

# **30 Years of Preserving Farmland ...**



## **... and Protecting the Right to Farm**

2013 Annual Report  
State Agriculture Development Committee

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## Introduction

New Jersey's Farmland Preservation and Right to Farm Programs marked their 30th anniversary in 2013. The Agriculture Retention and Development Act, which established the Farmland Preservation Program, and the Right to Farm Act, which protects responsible farmers from unreasonable public and private nuisance actions, were signed into law on January 26, 1983. They were intended to work together to permanently preserve a stable land base for agriculture and to ensure that farmers could be economically successful free of undue constraints on their operations.

Three decades years later, both programs are nationally recognized – the Farmland Preservation Program for its degree of public support and the preservation of more than one-quarter of New Jersey's farmland base, and the Right to Farm Program for farmer protections that are among the strongest in the nation.

There have been many notable achievements and developments in farmland preservation and Right to Farm over the past 30 years, and several are spotlighted in the timeline in this report.

Important developments in 2013 included the State Agriculture Development Committee (SADC) proposing new rules to establish an agricultural management practice (AMP) for on-farm direct marketing activities and events. The AMP, adopted in April 2014, sets forth performance-based standards that provide farmers with greater certainty of Right to Farm protection and assist county agriculture development boards, municipalities and the public in understanding acceptable agricultural practices for these activities.

Continuing cooperative farmland preservation efforts lifted New Jersey's farmland preservation totals to more than 2,200 farms covering approximately 207,000 acres permanently protected under the Farmland Preservation Program at year's end. A total of 18 counties and 46 municipalities have developed comprehensive farmland preservation plans that will help target the preservation of more than 208,000 acres over the next 10 years. The N.J. Department of Agriculture estimates that New Jersey ultimately will need to preserve an additional 350,000 acres of farmland in order to ensure an adequate land base to sustain New Jersey's agricultural industry in the future.

The SADC is committed to continuing to work with its partners at all levels of government and in the nonprofit community to ensure that New Jersey continues to build on its success in farmland preservation and Right to Farm for the next 30 years and beyond.

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1983

*The State Agriculture Retention and Development Act and Right to Farm Act are signed into law to establish the Farmland Preservation Program and to protect responsible commercial farmers from nuisance complaints*

## Agricultural Retention

The goal of farmland preservation is to permanently protect a stable and adequate land base that will support a strong agricultural industry in New Jersey now and in the future. The SADC, in cooperation with farmland preservation partners, marked several notable milestones and developments toward that goal in 2013.

### Funding

Governor Christie in February 2013 signed into law bills that appropriated \$79.5 million to help counties, towns and nonprofit organizations preserve farmland, and to also fund State-initiated farmland preservation efforts. Specifically, the bills provided: \$38.5 million in grants to assist counties in preserving farmland under the County Planning Incentive Grant Program; \$16.25 million in grants to help 31 towns preserve farmland under the Municipal Planning Incentive Grant Program; \$20.64 million for the SADC to directly preserve farms statewide under its State Acquisition Program; and \$4.1 million in grants to assist four nonprofit organizations in preserving farmland under the Nonprofit Program. This represented the remaining funding available as the result of the 2009 voter-approved bond referendum. The administration continues to consider options for future program funding.

### Farmland Preservation Totals

Seventy-five farms covering 5,919 acres were permanently preserved in 2013, including 8 farms covering 792 acres in the Pinelands and 10 farms covering 842 acres in the Highlands. At year's end, a total of 2,220 farms covering 207,081 acres

had been preserved under the Farmland Preservation Program since its inception, including 97 farms covering 12,675 acres in the Pinelands and 462 farms covering 38,320 acres in the Highlands.

Through a November 2003 public question, the SADC had received \$30 million of additional funding that it earmarked for the preservation

of farmland in the Highlands region. Pursuant to subsequent appropriation bills (P.L. 2005, ch. 179, and P.L. 2006, Chapter 72), the SADC is required to issue a report listing the farms preserved using these monies. The charts on Pages 22-23 detail those expenditures and indicate that approximately \$28 million had been spent by year's end.

*The Kurek farm in Cranbury Township, Middlesex County, was preserved through the County Planning Incentive Grant Program.*



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### 1985

*Five farms in Chesterfield Township, Burlington County, are the first farms preserved under the state Farmland Preservation Program*

**Acquisition Outreach** – SADC staff in Spring 2013 conducted a series of five regional open houses to provide information to landowners who potentially had an interest in preserving their farms. The open houses, held in cooperation with many of the county agriculture development boards (CADBs), also offered an opportunity for owners of farms already preserved to obtain answers to questions regarding farmland preservation deed restrictions or other post-preservation issues.

### Planning Incentive Grant Programs

As a condition of receiving grant funding under the SADC’s Planning Incentive Grant (PIG) programs, counties and municipalities are required to develop comprehensive farmland preservation plans. These plans detail not only farmland preservation goals but they also examine and discuss other key strategies to help retain agriculture, such as agricultural land use planning, agricultural economic development, natural resource conservation and overall local government support for agriculture.

Thirty-seven farms covering 2,667 acres were preserved through the County Planning Incentive Grant Program in 2013. Additionally, one 161-acre farm was preserved under its predecessor program – the County Easement Purchase Program – for a total of 38 farms covering 2,828 acres preserved through grants to counties during the year.



*The Capozzi farm in Franklin Township, Gloucester County, was preserved through the SADC Direct Easement Purchase Program.*

Fifteen counties applied for funding appropriated to the County Planning Incentive Grant Program in 2013. Each participating county was eligible for a base grant of up to \$1 million. Any county that spends down its base grant is eligible to compete for additional monies from a \$25 million competitive fund while it lasts. The potential maximum grant to any county is \$6 million.

### Municipal Planning Incentive Grant Program

Seventeen farms covering 751 acres were preserved under the Municipal Planning Incentive Grant Program in 2013. Of the 31 towns that applied for additional funding appropriated to the program in 2013, three towns participating in the program for the first time are eligible for \$750,000 each and the remaining towns are eligible for \$500,000 each.

### State Acquisition

The SADC also purchases development easements directly from landowners

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**1988**

*The SADC adopts its policy setting forth criteria for ranking applications and establishes an annual application cycle*



to preserve farmland through its Direct Easement Purchase Program. Eleven farms totaling 1,660 acres were preserved through Direct Easement Purchase in 2013.

### **Nonprofit Program**

Under this program, the SADC provides cost-sharing grants to nonprofits to assist them in preserving farmland. Nine farms covering 680

acres were preserved under the Nonprofit Program in 2013.

### **Eight-Year Program**

Landowners have the option to protect their land for a period of eight years, rather than permanently. While they do not receive compensation for this, they do qualify for certain benefits of the permanent preservation program, including eligibility to apply for cost-sharing grants for soil and water conservation projects when such funding is available. The level of landowner participation in eight-year programs is directly related to the availability of funding for soil and water conservation projects.

In 2013, landowners enrolled two farms totaling 93 acres in new eight-year programs, and renewed enrollment of four farms totaling 97 acres in existing programs. By year's end, 90 farms totaling 5,996 acres were enrolled in eight-year programs.

### **Soil and Water Conservation Cost-Share Program**

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

With funding currently unavailable to approve cost-sharing grants for new soil and water conservation projects, the SADC and Department of Agriculture are continuing to explore potential sources of future funding for the program. The SADC in 2013 paid out approximately \$86,000 in cost-sharing grants for seven previously approved soil and water conservation projects – one on a farm enrolled in an eight-year program and the remainder on permanently preserved farms.

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**1990**

*The Farmland Preservation Program reaches its first significant milestone – the preservation of 10,000 acres of farmland in 10 counties*

## Planning for Farmland Preservation and Agriculture

The SADC promotes planning for farmland preservation and agriculture across the state, including by coordinating with counties and municipalities in the development and updating of comprehensive farmland preservation plans; conducting strategic farmland preservation targeting; developing Geographic Information System (GIS) resources; staffing the Transfer of Development Rights (TDR) Bank Board; coordinating with other State and regional agencies on the State Strategic Plan, Highlands and other initiatives; reviewing amendments to agricultural development areas (ADA) – areas targeted by county agriculture development boards where agriculture is the preferred use of the land; and reviewing amendments and non-agricultural project impacts on preserved farms and in ADAs.

### Comprehensive Farmland Preservation Planning

SADC staff continued to coordinate with counties and municipalities in the development and updating of their comprehensive farmland preservation plans. Eighteen counties and 46 municipalities have developed comprehensive farmland preservation plans that target the protection of more than 208,000 additional acres of farmland over the next 10 years.

### Non-Agricultural Project Reviews

SADC staff, in coordination with the Department of Environmental Protection and the Federal Energy Regulatory Commission (FERC), worked to evaluate and minimize impacts of four interstate natural gas pipeline projects, two local natural gas pipeline projects and three electrical power line projects on lands in agricultural development areas (ADAs) and/or on preserved farmland.

The State Agriculture Retention and Development Act (ARDA) requires a public body or utility to file a notice of intent with the SADC or CADB if it intends to spend monies on nonagricultural development projects or to exercise the power of eminent domain on land in an ADA. This provides an opportunity for the SADC and CADB to review the project, evaluate its impact on agricultural activities in the ADA and, if necessary, explore alternatives with the applicant to avoid or minimize impacts on agricultural resources.



*A lattice tower on the permanently preserved Pattison farm in Andover Township, Sussex County, is being replaced as part of PSE&G's Susquehanna-Roseland electrical transmission upgrade project.*

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1998

*The Right to Farm Act is amended to strengthen protections for farmers, including providing for pre-emption of municipal ordinances under certain circumstances*

If the Committee or Board finds that the project would adversely impact the ADA or State agricultural preservation and development policies, either agency may direct that no action be taken for 60 days. This allows for a public hearing to be held and a written report to be issued and made public containing recommendations, in order to inform the condemnation process and the development project.

In order for a public body to undertake these types of projects on preserved farmland, the ARDA requires that the Governor also must find that the project is necessary for the public health, safety and welfare, and that there is no immediately apparent feasible alternative. While interstate natural gas transmission projects possessing overriding federal authority are exempt from ARDA condemnation procedures, natural gas distribution utilities and electric utilities are not. For exempt interstate projects, the SADC still has a role in coordinating reviews with the DEP and the respective CADBs under the FERC process.

The SADC in 2013 continued to work with the New Jersey Turnpike Authority to resolve any site-specific impacts to farms in ADAs during Turnpike construction and, in cases where it was necessary to condemn small portions of preserved farmland, to ensure proper reimbursement for public dollars that were invested in preserving that land. The project required the acquisition of approximately 700 acres in ADAs in Burlington, Mercer and Middlesex counties, including 75 acres of permanently preserved farmland. The SADC in 2009 had found that the project would not cause unreasonable adverse effects on preserved farmland, ADAs or State agricultural preservation and development policies. Further, the Governor, at the SADC's recommendation, found that the project was necessary for the public health, safety and welfare and that there was no immediately apparent feasible alternative. Prior to this, SADC staff had coordinated with the Turnpike Authority, CADBs and affected landowners for at least three years to maximize impacts of the project.

The SADC in December formally reviewed PSE&G's proposed Susquehanna-Roseland electrical transmission upgrade project, which would affect 54 parcels totaling 118 acres in the Sussex and Morris County ADAs, including five preserved farms. The SADC found that the proposed route of the project is almost exclusively within existing utility rights-of-way and will have little or no permanent agricultural effects. As a result, the SADC found no unreasonable adverse impacts on preserved farms, ADAs, or State agricultural preservation and development policies. SADC staff had coordinated with PSE&G, CADBs and landowners to minimize agricultural impacts since PSE&G's filing of a notice of intent for the project in 2009. Staff will continue to work with those parties during and after construction to resolve any site-specific impacts to farms in the ADAs.

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1999

*The Garden State Preservation Trust Act is signed into law to provide a 10-year source of preservation funding and authorize establishment of the State Direct Easement Purchase and Nonprofit Grant programs, and an alternate valuation method for Pinelands farms*



2002

*The New Jersey Supreme Court upholds the Right to Farm Act's municipal pre-emption provision in cases where farmers can demonstrate a legitimate, agriculturally based reason for not complying with municipal regulations*

The SADC also worked to minimize the adverse impacts on land in ADAs and on preserved farmland resulting from three county bridge replacement or repair projects in Bergen, Burlington and Somerset counties; a county road widening project in Monmouth County; and a proposed new Municipal Utilities Authority well in Washington Township, Morris County.

### **Transfer of Development Rights**

The State Transfer of Development Rights Bank, located within, but not of, the SADC, continued to promote the use of transfer of development rights (TDR) and other density transfer tools for land preservation, and to assist municipalities in the establishment of these programs.

Woolwich Township, Gloucester County, and Berkeley Township, Ocean County, were particularly active in the pursuit of TDR. Woolwich is updating and amending its TDR implementation documents and finalizing provision of receiving-area sewer and water infrastructure. Berkeley Township adopted its TDR ordinance in June 2013 following State Planning Commission endorsement. State TDR Bank staff worked closely with Berkeley Township on plan development and continues to provide support toward implementation.

In addition to direct planning assistance, the State TDR Bank provides Planning Assistance Grants to aid municipalities in conducting the extensive research and proactive planning work required under the TDR enabling statute. Thirteen municipalities have received Planning Assistance Grants, for up to \$40,000 each, from the State TDR Bank. A total of \$240,000 has been distributed to date.

Governor Christie in August 2013 signed into law legislation that amended the Municipal Land Use Law to provide municipalities with enhanced ability to use contiguous and noncontiguous clustering and lot-size averaging for farmland, open space and historic preservation. State TDR Bank staff worked closely with New Jersey Future and others on this legislation. It requires municipalities that are clustering for farmland preservation purposes to use an agricultural restriction template prepared by the SADC or to obtain SADC approval of their deed restrictions. The SADC at year's end was drafting model deed restrictions.

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**2003**

*The Farmland Preservation Program celebrates the preservation of the 100,000th acre of farmland on the Giamarese Farm in East Brunswick*

## Agricultural Development

While preserving the land is critical to sustaining a strong agricultural industry, it is equally important to ensure proper stewardship of the land and to promote efforts that keep New Jersey's farms viable. Stewardship ensures that preserved farmland is maintained in accordance with the farmland preservation deed restrictions so that the land will always be available for agriculture. The SADC also administers a Right to Farm Program, in cooperation with its CADB partners, that protects responsible commercial farmers, and offers a Farm Link Program that helps farmers access the land and resources they need to be successful.

### Stewardship

Stewardship activities include evaluating post-closing requests from owners of preserved farms, conducting annual monitoring of preserved farms on which the SADC holds the easements, coordination of county monitoring efforts, and investigating potential violations of the farmland preservation deed of easement.

The SADC formally took action on the following requests related to preserved farms in 2013: two requests for house replacements; one request for agricultural labor housing; four requests for divisions of the premises; one request to exercise a Residual Dwelling Site Opportunity (RDSO), which allows construction of a single-family residential unit for agricultural purposes; one request to construct a new house in accordance with the deed of easement; and one request to construct a stormwater control basin on the premises for a driveway accessing a nonseverable exception area. The SADC reviewed activities on a Bergen County farm related to land clearing and grading to determine compliance with the deed restrictions. It also reviewed activities on a Somerset County equine farm for consistency with the farmland preservation deed restrictions and determined that equine shows are permitted on the farm under certain conditions because they are a necessary tool in marketing hunter/jumper horses bred, raised and trained on the farm.

The Committee approved six applications for the installation of solar energy generation facilities on preserved farms. To expedite the decision-making process, it also authorized the Executive Director to grant administrative approvals of solar energy facilities in certain cases – where the CADB or nonprofit has not submitted any comments about negative impacts from the application;



*The rooftop solar energy system on Fernbrook Farms in Chesterfield Township was among the solar energy projects on preserved farms approved by the SADC in 2013.*

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## 2004

*The Highlands Water Protection and Planning Act is signed into law and includes a dual appraisal valuation provision that allows land appraised for preservation to be valued based on pre-Highlands Act environmental laws and rules to protect landowner equity*

the solar energy facilities would result in no new impervious cover; and the facilities would provide power through net metering or supply power or heat directly to the farm outside of a meter. The Executive Director approved one solar facility application in 2013.

**Superior Court Rules on Soil Destruction** – A Superior Court judge in June 2013 ruled that a Hunterdon County commercial plant grower who destroyed at least 14 acres of a preserved farm must restore the land to its prior crop-growing capability. The prime farmland was leveled and excavated to construct greenhouses in 2007. The SADC determined through an expert evaluation that the qualities of the land that made it ideal for farming had been ruined, and that remediation would be required to attempt to restore the acreage to its prior condition. The decision was important in protecting the public’s investment in preserved farms, which have been permanently protected on the basis of having quality soils that can support agriculture now and in the future.

**E-Reporting Up and Running** – SADC staff continued to work with preservation partners to broaden use of a new electronic reporting system for monitoring and inspection of preserved farms. The system, which debuted in 2012, standardizes and simplifies the reporting process among the SADC, CADBs and nonprofits, and promotes consistency in enforcement of Deed of Easement restrictions for all preserved farms. The form at year’s end was being used by the SADC, 11 CADBs and several nonprofits to report results of annual monitoring visits. Staff will continue to work with other counties and nonprofits interested in participating in E-reporting.

### **Right to Farm Program**

The SADC manages the Right to Farm Program in partnership with New Jersey’s 18 CADBs. Under the Right to Farm Act, commercial farm owners and operators are protected from overly restrictive municipal ordinances and public and private nuisance actions, provided they operate responsibly and meet certain other criteria. In the event of disputes, formal complaints must be filed with the appropriate CADB or the SADC before any court actions can be heard.

**On-Farm Direct Marketing AMP Proposed** – The SADC in June 2013 proposed new and amended rules to establish an On-Farm Direct Marketing agricultural management practice (AMP) and streamline the Right-to-Farm site-specific AMP and complaint processes. The On-Farm Direct Marketing AMP was developed by an SADC working group that included farmers and representatives of New Jersey Farm Bureau, Rutgers University, CADBs and the planning community. It establishes performance-based standards that commercial farms must meet to be eligible for Right-to-Farm protection for retail farm markets and for various agriculture-related educational and farm-based recreational activities and events.

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## **2007**

*The SADC adopts sweeping new rules to streamline the Farmland Preservation Program, including establishing minimum eligibility criteria for all programs and promoting a planning-focused approach to preservation through the Planning Incentive Grant Program*

AMPs are important because they help farmers, towns and the public understand the acceptable standards for Right-to-Farm protection for certain activities. The proposed Right-to-Farm process rules clarify the roles of CADBs and the SADC in the review process and also identify hearing requirements for CADBs and the SADC when they are considering SSAMP requests and Right-to-Farm complaints.



In Spring 2013, SADC staff conducted extensive outreach to explain the proposed rules. Staff conducted more than a dozen presentations to CADBs and/or county boards of agriculture, and also held a webinar in June 2013 to reach those unable to attend one of the county outreach meetings.

Following the public comment period, the SADC in January 2014 approved adoption of the rules, which were effective upon publication in the *New Jersey Register* in April 2014.

**SADC Formal Right-to-Farm Determinations** – The SADC issued two final decisions in Right to Farm conflict resolution disputes. The first decision (Bailey/DuBrow’s Nurseries) upheld the Hunterdon CADB in its dismissal of a Right to Farm complaint against a nursery business in the absence of any allegation of a nuisance or violation of local ordinance that would necessitate the CADB to exercise its jurisdiction under the Right to Farm Act. The second decision (Adams) concerned a complaint filed by a Morris County municipality regarding outdoor storage on a half-acre property that the landowner argued was part of a larger farm management unit. The SADC found no evidence provided to substantiate that the properties were operated as part of one farm management unit and determined that the half-acre parcel on its own did not qualify as a commercial farm and, therefore, was not eligible for protection under the Right to Farm Act.

The SADC issued two final decisions regarding appeals of site-specific AMP requests acted on by county agriculture development boards. In the first appeal (Becker’s Tree Service), the SADC upheld the finding of the Monmouth CADB that a farm producing firewood, mulch and other forestry products did not demonstrate that it met the income requirements for a commercial farm and, therefore, was not eligible for Right to Farm protection.

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## 2008

*The SADC and preservation partners announce a deal to preserve Salem Farms in Mannington, Salem County. The 1,771 acres of farmland ultimately preserved is the largest acquisition under the state Farmland Preservation Program*

The second appeal (Feinberg/Stonybrook) centered in large part on whether a Hunterdon County farm met locational requirements for Right to Farm protection. The farm was located in a municipal zoning district where agriculture was a conditional use but the landowner had not secured local zoning approval. Rejecting the initial findings of an Administrative Law judge, the SADC found that CADBs and the SADC have the authority to determine whether a farm meets a municipality's conditional use requirements for the purpose of determining Right to Farm eligibility. The SADC, therefore, found that the Hunterdon CADB had jurisdiction to decide the SSAMP request but remanded the case back to the Administrative Law judge for further consideration of certain elements of the SSAMP approval.

### Agricultural Mediation Program



The SADC administers an Agricultural Mediation Program designed to help farmers and other parties resolve agriculture-related disputes quickly, amicably and in a cost-effective manner. The program can be used as an alternative to the lengthier Right to Farm process to settle conflicts between farmers and their neighbors or municipalities. It also can be useful in settling disputes related to U.S. Department of Agriculture (USDA) agencies and agricultural credit issues with the Farm Service Agency. The program is free. Trained mediators serve as facilitators to help disputing parties narrow their issues and seek solutions. Because the mediator has no decision-making authority, mediation is dependent on the voluntary cooperation of all the parties.

### Farm Link Program

The SADC continues to assist new and established farmers in identifying farming opportunities and helpful resources through its Farm Link Program. Farm Link is a resource and referral center for new and established farmers seeking access to land and farming opportunities, 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 where farmers and landowners post short profiles of farming opportunities sought or available. The program's website also includes several pages of resources for farmers and landowners on topics such as getting started in farming, finding access to land, finding farmers, creating tenure agreements, and working on estate and farm transfer plans.

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## 2009

*The SADC purchases and preserves a South Harrison Twp., Gloucester County, farm after a Superior Court judge recognizes the SADC's right-of-first refusal to buy the farm, which was enrolled in an eight-year preservation program and was about to be sold for development*

**Leasing Resources Offered** – The SADC in June 2013, in collaboration with the Northeast Organic Farming Association of New Jersey (NOFA-NJ), published a new guidebook, “Leasing Farmland in New Jersey: A Guide for Landowners and Farmers.” The development of the guidebook was part of a collaborative three-year grant project with NOFA-NJ. The grant project – intended to support beginning farmers and promote access to land – is funded through a USDA Beginning Farmer and Rancher Development Program grant. The guidebook is designed to assist both farmland owners and farmers interested in entering into leasing agreements, and includes information on getting started, suggestions on creating and maintaining a lease, sample leases, profiles of various leasing arrangements, and additional resources to assist with leasing issues. It is not limited to organic farming operations.



As part of the same project, the SADC collaborated with NOFA-NJ to organize and hold a series of regional outreach meetings in 2012 and 2013 to provide leasing information to landowners, with additional outreach meetings planned in 2014. The meetings are intended to improve landowners’ awareness of the grant project, introduce them to basic factors to consider when leasing, and facilitate networking between landowners and farmers. The SADC also developed the first of two educational courses for landowners entitled “Making Your Land Available for Farming: Leasing 101.” The course – which covered topics including identifying and clarifying a landowner’s goals for the land, assessing a property’s assets, and understanding a farmer’s perspective and needs – was offered twice in 2013. A second course is under development. The SADC also plans to improve online farmer-landowner linking resources through its Farm Link Program website as part of this project.

### **Renewable Energy Rule Development**

The SADC adopted rules for solar energy generation on preserved farms effective June 3, 2013. The rules were the second set of regulations developed pursuant to P.L. 2009, ch. 213, which required the SADC to promulgate rules for solar, wind and biomass energy generation on preserved farms, and for the purpose of providing Right-to-Farm protection for such energy generation on commercial farms.

The SADC in 2011 had adopted an agricultural management practice (AMP) establishing the standards for qualifying for Right-to-Farm protection for solar

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## **2011**

*The 2,000th farm is preserved under the Farmland Preservation Program – the Genna Farm in Franklin Township, Gloucester County*

energy generation. The SADC is expected to consider a draft rule proposal for wind energy projects on preserved farms in 2014. Rules that would establish an agricultural management practice for wind energy generation on commercial farms also are in development with the assistance of the Rutgers University Noise Technical Assistance Center, which the SADC has contracted with to research and recommend protective and reasonable noise standards for wind turbines.

Pursuant to P.L. 2009, ch. 213, the SADC is required to report to the Legislature every two years on implementation of the law. Through year's end, the SADC had approved 19 solar energy projects on preserved farms since the inception of the law. See the chart on Page 24 for more information.

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**2012**

*The preservation of the former Princeton Nurseries in Monmouth, Mercer and Burlington counties, which added 847 acres to farmland preservation totals, was one of the largest joint projects undertaken in the history of the Farmland Preservation and Green Acres programs*

**Summary of Farmland Preserved in 2013  
Under the New Jersey Farmland Preservation Program**

County	Municipality	Landowner	Acres
<b>Easement Purchase Grants to Counties</b>			
Burlington	Mansfield	Bur Cty/DiTullio, A.	90
	Pemberton	Bur Cty/Bush, F., Jr. & N. & R.	61
	Pemberton	Bur Cty/Stattel, K.	152
	Pemberton	Bur Cty/Stevenson, H. & J.	111
	Shamong	Bur Cty/Alloway Family Ltd Partnership	110
Cumberland	Hopewell	Cross Farm Associates, L.P.	56
	Hopewell/Shiloh Boro	DeWilde Farm Associates, LP	38
	Hopewell	Minch, M., Sheppard, C. & Sheppard, D.	11
	Lawrence	Cum Cty/DelVecchio, B. & S.	45
	Lawrence	Sheppard, D. Jr. & C.	44
	Shiloh Boro/Hopewell	DeWilde Farm Associates, LP	37
	Upper Deerfield	Tirelli, C. & Cattell, R.	46
Gloucester	East Greenwich	Glo Cty/BEZR Homes, LLC & NAR Farms, LLC	112
	Greenwich	Glo Cty/Patane, A. & M.	125
	Greenwich	Glo Cty/Stefka, R., Sr. & W., Jr.	32
	Harrison/East Greenwich	Glo Cty/Maccherone, S. & H. & Lawall, S.	77
	South Harrison	Glo Cty/Maccherone, S.	110
	West Deptford	Glo Cty/Urban, G.	116
Hunterdon	Franklin	High Plains Farm, LLC	35
	Holland	Cooper, G.	43
	Holland	Cullinane, T. & C.	50
Mercer	Hamilton	Moore, A. & J.	48
Middlesex	Cranbury	Kurek, R. & P.	152
Monmouth	Manalapan	Diamond Developers at Burke Farm, LLC	97
	Upper Freehold	Lustgarten, K.	86
	Upper Freehold	Lustgarten, K.	71
	Upper Freehold	Lustgarten, K.	70
Salem	Alloway	Elwell, C.	70
	Pittsgrove	DuBois Properties, LLC	21
	Pittsgrove	Rera, L. & B. A.	33
Somerset	Montgomery	Howard, C. & E.	31
Sussex	Frankford	M. C. Land Trust of Frankford, LLC	102
	Wantage	Keyes, J.	45
	Wantage	Lane, D.	121
Warren	Franklin	Schnetzer, J. & Trivette, N.	62
	Mansfield	DiRisio, I.	71
	Mansfield	War Cty/Smith Estate	161
	White	Martin, K.	86

**Summary of Farmland Preserved in 2013  
Under the New Jersey Farmland Preservation Program**

<b>County</b>	<b>Municipality</b>	<b>Landowner</b>	<b>Acres</b>
<b>Municipal Planning Incentive Grant Program</b>			
Gloucester	Franklin	Bellone, A., Jr. & T.	50
	Franklin	Lenzi, D. & I.	38
	Franklin	Stiles, N. & D.	25
Gloucester	Woolwich	Vandergracht, T.	17
Hunterdon	Franklin	Dorsi, J. B.	41
	Kingwood	Makatura, D. & D. & Search, S.	108
	Readington	Peters, G. & T.	61
	Readington	Readington Twp/Toll	27
Mercer	Hopewell	Stony Brook Farms, LLC	49
Monmouth	Manalapan	The Sycamores, LLC	22
Salem	Alloway	Sickler, K. & D.	11
	Alloway	Yanus, J.	81
	Pilesgrove	Lippincott, C. & Hurff, C.	153
	Pilesgrove	Williams, G. & E.	30
	Pittsgrove	Walters, E.	19
Somerset	Montgomery	Pariso, J.	12
Warren	Knowlton	Brook Hollow Winery Real Estate	7
<b>Nonprofit Grant Program</b>			
Hunterdon	Delaware	NJ Conservation Foundation/Conley	107
	Franklin	Hunterdon Land Trust/Horoschak	121
Mercer	Hopewell	NJ Conservation Foundation/Hopewell Valley Enterprises	50
	Hopewell	NJ Conservation Foundation/Senti, LLC	17
Salem	Mannington	D & R Greenway Land Trust/Carpenter	68
Salem	Upper Pittsgrove	NJ Conservation Foundation/Strang	94
Sussex	Frankford	Land Conservancy of NJ/Golden View Farm, LLC	75
Sussex	Lafayette	Land Conservancy of NJ/Allison-Wintergreen Farm	130
Warren	Frelinghuysen	Ridge & Valley Conservancy/Windkissed	17
<b>State Direct Easement Purchase Program</b>			
Cumberland	Greenwich/Stow Creek	Arnold, B. & Pierson, J.	282
Gloucester	Elk	DeEugenio, L., Jr. & L.	160
	Franklin	Capozzi Family Foundation	245
	Woolwich	Westrum Swedesboro, LLC	84
Hunterdon	Alexandria	Reid, N.	96
	Alexandria	Yelencsics, J., Chiarovolloli, R. & Richards, R.	180
	Holland	Karmondi Farms, LLC	77
Monmouth	Upper Freehold	Lustgarten, K.	76
Salem	Alloway	McAlonan, W. & G.	174
Salem	Quinton	R. Peterson Family Farm, LLC	187
Salem	Upper Pittsgrove	Thumlert, L.	101

**New Jersey Farmland Preservation Program  
SUMMARY OF PRESERVED FARMLAND THROUGH DECEMBER 31, 2013**

Participating Counties	Number of Farms	Number of Municipalities	Acres	Average Farm Size	Total Cost	Per Acre Total Cost	State Cost	State Cost Share Percent	County/ Municipality/ Fed Fund Cost
Atlantic	48	8	5,105	106	17,477,982	3,423	13,323,505	76%	4,154,477
Bergen	7	4	318	45	16,016,072	50,392	9,719,643	61%	6,296,429
Burlington	202	20	25,232	125	148,844,392	5,899	90,548,526	61%	58,295,867
Camden	13	3	988	76	14,714,481	14,890	8,463,046	58%	6,251,435
Cape May	45	6	2,649	59	17,044,268	6,434	10,310,831	60%	6,733,437
Cumberland	155	11	17,431	112	44,303,813	2,542	31,937,651	72%	12,366,161
Gloucester	156	14	12,734	82	94,397,141	7,413	60,464,937	64%	33,932,204
Hunterdon	369	16	29,867	81	260,427,815	8,720	182,226,225	70%	78,201,590
Mercer	107	8	7,886	74	101,424,828	12,861	61,027,521	60%	40,397,307
Middlesex	51	7	4,818	94	59,258,486	12,299	40,287,675	68%	18,970,811
Monmouth	193	10	14,703	76	229,008,470	15,576	144,332,251	63%	84,676,220
Morris	118	14	7,319	62	143,340,725	19,584	76,123,404	53%	67,217,322
Ocean	48	6	3,247	68	27,060,259	8,333	18,557,928	69%	8,502,330
Passaic	1	1	15	15	2,566,650	171,855	947,409	37%	1,619,241
Salem	244	10	30,596	125	124,551,801	4,071	96,678,557	78%	27,873,244
Somerset	104	7	8,035	77	127,981,044	15,929	74,498,225	58%	53,482,819
Sussex	137	14	15,148	111	50,017,475	3,302	33,763,063	68%	16,254,413
Warren	222	18	20,989	95	116,566,556	5,554	75,944,085	65%	40,622,471
<b>Total State</b>	<b>2,220</b>	<b>177</b>	<b>207,081</b>		<b>1,595,002,260</b>	<b>7,702</b>	<b>1,029,154,482</b>	<b>65%</b>	<b>565,847,778</b>

**SUMMARY OF PRESERVED FARMLAND IN THE PINELANDS THROUGH DECEMBER 31, 2013**

Participating Counties	Number of Farms	Number of Municipalities	Acres	Total Cost	Per Acre Total Cost	SADC Cost	Per Acre SADC Cost	SADC Cost Share Percent	County/Municipality Cost
Atlantic	44	7	4,932	16,620,525	3,370	12,466,249	2,528	75%	4,154,276
Burlington	23	6	4,231	15,417,613	3,644	10,442,832	2,468	68%	4,974,780
Camden	11	2	887	3,550,016	4,003	2,577,630	2,907	73%	972,386
Cape May	5	2	384	652,244	1,698	383,012	997	59%	269,231
Cumberland	1	1	1,083		0		0		0
Gloucester	9	2	1,005	1,894,520	1,886	1,452,314	1,446	77%	442,206
Ocean	4	3	154	2,474,474	16,068	1,545,028	10,033	62%	929,445
<b>Total State</b>									
<b>Pinelands</b>	<b>97</b>	<b>23</b>	<b>12,675</b>	<b>40,609,391</b>	<b>3,204</b>	<b>28,867,066</b>	<b>2,277</b>	<b>71%</b>	<b>11,742,325</b>

**New Jersey Farmland Preservation Program  
SUMMARY OF PRESERVED FARMLAND IN THE HIGHLANDS THROUGH DECEMBER 31, 2013**

Preservation Area									
County	Farms	Acres	Total Cost	State Cost	Per Acre Total Cost	Per Acre State Cost	State Cost Share Percent	County	Farms
Bergen	3	244	5,263,844	3,468,386	21,609	14,238	66%	Bergen	1
Hunterdon	43	3,655	46,998,722	37,109,872	12,858	10,153	79%	Hunterdon	78
Morris	83	5,409	82,080,269	45,806,400	15,175	8,469	56%	Morris	32
Passaic								Passaic	
Somerset	1	77	1,422,545	1,061,242	18,487	13,792	75%	Somerset	28
Sussex	6	986	3,091,936	2,343,851	3,137	2,378	76%	Sussex	11
Warren	60	5,188	32,612,875	22,020,658	6,287	4,245	68%	Warren	116
<b>Total</b>	<b>196</b>	<b>15,558</b>	<b>171,470,191</b>	<b>111,810,408</b>	<b>11,021</b>	<b>7,187</b>	<b>65%</b>	<b>Total</b>	<b>266</b>
Planning Area									
County	Farms	Acres	Total Cost	State Cost	Per Acre Total Cost	Per Acre State Cost	State Cost Share Percent	County	Farms
Bergen	1	47	3,864,906	2,227,034	82,000	47,250	58%	Bergen	1
Hunterdon	78	6,219	43,660,433	31,299,393	7,021	5,033	72%	Hunterdon	78
Morris	32	1,718	52,246,133	26,677,997	30,406	15,526	51%	Morris	32
Passaic								Passaic	
Somerset	28	1,888	39,354,917	24,145,886	20,844	12,789	61%	Somerset	28
Sussex	11	922	4,569,167	3,072,456	4,958	3,334	67%	Sussex	11
Warren	116	11,968	66,943,066	43,712,799	5,593	3,652	65%	Warren	116
<b>Total</b>	<b>266</b>	<b>22,762</b>	<b>210,638,622</b>	<b>131,135,566</b>	<b>9,254</b>	<b>5,761</b>	<b>62%</b>	<b>Total</b>	<b>266</b>

**New Jersey Farmland Preservation Program  
SUMMARY OF PRESERVED FARMLAND IN THE HIGHLANDS THROUGH DECEMBER 31, 2013**

Preservation and Planning Areas									
County	Farms	Acres	Total Cost	State Cost	Per Acre Total Cost	Per Acre State Cost	State Cost Share Percent		
Bergen	4	291	9,128,750	5,695,420	31,400	19,590	62%		
Hunterdon	121	9,874	90,659,155	68,409,264	9,181	6,928	75%		
Morris	115	7,127	134,326,402	72,484,397	18,847	10,170	54%		
Passaic									
Somerset	29	1,965	40,777,462	25,207,129	20,752	12,828	62%		
Sussex	17	1,907	7,661,103	5,416,307	4,017	2,840	71%		
Warren	176	17,156	99,555,942	65,733,457	5,803	3,832	66%		
<b>Total</b>	<b>462</b>	<b>38,320</b>	<b>382,108,813</b>	<b>242,945,974</b>	<b>9,971</b>	<b>6,340</b>	<b>64%</b>		

**New Jersey Farmland Preservation Program  
PRESERVED FARMLAND - SPECIAL HIGHLANDS PRESERVATION FUNDS**

County	Municipality	Farm	Acres	Total Cost	SADC Cost	Special Highlands Funds		Type of Acquisition
						Acquisition Cost	Ancillary Cost	
<b>Fiscal Year 2006</b>								
Bergen	Mahwah	Dator, R. & Rehill, D.	16.495	1,320,654.00	545,081.25	545,081.25		City EP
		1	16	1,320,654	545,081	545,081		
<b>Fiscal Year 2007</b>								
Hunterdon	Tewksbury	Schenker, A.	74.4360	2,009,772.00	2,009,772.00	2,009,772.00	1,909.00	SADC EP
Ancillary Costs							1,909.00	
		1	74	2,009,772	2,009,772	2,009,772	1,909	
<b>Fiscal Year 2008</b>								
Hunterdon	Bethlehem	Modica, J. & Y. & C.	74.8380	898,056.00	898,056.00	898,056.00		SADC EP
Hunterdon	Tewksbury	Tauber, G. & C.	10.5480	356,249.51	214,204.56	214,204.56		Mun PIG
Morris	Washington	Tauber, G. & C.	3.9720	134,150.84	80,651.79	80,651.79		Mun PIG
Hunterdon	Holland	Balogh, K.	98.9620	791,696.00	791,696.00	791,696.00		SADC EP
Hunterdon	Tewksbury	Storms, D. & M.	148.9700	2,979,400.00	784,083.00	784,083.00		Mun PIG
Warren	Harmony	Duckworth, D. & E.	130.2000	781,200.00	781,200.00	781,200.00		SADC EP
Warren	Liberty	Topoleski, R. & M.	11.1420	38,997.00	16,713.00	16,713.00		City EP
Hunterdon	Lebanon/Califon	Diana Estates, Inc.	122.4960	930,969.60	930,969.60	930,969.60		SADC EP
Warren	Liberty	Quick, A. & G.	49.8880	259,417.60	174,608.00	174,608.00		City EP
Hunterdon	Lebanon	Tucker, R. & L.	110.2610	1,433,393.00	1,433,393.00	1,433,393.00		SADC EP
Hunterdon	Union	Gyuro-Sultzer, N.	82.8590	662,872.00	662,872.00	662,872.00		SADC EP
Ancillary Costs							99,089.91	
		10	844	9,266,372	6,867,537	6,768,447	99,090	
<b>Fiscal Year 2009</b>								
Hunterdon	Tewksbury	Moros, P. & D.	65.3850	1,765,395.00	1,765,395.00	1,765,395.00		SADC EP
Hunterdon	Tewksbury	Simpson, R., Jr. & A.	72.5300	1,938,924.00	1,938,924.00	1,938,924.00		SADC EP
Warren	Harmony	Duckworth, R. #1	69.5690	472,987.60	299,095.10	299,095.10		City EP
Warren	Harmony/White	Duckworth, R. #2	78.2090	547,400.00	344,080.00	344,080.00		City EP
Warren	Harmony	Duckworth, R. #3	24.5010	166,606.80	104,129.25	104,129.25		City EP
Warren	Liberty	Kurnath, A. & J.	75.0350	600,280.00	367,671.50	367,671.50		City EP
Hunterdon	Tewksbury	Callahan, D.	59.1120	767,865.12	767,865.12	767,865.12		SADC EP
Warren	Mansfield	Terhune Farm Ptnrshp #1	77.4560	353,461.50	167,353.20	167,353.20		City EP
Warren	Mansfield	Terhune Farm Ptnrshp #2	66.2199	264,879.60	177,469.33	177,469.33		City EP
Ancillary Costs							21,490.90	
		9	588	6,877,800	5,953,473	5,931,983	21,491	
<b>Fiscal Year 2010</b>								
Sussex	Vernon	Weiss, D. & L.	69.5260	215,530.60	157,128.76	157,128.76		City EP
Hunterdon	Tewksbury	Langone, V. & T.	44.8120	830,229.50	830,229.50	830,229.50		SADC EP
Hunterdon	Tewksbury	Gimbel, I.	75.6140	2,567,442.00	2,567,442.00	2,567,442.00		SADC EP
Warren	White	Matthews, T. & L.	84.4026	394,860.16	270,521.22	270,521.22		City EP
Ancillary Costs							8,729.00	
		4	274	4,008,062	3,834,050	3,825,321	8,729	

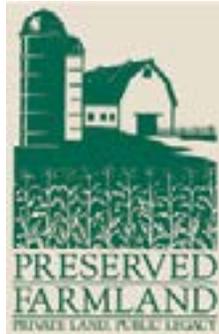
**New Jersey Farmland Preservation Program  
PRESERVED FARMLAND - SPECIAL HIGHLANDS PRESERVATION FUNDS**

County	Municipality	Farm	Acres	Total Cost	SADC Cost	Special Highlands Funds		Type of Acquisition
						Acquisition Cost	Ancillary Cost	
<b>Fiscal Year 2011</b>								
Hunterdon	Tewksbury	Serenity Hills Farm LLC	300.3330	6,285,730.00	3,771,438.00	3,412,114.62		Mun PIG
Sussex	Vernon	Vance, H. & B. & R.	177.7480	620,816.00	620,816.00			SADC EP
Warren	Harmony	War Cty/Fischer & Schanzlin	81.9700	531,974.40	299,190.50	299,190.50		Cty EP
Hunterdon	Bethlehem	Bartnett, J., P. & R.	126.0820	1,285,938.48	1,285,938.48			SADC EP
Ancillary Costs					31,050.00		31,050.00	
<b>Fiscal Year 2012</b>			<b>686</b>	<b>8,724,459</b>	<b>6,008,433</b>	<b>5,618,060</b>	<b>31,050</b>	
Warren	Mansfield	Getto, L.	42.7980	298,944.03	156,212.70	156,212.70		Cty EP
Hunterdon	Tewksbury	Hill & Dale Farms, Inc.	40.5810	1,055,106.00	1,055,106.00			SADC EP
Hunterdon	Lebanon	Tullo, D. & S.	118.6450	770,997.50	770,997.50			SADC EP
Ancillary Costs					21,966.00		21,966.00	
<b>Fiscal Year 2013</b>			<b>202</b>	<b>2,125,048</b>	<b>2,004,282</b>	<b>1,982,316</b>	<b>21,966</b>	
Hunterdon	Holland	Karmondi Farms, LLC	76.5150	459,090.00	459,090.00			SADC EP
Warren	White	Martin, K.	86.3060	431,530.00	215,765.00	431,530.00		Cty EP
Ancillary Costs					20,138.55		20,138.55	
<b>Fiscal Year 2014</b>			<b>163</b>	<b>890,620</b>	<b>694,994</b>	<b>890,620</b>	<b>20,139</b>	
Warren	Mansfield	DiRisio, I.	71	497,000.00	294,650.00	497,000.00		Cty EP
Ancillary Costs					294,650	497,000	0	
<b>TOTAL</b>			<b>2,919</b>	<b>35,719,786</b>	<b>28,212,273</b>	<b>28,068,600</b>	<b>204,373</b>	
Acquisition Cost - State cost from special highlands funds for purchase of farmland preservation easement								
Ancillary Costs - State cost from special highlands funds for appraisals, surveying of land, title search and title closing costs on SADC EP purchased easements								
Cty EP - County-owned easement with SADC cost share grant			747	5,465,993	3,079,254	3,079,254		
Mun PIG - Easement through Municipal Planning Incentive Grant program			464	9,755,530	4,850,377	4,491,054		
SADC EP - SADC-owned easement through acquisition			1,551	19,569,732	19,569,762	19,569,762	204,373	

## APPROVALS OF RENEWABLE ENERGY SYSTEMS ON PRESERVED FARMS PURSUANT TO P.L. 2009, Ch. 213

<u>Landowner</u>	<u>County</u>	<u>Township</u>	<u>Acres</u>	<u>Ag Operation</u>	<u>Type</u>	<u>kWh</u>	<u>% of Prior Year's Demand</u>	<u>Mount Type</u>	<u>Structure</u>	<u>Occupied Area (acres)</u>	<u>Demand Use</u>	
<b>2011</b>												
Garrison	Salem	Pittsgrove	144	Veg/Grain	Solar	16.9	81.2	Rooftop	Existing barn	0.04	Barn/House/Irrigation	
Kessel	Burlington	Chesterfield	118	Veg/Grain	Solar	17.3	77.5	Rooftop	Existing garages	0.04	House	
McLaren	Burlington	Springfield	91	Equine	Solar	40.2	89.3	Rooftop	Existing stable	0.06	Barns/House	
Clark	Salem	Pilesgrove	41	Orchard	Solar	8.2	88.1	Rooftop	Existing garage	0.01	House	
Gade	Monmouth	Roosevelt	149	Grain	Solar	35	91.8	Rooftop	Barn under constr.	0.06	House	
Bonham	Cumberland	Hopewell	110	Grain/Veg	Solar	34.4	96.9	Rooftop	Existing barn	0.08	Farm/House	
Daum	Monmouth	Manalapan	66	Nursery	Solar	52	89.6	Rooftop	Existing barn	0.09	Farm/Office	
<b>2012</b>												
Staats	Somerset	Bridgewater	57	Livestock	Solar	17.7	80.6	Rooftop	Existing barn	0.03	Farm/House	
Walnridge	Monmouth	Upper Freehold	196	Equine	Solar	42.5	80	Rooftop	Existing barn	0.08	Barns	
Walnridge Inc.	Monmouth	Upper Freehold	18.4	Equine	Solar	8.28	85.7	Rooftop	Existing barn	0.01	Barn	
Schultz	Monmouth	Manalapan	31.3	Vegetable	Solar	6	80.9	Rooftop	Existing House	0.01	House	
<b>2013</b>												
Lahaway Creek	Monmouth	Upper Freehold	69.8	Equine	Solar	14.72	84.5	Rooftop	Existing Garage	0.03	Farm Office	
Fernbrook	Burlington	Chesterfield	108	Nursery/Veg	Solar	58	10.7	Rooftop	Existing barn	0.009	Barn/Refrigeration	
Fernbrook	Burlington	Chesterfield	108	Nursery/Veg	Solar	18.1	33.5	Rooftop	Existing barn	0.03	Barn	
Fernbrook	Burlington	Chesterfield	108	Nursery/Veg	Solar	25	46.2	Ground	N/A	0.03	B & B	
Laurita	Ocean	Plumsted	177	Vineyard	Solar	290	<100	Ground	N/A	0.92	Winery	
Dittmar	Monmouth	Upper Freehold	128	Equine	Solar	20.68	43	Ground	N/A	0.19	House	
Harmony Greenhouses	Warren	Harmony	77	Greenhouse/Grain	Solar	252	<72.5	Ground	N/A	0.99	Greenhouses	
Atkinson*	Burlington	Chesterfield	168	Grain	Solar	3.25	106	Rooftop	Existing garage	0.005	Garage/Apartment	

\* indicates administrative approval



**Chris Christie**  
Governor

**Kim Guadagno**  
Lt. Governor

State Agriculture Development Committee

Ex-Officio Members:

Douglas H. Fisher, Secretary of Agriculture

Andrew P. Sidamon-Eristoff, State Treasurer

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Public Members:

James R. Waltman

Denis C. Germano, Esq.

Executive Director:

Susan E. Payne

*Front Cover Photo: Karmondi Farms in Holland Township, Hunterdon County, preserved through the SADC Direct Easement Purchase Program (Photo by Stefanie Miller)*