

June 28, 2007 SADC Meeting Highlights

Secretary's Report

The Department of Agriculture continues to closely watch the latest version of the Farm Bill currently being drafted in Washington. New Jersey and other states have a lot riding on this process, since the decisions that are being made now will affect how the federal government helps our agricultural industry over the next five years. While the Northeast produces more than 5 percent of the market value of agricultural products, it has traditionally received just a little over 1 percent of the Farm Bill's conservation dollars.

SADC Chief of Legal Affairs Marci Green will be leaving to take a new job managing leases with the Department of Environmental Protection.

Orrie Terpstra, co-founder and longtime chair of the Warren County Agriculture Development Board, died early this month. He was a highly regarded advocate for not only farmland preservation but for the entire agricultural industry.

Executive Director's Report

The SADC's 2008 appropriation bills were passed by the Legislature and are awaiting the Governor's signature.

The Legislature approved and Governor Corzine is expected to sign legislation authorizing the issuance of \$200 million in bonds for open space, farmland and historic preservation, and the acquisition of flood-prone properties. The measure is subject to voter approval and will be on the November ballot this year. With Garden State Preservation Trust funding nearly depleted, the legislation will provide preservation funding for another year through FY2009. The funding allocation provides \$73 million for farmland preservation, \$109 million for open space -- which maintains the 40-60 farmland/open space funding split -- \$12 million for Blue Acres (flood acquisitions) and \$6 million for historic preservation.

The SADC's new and amended rules to streamline and improve farmland preservation processes will be published in the New Jersey Register and be effective on July 2nd.

Proposed rules that would provide for commercial nonagricultural activities to occur, and personal wireless service facilities to be erected, on preserved farmland under certain circumstances will be published in the New Jersey Register on July 16th. They will be subject to a 60-day public comment period before the SADC considers them for adoption.

FY2008 County Easement Purchase Round

The SADC granted final approval to the top-ranked 57 farms totaling 3,514 acres with the \$45 million allocated to the FY2008 county round. To maximize geographic distribution of funds and efficiently process as many applications as possible, the SADC took two further actions to expand the number of farms funded through this round. It approved the preservation of eight additional Warren County farms covering 516 acres -- all located in the Highlands Preservation Area -- using \$1.88 million from the SADC's Highlands Appropriation. It also approved the transfer of two Cumberland County farms totaling 829 acres and one Sussex County farm totaling 67 acres to the State Acquisition Program to be preserved at a total SADC cost of \$1.92 million. All three farms qualify as "priority" farms under that program. Counties will be required to provide the same cost-share as under the county program.

SADC Approved Appraiser List

The SADC certified its list of approved appraisers who are qualified to appraise properties for the Farmland Preservation Program.

Monmouth County

The SADC upheld the hearing officer's recommendation in the Brickyard LLC right-to-farm case involving the clearing of trees, importation of truckloads of fill material and re-grading of land on a Howell Township farm. The landowner claimed to have conducted these activities to prepare the land for growing pasture grasses, cover crops and flowers, and to restore the area for horseback riding. Howell Township and neighbors complained the activities were conducted to further Brickyard's plans to develop the property for residential use, since the landowner had applied to subdivide the property into residential lots. Specifically, the SADC found that a landowner's application cannot preclude him from receiving protections of the Right to Farm Act, absent any rule or statutory provision specifically limiting the protections; that Brickyard failed to establish it conformed to generally accepted agricultural management practices for the removal of trees outside of a horse track area, importation of fill and re-grading of the land, as it failed to obtain a forest management plan and farm conservation plan prior to conducting these activities, and therefore is not entitled to protection of the Act for these activities; and that the cutting of brush, vegetation and young trees in the interior of the horse track area was done in conformance with generally accepted practices and is therefore entitled to protections of the Right to Farm Act. The matter now will be referred to the county agriculture development board for a hearing.

The SADC granted final approvals under the planning incentive grant program to the Amdur and Hammond farms in Colts Neck Township (2003A).

Morris County

The SADC approved a request to construct a two-story, approximately 1,600 square-foot agricultural labor unit on the Greenfield Farm in Washington Township

Salem County

The SADC granted amended final approval to the Ostrum Farm in Pilesgrove Township under the planning incentive grant program (2005A) to reflect changes to the application and provide for use of Federal Farm and Ranch Lands Protection Program grant funds toward the SADC cost-share.

The SADC approved a request to replace the single-family residence on the Melchert Farm in Upper Pittsgrove Township, provided that the existing house is removed with 30 days of the issuance of a certificate of occupancy on the new house and that the area where the existing house is located be made available for agricultural production.

Somerset County

The SADC granted amended final approval to the Johnson Farm in Montgomery Township under the planning incentive grant program (2005A) to include a 5 percent impervious coverage requirement requested by the Township and approved by the landowner and to clarify terms for its leaf composting operation.

Warren County

The SADC adopted the initial decision of an Administrative Law judge in the Petty right-to-farm case, involving the construction of a barn on the landowner's farm in Franklin Township. Franklin Township denied a permit based on the lack of municipal road frontage and because the site does not have a primary structure to support the accessory building. Mr. Petty then applied to the Warren County Agriculture Development Board (CADB) for approval to construct the barn, pursuant to the Right to Farm Act. Following a hearing, the CADB adopted a resolution determining that the Township should immediately issue the appropriate permits for construction of the building. Franklin Township appealed that resolution to the SADC, which transmitted it to the Office of Administrative Law for a hearing. The SADC adopted the law judge's finding upholding the CADB's approval for construction of the barn.

The SADC granted final approval under the planning incentive grant program to the Denjoe Farm in Harmony Township (2001B) and the Greene Farm in Frelinghuysen Township (2007A).