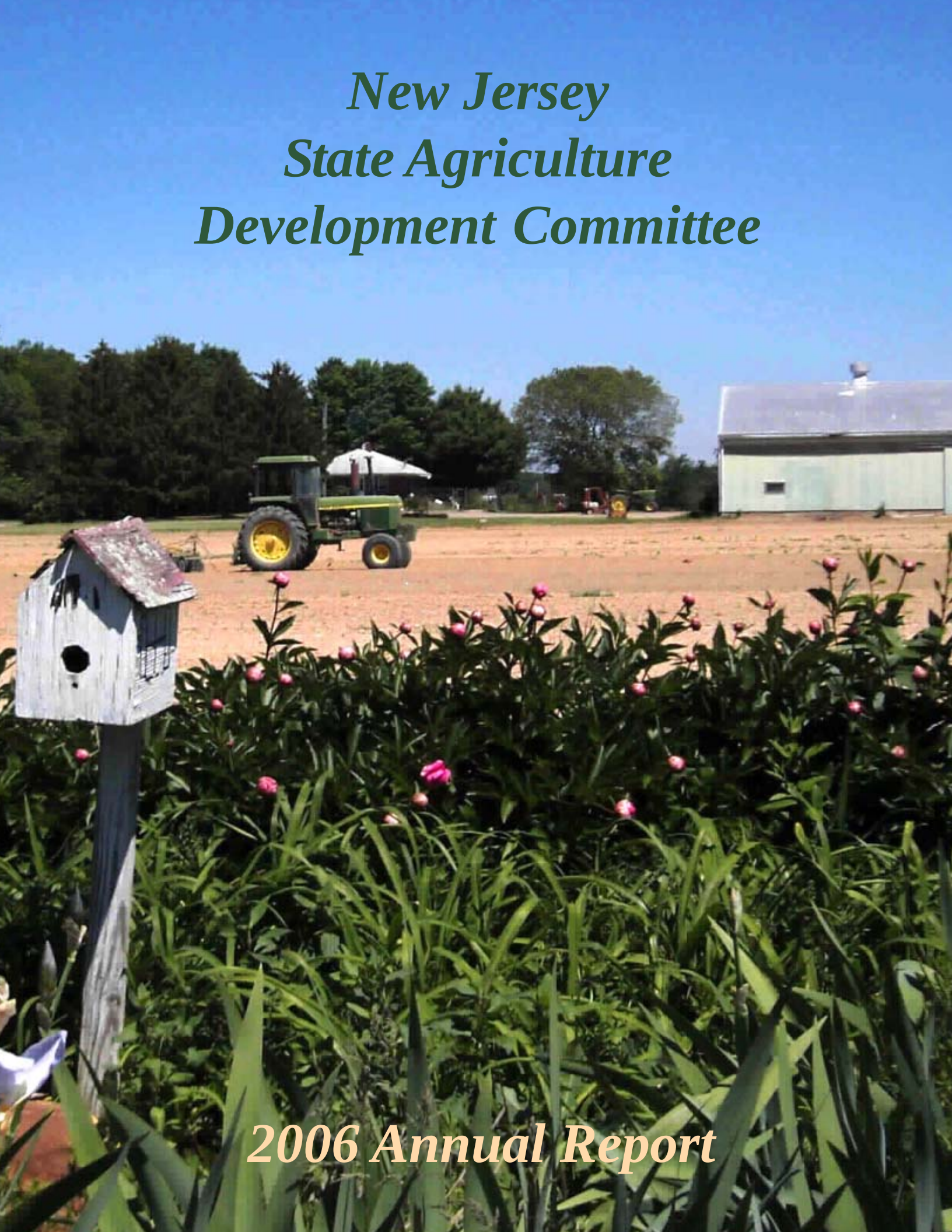
New Jersey State Agriculture Development Committee



2006 Annual Report

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The State Agriculture Development Committee

The State Agriculture Development Committee (SADC) administers New Jersey's Farmland Preservation Program and promotes innovative approaches to maintaining the viability of agriculture. It administers the Right to Farm Program, staffs the Transfer of Development Rights Bank and operates the Farm Link Program, which matches farm sellers with potential buyers.

Cover: The Paulaitis farm in Pittsgrove Township, Salem County, was preserved through the planning incentive grant program. (Photo by Stefanie Miller)

From the Governor

Gov. Jon S. Corzine

In October, I was pleased to announce the preservation of the 150,000th acre of New Jersey farmland.

This accomplishment marked a significant milestone in our efforts to preserve the quality of life in communities across the state and strengthen our agricultural industry for the future.

Preserving farmland helps towns manage growth and hold the line on property taxes, while ensuring agriculture will continue to provide us with a reliable source of locally produced food and other farm products.

We are working to identify new funding for both farmland and open space preservation so we can continue to build on our impressive legacy of protected lands.

Farmland preservation remains a smart, one-time investment that will continue to provide important quality-of-life dividends for generations to come.

From the Secretary

Sec. Charles M. Kuperus

While we take great pride in New Jersey's Farmland Preservation Program, we cannot afford to rest on our success if we are to keep pace with the strong demand for preservation.

That's why the State Agriculture Development Committee last year established a process review subcommittee to examine all of our farmland preservation programs and recommend ways to streamline and improve the preservation process.

That review culminated in December with the SADC proposing new rules to make the program more predictable, efficient and effective while continuing to ensure accountability to the public.

Central to the proposal is the establishment of a county planning incentive grant program as an alternative to our traditional county grants program. The new program would enable counties to accept and process farmland preservation applications year-round, rather than once a year, reduce the timeframe from the point of a landowner's application to closing, and reward counties that complete transactions in a timely manner with the potential for additional funding.

By streamlining our processes, we can make the Farmland Preservation Program even more accessible to landowners and our county, municipal and nonprofit partners, and position New Jersey to realize even greater farmland preservation achievements in the years ahead.

Farmland Preservation Developments

The State Agriculture Development Committee (SADC) in December formally proposed rules to streamline and improve farmland preservation processes. The proposed regulations are the most sweeping changes to the Farmland Preservation Program since its inception in 1983 and are intended to position the program to better meet the increased demand for preservation.

The rule development process was initiated in March 2005 when the SADC appointed a process review committee to examine ways to make the Farmland Preservation Program more predictable, efficient and effective. The committee's draft recommendations were widely circulated later that year. Based on guidance from the SADC and public comments, the committee issued its final report in September 2006. The report formed the basis for the rule proposal.

Key provisions of the proposed regulations include:

- the establishment of a new countywide planning incentive grant program as an alternative to the traditional county grants program, which is expected to eliminate administrative duplication at the state and county levels, shorten the timeframe from application to preservation by as much as six months, encourage a more comprehensive planning approach to preservation and provide financial incentives to counties to expend funding as expeditiously as possible.

- Under the state acquisition program, strategically targeting and soliciting farmland preservation applications to ensure the most important farmland is preserved in each county, and conducting appraisals prior to entering into contracts with landowners to ensure a fair negotiation process.

- A requirement under the municipal planning incentive grant program that municipalities expend approved funds within three years from the date of their appropriation to encourage towns to complete closing transactions in a timely manner.

- Establishment of minimum eligibility criteria for applicants to any of the SADC's farmland preservation programs, including a requirement that land under 10 acres must produce agricultural or horticultural products of at least $2,500 or more annually.

The SADC accepted comments on the proposed rules through February 2 and will review the comments before considering the proposal for adoption.

Farmland Preservation Funding

Governor Corzine in May signed into law five bills that appropriated nearly $119.8 million for farmland preservation. The bills included $45 million for county easement purchases, $3.5 million for county Pinelands easement purchases, $27.6 million for state acquisitions, $21.6 million for planning incentive grants, $6.5 million for grants to nonprofits, and $15 million in supplemental Highlands funding to be used specifically to preserve Highlands farms under any of the SADC's programs.

Also included were $600,000 for grants to assist counties in developing comprehensive farmland preservation plans, which will be required under the proposed county planning incentive grant program, and the reappropriation of $341,000 in interest earnings from previous farmland preservation bond funds to provide funding for soil and water conservation cost-share grants.

Those appropriations leave approximately $75 million remaining in the Garden State Preservation Trust (GSPT) fund for farmland preservation purposes.

The N.J. Department of Agriculture estimates that a stable, preserved land base of 600,000 acres of farmland will be required to sustain New Jersey's agricultural industry. Approximately 200,000 acres of farmland will be preserved by the time GSPT funding expires, leaving 400,000 acres still in need of permanent protection. The SADC anticipates preserving half of that through farmland preservation and protection of the remainder through tools such as transfer of development rights and cluster zoning.

The availability of an adequate and stable source of state preservation funding encourages financial participation in farmland preservation by a number of other partners. Local farmland and open space trust funds that have been established by all 21 counties and 231 municipalities are a major source of additional funding, generating approximately $300 million annually toward farmland and open space preservation.

Nonprofit organizations and the federal Farm and Ranch Land Protection Program are also important partners in farmland preservation. In 2006, the SADC received nearly $3 million in funding from the federal program.

Of the $137.8 million total cost to preserve 10,048 acres of farmland in 2006, the SADC paid $91.94 million, or two-thirds, and local, county and federal government and nonprofits contributed the remaining $45.86 million.

Soil and Water Conservation Funding

The SADC provided $758,507 in grants to landowners to help fund 50 approved soil and water conservation projects on farms permanently preserved or enrolled in eight-year preservation programs. Because of limited funding, the SADC in May reduced its maximum cost-share from 75 percent to 50 percent of eligible costs. All remaining funding for this grants program was exhausted in July. The SADC and N.J. Department of Agriculture are working to try to secure future funding for the program, which is critical to protecting natural resources and maximizing agricultural productivity.

Farmland Preservation Summit

Approximately 200 county and local farmland preservation leaders, planners, landowners and other partners attended the SADC's first Farmland Preservation Summit in March. Sessions focused on upcoming changes to the Farmland Preservation

GSPT Appropriations by Program (FY2000-2007)

County Easement Purchase Grants	$286M (40%)
Local Planning Incentive Grants	$119M (17%)
State Acquisitions	$282M (40%)
Nonprofit Grants	$19M (3%)
TOTAL	**$706M**

The Triple D farm in Readington Township was preserved through the planning incentive grant program. (Photo by Stefanie Miller)

Program, strategies for planning for agriculture, innovative preservation efforts and other issues critical to retaining farmland and strengthening agriculture. The summit was co-sponsored by the N.J. Department of Agriculture, Cook College, Rutgers University, and American Farmland Trust.

Eminent Domain Policy Adopted

The SADC in January adopted a policy that prohibits the Committee from providing cost-share funding to participate in the preservation of land or development easements acquired through eminent domain. The policy was adopted to make clear that local governments will not receive state farmland preservation funding for land or development easements acquired through eminent domain. The policy reflects one of the founding principles of New Jersey's Farmland Preservation Program – that the program be open to only voluntary participation – as well as language in the Garden State Preservation Trust Act requiring a "willing seller."

Commercial Nonagricultural Uses

The SADC in June approved a formal rule proposal to implement legislation providing for commercial nonagricultural activities and the erection of cellular towers on preserved farms under certain circumstances. The proposed rules set forth the eligibility, information required, evaluation criteria, review process and conditions to obtain a special permit to erect a cell tower or conduct a commercial nonagricultural use on a preserved farm. Following publication in the *New Jersey Register*, the proposal will be subject to a 60-day public comment period before returning to the Committee for consideration of comments and adoption.

2006 Acquisition Highlights

Farmland Preservation Reaches 150,000-Acre Milestone

The Farmland Preservation Program reached a milestone with the preservation of the 150,000th acre of farmland in September. The achievement was announced by Governor Corzine at Robson Farm Market in North Hanover Township, where he also announced the establishment of the Neil Robson Farmers Fighting Hunger Award. The award is named in honor of a leading Burlington County farmer who died in September and was a strong supporter of the New Jersey Agricultural Society's Farmers Against Hunger Program.

Three counties also achieved milestones in 2006. In March, Salem County reached 20,000 acres of preserved farmland and Monmouth County announced the preservation of its 100th farm. In May, Sussex County surpassed the 10,000-acre mark for permanently preserved farmland.

A total of 153 farms covering 10,048 acres were permanently preserved in 2006, bringing statewide preservation totals to 1,470 farms covering 151,543 acres by year's end.

Special Preservation Regions

A 38-acre Columbia Properties, LLC, farm in Mullica and Hammonton townships, Atlantic County, was preserved in April, bringing Pinelands preservation totals at year's end to 57 farms covering 8,207 acres. The SADC in September granted preliminary approval for preservation to an additional seven farms through a special Pinelands County Easement Purchase round.

Fifteen farms covering 1,118 acres were preserved in the Highlands Preservation Area and 16 farms covering 1,097 acres were preserved in the Planning Area in 2006. This brought farmland preservation totals at year's end to 113 farms covering 9,523 acres in the Preservation Area and 166 farms covering 15,908 acres in the Planning Area, for a combined total of 279 farms totaling 25,431 acres preserved in the Highlands region.

A public question in 2003 resulted in an additional $30 million in Garden State Preservation Trust funding for farmland preservation. The SADC in March directed that those funds be used exclusively for the preservation of farms in the Highlands, with first priority given to landowners in the Preservation Area. This funding is intended to help maximize preservation of farmland in the area determined by the Highlands Water Protection and Planning Act to be in critical need of conservation and protection. The funding is in addition to the average $14.4 million the SADC has annually spent on

Governor Corzine looks on as Secretary Kuperus addresses the crowd at Robson Farm Market in North Hanover, where they announced that New Jersey reached the 150,000-acre milestone for preserved farmland.

Mercer County preserved the Lee Turkey Farm in East Windsor Township through the county easement purchase program. (Photo by Dan Pace)

preserving Highlands farms since the Garden State Preservation Trust's establishment in 1999.

County Easement Purchase Program

The SADC provides counties with grants to fund 60 to 80 percent of the costs of purchasing development rights on approved farms. A total of 87 farms covering 5,380 acres were permanently preserved under the county easement purchase program in 2006.

Under the 2007 county funding round, the SADC in June granted final approval to the preservation of the top-ranked 78 farms at an estimated state cost of $45 million, as well as seven additional farms in the Highlands preservation area at an estimated state cost of $1.2 million. The preservation of the Highlands farms will be funded from the $30 million Highlands Fund established by the SADC.

Under the 2008 county easement purchase round, 147 applications to preserve 8,400 acres were submitted for consideration for preservation. The SADC cost to preserve all of these farms would total at least $60 million. This will be the last full county funding round under existing Garden State Preservation Trust funding.

Local Planning Incentive Grant (PIG) Program

The SADC provides grants to municipalities and counties to purchase development easements to permanently protect large blocks of reasonably contiguous farmland in project areas they have identified. A total of 32 farms covering 1,214 acres were permanently preserved under this program in 2006.

The SADC in April granted preliminary approval to seven new project area applications encompassing 132 farms and 7,567 acres in six municipalities and five counties.

State Acquisition Program

Under its state acquisition program, the SADC purchases either the development rights to farmland (referred to as direct easement purchase) or farmland outright (fee simple purchase). The SADC also can provide grants to assist counties and municipalities in fee-simple purchases. In all cases, the land is permanently deed restricted for agricultural use. When farms are purchased in fee simple, they typically are resold at public auction as permanently preserved farmland.

The SADC in early 2006 approved amendments to its state acquisition prioritization criteria to streamline the acquisition process and ensure the preservation of the largest, strategically located, high-quality farms within each county. The prioritization system enables SADC acquisition staff to act immediately on farms that qualify as priority farms, subject to funding availability. Farms that qualify as alternate farms require

Committee authorization to pursue, while other farms may be pursued if targeting and outreach efforts within that county yield no other higher-ranked applications.

Under the Highlands Water Protection and Planning Act, the SADC is required to spend a minimum amount of funding under the program in each county through FY2009, assuming adequate demand and quality farms. The amount to be spent must at least equal the average annual sum spent in each county from FY02-04. In early 2006, the SADC held a series of outreach meetings throughout the state to aggressively solicit applications for state acquisition.

To date, the SADC has met or exceeded expenditure targets in 11 counties — Bergen, Burlington, Cape May, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Salem, Somerset and Sussex. For the remaining six counties — Atlantic, Camden, Cumberland, Gloucester, Mercer and Warren — the SADC is either currently processing a sufficient number of farms to achieve these expenditure targets or conducting additional solicitation to attract additional applications to the program. Overall, the SADC's goal is to achieve the Highlands Act total expenditure goals for each county by the end of FY09.

Under direct easement purchase, the SADC in 2006 preserved 27 farms covering 2,975 acres. Through the fee simple program, three farms covering 373 acres were permanently preserved.

Nonprofit Program

The SADC provides grants to nonprofit organizations to fund up to 50 percent of the acquisition costs for development easements or to purchase farmland in fee simple for farmland preservation purposes. In 2006, three farms covering 106 acres were preserved under the nonprofit program.

The SADC held one new funding round for this program in 2006, granting preliminary approval for the preservation of farmland in six project areas in Mercer, Monmouth, Hunterdon, Gloucester, Salem, Sussex and Warren counties, as well as one farm in Somerset County.

Eight-Year Program

As an alternative to permanently preserving their land, landowners may choose to voluntarily restrict development for a period of eight years. Although they do not receive any direct compensation for this, enrollment in an eight-year program does qualify them for certain benefits of the permanent program, including eligibility to apply for 50 percent cost-sharing grants for soil and water conservation projects, provided funding is available.

No funding currently is available for soil and water conservation grants, although the SADC continues to work to identify potential funding sources.

In 2006, five new farms totaling 196 acres enrolled in eight-year programs and 10 farms totaling 292 acres renewed their enrollment. At year's end, a total of 263 farms covering 16,471 acres were enrolled in eight-year programs.

Easement Purchase Grants to Counties (2006 Closings)

County	Landowner	Municipality	Acres
Atlantic	Columbia Properties	Mullica/Hammonton	38
Bergen	Dator, R. & Rehill, D.	Mahwah	17
	McDonnell, G&E	Mahwah	11
Burlington	Bur Cty/Probasco North	Mansfield/N. Hanover	84
	Southampton Twp./Van Istendal	Southampton	134
	Bur Cty/Garrison, W. & B.	Springfield	51
	Bur Cty/Probasco South	Springfield	90
Cape May	U.S. Dept. of Agriculture	Middle	71
Cumberland	Fisher, G.	Fairfield	24
	Thibodeau, A. & R.	Greenwich	55
	James, M. & Buckley, E.	Hopewell	74
	Trull, G. & A.	Hopewell	6
	M.E. Dickinson & Son #1	Stow Creek	52
	M.E. Dickinson & Son #2	Stow Creek	32
	Smaniotto	Vineland	66
Gloucester	Musser-Mondelli, N.	East Greenwich	17
	Glo Cty/Visalli, C. & M.	Elk	17
	Glo Cty/Rauchfuss, C. & E.	Franklin	29
	Glo Cty/Mihlebach	Greenwich	22
	Glo Cty/Horne, B.	Harrison	31
	Glo Cty/McKendry, F. & J.	Harrison	14
	Glo Cty/Cedarvale Family Ltd. Part.	Logan	87
	Estate of Dorothy Goote	Monroe	29
	Glo Cty/Alfred Marino Trust	South Harrison	160
	Glo Cty/Leatherwood, W. & G.	South Harrison	39
	Glo Cty/Putorti, A.	Woolwich	28
Hunterdon	Bush, E. & E.	Alexandria	43
	Canright, M. & Hansen, A.	Bethlehem	36
	Spencer, L.	Clinton/Lebanon Boro	81
	Connolly, J. & Ashby, I.	Delaware	72
	Hun Cty/Kanach	East Amwell	134
	Henssler, S.	East Amwell	123
	Franklin Twp./Lawson	Franklin	39
	Kocsis, F. & M.	Kingwood	34
	Sargenti, D.	Kingwood/Alexandria	105
	Schardien, J. & Reynolds R.	Readington	87
Mercer	Lee Acres., Inc.	East Windsor	53
	Huebner, C. & L.	Hopewell	55
	Patricelli, G. & D.	Hopewell	26
	Washington Twp./Booth	Washington	48
Middlesex	Gasko, J. & E.	Monroe	37
	Barclay, B. & G.	South Brunswick	23
Monmouth	Blaso, P. & M.	Upper Freehold	21
	Honadle, H. & R.	Upper Freehold	14

Easement Purchase Grants to Counties (2006 Closings)

County	Landowner	Municipality	Acres
Morris	Borinski Farm	Lincoln Park Borough	44
	VanWingerden, K. & L.	Lincoln Park Borough	33
	Hideaway Farm, LLC #2	Chester Township	87
	Hideaway Farm, LLC #3	Chester Township	87
	Hideaway Farm, LLC #4	Chester Township	87
	Hideaway Farm, LLC #1	Chester Twp. and Borough	90
	Peach Family Partnership	Washington	147
Ocean	Strawder, E.	Jackson	10
	Emery's Berry Farm	Plumsted	59
	Hughes, L.	Plumsted	14
Salem	Davis, D.	Alloway	78
	Dolbow, W., Sr.	Alloway	50
	R.H. Vassallo, Inc.	Alloway	99
	Shuman, B. & J., & J., Jr.	Elsinboro	62
	Rachkiss, M. & D.	Lower Alloways Creek	32
	Battiato, J.	Mannington	116
	Dolbow, W., Sr.	Mannington	127
	Hancock, W., Mr.	Mannington	107
	Hancock, W., Jr. & M.	Mannington	38
	Hancock, W., Jr. #1	Mannington	75
	Devivo, A.	Upper Pittsgrove	137
	Elwell, C.	Upper Pittsgrove	32
	Melchert, R. & M.	Upper Pittsgrove	78
	Ware, L. & J.	Upper Pittsgrove	79
Somerset	E. G. Anderson Inc.	Bedminster	91
	Durling Farm Properties, LP	Hillsborough	68
Sussex	Jordan, L.	Andover	45
	Hunt, R. & M.	Fredon/Green	101
	Komar, J. & N.	Hampton	35
	Lust, H.	Lafayette	30
	Pritchard, F. & N.	Lafayette	20
	Frank, L.	Sandystone	129
	Rogers, M.	Stillwater	121
	Roof, G. L., & A. & E.	Stillwater	85
	Braunwell, A. & S.	Wantage	34
	Ringier, B. & A.	Wantage	63
Warren	Bungert, M.	Franklin	42
	Peck, H.	Frelinghuysen	44
	Grochowicz, T. & L.	Hope	128
	White Oak Greenhouse & Nurs.	Hope	47
	Matthews, I & B.	White	36
	Enz, K.	White/Washington	76
	White Twp/Crossroads Farm	White/Washington	108
TOTAL	**87 farms**		**5,380 acres**

Local Planning Incentive Grants (2006 Closings)

County	Landowner	Municipality	Acres
Hunterdon	Gilde, D.	Delaware	18
	Jurasek, E. & A.	Delaware	54
	Spolar, W.	Delaware	140
	Cannelongo, K.	East Amwell	25
	Rodrigues, A., D. Jr., & L.	Franklin	143
	Dolan, W. & L.	Readington	21
	Jackson, J. & R.	Readington	33
	Triple D, LLC	Readington	45
Monmouth	Cohen, M. & P.	Colts Neck	13
	Cooley, J. III & N.	Colts Neck	8
	DeGroot, C.	Colts Neck	23
	Medlin, J. & Pedro, M.	Colts Neck	7
	Casale, G. &A.	Howell	9
	Costigan, J. & E.	Howell	11
	Linney, J. &L.	Howell	12
	Peacock, D. & G.	Howell	6
	Daum, H., R., & S.	Manalapan	66
	Dey, C.	Millstone	35
	Sinha, B. & E.	Millstone	28
	Jennings, J. & K.	Upper Freehold	75
Salem	Paulaitis, C., Jr. & C. & C. & L.	Pittsgrove	153
Somerset	Marano I., M. & J.	Bedminster	56
	Marano III, M. & J.	Bedminster	30
	Harris, H. & M.	Franklin	15
	Kiss, J.	Franklin	9
	Kiss, K.	Franklin	9
	Middlebush Farms, Inc.	Franklin	21
	Perrin, H. & M.	Franklin	6
Warren	Brugler, V. I	Knowlton	33
	Brugler, V. II	Knowlton	47
	Diecidue, A. & A.	Knowlton	45
	Weeks, A. III	Pohatcong	18
TOTAL	**32 farms**		**1,214 acres**

Grants to Nonprofit Organizations (2006 Closings)

County	Landowner	Municipality	Acres
Hunterdon	NJ Conservation Found./Cline-Finkle	Delaware	35
Middlesex	D&R Greenway Land Trust/Kiesler	Cranbury	32
Warren	Ridge & Valley Conservancy/Dunne	Hope	39
TOTAL	**3 farms**		**106 acres**

State Acquisition Program (2006 Closings)

Direct Easement Purchases

County	Landowner	Municipality	Acres
Burlington	E. C. Jennings Associates	Medford	102
Cumberland	Cumberland Cty/Mixner, L. & D.	Hopewell	234
	Apel, S.	Upper Deerfield	36
Hunterdon	Franklin Twp/Cherryville	Franklin	105
	Lebanon Twp/Stonegate	Lebanon	174
	Sekela, G.	Lebanon	79
Mercer	Hamilton Twp/Ellis	Hamilton	91
	Hopewell Twp/Martin	Hopewell	163
	Mokros, J.	Hopewell	94
Middlesex	Cranbury Twp/E. Barclay	Cranbury	77
	Cranbury Twp/Simonson	Cranbury	129
Monmouth	Colts Neck Twp/D. Barclay	Colts Neck	46
	Colts Neck Twp/D. Barclay	Colts Neck	51
	Colts Neck Twp/Purdey	Colts Neck	110
	Herenchak, A.	Upper Freehold	136
Ocean	Frankel, S.	Plumsted	86
Salem	Sloat, R.	Alloway	92
	Barbara, E. & L.	Alloway/Mannington	185
	Sasso, V. & DeLea, R.	Pilesgrove	260
	Tomarchio, I. & Castellini, J.	Pilesgrove	199
	Cimprich, J. & R.	Upper Pittsgrove	126
	Hourani, C.	Upper Pittsgrove	96
	Williams, A. & L.	Upper Pittsgrove	113
Somerset	Bedminster Twp/Piancone 1	Bedminster	78
	Bedminster Twp/Piancone 2	Bedminster	39
	Bedminster Twp/Piancone 3	Bedminster	31
	Giarrusso, J. & M.	Hillsborough	43
TOTAL	**27 farms**		**2,975 acres**

Fee Simple Purchases and Grants

County	Landowner	Municipality	Acres
Hunterdon	N.J. Water Supply Auth./Riback	Lebanon	94
Warren	Washington Twp/AJR Invest. Grp.	Washington	150
Hunterdon	Romano, G. & A. & Chiovitti, J. & I.	Clinton/Lebanon Borough	129
TOTAL	**3 farms**		**373 acres**

Related Programs

Right to Farm

The Right to Farm Act was amended eight years ago to strengthen protections for commercial farmers against nuisance suits and unreasonable municipal and county regulation. Since that time, the SADC and county agriculture development boards (CADBs) have issued numerous right-to-farm decisions in which they apply, interpret and clarify various provisions of the Act. Parties in right-to-farm matters may appeal the decisions to the New Jersey Superior Court, Appellate Division. In 2006, the Appellate Division issued three decisions that further clarify the protections afforded by the Right to Farm Act.

In the Matter of Anthony Tavlario, 386 N.J. Super. 435 (App. Div. 2006), involved an equine breeding operation alleged to be in violation of municipal zoning laws. The Court upheld the SADC's finding that the operation did not meet the Act's definition of commercial farm and, therefore, could not preempt township ordinances. Specifically, the Court affirmed the SADC's recognition that the value of a horse bred on a farm can qualify for the $2,500 annual production requirement in the Act, but only if the owner can provide clear proof of the sale of the horse or an existing contract to sell the horse.

In In re Samaha Farms, No. A-2163-04T5 (App. Div. April 11, 2006), the Appellate Division upheld the SADC's finding that the farmer's use of a liquid propane cannon as a noisemaking device to protect his sweet-corn crop from bird predation qualified for right-to-farm protection. This practice is included in the SADC's promulgated agricultural management practice (AMP) for vegetable production, N.J.A.C. 2:76-2A-5, and both the SADC and CADB found that the farmer complied with the AMP. The court also found that the CADB appropriately considered the public health and safety concerns of the farmer's neighbors and imposed reasonable conditions on the farmer's use of the cannon to address those concerns.

The Appellate Division also upheld the SADC's finding that agricultural labor housing is not a protected activity under the Right to Farm Act in In re Wilkin, No. A5916-04T2 (App. Div. October 25, 2006). In this matter, the farmers applied to the Monmouth County Agriculture Development Board (CADB) for approval to convert a chicken coop into an agricultural labor house. The SADC found that agricultural labor housing cannot preempt municipal ordinances, as it is not included – implicitly or explicitly – in the list of protected activities set forth in the Right to Farm Act. The SADC recognized that housing approvals invoke public health and safety issues that typically are not present with other farm structures, such as barns or silos, and could be considered outside the agricultural expertise of the SADC and CADBs. The Court also recognized this distinction, noting that the Legislature has addressed these health and safety issues in other statutes such as the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

Agricultural Management Practices (AMPs)

The SADC continued to pursue the development of new rules for horse farms that would expand the list of protected agricultural activities under the Right to Farm Act to include equine-related service activities, such as raising, boarding, keeping, training and rehabilitation of horses. The new rules also would set forth agricultural management practices that farmers would need to

comply with to be eligible for protections of the Act. The SADC plans to reconsider its draft agritourism AMP based on comments received and the results of a Rutgers/N.J. Department of Agriculture survey on agritourism, and begin developing AMPs for farm markets and greenhouses in 2007.

Agricultural Mediation

The Agricultural Mediation Program continued to offer its services to farmers, neighbors, municipalities and creditors involved in right-to-farm, agricultural credit and other agricultural disputes. The mediation program is free and voluntary, and uses trained, certified and impartial third-party mediators. The mediator's role is to facilitate the parties' discussion; he or she has no decision-making authority. In 2006, the program's services were requested in eight cases, three of which resulted in one or more mediation sessions.

In 2006, the program also provided three workshops on building conflict-resolution and general communication skills. A total of 58 individuals took advantage of these sessions, most of them agricultural professionals who deal regularly with farmland preservation, right-to-farm and agricultural credit issues. A senior mediator with the Office of Dispute Settlement within the state Office of the Public Defender conducted each of the trainings. To help pay for these workshops and other costs of the Agricultural Mediation Program, the SADC in 2006 acquired a $14,764 grant from the U.S. Department of Agriculture.

Farm Link

The SADC continued to assist new and established farmers in 2006 through its Farm Link Program. The Farm Link Program serves as a resource and referral center for new farmers, farmers seeking access to land and farming opportunities, landowners seeking farmers, and farmers working on estate and farm transfer plans. Program staff fielded questions from and advised more than 35 new and aspiring farmers over the course of the year.

The Farm Link Program also continued to maintain its online Farming Opportunity Listings where farmers are able to post short profiles of the farming opportunities they either are seeking or have available. The opportunities available include farms for lease, farm partnership and farm manager opportunities, apprenticeships and preserved farms for sale, including auctions. In 2006, more than 40 individuals created online listings.

As a direct result of this free service, at least three successful connections were made. As of December 2006, there were 42 active Farm Seeker listings and 38 active Farm Owner listings (28 leasing, partnership, and farm manager opportunities and 10 preserved farms for sale).

Farm Link Program staff also initiated a series of meetings to establish an informal network of people and organizations in New Jersey working to support new and beginning farmers. The purpose of this work is to a foster greater collaboration and awareness among the organizations to better serve new farmers.

Farmland Stewardship

The SADC's farmland stewardship unit was established in early 2006 to handle all post-closing activities on preserved farms. This unit administers all post-closing requests, such as divisions of premises, residential construction or replacement, construction of agricultural labor units, exercising of residual dwelling site opportunities (RDSOs), as well as deed of easement violation resolution. The unit also conducts annual monitoring of farms preserved through the state acquisition program

and coordinates county monitoring efforts and submission of reports.

In 2006, the SADC formally took action on six requests for divisions of premises, eight requests for construction of agricultural labor units, six requests to exercise RDSOs and 10 requests to construct or replace single-family residences.

Transfer of Development Rights (TDR)

The SADC provides staff to the State Transfer of Development Rights Bank, which provides information, technical assistance and grant funding to municipalities interested in enacting TDR ordinances.

TDR is a municipal planning tool that helps manage growth and development by transferring development potential away from agricultural, environmentally sensitive or historic lands that need protection, to areas that can absorb increased development.

Landowners in protected areas, known as "sending areas," can sell their development rights — or development credits — to developers who use them to build elsewhere in designated growth areas, known as receiving areas. The credits enable developers to build there at a higher density than normally allowed in a town's zoning ordinance. Once TDR credits are sold from a sending area property, that land is permanently preserved.

Before a TDR ordinance is adopted, a municipality is required to conduct a number of planning activities. The State TDR Bank makes available $40,000 matching grants to assist municipalities in producing the required planning documents. In 2006, the TDR Bank Board approved grants for six municipalities: Prospect Park, Passaic County; Frankford Township, Sussex County; Oxford Township, Warren County; Mannington Township, Salem County; Ocean Township, Ocean County; and Hillsborough Township, Somerset County. A total of 11 municipalities currently are working to develop TDR programs with the support of planning assistance grants.

The SADC in September sponsored a TDR workshop for municipal officials. The day-long seminar included discussions on the implementation of TDR, lessons learned from emerging TDR programs, receiving-area design, an overview of Burlington County TDR pilot programs, as well as a bus tour of the nearly completed TDR receiving area in Chesterfield Township.

Based on the success of this workshop, the State TDR Bank is planning a second TDR seminar in May 2007 in coordination with the Association of New Jersey Environmental Commissions. This seminar will be targeted toward municipal officials, environmental commission members and planners.

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