

September 24, 2009 SADC Meeting Highlights

Secretary's Report

Secretary Fisher expressed appreciation to the SADC members, State Board members and others who attended a day-long tour of various agritourism operations and farm markets. These types of tours are valuable in providing members a first-hand perspective of various agricultural issues from the field.

Executive Director's Report

The new SADC member representing the Department of Community Affairs is Donna Rendeiro, Interim Executive Director of the Office of Smart Growth.

Governor Corzine in August signed the SADC's FY09 appropriations bill. The Treasurer's Office has provided the SADC with a portion of that funding so the SADC can immediately begin to process closings. Counties are encouraged to send in closings for projects associated with those appropriations bills.

Keep It Green – a group of nonprofit and conservation organizations, including New Jersey Farm Bureau, that is advocating for the \$400 million open space ballot question – will hold a kick-off event for its campaign at 1 p.m. on September 29th in Trenton. Of the \$400 million, \$146 million would be allocated for farmland preservation.

Public Comment

Donna Traylor, administrator of the Sussex County Agriculture Development Board, announced that Sussex County has a new farmers market located at the Sussex County Fairgrounds in Augusta. Only Sussex County farmers will participate and all products sold will either be Sussex County grown or Jersey Fresh. The market will be open Saturdays from March through November.

Burlington County landowner William Pettit Jr. raised concerns regarding the consistency of monitoring of preserved farms as it pertains to nonagricultural uses (e.g., airstrips, an agricultural museum and veterinary practice). He does not find fault with those uses but believes all preserved farms should be monitored fairly. Executive Director Craft noted that Mr. Pettit has previously brought similar issues to the SADC's attention and in those cases staff has contacted and informed the appropriate counties that hold the development easements. Staff also has scheduled follow-up meetings with counties on these issues.

William Pettit Sr., who was an SADC member for eight years, said he believes the SADC should allow every farm preserved in the Farmland Preservation Program's earlier years to except some of their land out for buildings to make nonagricultural uses possible.

Farm Tour Visits

Several SADC members and staff visited four preserved farms in early September – the Russo farm in Chesterfield Township; Hallock Farms in Plumsted Township; Stults farm in Cranbury/Plainsboro and Johnson's Corner Farm in Medford. The primary purpose of the visits was to increase understanding of farm markets and the growing agritourism sector of the agricultural industry. The visits will help the Committee in two areas: identifying to what extent these activities are, and should, be permitted on preserved farmland, and in assessing the issues involved in farm-market and agritourism-related Right to Farm (RTF) disputes.

Certification of New Mediator

The SADC approved adding Katherine Buttolph, Esq., to the list of certified mediators for the Agricultural Mediation Program.

Final Summary Report on “Farmer to Farmer Advice for Avoiding Conflicts with Neighbors and Towns”

From 2007-2008, the SADC coordinated a collaborative grant project designed to collect, compile and present farmers’ advice and strategies on what they do to maintain good relations with neighbors and municipalities, and proactively avoid Right to Farm disputes. The project consisted of development of a brochure and related discussions at various agricultural conferences. Evaluation forms completed by participating farmers indicated that 89 percent found that as a result of either attending a farmer-panel presentation or reviewing the booklet and/or discussing it, they had a better understanding of the risks and benefits associated with relationships with neighbors and towns. A report detailing additional findings will be distributed to various agricultural groups.

Eight Year Programs

The SADC certified an Eight-Year Program for the Donald and Judith DeFiccio farm in Hammonton, Atlantic County.

Soil and Water Conservation Grants

The SADC approved soil and water conservation cost-sharing grants for Christopher Sullivan and Coral Silsbe in Manalapan, Monmouth County (\$4,592.50), and Hisha Moharram in Plumsted, Ocean County (18,536.80).

Preliminary Approval

The SADC granted preliminary approval to the Hunterdon Land Trust Alliance/Stamets farm, Holland Twp., Hunterdon County (Nonprofit Program).

Final Approvals

The SADC issued final approvals to the following FY09 Municipal Planning Incentive (PIG) Grant plans:

Manalapan Township, Monmouth County
Hope Township, Warren County

The SADC issued final approval to Somerset County’s FY10 County PIG Plan.

The SADC issued final approvals for the following farms:

County Planning Incentive Grant Program
Vermeulen farm, Branchburg Twp., Somerset County
Hoynes farm, Bedminster Twp., Somerset County,
Belliveau farm, Hillsborough Twp., Somerset County
Warren County/Wattles #1 farm, Mansfield Twp.
Warren County/Wattles #2 farm, Mansfield Twp.
Demeter #1 farm, White Twp., Warren County
Motyka farm, Hope Twp., Warren County

County Easement Purchase Program

Passaic County/Kuehm Farm in Wayne Twp., Passaic County
Goldsborough farm, Greenwich Twp., Cumberland County (amended final approval)

Nonprofit Program

Land Conservancy of New Jersey/ R. Santini farm, Franklin Twp., Warren County
Land Conservancy of New Jersey/Bain Farm, Frankford Twp., Sussex County
Upper Raritan Watershed Association/Murphy farm, Bedminster Twp., Somerset County

State Acquisition (Easement)

Dubois farm, Pittsgrove and Upper Pittsgrove Twps., Salem County
Nitshe farm, Upper Pittsgrove Twp., Salem County

Stewardship

The SADC approved replacement of an existing single-family residence and construction of a 400 square-foot agricultural labor unit on the Taffet (formerly SADC/Heil Farm) in Alloway Twp., Salem County.

Stormwater Management on Preserved Farms

The SADC discussed requests from two landowners in Tewksbury Township, Hunterdon County, to construct stormwater retention basins on preserved farmland to service improvements located within and outside exception areas to comply with Department of Environmental Protection Water Management rules. These requests prompted discussion of whether the basins would be detrimental to the continued agricultural use of the premises, and therefore, would constitute a violation of the deed of easement. Given that there is no SADC policy addressing the construction of stormwater management facilities and the landowner proposals were not at such a scale that the SADC believed they would constitute a violation of the deed of easement, the SADC approved the two requests. The SADC will look at these two cases to help develop a future procedure for addressing stormwater management on preserved farms. Once that is approved by the SADC, notice will be provided to counties and landowners for future cases.

Readoption of N.J.A.C. 2:76

The SADC voted to readopt its rules at N.J.A.C. 2:76 without change. Three public comments were received, expressing concern about the SADC adopting regulations to address stormwater runoff and impervious cover. The SADC agreed they are issues of concern, are being studied and at the appropriate time will be addressed through the adoption of regulations.

N.J. Turnpike Project

The SADC delegated to Secretary Fisher and Executive Director Craft the authority to approve final appraised values of preserved farmland subject to eminent domain takings in connection with the N.J. Turnpike widening project. For acquisitions that affect preserved lands, the State and counties have financial interests in easements being taken. To expedite the process, the SADC delegated the authority to approve appraised values based on positive recommendations from the SADC review appraiser that the values being offered reflect adequate compensation to the SADC. It was pointed out that the SADC is not the primary negotiator nor is it negotiating for landowners. Its role is limited to ensuring that the appraisals are accurate and are justified from the SADC's perspective.

Committee Interpretations

Staff sought guidance from the Committee regarding an application under the Direct Easement Purchase Program for the Cervini Farm in Vineland, Cumberland County – specifically regarding the number of future housing opportunities the SADC would approve within the severable exception area on the farm. The application includes multiple structures within a 40-acre severable exception on a 525-acre farm – formerly part of the Training School of Vineland – including five houses, 3 schoolhouses, 2 maintenance buildings and a church all in need of rehabilitation. The SADC approved allowing the applicant to renovate or refurbish up to 8 existing houses or structures and for two additional houses on two lots on the exception area that the landowner intends to subdivide in the future.

Acceptance of easement donations – consideration of minimum standards

The SADC has received two requests to donate easements into the Farmland Preservation Program, neither of which meets the SADC's minimum eligibility standards. In light of the additional administrative resources necessary to process, administer and enforce donated easements, staff sought general guidance from the SADC on whether it wishes to accept or limit applications for donated easements. The SADC directed that staff bring such applications before it on a case-by-case basis.