

PART 11

FARMLAND PRESERVATION PLAN

1101 EXECUTIVE SUMMARY

Bedminster Township's Master Plan has been designed to arrange the more intensive forms of development within the easterly highway corridor area, and retain the substantial countryside character, which pervades most of the Township.

Much of the unique character of Bedminster's countryside results from agricultural and equestrian activity and use of land. The Township has a solid agricultural land base, including many large parcels in common ownership. Bedminster's heartland is dominated by a variety of agricultural uses and the proprietors of these lands in many cases have tended these farms for generations.

The purpose of the Farmland Preservation Plan is to provide a blueprint for maintaining Bedminster's agricultural character, and preserving and promoting the vitality of the agricultural industry in the Township. This concept seeks to preserve the agricultural heartland through a combination of strategies, including the acquisition of development rights through purchase or other means, including donations by landowners.



Bedminster's farmland preservation efforts are not limited to the central portion of the community. Attractive and viable farms still exist around the margins of the community, in some cases adjacent to more intensive development in neighboring municipalities. The focus of this Farmland Preservation Plan is to develop a cohesive strategy which preserves the most productive agricultural lands for continued agricultural use, encourages the expansion of agricultural pursuits and a diversification of agricultural activities and maintains the scenic character of the Township, particularly at the gateways where residents and visitors enter the Bedminster countryside.

1102 INTRODUCTION

This farmland preservation plan is prepared pursuant to Paragraph (13) of section 19 of P.L. 1975, c.291 (C.40:55D-28). This section provides that a farmland preservation plan element shall include:

1. an inventory of farm properties in the entire municipality and a map illustrating significant areas of agricultural lands;
2. a detailed statement showing that municipal plans and ordinances support and promote agriculture as a business; and,

3. a plan for preserving as much farmland as possible in the short-term by leveraging monies made available by the Garden State Preservation Trust Act, N.J.S.A. 13:8-1 et seq., P.L. 1999, c. 152 through a variety of mechanisms including but not limited to utilizing:
 - i. Option agreements;
 - ii. Installment purchases; and
 - iii. Encouraging donations for permanent development easements.

1103 INVENTORY OF FARM PROPERTIES

The land area of Bedminster Township is largely devoted to agriculture. Of the 17,088 acres, which comprises Bedminster Township, 11,218 acres are currently under farmland assessment, as shown on Appendix 1. A review of Appendix 1 indicates that farm properties span a wide range of sizes, from the minimum permitted by law (five acres) to lots as large as 900 acres.

It is interesting to note that Bedminster has substantial blocks of large lots, many in common ownership, which continue in agricultural use. While many rural communities have seen continuing erosion in the size of farm parcels, Bedminster Township's unique history has resulted in an accumulation of farm properties. Specifically, during the early part of this century, Bedminster witnessed an accumulation of multiple farms in single ownership by wealthy industrialists, financiers and businessmen. These actions helped to provide the Somerset Hills area with an expansive, contiguous farmland mosaic, which still prevails today.



Figure 9 illustrates the locations of farmland-assessed properties in Bedminster Township as listed on the 1999 Assessor's Tax Duplicate. Some parcels only qualify for farmland assessment on a portion of the lot. The most notable example is Hamilton Farm (Block 9, Lot 1) where 215 acres of this 535-acre parcel remain farmland assessed, following approval and current construction of a golf course.

1104 MUNICIPAL ORDINANCE SUPPORT FOR AGRICULTURE AS A BUSINESS

Bedminster Township values farming as an important aspect of the local economy. Local ordinances dating back decades have been designed to limit suburban sprawl throughout the community. Bedminster enacted five-acre zoning throughout most of the community over fifty years ago, at a time when one-acre zoning was considered large-lot zoning. In the case of *Fisher v. Bedminster Township*, the Court upheld the Township's five-acre zoning as an appropriate mechanism to address community concerns.



The current Master Plan and Land Management Ordinance include most of the farmland in Bedminster Township within the “R-10” Rural Residential District. This district employs several strategies to promote continuing agricultural use.

“R-10” permitted uses

Section 13-401A.1 identifies the permitted uses within the R-10 District. At the top of the list are farming uses, including agriculture, agronomy, animal husbandry, horticulture and silviculture. Other permitted uses also provide support for agricultural activity, including open air clubs (13-401A.1f), which may be structured to provide for equestrian activities among other outdoor sporting activities. Permitted uses also include “residential agriculture” (13-401A.2h), where owners of small lots (two acres or more) may conduct agricultural activities. This permitted use encourages smaller lot owners to participate in agricultural pursuits, improving the compatibility between larger agricultural enterprises and smaller residential home sites.

1105 “R-10” DENSITY AND LOT SIZE REQUIREMENTS

One of the instruments supporting continued agricultural activities in Bedminster Township is Section 13-401A.4, which provides “Lot Size, Area, Yard and Building Requirements” for the R-10 District. These include the maximum dwelling unit density (0.1 units per acre), and the minimum lot area (ten acres).

Since residential neighbors frequently object to agricultural activities, Bedminster’s ordinance standards promote compatibility among new residential uses and existing or future agricultural uses. The density standard limits the number of new dwellings which will be constructed within the R-10 Zone. The ten-acre minimum lot area for conventional subdivisions provides a suitable opportunity for residential development, which can provide its own buffers to neighboring properties, and may

provide opportunities for agricultural pursuits. Of course, larger agricultural parcels generally have greater agricultural utility, but R-10 lots are highly compatible with farming.

The R-10 District also permits lot size averaging (Section 13-401A.7). This technique, which permits the reduction in area of some lots and the increase in area of other lots, allows for residential development on lots as small as six acres (13-401A.7d). It requires that for each lot smaller than ten acres, one or more lots larger than ten acres shall be provided (13-401A.7e) and requires deed restrictions on all lots larger than ten acres, to prevent further subdivision and reserve these lands for agricultural use in the future.

Using lot size averaging, design considerations are intended to preserve sensitive environmental features and retain agriculture (13-401A.7c). As some lots in a lot averaging subdivision increase beyond ten acres, they also increase in agricultural utility.

When viewed together, both the conventional subdivision option (ten-acre lots) and the lot size-averaging alternative provide for the creation of new lots which are of sufficient size to permit agricultural activities and likely qualify for farmland assessment. However, these minimum criteria may not be sufficient to minimize incompatibilities between agricultural activities and residential uses. In this regard, a minimum lot area requirement greater than 10 acres should be examined for its potential role in retaining Bedminster's highly productive agricultural soils for continuing agricultural use.

1106 RIGHT-TO-FARM PROTECTION

New Jersey has enacted a strong right-to-farm statute, which applies statewide. New Jersey's Right-to-Farm Act provides commercial farm owners or operators with certain protection from restrictive municipal ordinances and public and private nuisance actions. Protected agricultural activities include production, processing and packaging of agricultural products, farm market sales and agriculture-related educational and farm-based recreational activities. Commercial farms are also protected from unduly restrictive municipal regulations and public and private nuisance lawsuits.

These protections are available to commercial farms which:

- Are operated in conformance with federal and state laws, agricultural management practices recommended by the New Jersey State Agricultural Development Committee (SADC) or site specific agricultural management practices;
- Are not a direct threat to public health and safety; and
- Are located in an area where agriculture was a permitted use under municipal zoning ordinance; or
- Were operating as of December 13, 1997.

Bedminster Township has long been a proponent of the right-to-farm, with the first right-to-farm ordinance adopted in 1982. The right-to-farm ordinance puts the public on notice that agricultural activities are a priority within the Township.

1107 BEDMINSTER’S AGRICULTURAL SETTING

As seen on Figure 9, Bedminster is composed of a tapestry of farm parcels, which extend from its northern to its southern boundaries and dominate all but the easterly highway-corridor portion of the Township. Despite the intervention of Route 78, which forms a functional barrier to contiguity of parcels, the area to the south of Route 78 remains dominated by productive agricultural land in agricultural use. Bedminster’s regional location, at the intersection of two major interstate highways, poses unique challenges to maintaining the Township’s agricultural land base and its attendant countryside character.

The SADC seeks to preserve agricultural viability, an individual parcel's ability to sustain “a variety of agricultural operations that yield a reasonable economic return under normal conditions. . .” However, to maintain the agricultural viability of a region or sector, smaller agricultural parcels, which may continue in agriculture through hobby-farming or other forms of household subsidy, remain an important part of the fabric of the agricultural landscape. Both the SADC and the State Planning Commission seek to retain large masses of viable agricultural land. SADC policies recognize that agricultural parcels may become less viable if reduced in size. Thus, the substantial large-lot land mass, which characterizes north and central Bedminster, is particularly valuable to the agricultural future of the region.



All of rural Bedminster is included within an Agricultural Development Area, as designated by the Somerset County Agricultural Development Board (CADB). The CADB has identified three major areas within the County where continued agriculture is viewed as viable and to be encouraged. Apart from Bedminster, the other two areas are situated in the southern portions of the County, disconnected from Bedminster’s agricultural area by a band of relatively intense development. However, Bedminster’s regional setting locates it adjacent to Tewksbury Township in Hunterdon County and Chester Township in Morris County, both communities with a continuing agricultural land base. Thus, Bedminster’s ADA is part of a larger agricultural region where farming has remained viable.

Table 31 “Agricultural Production Units” identifies the extent of crop and animal farming in 1983, 1988 and 1997, the latest year for which these figures are available. A review of this information reveals several interesting facts:

- Total crop harvested acreage remained relatively constant during the period at roughly 3,500 acres. However, there has been a considerable decrease in soybeans and corn harvested for grain or silage since 1983. During that period, “other field crops” have declined from 285 acres in 1983 to 0 acres in 1997. However, cover crops as well as rye, alfalfa hay and other hay have witnessed increases in acreage harvested over that period.
- Acres planted in trees and shrubbery has decreased considerably over the period (1983-136 acres, 1997-57 acres).
- The most notable change in animal units occurred in the increase in livestock from 695 head in 1983 to 1692 in 1997 (140% increase). During this same period, equine animals increased in numbers between 1983 and 1988 but saw an overall decline by 1997, from 477 in 1983 to 360 in 1997. The category of “other livestock” which numbered 1,118 in 1988 was reduced to 21 units by 1997. Other declines in animal units included sheep (30% drop), swine (93% drop) and bee colonies (75% drop), as well as a significant reduction in the number of egg chickens from 581 in 1983 to 104 in 1997 (82% drop).
- Forestry activities also showed decreasing yields during the period, with cord wood dropping from 343 cords to 88 cords over the period (75% drop) and timber wood production dropping from 3362 board feet in 1983 to no reported yield in 1997.



1108 IMPROVING THE CLIMATE FOR AGRICULTURE AS A BUSINESS

Bedminster’s agricultural statistics are not uncommon in their representation of changing agricultural trends over time. Decreases in row crop agriculture and increases in animal husbandry represent one trend. At the same time, the potential economic viability of small farms has increased, as high value crop production has been expanding in scope. Densely populated markets, easily accessible by the interstate and state highway network, will inspire continued innovation and evolution of the agricultural landscape.

Municipalities can be proactive in improving the economic viability of agriculture by understanding agricultural trends and the dynamics of emerging agri-business. Planning and zoning can enhance opportunities and minimize deterrents to agricultural retention. Although Bedminster has placed priority to farm owners that express an interest in participating in the farmland Preservation Program, the Township continues to expand its range of agricultural support strategies, including the following:

1. Promote participation in the 8-year municipally approved farmland preservation program. The 8-year program can be established by municipal ordinance and approved by the CADB. Participation in the 8-year program increases a landowner's eligibility for easement purchase, protects the landowner from eminent domain and provides access to soil and water conservation funds, which can improve the agricultural viability of lands. Establishment of an 8-year program also demonstrates the Township's support for the agricultural community, and offers an opportunity for smaller farms to combine and participate in this program.
2. Bedminster's agricultural base study has been cited by the State Planning Commission as a model for other municipalities. This study should be updated, to examine business strategies to support agricultural viability, and to identify the most productive agricultural lands.
3. Agriculture dominates the rural character of Bedminster Township and attracts cyclists and other visitors to the area. The beneficial aspects of tourism, which can support agriculture and be supported by agricultural sales and activities, should be explored.
4. Land use regulations should be reviewed and updated to minimize deterrents to agricultural activity, and provide increased opportunities for agricultural expansion. This may include expanded opportunities for direct marketing, such as small farm stands for locally grown produce and other vehicles for eliminating the middleman, which make agricultural activities more rewarding to the farmer.
5. The Farmland Preservation Plan seeks to encourage agricultural pursuits that support the equestrian activities, which play an important role in maintaining the countryside character.
6. An outreach initiative should be structured to communicate directly with local farmers. This provides an opportunity to develop a clearer understanding of agricultural trends and objectives, and farmers perceptions of current and future business opportunities.

Expanding the range of farmland preservation initiatives will help provide a permanent home for agriculture in Bedminster. Bedminster has seen limited participation in the farmland preservation program to date. At present the former Doyle farm (97 acres) and a 4-acre island in the North Branch are currently under farmland preservation easement.

It is important to recognize that zoning doesn't preserve farmland, as it is subject to change. Permanent preservation can only be achieved through retirement of development rights.

1109 BEDMINSTER'S PLAN TO PRESERVE FARMLAND

Farmland preservation and open space conservation are related objectives which Bedminster's master plan addresses in several ways. "The Greenways of Bedminster", the 1999 Greenway Plan, acknowledged the interaction of farmland preservation and open space conservation and highlighted the importance of maintaining large contiguous parcels. It also cited an objective of maintaining the scenic character of the Township, particularly at the "gateways" to the Bedminster countryside.

Agricultural preservation in these gateway areas is important to protecting the fabric of agricultural lands and helps to maintain rural character. In some cases, lands in Bedminster are considerably different from the land uses just beyond the township's borders. This situation is nowhere more evident than the southernmost portion of the township, where Bedminster adjoins Bridgewater. In this area, a prevailing pattern of one-acre or smaller single family lots contrasts sharply across the river from Bedminster's large contiguous mass of active farmland. In this regard, no gateway entry is a more intriguing study in contrasts to the traveler than the experience of crossing Chamber's Brook from Country Club Road, Meadow Road or Airport Road.

Bedminster's agricultural retention strategy will involve a range of preservation options for the landowner. However, at its core it includes a short-term, an intermediate-term and a long-term component.

Short-Term Plan

The short-term objective is to establish farmland preserves in two locations, to help fortify the long-term viability of agriculture. The Black River Corridor project area is proposed from Pottersville, where the Purnell School, State-owned lands and Fairview Farm (Upper Raritan Watershed Association) provide public and private open space anchors, to Lamington. This project area brackets an area deemed important to preserving the cultural setting of Pottersville Village and the hamlet of Lamington, and maintaining the long-



standing relationship between village and farmland. The Lamington Road East project area is located along Lamington Road, between Larger Cross Road and the Village of Bedminster.

Funding under the SADC Planning Incentive Grant (PIG) program has been awarded to Bedminster for the initial project area, and the PIG application for the Lamington Road East project area is currently under review by the SADC. These project areas are identified on Figure 10, along with existing easements, pending farmland easement purchase applications and open space and recreation areas

Intermediate-Term Plan

The intermediate-term plan for farmland preservation seeks to preserve farmland around the scenic gateways of the Township, where residents and visitors enter the Bedminster countryside.

Long-Term Plan

The long-term plan for farmland preservation seeks to retire development rights to as many farms as possible, and build a critical mass of preserved farmland. This preservation objective will require a series of farmland preservation techniques, including financing alternatives and other opportunities to retire development rights. Among those recommended are the following:

- Option agreements provide an opportunity to reserve the right to acquire farmland at some time in the future. Such agreements can provide valuable assurances for both the Township and the property owner that preservation can and will occur at some time in the future, based on agreed pricing and terms.
- Installment purchases leverage public funds by extending the horizon for payment over a period of years. Rather than requiring a front-end commitment of cash to acquire all development rights at the outset, installment purchases allow the municipality and the owner to devise a payment strategy, which meets their mutual objectives and needs.
- Donations of permanent development easements can be particularly valuable to both the farmland preservation effort and the landowners involved. Donations of all or part of the development rights can provide substantial Federal income tax deductions, particularly for high-income landowners. Such donations also offer estate tax benefits, reducing the estate taxes, which frequently force the sale of farm properties in order to pay the tax. Property owners and the Township can structure donation plans, which minimize the tax consequences to landowners and increase the effectiveness of farmland preservation funds.

A coordinated outreach effort, identifying the goals of the farmland preservation plan and soliciting participation, should be initiated. This could be a joint effort of the Planning Board and the Farmland Advisory Committee. Such an effort could establish a database that identifies the future ambitions of current farmland owners, and key elements affecting their ability to retain agricultural lands in agricultural use. Methods of educating the public may include targeted mailings as well as informational town meetings. A farmland preservation brochure would be a useful tool for this purpose.

1110 SUMMARY

Bedminster Township has long prized its agricultural heritage, and the fruits of this enterprise. At present, most of Bedminster's land area is in farmland assessment and agricultural production. The objective of this Farmland Preservation Plan is to preserve as much viable farmland as possible, as part of Bedminster's enduring legacy.









Farmland preservation pays dividends for all involved. It limits municipal service costs of new development and can provide high-quality, locally grown produce. Additionally, it allows farm families to continue a tradition of local agricultural production, and expand and diversify for the future. Recommended agricultural management priorities play an increasingly important role in balancing the priorities of agricultural retention and environmental protection.

Figure 9 - Land Under Farm Assessment or Conservation Easement

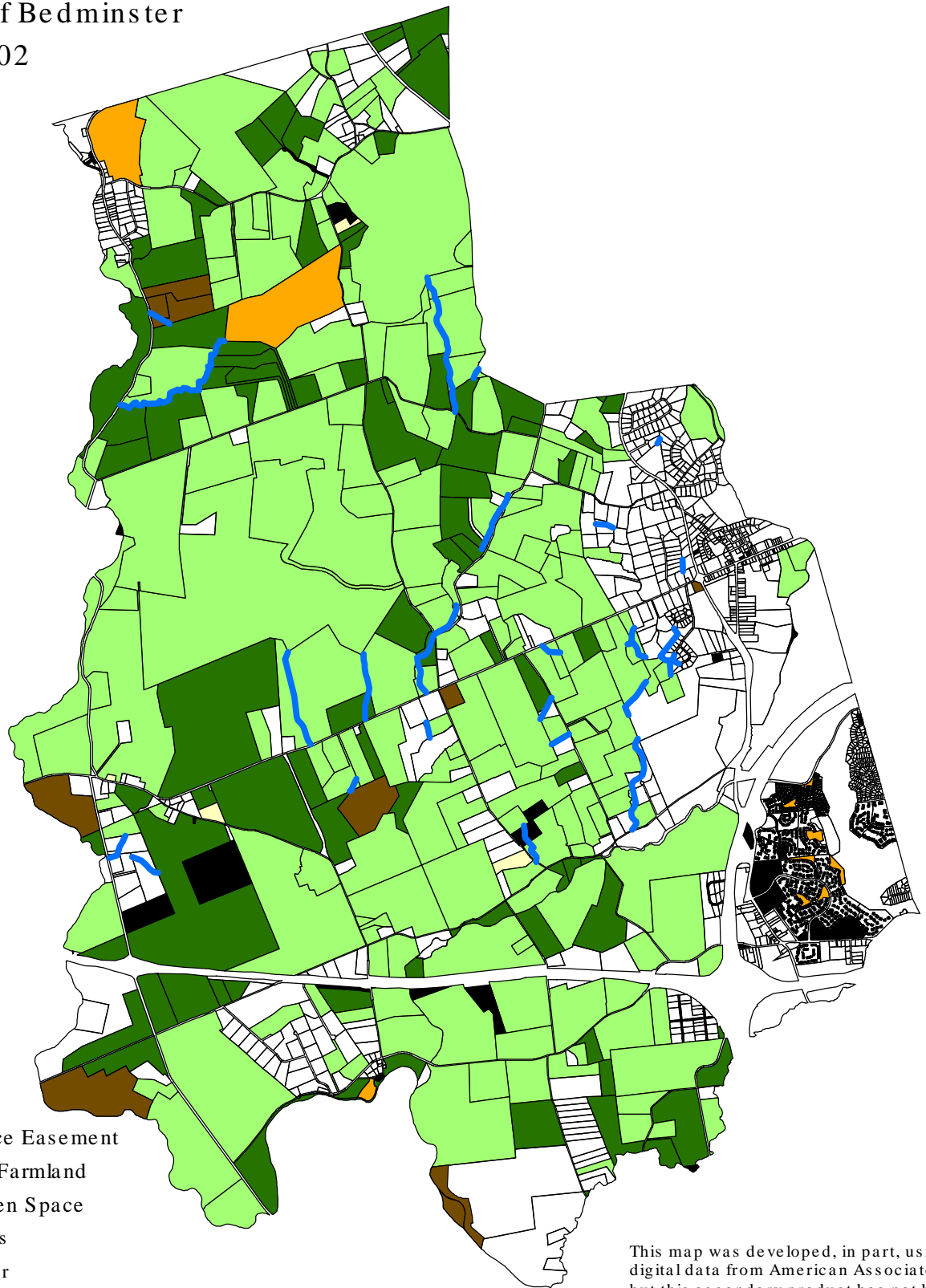
Township of Bedminster

January 2002

Legend

-  Open Space Easement
-  Preserved Farmland
-  Private Open Space
-  Other Parcels
-  Farm Regular
-  Farm Regular/Farm Qualified
-  Farm Qualified
-  No Data

Data Sources:
American Associates
Banisch Associates, Inc.



This map was developed, in part, using digital data from American Associates, but this secondary product has not been verified by American Associates.

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Figure 10 - Existing and Proposed Recreation, Open Space and Farmland Preservation Township of Bedminster

