

May 24, 2007 SADC Meeting Highlights

Secretary's Report

Monmouth County celebrated the preservation of its 10,000th acre of farmland with a May 23rd event at the Ernst farm in Upper Freehold Township. Monmouth County is the seventh county in the state to reach the 10,000-acre milestone for preserved farmland.

Executive Director's Report

Bills that would appropriate \$97 million for farmland preservation in FY2008 have cleared the Assembly Appropriations Committee and are awaiting a date for action in the Senate.

The TDR Bank Board will sponsor a day-long informational session on TDR geared toward showing municipal officials, professional planners and environmental commission members how TDR can provide for resource protection while accommodating the need for appropriate growth. The seminar will be held June 8th at the University Inn and Conference Center at Rutgers, New Brunswick.

Adoption of Proposed New Farmland Preservation Rules

The Committee voted to adopt new and amended rules to streamline and improve farmland preservation processes to make the program more predictable, efficient and effective while continuing to ensure a high degree of accountability to the public. The proposed rules include establishment of a new County Planning Incentive Grant program that will require counties to develop comprehensive farmland preservation plans, provide them with block grant-type funding that will enable them to preserve any eligible farms in their project areas, reward counties that expand funds in a timely manner with the potential for additional funding, and shorten the timeframe from receipt of applications to closings. The proposed rules also include process improvements to the SADC's municipal planning incentive grant program and state acquisition program, as well as the establishment of minimum eligibility criteria for participation in the Farmland Preservation Program. The rules are expected to be effective and published in the New Jersey Register on July 2nd.

Draft Policy – Septic Systems to Service Exception Areas

The SADC approved distribution of a draft policy that addresses whether and when landowners may place a septic system on the preserved portion of the farm when they are not able to obtain a septic permit within the exception area. The draft policy applies only to nonseverable exception areas. The draft will be distributed as a preproposal to counties, municipalities and nonprofits for informal comment and feedback. Following review of comments, the SADC will consider presenting a formal rule for the SADC's approval.

FY2008 County Easement Purchase Round

The SADC received 112 valid offers from landowners competing to sell their development rights under the FY2008 County Easement Purchase Program. This year's process resulted in Monmouth County farms qualifying for 42 percent of the available \$45 million in state funding – the highest percentage that any one county qualified for in a single round since the Garden State Preservation Trust (GSPT) was established. The SADC discussed its statutory mandate under the GSPT to ensure “the expenditure and allocation of constitutionally dedicated monies for farmland preservation purposes reflects the geographic diversity of the State to the maximum extent practicable and feasible.” The Committee directed that staff determine how much funding each county has received since the beginning of the GSPT to clarify the distribution of funding among

counties over the long term. The SADC will issue final approvals to farms in this round at its June 28th meeting.

Adoption of 2007 SADC Appraiser Handbook

The SADC adopted its 2007 Appraisal Handbook, which includes amendments to the appraisal order checklist, clarification regarding the use of update letters in place of appraisals, addition of the federal definition of market value and other changes. The SADC's annual Appraisers Conference will be held June 6th at the Holiday Inn-East Windsor.

County Agricultural Profiles

SADC staff has compiled and distributed state and county agricultural profiles – a collection of statistical and geographic data – as well as other information to assist counties in preparing County Comprehensive Farmland Preservation Plans. Staff will continue to work with CADB administrators, county planners and their consultants to provide updated data throughout the planning process.

Municipal Farmland Preservation Plan Guidelines

The SADC adopted guidelines for developing or updating Municipal Comprehensive Farmland Preservation Plans, which are required for municipal applicants to the planning incentive grant program. The guidelines will be distributed to all planning incentive grant municipalities, as well as the 50 municipalities with the most agricultural land in the state.

Clarification Regarding Farm Markets on Preserved Farmland

The SADC will provide correspondence to the owner of Glenn Summit Nursery in Alexandria Township, Hunterdon County, to clarify questions raised regarding whether the landowner is permitted under the deed of easement to rent the farm market to another operator to sell plants and garden materials, including plants and related items not grown on the farm. The letter will clarify that, consistent with the SADC's previous interpretation involving the sale of items from a retail farm market on the Plum Farm in Plumsted Township, the sale of agricultural or horticultural products grown on the premises or on property owned or leased by the operator is consistent with the deed of easement. Furthermore, the farm operator may sell related commodities not grown on the premises or on other property he leases or owns as long as a minimum of 51 percent of the annual gross sales of the retail farm market is generated from sales of agricultural output of the farm. The SADC is requesting a summary of related commodities to determine if, in fact, the items are deemed "related commodities." This is consistent with requirements for commercial farms to receive protection under the Right to Farm Act. Following further research of farm markets, the SADC plans to propose a policy and ultimately a rule that will incorporate a standard for farm markets on preserved farmland.

Atlantic County

The SADC granted preliminary approval to the Merlino Farm in Hammonton and Mullica Township under the direct easement purchase program.

The SADC granted final approval to the Morrongiello/Osgood Farm in Galloway and Hamilton townships under the direct easement purchase program.

Burlington County

Final approval was granted to the Ackerman Farm in Pemberton Township under the 2000A planning incentive grant round.

Cumberland County

The SADC granted preliminary approval to the Sheppard and S.F. Systems Co. farms in Lawrence Township under the direct easement purchase program.

The SADC granted final approval to the Morrissey Farm in Fairfield Township under the direct easement purchase program.

Gloucester County

The SADC granted final approval to the Keefer Farm in South Harrison Township under the direct easement purchase program.

Hunterdon County

The SADC approved a request to construct a two-story duplex structure and provide for a second-floor efficiency apartment in a new breeding barn, both for agricultural purposes, on the Deo Volente Farms in Franklin Township.

The SADC granted amended final approval to the Tauber Farm in Tewksbury under the 2004A planning incentive grant round, contingent on receipt of an \$8,550/acre grant from the Federal Farm and Ranch Lands Protection Program to cover a portion of Hunterdon County's cost-share.

The SADC granted final approval to the Balogh Farm in Holland Township and the Gyuro-Sultzer Farm in Union Township under the direct easement purchase program.

The SADC granted preliminary approval to the Jungblut and Danese farms in Delaware Township under the New Jersey Conservation Foundation's 2006 and 2007 nonprofit grant applications for the preservation of the Wickecheoke Creek Project Area.

The SADC granted preliminary approval to the Eker Farm in Kingwood Township and the Harwick and Slate farms in Holland Township under the Hunterdon Land Trust Alliance's 2005 and 2007 nonprofit grant applications. Preliminary approval of the Harwick Farm is contingent on moving an exception area outside of productive fields.

Mercer County

Final approval was granted to the Foster Farm in Hopewell Township under the 2004A planning incentive grant round.

Morris County

The SADC denied a motion for a stay of its final decision in the matter of Barbara Hertz of Lincoln Park Borough, in which the SADC concluded that her operation is not a "commercial farm" entitled to Right to Farm protection, and that the SADC did not have primary jurisdiction over this matter. The case involved a complaint filed by Lincoln Park Borough with the Morris County Agriculture Development Board, alleging placement of litter, refuse and rubbish in violation of the borough's zoning ordinance.

Final approvals were granted to the Willemsen and Porter farms in Mendham Township under the 2005A planning incentive grant round.

The SADC granted final approval to the Cantor Farm in Chester Township under the direct easement purchase program.

Somerset County

The SADC approved a revised request for a division of the premises on the Gallup Farm in Montgomery Township, contingent on the Somerset County Agriculture Development Board amending its original subdivision approval resolution to reflect the modified request.

Final approvals were granted to the Drake Farm in Montgomery Township under the 2005A planning incentive grant round and the Zamek Farm in Hillsborough Township under the 2007A planning incentive grant round.

The SADC granted final approval to the Sutton Farm in Branchburg Township under the direct easement purchase program.

Warren County

The SADC granted final approval to the Duckworth Farm in Harmony Township under the direct easement purchase program.