, chain stores, big box stores, high volume businesses, or a personal wireless service facility as defined in this section and regulated pursuant to N.J.S.A. 4:1C-32.2.

"Committee" means the State Agriculture Development Committee established pursuant to N.J.S.A. 4:1C-4.

"Deed of easement" means the instrument restricting the premises for agricultural purposes that is recorded with the county clerk's office pursuant to the provisions of section 24 of P.L. 1983, c. 32 (N.J.S.A. 4:1C-31), section 5 of P.L. 1988, c. 4 (N.J.S.A. 4:1C-31.1), section 1 of P.L. 1989, c. 28 (N.J.S.A. 4:1C-38), section 1 of P.L. 1999, c. 180 (N.J.S.A. 4:1C-43.1), or sections 37 through 40 of P.L. 1999, c. 152

(N.J.S.A. 13:8C-37 through 13:8C-40). For land acquired in fee simple title for farmland preservation purposes, the deed transferring the restricted fee ownership of the land by the Committee or other entity is considered the deed of easement.

"Development easement" means an interest in land, less than fee simple absolute title thereto, which enables the owner to develop the land for any nonagricultural purpose as determined by and acquired under the provisions of N.J.S.A. 4:1C-11.1 et seq. and any relevant rules or regulations promulgated pursuant thereto.

"Exception" means a portion of an applicant's landholdings excluded from the premises and although identified in the deed of easement, is unencumbered by the farmland preservation restrictions mandated by N.J.A.C. 2:76-6.15(a) and set forth in the deed of easement.

"Farm management unit" means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

"Person" means natural persons, public or private corporations, companies, associations, societies, firms, partnerships and joint stock companies.

"Personal wireless service facility" means a personal wireless service tower and any associated equipment and structures necessary to operate and maintain that tower, as regulated pursuant to Federal law.

"Premises" means the property subject to the deed of easement as defined by the legal metes and bounds description contained in the deed of easement.

"Qualifying land" means a farm that was preserved for farmland preservation purposes prior to the date of enactment of N.J.S.A. 4:1C-32.1 et seq., under any of the laws cited in N.J.S.A. 4:1C-32.1a and for which no portion of the farm was excluded from the area preserved under the deed of easement by means of an exception. Lands preserved by a county, local government unit or qualifying tax exempt nonprofit organization for farmland preservation purposes by the acquisition of a deed of easement prior to the date of enactment of N.J.S.A. 4:1C-32.1 et seq. shall be deemed "qualifying land" even if the instrument memorializing the Committee's interests in the deed of easement is not recorded until after the date of enactment of N.J.S.A. 4:1C-32.1 et seq.

"Qualifying tax exempt nonprofit organization" shall have the same meaning as set forth in section 3 of P.L. 1999, c. 152 (N.J.S.A. 13:8C-3).

"Special permit" means a permit to allow one commercial nonagricultural activity to occur on qualifying land issued by the Committee (in its sole discretion if the Committee owns the development easement or in the joint discretion of the Committee and a board or qualifying tax exempt nonprofit

organization holding the deed of easement), pursuant to N.J.S.A. 4:1C-32.1 and the procedures and criteria set forth in this subchapter.

2:76-22.4 Eligibility to apply for a commercial nonagricultural activity

(a) Any person who owns qualifying land may apply for a special permit to allow a commercial nonagricultural activity to occur on the land, provided that:

1. The qualifying land is a commercial farm;
2. No other special permit for a commercial nonagricultural activity exists on the premises;
3. There is no commercial nonagricultural activity in existence on the premises at the time of application for the special permit or on any portion of the farm that is not subject to the development easement, except that the Committee may waive the requirements of this paragraph entirely or subject to any appropriate conditions:
 - i. If such preexisting commercial nonagricultural activity is deemed to be of a minor or insignificant nature or to rely principally upon farm products, as defined pursuant to N.J.S.A. 4:10-1, derived from the farm; or
 - ii. For other good cause shown by the applicant; and
4. The development easement was acquired without the participation of Federal Farm and Ranch Lands Protection Program funds.

(b) In the event the premises were divided after conveyance of the development easement in accordance with N.J.A.C. 2:76-6.15(a)15, only one special permit for a commercial nonagricultural activity may be issued by the Committee for the originally preserved premises, regardless of the number of resulting parcels of land.

1. If a special permit for a commercial nonagricultural activity has been previously issued on a parcel of land created as a result of a division of premises, no other special permits for a commercial nonagricultural activity may be issued on any of the remaining parcel(s) of land created by the division.
2. If there was an exception on the original premises, no special permit shall be issued to any of the parcels resulting from a division of the premises, even if one or more of the resulting parcels have no exceptions following the division.

(c) Any person who has been granted a special permit for the erection of a personal wireless service facility pursuant to N.J.A.C. 2:76-23 is eligible for a special permit on the same premises pursuant to this subchapter.

2:76-22.5 Application for commercial nonagricultural activity

(a) Any person who meets the qualifications contained in N.J.A.C. 2:76-22.4 may apply for a special permit for a commercial nonagricultural activity by simultaneously submitting an application to the owner of the development easement and to the Committee. The application shall include the following information:

1. A copy of the recorded deed showing the current record owner of the restricted premises;
2. A copy of the recorded deed of easement;
3. The block(s) and lot(s) designations of the premises;
4. Proof that the premises is a commercial farm;
5. A survey plat of the premises that identifies and labels:
 - i. The structure(s) in which the commercial nonagricultural activity will be located;
 - ii. The proposed expansion of any existing structures to accommodate the commercial nonagricultural activity;
 - iii. All existing structures, streams, and other features of the premises;
 - iv. The location of proposed access to the commercial nonagricultural activity; and
 - v. Identification of the area that will be used to accommodate parking, including the number of existing parking spaces, the number of parking spaces that will be needed and delineation of the proposed parking spaces;
6. Photographs (preferably, digital, with one printed copy and one electronic copy) of:
 - i. The interior and exterior of the structure(s) in which the commercial nonagricultural activity is proposed; and
 - ii. The exterior of all structures within 200 feet of the structure(s) in which the commercial nonagricultural activity is proposed;
7. A description of any commercial nonagricultural activity already in existence on the premises at the time of application for the special permit or on any portion of the farm that is not subject to the development easement;
8. Proof that the structure(s) to be used for the commercial nonagricultural activity existed on the date of enactment of N.J.S.A. 4:1C-32.1 (January 12, 2006). The applicant shall also:
 - i. Identify and describe all improvements made to the structure since the enactment of N.J.S.A. 4:1C-32.1 (January 12, 2006);

- ii. State whether he or she intends to construct a new agricultural building to take the place of the structure to be used for the nonagricultural use; and
 - iii. Identify any new agricultural structure(s) constructed on the premises within three years prior to the date of application and indicate whether these new structures will serve a function previously served by the structure(s) proposed to accommodate the non-agricultural use;
9. A description of the proposed commercial nonagricultural activity, including:
- i. All improvements and new utilities that will be needed to accommodate the activity;
 - ii. An estimate of the cost and time needed for completion of any improvements;
 - iii. Whether the activity is associated with the agricultural operation and if so, how;
 - iv. Whether the activity is operated by the owner or family member or if it is being leased and if so, to whom;
 - v. Whether the activity is seasonal or year round;
 - vi. The proposed hours of operation;
 - vii. Whether the applicant will need to expand an existing structure to accommodate the activity, including:
 - (1) The purpose and proposed use of the expansion;
 - (2) An explanation as to why the expansion is necessary for the commercial nonagricultural activity;
 - (3) The size of the total footprint of the proposed expanded structure and all other structures that will be used for the nonagricultural activity;
 - (4) A justification for the proposed size of the structure, including an explanation as to whether the proposed size is based solely on the need to accommodate the commercial nonagricultural activity;
 - (5) An explanation of how the location, design, height and aesthetics of the expansion preserve the natural and unadulterated appearance of the landscape and structures; and
 - (6) A sketch of the proposed expansion on the survey plat required in (a)5 above;
 - viii. The time period for which the applicant would like the special permit to be effective, provided that any request for an effective period of over five years shall include a justification for the longer time period; and
- ix. A copy of any proposed lease agreements that will be necessary for the proposed nonagricultural activity;
10. Copies of all necessary local, State and Federal approvals, including evidence that the proposed commercial nonagricultural activity is a permitted use under municipal zoning or that a use variance has been granted.
- i. This requirement may be waived by the Committee pursuant to N.J.A.C. 2:76-22.6(a)15i;
11. An explanation as to whether the commercial nonagricultural activity interferes with the use of the land for agricultural production;
12. An explanation as to whether the commercial nonagricultural activity utilizes the land and structures in their existing condition;
13. An explanation as to whether the commercial nonagricultural activity will have an adverse impact upon the soils, water resources, air quality or other natural resources of the land or the surrounding area;
14. Using a scale, established in the application, identification of the location of the proposed commercial nonagricultural activity on:
- i. A United States Department of Agriculture, Natural Resource Conservation Service (NRCS) soils map that uses the most current NRCS Soil Survey Geographic (SSURGO) Database, with a summary of the soil mapping units and designation of important soils (prime soils, soils of Statewide importance, unique or local importance);
 - ii. A United States Geological Service (USGS) topographic quadrangle map;
 - iii. A current tax map; and
 - iv. A New Jersey Department of Environmental Protection wetlands map;
15. A description of the amount of traffic or business that the applicant expects to be generated on a daily, weekly and annual basis and on anticipated peak times of the year;
16. The maximum number of employees needed on a daily, weekly and annual basis and for anticipated peak times of the year; and
17. An application fee in the amount of \$1,000 made payable to the State of New Jersey, State Agriculture Development Committee, in the form of a money order or bank check.
- i. The application fee is nonrefundable, regardless of whether a special permit is issued.
- (b) If the Committee or easement holder deems the application incomplete, the applicant shall have 120 days of

receipt of written notice to provide the necessary information, unless otherwise extended by the reviewing entity.

2:76-22.6 Evaluation criteria for a commercial nonagricultural use

(a) When reviewing special permit applications, the Committee (or Committee and easement holder jointly) shall determine whether the application meets the following criteria:

1. The premises meets the definition of "commercial farm" set forth in this subchapter;

2. The premises meets the definition of "qualifying land" set forth in this subchapter;

3. The premises was preserved prior to the enactment of N.J.S.A. 4:1C-32.1 (January 12, 2006);

4. There is no commercial nonagricultural activity in existence on the premises at the time of application for the special permit or on any portion of the farm that is not subject to the development easement, except that the Committee may waive the requirements of this paragraph entirely or subject to any appropriate conditions:

i. If such preexisting commercial nonagricultural activity is deemed to be of a minor or insignificant nature or to rely principally upon farm products, as defined pursuant to N.J.S.A. 4:10-1, derived from the farm; or

ii. For other good cause shown by the applicant;

5. No other special permits for a commercial nonagricultural activity have been issued by the Committee;

6. The proposed commercial nonagricultural activity is located within a structure(s) that was existing at the time of the enactment of N.J.S.A. 4:1C-32.1 (January 12, 2006);

7. The proposed commercial nonagricultural activity utilizes a structure(s) in its existing condition, except that:

i. Existing residential units can be improved for a commercial nonagricultural use permitted pursuant to this subchapter, subject to the following limitation:

(1) No more than 2,500 square feet of the interior of an existing residential structure may be converted or "finished" for a commercial nonagricultural use if such conversion or finishing requires improvements to the structure, such as installation of new walls, insulation, flooring, lighting, HVAC systems, sanitary plumbing, and associated wiring;

ii. Improvements to a non-residential structure shall not substantially interfere with the ability of the structure as a whole to be used to support agricultural activities in the future.

Repeat
(1) No more than 2,500 square feet of the interior of an existing residential structure may be converted or "finished" for a commercial nonagricultural use if such conversion or finishing requires improvements to

the structure, such as installation of new walls, insulation, flooring, lighting, HVAC systems, sanitary plumbing, and associated wiring;

iii. Improvements that require the expansion of wastewater facilities, including, but not limited to, connection to public wastewater facilities or expansion of sewage or septic capacity generally, shall not be permitted. At no time shall a change in wastewater facilities required for the commercial nonagricultural activity render land subject to the deed of easement, which otherwise would have been suitable for agricultural production, incapable of supporting agricultural production activities;

iv. No public utilities, other than those already available on the premises, shall be permitted, including, but not limited to, water, gas, electric or sewage;

v. Improvements to the exterior of the structure shall be compatible with the agricultural character of the premises and shall not diminish the historic character of the structure;

vi. There shall be no storage of equipment, vehicles, supplies, products, or by-products associated with the commercial nonagricultural activity outside of the structure except as provided in (a)13iv below;

vii. Improvements cannot be made to the interior of a non-residential structure(s) to adapt it for residential use; and

viii. Expansion of a structure shall be permitted provided that:

(1) The total footprint of the expanded structure and other structures that will be used for the commercial nonagricultural activity does not exceed 500 square feet;

(2) The purpose or use of the expansion is necessary to the operation or functioning of the commercial nonagricultural activity;

(3) The area of the proposed footprint is reasonably calculated based solely upon the demands of accommodating the commercial nonagricultural activity and does not incorporate excess space; and

(4) The location, design, height and aesthetics of the expansion reflect the public interest of preserving the natural and unadulterated appearance of the landscape and structures;

8. Any new agricultural structure(s) constructed or relocated anywhere on the premises within the three years preceding the date of application for the special permit does not (and will not) serve a function previously served by the structure(s) proposed to accommodate the nonagricultural use;

9. The application does not propose to use agricultural labor housing (constructed before or after the conveyance of the development easement) for the commercial nonagricultural activity;
10. The proposed commercial nonagricultural activity does not interfere with the use of the land for agricultural purposes;
11. The commercial nonagricultural activity is incidental to the use of the premises as a farm or subordinate to the agricultural use of the premises;
12. The commercial nonagricultural activity is compatible with the agricultural use of the premises and surrounding land use of adjacent properties.
- i. Characteristics to be considered in determining whether the commercial nonagricultural activity is compatible shall include, but not be limited to, whether the activity uses equipment or processes that create noise, vibration, glare, fumes, odors or electrical or electronic interference (including interference with radio or television reception), which interfere with the quiet enjoyment of neighboring properties;
13. The commercial nonagricultural activity uses the land in its existing condition. Use of the land in its existing condition shall mean the following:
- i. No new road improvements including new ingress and egress improvements, curbing, or changes needed to accommodate a new traffic pattern shall be created;
- ii. No new parking areas, paved or unpaved shall be created;
- iii. The area dedicated to parking shall not exceed 1,000 square feet and provide for greater than five parking spaces, with each parking space not to exceed 10 feet by 20 feet; and
- iv. Vehicles or equipment too large to store within the structure, such as vehicles, trailers, etc., may be stored outside the structure, but within the permissible 1,000 square foot parking area. Products, supplies or by-products of the non-agricultural use shall not be stored outside the structure;
14. The commercial nonagricultural activity does not have an adverse impact upon the soils, water resources, air quality, or other natural resources of the land or the surrounding area and does not require the creation of additional parking spaces, paved or unpaved and is consistent with the deed of easement and land use approvals and any other applicable approvals that may be required by Federal, State, or local law, rules, regulations, or ordinances, provided that if such approvals contain any requirements for implementation of the nonagricultural use that are inconsistent with N.J.S.A. 4:1C-32.1, this subchapter or the special permit itself, the special permit will be denied;
15. The owner has obtained local zoning and land use approvals and any other applicable approvals that may be required by Federal, State, or local law, rule, regulation, or ordinance, provided that if such approvals contain any requirements for implementation of the nonagricultural use that are inconsistent with N.J.S.A. 4:1C-32.1, this subchapter or the special permit itself, the special permit will be denied.
- i. If this requirement has not been met at the time of application, the Committee may issue a special permit that will be conditioned on, and which will become effective only upon, the applicant's receipt of all necessary local, State and Federal approvals, provided that if such approvals contain any requirements for implementation of the nonagricultural use that are inconsistent with N.J.S.A. 4:1C-32.1, this subchapter, or the special permit itself, the special permit will be denied;
16. The commercial nonagricultural activity does not contain multiple businesses/uses, including, but not limited to, commercial, industrial or office use, within the same structure or structures;
17. Lighting to support the nonagricultural use shall meet the following criteria:
- i. Adequate lighting shall be provided to insure safe movement of pedestrians and vehicles during working hours;
- ii. The height, intensity and number of lighting facilities shall not be in excess of what is customary for agricultural use and shall be consistent with the agricultural setting;
- iii. Any new lighting shall be compatible with the agricultural use of the property and surrounding land use of adjacent properties; and
- iv. The lighting shall not cause glare or intrusion of light onto neighboring properties;
18. The commercial nonagricultural activity is not a "high traffic volume business."
- i. The volume and frequency of visitors, deliveries, truck and other vehicle traffic shall not exceed the number of designated parking spaces at any given time and shall not create a nuisance for neighboring properties or the municipality; and
- ii. The number of employees needed to operate the commercial nonagricultural activity is not indicative of a high traffic volume business.
- (1) The proposed use shall not require more than four full-time employees at peak operational periods;
19. The owner of the premises is not in violation of any provision of the deed of easement; and
20. The commercial nonagricultural activity otherwise complies with N.J.S.A. 4:1C-32.1.

2:76-22.7 Review by board or nonprofit easement owner

(a) If a board or a qualifying tax exempt nonprofit organization owns the development easement, it shall review an application for a special permit using the criteria set forth in N.J.A.C. 2:76-22.6, prior to the Committee's review.

(b) The board or qualifying tax exempt nonprofit organization shall confirm that it has the following documents related to the development easement:

1. A copy of the recorded deed of easement;
2. A copy of the title policy issued at the time the deed of easement was recorded;
3. A copy of the original survey of the premises; and
4. A complete application for a commercial nonagricultural activity special permit.

(c) The board or qualifying tax exempt nonprofit organization shall inform the Committee of its decision to approve or disapprove the issuance of the special permit, state the reasons for its decision, and submit the following to the Committee for review:

1. Notification of any commercial nonagricultural activities already in existence on the land at the time of application for the special permit or on any portion of the farm that is not subject to the development easement;
2. The recommended time period for which the special permit shall be effective, and any conditions of approval;
3. A resolution of the board or qualifying tax exempt nonprofit organization setting forth the approval or denial of the application and the reasons therefore;
4. Confirmation that the owner of the premises is not in violation of any provision of the deed of easement; and
5. A checklist of documents provided by the applicant to the board/qualifying tax exempt nonprofit organization.

2:76-22.8 Committee review and issuance of permit

(a) The Committee, as the owner of a development easement, shall review an application and in its sole discretion may issue a special permit pursuant to N.J.S.A. 4:1C-32.1 and this subchapter.

(b) If a development easement is owned by a board or qualifying tax exempt nonprofit organization, the Committee, upon receipt of a complete application and notice of approval by the board or qualifying tax exempt nonprofit organization, shall decide whether to issue a permit based on its review of the application using the criteria set forth in this subchapter.

1. Approval of an application by a board or qualifying tax exempt nonprofit organization shall not be binding on the Committee if the Committee makes an independent determination that the application does not meet the criteria set forth in this subchapter.

2. If an application has been denied by a board or qualifying tax exempt nonprofit organization, no further action by the Committee is required.

3. If the Committee is missing any of the following documents related to the preservation of the premises, the board or qualifying tax exempt nonprofit organization shall provide the Committee with the documents upon request:

- i. A copy of the recorded deed of easement;
- ii. A copy of the title policy; and
- iii. A copy of the original survey of the premises.

(c) The Committee shall inform the applicant of its decision to approve or deny the application and shall also inform the board or qualifying tax exempt nonprofit organization that owns the development easement.

(d) The Committee may issue a special permit that will be conditioned on, and which will become effective only upon, the applicant's receipt of all necessary local, State and Federal approvals, provided that if such approvals contain any requirements for implementation of the nonagricultural use that are inconsistent with N.J.S.A. 4:1C-32.1, this subchapter, or the special permit itself, the special permit will be deemed denied.

(e) The Committee may include other reasonable requirements to limit, to the maximum extent possible, the intensity of the permitted activity and its impact on the land and surrounding area.

(f) When issuing a special permit, the Committee shall:

1. Identify the time period for which the special permit shall be effective; and
2. Stipulate a time period during which the landowner must exercise the special permit and initiate the commercial nonagricultural activity.
 - i. The Committee may provide for an extension up to six months upon a showing of special circumstances or need presented by the applicant.
 - ii. If the owner fails to exercise the special permit and initiate the commercial nonagricultural use within the period designated by the Committee, the special permit shall automatically expire, unless an extension is approved by the Committee pursuant to (f)2i above.

(g) In the event that the record owner obtains a special permit from the Committee, and subsequently contracts for the sale of the premises, the contract purchaser of the premises may seek approval to continue the commercial nonagricultural activity special permit after conveyance of the property by applying for a new special permit pursuant to N.J.A.C. 2:76-22.5, prior to the actual sale.

1. The contract purchaser shall provide a copy of the executed contract for the purchase of the premises as part of his or her application.

2. The contract purchaser must obtain a special permit issued by the Committee pursuant to N.J.A.C. 2:76-22.8 prior to the conveyance of the premises.

(h) Upon the death of the record owner of the premises, the heir(s) or estate representative may apply for a special permit pursuant to N.J.A.C. 2:76-22.5 to avoid termination of the special permit.

1. The heir(s) or estate representative may apply for and obtain Committee approval for a special permit within six months of the record owner's death.

2. The special permit shall automatically expire six months from the date of death of the record owner of the property holding that permit unless the heir(s) or estate representative applies for and obtains a special permit, or applies for and obtains an extension of the six-month period, within that time.

3. Upon request by the estate representative or heir(s), the Committee may extend the period to apply for and obtain approval of the special permit for up to one year where required for settlement of estate issues provided that the period of any such extension shall not exceed the period of the initial special permit.

(i) All application fees submitted to the Committee pursuant to this subchapter are nonrefundable, regardless of whether a special permit is issued, and shall be used for farmland preservation purposes.

2:76-22.9 Special permit

(a) No more than one special permit for a commercial nonagricultural activity shall be valid at any one time for use on the premises.

(b) The standard duration of a special permit approved by the Committee shall not exceed five years.

1. A special permit may be approved for a duration greater than five years, but not more than 20 years, if the applicant provides sufficient justification pursuant to N.J.A.C. 2:76-22.5(a)9viii.

(c) No special permit shall be valid for more than 20 years unless an application for renewal is approved by the Committee and a board or qualifying tax exempt nonprofit organization, if appropriate.

1. Renewal of a special permit may be sought within two years of the date of scheduled permit expiration.

2. There shall be no fee for permit renewal.

(d) The special permit shall not run with the land, and each special permit shall explicitly state this, in addition to the following:

1. The permit shall automatically terminate if there is a change in the record ownership of the premises subject to the following:

i. The contract purchaser of the premises obtains approval for a special permit prior to the conveyance of the premises pursuant to N.J.A.C. 2:76-22.8(g); or

ii. Upon the death of the record owner of the premise, the heir(s) obtains approval for a special permit pursuant to N.J.A.C. 2:76-22.8(h);

2. The owner/seller of the restricted premises and the purchaser of the restricted premises shall notify the Committee, the owner of the development easement, and the municipality in the event there is a change in record ownership of the premises after a special permit has been issued; and

3. The commercial nonagricultural activity shall cease immediately upon a change in record ownership of the premises, except as provided for in (d)1 above.

i. An application may be submitted pursuant to N.J.A.C. 2:76-22.5, if the new owner of the premises wishes to continue the commercial nonagricultural activity. The application shall be treated as a new application, and the new owner shall be required to comply with all procedures set forth in N.J.A.C. 2:76-22.5, including payment of an application fee.

(e) The special permit shall not be assigned or conveyed in any manner.

(f) The special permit shall be recorded by the owner of the premises with the County Clerk's Office in the same manner as a deed.

1. A copy of the recorded special permit shall be provided to the Committee, the municipality, the owner of the development easement and to any owner of land that was subdivided from the initial preserved farm, if applicable.

(g) The special permit shall be displayed in clear view on the structure(s) for which it was issued.

2:76-22.10 Signs

(a) The placement of signs on the premises for purposes related to the commercial nonagricultural activity is prohibited except for the following:

1. Directional signs indicating where persons visiting the nonagricultural use should drive and/or park; and

2. One flush-mounted sign, not to exceed 20 square feet to be placed on the structure, which shall not be illuminated internally.

(b) Nothing in this section shall be construed to permit the use of signs in a manner inconsistent with municipal, county, or Department of Transportation requirements or standards.

Administrative correction.
See: 40 N.J.R. 4519(a).

2:76-22.11 Monitoring

(a) The owner of the development easement on the premises on which a special permit was issued by the Committee shall monitor the commercial nonagricultural activity annually to ensure compliance with the special permit and this subchapter.

1. A written report with photographs confirming the on-site inspection and determination of compliance or violation shall be provided to the Committee.

(b) The owner of the development easement shall be permitted access to, and to enter upon, the premises at all reasonable times for the purpose of inspection to enforce and assure compliance with the special permit. The owner of the development easement agrees to give the landowner at least 24 hours advance notice of its intention to enter the premises.

2:76-22.12 Suspension or revocation of a special permit

(a) The Committee may suspend or revoke the special permit for a violation of N.J.S.A. 4:1C-32.1, this subchapter, or any term or condition of the special permit, if it owns the development easement on the farm.

(b) The Committee may suspend or revoke the special permit on a farm in which the development easement is owned by a board or qualifying tax exempt nonprofit organization, if the Committee and board/nonprofit organization jointly determine that the applicant is in violation of any term or condition of the special permit, N.J.S.A. 4:1C-32.1 or this subchapter.

2:76-22.13 Request for hearing

(a) Any applicant or permit holder who is aggrieved by an action of the Committee regarding a permit or renewal application or the suspension or revocation of a permit may submit a written request to the Committee for a hearing.

1. A request for a hearing shall be sent to the Committee within 20 days of receipt of notice of the Committee's action.

2. Requests shall be sent to the Executive Director, State Agriculture Development Committee, New Jersey Department of Agriculture, P.O. Box 330, Trenton, New Jersey 08625-0330.

3. Applicants or permit holders shall be afforded the opportunity for a hearing thereon in the manner provided for contested cases pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

4. The decision of the Committee shall be considered a final administrative agency decision, subject to the right of appeal to the Appellate Division of the Superior Court.

2:76-22.14 Report of activities

(a) The Committee shall submit a report every two years to the Governor, President of the Senate, the Speaker of the General Assembly, the respective chairpersons of the Senate Economic Growth Committee, the Senate Environment Committee, the Assembly Agriculture and Natural Resources Committee, and the Assembly Environment and Solid Waste Committee or their designated successors, in accordance with N.J.S.A. 4:1C-32.3.

(b) Copies of the report shall also be made available to the public upon request and free of charge, and shall be posted on the website of the Committee.

SUBCHAPTER 23. SPECIAL PERMIT FOR
INSTALLATION OF PERSONAL WIRELESS
SERVICE FACILITY ON PRESERVED
FARMLAND

2:76-23.1 Applicability

This subchapter applies to the issuance of any special permit pursuant to N.J.S.A. 4:1C-32.2, to allow a personal wireless service facility to be erected on land on which a development easement was conveyed to, or retained by the Committee, a board, or a qualifying tax exempt nonprofit organization pursuant to the provisions of section 24 of P.L. 1983, c. 32 (N.J.S.A. 4:1C-31), section 5 of P.L. 1988, c. 4 (N.J.S.A. 4:1C-31.1), section 1 of P.L. 1989, c. 28 (N.J.S.A. 4:1C-38), section 1 of P.L. 1999, c. 180 (N.J.S.A. 4:1C-43.1), sections 37 through 40 of P.L. 1999, c. 152 (N.J.S.A. 13:8C-37 through 13:8C-40), or any other State law enacted for farmland preservation purposes.

2:76-23.2 Purpose

The purpose of this subchapter is to establish the process for any person who owns land on which a development easement was conveyed to, or retained by, the Committee, a board, or a qualifying tax exempt nonprofit organization pursuant to N.J.S.A. 4:1C-32.2, to apply for a special permit to allow for a personal wireless service facility to be erected on the premises, and to identify the standards for review of an application for a special permit by the Committee, board or qualifying tax exempt nonprofit organization.

2:76-23.3 Definitions

As used in this subchapter, the following words and terms shall have the following meanings:

"Application" means a request for a special permit to allow for erection of a personal wireless service facility as detailed in a standard form adopted by the Committee.

"Board" means a county agriculture development board established pursuant to N.J.S.A. 4:1C-17 or a sub-regional

agricultural retention board established pursuant to N.J.S.A. 4:1C-20.

"Commercial farm" means:

1. A farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.; or

2. A farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.

"Committee" means the State Agriculture Development Committee established pursuant to N.J.S.A. 4:1C-4.

"Deed of easement" means the deed restricting the premises for agricultural purposes that is recorded with the county clerk's office pursuant to the provisions of section 24 of P.L. 1983, c. 32 (N.J.S.A. 4:1C-31), section 5 of P.L. 1988, c. 4 (N.J.S.A. 4:1C-31.1), section 1 of P.L. 1989, c. 28 (N.J.S.A. 4:1C-38), section 1 of P.L. 1999, c. 180 (N.J.S.A. 4:1C-43.1), or sections 37 through 40 of P.L. 1999, c. 152 (N.J.S.A. 13:8C-37 through 13:8C-40). For land acquired in fee simple title for farmland preservation purposes, the deed transferring the restricted fee ownership of the land by the committee or other entity is considered the deed of easement.

"Development easement" means an interest in land, less than fee simple absolute title thereto, which enables the owner to develop the land for any nonagricultural purpose as determined by and acquired under the provisions of N.J.S.A. 4:1C-32.1 and any relevant rules or regulations promulgated pursuant thereto.

"Exception" means a portion of an applicant's landholdings excluded from the premises and although identified in the deed of easement, is unencumbered by the farmland preservation restrictions mandated by N.J.A.C. 2:76-6.15(a) and set forth in the deed of easement.

"Farm management unit" means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

"Person" means natural persons, public or private corporations, companies, associations, societies, firms, partnerships and joint stock companies.

"Personal wireless service facility" means a personal wireless service tower and any associated equipment and structures necessary to operate and maintain that tower, as regulated pursuant to Federal law.

"Premises" means the property subject to the deed of easement as defined by the legal metes and bounds description contained in the deed of easement.

"Qualifying tax exempt nonprofit organization" shall have the same meaning as set forth in section 3 of P.L. 1999, c. 152 (N.J.S.A. 13:8C-3).

"Special permit" means a permit to allow one personal wireless communication facility on a preserved farm, issued by the Committee (in its sole discretion if the Committee owns the development easement or in the joint discretion of the Committee and a board or qualifying tax exempt nonprofit organization holding the deed of easement), pursuant to N.J.S.A. 4:1C-32.2 and the procedures and criteria set forth in this subchapter.

2:76-23.4 Eligibility to apply for a personal wireless service facility

(a) Any person who owns land on which a development easement was conveyed to, or retained by, the Committee, a board, or a qualifying tax exempt nonprofit organization pursuant to the provisions of section 24 of P.L. 1983, c. 32 (N.J.S.A. 4:1C-31), section 5 of P.L. 1988, c. 4 (N.J.S.A. 4:1C-31.1), section 1 of P.L. 1989, c. 28 (N.J.S.A. 4:1C-38), section 1 of P.L. 1999, c. 180 (N.J.S.A. 4:1C-43.1), sections 37 through 40 of P.L. 1999, c. 152 (N.J.S.A. 13:8C-37 through 13:8C-40), or any other State law enacted for farmland preservation purposes may apply for a special permit to allow a personal wireless service facility to be erected on the land, provided that:

1. The land is a commercial farm;
2. No other special permit for a personal wireless service facility on the premises has been granted;
3. There is no commercial nonagricultural activity in existence on the premises at the time of application for the special permit or on any portion of the farm that is not subject to the development easement, except that the Committee may waive the requirements of this paragraph entirely or subject to any appropriate conditions:
 - i. If such preexisting commercial nonagricultural activity is deemed to be of a minor or insignificant nature or to rely principally upon farm products, as defined pursuant to N.J.S.A. 4:10-1, derived from the farm; or
 - ii. For other good cause shown by the applicant;
4. Notwithstanding (a)3 above, a person who has been granted a special permit for a commercial nonagricultural activity pursuant to N.J.A.C. 2:76-22 is eligible for a special permit on the same premises pursuant to this subchapter; and
5. The development easement was acquired without the participation of Federal Farm and Ranch Lands Protection Program funds.

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R2(14)

Certification of Agricultural Mediation Program Mediator

February 25, 2016

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, Caroline Petrilla has satisfied the requirements of N.J.A.C. 2:76-18.3(a) and (b), as she has contacted the SADC in writing to express her interest in becoming a certified agricultural mediator and has completed and given multiple mediation training courses over time, including, for example, having given a 3-Day (18-hour) Basic Civil Mediation training to students and attorneys in 2014 and 2013 for the Rutgers Institute for Professional Education; and

WHEREAS, Ms. Petrilla's experience and background includes having served as the Deputy Director of the New Jersey Office of Dispute Settlement, during which time she conducted the initial mediation training course and a continuing education training course for the New Jersey Agricultural Mediation Program's roster of mediators; teaching mediation and alternative dispute resolution courses for the Rutgers Camden Law School and Rutgers School of Environmental and Biological Sciences as an adjunct professor; conducting mediation trainings as a consultant through her own mediation practice; and mediating cases as an approved mediator on the New Jersey Court's Roster of Civil Mediators and the New Jersey Office of Dispute Settlement's Foreclosure Mediation Roster;

NOW THEREFORE BE IT RESOLVED, the SADC certifies Caroline Petrilla as an agricultural mediator pursuant to N.J.A.C. 2:76-18.3 et seq.

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

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

2/25/16

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Monique Purcell, Acting Chairperson	YES
Brian Schilling (rep. Executive Dean Goodman)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Renee Jones (rep. DCA Commissioner Martin)	YES
Ralph Siegel (rep. Acting State Treasurer Scudder)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
W. Scott Ellis	YES
Denis Germano, Esq.	ABSENT
Pete Johnson	ABSENT
James Waltman	YES

Caroline Petrilla-Sagnip, M.A., J.D.

Office: (609) 372-2373

Cell: (609) 271-2111

cpetrilla@mediationoffice.org

Office address:

The Mediation Office of Caroline Petrilla, Esq. LLC

Suite 140, 101 Farnsworth Avenue

Bordentown, NJ 08505

Home address:

Caroline Petrilla-Sagnip

18 Laurel Woods Drive

New Egypt, NJ 08533

November 23, 2015

David Kimmel

Agricultural Resource Specialist

State Agriculture Development Committee

Department of Agriculture

P.O. Box 330

Trenton, NJ 08625

Dear Mr. Kimmel and esteemed Committee Members:

Respectfully, I ask that the Committee please consider my request to be added to the Agricultural Mediation Program's roster of mediators administered through the New Jersey Department of Agriculture, State Agricultural Mediation Program.

In my former position as Deputy Director with the New Jersey Office of Dispute Settlement, I had the pleasure of working with your fine office in the early phases of developing this program. In addition to providing the initial training to the first group of mediators through the Office of Dispute Settlement, I also provided continuing mediation training to help these mediators stay engaged and hone their skills. (In preparing the training programs, I mediated a few right to farm and USDA program cases so to be able to develop realistic role plays and focus in on information and skills specific to these types of disputes. I found these cases to be especially interesting and rewarding.)

After taking early retirement from the state in 2011, I expanded upon my development and teaching of ADR/Mediation courses with Rutgers Camden Law School and Rutgers School of

Caroline Petrilla-Sagnip, M.A., J.D.

Office: (609) 372-2373

Cell: (609) 271-2111

cpetrilla@mediationoffice.org

Environmental and Biological Sciences as an adjunct professor. I also started my own mediation practice. As an independent contractor, I occasionally mediate foreclosure matters through the state's court-based program with an exemplary record of performance.

Having had 25 years experience as a professional mediator, I believe I have the requisite background and education to join your mediator roster. Having a property with horses and miniature donkeys (which at one time was farm-assessed when we also raised poultry) I am also personally familiar with the issues facing farmers surrounded by suburban development.

Attached please find my resume and information pertaining to my early mediation training.

Please feel free to call me with any questions. I very much appreciate your consideration of my application.

Sincerely,


Caroline Petrilla

Attachments

Caroline Petrilla

Trainings/Attendee:

- 1983 Basic Mediation Course, *Office of Dispute Settlement*, 21 hours
 - 1991 Mediation Training, *Friends Conflict Resolution Program*, Wilmington, Delaware
24 hours
 - 1995 Advanced Multi-Party Mediation, *PennAccord*, 24 hours
 - 2002 Family Mediation Course, *South Jersey Mediation Center*, 24 hours
 - Trained on-site with CPR Associates on extensive NJ ADR Project
 - Attended numerous mediation continuing education seminars and trainings
-
- Served as trainer or co-trainer for hundreds of court roster mediators. (See attached Resume.)



CAROLINE MARIE PETRILLA, ESQ. J.D., M.A.

OFFICE PHONE: (609) 372-2373

CELL PHONE: (609) 271-2111

CPETRILLA@MEDIATIONOFFICE.ORG

WWW.MEDIATIONOFFICE.ORG

<http://www.nadn.org/caroline-petrilla>

Mediation Experience: Caroline Marie Petrilla has provided expert mediation services for 25 years. Formerly Assistant Director of the New Jersey Office of Dispute Settlement, she has mediated well over a thousand court referred civil cases and hundreds of foreclosure matters and pre-litigation disputes. One of the most experienced employment mediators in the state, Ms. Petrilla is a member in good standing of the New Jersey Court's Civil Roster of Mediators. She also serves on the American Arbitration Association (AAA) roster of Super Storm Sandy Mediators and the AAA mediation panel. She was appointed to the reconstituted United States Bankruptcy Court District of New Jersey roster of mediators and the Panel of Mediators for the District of NJ. She founded Caroline Petrilla, Esq., LLC Mediation Office in May 2012. Her practice is solely dedicated to providing the highest quality mediation services. Ms. Petrilla's wide-ranging mediation experience includes cases involving disputes in the employment, complex commercial, civil rights and discrimination, insurance coverage, contract, personal injury, and estate areas. Summarized below are a number of key cases successfully mediated to resolution by Ms. Petrilla.

- Consolidated actions involving multi-million dollar losses of a famous international designer product involving various overseas and domestic carrier and container lines.
- A major multi-million dollar dispute involving reimbursement rates between New Jersey's largest health insurance provider and a network of inner city hospitals. The co-mediated resolution averted a potential crisis for thousands of residents needing medical care.
- A high profile civil rights case involving the accessibility of a public transportation system regulated by a major New Jersey city.
- A multi-jurisdictional roadway ownership dispute among state, county and municipal governmental agencies - the resolution of which remedied serious public safety concerns.
- A highly contentious municipal Board of Education wrongful termination employment matter resolved in mediation after having been decided by the Appellate Division with a Petition for Certification before the NJ Supreme Court.
- A challenged proposed condominium conversion of a fully occupied low income rental complex.
- A medical malpractice case involving a wrongful death claim alleging a community clinic physician's misdiagnosis of septic poisoning of a young child.
- A case of first impression as to the duty of a hotel to be knowledgeable about its patrons. The case involved a girl who for years had allegedly been sexually abused by a close family friend in four defendant hotels.
- Several high profile multi-plaintiff discrimination disputes involving major commercial employers.

CAROLINE MARIE PETRILLA, ESQ. J.D., M.A.

ADR Program Development: Ms Petrilla has extensive experience in providing a full range of Alternative Dispute Resolution (ADR) services including designing and administering dispute resolution programs. She was instrumental in launching New Jersey's mortgage foreclosure mediation program and continues to serve as a state foreclosure mediation practitioner/consultant. She helped in the development of the state's agricultural mediation program; developed a nationally recognized mediation procedure for the siting of group homes, and managed a court sanctioned medical malpractice mediation pilot. In conjunction with the Princeton Woodrow Wilson School of Policy and International Affairs, she organized a regionally acclaimed conference on school based conflict management initiatives. She has facilitated statewide public policy debates on a wide range of volatile environmental issues including wildlife management.

ADR Professor/Trainer: Ms. Petrilla has provided extensive ADR training to thousands of persons in the public and private sectors, including hundreds of court roster mediators, lawyers and judges. She has trained military personnel and local and state police in conflict management. She is a frequent presenter on Mediator Ethics and an ADR CLE (Continuing Legal Education) instructor most recently with Rutgers Institute of Professional Education. She has served over the past fifteen years as an adjunct professor at Rutgers School of Law in Camden teaching basic ADR and advanced mediation courses. She is also an adjunct professor with Rutgers University School of Environmental and Biological Sciences where she has developed cutting edge conflict management curricula for their leadership program.

Education: A summa cum laude graduate of Mount Saint Mary's College (1979), Ms. Petrilla earned her M.A. degree with highest honors in Administration from Rider College (1983) and J.D. degree from Rutgers University School of Law in Camden (1999) where she was a Levin Scholar and received the distinguished Zack Memorial Award for excellence in dispute resolution.

Bar/Court Admissions: NJ (1999); US District Court for the District of New Jersey (1999).

Professional Memberships: Ms. Petrilla is a member of the American Bar Association and the ABA Sections on Dispute Resolution and Women in Dispute Resolution, N.J. State Bar Association, NJSBA Sections on Dispute Resolution and Labor and Employment, Association for Conflict Resolution NJ Chapter, Justice Marie L. Garibaldi American Inn of Court for ADR and a Charter Member of the NADN (National Academy of Distinguished Neutrals) New Jersey Chapter. She served on the New Jersey Supreme Court Rules Committee on Complementary Dispute Resolution for over 10 years representing the state mediation office and chaired its Subcommittee on Education.

Commendations: She has received various commendations including the prestigious New Jersey State Bar Association 2009 James Boskey ADR Practitioner of the Year Award and New Jersey Legislative Resolution recognition for encouraging, developing, promoting and strengthening respect for human rights and cultural diversity. Ms. Petrilla's volunteer service includes several years as a "Big Sister" with BBBSOC (Big Brothers Big Sisters of Ocean County). She was awarded BBBSOC "Big Sister of the Year" for 2013. She is a volunteer with the Ocean County Court's Juvenile Conference Committee.

CAROLINE MARIE PETRILLA, ESQ. J.D., M.A.

Recent Publications:

- "Primer on New Jersey's Foreclosure Mediation Program." *New Jersey Lawyer*, October 2010, No. 266, pp. 19-23.
- "Banking on Mediator Skills," 8 Rutgers Conflict Res. L. J.1, November 2010.
- "Women, Men and Negotiation: A Call for Introspective Reflection," *Just Resolutions*, ABA Section of Dispute Settlement, February 2014.

Recent Presentations:

- 11/17/2015 - *Ethics and Mediation: Case Studies for Civil and Family Mediators*, Institute for Professional Education, CLE and Mediation Roster approved course.
- 5/21/2015 - *Mediator Ethics*, Institute for Professional Education, CLE and Mediation Roster approved course.
- 10/14/2014 - "Stories Mediators Tell," American Arbitration Association Mediation Week Forum.
- 5/12 - 5/14, 2014 - *Basic Civil Mediation 3 day training*; Institute for Professional Education, CLE and Mediation roster approved course.
- 4/6/2014 - Ethics segment of the New Jersey Association of Professional Mediators family mediation training. CLE and Civil Mediation Roster Approved Course.
- 12/12/2013 - *Ethics and Mediation: Practical Implications for Civil and Family Mediators*, Institute for Professional Education, CLE and Mediation Roster approved course.
- 12/11/2013 - *Ethics and Mediation: Practical Implications for Civil and Family Mediators*, Institute for Professional Education, CLE and Mediation Roster approved course.
- 11/8/2013 - *Ethics and Mediation: Practical Implications for Civil and Family Mediators*, Institute for Professional Education, CLE and Mediation Roster approved course.
- 5/14 - 5/16, 2013 - *Basic Civil Mediation 3 day training*; Institute for Professional Education, CLE and Mediation roster approved course.
- 5/1/13 - *Conflict Resolution*; Rutgers University Public Purchasing Forum, Atlantic City.
- 11/7/12 - *Ethical Concerns in Mediating Civil and Family Mediations*; Institute for Professional Education, CLE Credits.
- 6/8/12 - *Using Conflict Management in the Prevention and Treatment of Debilitating Workplace Disputes*; New Jersey League of Municipalities Mid Year Conference.
- 1/30/12 - *Employment Mediation Skills and Techniques*; Rutgers Camden Mediation Center, CLE credits.
- 12/12/11 - *Ethical Concerns in Mediation*; Rutgers Camden Mediation Center, CLE credits.
- 8/2/11 - *Conflict Management and Negotiation Skills for Registered Public Nurses*; New Jersey State Department of Health and Senior Services.
- 6/28/11 - *Conflict Management and Negotiation Skills for Environmental Inspectors*; New Jersey State Department of Health and Senior Services.

Languages: English and Intermediate French (Written); Beginners French (Spoken)



State of New Jersey
Office of the Public Defender
Office of Dispute Settlement
Richard J. Hughes Justice Complex
25 Market Street 1st Floor North Wing
P O Box 853
Trenton, New Jersey 08625
Tel: (609) 292-1773 Fax: (609) 292-6292

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Joseph E. Krakora
Public Defender

January 4, 2016

To whom it may concern,

This is to confirm that Caroline Petrilla is an active mediator in good standing on the New Jersey Office of Dispute Settlement foreclosure mediation roster. She has received well over 40 hours of mediation training and conducts numerous basic and advanced mediation trainings statewide. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Max".

Eric Max, Esq.
Director



New Jersey Courts

Independence • Integrity • Fairness • Quality Service

ADMINISTRATIVE OFFICE OF THE COURTS

JENNIFER M. PEREZ
Director
Office of Trial Court Services

GLENN A. GRANT, J.A.D.
Acting Administrative Director of the Courts

KEVIN M. WOLFE
Assistant Director
Civil Practice Division

Richard J. Hughes Justice Complex • Civil Practice Division • P. O. Box 981 • Trenton, NJ 08625-0981
www.njcourts.com • Telephone# (609) 292-8470 • Fax# (609) 777-0844

January 4, 2016

Caroline Petrilla, Esq.
101 Farnsworth Avenue
Suite 130/140
Bordentown City, NJ 08505

RE: NEW JERSEY COURT ROSTER OF CIVIL MEDIATORS

Dear Ms. Petrilla:

This letter confirms that you are an approved mediator on the New Jersey court roster of civil mediators having met the requisite mediation training and experiential requirements, as well as maintaining compliance with the required annual continuing mediation training requirement.

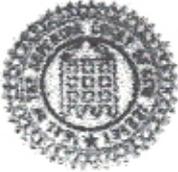
Sincerely yours,

Nanette L. Lind
Civil Mediators Roster Administrator

NLL/

S:\NLL\MED\Petrilla-med-roster.doc

Superior Court of New Jersey Civil Mediators Profile



Last Update as of 12/31/2015.

This is the expanded version of your query.
To refine your results, return to the main Mediator page, click on the "Search" button.
[Email comments about this page](#)

Name	CAROLINE M. PETRILLA CAROLINE PETRILLA ESQ LLC	Mediator ID	6092926292	Hourly Fee	\$400.00
Address	101 FARNSWORTH AVENUE SUITES 130-140 BORDENTOWN CITY, NJ 08505-0000	Phone Number	(609) 372-2373	Fax Number	(609) 372-2362

Counties where this Mediator practices

Mediator's Expertise(s)

Profile

CAROLINE PETRILLA, ESQ. (MA/JD) FORMERLY WITH NJ OFFICE OF DISPUTE SETTLEMENT. TWENTY-THREE YEARS EXPERIENCE MEDIATING OVER 1000 COURT-ORDERED CIVIL/CHANCERY/PROBATE CASES (PLUS AN ADDITIONAL SEVERAL HUNDRED MORTGAGE FORECLOSURE, LANDLORD/TENANT AND PRE-LITIGATION EMPLOYMENT AND ESTATE MATTERS). EMPHASIS ON EMPLOYMENT, COMPLEX MULTI-PARTY COMMERCIAL AND PUBLIC POLICY DISPUTES. TEN YEARS CDR RULES COMMITTEE MEMBER; 13 YEARS ADR ADJUNCT LAW PROFESSOR; MEDIATION/CLE TRAINER; 2009 BOSKEY ADR AWARD. WWW.MEDIATIONOFFICE.ORG.

Carol A. Shaner
Program Coordinator

January 5, 2016

To Whom It May Concern:

Re: Caroline Petrilla

Caroline Petrilla is one of our regular faculty members for the Rutgers Institute for Professional Education. She has presented many mediation CLE programs for us in 2013 and 2014, which include:

- Annual 4-hour advanced mediation training to attorneys and mediators
- 3-Day (18 hour) Basic Civil Mediation training to students and attorneys

Please let me know if you need further information as proof of her mediation training at Rutgers Law School.

Sincerely,



Carol Shaner

*Please
fill out
ADJ
ID#
S.M.K.*

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: Civil Mediation Training

Date: ¹²⁻May 14, 2014 Location: Camden, NJ

Format:

- Traditional live classroom setting
- Teleconference/Videoconference
- Simulcast
- CD
- DVD
- Audio/Videotape
- Webinar
- Other: _____

This program has been approved for:

25.20 x 2 = 50.40 credits for speaker
CLE credits (50 minute hour) *CA*

including 0.00 Ethics/Professionalism credits

This course also qualifies for certification credits for:

- civil trial law
- criminal trial law
- matrimonial law
- municipal court 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: Caroline Petrilla

Signature: *[Signature]* Attorney ID # (if applicable) 024941999

Credit for Faculty Participation:

- Speaker
- Panel Member
- Moderator
- Other _____

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

Provider: Rutgers Law School

Acknowledged by: *[Signature]*
(Provider Representative Signature)

12 Total
Credits (2 were ethics)

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: Civil Mediation Basic Three Day Training - Day One

Date: 2/18/2011 Location: Trenton, NJ

Format:

- Traditional live classroom setting
- Teleconference/Videoconference
- Simulcast
- CD
- DVD
- Audio/Videotape
- Webinar
- Other: _____

This program has been approved for:

6.00 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: Caroline Petrilla

Signature: _____ Attorney ID # (if applicable) 024941999

Credit for Faculty Participation:

- Speaker
- Panel Member
- Moderator
- Other _____

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

Provider: NJ Office of the Public Defender; above entitled to double credits for teaching

Acknowledged by: [Signature]
(Provider Representative Signature)

17 *new* (2/19/2011) *John*

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: Civil Mediation Basic Three Day Training - Day Two

Date: 2/19/2011 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:

8.50 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: Caroline Petrilla

Signature: _____ Attorney ID # (if applicable) 024941999

Credit for Faculty Participation:

- | | |
|---|--------------------------------------|
| <input checked="" 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: NJ Office of the Public Defender; above entitled to double credits for teaching

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: Civil Mediation Basic Three Day Training - Day Three

Date: 2/26/2011 Location: Trenton, NJ

Format:

- Traditional live classroom setting
 Teleconference/Videoconference
 Simulcast
- CD
 DVD
 Audio/Videotape
- Webinar
 Other: _____

This program has been approved for:

9.50 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: Caroline Petrilla

Signature: _____ Attorney ID # (if applicable) 024941999

Credit for Faculty Participation:

- Speaker Moderator
 Panel Member Other _____

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

Provider: NJ Office of the Public Defender; above entitled to double credits for teaching

Acknowledged by: _____
(Provider Representative Signature)

SUPREME COURT OF NEW JERSEY



STUART RABNER
CHIEF JUSTICE

RICHARD J. HUGHES JUSTICE COMPLEX
POST OFFICE BOX 023
TRENTON, N.J. 08625-0023

March 4, 2009

Caroline Petrilla, Esq.
Department of the Public Advocate
Office of Dispute Settlement
P. O. Box 850
Trenton, NJ 0-8625-0850

Dear Ms. Petrilla:

On behalf of the Judiciary, thank you for your extraordinary efforts in conducting the training for the attorneys and others who volunteered to serve as mediators in the Foreclosure Mediation Program. Your willingness to prepare and participate in six three-day training sessions and eleven single-day sessions around the State — a grueling schedule — was essential to the effectiveness of our efforts to provide homeowners with another opportunity to stay in their homes. Your contributions demonstrate the essence of being a civil servant — providing service to the public. Again, thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stuart Rabner".

Stuart Rabner
Chief Justice

cc: Ronald K. Chen, Public Advocate
Eric R. Max, Director, Office of Dispute Settlement
Hon. Glenn A. Grant, J.A.D.
Stephen W. Townsend, Clerk, Supreme Court
John P. McCarthy, Jr., Director, Trial Court Services
Jane F. Castner, Assistant Director, Civil Practice Division
Kevin M. Wolfe, Chief, Civil Practice Liaison
Steven D. Bonville, Special Assistant

