

# Hunterdon County Agriculture Development Board Meeting

Thursday, May 13, 2021 @ 8:00 pm

## AGENDA

**This meeting will be held via Zoom.** Information for joining the meeting via phone or computer is below. Out of consideration for others, please mute unless you are speaking.

**Meeting graphics** are available at <http://www.co.hunterdon.nj.us/cadb.htm>.

**Public comments** may be submitted to CADB Administrator Bob Hornby at [CADB@co.hunterdon.nj.us](mailto:CADB@co.hunterdon.nj.us) prior to the meeting. This email will not be monitored after 7:30 pm or during the meeting.

### Join Zoom Meeting on a computer

<https://us02web.zoom.us/j/85403494017?pwd=WU14ckM3anlXSktZnb3V3aVVWbFdVdz09>

Meeting ID: 854 0349 4017

Passcode: 663143

### Join Zoom Meeting by phone

1 (646) 558 8656

Meeting ID: 854 0349 4017

### Open Public Meeting Act:

*"This meeting is being held in accordance with the provisions of the Open Public Meeting Act. Adequate notice has been provided by prominently posting and maintaining so posted throughout the year on the first floor of the County Administration Building, Main St., Flemington, and by mailing on or before January 15, 2021, to The Hunterdon Democrat, The Star Ledger, The Trenton Times, The Courier News, The Express Times, and TAPinto newspapers designated by the Hunterdon County Agriculture Development Board to receive such notices, and by filing with the Hunterdon County Clerk a schedule of the times and dates of such meetings."*

### Pledge of Allegiance:

### Roll Call:

### Approval of Minutes:

- Minutes of the March 29, 2021 Special Meeting
- Minutes of the April 8, 2021 Regular Meeting

### Communications and Administrative Business:

- CADB Staff update
- Monitoring Update
- Soil Disturbance Standards

### SADC Updates:

### Chair Comments:

### Old Business:

**New Business:**

- **Resolution 2021-04:** Magnolia Creek Farm Final Cost Share Resolution, Franklin Township Block 42 Lots 1 and 1.02
- **Resolution 2021-05:** Agricultural Conservation Easement Program-Agricultural Land Easement (ACEP-ALE) Deed of Easement Approval
- **Monitoring Procedure**
- **Resolution 2021-06:** Martin Farm, Clinton Township Block 23 Lot 5 House Relocation

**Right To Farm Matters:**

**Public Comment:**

**Adjournment:**

**STATE OF NEW JERSEY  
HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD**

**RESOLUTION 2021-04  
FINAL COST SHARE APPROVAL  
Magnolia Creek Farm**

**WHEREAS**, the County of Hunterdon may acquire a development easement in accordance with the State Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et. seq., the County Planning Incentive Grant Program, N.J.S.A. 4:1C-43.1, and the regulations thereunder; and

**WHEREAS**, the County of Hunterdon submitted a County Planning Incentive Grant (PIG) Application in the 2020 funding round to the Hunterdon County Agriculture Development Board (CADB) and the State Agriculture Development Committee (SADC); and

**WHEREAS**, the application provided for the proposed acquisition of a development easement for the approximately 31.8-acre property owned by Meghan Walker, located at 555 Pittstown Rd., Pittstown, NJ; and designated as Block 42, Lots 1 and 1.02 in the Township of Franklin, County of Hunterdon, State of New Jersey; and

**WHEREAS**, on February 4, 2021, the SADC certified the fair market value (CMV) of the development easement pursuant to N.J.A.C. 2:76-7.14 at \$7,000.00 per acre --with two dwelling opportunities consisting of: zero Residential Dwelling Site Opportunity (RDSO); zero existing dwellings in the Proposed Easement Area; zero severable exceptions; and two 1.0-acre non-severable exceptions for future flexibility, each with and restricted to, one existing single-family residential unit; resulting in approximately 29.8 preserved acres; and

**WHEREAS**, on March 2, 2021, the landowner accepted the CMV of \$7,000.00 per acre, conditioned upon all interested parties granting final approval for acquisition of a development easement; and providing for a commitment of funding pursuant to N.J.A.C. 2:76-17.16, the estimated cost sharing breakdown for the acquisition of the development easement is as follows (based on an estimated 29.8 acres), subject to:

- a) The actual acreage to be covered by the development easement per the final survey which conforms to the farmland preservation program requirements, and
- b) Any additional adjustments pursuant to State statute, rule, regulation, or policy;

|                                                                                       |                     |
|---------------------------------------------------------------------------------------|---------------------|
| State Agriculture Development Committee<br>(\$4,200.00/acre; ~60% of est. total cost) | ~\$125,160.00       |
| Hunterdon County<br>(\$1,400.00/acre; ~20% of est. total cost)                        | ~\$41,720.00        |
| Franklin Township<br>(\$1,400.00/acre; ~20% of est. total cost)                       | <u>~\$41,720.00</u> |
| Total                                                                                 | ~\$208,600.00       |

**NOW, THEREFORE, BE IT RESOLVED**, that the Hunterdon County Agriculture Development Board

gives final approval to the proposed acquisition of a development easement on the property owned Meghan Walker, located at 555 Pittstown Rd., Pittstown, NJ; and designated as Block 42, Lots 1 and 1.02 in the Township of Franklin, County of Hunterdon, State of New Jersey, and on approximately 29.8 acres pursuant to the County Planning Incentive Grant application subject to the following:

1. The conveyance of a development easement which shall provide for the following:
  - a. Exceptions: two 1.0-acre non-severable exceptions for future flexibility, each with, and restricted to, one existing single-family residential unit
  - b. Dwellings: two existing dwellings in a non-severable exception area
  - c. Agricultural Labor Housing Units: Zero existing
  - d. Preexisting Non-Agricultural Uses: None
  - e. Trail or Access Easements: Zero Existing or Proposed
2. The conveyance of a Restrictive Covenant providing for an annual mowing of the property; and
3. The conveyance of any and all proposed County rights-of-way from the owners of the fee simple title to the property as indicated by the office of the Hunterdon County Engineer; and
4. The County's contribution is based on the assumption that the Township paid an amount of consideration for the Development Easement based upon an amount equal to, or greater than, the SADC certified fair market value per acre of the Development Easement. The County's contribution shall be reduced in accordance with County policy if that was not the case.
5. The exact acreage to be determined by survey;
6. The easement will be held by Hunterdon County upon closing.

**WHEREAS**, the CADB shall forward this Resolution of Final Approval to the Hunterdon County Freeholder Board recommending that the Freeholder Board provide final authorization for the proposed acquisition of a development easement on the property owned by Meghan Walker, located at 555 Pittstown Rd., Pittstown, NJ; and designated as Block 42, Lots 1 and 1.02 in the Township of Franklin, County of Hunterdon, State of New Jersey, and in an amount of approximately \$41,720.00. The County's contribution shall be paid in full at closing.

A copy of this Resolution shall be forwarded to the landowner/applicant, Township of Franklin, and the State Agriculture Development Committee.

**Adopted May 13, 2021**

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**Dave Bond, CADB Chair**





**Magnolia Creek Farm**  
**555 Pittstown Rd.**  
**Franklin Twp.**  
**Block 42 Lots 1 and 1.02**

~1.0 acre  
Non-severable  
Exception Area

Lot 1.02

Statewide Soils

~1.0 acre  
Non-severable  
Exception Area

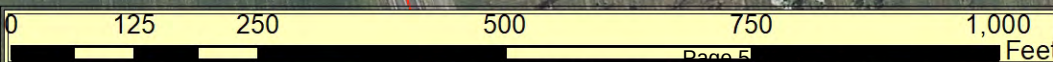
Lot 1

Prime Soils

Muehlbauer Farm  
Preserved 2005

31.9 Total acres  
29.9 Preserved acres  
28.4 acres Tillable (95%)  
16.5 acres Prime Soils (55%)  
13.4 acres Statewide (45%)

RMH 4/23/21



CADB 5/13/21



**STATE OF NEW JERSEY  
HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD**

**RESOLUTION 2021-05  
Agricultural Conservation Easement Program- Agricultural Land Easement (ACEP-ALE)  
Funding**

**WHEREAS**, the County of Hunterdon has a history of using Federal funding from the Natural Resources Conservation Service (NRCS) Agricultural Conservation Easement Program- Agricultural Land Easement (ACEP-ALE) to preserve Farmland by purchasing Development Easements; and

**WHEREAS**, under the 2018 Farm Bill there are certain administrative program changes; and

**WHEREAS**, the State Agriculture Development Committee (SADC) has negotiated a new Deed of Easement with the NRCS for projects receiving SADC funding that is matched by 2018 Farm Bill funding; and

**WHEREAS**, the County of Hunterdon wishes to continue to apply for Federal funding on future projects.

**NOW, THEREFORE, BE IT RESOLVED**, that the Hunterdon County Agriculture Development Board endorses the continued use of Federal funds for farmland preservation, accepts the terms of the negotiated Deed of Easement on those projects receiving funding from the 2018 Farm Bill, directs CADB Staff to prepare the necessary documents, and recommends signature by the Board of County Commissioners.

A copy of this Resolution shall be forwarded to the Hunterdon Board of County Commissioners.

**Adopted** May 13, 2021

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**Dave Bond, CADB Chair**

## **ACEP-ALE PROGRAM AGREEMENT INFORMATIONAL SHEET – APRIL 2020**

### **BACKGROUND**

ACEP-ALE prior to fiscal year 2019 utilized only cooperative or grant agreements with eligible entities. The ACEP Statute allows partnership agreements to execute and distribute the funds needed for easements. ACEP-WRE currently uses this authority to enter into an option agreement to purchase with landowners. The ACEP-ALE program agreement concept utilizes the same partnership agreement authority for ACEP-ALE.



### **PROGRAM AGREEMENTS WITH PARCEL CONTRACTS**

ACEP-ALE program agreements consist of a two-document structure. In the first document, known as the program agreement, the ACEP-ALE eligible entities sign an agreement describing the ACEP-ALE roles and responsibilities for eligible entity participants and for NRCS. There are no funds obligated in the program agreement. The second document, known as the parcel contract, provides the funds for the individual easement between NRCS and the entities involved in the acquisition of the individual parcel. The parcel contract details the funding and cost-share for the ACEP-ALE easement. The parcel contract is similar in concept to an Environmental Quality Incentives Program (EQIP) contract or other NRCS cost-sharing contracts and the parcel contract lists the easement and associated actions as cost-shared items in which NRCS provides funding assistance.

### **ACEP-ALE PROGRAM AGREEMENT PILOT IN FISCAL YEAR 2019**

ACEP-ALE program agreements were successfully piloted in four States in Fiscal Year 2019. The States were allocated funds to enroll ACEP-ALE easements using the program agreement and parcel contracts. The Easement Programs Division (EPD) staff trained NRCS state office staff on the program agreement implementation and provided a webinar to eligible entities within these pilot States. EPD collected feedback and input from NRCS state office staff and entity staff prior to initiation of the pilot after the webinars. The pilot resulted in five individual program agreements and obligation of 39 parcel contracts for \$14.1 million and allowed for obligation through the end of the fiscal year.

## **PROGRAM AGREEMENT CONCEPT CHANGES FROM COOPERATIVE AGREEMENTS**

- Removes flexibility to move funds between parcels as funding is only tied to one parcel
- Agreements require all roles of entities involved
- Entities will be required to formally provide all partners upfront or through amendment
- Program Agreement provides framework but will only receive funding in a parcel contract
- Applicants will have to enter into program agreement prior to receiving funding in parcel contracts

## **PROGRAM AGREEMENT ADVANTAGES**

- Program Agreement lists all possible entities in easement transactions
- Entities can clearly identify their potential roles and modify agreement to add additional entities
- Funds and parcels identified in the cost-share contracts
- Simplifies agreement approval
- Minimizes time and need for amendments
- Better defines roles of entities who have interests and responsibilities in individual parcels
- Parcels can be funded at varying times of Program agreement lifetime
- Retains ability to substitute parcels in a parcel contract

## **FY2020 ACEP-ALE Program Agreements and Parcel Contracts**

All States have the authority to utilize ACEP-ALE program agreements and parcel contracts in FY 2020. Eligible entities can apply for an ACEP-ALE program agreement utilizing form NRCS-CPA-41 “Entity Application for an Agricultural Land Easement (ALE) Agreement.” Eligible entity can also apply for individual ACEP-ALE parcel contracts concurrently with the program agreement and subsequently for the life of the program agreement, utilizing form NRCS-CPA-41A “Parcel Sheet for Entity Application for an Agricultural Land Easement (ALE) Agreement.”

## **CONTACTS:**

Jerome Faulkner, National ACEP-ALE Program Manager, [jerome.faulkner@usda.gov](mailto:jerome.faulkner@usda.gov)  
Danielle Balduff, Natural Resources Specialist, [danielle.balduff@usda.gov](mailto:danielle.balduff@usda.gov)



## Hunterdon Farmland Monitoring Procedure

Easement monitoring is a statutory requirement of the Farmland Preservation Program and is also the closest individual interaction between the County Agriculture Development Board (CADB) and owners of preserved properties. Consistent administration of the Deed of Easement and Restrictive Covenant is crucial to the integrity of the program. The Farmland Preservation Program is a public/private partnership that provides public funding for the conservation of private land. The goal of a viable agriculture industry on preserved land is best achieved via education, consistency, and trust between the public, the landowner, and the CADB. The aim of the Monitoring Procedure is to provide clear guidance to the Monitor, establish a consistent and predictable structure for the landowner, and provide assurance to the public that funds have been expended responsibly.

### Monitoring Requirements

Pursuant to N.J.A.C. 2:76-6.13, 2:76-6.18A, 2:76:16.5, and 2:76-17.16, the State Agriculture Development Committee (SADC), the County Agriculture Development Boards (CADBs), and non-profits that receive SADC cost share grant funds for the acquisition of development easements are required to monitor all lands to ensure compliance with the provisions of the Deed of Easement. Monitoring activities shall consist of the following:

1. An onsite inspection shall be performed at least once a year.
2. All inspections and monitoring shall be completed within the period commencing July 1 and ending June 30.
3. A written summary shall be provided to the CADB and SADC by July 15, verifying that the inspections were conducted during the scheduled period with a certification concerning whether the farm was in compliance with the provisions of the Deed of Easement.
4. The Board shall inform the SADC if any of the terms and conditions of the Deed of Easement were violated within 30 days of identifying such violation.
5. Appropriate action shall be taken within the Board's and/or County's authority to ensure that the terms and conditions of the Deed of Easement are enforced.
6. A database shall be maintained of all lands from which a development easement was acquired.
7. The SADC shall be annually informed of any record ownership changes which occur on lands from which development easements have been acquired.
8. The SADC shall be informed of any actions which require the SADC's review and/or approval.

### Annual Site Visit

- Site visits are scheduled at least 7 days in advance by phone, email, or Postal Service, and performed by the Monitor with no less than 24-hour notice to the landowner.
- A Tablet is provided to the Monitor for field usage documentation and record keeping.
- The Monitor is expected to have a clear understanding of individual easement requirements including the Deed of Easement, Restrictive Covenant (when applicable), Exception Area boundaries, and evolving CADB and SADC policies and procedures.

- A Restrictive Covenant has been recorded on certain properties that requires annual mowing of all field areas surveyed at the time of closing. The mowing shall take place between July 15 and August 15 except those fields which crops are in which will be harvested or made in that year.
- Most common issues: Property line incursions, non-ag uses in easement area, erosion, lack of annual mowing (when applicable).
- Compliance negotiation is not the responsibility of the Monitor and shall not be undertaken by the Monitor. Any issue noted upon inspection should be documented, reported, and reinspected according to the Site Visit Follow-Up procedure outlined below.
- Annual photos provide context for yearly changes and document potential issues.
- SADC “eForm” is to be completed electronically by the Monitor, filed with the SADC, and an electronic copy saved with Hunterdon County within 10 days of site visit. Restrictive Covenant violations are to be reported separately to the CADB Staff.
- Monitor is to provide a monthly written report to the CADB and Staff of farms visited by date and highlighting anything notable.

#### **Site Visit Follow-up: 3 options within 10 days of Inspection**

1. No Issue
  - a. Standardized confirmation letter/postcard to landowner
2. Area of Concern
  - a. Immediate notification to CADB Staff
  - b. Letter with clear description of issue to landowner, copy to CADB Staff
  - c. 30-90 day window to address and re-inspect
  - d. CADB updated via monthly report
3. Clear Violation
  - a. Immediate notification to CADB Staff
  - b. Letter with clear description of issue to landowner, copy to CADB Staff
  - c. SADC noticed within 30 days
  - d. CADB Agenda item for discussion and course of action
  - e. 30-90 day window to address and re-inspect

#### **Record Keeping**

- Hunterdon County hosts an electronic folder on the Planning and Land Use drive for each preserved farm including: Survey, Deed of Easement (DOE), and previous inspection forms and photos. Folders are named using SADC ID + Owner at Preservation, with sub folders by year.
- Field use Tablet shall be updated with appropriate folders prior to site visits and not used for permanent storage.

- CADB Staff (with the input of the Monitor) maintains a Monitoring Database including: SADC ID and Pin, Closing Date, Municipality, Lot and Block, Street Address, Current Property Owner and Contact Information, and Inspection Dates.

DRAFT

**STATE OF NEW JERSEY**

**HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD**

**RESOLUTION 2021-06**

**House Relocation**

**Block 19 Lot 27 and Block 23 Lot 5, Township of Clinton, County of Hunterdon**

**WHEREAS:**

1. By Assignment of Deed of Easement from Township to County dated January 28, 2002, the County of Hunterdon acquired a development easement from the Township of Clinton referencing the original owner of record as Donald Smith, with an address of 1060 Stanton Lebanon Rd., also known as Block 19, Lot 27 and Block 23 Lot 5, Township of Clinton, County of Hunterdon, pursuant to the State Agriculture Retention and Development Act. The Assignment of the Deed of Easement was recorded by the Hunterdon County Clerk on February 20, 2002, in Deed Book 2030, Page 291, fully described in Schedule A, encompassing 216.583 preserved acres with no exception area.
2. The development easement was originally recorded as a Deed of Easement on August 24, 1999 in the Hunterdon County Clerk's Office, in Deed Book 1220, Page 262 between Donald Smith and the Township of Clinton.
3. In the fall of 2019 the current property owners, William and Nancy Martin, filed a preliminary request to construct a residential unit with the Hunterdon County Agriculture Development Board ("CADB"). The request for construction was made pursuant to Paragraph 14 section ii of the Corrective Deed of Easement.
4. Paragraph 14 of the Deed of Easement states that the "*Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited, except as follows:...(ii) To construct a residential building anywhere on the Premises to replace any residential building in place at the time of conveyance of this Deed of Easement but only with the approval of the Grantee and Committee. See paragraph 13 for existing structures.*"
5. Paragraph 13 of the Deed of Easement states "*At the time of this conveyance, Grantor has on Block 19 Lot 27 one (1) two family house, one (1) single family and on Block 25 Lot 5 one (1) two family house*"



6. The survey accompanying the preservation, prepared by Van Cleef Engineering, certified by the involved parties, and dated January 10, 2001, shows multiple residences on the preserved property consisting of:
  - a. A two-story, frame, two-family residential dwelling of ~2,000 square feet on Lot 5 on the west side of Stanton Lebanon Rd.
  - b. A two-story, frame, single family residential dwelling of ~1,500 square feet on Lot 27 on the east side of Stanton Lebanon Rd. close to the road.
  - c. A two-story, frame and stone two-family residential dwelling of significant size on Lot 27 set back from the road in the farm complex.
7. The applicant has requested permission to construct a new house, well, and septic in an existing ~1.5-acre field on Lot 27 in the eastern portion of the property to be accessed via a driveway utilizing an improved farm road.
8. The applicant has proposed the removal of house “b” to satisfy the easement allowance for replacement of existing houses.
9. The application specifies a two-story, 4-bedroom, 3.5-bath structure with attached garage not to exceed 6,000 square feet. Any construction is subject to municipal ordinance and health code.
10. On March 31, 2021 CADB Member Dave Kyle, CADB Administrator Bob Hornby, and State Agriculture Development Committee (SADC) Stewardship Manager Timothy Willmott accompanied the landowners on a site visit and confirmed the locations of the existing houses and proposed future house.
11. At its May 13, 2021 meeting the CADB heard supporting testimony from the applicant.

**NOW, THEREFORE, BE IT RESOLVED** THAT THE HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD, AFTER HEARING THE TESTIMONY OF THE APPLICANT, AND NO OBJECTION TO THE APPLICATION HAVING BEEN MADE BY THE TOWNSHIP OR ANY OTHER PARTIES, MAKES THE FOLLOWING FINDINGS:

1. The CADB approves the construction of a 4-bedroom 3.5 bath single-family residential dwelling unit not to exceed 6,000 square feet to replace a single-family residential dwelling unit in existence at the time of conveyance of the Deed of Easement.
2. This determination shall be forwarded to the State Agriculture Development Committee within thirty (30) days, pursuant to N.J.A.C. 2:76-2.3(e).

3. Any person aggrieved by this decision, may appeal to the State Agriculture Development Committee, pursuant to N.J.A.C. 2:76-2-3(f).

HUNTERDON COUNTY AGRICULTURE DEVELOPMENT BOARD

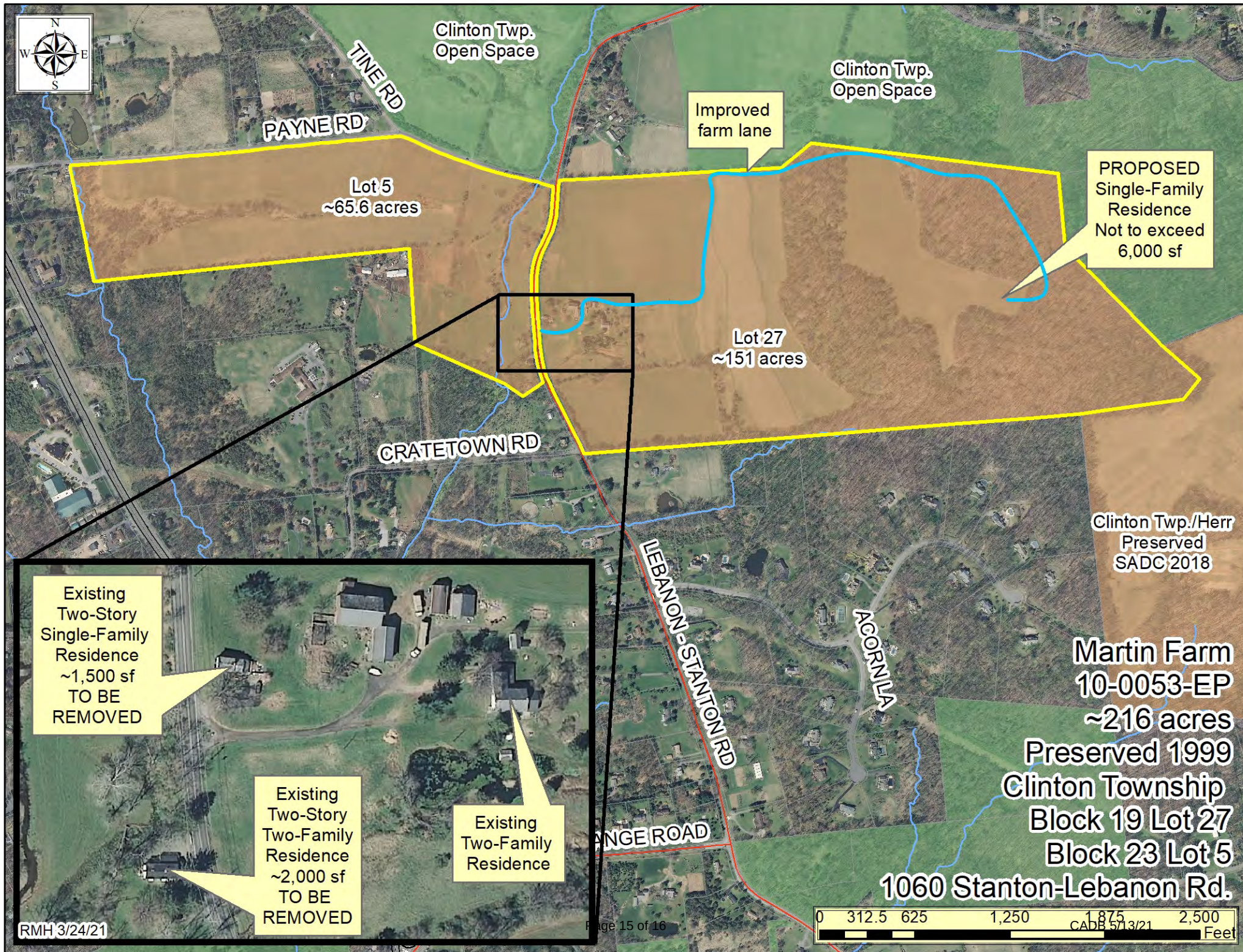
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David Bond, Chairman

May 13, 2021

DRAFT





Clinton Twp.  
Open Space

Clinton Twp.  
Open Space

TINE RD  
PAYNE RD

Lot 5  
~65.6 acres

Improved  
farm lane

PROPOSED  
Single-Family  
Residence  
Not to exceed  
6,000 sf

Lot 27  
~151 acres

CRATETOWN RD

Clinton Twp./Herr  
Preserved  
SADC 2018

Existing  
Two-Story  
Single-Family  
Residence  
~1,500 sf  
TO BE  
REMOVED

Existing  
Two-Story  
Two-Family  
Residence  
~2,000 sf  
TO BE  
REMOVED

Existing  
Two-Family  
Residence

Martin Farm  
10-0053-EP  
~216 acres

Preserved 1999  
Clinton Township  
Block 19 Lot 27  
Block 23 Lot 5

1060 Stanton-Lebanon Rd.



