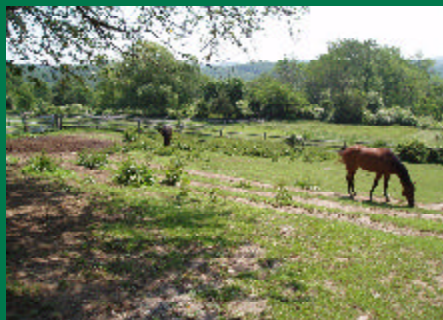


New Jersey State Agriculture Development Committee



2008 Annual Report

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*The Frey Farm in
Pohatcong Township,
Warren County,
preserved under the
Municipal Planning
Incentive Grant
Program.*

Photo by Stefanie Miller



From the Governor



Gov. Corzine

New Jersey's Farmland Preservation Program celebrated its 25th anniversary in 2008 with a major milestone – the preservation of nearly 1,800 acres of Salem Farms in Mannington Township, Salem County. This was a tremendous achievement that marked the largest project in the history of the Farmland Preservation Program and secured for all time some of the best farmland in our state.

Altogether, more than 175,000 acres of farmland have been preserved statewide. With three-quarters of our farmland unprotected, there is much more work yet to be done.

I remain committed to ensuring New Jersey continues to protect our important agricultural, conservation, recreation and historic lands so that we all can celebrate many more farmland preservation achievements today and in the years to come.

From the Secretary



Secretary Fisher

Preserving farmland is essential to secure the land base necessary to maintain strong farming operations in New Jersey well into the future. But its impact is much more far-reaching than that.

Farmland preservation retains our rural landscapes and ensures we can continue to buy local, farm-fresh fruits, vegetables and other farm products. Preserved farmland remains on the local tax rolls and, unlike sprawling residential development, contributes far more in property taxes than it requires in public services. Therefore, it is an important tool for towns across the state working to hold the line on property taxes.

As we move ahead, I look forward to building on all the efforts to date to protect our farmland and strengthen agriculture, knowing that thriving farming operations benefit everyone who lives in New Jersey and enjoys all that our farms have to offer, now and in the future.

From the Executive Director



Susan E. Craft

Planning was a major focus of farmland preservation efforts in 2008 as the State Agriculture Development Committee (SADC) worked with 17 counties to develop comprehensive farmland preservation plans. These plans establish a strong framework to better enable the State and counties to coordinate in the strategic targeting of farmland to ensure we retain critical farmland and provide the support necessary to keep successful agricultural operations on that land.

The plans are a requirement for participation in the SADC's new County Planning Incentive Grant Program that rewards counties for solid planning with greater flexibility and predictability in the farmland preservation process. In their plans, counties not only establish short- and long-term preservation goals, but also explore a wide array of strategies to attract and retain thriving farm operations and a sustainable agricultural industry.

Coordinated with the county plans are 42 municipal comprehensive farmland preservation plans developed through the Municipal Planning Incentive Grant Program. Altogether, the county and municipal plans target the preservation of some 200,000 acres – which would more than double the acreage preserved to date under the Farmland Preservation Program.

We know that to retain our farms, it is not enough to merely preserve farmland. We also must ensure that we retain viable farming operations on those lands. The planning incentive grant process implemented in 2008 marks a turning point in how we work with counties to make that happen.



The Hudler farm in Upper Freehold Township, Monmouth County, was preserved through the Municipal Planning Incentive Grant Program.

Photo by Stefanie Miller

Overview

Salem Farms Project Sets Preservation Record

The SADC in December purchased the development rights on 1,771 acres of Salem Farms in Mannington Township in the largest acquisition in the history of the Farmland Preservation Program. As part of the \$15.5 million agreement, the Department of Environmental Protection's Green Acres Program

purchased approximately 120 additional acres outright, which will be managed by the Division of Fish and Wildlife as part of the Salem River Wildlife Recreation Area.



Salem Farms in Mannington Township, preserved through the State Direct Easement Purchase Program, is the largest preservation project in the history of the Farmland Preservation Program.

Statewide Farmland Preservation Numbers Climb

Altogether, a total of 142 farms covering 12,405 acres were preserved during 2008, including 48 farms covering 3,299 acres in the Highlands and 7 farms covering 1,043 acres in the Pinelands. By year's end, a grand total of 1,787 farms covering 174,569 acres had been permanently preserved statewide since the inception of the program, including 367 farms covering 31,102 acres in the Highlands and 66 farms covering 9,876 acres in the Pinelands.

County and local farmland preservation milestones celebrated in 2008 included Sussex County marking the preservation of its 100th farm in July and Sayreville Borough, Middlesex County, celebrating the preservation of the Dieker Farm, the last remaining farm in the borough, in November.

Planning Incentive Grant Process Takes Hold

Seventeen counties have developed the comprehensive farmland preservation plans required to participate in the SADC's new County Planning Incentive Grant Program (PIG). Fifteen counties are taking part in the FY09 County PIG funding round and two additional counties – Bergen and Cumberland – will participate in the FY10 round.

Coordinated with the county plans are 42 municipal comprehensive farmland preservation plans developed through the Municipal Planning Incentive Grant Program. Thirty-seven municipalities are taking part in the FY09 funding round and another five will participate in the FY10 round. Altogether, the 59 county and municipal plans target the protection of 219,000 acres of farmland over the next 10 years at a projected total cost of approximately \$3 billion, with an expected state cost-share of \$1.8 billion.

Plans describe and discuss the agricultural land base; the existing agricultural industry; land use planning context; current and future farmland preservation program activity, including 1-, 5- and 10-year acreage goals; funding plans and policies; agricultural economic development; natural resource conservation, and agricultural industry sustainability, retention and promotion strategies.

County plans focused mainly on issues related to retention of the regional agricultural land base and industry, with municipal plans borrowing largely from this analysis and concentrating their efforts on complementary zoning and land use policies. Plans were developed through a very public process that involved the participation of hundreds of planners — including consultants, staff professionals and planning board members — as well as thousands of stakeholders throughout the state.

The New Jersey Chapter of the American Planning Association in November presented the SADC with an outstanding environmental achievement award for encouraging counties and municipalities to comprehensively plan to protect farmland and support agriculture as a condition of farmland preservation funding. The Association's 2008 Elwood "Woody" Jarmer Award for Outstanding Environmental Achievement recognizes exceptional creativity in balancing environmental concerns with the realities of real estate development.

Court Ruling Backs SADC in Eight-Year Program Case

The SADC moved forward in efforts to acquire the 128-acre Sturgis farm in South Harrison, Gloucester County, following a Superior Court ruling in September that upheld its actions. The farm had been enrolled in an eight-year farmland preservation program, which requires a landowner interested in selling to provide the SADC with the first opportunity to purchase the farm. The Superior Court judge found that the SADC's offer was substantially similar to a developer's offer for the property and that the SADC had successfully exercised its right to purchase the property. The decision strengthens the SADC's ability to pursue the preservation of farms that are enrolled in eight-year preservation programs and are on the verge of being developed.

Commercial Nonagricultural Uses Rule Adopted

The SADC in April adopted rules that implement legislation providing for commercial nonagricultural activities to take place and cellular towers to be erected on preserved farms under certain circumstances. The rules set forth eligibility, information required, evaluation criteria, review process and conditions for special permits to erect a cell tower or conduct a commercial nonagricultural use on a preserved farm. As of year's end, the SADC had not received any applications for these permits.

Farmland Preservation Funding

The Garden State Preservation Trust (GSPT) in July approved the SADC's appropriation request of \$91 million for acquisitions in FY09. This request, approved by the Legislature in June 2009, will exhaust all remaining state funding for farmland preservation projects. This includes the SADC's \$73 million share of the \$200 million bond question approved by voters in 2007.

The funding will provide \$46 million for county easement purchases; \$10.8 million for the State Acquisition Program, \$27.750 million for the Municipal Planning Incentive Grant Program and \$6.45 million for the Nonprofit Grants Program.

The SADC was allocated \$4 million in federal farmland preservation funds through the U.S. Department of Agriculture, Natural Resources Conservation Service's Farm and Ranch Lands Protection Program, in federal fiscal year 2008. Nearly \$1.2 million in federal funding was used to help preserve five farms in 2008.

Nearly \$1.3M Approved for Soil and Water Conservation Grants

The SADC approved nearly \$1.3 million in cost-sharing grants to help landowners fund 70 soil and water conservation projects on farms that have been permanently preserved or enrolled in eight-year preservation programs. The grants were funded through \$783,864 the Department of Agriculture redirected from cancelled projects in other conservation programs and from interest earnings the SADC identified from prior farmland preservation bond funds.

By July, the SADC had fully obligated all available funding for soil and water conservation grants. The FY09 state budget included no new funding for this program. The SADC's FY09 appropriation request includes \$247,000 for soil and water conservation grants from additional interest earnings on farmland preservation bond funds.

The soil and water conservation program provides grants to assist landowners with up to 50 percent of the cost of eligible projects designed to control and prevent soil erosion and sediment damage; control pollution on farmland; impound, store and manage water for agricultural purposes; or improve management of land and soils to achieve maximum agricultural productivity.



The Supplee Farm in White Township, Warren County, was preserved through the Municipal Planning Incentive Grant Program.

Photo By Stefanie Miller

Farmland Preservation Program Highlights

County Grants 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 51 farms covering 3,585 acres were permanently preserved through the traditional County Easement Purchase Program in 2008.

For the first time, the SADC in FY09 offered a County Planning Incentive Grant Program as the primary vehicle for awarding grants to counties. Under this program, counties develop comprehensive farmland preservation plans that address both farmland preservation goals and strategies to retain agriculture as an industry. Once its plan is approved, each county is eligible for a base grant that it can use to preserve any of the farms in its plan. Once it has expended its base grant, it may compete for additional monies in a competitive grant fund while it lasts.

The SADC approved comprehensive farmland preservation plans submitted by 15 counties participating in the FY09 funding round – Burlington, Camden, Cape May, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Sussex and Warren counties (www.nj.gov/agriculture/sadc/home/genpub/comprehensiveplans.html).

The approvals enabled those counties to begin submitting individual farm applications for approval. The county plans target the preservation of approximately 138,000 acres of farmland over the next 10 years at a total cost of \$1.7 billion, with a projected State cost-share of \$1 billion.

For FY09, the SADC established a base grant of \$2 million for each county and a \$15 million competitive grant fund, and capped the maximum any individual county can receive at \$5 million (base grant and competitive grant combined).

The County PIG Program offers counties a number of advantages over the traditional program, including greater certainty of State funding as they target farms for preservation; elimination of the need for farms to directly compete against farms in other counties that may have greatly varying characteristics; incentives of additional funding for expeditiously completing acquisitions and spending down base grants; and the ability to accept and process applications all year round rather than once a year.

Cumberland County was the only county electing to participate in the traditional County Easement Purchase Program in

Cranberry bogs on the Francis Mick & Sons Farm in Washington Township, Burlington County. The farm was preserved through the Municipal Planning Incentive Grant Program.

Photo by Stefanie Miller



FY09, submitting applications to preserve 14 farms totaling approximately 700 acres. The SADC allocated a total of \$1 million to that round, which will be sufficient to help fund the preservation of the six top-ranked farms covering about 300 acres.

Cumberland County, as well as Bergen County, submitted comprehensive farmland preservation plans in order to participate in the FY10 County PIG funding round.

Municipal Planning Incentive Grant 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 51 farms covering 3,814 acres were permanently preserved under this program in 2008.

As part of transitioning to new farmland preservation rules effective July 1, 2007, the SADC had notified municipalities and counties that it was seeking to close out old projects with prior Municipal Planning Incentive Grant appropriations. Therefore, they were encouraged to close on all easement purchase applications associated with those appropriations by June 30, 2008, or risk that those funds would be re-appropriated to other projects during the SADC's annual review of PIG appropriations. The SADC in June moved to reprogram approximately \$11.7 million from prior program balances.

A total of 37 municipal applications were submitted under the FY09 Municipal PIG program. The SADC's \$27.5 million appropriation request for the program would provide \$750,000 grants to each municipal application, which target the preservation of approximately 52,000 acres. The SADC received another five applications for the FY10 round by its December deadline. Those applications aim to protect another 16,000 acres.



The Oakes Farm in Rockaway Township, Morris County, was preserved through the Municipal Planning Incentive Grant Program.

Photo by Stefanie Miller

State Acquisition Program

Under its State Acquisition Program, the SADC directly purchases development easements or farmland outright (in fee simple) for farmland preservation purposes. The SADC also provides 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 farms.

The SADC preserved 29 farms totaling 4,377 acres through direct easement purchase under the State Acquisition Program in 2008.

Under the Highlands Water Protection and Planning Act, the SADC is required to expend a minimum amount of funding for state acquisitions in each county from FY05-09, subject to adequate demand and quality farms. The amount to be spent must at least equal the average sum spent on state acquisition in each county from FY02-04.

In early 2008, the SADC had met, anticipated meeting or exceeded expenditure goals in every county except Camden and Atlantic. Despite numerous outreach efforts over a three-year period, the SADC did not receive sufficient qualified applications to meet the goals in those counties. Therefore, in April 2008, the SADC approved retaining sufficient funding for active applications in those counties and rolling any unused surpluses after July 31st into general State Acquisition Program funding.

Nonprofit Grant Program

A total of 11 farms covering 628 acres were preserved under the Nonprofit Grant Program in 2008.

The FY09 funding round drew a record 45 eligible applications from nine nonprofit organizations seeking total funding of more than \$40 million. Because of the high demand, the SADC requested that each nonprofit resubmit no more than their three highest-ranked applications, which resulted in a total of 19 applications. The SADC in March 2008 approved \$825,000 grants for each of five nonprofit organizations, all of which submitted at least one higher-ranking application, and grants of \$500,000 each for the remaining four nonprofit organizations.

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, subject to funding availability.

In 2008, landowners enrolled 10 farms totaling 1,891 acres in eight-year programs, and renewed enrollments for eight farms totaling 450 acres. At year's end, a total of 213 farms covering 13,777 acres were enrolled in eight-year programs.

State Acquisition Program Expenditures

<u>County</u>	<u>Expenditure Target*</u>	<u>Actual/Pending**</u> <u>FY2005-2009</u>
Atlantic	\$ 6,536,000	\$ 3,140,000
Bergen	0	\$0
Burlington	\$ 5,779,000	\$14,405,000
Camden	\$ 9,591,000	\$ 2,056,000
Cape May	0	0
Cumberland	\$ 2,454,000	\$ 4,732,000
Gloucester	\$ 1,349,000	\$ 11,041,000
Hunterdon	\$23,954,000	\$42,641,000
Mercer	\$10,707,000	\$ 11,088,000
Middlesex	\$4,883,000	\$ 8,416,000
Monmouth	\$13,667,000	\$23,410,000
Morris	0	\$ 2,942,000
Ocean	0	\$ 3,166,000
Passaic	0	\$ 3,525,000
Salem	\$11,675,000	\$38,579,000
Somerset	\$ 8,285,000	\$10,966,000
Sussex	\$1,051,000	\$ 1,470,000
Warren	\$9,862,000	\$12,296,000

*Minimum expenditure requirement for FY2005-2009 under the Highlands Water Protection and Planning Act.

**Includes expenditures for closed, contracted and pending acquisitions as of 1/31/09.

Easement Purchase Grants to Counties

<u>County</u>	<u>Landowner</u>	<u>Municipality</u>	<u>Acres</u>
Atlantic	Berenato, A. & P.	Hammonton	63
	County Line Blueberry	Hammonton	119
	Merlino, C. & M.	Mullica	107
	Merlino, A. & E.	Mullica	65
Cumberland	Slade, R & Bosco, M	Greenwich	95
	Riggins, R. & D. #1	Stow Creek	19
	Goodwin, W.	Stow Creek/Shiloh Boro	37
	Orzechowski, D	Upper Deerfield	27
Gloucester Hunterdon	Hughes Farm	Elk	20
	Verity, H. & A.	Franklin/Kingwood	92
	Zeller, K.	Holland	57
	Newcomb, K. & S.	Kingwood	45
Monmouth	Masefield, D.	Lebanon	67
	Sekel, C.	Lebanon	101
	Reaville East Farm, LLC	Raritan	57
	W. Amwell Twp/Fulper Preserv.	West Amwell	62
	Clayton Family Ltd Partnership	Freehold	139
	Virag-Non, C. & Non, D., Jr.	Freehold	37
	F & F Nurseries	Marlboro	79
	McCormack, L, W & J	Middletown	29
	Millstone Twp/Hom, F. & W.	Millstone	166
	Millstone Twp/Wong Family	Millstone	115
	Nurko, A. & P.	Millstone	28
	Carlson, T. & H.	Upper Freehold	42
	Estate of S. Infante	Upper Freehold	55
	Herbert, M. #1	Upper Freehold	49
	Herbert, M. #2	Upper Freehold	49
	Herbert, M. #3	Upper Freehold	32
Morris	Walnridge Farms, Inc	Upper Freehold	17
	Byrne, W. & S.	Chester	25
	Mt Olive/Charters Farm	Mount Olive	62
Sussex	Saddle Ridge LLC #1	Fredon	41
	Saddle Ridge LLC. #2	Fredon	42
	Fairclough, J. & R. #1	Hampton	69
	Fairclough, J. & R. #2	Hampton	77
	Fairclough, J. & R. #3	Hampton	34
	Fairclough, J. L. #1	Hampton	34
	Fairclough, J. L. #2	Hampton	47

Easement Purchase Grants to Counties (continued)

<u>County</u>	<u>Landowner</u>	<u>Municipality</u>	<u>Acres</u>
Sussex	Demarest, J. & D.	Lafayette/Sparta	42
	Fountain House of NJ	Montague	441
	Just-Cornelius, G.	Sandyston	69
	Kurkjian, J. & D.	Sandyston	106
	Havens, R & G #1	Wantage	162
Warren	Warren Cty/Pehowski	Blairstown	167
	Duckworth, R. #1	Harmony	70
	Duckworth, R. #2	Harmony/White	78
	Duckworth, R. #3	Harmony	25
	Estate of Charles Venner	Harmony/Franklin	52
	Estate of W & G Fritz	Knowlton	13
	Quick, Alan & Gail	Liberty	50
	Topoleski, Robert & Maurine	Liberty	11



The Clayton farm in Freehold Township, Monmouth County, was preserved through the County Easement Purchase Program.

Photo by Stefanie Miller

Municipal Planning Incentive Grant Program

<u>County</u>	<u>Landowner</u>	<u>Municipality</u>	<u>Acres</u>
Burlington	Laird, M. & K.	North Hanover	11
	Major, R. & H.	North Hanover	103
	Francis Mick & Sons, Inc.	Washington	576
Gloucester	Cali, S. & R.	Woolwich	77
	Finocchiaro, R. & S.	Woolwich	24
Hunterdon	Timsoland, LLC	Delaware	46
	Wiley, P. & J.	Delaware	27
	Isabella, G. & P.	East Amwell	32
	Kanach, J., W., & S.	East Amwell	36
	Murphy, S.	Holland	34
	Wilson, L./Smith, K.	Holland	33
	Emmet III, C. & A.	Tewksbury	18
	Storms, D. & M.	Tewksbury	149
	Holcombe, T. & S.	West Amwell	55
	Foster, T. & M.	Hopewell	48
	Amdur, R. & M.	Colts Neck	44
	Hammond, H. & J.	Colts Neck	20
Mercer	Tullo, A.	Howell	148
	Reese, P. & J.	Manalapan	23
	Baldwin, J.	Millstone	24
	Boyken, D.	Millstone	34
	Kenney, B. & J.	Millstone	51
	Hudler Trust	Upper Freehold	51
	Smith, C., Jr. & L.	Upper Freehold	135
	Young, Marie	Chester/Mt Olive	88
	Oakes, D. & J.	Rockaway	88
	Byrnes, E. & B.	Pilesgrove	220
Salem	Tamagni, H., III	Pittsgrove	114
	Zamek, R.	Hillsborough	41
Somerset	Johnson, J. & C.	Montgomery	69
Warren	Maine Farm/Hope Spring	Blairstown	23
	Gardner, R. & J.	Franklin	90
	Smith, L. & E.	Frelinghuysen	22
	Bowman, C & Hamlen, D.	Greenwich	87
	Harmony Twp/Denjoe	Harmony	63
	Harmony Twp/Sakele	Harmony	105
	Tjalma, B. & A.	Harmony	219

Municipal Planning Incentive Grant Program (continued)

<u>County</u>	<u>Landowner</u>	<u>Municipality</u>	<u>Acres</u>
Warren	May, R. & D.	Hope	37
	Bromm Meris (Cool Farm)	Knowlton	62
	Babinsky, J. & S.	Pohatcong	42
	Frey, B. & R. & R. & G. (Frey I)	Pohatcong	139
	Frey, B. & R. & R. & G. (Frey II)	Pohatcong	72
	Frey, R. & G. (Frey III)	Pohatcong	25
	Frey, R. & G. (Frey IV)	Pohatcong	13
	Santini, R. & S.	Pohatcong	64
	Weeks, A. & C.	Pohatcong	79
	Zapata, F. & M. I	Pohatcong	50
	Zapata, F. & M. II	Pohatcong	49
	Parks, J.	White	43
	Supplee, M.	White	94
	White Township/Parks	White	18

Nonprofit Grant Program

<u>County</u>	<u>Landowner</u>	<u>Municipality</u>	<u>Acres</u>
Gloucester	NJCF/Pettit	South Harrison	90
Hunterdon	Hun Land Trust/Cain	Holland	51
	Hun Land Trust/Ramirez	Kingwood/Alexandria	45
	Hun Land Trust/Middleton	Kingwood/Alexandria	37
Monmouth	Mon Con Found/Annarella	Middleton	38
Morris	Morris Lnd Cons/Lillis	Washington	122
Sussex	Morris Lnd Cons/Fritz	Andover	33
	Mor Land Conservancy/Stoll	Frankford	41
	Mor Land Cons/Eick	Stillwater	81
	Mor Land Cons/Vendetti	Stillwater	29
Warren	NJCF/Sigler	Washington/Franklin	62

State Direct Easement Purchase Program

<u>County</u>	<u>Landowner</u>	<u>Municipality</u>	<u>Acres</u>
Atlantic	Morrongiello, P & M.	Galloway/Hamilton	50
	Clark, R. & P.	Hammonton	61
Cumberland	Morrissey, D. & C.	Fairfield	58
	Watson, R. & P.	Greenwich	409
	Sorantino, D.	Lawrence	468
Gloucester	Shiveler, W., Jr. & M. & Shiveler, R.	Logan	123
	Keefer, B.	South Harrison	61
Hunterdon	Davis, W., Jr., & L.	Delaware	104
	Tucker, R. & L.	Lebanon	110
	Diana Estates, Inc.	Lebanon/Califon	122
	Moros, P. & D.	Tewksbury	65
	Simpson, R., Jr. & A.	Tewksbury	73
	Gyuro-Sultzer, N.	Union	83
	Sayreville Boro/Dieker, M	Sayreville	17
Middlesex	Cantor, J.	Chester	48
Morris Salem	Salem Farms Corp #1	Mannington	368
	Salem Farms Corp #2	Mannington	280
	Salem Farms Corp #3	Mannington	319
	Salem Farms Corp #4	Mannington	359
	Salem Farms Corp #5	Mannington	126
	Salem Farms Corp #6	Mannington	320
Somerset	Sutton, A. & J.	Branchburg	76
	Franklin Twp/Suydam Assoc.	Franklin	131
	Griggstown Quail Farm	Franklin	65
Sussex	Pattison, W. & C.	Andover	110
	Hauck, M.	Wantage	68
Warren	Kronyak, D. & P.	Hardyston/Lafayette	110
	Duckworth, D. & E.	Harmony	130
	Sosnovik, E. & D.	Hope	65

Related Programs

Right to Farm

The SADC manages the Right to Farm Program in partnership with New Jersey's 18 county agriculture development boards (CADBs). Under the Right to Farm Act, farm owners and operators are protected from restrictive municipal ordinances and public and private nuisance actions, provided they operate responsibly in accordance with state guidelines and meet certain other criteria. In the event of disputes, formal complaints must be filed with the appropriate county agriculture development board or the SADC before any court actions can be heard.

The SADC in 2008 responded to 120 right-to-farm inquiries. The Committee issued one determination through the formal dispute resolution process, finding that a Monmouth County rodeo operation had not demonstrated sufficient proof that the operation met income eligibility requirements to qualify as a commercial farm and, therefore, was not eligible for right-to-farm protection.

The SADC arranged for mediation for four cases through its voluntary mediation program. Agreements were reached in three cases while efforts to resolve the remaining case were continuing at the end of the year. Mediation is an informal and often more amicable alternative to the formal right-to-farm dispute resolution process. It is conducted by trained and impartial mediators, and requires the participation and cooperation of all parties.

CADB made decisions on 10 requests from farmers for site-specific agricultural management practices (www.nj.gov/agriculture/sadc/rtfprogram/amps/siteamps/determinations.html). This is a process in which a CADB reviews a farm's specific operation or practices to determine whether they conform to generally accepted agricultural management practices. Granting of a site-specific agricultural management practice helps guard the farm against future or potential right-to-farm complaints.

The SADC in June adopted major new rules that expand the list of equine-related activities eligible for right-to-farm protection, establish an agricultural management practice that sets forth the standards farmers need to meet to qualify for that protection and detail what income may be used to satisfy the production requirement in the definition of "commercial farm" in the Right to Farm Act. (www.nj.gov/agriculture/sadc/ruleprop/recentlyadoptedrules.html).

The rules extend eligibility for right-to-farm protection to embrace the wide variety of equine-related activities that take place on New Jersey's horse farms, including the boarding, keeping, training and rehabilitation of horses. Associated complementary activities also are eligible for right-to-farm protection under the new rules, including clinics, open houses, demonstrations, educational camps, farm events, competitions and rodeos, as long as these complementary activities are related to the marketing of horses that are raised, bred, kept, boarded, trained or rehabilitated on the farm, and are in compliance with municipal requirements.

The rules allow a County Agriculture Development Board to set a maximum limit on equine-related buildings, parking areas and other improvements to ensure farms retain a reasonable agricultural production component or capacity. The allowable range is 15 to 25 percent of the first 150 acres of total usable area plus 10 percent of all additional acres of total usable area above the first 150 acres. Total usable area includes all land that is in or available for farming (i.e., the gross lot area minus any unusable wetlands and minus the area devoted to a farm's house).

The SADC in early 2008 published the brochure "Farmer-to-Farmer Advice for Avoiding Conflicts With Neighbors and Towns," a collection of advice, tips and strategies farmers have used to avoid conflicts and maintain good relationships with their neighbors and municipalities. Information in the brochure also was shared in presentations to farmers at a series of conferences in 2008, including the Northeast Organic Farming Association of New Jersey's conference, the State Agricultural Convention, the New Jersey Nursery and Landscape Association's South Jersey Growers Conference, an open meeting of the New Jersey Horse Council, Rutgers Cooperative Extension's North Jersey Commercial Fruit Growers meeting, and a New Jersey Agricultural Leadership Development Program seminar. Of the more than 250 farmers surveyed after they received this information, 89 percent identified at least one strategy they planned to apply on the farm that year. The brochure is available on the SADC's website at www.nj.gov/agriculture/sadc/publications/farmersadviceforavoidingconflicts.pdf.

Farm Link

The SADC assists new and established farmers in identifying farming opportunities through its Farm Link Program. Farm Link is a resource and referral center for new and established farmers seeking access to land, farming opportunities, and information on estate and farm transfer plans, and for landowners looking for farmers to work their land. Farming opportunities include farms for lease, farm partnership and farm manager opportunities, apprenticeships, and preserved farms for sale.

The Farm Link Program maintains online listings of farming opportunities where farmers and landowners post short profiles of farming opportunities that are sought or that are available. As of December 2008, there were 103 active farm-seeker listings and 85 farming opportunities available (www.nj.gov/agriculture/sadc/farmlink/).

Farmland Stewardship

The Farmland Stewardship Program addresses post-closing requests related to preserved farmland, conducts annual monitoring of preserved farms on which the SADC holds the easements, coordinates county monitoring efforts, and investigates potential violations of the farmland preservation deed of easement.

The SADC formally took action on 14 landowner requests to divide the premises of preserved farms; 8 requests for agricultural labor housing on preserved farms; 2 requests to replace existing residences on preserved farms; and three requests related to exercise of

Residual Dwelling Site Opportunities (RDSOs) on preserved farmland. An RDSO allows for construction of a single-family residential unit for agricultural purposes, subject to SADC and county agriculture development board approvals.

The SADC in early 2008 determined that extensive earth movement and grading in preparation for greenhouses on a farm in Franklin Township, Hunterdon County, violated the farmland preservation deed of easement. At the request of the SADC, the Attorney General's office successfully secured a preliminary injunction in Superior Court to stop destruction of soils on the farm and is pursuing further legal steps to seek remediation of the disturbed area. The SADC in late 2008 formed an Agricultural/Horticultural Improvements Subcommittee charged with developing a better understanding of the effects of soil disturbance and construction of improvements on preserved farms in order to help formulate the SADC's future policy direction on these issues.

Transfer of Development Rights (TDR)

The State Transfer of Developments Rights Bank works to support development potential transfers in municipalities that have adopted or are considering adopting development transfer ordinances.

Woolwich Township in Gloucester County adopted a transfer of development rights (TDR) ordinance in October, making it the first municipality to approve a TDR program since the 2004 State TDR Act made municipal TDR available to towns statewide. Prior to that, TDR was available only to Burlington County municipalities as a pilot program. Woolwich Township, one of the fastest-growing municipalities in the state, is seeking to protect up to 4,100 acres of farmland and manage growth through a planned approach using both TDR and purchase of development rights under the Farmland Preservation Program.

The State TDR Bank Board in July awarded \$40,000 planning assistance grants to Mansfield Township and North Hanover Township in Burlington County. Mansfield Township is exploring TDR to redirect remaining growth potential on its agricultural lands to the village of Columbus, while North Hanover is aiming to help retain its agricultural land base and promote development and redevelopment adjacent to and within three existing centers – Sykesville, Cookstown and Jacobstown.



Then-Assemblyman Douglas H. Fisher – now Secretary of Agriculture – congratulates Woolwich Township Mayor Joe Chila (far left) on the township's adoption of a TDR ordinance as then-Secretary Charles M. Kuperus and Senator Stephen Sweeney look on.

Looking Forward

Preserving farmland is only the first step in ensuring that New Jersey retains its farmland and a thriving agricultural industry. As the number of preserved farms continues to grow, the SADC is devoting substantial efforts to making sure preserved farmland remains available for its intended agricultural use.

The SADC over the coming year will work to develop clear guidance for landowners and other farmland preservation partners regarding the allowable extent of agricultural or horticultural infrastructure on preserved farms. Farms require a certain degree of barns and other structures to be successful, viable operations. However, the erection of structures and the use of certain soil management practices – depending on their nature and extent – can cause irreversible harm to soil and water resources, and the ability of preserved farms to support a variety of agricultural uses in the future.

While the farmland preservation deed of easement allows landowners to construct buildings for agricultural purposes, it also prohibits activity harmful to soil and water resources, or that would be detrimental to the continued agricultural use of the farm. The SADC is seeking to reconcile these provisions to provide a clear and reasonable method to use in interpreting the deed of easement. The SADC's overriding goal is to protect the ability of the land to support agricultural production into the future while recognizing the infrastructure needs and changing nature of the agricultural industry.

The SADC also has established a subcommittee that will examine various other provisions of the deed of easement to determine where it may be necessary to clarify or refine related policies, rules or other criteria. This includes provisions dealing with areas such as residential housing opportunities, agricultural labor housing and divisions of the premises. The purpose of the review is to verify that decision-making by the SADC and its county partners continues to further farmland preservation goals and protect the use of the land for agriculture over the long term.

Finally, the SADC is working closely with county agriculture development boards to coordinate and enhance monitoring of preserved farms, which must be inspected annually to ensure the land is being maintained in accordance with the farmland preservation deed of easement.

In the months and years ahead, the SADC is committed not only to preserving more farms, but to protecting the farms that have already been preserved and to protecting the public's investment in farmland preservation.



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