



Keeping the Garden in the Garden State:

Farmland Preservation, Agricultural Development &
Stewardship Of Preserved Farmland in Your Municipality

Day 2



Presented by:

Center for Government Services at Rutgers and
The State Agriculture Development Committee (SADC)



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The Center for Government Services provides timely and relevant training for New Jersey state, county and municipal employees.

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What We Will Cover Today

- Stewardship of preserved lands
 - Activities allowed on the Premises
 - What activities may raise concerns
- What to do if you have a question about a preserved farm or believe there is an easement issue
- The Right to Farm Act and how it interfaces with municipal regulations
- What resources are available when there is a conflict between a neighbor and farm operation



Workshop Goals

Participants Will:

1. Become more familiar with the Deed of Easement (DOE)
2. Gain a better understanding of post preservation activities and opportunities
3. Learn what occurs during annual monitoring
4. Know the process to secure Right to Farm protection and where to find help when conflicts occur
5. Hear how conflicts between opposing landowners may be resolved



Deed of Easement

All Deeds of Easements have the same general provisions:

1. Limits on most or all residential & commercial construction
2. Limits on most non-agricultural uses of the property
3. Promoting production agricultural uses and natural resource conservation

Few key paragraphs that provide a snapshot of the unique characteristics of a specific farm:

1. Paragraph #3 – Pre-existing non-agricultural uses
2. Paragraph #13/14 – Number of housing units existing at preservation
3. Paragraph #13ii/14ii – Number of additional units permitted, if any
4. Paragraph #15 - What the impervious cover limit is, if any



Retained for
Agricultural
Use and
Production

Paragraph # 3

- List of any non-agricultural uses that existed at the time of preservation
 - Described in detail in Schedule B of Deed of Easement
 - Cannot be expanded
 - Cannot be changed
 - Cannot be restarted after they cease





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Use and
Production

Paragraph # 13/14

- Lists the existing residential units on the property at the time of preservation
 - Number units
 - Type of Dwelling Unit - Single Family, Duplex, Apartment
 - Use of Unit – Typical Residential or Agricultural Labor Housing
 - Any additional Housing Opportunities





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Paragraph # 15

- Impervious Cover Limits
 - Applied to a small subset of preserved farms
 - Typically those which have been partly funded with federal dollars or located in the Pinelands
 - Lists the amount of existing impervious cover at time of preservation
 - Lists the maximum amount of impervious cover permitted in the future

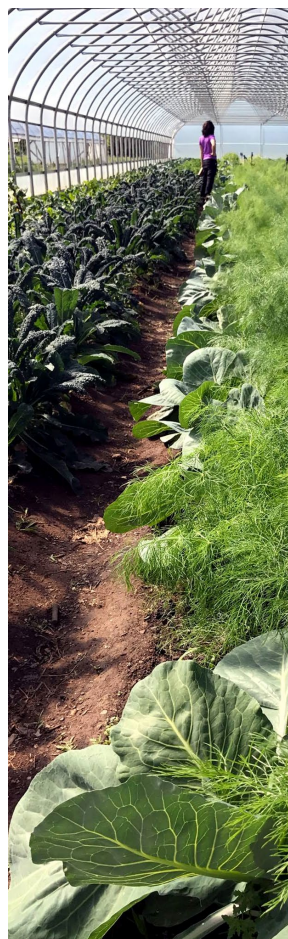




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Use and
Production

Paragraph # 2

- No obligation to farm the property
- Flexibility on the type of agriculture
- Production, processing and packaging
- Wholesale or retail sale of products
- Soil preparation and management





Soil Removal and Deposition

Paragraph #5

No soil or other minerals shall be deposited on or removed from the Premises

- Exceptions for materials required for the agricultural purpose on which the land is used





Soil and Water Conservation

Paragraph #7

- No activity is permitted that would be detrimental to drainage, flood control, water and soil conservation and erosion control
 - Landowner is required to obtain a farm conservation plan
 - Prepared by the USDA-Natural Resources Conservation Service using nationally recognized practices
 - SADC developing Soil Protection standards as guidance for landowners and outside agencies on soils work on preserved farms



Water Management





Soil Erosion





Conservation Cost-Share Program

Agrichemical Handling Facilities
Animal Waste Control Facilities
Contour Farming
Critical Areas Planting
Diversions
Drainage System - Open
Drainage System - Underground
Forest Regeneration Site Prep.
Forest Tree Plantations
Forest Tree Stand Improvement

Irrigation Systems
Land Shaping or Grading
Livestock Watering Facilities
Sod Waterways
Strip Cropping Systems
Stream Protection
Terrace Systems
Water Erosion Control Structures
Water Impoundment Reservoirs
Windbreak Restoration/Creation





Paragraph #8

- Monitoring - the Deed of Easement permits the Grantee (agency holding the easement) and the Committee (SADC) access to the Premises (area covered by the DOE) for the purpose of inspection in order to enforce compliance
 - Confirm the landowner has obtained a farm conservation plan
 - Staff will identify areas of concern, which are not violations but may become one if not addressed
 - In severe cases, a violation notice will be issued

In all cases, the SADC looks to work with landowners to bring their farm into compliance

Stewardship
of Preserved
Lands



Potential Issues





Division of Premises

- Paragraph # 15
 - No matter the number of tax lots, the Premises is established at closing and represents the entire assemblage of parcels in the application
 - Lots may be sold:
 - Collectively – at any time with no need for approval
 - Individually - if a division request is approved by the Grantee and the Committee
 - Committee is requiring some assemblages to go through lot consolidation as a condition of closing
 - Wills are not an acceptable mechanism to divide the Premises



Preservation in Perpetuity

Paragraph #18

- Deed of Easement is binding upon
 - Current landowner and all future landowners
 - Subsequent landowners who weren't the original party to preserve the farm may need additional outreach to explain the provisions of the DOE
 - Easement is perpetual and runs with the land, not the owner



SADC Contacts

Questions or Concerns?

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